



Environmental Quality Board

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April 4, 2008

Ms. Lynn Ann Hollatz
Duluth Planning Department
Room 402 City Hall
Duluth, Minnesota 55802

RE: Citizens' Petition for an Environmental Assessment Worksheet (EAW) for the
Duluth School District Comprehensive Facilities project

Dear Ms. Hollatz:

The Environmental Quality Board (EQB) has received a petition requesting that an EAW be prepared on the project described in the petition, and has determined that the City of Duluth is the appropriate governmental unit to decide the need for an EAW. The requirements for environmental review, including the preparation of an EAW, can be found in the Minnesota Rules, chapter 4410. These rules and various guidance documents are available at our website, www.eqb.state.mn.us.

The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final government approvals may be given to the project described in the petition, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration is issued or an Environmental Impact Statement (EIS) is completed (see part 4410.3100, subpart 1.)
2. A first step in making the decision regarding the need for an EAW would be to compare the project to the mandatory EAW, EIS and Exemption categories listed in parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly. In this case, because of the multiple components of the project, the City should ensure that it considers the requirements for "phased actions" and "connected actions" as defined in the rules.

3. If preparation of an EAW is neither mandatory nor exempted, the City has the option to prepare an EAW. The standard to be used to decide if an EAW should be done is given in part 4410.1100, subp. 6. Note that this requires that a record of decision including specific findings of fact be maintained.

4. You are allowed up to 30 working days (Saturdays, Sundays and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15 working days if it will be made by a single individual. You may request an extra 15 days from EQB if the decision will be made by an individual.

5. You must notify, in writing, the petitioners' representative and the EQB of your decision within five working days. I would appreciate your sending a copy of your record of decision on the petition along with notification of your decision for our records. This is not required, however.

6. If for any reason you are unable to act on the petition at this time (e.g., no application has yet been filed or the application has been withdrawn), the petition will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition.

Notice of the petition and its assignment to your unit of government will be published in the EQB Monitor on April 21, 2008.

If you have any questions or need any assistance, please do not hesitate to call me at 651/201-2476.

Sincerely,



Gregg Downing
Environmental Review Coordinator

cc: Fayth Glass, petitioners' representative
Keith Dixon, Superintendent, ISD 709