



A Citizen's Guide: Commenting on Environmental Review Projects

The Environmental Quality Board (EQB) draws together the Governor's Office, five citizens and the heads of 9 state agencies in order to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. The Board staff is housed in the State and Community Services Division of the Department of Administration.

University of Minnesota undergraduate student April Loeding and a team of EQB staff members, including Gregg Downing, Jon Larsen and John Wells, prepared this document to simplify and streamline public understanding of the environmental review process. Heidi Johnson at the Department of Administration provided assistance in the graphic design work of the publication. Dr. Terrence Cooper, a Morse-Alumni Distinguished Professor with the Department of Soil, Water and Climate at the University of Minnesota, served as the supervising faculty member for this project.

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This document is not intended as a substitute for Environmental Quality Board rules and should be used in conjunction with the rule provision parts 4410.1000 to 4410.1700. Copies of the rules are available from Minnesota's Bookstore, www.minnesotasbookstore.com, 651-297-3000 or 800-657-3757, or at the Revisor of Statutes homepage at www.revisor.leg.state.mn.us. Further information about the environmental review process is available in the Guide to Minnesota Environmental Review Rules, also located on the EQB website. Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-282-5077 and ask for the Minnesota Environmental Quality Board.

Updates and corrections to this document and all its accompanying links, forms, or examples will be posted on the EQB homepage at <http://www.eqb.state.mn.us/review.html>.

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For additional information, contact:

ENVIRONMENTAL QUALITY BOARD



Environmental Review Program
300 Centennial Office Building
658 Cedar St.
St. Paul, MN 55155
651-201-2492
web site: www.eqb.state.mn.us
E-mail: env.review@state.mn.us

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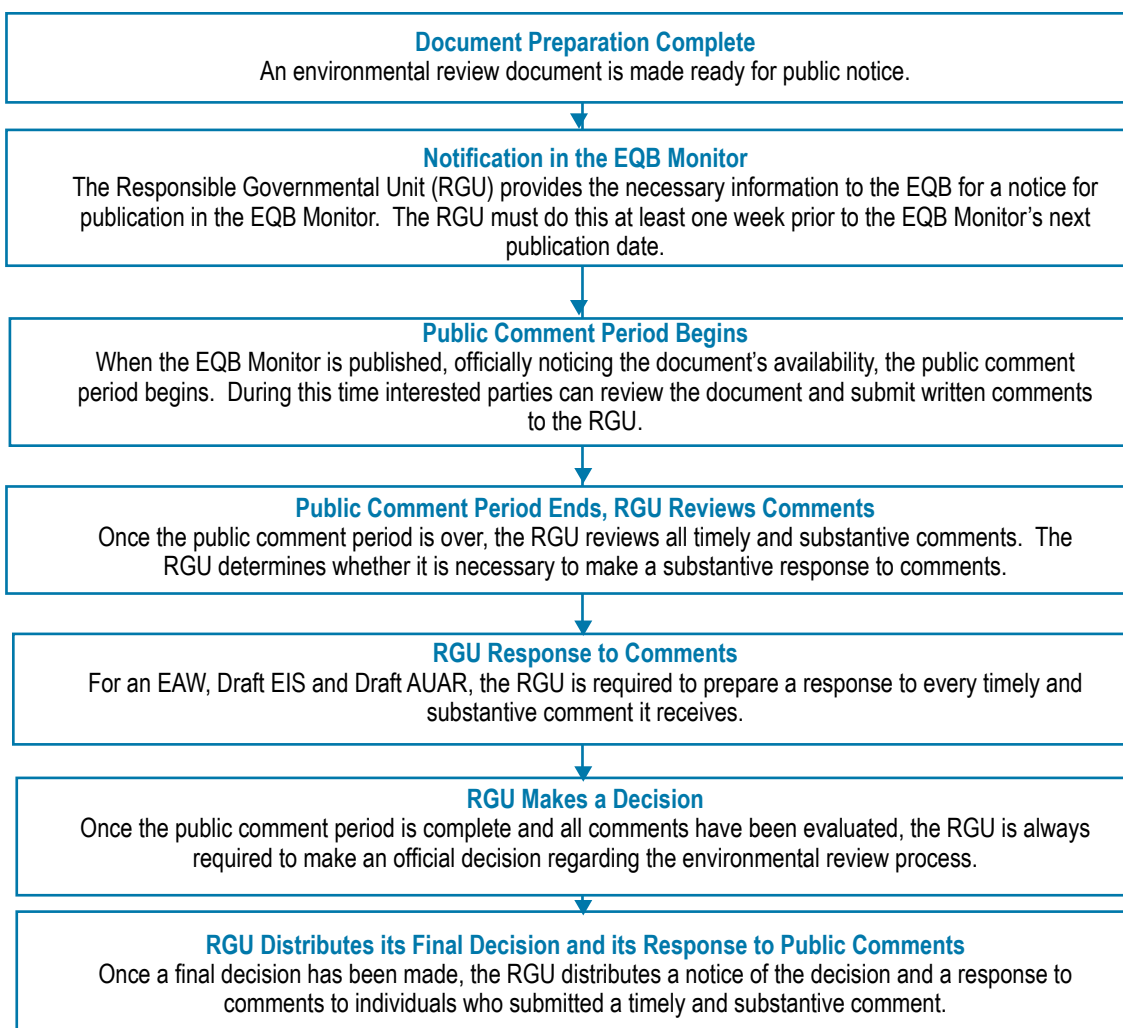
Objectives

By the end of this document you will learn:

- The steps in the public commenting process.
- Whether oral or written comments are best.
- The minimum length of time required for environmental review document public comment periods.
- What an Responsible Governmental Unit's response to comments typically looks like.

Overview

During the environmental review process, EAWs, EISs and AUARs require a mandatory comment period that allows the public and other entities to review and submit comments on a project proposal. A flow chart that describes the typical steps of the environmental review commenting process is provided below.





Common Questions

Why should I comment on projects?

It is simple – and valuable – for citizens to comment on proposed projects in their community. When a chance to comment on an environmental review document is missed or ignored, the opportunity to have a beneficial effect on the outcome of the project is often lost. Comments can provide the RGU with missing/inaccurate information on the proposal and/or provide input on possible solutions or alternatives that would reduce environmental impacts.

Your comments can:

- Help state and local government make informed decisions that may reduce the potential for serious unintended environmental impacts.
- Provide information to the RGU that might not be available through other sources.
- Ensure that the RGU is identifying and analyzing the impacts and values that are important to you and others.
- Give a project proposer and the RGU a better understanding of the public perception and concerns about the project.
- Lead to voluntary or, in some cases, required modifications, permit conditions or agreements.
- May encourage RGUs and project sponsors to consider environmental impacts and citizen concerns earlier in the project's planning process.
- Ultimately result in better projects.

What types of comments are accepted?

While all comments are accepted, the RGU is required to evaluate only substantive comments. Substantive comments address the content or issue raised in the EAW, AUAR or EIS. For example, “The project developer is a jerk,” or “I am against this project,” would not be considered substantive and the RGU would not be required to respond to these comments. Public comments are particularly valuable and helpful to the RGU when:

- They list any inaccuracies in the EAW, EIS, AUAR or

other accompanying documents;

- They show potential environmental impacts that have not been identified by the proposer or the RGU;
- They show that while certain environmental impacts have been identified, they have not been adequately addressed;
- They suggest possible mitigation measures that could or should be added to the proposal.

Are oral or written comments better?

Helpful tip

The rules are very clear about comments:

“Written comments shall be submitted to the RGU during the 30-day review period. The comments shall address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project.”

Submitting comments in writing is usually best, since it adds an assurance that your concerns have been accurately included in the project record. When commenting on a project, it is recommended you submit your concerns to the RGU in the form of a personal letter or E-mail. If submitting comments by E-mail, it is recommended that you first verify the RGU is accepting comments in this way (not all RGUs will accept E-mail comments).

If the RGU will accept comments by E-mail, know that commenting on environmental review is not the same as commenting on new or proposed legislation. Environmental review it is not a popularity contest and most RGUs do not appreciate E-mail “spamming.” The RGU is required to evaluate the merit of the issues being considered, and 100 copies of the same E-mail will not contribute any additional information.

What about commenting at public meetings?

On occasion, the RGU may hold a public meeting on a project, which will also provide an opportunity to gather information and to comment. Public meetings are usually informal, though, and an exact record of public comments may not always be documented. In any case, you should support your oral comments with a written statement or letter. When attending public meetings, you should bring a couple pieces of paper to write down your concerns and questions, and then



give your written comments to the RGU staff. You may also want to prepare written comments ahead of time or write your concerns on a comment card, if provided, and submit it to the RGU staff. Submitting your comments in writing provides you the assurance that your comments have been accurately recorded.

What should I write in my comment letter?

It is important to remember that your goal is to communicate your concerns about the potential environmental effects of the project. If you fail to make yourself both understandable and believable, then your effort will be wasted. [Some examples of environmental review comment letters are available on the EQB web site.](#) The following tips will help you effectively communicate your message.

Be clear, concise and organized – Decide what you need to say before you begin. Developing an outline is a good idea to help you put your comments into a logical order. Jumping back and forth between several topics reduces the impact of your argument.

Be specific – *Saying that you are against a project will not have as much effect as saying why you are against it.* It is always a good idea to give as much support as possible to your comments. Include as much factual information as possible, since facts are often more carefully considered than personal opinions or complaints. If you are responding to specific items addressed in the environmental review document, refer to the page number or question number in your comment letter.

Identify possible solutions – Remember, environmental review is not meant to stop projects, and most projects go forward despite negative comments received during the public comment period. Rather than simply creating a list of complaints, try to suggest possible solutions that the project proposer could implement to alleviate your concerns. You may want to ask for analysis of different project configurations, including changes in height, square footage, amount of open space and parking. Suggestions on reasonable alternatives and mitigation measures may help shape a questionable project into a welcome addition to a community.

Include your return address – RGUs are required to provide a written response to comments, so make sure you provide the RGU with a way to contact you. If you submit your comments by E-mail, make sure to include your home mailing address as well.

Helpful Tip

Clearly written comments from individuals with a special expertise or local or historical knowledge about an area are especially useful to RGUs and are more likely to get some kind of action. “I’m concerned about water quality” may express your concerns, but “My 50-foot-deep drinking water well is within a quarter mile of the proposed gravel mine” will draw the RGU’s attention.

Similarly, “I don’t want a landfill in my neighborhood,” may be a legitimate concern. But the RGU could actually be in violation of state law if it denied the landfill permit on that reason alone. It would be better to identify other potential impacts and say something like, “The additional traffic from this project creates public safety and air quality issues. There is a public school and two day-care centers along the proposed haul road to the new landfill.”

Although the purpose of any comment should not be to stop the project, the information may result in changes in laws/rules, zoning, speed limits, roadway fencing or road redesign, or perhaps result in the rerouting of traffic to minimize the potential impacts of the project.

When should I submit comments?

Environmental review requires a mandatory period of time during which RGUs can receive public comments. When an EAW, EIS or AUAR is available for comment, the dates of the comment period will be listed in the EQB’s newsletter, EQB Monitor. The EQB Monitor is published on the EQB web site every other Monday and can be accessed at www.eqb.state.mn.us/monitor.html.

An opportunity to comment is provided for the list of documents provided below. An AUAR and EIS will have multiple comment opportunities, while the EAW will have only one comment period. It is vital to file your comments with the RGU before the comment period closes because the RGU at its discretion can legally disregard untimely comments.

EAW: The EAW document is designed to provide a brief analysis and overview of the possible environmental impacts



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of a specific project. There is one 30-day comment period for the EAW. The 30-day period refers to actual calendar days, not business days. The comment period officially begins when the EAW is listed in the EQB Monitor and ends on a Wednesday at the end of the business day.

Draft AUAR: The AUAR is a planning tool that local governments can use to understand how different development scenarios will affect the environment of the community. There are two comment periods for the AUAR – one for the Draft AUAR and the other for the Final AUAR. There is at least a 30-day comment period for the Draft AUAR. The 30-day period refers to actual calendar days, not business days. The comment period officially begins when the Draft AUAR is listed in the EQB Monitor and ends on a Wednesday at the end of the business day.

Final AUAR and Required Mitigation Plan: The AUAR is a planning tool that local governments can use to understand how different development scenarios will affect the environmental health of their community. There are two comment periods for the AUAR – one for the Draft AUAR and the other for the Final AUAR. There is at least a 10-day comment period for the Final AUAR. The 10-day period refers to business days or working days, not calendar days. The comment period officially begins when the Final AUAR is distributed and a notice may not be listed in the EQB Monitor.

Scoping EAW (For an EIS): The Scoping EAW is a document that has the same format as the EAW, but is used to outline the issues that will be addressed in an EIS. The Scoping EAW comment period is one of three comment periods for the EIS. The other two comment periods occur when the Draft EIS is made available for public comment and when the Final EIS is made available for public comment. There is at least a 30-day comment period for the Scoping EAW. The 30-day period refers to actual calendar days, not business days. The comment period officially begins when the Scoping EAW is listed in the EQB Monitor and ends on a Wednesday at the end of the business day.

Draft EIS: The EIS is an in-depth environmental analysis that frequently takes more than one year to complete and has three comment periods; the Scoping EAW comment period, the Draft EIS comment period and the Final EIS comment period. Each of these comment periods provides you with an opportunity to influence the data (information) analysis conducted in the EIS. There is at least a 25-day comment period for the Draft EIS. The 25-day period refers to business or working days, not calendar days. Within the 25-day Draft EIS comment period, the RGU is also required to schedule a

public comment meeting so that interested parties can gather additional information and voice concerns. The comment period officially begins when the Draft EIS is listed in the EQB Monitor. The date, time, and place of the public meeting will be listed in the Monitor as well.

Final EIS: There is at least a 10-day comment period for the Final EIS. The 10-day period refers to business or working days, not calendar days. The comment period officially begins when the Final EIS is listed in the EQB Monitor and ends on a Wednesday at the end of the business day.

Helpful Tip

Although there is a 10-day public comment period for a Final EIS, no substantive response to comments by the RGU is required.

Are there other ways I can find out when documents are available for comment?

Possibly. While there are others ways of learning about the availability of environmental review documents, they are not always as reliable as the EQB Monitor. For example, environmental review rules require that RGUs issue a press release within five days of the document's submission to the EQB for publication in the EQB Monitor. The press release must be sent to at least one newspaper of general circulation in the area in which the project is being proposed. If the newspaper chooses to print the press release, you could learn about a public comment period in this way, but newspapers are not required in any way to print the information. Based on this situation, the local newspaper could be a source of notification for environmental review public comment periods, but not necessarily a reliable source.

Other possible forms of notification include the RGU web site, a RGU's newsletter, or an E-mail distribution list sponsored by the RGU. Since RGU procedures may differ from one community to another, you should contact the project's RGU directly to find out what method(s) they use publish the availability of environmental review documents.

Examples of some common notification methods include:

- Posting a notice on the property.
- Publishing a news release in a local newspaper.
- Notifying public or private groups that have an interest in



the proposal.

- Publishing the notice on the RGU's web site.
- Receiving a notice from a public interest group following the project.

Helpful Tip

Anyone who wants to receive a copy of the document has a legal right to do so if they submit a written request to the RGU. However, the RGU may require a reasonable fee for a copy of the document. You may also want to contact the RGU and see if they intend to publish a copy of the document on their web site.

Can I submit my comments before the public comment period begins?

If you are closely following a project and want to submit written comments before the official start of the public comment period, you are not prohibited from doing so. But it is not highly recommended. It's important to know that RGUs are only required to respond to written comments they receive during the official public comment period. If you submit your comments beforehand, you may have more of an opportunity to influence the project design because the project plans may be less detailed at this point in time. But you will not receive an official response from the RGU. If you submit your comments early, and you find they have not been addressed in the environmental review document, it is recommended that you resubmit them during the official public comment period.

Where do I send my comments?

Your comments must go to the RGU for the project, not the EQB. When a document is made available for public comment, it is listed in the EQB Monitor with the name and address of the appropriate RGU staff member. To ensure that your comments are properly received and addressed, always send your letter to the contact listed in the notice in the EQB Monitor. If you would like other people to see your letter, you can send them photocopies of your comments, but you still need to send the original to the main RGU contact. While the EQB is not responsible for responding to comments, you do have the option of submitting a copy of your comments to the EQB for the project file.

What does the RGU do with my comments?

According to environmental review rules, RGUs are required to provide a written response to all timely and substantive comments and distribute their responses to member agencies of the EQB. RGUs are also required to send a copy of their response to anyone who submitted comments during the public comment period and to anyone who requests, in writing, a copy of the RGU response.

In the response to comments document, the RGU is required to prepare a response for each substantive issue that you list. While RGUs usually do not respond to each commenter with an individual letter, they do usually compile all of the timely and substantive comments received, and the RGU's response to these comments, into a single document. [Sample responses to comments are available on the EQB web site.](#) The RGU will then use public comments to determine whether the proposer needs to make changes to the project or whether the RGU needs to collect additional information about the likelihood of significant environmental effects.

Review

- It is simple and valuable for citizens to comment on proposed projects in their communities.
- Submitting comments in writing is usually preferable to oral comments.
- You should submit your comments during the mandatory public comment period for an environmental review document.
- The most reliable method for finding out about an environmental review public comment period is reading a notice in the EQB Monitor.
- RGUs can legally disregard comments that are not timely and substantive.
- Be clear, concise, organized and specific with your comments.
- Commenters typically receive a copy of the RGU's official response to comments in an aggregated form, rather than in the form of a personalized letter.