Petitioners Survey: Results and Analysis

Conducted as part of the
Study of Mandatory Threshold Levels for
Environmental Review

November 29, 2004

Environmental Quality Board
Petitioners Survey: Results and Analysis

Background 1
Survey Methodology..... 1
Survey Question, Results and Analysis..... 2
Conclusions..... 6
Recommendations 6
Appendix A 7
Appendix B 8
Appendix C 9
Appendix D 12

Environmental Quality Board Study of Mandatory Threshold Levels for Environmental Review

PETITIONERS SURVEY: RESULTS AND ANALYSIS

Background

The Environmental Quality Board (EQB) commissioned a study in January 2004 to examine mandatory thresholds for environmental review in Minnesota. The overall intent was to determine whether the program was reasonably meeting its environment and natural resource goals, and if it was doing so in a way that balanced administrative burden and public benefit.

Initially, it was suggested that some effort should be made to collect information from the citizens that might have been affected or involved with projects that went through the environmental review process. But this same type of information was collected in April of 2000, when the Minnesota Pollution Control Agency conducted focus groups regarding environmental review in the cities of Brainerd, Rochester, and St Paul. EQB members did not want to duplicate this effort because information from these focus groups is still considered useful.

Instead, it was decided to survey citizens who petitioned the EQB for environmental review on projects that fell below the mandatory category threshold levels[1]. Petitioners were chosen because the petition process is seen as a safety valve in the environmental review program. In other words, does the petition process still provide an opportunity for citizens to raise concerns about projects that might have the potential for significant environmental effect?

The petition process is defined in Minn. Rules 4410.1100. Any person can file a petition with the EQB requesting that an Environmental Assessment Worksheet (EAW) be prepared on any project. The petition must include 25 signatures, a brief description of the potential environmental effects which may result from the project, and material evidence that there may be potential for significant environmental effect. The EQB then assigns a responsible governmental unit (RGU), who has 15 days to decide whether to order an EAW.

Survey Methodology

A list of all petitions from calendars years 2000 to 2003 was compiled. There were approximately 172 petitions filed with EQB during that time (see Appendix A for a list petitioned categories.) The EQB sent out 46 surveys to a random, stratified sample of petitioners. Twenty-seven responses were received, a 60% response rate. This is considered to be an "excellent" response rate. Table 1 illustrates what types of categories were included in the survey and how many were returned.

Table 1: Number of surveys sent in each category and the number returned

Projects by Category	Surveys Sent	Surveys Returned
Residential	20	12
Other**	14	7
Commercial	4	3
Highway	4	2
Non-metallic mineral mining	4	2
Total	**46**	**26***

*1 Unknown — The respondent did not include project information on their survey, therefore it could not be identified.
** Other — The "other" category included a variety of projects, such as racetracks, landfills, transfer stations, resorts, marinas, sewer extensions, and ditches.

The survey was developed during a three week period. Copies of the draft survey were made available to the EQB technical representatives and the environmental review stakeholders

[1] Feedlot petitioners were not included in the survey. This decision was made for two reasons: 1) the feedlot petition process was changed by the Legislature in 2003; and 2) the Governor's Livestock Advisory Group was addressing feedlot issues with a report forthcoming.

mailing list (see Appendix B). A copy of the survey is found in Appendix C and the survey raw data is found in Appendix D.

Survey Questions, Results and Analysis

Question 1: Were you the petitioner's representative or petition organizer?
In most instances, the organizer of the petition knows the most information about a project. Where possible, surveys were sent to the petition's organizer.

Other petitions were filed by lawyers or consultants. In these instances, a person on the signature list was sent the survey. The majority of the respondents, 81.5%, were petition organizers, and 18.5% were signers.

Question 2: How did you originally find out about the project?
A criticism often heard from the public is that they do not get ample notice that a project is to be built in their neighborhood. Because of this, survey developers wanted to determine how the public learned about projects.

Table 2: How petitioners originally heard about the project

Source	Count	Percentage Answered
Other*	9	33.3%
Neighbors	5	18.5%
City/township government meetings	5	18.5%
Friends/relatives	4	14.8%
From a notice in the newspaper	2	7.4%
From the project proposer	1	3.7%
Signs on the property site	1	3.7%

*Other responses included: notice from the county that the resort had requested permission to build a campground within 500 feet of my property; from a retired MnDOT soil specialist; owners of property announced to neighbors they had sold 92 acres of land; when engineer took depth borings on private property; ongoing fight with developer; involved in preserving land in area for years; saw truck hauling; lawyer; and DNR.

Table 2 illustrates the responses to question 2. It appears that 10 or about 37% of the respondents found out from "official" means such as the local government, proposer, newspaper, or property signs. (One in the "other" category also found out from a notice from the county; adding this, then, equals the 10.)

Question 3: What were your reasons for signing/organizing the petition?
The survey attempted to get at the reasons why citizens participate in the petition process and what aspects of the project concerned them. The survey gave them a list of responses to choose from, plus an opportunity to add their own reason.

Table 3 (on page 3) shows the results for question 3. Since the respondents could check more than one, the percentages reflect how many respondents marked that particular choice.

Because it was important to find out if there was a trend in why the public petitions projects, respondents were asked to rank their choices if they chose more than one. The last three columns in Table 3 show how the respondents ranked, in importance, the responses they chose. Only 22 respondents ranked choices. The others had mulitple answers, but did not provide a ranking.

Out of 22 respondents that ranked choices, there was 22 responses for the rank of 1, 21 responses for the rank of 2, and 18 responses for the rank of 3. This explains why the adding the percentages of the three rankings does not add to the total percentage on the left. However, it should give an idea of how important these choices were to the respondents.

Question 4: What issues were you concerned about with this project?
Survey developers wanted to know specifically what issues the public was concerned about regarding the proposed project. The survey gave the respondents a list to chose from and space to

add their own reasons. The repondents were asked to check as many as applied. The survey did not ask for a ranking.

Table 4 shows the results form Question 4. Three of the top four concerns address water quality issues: wetland and lake impacts and stormwater run-off. Other top choices were "quality of life" issues: tree removal, increased traffic, and scenic beauty.

Table 3: Reasons the petitioners participated in the petition process

Choice	Total respondents marking item	Ranked this choice 1	Ranked this choice 2	Ranked this choice 3
I wanted the city/county to examine the impacts from the project	85.2%	59.1%	28.6%	11.1%
I was opposed to the project	63.0%	18.2%	0	38.9%
I thought the project was poorly designed	55.6%	13.6%	28.6%	27.8%
I wanted to speak out about city/township/county zoning issues	48.1%	0	28.6%	16.7%
I wanted to get more information on the project	33.3%	4.5%	9.5%	5.6%
Other*	11.1%	4.5%	4.8%	0%

*Other responses included: my sources at the USGS indicated the peat at the site had a high potential of having high level of mercury and other heavy metals which could be released into Green Lake if compacted; no need has ever been documented; and the project violated the Shoreland Management Act, Rule 6120.

Table 4: Issues the petitioner's were concerned about for the proposed project

Choice	Total respondents marking this item	Choice	Total respondents marking this item
Impacts to a wetland area	81.5%	Impacts to native plants	29.6%
Impacts to a lake	66.7%	Impacts to a river	25.9%
Wildlife impacts	66.7%	Flooding related concerns	25.9%
Stormwater run-off	63.0%	Noise	25.9%
Erosion	55.6%	Dust	25.9%
Cutting down trees	51.9%	Rare, threatened, or endangered species	22.2%
Increased car traffic	48.1%	Increased boat traffic	22.2%
The project would detract from the scenic beauty of the site	48.1%	Decreased property values	22.2%
Groundwater contamination	44.4%	Air pollution	18.5%
Safety concerns	40.7%	Property taxes	18.5%
Wastewater treatment or septic system issues	37.0%	The project infringes on my property rights	14.8%
Other*	37.0%	Odor	7.4%
Soil contamination	33.3%		

*Other includes: traffic/didn't trust developers; light; septic failure into lake; light pollution; archeaology site; water quality impacts; MN Statute 116A not followed; violations on tributary; concerns about natural resources; and effects on designated trout stream.

Question 5: To the best of your knowledge, did the city/county/state agency responsible for the potential environmental review of the project investigate the issues raised in the petition?
AND
Question 6: On a scale of 1-5, how satisifed were you with the effort of the city/county/state agency to respond to the issues raised in the petition?

On a basic level, the survey developers wanted to know if the respondents felt that their concerns about the project were addressed. The respondents were asked their opinion in two different ways in questions 5 and 6. For Question 5, 33% of the respondents believed that the governmental unit actually investigated the points they brought in the petition. About 60% did not feel the governmental unit addressed their concerns and a little more than 7% were not sure.

When asked how satisfied they were with a response to their concerns, about 75% of the respondents were dissatified with half of the respondents being very dissatisfied. About 15% appeared neutral and only 11% were satisifed with the governmental units response to their concerns. This is an interestingly low number considering that 29.6% of the repondents' petitions did end up needing an EAW.

Question 7: What was the outcome of the petition?
AND
Question 9: Where you satisfied with the outcome of the petition?
AND
Question 11: Regardless of the outcome, do you feel the petition process was worth your time and effort?

Table 5 illustrates the outcomes of the petitions that our respondents filed with the EQB.

Table 5: Outcome of the repondents' petitions

Choice	Count	Percentage
The petition was granted	5	18.5%
It was discovered that the project was large enough for mandatory review	1	3.7%
The project proposer offered to do voluntary environmental review	2	7.4%
Total of decisions to complete an EAW	**8**	**29.6%**
The petition was denied	14	51.9%
A decision has not been made, the case is still pending	1	3.7%
The proposer withdrew the project	1	3.7%
I am not sure	3	11.1%

Whether respondents were satisifed with the outcome of the petition, though, was a different question. For Question 9, the percentage of respondents that were satisfied with their petition's outcome was 32%; this closely links with the 29.6% of the repondents' petitions needing an EAW. It could be said that respondents were only satisfied if the project had to complete an EAW.

However, for Question 11, when asked if, regardless of the outcome, the petition process was worth their time and effort, 77% responded YES. Comments that were written under Question 11 fell into two categories; either respondents thought that the petition process helped bring their concerns to light, or that the governing council/board only cared about the revenue a new project would bring to the city. The following is a representative sample of respondent comments on Question 11:

"I think you always have to do everything that you can to save some nature for future generations."

"It brought important issues to the attention of residents and the coucil. It had no power however, to get appropriate action."

"It gave me a voice to me and my community and allowed us to express our concerns for the

environmental to the board. I suspect they will be more mindful in the future."

"The issues were brought to light and discussions pursued."

"…commissioners approved it because they could see revenue from the new lots. They did not give a darn about the private property rights of others and wildlife encroachment."

Question 8: Was the project modified or the location changed as a result of the petition?
Survey developers wanted to know if the petition had other effects on the project besides whether an EAW was ordered. Five, or 18.5% responded that the project was modified or location changed as a result of the petition. Although, from Question 10 (see below), the results can conclude that all five projects were modified in some way as a result of the petition, not a location change. Three responded that were not sure (all these respondents were only signers of the petition) and 70.4% said the project remained unchanged.

Question 10: Did the project get built in the original location?
There are instances where the public is not necessarily opposed to a project, but want the project built in a less environmently-senstive location (away from wetlands, karst of limestone regions, etc.). Survey developers wanted to know if the peition process has an effect on location, specifically.

Table 6 illustrates the respondents answers, which told an interesting story. Five of the projects were never built. In looking back at the surveys, four of these petitions were denied and one the proposer withdrew the project. This data says that even though the EAW petition was denied and the project did not have to complete one, the project was still not built.

Furthermore, it does not appear that granting the petition and ordering an EAW stopped projects from going forward. In eight cases in the survey (see Table 5), an EAW needed to be prepared.

Table 6: Fate of the project

Choice	Count	Percentage Answered
Yes, they built/are building in the original location	16	59.3%
No, they did not build the project at all	5	18.5%
No, they built/are building the project in a different location than what was originally proposed	0	0%
Environmental Review still in progress	3	11.1%
Case is still pending	2	7.4%
I am not sure	1	3.7%

Of those eight, four have been or are being built, three are still completing the EAW process, and one is in litigation.

Question 12: Do you have suggestions to improve the process?
The last question in the survey asked respondents about improving the process. Two main themes were apparent: 1) More education for citizens on the petition process and educating governing councils about their responsibilities in addressing petitions; and 2) the impartiality of decisionmakers. A sample follows:

"The petition process is difficult and time consuming for one whose time is already consumed — so I hired it out and was satisfied with the result. I don't know how you could make it less difficult since these things need order and depth."

"In rural areas such as ours, where EAWs are a new concept and lake shore is being eaten up at an alarming rate-we need help. Developers lie, misrepresent, and manipulate responsibilities. Local governing unit has no experience in these matters-tend to look toward the county attorney who has no clue and is reading the guidelines as questions are addressed. What's contiguous, etc. We could use state help in this area. I knew more about the process than they did."

"I think that if an EAW is signed and presented the city should be obligated to consider it and listen more to the taxpayers in their city rather than developers from outside our community."

"From my involvement with a number of petitions, EAW, I believe government needs to be far more responsive and open. We should encourage citizen involvement in decisions about the environment and should strive to be very responsive when a group bothers to take the time to prepare and file a petition. Too often government is hostile to citizens and overtly dimissive or contemptuos of citizens concerns. Citizens often leave feeling demoralized and with increased doubts about whether governments truly functions on behalf of the average guy as opposed to the interests of business or big agriculture."

Conclusions

In the beginning of this document, the question was asked, "If the mandatory thresholds were raised, is the petition process still a good way of capturing those projects that might have the potential for significant environmental effect?" From this survey, 18.5% of the petitions were granted. Two project proposers volunteered to complete an EAW and one project was found to need a mandatory EAW. This brings the total to 29.6% of the projects surveyed that have or are completing an EAW.

In addition, 77% of the respondents thought that the petition process was worth their time and effort even though only 29.6% of the projects will complete an EAW. From this data, we conclude that the petition process is an important vehicle for the public to use to "call to question" about the need for a further look — through the EAW — at the potential impacts of a project.

Recommendations

1) The EQB should develop online training materials for the public to better understand the petition process, including the type of information needed in a complete petition.
2) The EQB should develop online training materials for local governments to better understand their role in the petition process, including timely the consideration of petitioners' concerns.

Appendix A

Petitions on Projects 2000 – 2003

Project Type	2000	2001	2002	2003	Total
Residential	11	19	20	15	65
Commercial/Institutional/Industrial	3	3	5	3	14
Wastewater Treatment and Sewers	1	0	1	0	2
Highway and Roads	1	4	4	0	9
Mixed Commercial/Residential	1	1	0	0	2
Aggregate/Sand/Gravel/Dirt	8	4	4	1	17
Animal Feedlots	3	13	11	2	29
Landfill, Demolition (not mand.)	0	0	0	1	1
Electricity Gen and Powerlines	0	0	0	1	1
RV & campgrounds/lake camp	0	1	0	1	2
Marinas	0	1	1	1	3
Transfer Stations	1	1	0	0	2
Wetlands	2	2	1	0	5
Other Projects*					20
TOTALS	**31**	**49**	**47**	**25**	**172**

* Other projects include ash disposal, explosive testing, Fort Snelling ball fields, county park improvements, MAC dewatering, sunken log recovery (2), small airport projects (2), deer management, OHV lanes (2-6), silage storage, meat irradiation, mass transportation (2), racetracks (3), landscaping.

Appendix B

2004 Environmental Review Stakeholders' Meeting List

Steve Sussman, Minn. *Department of Employment and Economic Developme*nt
Jim Hahn, *Lake O' Lakes*
Mark Ten Eyck, *Minn. Center for Environmental Advocacy*
Wayne Brandt, *Minn. Forest Industry & TPA*
Karen Harder, *Sierra Club*
Karna Peters, *Peters Law Firm*
Mike Robertson, *Minn. Chamber and Minn. Forest Industry*
Dave Weirens, *Association of Minn. Counties*
Kent Sulem, *Association of Townships*
Rocky Sisk, *Dept. of Employment and Economic Development/Pollution Control Agency*
Craig Johnson, *Minn. League of Cities*
Nancy Larson, *Minn. Association of Small Cities*
Anne Hunt, *Minn. Environmental Partnership*
Ron Kroese, *Minn. Environmental Partnership*
Rick Packer, *Arcon Development*
Bob Bieraugel, *Aggregate Industries*

Technical Representatives to the Environmental Quality Board

Bob Patton, *Dept. of Agriculture*
Susan Heffron, *Pollution Control Agency*
Rebecca Wooden/Matt Langan, *Dept. of Natural Resources*
Dan Medenblik, *Dept. of Health*
Gerry Larson, *Dept. of Transportation*
Jim Haertel, *Board of Water and Soil Resources*
Jeff Freeman, *Dept. of Employment and Economic Development*
Susan Medhaug, *Dept. of Commerce*

Appendix C

QUESTIONS ABOUT THE PETITION PROCESS FOR ENVIRONMENTAL REVIEW

Please answer these questions regarding your experience with the petition process, for the project mentioned in the cover letter.

1. Were you the petitioner's representative or petition organizer?
   - ☐ Yes, I organized the petition.
   - ☐ No, I just signed the petition.

2. How did you originally find out about the project?
   - ☐ Friends/relatives.
   - ☐ Neighbors.
   - ☐ City/township government meetings.
   - ☐ From the project proposer.
   - ☐ From a notice in the newspaper.
   - ☐ Signs on the property site.
   - ☐ Other: _____

3. What were your reasons for signing/organizing the petition? (If more than one, please rank them with 1 being most important.)
   - ___ I wanted to get more information on the project.
   - ___ I wanted the city/county to examine the impacts from the project.
     (Examples: damage to wetlands, wildlife impacts, property taxes, safety concerns, increased traffic, etc.)
   - ___ I wanted to speak out about city/township/county zoning issues.
     (Examples: small lots sizes or land-use planning issues)
   - ___ I thought the project was poorly designed.
   - ___ I was opposed to the project.
   - ___ Other: _____

4. What issues were you concerned about with this project? (Check all that apply.)

- ☐ Impacts to a wetlands area.
- ☐ Impacts to a lake.
- ☐ Impacts to a river.
- ☐ Erosion.
- ☐ Stormwater run-off.
- ☐ Flooding-related concerns.
- ☐ Wildlife impacts.
- ☐ Rare, threatened, or endangered species impacts.
- ☐ Impacts to native plants.
- ☐ Wastewater treatment or septic system. issues
- ☐ Increased boat traffic.
- ☐ Groundwater contamination.
- ☐ Cutting down trees.
- ☐ Soil Contamination .
- ☐ Air Pollution.
- ☐ Odor.
- ☐ Property taxes.
- ☐ Increased car traffic.
- ☐ Safety concerns.
- ☐ Decreased Property Values.
- ☐ The project infringed on my property rights.
- ☐ The project would detract from the scenic beauty of the site
- ☐ Noise.
- ☐ Dust.
- ☐ Other:_____
- ☐ Other:_____

5. To the best of your knowledge, did the city/county/state agency responsible for potential environmental review of the project investigate the issues raised in the petition?

- ☐ Yes.
- ☐ No.
- ☐ I am not sure.

Comments:

6. On a scale of 1-5, how satisfied were you with the **EFFORT OF THE CITY/COUNTY/STATE AGENCY** to respond to the issues raised in the petition? 5 = Very Satisfied, 1= Very Dissatisfied

5	4	3	2	1
☐	☐	☐	☐	☐

Comments:

7. What was the outcome of the petition?

- ☐ A decision has not been made, the case is still pending.
- ☐ The petition was denied.
- ☐ The petition was granted.
- ☐ It was discovered that the project was large enough for mandatory environmental review.
- ☐ The project proposer offered to do voluntary environmental review.
- ☐ The proposer withdrew the project.
- ☐ I am not sure.

8. Was the project modified or the location changed as a result of the petition?
   - ☐ Yes.
   - ☐ No.
   - ☐ I am not sure.

   If yes, please describe:

9. Were you satisfied with the outcome of the petition process?
   - ☐ Yes.
   - ☐ No.

   Comments:

10. Did the project get built in the original location?
   - ☐ Yes, they built/are building the project in the original location.
   - ☐ No, they built/are building the project in a different location than what was originally proposed.
   - ☐ No, they did not build the project at all.
   - ☐ I am not sure.

11. Regardless of the outcome, do you feel the petition process was worth your time and effort?
   - ☐ Yes.
   - ☐ No.

   Comments:

12. Do you have suggestions on how to improve the petition process?

THANK YOU FOR YOUR TIME!

Appendix D

Raw data from Petitioners Survey

45 surveys were sent out to a stratified sample of petitioners from the years 2000 through 2003 and 27 responses were received back. The total response rate was 60%.

Information about the petitioned projects in this survey:

Surveys Sent		**Surveys Returned to EQB**	
Projects by Year		Projects by Year	
Year 2003	8	Year 2003	5
Year 2002	13	Year 2002	9
Year 2001	13	Year 2001	8
Year 2000	12	Year 2000	4
Total	46	Total	26*
Projects by Category		Projects by Category	
Residential	20	Residential	12
Other**	14	Other**	7
Commercial	4	Commercial	3
Highway	4	Highway	2
Non-metallic mineral mining	4	Non-metallic mineral mining	2
Total	46	Total	26*

* 1 Unknown –
The respondent did not include project information on their survey so that it could be identified.

** Other –
The "other" category included a variety of projects, such as racetracks, landfills, transfer stations, resorts, marinas, sewer extensions, and ditches.

Q.1 Were you the petitioner's representative/petition organizer?

Choice	Count	Percentage Answered
Yes, I organized the petition	22	81.5%
No, I just signed the petition	5	18.5%

Sample Answering: 27 responses

Q.2 How did you you originally find out about the project?

Choice	Count	Percentage Answered
Friends/relatives	4	14.8%
Neighbors	5	18.5%
City/township government meetings	5	18.5%
From the project proposer	1	3.7%
From a notice in the newspaper	2	7.4%
Signs on the property site	1	3.7%
Other	9	33.3%

Sample Answering: 27 responses

Q.2 How did you you originally find out about the project? - Other

- Notice from the county that the resort had requested permission to build a campground within 500 feet of my property
- From a retired MNDOT soil specialist -he had completed the original soil testing on the site
- Owners of property announced to neighbors they had sold 92 acres of land
- When engineer took depth borings on private property
- Involved in preseving land in area for years
- Ongoing fight with developer
- Saw truck hauling
- From a lawyer
- DNR

Q.3 What were your reasons for signing/organizing the petition? (Respondents were asked to mark all that applied and rank them in order of importance. This table presents all of the marked responses, unranked)

Choice	Number of respondents marking this item	Percentage of total respondents marking this item
I wanted to get more information on the project	9	33.3%
I wanted the city/county to examine the impacts from the project	23	85.2%
I wanted to speak out about city/township/county zoning issues	13	48.1%
I thought the project was poorly designed	15	55.6%
I was opposed to the project	17	63.0%
Other	3	11.1%

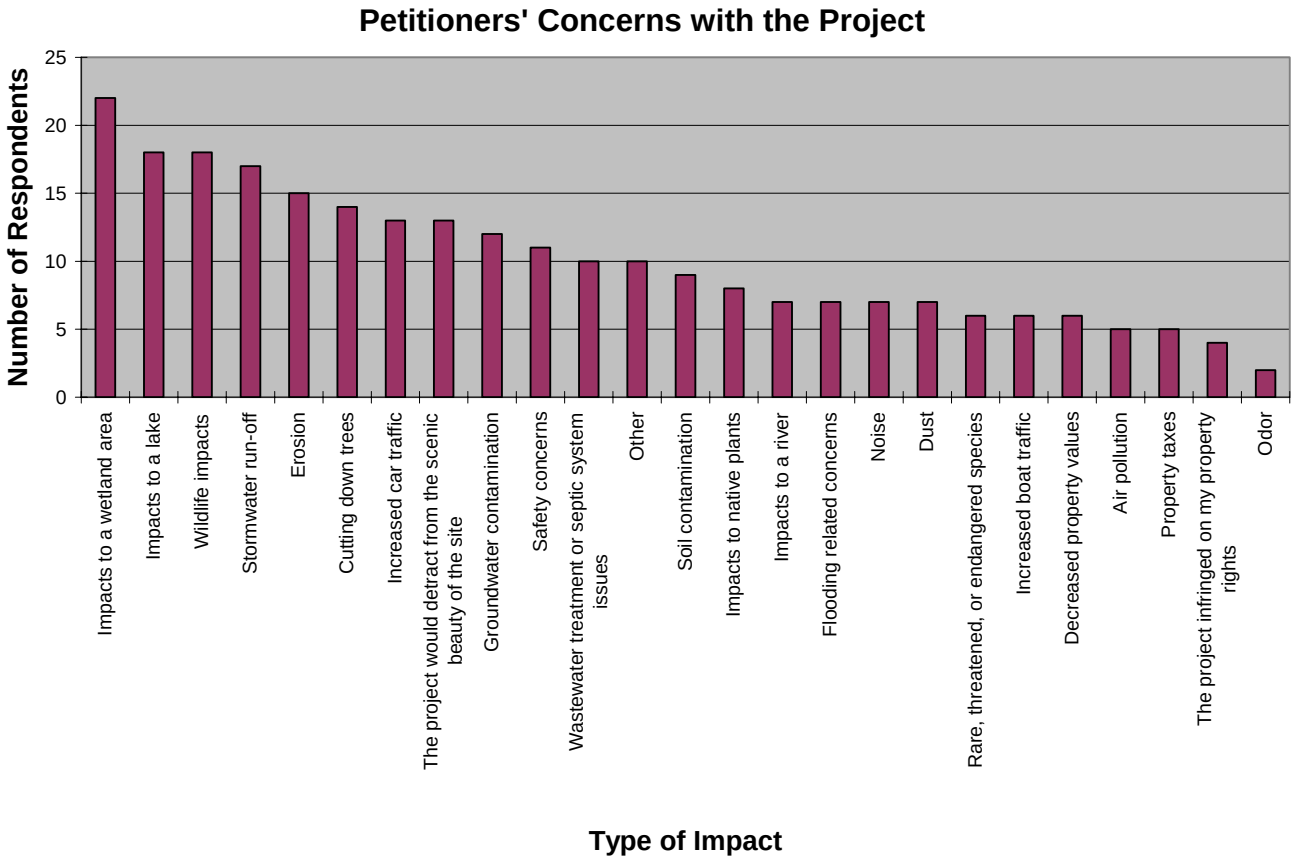
Q.3 What were your reasons for signing/organizing the petition? - Other

- My sources at the USGS indicated the peat at the site had a high potential of having high levels of mercury and other heavy metals which could be released into Green Lake if compacted
- No need has ever been documented
- The project violated the Shoreland Management Act, Rule 6120

Q3: Of those responses which were ranked in importance, the following table shows the relative ranking.

Choice	Ranked 1	Ranked 2	Ranked 3	Ranked 4	Ranked 5
I wanted to get more information on the project	1	2	1	3	2
I wanted the city/county to examine the impacts from the project	13	6	2		
I wanted to speak out about city/township/county zoning issues		6	3	1	
I thought the project was poorly designed	3	6	5	1	
I was opposed to the project	4		7	3	2
Other	1	1			

Q.4 What issues were you concerned about with this project? Mark all that apply.



Q.4 What issues were you concerned about with this project? - Other

- Traffic/didn't trust developers
- Light
- Septic failure into lake
- Light pollution
- Archaology site
- Water quality impacts
- MN Statute 116A not followed
- Violations on tributary
- Concerns about natural resources
- Effects on designated trout stream

Q.5 To the best of your knowledge, did the city/county/state agency responsible for potential environmental review of the project investigate the issues raised in the petition?

Choice	Count	Percentage Answered
Yes	9	33.3%
No	16	59.3%
I am not sure	2	7.4%

Q.5b: Do you have any comments you would like to add?

- The County Zoning wanted to "pass" the responsibility to the state they said they had no zoning concerning the issue
- I think they had already heard the issues so much that they didn't really pay much attention to the EAW . I think they had already made up their minds.
- They did not investigate at all. They wanted the project built with no problems so immediately denied the petition.
- The request to build the project was not granted. I do not know whether the petition contributed to the decision.
- They were forced to look at the wetland impact because of the laws. The petition made them aware of the laws. They did not look at traffic, safety adequacy.
- The Township and County with some prodding were and still are being thorough in investigation and followed through.
- EAW petition was initiated based on city staff projections of when they would receive plans for project. This did not happen and the EAW was reviewed when Bureau of Indian Affairs should have seen the plan.
- When the time came to approve or disapprove - the planning committee recommended to the county Commissioner to turn down this project but the county commissioner approved it anyway.
- The township board had a conflict of interest. One of the board members organized the sale of the land to the owners of the project and the rest of the board were exploiting the project as a means of thwarting city annexation.
- Options of other access points for the bridge were not considered nor were less obtrusive options analyzed.
- EAW is out for comment still leaves a number of questions unanswered.
- The County turned down request. I believe local government needs to be removed from process.
- Some original questions have not been answered .
- The city planning and state division of waters, EPA, MPCA, DNR and federal Corps of Engineers did not do the job they were hired to do. The project fell on deaf ears. State laws, federal laws, and city codes were ignored and violated.
- There are a number of issues no one seems prepared to address, any ever changing purchase agreement which contains multiple parcels for one, an archeological study was ordered and the developer has taken it to court.

- The County did nothing and were determined to avoid an EAW on this project. The township was first RGU then the County shared the responsibility and took over as the RGU. Their portion was in opposition to the County attorney advice & exposed their ignorance.

Q.6 On a scale of 1-5, how satisfied were you with the effort of the city/county/state agency to respond to the issues raised in the petition? -

Topic	5 Very satisfied	4	3	2	1 Very dissatisfied
Satisfaction Level	2	1	4	6	13

Q.6b: Do you have any comments you would like to add?

- Met with the state engineer at a public meeting. He seemed "wishy-washy" about what to do! Acted like he was concerned about making developer or residents mad. Tried to be PC to much.
- They did not respond to any of the issues. They just denied it saying they were not required to do the worksheet.
- I do not think that the correct ordinances give adequate protection against back lot development being controlled by the amount of lakeshore involved .
- They resisted the idea of getting the opinion of experts and resisted spending money to adequately assess impacts. The developer had a lot of power and had broken laws leveling land previously.
- It was rail-roaded through as usual.
- The County was less inclined than the Township to initially take action.
- Once an EAW is completed by the developer our city then state conclude there are no environmental issues if the project does not reach the threshold for an EIS. This was in the case not so.
- They paid an expert to conclude that the project had no important enviromental impact.
- Little feedback and the citizen input at work sessions was not well received given that island was originally a park dedication. It was returned to allow the city to attain undevelopable wetland instead. Is a travesty. This wetland was then given to the County so that the City could receive county land for a new city hall site.
- Some items specifically mentioned as concerns in the petition were completely ignored in the EAW even though negative impacts are assured. EAW was confusing in its statements about need for project and glossed over some wetland impacts.
- Local government is pro development and I don't think understands impacts.
- They were/are very intimidated by the developer, who has threatened lawsuits. Developers 1st response was deemed incomplete and now he's taking issue to court saying he's done enough.

Q.7 What was the outcome of the petition?

Choice	Count	Percentage
A decision has not been made, the case is still pending	1	3.7%
The petition was denied	14	51.9%
The petition was granted	5	18.5%
It was discovered that the project was large enough for mandatory review	1	3.7%
The project proposer offered to do voluntary environmental review	2	7.4%
The proposer withdrew the project	1	3.7%
I am not sure	3	11.1%

Q.8 Was the project modified or the location changed as a result of the petition?

Choice	Count	Percentage Answered
Yes	5	18.5%
No	19	70.4%
I am not sure	3	11.1%

Q.8b: If yes, please describe

- The project was stopped. They did not want to spend the $ on an EA would have required
- A small wetland area was saved that would have been filled for a future business. This was an indirect result of the petition when the council realized the county could stop the land. They hired a company to assess the wetland areas
- Our group spent 27,000 dollars to achieve proper drainage and better environmental design. This process did help to better identify the values of the community to our elected officials.
- The proposal was to build a large museum complex. After 9/11 the visiting muslim population disappeared and there has been little reason for the owners to proceed with the project.
- Developer cleared mature trees in floodplain for anticipated street.
- Project was modified after lake was found to be a natural environment lake instead of a recreation development lake. The EAW was not a factor, although it should have been.
- Local landowners obtaining permits to tile property rather than open ditch.
- He changed proposal to smaller area, however, the purchase agreement contains more land adjacent to proposed site.
- Because of the petition process the issues of the no race track ad hoc committee became very well known in the community . The owner signed a continual use permit limiting noise, no racing on the plot as well as track removal.

Q.9 Where you satisfied with the outcome of the petition process?

Choice	Count	Percentage Answered
Yes	8	32.0%
No	17	68.0%

Q.9b : Do you have any comments you would like to add?

- I was disappointed that the petition could so easily be denied even though it raised important issues. Some were never addressed until the project was completed like traffic impact.
- The city and county did not act and modify the project to fit the needs of the environment.
- I think it was the best we could achieve, a nature conservatory along the shoreline, protecting of the Heron Rookery, increased size of rain gardens. The septic systems size & prototype design remains worrisome.
- I don't know what happened. Never received any information.
- Very poorly designed process. It fit the rules for the process developer then split the development so petition was denied although project is still the same size side by side.
- Anyone can pay an expert to say whatever they please the petition was denied.
- Other bridge options need to be considered. Variances to allow extra density for lots & thereby clear island of all vegetation mature trees if allowance of floodplain should be prohibited.
- To an extent that an EAW was done, but EAW itself is not complete unsatisfactory. Appeared to be an effort to gloss over negative impacts or simply mention them in passing.
- This development is in closed basin lake flood plain and absolutely nothing was done to protect property or lake.
- Some of the findings such as there would be no cumulative impact to the ecosystem by adding a large development to a 159 acre lake was unbelievable.
- We were able to address the EQB and were granted one concession, however, it was revolked to save money.
- It is not over yet but we are very nervous with a County board having the power to decide if issues are addressed properly-they do not seem to want that responsibility either. Can state monitor if issues are being properly addressed? Local attorney inexperienced in such matters.
- Still pending.

Q.10 Did the project get built in the original location?

Choice	Count	Percentage Answered
Yes, they built/are building in the original location	16	59.3%
No, they built/are building the project in a different location than what was originally proposed	0	0%
No, they did not build the project at all	5	18.5%
I am not sure	1	3.7%
Case is pending	2	7.4%
Env Review still in progress	3	11.1%

Q.11 Regardless of the outcome, do you feel the petition process was worth your time and effort?

Choice	Count	Percentage Answered
Yes	20	76.9%
No	6	23.1%

Q.11b: Do you have any comments you would like to add?

- It put the developer on notice that an EA would be required by the state.
- I think you always have to do everything that you can to save some nature for future generations.
- It brought important issues to the attention of residents and the council. It had no power however, to get appropriate action taken.
- It had no impact.
- But would want an actual plan to go with the petition. The design changed as did the scope of project to include weekday & Saturday night services in addition to Sunday # of trips/LOS/timing were important factors regarding safety & traffic backup on freeway.
- Money hungry commissioners approved it because they could see revenue from the new lots. They did not give a darn about the private property rights of others and wildlife encroachment.
- Denied petition over a loop hole.
- It gave voice to me and my community and allowed us to express our concerns for the environment to the board. I suspect they will be more mindful in the future.
- The issues were brought to light & discussions pursued.
- This was a cut & dried matter even before the permit was granted to open the gravel pit as the county zoning had issued several temporary permits without contacting neighboring people.
- The process theorectically has potential but not as currently implemented in in our County. Regulations are not adequate to protect. There will be more flooded properties in future.
- The petition process gave us time to find out the lake was misclassified. Local government just didn't seem to care about the impact to the lake of this development.
- I learned how corrupt my local government is and how arrogant some MPCA employees are. Due to this, I will do my best to stay involved in the political process to protect the rights of ordinary citizens.

- It is great that anyone still has the power to petition. It is the only real option to addressing crucial issues.
- Still working on it.

Q.12 Do you have suggestions on how to improve the petition process?

More education on the process

- The County needs to get more involved through zoning and not rely on the state to carry entire load.
- The petition process is difficult and time consuming for one whose time is already consumed - so I hired it out and was satisfied with the result. I don't know how you could make it less difficult since these things need order and depth.
- In rural areas such as ours, where EAWs are a new concept and lake shore is being eaten up at an alarming rate-we need help. Developers lie, misrepresent, and manipulate responsibilities. Local governing unit has no experience in these matters-tend to look toward the county attorney who has no clue and is reading the guidelines as questions are addressed. What's contiguous, etc. We could use state help in this area. I knew more about the process than they did.
- Is it possible to send a letter to the petitioners of where information is available?
- If the Environmental Board could provide better instructions and what to expect as a petitioner this would be very helpful to achieve the best outcomes for a high impact development. Also, educating City Council members as to their responsibility for reviewing an EAW would be important. The City Planner did not serve the community well in the process. He was very knowledgeable of the EQB/EAW process. He was arrogant and irritated with the citizen group petitioning and did not do all he could early on to assure the best design and environmentally sound project if it were approved. We had to bring in expensive lawyers and our own traffic engineer to achieve the best outcome. We learned the reality of politics who know who what deal gets cut and personal agendas that influence process. One agency (RCWSD) would say the City would look at stormwater management that is not our mandate even though it would effect the water quality of the lake. The City then said RCWSD saw no issues. Entities looked at the project in silos without every seeing a real plan. Communication with and support for people trying to get the best environmental practices is critical and we hope the EQB can provide more directions for citizens trying to do this.

Impartiality of decisionmakers

- Our worst fears are happening, a lake with 90 homes & 20,000 feet of shoreline will now have a small family resort with 32 units the first four of which each have over 300 sq feet of space on only 460 feet of shoreline! So 2% of the shore line will increase density by 35% and boat traffic on this tiny lake by more(resort goers use their boats much more than year round residents) There is already with only three new cabins built a noticable boat traffic increase, particularly of the huge super power boats none of which are owned by residents. The conclusion the boat traffic would have little impact is WRONG.
- I think that if an EAW is signed and presented the city should be obligated to consider it and listen more to the taxpayers in their city rather than developers from outside our community.
- Some kind of follow-up should be done to insure that the issues of the petition are addressed & investigated so a knowledgable decision is made.

- People do what they want to do anyway. It just depends how much money you have to hire the best attorney.
- When a petition is filed a court should decide if it is granted not the subjects of the petition and their paid experts.
- From my involvement with a number of petitions, EAW, I believe government needs to be far more responsive and open. We should encourage citizen involvement in decisions about the environment and should strive to be very responsive when a group bothers to take the time to prepare and file a petition. Too often government is hostile to citizens and overtly dimissive or contemptuos of citizens concerns. Citizens often leave feeling demoralized and with increased doubts about whether governments truly functions on behalf of the average guy as opposed to the interests of business or big agriculture. This is true at all levels with PCA being a leader in that regard. Thorough environmental review is good government decision making not just a mindless task on checklist. It should not be treated as meaningless and petition give citizens a rare opportunity to feel like they are part of the process. Government should go out of its way to encourage that. EQB could positively address some of this by giving other government agencies, local & state, clear direction about fostering & encouraging citizen involvement and early thorough environmental review as much as possible. EQB can have an important role in turning around the existing hostile culture amd making a difference. Finally EQB can also play a role in the continued vitality of environmental review EAWs & EISs even if they aren't always done as well as they could be are critically valuable to the public and government for mailing informed decisions and understanding before potential damage is done the impacts of our actions on the environment. I strongly enourage EQB to maintain a leadership role in preserving broad based & frequent environmental review in MN.
- County board should not have authority to deny petition. Totally defeats purpose of process.
- EAW's should have an independent review at completion to make sure they are correct in their conclusion. I feel alot of the impact of the proposed development was downplayed or totally ignored. However, it is better to have an EAW done and fight the findings than to have no process at all. I just feel it could be improved. We need to protect our enviroment from over development by people out to make money at the expense of our ecosystem.
- The EQB or some other 3rd party should be the ones to evaluate the merit of the petition and decide if an EAW should be completed. It is absurd to think that MnDOT would ever voluntarily agree to do an EAW when it could possibly jepordize one of their pet projects.
- Replace all department managers with people of common sense. Let the enforcement agency do their job enforcing what is right and wrong concerning issues of law. This entire process was flawed from the beginning whereas the developer lied on his application to receive millions in tax credits from MFHA. In my opinion, this is fraud. Managers in state agencies said quote "The mayor wants the project or we will take under advisement, or we will get back to you" same old same old runaround. Our council forwarded this project to our local environmental advising board. Guess what? We as a citizen group were not notified or had an opportunity to express our concerns of law violations. The only people who were notified of this meeting was the city planning and developer. No citizen input. Therefore the Enviromental Board approved the developers plan. This is a direct violation of the open meeting law. I could go on and on, but what's the use. It was my understanding that laws are in place for everyone not just the few. If this is the trend on how we do things in the future, you can kiss environmental issues goodbye for future generations. The comments above are only a small piece of the puzzle. There are many more remarks to be said but I believe I would develop writers cramp. PS, In your letter you would like a response within 2 weeks. Why did it take you 4 years from the date of the petition for you to get back to me? RESPONSE REQUESTED

Other Comments

- I thought the process was basically good. I had to work hard to make a case that the city should do an EAW. It couldn't be simply a case of not liking the project. I think the city should have done the EAW and they would have been much better prepared to make good decisions. I wish there had been more support for, and influence on them to do an EAW.
- Yes, do not be afraid to stand up to developers and even cities if what you see is clearly wrong. I can tell you many stories of my property being violated it still is. I can also tell you many stories of how the developers acted in an inappropriate manner such as burying trees. The swamp has accumulated alot of silt and there were several violations of the tree preservation fence.
- If project fits the rules for the assessment at the start of the project it should have the assessment completed even if the project is split up on paper.
- Never take the word of the proposer. In our case, the document used as the assumed need was not, and still has not been looked at and the data analyzed. All external data supports our claim yet we are denied thorough review with a required EIS. Anytime a project proposes the transfer of hazardous material in over under or through a drinking water supply, municipal or personal, it should require the thorough analysis with an EIS.
- EQB should have checked the city statement that they are exempt under part 4410.4600 subpart 14. This is not a valid reason . Subclause E requires that they stay within the right of way. The city purchased a 30 ft wide path to install an 21" pipe used to direct the total roadway flow. This changed the flow from the south side north into a small pond. This pond was already dead. I think the EQB should make an new study and if changes are required the city must make these. The city must not be allowed not to follow rules. May I have your comments and action taken by EQB. I am not a happy camper.
- I felt that the EQB people were helpful. Without the petition process, it would have been very difficult to stop the plan to build and operate a race track in our residential area.