

Perceptions of the Environmental Review Process in Minnesota

by Beth A. Anderson and Terence H. Cooper



Photo by Don Breneman

Environmental assessment worksheets are mandatory for some development projects in Minnesota, including the construction of animal feedlot facilities with a capacity of 1,000 animal units or more. In other cases, the responsible governmental unit determines whether or not to require an EAW.

The Minnesota Environmental Policy Act (MEPA) of 1973 established a process for reviewing impacts of major public and private development projects. Companion legislation created the Minnesota Environmental Quality Board, which was authorized to determine which proposed projects would be subjected to an environmental impact statement (EIS) to assess their potential environmental effects.

During the 1980s, the Environmental Quality Board's powers were decentralized and decision-making authority regarding the necessity of an EIS was given to the responsible governmental unit—generally a city, county, or

state agency. To aid the responsible governmental unit in determining if a proposed development project requires an EIS, the Environmental Quality Board implemented the environmental assessment worksheet (EAW), an information-gathering tool intended to help the responsible governmental unit assess the environmental impacts of proposed development projects and determine if they have the potential for significant environmental effects.

Mandatory EAWs are required throughout the state of Minnesota for certain development projects. Responsible governmental unit personnel who complete EAWs have various backgrounds, education levels, and degrees

of understanding of the environmental assessment process. In addition, political pressures and economic incentives may influence a responsible governmental unit's decision about whether or not to require an EAW for a project and whether or not the project poses significant environmental impacts that suggest the need for an EIS.

Few comprehensive assessments have been conducted regarding the perceptions of individuals who read, write, collect data for, or comment on EAWs. A 1994 study by the Minnesota Center for Environmental Advocacy¹ reviewed a sample of 77 EAWs in Minnesota written between 1990 and 1992. The study found that mandatory

review thresholds do not exist for many types of development projects, that few EAWs lead to an EIS, and that responsible governmental units are often reluctant to order an EIS even if the project has the potential for significant environmental effects. The authors recommended that mandatory review thresholds be reviewed biannually and that EAWs include analysis of a range of alternatives to the proposed project. In 2000, the Minnesota Pollution Control Agency conducted a series of citizen focus groups² to document public perception of the current environmental review process. Of the 65 citizen participants, most felt that public participation in the environmental review process is limited by the lack of information available to citizens, that there should be an instrument between the EAW and the EIS, that analysis of alternatives to proposed projects would be beneficial to the EAW process, and that clarification of technical terms would be useful. Finally, during the summer of 2000, the Environmental Quality Board brought together key stakeholders to review and offer suggestions for improving the environmental review process in Minnesota.³ Participants expressed concern that the EAW is insufficient for evaluating project impacts and that no one really knows what constitutes a “complete” EAW. Others noted that there are limited checks and balances to ensure that the responsible governmental units do their job and that environmental review often is used as a tool to derail development projects.

The objective of the study on which this article is based was to analyze the perceptions of individuals in the public and private sectors who read, write, collect data for, or comment on EAWs, and assess how their perceptions affect the environmental review process. Because these individuals are ultimately

responsible for implementing Minnesota Environmental Policy Act mandates, understanding their perceptions of and concerns about the environmental review process is important to evaluating the consistency and effectiveness of the process across the state. This project was partially funded by a grant from CURA’s Faculty Interactive Research Program, with additional funding from the Department of Soil, Water, and Climate at the University of Minnesota.

Study Methodology

This study involved the use of three written questionnaires, as well as interviews with several key respondents and observations of a meeting of the Environmental Quality Board’s Special Advisory Committee. The objective of Questionnaire One was to collect data on the amount of time individuals are involved with the EAW process, what their understanding of the process is, and how they feel about the process. Questionnaire One was sent to local governments in cities with populations greater than 5,000 (a total of 126), county governments (a total of 87), state government agencies (a total of 15), and environmental consulting firms (a total of 62). Of the 290 questionnaires distributed, 128 were returned for a response rate of 44%.

Respondents to Questionnaire One were asked if they would be interested in further participation in the study, and a total of 70 expressed interest. The objective of Questionnaire Two was to ask more specific process questions about the Environmental Quality Board, about whether or not the public is well informed of development projects, and about the petition process that is used by the public to initiate the EAW review process. In addition, because Questionnaire One did not ask if the respondents were from city government, county government, state agencies, or environmental consulting firms, Questionnaire Two asked such questions to aid in interpretation of responses across these stakeholder groups. Of the 70 participants who were sent Questionnaire Two, 53 responded for a response rate of 76%.

Personal interviews were conducted with six respondents to Questionnaire Two to gather more in-depth qualitative data, such as perceptions of the effectiveness of the EAW process. Four of these individuals were from state government, one was from local government,

and one was from an environmental consulting firm. Because the majority of respondents to Questionnaire Two represented local units of government, more individuals from state government were chosen for personal interviews to balance out the number from local and county governments. There also was a need to limit the amount of travel required to conduct the interviews and individuals from state government were more accessible.

In 2002, we observed several Special Advisory Committee meetings held by the Environmental Quality Board. The purpose of the Special Advisory Committee—members of which include developers, law firms, and environmental groups that have been involved in the EAW process—was to provide feedback to the board concerning the performance of the environmental review process. We obtained information for our study from notes we took during the meetings, as well as from minutes and audiotapes of the meetings. Questionnaire Three, which was created to gather additional data on the EAW process from members of the Special Advisory Committee, consisted of the same questions asked during the personal interviews. Of the 11 members of the Special Advisory Committee who were asked to complete the questionnaire, 6 returned it for a response rate of 55%.

Results

Questionnaire One. Of the 128 respondents to the first questionnaire, 90% reported that they had earned a bachelor’s or master’s degree, and 72.5% said they had been employed in the environmental field for more than 10 years. The majority were male (83.7%) and the average age was 45.3 years.

When asked what percentage of their work time involves EAWs and how long they have worked with EAWs, the vast majority of respondents (81.3%) indicated they spend less than 10% of their total work time with EAWs, and most (59.8%) have less than 10 years of experience working with EAWs. When asked if working with EAWs is a positive part of their job, 58.2% answered yes. When asked why, the most common reason was that the EAW process gives them more detailed information about development projects and helps to assess the impact of development on the natural environment. Among those who responded no (41.8%), the most common reason was that the review

¹ Robert M. Eleff and Kristin E. Sigford, *Unfulfilled Promise: Twenty Years of the Minnesota Environmental Policy Act, a Program for Reform*. St. Paul: Minnesota Center for Environmental Advocacy, 1994. The paper was part of *The Environmental Audit*, which is a fiscal and policy analysis of the performance of government agencies charged with administering key environmental laws in Minnesota.

² Minnesota Pollution Control Agency (MPCA), “Focus Groups.” Focus groups facilitated by the Minnesota Department of Administration Management Analysis Division. St. Paul, 2000.

³ Minnesota Environmental Quality Board (EQB), “Environmental Review Process.” Meeting notes. Meeting facilitated by the Minnesota Department of Administration Management Analysis Division. St. Paul, 2000.

process and its purpose are not well understood by the public, and that the process as a whole is difficult to understand, follow, and carry out.

Questionnaire Two. Of the 53 respondents to Questionnaire Two, 76% reported that they work in local or county government, 15.1% in state government, and 9.4% in private industry. More than 90% of the respondents reported that they have a bachelor's or master's degree, and 78.8% said they have been employed in the environmental field for more than 10 years. Roughly 85% of respondents were male and the average age of respondents was 48.3 years.

When asked whether they felt Environmental Quality Board oversight of responsible governmental unit decisions should be reestablished in some form, nearly three-fourths (72.9%) answered no. The main reason they gave was that responsible governmental units are doing a good job by themselves and therefore do not require oversight. As one respondent stated, "Local units of government are sufficiently sophisticated to perform environmental review." Conversely, those who believed oversight should be reestablished thought that this would create greater consistency in how the EAW process works. One such respondent commented that oversight is needed because "there are [responsible governmental units] doing lousy work and not meeting rule requirements with no repercussions."

Respondents were asked whether they felt the general public is adequately informed about development projects in the area. Nearly three-fourths (74%) said yes. Those who believed that the public is not being adequately informed indicated that information about projects is not readily available to the public. One respondent noted that "in some cases the review documents are hurriedly prepared by developers and there is no desire by them to involve the public."

When asked if they feel the petition process available to the public to initiate an EAW is an important part of the EAW process, the majority of respondents (60.8%) said yes, with many noting that it is an important vehicle for public access in development decisions.

However, many respondents also noted that this tool was often used by the public to delay or stop development projects. As one respondent explained, "The petition process is an important tool, however, petitioners should be

aware that an EAW is not a pass or fail exercise—it is best used to generate accurate information to be used by decision makers." Among those respondents who feel the petition process is not an important part of the EAW process, many indicated they feel this way because the process is being used by the public to delay or stop development projects. One such respondent noted, "It is a public not-in-my-backyard (NIMBY) tool, not an environmental awareness tool."

Personal Interviews and Questionnaire Three. Personal interviews were conducted with six individuals who responded to Questionnaire Two and six members of the Special Advisory Committee responded to Questionnaire Three. Because the questions asked in the personal interviews and on Questionnaire Three were the same, responses from both have been combined in this section. The 12 respondents included 4 state agency staff members, 3 environmental lawyers, 2 local or county government staff members, 2 nonprofit environmental organization representatives, and 1 environmental consulting firm staff member.

When asked whether they thought the EAW process is an effective screening device to determine the need for an EIS, one respondent stated, "The EAW is effective but it has flaws. It isn't a perfect process, but I think it can be effective." Another commented,

It can be. As a worksheet it is less useful. As a real assessment with discussion of alternatives and a more thorough analysis than questions and answers, it would serve the purpose.

A few respondents noted that the way the EAW is practiced today differs from the purpose delineated in the state statute; consequently, they questioned how effective the EAW is as a screening device. One noted,

The problem in stating that it is an effective screening device is that the EAW purpose is different today than what the law intended it to be. The question [is]: is the EAW process effective today; not particularly, in the sense that few EAWs result in an EIS.

Respondents were asked, "If the legislature decided to abolish the

Minnesota EAW process, could local and state responsible governmental units assess the need for determining if the project will have a significant impact on the environment without the tool of an EAW? Why or why not?" The majority of respondents said it is unlikely that responsible governmental units would be able to assess the impacts of projects without the EAW process and that another tool would have to replace the EAW. One stated, "No, not all [responsible governmental units] look at the issues comprehensively and [they] don't understand the technical environmental issues, and therefore, they should not be making the decision of whether or not the project should go forward to an EIS." A similar answer was provided by another respondent, who concluded,

No, they do not have the expertise or the statewide view [of the] law. Environmental damage impacts more than just a local agency. Quality, consistency, cumulative analysis, and watershed impacts can be significant.

Another respondent disagreed, however, saying,

Yes, because sufficient experience with the process or comparable experience through zoning and planning is there. However, smaller RGUs [responsible governmental units] may be more challenged. Regardless of size, the key is whether resources are committed to the effort.

In general, respondents noted that responsible governmental units can differ in terms of background and experience, and therefore assessment capability would differ greatly without the tool of the EAW.

Summary of Results. This section briefly summarizes responses across all questionnaires and interviews.

Experience and the Environmental Assessment Worksheet. Overall, the majority of respondents to all the questionnaires and personal interviews felt that the EAW is a positive process because it generates real information about development projects. However, some noted that the EAW is time consuming and complicated to understand. Those respondents who said the process is negative tend to work in local units of government and are involved in the process infrequently. Whether

respondents ultimately felt that the EAW process is positive or negative and despite whatever difficulties they might have previously encountered with the process, nearly all believed that their understanding of the process is adequate.

Public Involvement. Many respondents felt that the petition process is an important component of the EAW process because it is an avenue for public involvement. However, many criticized the process because it is being abused by citizens to delay or stop project development. The majority of respondents to Questionnaire Two felt that the public is adequately informed about development projects. However, personal interview participants and Special Advisory Committee respondents to Questionnaire Three believed that public involvement in the EAW process is limited.

Responsible Governmental Unit Consistency. The respondents to Questionnaire Two said that responsible governmental units are performing their job effectively. However, concerns were raised about inconsistency among responsible governmental units based on the personal interviews and the responses of Special Advisory Committee members. A suggestion made in the personal interviews and Special Advisory Committee questionnaire was that responsible governmental unit personnel should attend Environmental Quality Board workshops to learn about the EAW process and its purpose and to earn certification for a fixed period of time. This, it was believed, would ensure understanding of the process and encourage sound environmental decisions.

Education. Respondents believed that the Environmental Quality Board needs to be the leader in educating all parties about the environmental review process to ensure efficiency, consistency, and positive feelings about the process. One suggestion made by many respondents is providing more education about the environmental review process to all parties involved. In addition, some respondents noted that the Environmental Quality Board Web site should be more user-friendly and helpful. For example, a list of frequently asked questions should be posted on the site and links should be provided to additional resources.

Conclusions

The Environmental Assessment Worksheet process is an effective tool to



Photo by Robert Friedman

Increased knowledge about the potential environmental impacts of development—such as the suburban subdivision pictured here—coupled with a desire to avoid the more costly and time-consuming EIS process have turned the EAW into a more substantive environmental review than originally intended.

ensure that better policy decisions are made about projects that have the potential to affect Minnesota's environment. However, the process is neither as efficient nor as effective as it could be. Policy needs to adapt to the times and it is time for the policy backing the EAW process to change. Policy makers must recognize that the purpose of the EAW as intended by state statute is not being fulfilled. The EAW has become a full-fledged tool for documenting environmental impacts rather than, as intended by statute, "a brief document prepared in worksheet format which is designed to rapidly assess the environmental effects which may be associated with a proposed project" (Minnesota Rules 4410.1000, Subd. 1). The statute ought to reflect this change in how the EAW process is currently practiced. As one respondent commented, "The state needs to decide what the EAW is going to be for. Are we going to do things to make it a screening device the statute now says it is or are we going to give up on it being a screening device and adapt it so it is a review in itself?" This is the question policy makers need to answer.

Responding to the complexity issue raised by our research will require better education of all participants in the EAW process. The Environmental Quality Board Web site should include information to assist EAW preparers, aid citizens who wish to participate in the EAW review process, and educate all participants about the importance of environmental review for development projects. Providing easy access to information

that addresses the questions most frequently asked by EAW preparers can significantly reduce confusion about the environmental review process. When citizens have a better understanding of their role in public participation, they will be less likely to participate in the process simply to delay a project. Education of developers and responsible governmental units would also help to counter their perception that public participation only stalls worthy projects. Finally, information in the press on the value and importance of environmental review would help to improve the overall image of the EAW process.

The Minnesota Environmental Policy Act was written during a time when polluted rivers were catching fire and oil was being spilled on pristine beaches. During the last 30 years, the ability of policy makers to understand the direct and indirect impacts of development projects and the complexities of environmental effects has increased substantially. Does the policy backing the EAW process reflect the complexity of environmental impacts? An EAW is intended to look only at a finite parcel of land at one moment in time. Ironically, however, the EAW process itself has moved away from a brief assessment of environmental effects to a more substantive review. This is likely due both to increased knowledge about the delicate environmental web and to the fear of moving on to the EIS process, which is more costly and time consuming. Regardless of the reason, state policy needs to reflect this change in emphasis.

Acknowledging that the EAW has evolved into a substantive review document would make clearer to participants the purpose of the process and help to ensure that the significant environmental effects of a proposed development project are assessed completely and accurately.

Beth A. Anderson was a graduate research assistant in the Department of Soil, Water, and Climate at the time the research for this article was undertaken. She graduated from the University of Minnesota with a master of science degree in soil science in fall 2002, and has applied to be a volunteer for the Peace Corps in agriculture.

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19th Annual Conference on Policy Analysis

The 19th Annual Conference on Policy Analysis will be held Tuesday, October 21, 2003, at the Earle Brown Continuing Education Center on the University of Minnesota St. Paul campus. The theme of this year's conference is "Policy Analysis for the Challenges Ahead." Sponsored by the Economic

Resource Group, the conference provides an opportunity for analysts and policy makers to explore timely topics that reflect the importance of analysis in formulating policy decisions in government. For more information, visit www.cce.umn.edu/government/policyanalysis.

2000 Population Change Maps

The state of Minnesota population change maps on pages 14 and 15 are based on 2000 U.S. Census data, and show percentage change and absolute change in population in the state from 1990 to 2000. The percentage change (shaded) map shows data at the minor civil division level, which includes cities, townships, and unorganized territory). Calculations were made after accounting for boundary changes that occurred during the 1990s. The absolute change (dot) map shows growth and loss of population across the state. Each dot represents approximately 50 people. Calculations of growth or loss were made at the census tract level. Outside of the Twin Cities area, dot locations were adjusted to the block level. Some manual adjustments were made to remove dots from lakes, parks, and other public lands or to move them closer to highways and lakes. In more remote areas of the state, dots may summarize a population scattered across a wide geographic area.

We are pleased to announce that poster-sized wall map versions (17 by 22 inches) of these maps are being created through a joint effort of CURA, the Department of Administration (Minnesota State Demographic and Land Management Information Centers), and the Cartography Lab in the University of Minnesota's Department of Geography. The wall map versions will be printed in four-color to improve legibility and will include major water features and selected major roads and highways. Ordering information for wall maps will be posted on CURA's Web site at

<http://www.cura.umn.edu> once the maps are available, and will also be included in the Fall 2003 issue of the *CURA Reporter*.