

## **FOR IMMEDIATE RELEASE**

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# **Minneapolis Moves to Dismiss Environmental Justice Lawsuit**

*City is environmental review decision-maker for its own project  
and breaks rules to deny neighborhood's request for review.*

MINNEAPOLIS, MN. (July 7, 2020)—Yesterday the City of Minneapolis filed a motion in Hennepin County District Court to dismiss an environmental justice lawsuit filed against it by a community group from the lowest income and one of the most racially diverse neighborhoods in the city. “The city must hold its Hiawatha Campus Expansion Project to the same level of environmental review as any other proposed development project,” says East Phillips Neighborhood Institute (EPNI) board member, Dean Dovolis.

Earlier this year, neighbors submitted a Citizen’s Petition to the Minnesota Environmental Quality Board (EQB) requesting the most basic environmental review for the project. According to Minnesota law, the EQB assigned the City as the governmental unit responsible for considering and deciding the merit of the petitioners’ request.

“By law, since 2008 the City must consider the cumulative potential effects of this expansion project on the neighborhood when deciding whether or not an EAW [environmental assessment worksheet] is merited. They failed to do this and denied the environmental review request,” says Elizabeth Royal, the attorney representing EPNI in the lawsuit against the City. “We are appealing the City’s decision.”

“The City subsequently offered to do a voluntary EAW, but this in no way makes up for the City breaking the law to deny our petition for an EAW in the first place,” says Brad Pass, EPNI board member and petitioners’ representative.

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The Neighborhood has a strong basis to fight back. In 2008, they organized and fought hard to pass a Minnesota law that recognizes Minneapolis' East Phillips Neighborhood as an "environmental justice neighborhood" whose residents experience significant racial health disparities that result from environmental conditions--such as being an EPA, designated Residential Arsenic Superfund site, having severe traffic congestion, and deteriorating housing, leading to asthma, childhood lead-poisoning, and heart disease.

Karen Clark is a former Minnesota State legislator and co-author, with Senator Linda Berglin, of the 2008 law. She is also a neighborhood resident and supporter of EPNI. She has firsthand experience with the City's antagonism and lack of transparency in relation to its Hiawatha Campus Expansion Project. "While trying to offer a clarification about the law I authored during a community engagement meeting held by the City, I was cut off, and forcefully told that I was 'not allowed to speak here'," she says.

"This project and the City's thwarting of environmental laws would never happen in a high-income, white-majority neighborhood in Minneapolis, and the fact that the City is breaking state laws to push its project forward into East Phillips Neighborhood is blatant systemic racism and unconscionable," says Clark.

As a Little Earth of United Tribes community resident and East Phillips Neighborhood Institute's Vice Chair, Cassandra Holmes said, "I see this as a form of genocide."

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East Phillips Neighborhood Institute (EPNI) is a 501(c)(3) nonprofit organization that was formed by the people of East Phillips with the help of a State of Minnesota grant. **Its purpose** is to create a plan to prevent another polluting industry from acquiring a 7.6 acre, for sale, site including the newly renovated 230,000± sq. ft. Sears warehouse. **The site** is across the street from a children's playground, a day-care center, and a block away from Little Earth of United Tribes, the only Native preference urban housing in the U.S. **The EPNI plan** is to save and repurpose the warehouse into an organic, indoor urban farm. **The Goals are**, good paying jobs and second chance opportunities for the community, year-round food production in a food desert, at least 28 very affordable family housing units, a coffee shop/restaurant and display/sale area for indigenous and local artists run by local youth, a bike repair facility on the Greenway, to create one of the largest solar arrays in the state, and to provide new space for many burned out businesses resulting from the George Floyd murder.

Using the threat of eminent Domain, the City purchased the site in 2016 and they plan to demolish the warehouse, move in 450+ commercial vehicles, many diesel, over 400 additional employee vehicles, and build sheds in which to store their water

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pipes, manhole covers sand & salt mix, hot asphalt and sewer pipes for their expanded water maintenance yard. No water will be treated at the site.

In the words of Brad Pass, “EPNI’s additional goal is to save the building, prevent more pollution and move on with the East Phillips Indoor Urban Farm”.

For a map depicting evidence of the East Phillips Neighborhood as an environmental justice neighborhood see:

<https://1drv.ms/b/s!AhdZ4wAFkvxMha8fKlBf7rKHszJIGg?e=bvV7ge>

Read the Citizen’s Petition for an Environmental Assessment Worksheet:

[https://1drv.ms/b/s!AhdZ4wAFkvxMhsdXPY0IDYy0-0-v\\_Q?e=6wZ9HV](https://1drv.ms/b/s!AhdZ4wAFkvxMhsdXPY0IDYy0-0-v_Q?e=6wZ9HV)

Read more about Minneapolis’ duties in reviewing citizen petitions for an EAW in the Minnesota Environmental Quality Board’s publication “Reviewing Petitions: A Procedural Guide for Local RGUs” at the link below:

<https://www.eqb.state.mn.us/sites/default/files/documents/Reviewingpetitions.pdf>

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