

PL 23-053 1

**Adam Fulton**

---

**From:** Krzenski, Jesse W (EQB) <Jesse.Krzenski@state.mn.us>  
**Sent:** Tuesday, March 14, 2023 2:09 PM  
**To:** Adam Fulton  
**Subject:** FW: RGU Designation on a petition for an Environmental Assessment Worksheet for Kinseth Hotel Corp. Project  
**Attachments:** Complete Petition Transmittal Letter - Kinseth Hotel Corp.pdf; Petition and signatures Kinseth Hotel Duluth 3-10-23.pdf

Adam,

Please see attached for petition and letter from EQB.

**Jesse Krzenski** *(he/him/his)*  
Environmental Review Program Administrator  
651-757-2223

**Minnesota Environmental Quality Board**  
520 Lafayette Road  
St. Paul, MN, 55155



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**From:** Krzenski, Jesse W (EQB)  
**Sent:** Friday, March 10, 2023 8:44 AM  
**To:** clee@duluthmn.gov  
**Cc:** Wilson, Denise (EQB) <denise.wilson@state.mn.us>  
**Subject:** RGU Designation on a petition for an Environmental Assessment Worksheet for Kinseth Hotel Corp. Project

Dear Mr. Lee,

The Environmental Quality Board (EQB) has received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared for the Kinseth Hotel Corp. project in the City of Duluth and has determined that the City of Duluth is the appropriate governmental unit to decide the need for an EAW.

Attached to this email you will find the petition as submitted to the EQB, as well as a letter with information on how to proceed with the petition according to Minnesota Rules 4410.

MN Rules 4410.3100 subpart 1. "Prohibitions" outlines when the project prohibitions begin and end.

[Here](#) is a link to the EQB Monitor schedule.

If you need additional information, please contact our team at 651-757-2873 or at [env.review@state.mn.us](mailto:env.review@state.mn.us)

**Jesse Krzenski** *(he/him/his)*

Environmental Review Program Administrator  
651-757-2223

**Minnesota Environmental Quality Board**

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PL 23-053

2

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Wednesday, March 15, 2023 12:12 PM  
**To:** Krzenski, Jesse W (EQB)  
**Subject:** RE: RGU Designation on a petition for an Environmental Assessment Worksheet for Kinseth Hotel Corp. Project

Jesse,

I confirm receipt of this petition by the City of Duluth as of yesterday, effective 3/14/2023. As such, it is my initial determination that the 15 working day deadline for the decision on a need for an EAW, as described in your 3/10/2023 letter, is 4/4/2023 (Tuesday, April 4<sup>th</sup>).

At this time, because the decision regarding the petition will be made by the City of Duluth Planning Commission which does not meet until April 11, 2023, I am extending the deadline for response to Minnesota EQB by the additional 15 working days consistent with Minnesota Rules 4410.1100. As such, the deadline for City of Duluth response to this petition is 4/25/2023 (Tuesday, April 25<sup>th</sup>).

If you have any questions or concerns related to the dates outlined within this email, please notify me as soon as possible. I would also appreciate it if you could acknowledge receipt of this email and confirm for me that the City of Duluth is following the correct EQB process and procedure related to this matter.

Respectfully,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Krzenski, Jesse W (EQB) <Jesse.Krzenski@state.mn.us>  
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**Jesse Krzenski** *(he/him/his)*  
Environmental Review Program Administrator  
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PL 23-053 3

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Wednesday, March 15, 2023 12:31 PM  
**To:** amailey@kinseth.com; David Bolf  
**Cc:** Jennifer Moses  
**Subject:** EAW Petition - Sundby Hotel / Our file PL 22-143  
**Attachments:** Complete Petition Transmittal Letter - .pdf; Petition and signatures Kinseth Hotel D.pdf

Mr. Mailey and Mr. Bolf:

The City of Duluth Planning & Development division is in receipt of a petition for an Environmental Assessment Worksheet (EAW) associated with the proposed hotel project on Sundby Road in Duluth (Property ID 010-2710-04594) approved in City of Duluth Planning File PL 22-143.

For your files, I am attaching a copy of the transmittal letter and petition.

Staff has already begun review of this petition. The decision on this petition is made by the Duluth Planning Commission, but staff will provide a recommendation. I anticipate that the decision on whether an EAW will or will not be ordered will take place at the April 11, 2023 Planning Commission meeting.

As noted in the letter from EQB:

*Please note, a project may not be started, and a final governmental decision may not be made to grant a permit, approve a project, or begin a project, until a decision has been made for this petition. Project construction includes any activities which directly affect the environment, including preparation of land.*

This means that no work whatsoever may proceed on the site while the EAW petition is being considered. I understand that soil borings were being completed on the site on Monday, March 13<sup>th</sup>. No further investigatory work should be undertaken, nor any other activities prohibited under Minnesota Statute or Rule, while the petition is under consideration.

You will be notified of the decision regarding this petition once a final determination is completed. Please feel free to reach out to our office with any questions or concerns.

I will serve as your primary point of contact for this EAW petition, so please reach out at any time.

Thank you,

**Adam W. Fulton, AICP** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**Adam Fulton**

---

**From:** Adam Fulton  
**Sent:** Wednesday, March 15, 2023 12:54 PM  
**To:** Becca Mulenburg  
**Cc:** Krzenski, Jesse W (EQB); Jennifer Moses  
**Subject:** Complete petition - EAW for Sundby Hotel (City of Duluth Planning File PL22-143)

Ms. Mulenberg,

The City of Duluth is in receipt of the EAW petition, and has established a schedule for review, with the following outline:

- Petition received: March 14, 2023
- Extended deadline for City action: April 25, 2023
- Anticipated Planning Commission review and decision: April 11, 2023

The owners and applicants for the site have also been advised of the prohibition on work proceeding at that location during the consideration of the EAW petition.

I will be the primary point of contact for this project for the City, so please provide any inquiries or correspondence to my attention.

Thank you,

**Adam W. Fulton, AICP** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

PL 23-053 5

## Adam Fulton

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**From:** Adam Fulton  
**Sent:** Wednesday, March 15, 2023 12:59 PM  
**To:** Rebecca St. George; Phil Jents; Chris Fleege  
**Cc:** Ethan Scrivner; Jean Coleman; Steven Robertson; Ryan Pervenance; Jennifer Moses  
**Subject:** RE: The Form 'Contact - Mayor' was submitted  
**Attachments:** 031523 Fulton to Mulenberg re Petition Status.pdf; 031523 Fulton email to Krzenski EQB re receipt of petition.pdf; 031523 Fulton to Mailey and Bolf re Petition.pdf

All,

After consultation with Chris F. and Jean, the following correspondence items have been provided to persons associated with this EAW petition. Please let me know if you have any questions or concerns. Our file number on this will be PL23-053. Courtesy calls to the developer/their consultants were placed prior to sending the attached email.

Phil, please let us know if you'd like to update the Mayor and Noah on this, or if we should do so.

As noted in the correspondence, it is anticipated that this item will be considered by the Planning Commission on 4/11. Jenn Moses and Jean Coleman will be supporting this process as the review is conducted.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Rebecca St. George <rstgeorge@duluthmn.gov>  
**Sent:** Tuesday, March 14, 2023 1:55 PM  
**To:** Phil Jents <pjents@duluthmn.gov>; Chris Fleege <cfleege@duluthmn.gov>; Adam Fulton <afulton@duluthmn.gov>  
**Cc:** Ethan Scrivner <escrivner@duluthmn.gov>; Jean Coleman <jcoleman@duluthmn.gov>  
**Subject:** RE: The Form 'Contact - Mayor' was submitted

Thanks, Phil.

You should do nothing, other than continuing to forward any emails about this, particularly from Ms. Mulenburg up to Ethan and Jean. If she calls, please refer her to Ethan. If she texts, pass those along. If she stops by in person, send her up to us.

Rebecca St. George (she/her)  
City Attorney

City of Duluth – Attorney's Office  
411 West First Street, Room 440  
Duluth, MN 55802-1198  
(218) 730-5282  
[rstgeorge@duluthmn.gov](mailto:rstgeorge@duluthmn.gov)





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*Should you receive correspondence from me during personal time, please protect your time and wait to respond until you are next working.*

**From:** Phil Jents <[pjents@DuluthMN.gov](mailto:pjents@DuluthMN.gov)>

**Sent:** Tuesday, March 14, 2023 11:02 AM

**To:** Chris Fleege <[cfleege@DuluthMN.gov](mailto:cfleege@DuluthMN.gov)>; Adam Fulton <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>; Rebecca St. George <[rstgeorge@DuluthMN.gov](mailto:rstgeorge@DuluthMN.gov)>

**Subject:** Fwd: The Form 'Contact - Mayor' was submitted

FYI below. Not sure what to do with this one.

---

**From:** noreply <[noreply@duluthmn.gov](mailto:noreply@duluthmn.gov)>

**Sent:** Tuesday, March 14, 2023 10:58:56 AM

**To:** Phil Jents <[pjents@DuluthMN.gov](mailto:pjents@DuluthMN.gov)>

**Subject:** The Form 'Contact - Mayor' was submitted



## Umbraco Forms

### Form Results

First Name



Becca

**Last Name**

Mulenburg

**Email**

[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)

**Phone**

2183807349

**Message**

Per EQB notification to Mr. Chris Lee on Friday, March 10, there is to be no work done regarding PL22-143 due to a Citizens' Petition for an EAW currently under review by the City. However, there has been work done both Mon & Tues 3/13, 3/14. This is in violation and has to stop immediately. Furthermore, I am supposed to be contacted with all developments with the project going forward, but I have not been contacted.

**Recaptcha**

PL 23-053 6

## Adam Fulton

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**From:** Adam Fulton  
**Sent:** Thursday, March 16, 2023 11:54 AM  
**To:** Becca Mulenburg  
**Cc:** Krzenski Jesse W (EQB); Ethan Scrivner; Jean Coleman; Jennifer Moses  
**Subject:** RE: When and how will you make your final decision/EAW  
**Attachments:** 031623 Screenshot requested by Mulenberg.jpg

Ms. Mulenburg,

A screenshot as requested is attached. The pop-up which displays your email in the screen shot was generated when I double-clicked the email address with your name.

I note that the email to which that correspondence was sent correlates to the email you used at 11:38 AM today to email me, per the below, so I believe it was sent to the correct email address. Perhaps it was routed to your spam folder. Alternatively, please alert the City and we will be pleased to send this to you in an alternative format, or to add additional email addresses for you using other email services outside the @yahoo.com domain, if perhaps that is where the hang-up occurred.

Sincerely,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Thursday, March 16, 2023 11:38 AM  
**To:** Adam Fulton <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>  
**Cc:** Krzenski Jesse W (EQB) <[jesse.krzenski@state.mn.us](mailto:jesse.krzenski@state.mn.us)>; Ethan Scrivner <[escrivner@DuluthMN.gov](mailto:escrivner@DuluthMN.gov)>; Jean Coleman <[jcoleman@DuluthMN.gov](mailto:jcoleman@DuluthMN.gov)>; Jennifer Moses <[jmoses@DuluthMN.gov](mailto:jmoses@DuluthMN.gov)>  
**Subject:** Re: When and how will you make your final decision/EAW

Adam,

I received no such email as you stated, dated March 15, 2023. Can you please take a screenshot of the email showing my email address it was sent to? The PDF does not show my email address, only my name.

Thank you,  
Becca Mulenburg

On Thursday, March 16, 2023 at 11:33:00 AM CDT, Adam Fulton <[afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)> wrote:

Ms. Mulenburg,

Thank you for your inquiry. Per my attached correspondence to you dated March 15, 2023 (see attached PDF "031523 Fulton to Mulenberg re Petition Status.pdf"), it is anticipated that the City of Duluth Planning Commission will likely consider the petition at its April 11, 2023 regular meeting.

The City of Duluth Planning Commission is the RGU for the City of Duluth and is responsible for the final decision on this petition.

Sincerely,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

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**To:** Adam Fulton <[afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)>  
**Cc:** Krzenski Jesse W (EQB) <[jesse.krzenski@state.mn.us](mailto:jesse.krzenski@state.mn.us)>  
**Subject:** Fw: When and how will you make your final decision/EAW

Adam, see below, now directed to you.

----- Forwarded Message -----

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**To:** Chris Lee <[cleee@duluthmn.gov](mailto:cleee@duluthmn.gov)>  
**Sent:** Wednesday, March 15, 2023 at 04:34:07 PM CDT  
**Subject:** When and how will you make your final decision/EAW

Dear Chris,

Re: PL22-143

Per Minnesota's Environmental Quality Board (EQB) procedures, I am "responsible for contacting the RGU to learn more about when and how it will make its final decision."

Please let me know, thanks.

Becca

Becca Mulenburg

1649 W Page St

Duluth, MN 55811



PL 23-053 7

**Adam Fulton**

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Re: PL22-143

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Please let me know, thanks.

Becca

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1649 W Page St

Duluth, MN 55811

PL 23-053 8

**Adam Fulton**

---

**From:** Krzenski, Jesse W (EQB) <Jesse.Krzenski@state.mn.us>  
**Sent:** Thursday, March 16, 2023 7:40 AM  
**To:** Adam Fulton  
**Subject:** RE: RGU Designation on a petition for an Environmental Assessment Worksheet for Kinseth Hotel Corp. Project

Adam,

It looks as though you have interpreted the timeline correctly. Feel free to contact with any further questions.

**Jesse Krzenski** (*he/him/his*)  
Environmental Review Program Administrator  
651-757-2223

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651-757-2223

**Minnesota Environmental Quality Board**  
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**Jesse Krzenski** *(he/him/his)*

Environmental Review Program Administrator

651-757-2223

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PL 23-053 9

**Adam Fulton**

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**From:** Krzenski, Jesse W (EQB) <Jesse.Krzenski@state.mn.us>  
**Sent:** Thursday, March 16, 2023 7:45 AM  
**To:** Becca Mulenburg  
**Cc:** Adam Fulton  
**Subject:** RE: boring samples Sundby PL22-143

Becca,

I wanted to follow up to let you know I was able to get ahold of the City of Duluth regarding the petition for an EAW. Apparently, the notice from the EQB was sent to one of their planners who was on vacation at the time, so the receipt of the petition for an EAW was changed to 3-14-2023. I apologize for the confusion and the contact for the RGU has been updated to Adam Fulton.

**Jesse Krzenski** (*he/him/his*)

Environmental Review Program Administrator  
651-757-2223

**Minnesota Environmental Quality Board**

520 Lafayette Road  
St. Paul, MN, 55155



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**Sent:** Tuesday, March 14, 2023 10:26 AM  
**To:** Krzenski, Jesse W (EQB) <Jesse.Krzenski@state.mn.us>  
**Subject:** boring samples Sundby PL22-143

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Jesse,

Someone from my neighborhood asked the working crew today at Sundby Rd. in Duluth what they were doing. They said they were doing boring samples for a future building to connect water. This is unacceptable.

From my history with communication from the City, they have been ignoring me and others, not answering emails, not communicating with me or others. They will not stop moving forward. This isn't right. Can you do anything?

Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 10

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Editing

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r Sundby Hotel (City of Duluth Planning File PL22-143)

Becca Mullenburg

BM

tion, and has established a schedule for review

ril 25, 2023

view and decision: April 11, 2023

Also been advised of the prohibition on work pro

project for the City, so please provide any inquir

ing & Economic Development | he/him/his | City of Duluth

Contact

beccamullenburg@yahoo.com

petition.

-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)



PL 23-053 11

**Adam Fulton**

---

**From:** Adam Fulton  
**Sent:** Monday, April 3, 2023 2:46 PM  
**To:** Becca Mulenburg  
**Cc:** Jean Coleman; Ethan Scrivner  
**Subject:** RE: How will EAW determination be made?

Ms. Mulenburg,

Thank you for reaching out.

A Planning Commission meeting is regulated by the adopted bylaws. The bylaws of the Duluth Planning Commission require that:

***9.2 Quorum. A majority of the currently serving membership of the Commission shall constitute a quorum for meeting purposes. A majority vote of the members present shall be required to transact business or make binding decisions in behalf of the Commission.***

There are eight members of the Planning Commission, and one vacancy. This means that at least five members must be present to vote on this matter. Planning Commissioners are responsible to vote on the proposed action by the Planning Commission. It is anticipated that staff will provide a recommendation.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Monday, April 3, 2023 2:05 PM  
**To:** Adam Fulton <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>  
**Subject:** How will EAW determination be made?

Adam,

Re: PL22-143 Citizens' Petition for an EAW

Who exactly will be voting on the EAW determination, and how exactly will the EAW determination be made? Asking my questions another way, will it be determined by a majority vote by the Commission Members? Will a quorum be required? I am looking for specifics as to how the EAW determination will be made.

Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811

218-464-1251 (home/landline)  
218-380-7349 (cell/text)

**Adam Fulton**

---

**From:** Adam Fulton  
**Sent:** Monday, April 3, 2023 2:41 PM  
**To:** Adam Fulton  
**Cc:** Ryan Pervenance; Jennifer Moses  
**Subject:** FW: Questions re: Citizens' Petition for an EAW

Planning Commissioners,

Below, please find correspondence directed to your attention from Ms. Becca Mulenburg, who is the lead for the Citizens' Petition for EAW. This petition will be reviewed by Commissioners at the 4/11 meeting. The petition was distributed by hand at last month's commission meeting, and was emailed to you. Please let us know if you'd like to be re-sent a copy of the petition in advance of the PC meeting packet being distributed on Wednesday.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Monday, April 3, 2023 11:26 AM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** Questions re: Citizens' Petition for an EAW

Dear Duluth Planning Commissioners,

Adam Fulton provided the above email address so that I may contact you. I wanted to make sure that each of you received the hard copy of the Citizens' Petition for an EAW that was provided on March 14th. You should also have received an electronic copy. I am curious to know if you have read the petition. Please feel free to reach out with any questions you may have.

Thank you!  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

DL 23-053 13

**Adam Fulton**

---

**From:** Adam Fulton  
**Sent:** Tuesday, April 4, 2023 3:39 PM  
**To:** 'Becca Mulenberg'  
**Subject:** FW: Your vote on April 11th - Citizens' Petition for an EAW

Ms. Mulenberg,

Below, please find a copy of the correspondence that I sent to Planning Commissioners moments ago.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Adam Fulton <>  
**Sent:** Tuesday, April 4, 2023 3:38 PM  
**To:** Adam Fulton ([afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)) <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>  
**Cc:** Ryan Pervenanze <[rpervenanze@DuluthMN.gov](mailto:rpervenanze@DuluthMN.gov)>; Jennifer Moses <[jmoses@DuluthMN.gov](mailto:jmoses@DuluthMN.gov)>  
**Subject:** FW: Your vote on April 11th - Citizens' Petition for an EAW

Planning Commissioners,

Below, please find further correspondence directed to your attention from Ms. Becca Mulenberg, who is the lead for the Citizens' Petition for EAW.

As previously described, the petition will be reviewed and decided by the Commission at its 4/11 meeting. This is not a typical application; a decision is required at the 4/11 meeting. Minnesota Rules dictate that the decision must be made prior to 4/25, and so there is not another opportunity for Commissioners to decide on the petition unless a special meeting is called, which may be necessary if no decision occurs on 4/11.

The petition, along with a staff memo and proposed resolution with proposed findings of fact, will be distributed with the Planning Commission packet. Staff indicates that the packet will be posted and distributed to Commissioners no later than about noon tomorrow (4/5).

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenberg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Tuesday, April 4, 2023 9:57 AM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** Your vote on April 11th - Citizens' Petition for an EAW



Dear Duluth Planning Commissioners,

On April 11th, you will be voting on whether or not an Environmental Assessment Worksheet (EAW) is required to make sure the developer, Kinseth, on behalf of Marriott, addresses the concerns outlined in the Citizens' Petition for an EAW, which you should have received on March 14, 2023, or soon thereafter.

From the MN Pollution Control Agency's website...

An environmental review (EAW) is an information-gathering process intended to:

- Help public agencies make informed permitting and approval decisions
- Give the public access to decision makers
- Ensure public awareness and meaningful input into decision making

An EAW describes a proposed project, its potential effects on air, land, and water resources, and ways to reduce negative environmental effects. When the review identifies unacceptable environmental impacts, the project's proposers can make changes. The information is also used to establish permit conditions that will protect our environment.

The Citizens' Petition shines a light into all of the problems associated with this development's location. By approving the EAW, you are simply telling the developer - hey, I'd like these issues looked into deeper and more thoroughly. A further examination would benefit all.

Keep in mind that requiring an EAW does not necessarily prevent the developer from moving forward down the road if/when all of the environmental concerns have been resolved, and if/when the development meets all rules and regulations put forth by the City of Duluth. The petition is filled with research by professional Duluthian authorities, the Minnesota Pollution Control Agency, SWCD, the University of Minnesota Duluth, MN Board of Soil and Water Resources, MN DNR and more.

It is my understanding that the Planning department's administrator(s) will recommend that you vote not to require an EAW, but our petition is filled with reasons why you should vote *for* an EAW. We would like more scrutiny over this development, one that is situated smack-dab in the middle of undeveloped wetlands and too close to Miller Creek, among other objections outlined in the petition. It is extremely important that you read it. Independent thought is crucial when making decisions, and there are no reasons to rush this development. The best laid plans are always well-thought out.

Speaking on behalf of my neighborhood and hundreds of people (your neighbors) who signed the petition, we are asking for a *majority* vote from you, our City's Planning Commission. Anything less, including a tie vote, would be considered a "no" vote.

Please vote to require Kinseth complete the Environmental Assessment Worksheet (EAW).

Thank you,  
Becca Mulenburg  
(Petitioners' Representative)

Becca Mulenburg  
1649 W Page St



Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 14

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Wednesday, April 5, 2023 1:41 PM  
**To:** Krzenski Jesse W (EQB)  
**Cc:** Jean Coleman; Ethan Scrivner; Ryan Pervenzan  
**Subject:** FW: EAW deadline date is 4/25/2023  
**Attachments:** FW: Questions re: Citizens' Petition for an EAW; FW: Your vote on April 11th - Citizens' Petition for an EAW

Mr. Krzenski,

Below is a copy of correspondence that was provided by Ms. Becca Mulenberg to our office, in which she requests that we forward that information to the City Planning Commission. We have done so. I am forwarding this to you as an FYI given that she suggests that the City Planning Commission reach out to you or your office. I am also including two of her earlier correspondence items as FYI from earlier in the week.

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Adam Fulton <>  
**Sent:** Wednesday, April 5, 2023 1:27 PM  
**To:** Adam Fulton ([afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)) <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>  
**Cc:** Ryan Pervenzan <[rpervenzan@DuluthMN.gov](mailto:rpervenzan@DuluthMN.gov)>; Jennifer Moses <[jmoses@DuluthMN.gov](mailto:jmoses@DuluthMN.gov)>  
**Subject:** FW: EAW deadline date is 4/25/2023

Commissioners,

Further correspondence has been received from Ms. Mulenberg and it has been requested that we forward it to you. Below, please find her email. Please let me know if you have any questions.

Please further note that all correspondence of Ms. Mulenberg is part of the official record of this Planning Commission action, has been retained for the file, and will be printed and provided to you at the meeting. It was not possible to include as part of the packet because we keep receiving it, and because it is being emailed directly.

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenberg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Wednesday, April 5, 2023 11:19 AM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** EAW deadline date is 4/25/2023

Dear Duluth Planning Commission,

The deadline verbiage for an EAW decision may be a little confusing for some as noted in the Planning Commission's Agenda posting for the upcoming April 11th meeting.

To clarify, Planning Commission has through April 25th, 2023 to make a decision on the EAW. If you need further verification, please contact Jesse Krzenski, Environmental Review Program Administrator.

[jesse.krzenski@state.mn.us](mailto:jesse.krzenski@state.mn.us)

**Minnesota Environmental Quality Board**

520 Lafayette Road  
St. Paul, MN, 55155  
651-757-2223

Thank you,  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 15

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Wednesday, April 5, 2023 1:28 PM  
**To:** Becca Mulenburg  
**Cc:** Ethan Scrivner; Jean Coleman  
**Subject:** FW: EAW deadline date is 4/25/2023

Ms. Mulenburg,

Here is a copy of your correspondence, which has been emailed to Commissioners.

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Adam Fulton <>  
**Sent:** Wednesday, April 5, 2023 1:27 PM  
**To:** Adam Fulton (afulton@DuluthMN.gov) <afulton@DuluthMN.gov>  
**Cc:** Ryan Pervenance <rpervenance@DuluthMN.gov>; Jennifer Moses <jmoses@DuluthMN.gov>  
**Subject:** FW: EAW deadline date is 4/25/2023

Commissioners,

Further correspondence has been received from Ms. Mulenburg and it has been requested that we forward it to you. Below, please find her email. Please let me know if you have any questions.

Please further note that all correspondence of Ms. Mulenburg is part of the official record of this Planning Commission action, has been retained for the file, and will be printed and provided to you at the meeting. It was not possible to include as part of the packet because we keep receiving it, and because it is being emailed directly.

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Wednesday, April 5, 2023 11:19 AM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** EAW deadline date is 4/25/2023

Dear Duluth Planning Commission,

The deadline verbiage for an EAW decision may be a little confusing for some as noted in the Planning Commission's Agenda posting for the upcoming April 11th meeting.

To clarify, Planning Commission has through April 25th, 2023 to make a decision on the EAW. If you need further verification, please contact Jesse Krzenski, Environmental Review Program Administrator.

[jesse.krzenski@state.mn.us](mailto:jesse.krzenski@state.mn.us)

**Minnesota Environmental Quality Board**

520 Lafayette Road  
St. Paul, MN, 55155  
651-757-2223

Thank you,  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)



PL 23-053 16

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Wednesday, April 5, 2023 8:38 AM  
**To:** Adam Fulton (afulton@DuluthMN.gov)  
**Cc:** Jennifer Moses; Ryan Pervenance  
**Subject:** FW: EAW Assessment for proposed hotel in Duluth Heights

Commissioners,

Below, please find correspondence related to the EAW matter on the 4/11 meeting.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Linda Herron <[larkspurherron@q.com](mailto:larkspurherron@q.com)>  
**Sent:** Tuesday, April 4, 2023 7:57 PM  
**To:** planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Subject:** EAW Assessment for proposed hotel in Duluth Heights

Dear Planning Commission,

As a Duluth resident, I care about the environmental health of the community, specifically the impacts of increased impervious surfaces in proximity to wetlands. Therefore, I am writing to ask that you support the Citizens' Petition for an EAW regarding the proposed hotel on the corner of Sundby Road and Page street (PL22-143)

Given the existence of wetlands on the property and its adjacency to an impaired trout stream, Miller Creek, it would be the city of Duluth's responsibility to fully ensure that our natural resources are being well protected. As we know, it is very time consuming and expensive to clean up pollution or damage caused by oversight in the planning process of infrastructure. The \$965,00 already spent on the clean up of Miller Creek, for example.

An EAW is a necessary first step in preventing additional contamination of our waterways, and, ultimately, our source of drinking water.

Thank you for your consideration of our petition on this important issue.

Linda Herron  
2617 E. Fifth St.  
Duluth, MN 55812

PL 23-053 17

**Adam Fulton**

---

**From:** Becca Mulenburg <beccamulenburg@yahoo.com>  
**Sent:** Wednesday, April 5, 2023 7:01 PM  
**To:** Adam Fulton  
**Subject:** Fw: EAW deadline date is 4/25/2023

Never mind.....spam got me again.

----- Forwarded Message -----

**From:** Becca Mulenburg <beccamulenburg@yahoo.com>  
**To:** Adam Fulton <afulton@duluthmn.gov>  
**Sent:** Wednesday, April 5, 2023 at 05:03:41 PM CDT  
**Subject:** Fw: EAW deadline date is 4/25/2023

Adam,  
Please acknowledge you have passed this email on to the Planning Commission.  
-Becca

----- Forwarded Message -----

**From:** Becca Mulenburg <beccamulenburg@yahoo.com>  
**To:** planning@duluthmn.gov <planning@duluthmn.gov>  
**Sent:** Wednesday, April 5, 2023 at 11:18:42 AM CDT  
**Subject:** EAW deadline date is 4/25/2023

Dear Duluth Planning Commission,

The deadline verbiage for an EAW decision may be a little confusing for some as noted in the Planning Commission's Agenda posting for the upcoming April 11th meeting.

To clarify, Planning Commission has through April 25th, 2023 to make a decision on the EAW. If you need further verification, please contact Jesse Krzenski, Environmental Review Program Administrator.

jesse.krzenski@state.mn.us  
**Minnesota Environmental Quality Board**  
520 Lafayette Road  
St. Paul, MN, 55155  
651-757-2223

Thank you,  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 18

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Thursday, April 6, 2023 10:18 AM  
**To:** Adam Fulton  
**Cc:** Ryan Pervenance; Jennifer Moses  
**Subject:** FW: Support the Citizens' EAW

Commissioners,

Attached, please find correspondence related to the petition for an EAW before the Commission at its April 11 meeting.

Thank you,

Adam Fulton | Deputy Director, Planning & Economic Development | he/him/his | City of Duluth | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | afulton@duluthmn.gov

-----Original Message-----

From: susan darley-hill <susiedarleyhill@gmail.com>  
Sent: Thursday, April 6, 2023 8:09 AM  
To: planning <planning@DuluthMN.gov>  
Subject: Support the Citizens' EAW

Greetings Members of the Planning Commission,

I hope that you support the Citizen's Petition for an EAW regarding the proposed hotel at the corner of Sundby Road and Page St.

The close proximity of the proposed hotel, its construction and permanent disturbance, and associated hard scape to Miller Creek and wetlands begs extra attention, concern, and scrutiny before the first shovel goes in the ground.

There is no substitute for clean water and an intact, functioning wetland serving to protect the watershed that encompasses healthy neighborhoods and a natural landscape that is resilient to weather extremes.

Any proposed action that threatens this requires study and thought.

Please support the EAW and give utmost consideration to the findings.

Susan Darley-Hill  
1710 E 7th St  
Duluth, MN 55812



PL 23-053 19

**Adam Fulton**

---

**From:** Adam Fulton  
**Sent:** Thursday, April 6, 2023 5:05 PM  
**To:** 'Becca Mulenburg'  
**Cc:** Jean Coleman; Ethan Scrivner  
**Subject:** RE: request to clarify speaking timeline

Ms. Mulenburg,

This is received, and has been provided to President Nelson.

Thank you,

Adam

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Thursday, April 6, 2023 11:52 AM  
**To:** Adam Fulton <[afulton@DuluthMN.gov](mailto:afulton@DuluthMN.gov)>; planning <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Cc:** Jean Coleman <[jcoleman@DuluthMN.gov](mailto:jcoleman@DuluthMN.gov)>; Ethan Scrivner <[escrivner@DuluthMN.gov](mailto:escrivner@DuluthMN.gov)>; Ryan Pervenance <[rpervenance@DuluthMN.gov](mailto:rpervenance@DuluthMN.gov)>  
**Subject:** Re: request to clarify speaking timeline

Dear Adam Fulton; Planning Commission President; to whom it may concern,

More clarification is needed as soon as possible. On behalf of the community that I'm representing, well over 100 petitioners, I need to know the following in preparation for April 11th's meeting.

1. As with other Planning Commission meetings, is the April 11th meeting open to the public? yes/no It says 'PUBLIC HEARINGS' in the Agenda and under new business, PL23-053 will be heard addressing the EAW.
2. Will the public be allowed to speak? Yes/no I assume yes, PL23-053 is on the Agenda. If so, at what point during the Planning Commission's meeting will that be? For example, will it be at the beginning of the 'PUBLIC HEARINGS' in the Agenda for PL23-053 which takes place towards the end of the Agenda? Will it be when the Planning Commission begins at 5:00?
3. The bylaws say 15 minutes in total is the limit for proponents. This could be any combination of people within the timeframe of 15 minutes. 15 people could get up and speak for one minute each. I have read the bylaws. The bylaws do not limit it to 5 people at 3 minutes each as you have underlined below. Agree? yes/no
4. Please ask the Commission President (I don't have emails for the Planning Commission unlike City Council which is unfortunate because this probably goes to all Commissioners) if they will allow for a special public comment period on the EAW PL23-053. If so, when will it be, and will it be different than the by-laws indicate? For example, I would like to know if I can speak longer than three minutes



and have it be outside of the 15 minute restriction for proponents. For example, may I speak for up to 10 minutes, and also have proponents speak for up to an additional 30 minutes outside of my 10 minutes?

Thanks,  
Becca

On Thursday, April 6, 2023 at 10:12:34 AM CDT, Adam Fulton <[afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)> wrote:

Ms. Mulenberg,

The information you have presented below is incorrect.

The item for the Planning Commission to consider is whether the petition for an EAW merits a determination that an EAW is required, or not required. The Planning Commission must make findings in support of one or the other decision. No public hearing is required.

Should the President of the Planning Commission and/or the Commission itself decide that public comment is warranted, I would anticipate that the Planning Commission will follow its bylaws and standing rules for public hearings. The bylaws provide for a maximum of 15 minutes total in public comment on any given agenda item. The bylaws allow for five speakers in favor of the item, and five speakers in opposition to the item, and each speaker is allotted a total of 3 minutes each. The applicable bylaws provision is attached for your review.

At the discretion of the Commission, the Commission may elect to modify total time limits for speakers. This correspondence between you and the City will be provided to the Commission in advance of their meeting so they will be aware of your request. It will also be added to the record.

Please let us know if you have further questions.

I would also like to make sure you are aware that I will be out of office during the week of April 10<sup>th</sup>. Further correspondence on this matter should be directed to [planning@duluthmn.gov](mailto:planning@duluthmn.gov), or to Ryan Pervenanze, Manager of Planning & Development, at [rpervenanze@duluthmn.gov](mailto:rpervenanze@duluthmn.gov).

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

From: Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
Sent: Thursday, April 6, 2023 9:15 AM  
To: Jennifer Moses <[jmoses@DuluthMN.gov](mailto:jmoses@DuluthMN.gov)>  
Subject: request to clarify speaking timeline

Hi Jennifer,

As the rep. for 100+ citizens of Duluth regarding the Citizens' Petition for an EAW, there is a planning meeting next Tues., April 11. We have a question on the bylaws regarding speaking time (bylaw attached - we have read it).

Is the following correct?

1. As the representative of the petition, I, Becca Mulenburg will be given 15 minutes to speak.
2. All *other* proponents are given a total of 15 minutes, with no individual speaker given longer than 3 minutes.
3. Opponents are given a total of 15 minutes, with no individual speaker given longer than 3 minutes.

Please let me know if the above is correct.

As a request, I would like to extend the speaking time for #2 above to a total of 30 minutes. In other words, I would still have 15 minutes to speak, other proponents would have a total of 30 minutes. Can you please ask the commission if they would allow this for the meeting?

Thank you!

Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 20

**Adam Fulton**

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**From:** Adam Fulton  
**Sent:** Thursday, April 6, 2023 10:12 AM  
**To:** Becca Mulenburg  
**Cc:** Jean Coleman; Ethan Scrivner  
**Subject:** RE: request to clarify speaking timeline  
**Attachments:** Time Limits.png

Ms. Mulenburg,

The information you have presented below is incorrect.

The item for the Planning Commission to consider is whether the petition for an EAW merits a determination that an EAW is required, or not required. The Planning Commission must make findings in support of one or the other decision. No public hearing is required.

Should the President of the Planning Commission and/or the Commission itself decide that public comment is warranted, I would anticipate that the Planning Commission will follow its bylaws and standing rules for public hearings. The bylaws provide for a maximum of 15 minutes total in public comment on any given agenda item. The bylaws allow for five speakers in favor of the item, and five speakers in opposition to the item, and each speaker is allotted a total of 3 minutes each. The applicable bylaws provision is attached for your review.

At the discretion of the Commission, the Commission may elect to modify total time limits for speakers. This correspondence between you and the City will be provided to the Commission in advance of their meeting so they will be aware of your request. It will also be added to the record.

Please let us know if you have further questions.

I would also like to make sure you are aware that I will be out of office during the week of April 10<sup>th</sup>. Further correspondence on this matter should be directed to [planning@duluthmn.gov](mailto:planning@duluthmn.gov), or to Ryan Pervenance, Manager of Planning & Development, at [rpervenance@duluthmn.gov](mailto:rpervenance@duluthmn.gov).

Thank you,

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Thursday, April 6, 2023 9:15 AM  
**To:** Jennifer Moses <[jmoses@DuluthMN.gov](mailto:jmoses@DuluthMN.gov)>  
**Subject:** request to clarify speaking timeline

Hi Jennifer,

As the rep. for 100+ citizens of Duluth regarding the Citizens' Petition for an EAW, there is a planning meeting next Tues., April 11. We have a question on the bylaws regarding speaking time (bylaw attached - we have read it).



Is the following correct?

1. As the representative of the petition, I, Becca Mulenburg will be given 15 minutes to speak.
2. All *other* proponents are given a total of 15 minutes, with no individual speaker given longer than 3 minutes.
3. Opponents are given a total of 15 minutes, with no individual speaker given longer than 3 minutes.

Please let me know if the above is correct.

As a request, I would like to extend the speaking time for #2 above to a total of 30 minutes. In other words, I would still have 15 minutes to speak, other proponents would have a total of 30 minutes. Can you please ask the commission if they would allow this for the meeting?

Thank you!  
Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053 21

**From:** [Becca Mulenburg](#)  
**To:** [planning](#)  
**Cc:** [Jean Coleman](#); [Ethan Scrivner](#)  
**Subject:** Visual requested for April 11th meeting  
**Date:** Friday, April 7, 2023 3:37:02 PM  
**Attachments:** [posterboard\\_sm.pdf](#)

---

Dear Planning Commission President Nelson,

In addition to my request to speak for a longer amount of time (Adam Fulton notified me at 5:05 pm yesterday that he had sent my request to you, I emailed at 11:52 am), I would like to request the aid of one visual posterboard, sized 22x30. See attached. It would go a long, long way towards helping me explain very important information to the Planning Commission.

I will patiently wait for your reply, thank you!

Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

**From:** raxler University of Minnesota  
**To:** planning  
**Subject:** Sundby Rd Kinseth Hotel Project: EAW PL23-053 (Miller Creek Watershed, Duluth, MN)  
**Date:** Saturday, April 8, 2023 7:34:20 PM

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April 9, 2023

Dear City of Duluth Planning & Economic Development Department,

I strongly support the need for an EAW (EAW PL23-053) for the Kinseth Hotel Project near Sundby Rd in the Miller Creek Watershed. I have reviewed the documents previously submitted to the City by the *Save Duluth Heights* citizen's group (<https://www.imagine-dn.org/>), which included an excellent letter to the City stating the need for an EAW (dated Dec 19, 2022) from the McCabe chapter of the Izaak Walton League (IWLA), which listed many of the key issues of concern. In addition to describing the strong scientific basis for a thorough environmental assessment of the project, the IWLA letter did an excellent job of summarizing many of the wonderful actions the City has taken over the past decade or so to provide wise environmental and economic management of its natural resources, and how inconsistent it would be, given its prior environmental commitments to its many partner agencies and organizations, if it allowed this project to proceed without a supporting EAW that was subject to careful scientific and economic scrutiny.

In regard to the "...disconnect between stated priorities and decisions on the ground..." comment in the IWLA letter, I would also add that the City has been an extremely important partner in the >\$half-billion restoration of the St. Louis River AOC over the past decade or so, and that the removal of Miller Creek's water quality, habitat, and aquatic organism Impairments is an important part of this enormous undertaking. Further, in addition to the nearly \$1 million restoration project now in progress in the vicinity of the Hotel project, one can conservatively estimate the magnitude of the actual dollars and agency (local, state, and federal) effort already invested in the Miller Creek watershed over the past 30 years, to be of the order of at least tens of millions of dollars and tens of thousands of hours of agency staff time. It seems imprudent to me for the City to not thoroughly evaluate the project's true costs to the public, and ensure that it is consistent with its stated natural resources management and sustainability goals and policies. There are at least 16 trout streams within City limits, many with existing Impairments that will require creative planning, leadership, financing, and ultimately public support to fix. Miller Creek has the most urbanized watershed in the region and considering the wealth of environmental expertise, energy, and financial resources now focused on the headwaters of the Great Lakes, it seems like a perfect time to tackle this issue in an equitable manner and provide a template for effectively managing all of its other water resources.

I am a 35 year resident of Duluth and a professional limnologist specializing in water quality and aquatic ecology issues in lakes, streams and wetlands. I recently retired from the U. of Minnesota-Duluth's Natural Resources Research Institute after 30 years directing the activities of its Central Analytical Laboratory. In particular, I was the University lead for a team of scientists and educators from UMD's NRRI and Minnesota Sea Grant that partnered with the City of Duluth Stormwater Program and the MN Pollution Control Agency to obtain a grant from U.S.EPA in 2002 to create the [www.duluthstreams.org](http://www.duluthstreams.org) project whose goal was to improve environmental decision making by citizens, agencies, and businesses by improving understanding of the nature and true costs of degraded stormwater. This Partnership has continued for over 20 years and included the creation of the Regional Stormwater Protection Team (RSPT) led by the Cities of Duluth, MN and Superior, WI which consists of 26 agencies and organizations collaborating to foster water pollution prevention as the preferred strategy for agencies to manage water resources. Collectively, these efforts have received numerous regional, state, and federal awards and more than 75 grants totaling > \$7.5 million to the university team since 2002. Duluth's stormwater pollution prevention efforts have been pioneering in Minnesota and the Great Lakes region.

Respectfully,

Richard Axler, PhD Limnology/Aquatic Ecology

201 Fairmont St, Duluth, MN 55803



PL 23-053 23

**From:** [dzentnermn@gmail.com](mailto:dzentnermn@gmail.com)  
**To:** [planning](#)  
**Cc:** "[Julie O'Leary](#)"; "[RICHARD AND CAROL STAFFON](#)"; "[Jill N. Crawford-Nichols](#)"; "[gmerrick](#)"  
**Subject:** Sunby Road Hotel project-Kinseth Hospitality--  
**Date:** Sunday, April 9, 2023 7:37:50 PM

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Dear Planning Department Staff—attn Adam Fulton

Dear Planning Commission

RE: Miller

Creek—Kinseth Hospitality Hotel development—in support of approving the request to complete an EAW--

I am commenting on the proposed Hotel project involving Kinseth Development as a citizen of Duluth since 1955, as well as an active environmentalist for over six decades. I am a retired business person, active in the business community and for many years a member of Duluth Chamber of Commerce. My volunteer work as an environmental activist has included considerable experience on matters related to watersheds in general. Duluth watersheds in particular.

I chaired the former Miller Creek Task Force for several years in an effort to bring Duluth and Hermantown together in balancing needed development with the protection and restoration of Miller Creek WS- its natural function and its fishery.

Declaring as Duluth has done, and continues to emphasize, our natural amenities among our highest priorities requires walking the talk. I well realize that honoring declarations with consistency can be difficult for all of us from time to time. Changing doing business as usual is challenging. It can add immediate cost, and, evoke criticisms that we are anti business.

There is another economic issue here. We often, do not connect the real cost of many projects. We seldom connect the economic burden on tax-payers that results from projects in and near streams that risk ending up being the tipping point for an entire watersheds resiliency, its functions.

We often do not understand the interrelationships between the terrestrial

landscapes and the stream, each potentially complimenting or threatening the others health. With climate change even sophisticated restoration efforts excuted by highly qualified public and private sector specialists may not be effective. Restoration efforts may have very short life expectancy due to increasing frequency and ferocity of weather systems. All at great cost. We do not connect the dots. We soon forget about infrasturcture damage from previous historic flood events and their relationship in part to development decisions of the past.

The source of much of this is the constant pressure to generate tax revenue streams and enthusiastic developers. Often it is difficult, if not impossible to cite a specific project as the source of lost watershed function. It is what we call cumulative effects. Death by a thousand cuts.

Miller Creek WS originates in the area of the airport. Fifty percent of the WS is said to have been diverted to Rice Lake (ditch crosses Martin Road) decades ago. Miller Hill Mall was constructed without incorporating applications that could have softened the blow to the stream as the result of many acres of impervious surface. We missed a significant opportunity to design and execute a mall that featured as natural a stream morphology as possible. Really make it unique, as well as reflecting its citizens values.

The above referred Task Force planted trees to provide shade- that would mitigate temperature impacts. We sourced out ground water upwellings that needed to be protected for their cooling effects for the fishery. We picked up litter. Gave periodic up-dates to Duluth and Hermantown city councils. We secured public dollars to restore the stream from its sediment impairment and built a sediment trap near JC Penny. The task force assisted in the creation of an easment now protecting a portion of the riparian area near this project.

All good— but not enough. The Brook Trout population in the Miller Hill Mall area today reflects the conversion of a WS from natural to impaired. We've converted the upper stream to a flood prone, drought vulnerable, biologically limited resource. Fortunately as Miller Creek leaves the intrensely developed

Mall area, and the gradient increases, Miller Creek begins to show its resiliency as it gathers steam headed to its lower reaches. Spring seeps provide relief, rapids mitigate fatal temperature levels, oxygen levels rise, and brook trout, (a Char) are present again.

Conclusion:

An EAW should be mandatory requirement for every project in an impaired watershed. It is not. In the absence of a required EAW-the City of Duluth Planning Commission should recommend that an EAW be done regardless of the statute book. An EAW is a minimal review. A community that proclaims its future is directly related to its natural amenities should not fail this responsibility. It is implicit, and we should do it enthusiastically.

We've had many lessons, the instruction should be clear.

Thank-you;

Dave Zentner  
2116 Columbus Avenue  
Duluth, MN 55803  
218-724-3926



PL 23-053 24

April 9, 2023

Planning Commission, Care of Adam Fulton  
411 West First Street, Room 160,  
Duluth, MN 55802

**"In Support of the Citizens' Petition for an EAW PL23-053"**

Dear Planning Commission,

This letter is in support of the Citizen's petition requesting an Environmental Assessment Worksheet (EAW) be completed involving the proposed hotel at the corner of Sundby Road and Page Street.

As a citizen of Duluth I have been involved with Miller Creek for 30 years as a scientist, college professor, and fisherman. In that time I have participated in and observed the hard work of Duluth citizens as volunteers, natural resource agencies, businesses, and government officials to protect Miller Creek from encroaching development, restore its watershed function, and maintain Miller Creek's value as a neighborhood and public natural resource. That work includes:

- retrofitting the mall parking lot with sediment traps
- removing contaminated soil and installing a major detention pond to replace a gas station and restaurant along the stream's margin
- extensive volunteer tree planting
- securing funds for and construction of a \$130,000 sediment trap
- reconnecting Miller Creek to the wetlands behind Kohl's for nearly \$1,000,000
- the construction and maintenance of a public interpretive trail on the Lake Superior College campus
- repair of damage to Lincoln Park following the 2012 flood
- environmental engineering and work to mitigate future damage to Lincoln Park

Today Miller Creek supports a naturally reproducing brook trout population from the Chambersburg Road area downstream to Lincoln Park. It is



extraordinarily unusual for a stream with an estimated 22% impervious surface in its watershed to support such a population; cold water inputs that so far have been large enough get much of the credit for this phenomenon. The beneficiaries of Miller Creek's ability to withstand the upstream development are the residents of the Piedmont neighborhood, students and staff of Lake Superior College, and individuals from across the city that regularly walk the beautiful Miller Creek Interpretive Trail. Others come to fish and do catch brook trout. Minnesota Department of Natural Resources data shows that Miller Creek is the best brook trout stream within the city of Duluth. The area of the Miller Creek that is best known to Duluth's citizens is within Lincoln Park where local residents picnic, swim, and walk the trails, including the Superior Hiking Trail as it traverses the watershed. Miller Creek is a very valuable, but threatened part of Duluth's outdoor natural and recreational heritage.

Understanding the relationship between what we do on the landscape and how it impacts watersheds is a science in flux as climate changes. Investigating the potential for impacts and erring on the side of caution has not historically been done and we have paid the price. Going forward we may not be able to pay the price when we crowd best management practices into already crowded landscapes.

This proposed hotel development threatens the function of wetlands for storage of water in the middle portion of watershed and will not help with the threat of large 2012-like rainfalls that are likely to occur in the future. The memory of the 2012 flood in the mall area should reflexively encourage the city of Duluth to increase water storage via functional wetlands in the Miller Creek watershed as matter of necessity. While onsite parking lot design for this hotel may meet modern standards this development has not been scrutinized for how it will impact the whole watershed. After the large investments using public money on a stream with 4 recognized impairments (TMDL's for temperature, sediment, chlorides, and mercury) it seems disrespectful to Duluth's citizens to not conduct due diligence in this matter.

While the hotel is my immediate concern, the landowner controls over 30 more acres along Sundby Road adjacent to Miller Creek that will likely see similar proposals in the coming years. A great deal of the work that the Duluth Planning Commission does on behalf of the city council and citizens

of Duluth relies upon established zoning and regulations, but this project does not fit those norms because it has the potential to have an impact beyond its immediate landscape. The cumulative impacts of development on watersheds are difficult to measure and with over 60 years of accumulated pavement on the ground in the Miller Creek portion of the Miller Mall Corridor it is time that we take the time to understand what we are doing.

The evidence that we have damaged Miller Creek's water quality, biota, and watershed function is not open to question. In an impaired watershed in a community that proclaims its future depends on its natural amenities it is the responsibility of the Duluth Planning Commission to require that an Environmental Assessment Worksheet be completed.

Sincerely, Glenn Merrick

218-391-0264  
1219 105<sup>th</sup> Ave. W.  
Duluth, MN 55808



PL 23-053 25



Brandon Kime, Chapter President  
Gitche Gume Trout Unlimited  
3717 E. 3rd Street Duluth, MN 55804  
218-310-0045  
brandon.kime@gmail.com

April 10, 2023

Dear City of Duluth Planning Commission:

I am writing on behalf of Gitche Gume Minnesota Trout Unlimited in support of the Planning Commission to require an Environmental Assessment Worksheet (EAW) be completed for the proposed hotel development that is being considered next to Miller Creek. An EAW will help determine if an Environmental Impact Study (EIS) is needed to mitigate any negative development impacts with this project to Miller Creek.

Gitche Gume Trout Unlimited (GGTU) is a conservation organization with several hundred members in Northeast Minnesota. They collectively are working to protect, restore, and sustain coldwater fisheries, their watersheds and groundwater sources in the area. GGTU members are specifically interested in the streams and rivers of the Superior North Shore, and fish the Miller Creek. In support of stream health, the chapter has engaged with tree planting and other restoration work in this watershed.

GGTU and its partners continue to support and volunteer with projects that restore and reconnect habitat for native brook trout in North Shore rivers in Minnesota. Miller Creek, once a thriving trout stream within the city limits of Duluth, has been a victim of urban sprawl as commercial developments have expanded into the upper watershed of this pristine creek. Because of these developments, Miller Creek is listed as an impaired body of water by the Minnesota Pollution Control Agency.

Without the necessary science and review, trout streams are particularly vulnerable to the impacts of temperature changes. With Miller Creek, the commercial developments brought an increase of impervious surfaces as well as increase stormwater into this watershed that have resulting in increase temperate thresholds, negatively impacting the Miller Creek fishery. We believe that science should drive good management decisions. An EAW will help decision makers to determine if an EIS is needed to further review & regulate impact to habitat availability, habitat use, fish movement, including during the critical periods of low flow and high-water temperatures. Without an EAW, environmental concerns cannot be identified and continued pollution of the watershed will happen.

Any type of construction project that is this close to a designated trout stream should have all the facts and science to help review further environmental impacts which could affect our ability to enjoy and fish Miller Creek today and in the future.

Sincerely,

/s/ Brandon Kime

PL 23-053

26

**From:** [planning](#)  
**To:** ["Becca Mulenburg"; planning](#)  
**Cc:** [Jean Coleman](#); [Ethan Scrivner](#)  
**Subject:** RE: Visual requested for April 11th meeting  
**Date:** Tuesday, April 11, 2023 8:39:00 AM  
**Attachments:** [image001.png](#)

---

Hello Becca –

Thank you for your inquiry. We will provide the correspondence to the commissioners, unfortunately, we are unable to provide you with a posterboard. It isn't standard protocol to provide resources for presentations that are not presented by city staff.

Cindy



**Cindy Stafford - City of Duluth**  
Planning & Economic Development  
411 W. 1<sup>st</sup> St. Room 160, Duluth, MN 55802  
[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 730-5161

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Friday, April 7, 2023 3:36 PM  
**To:** [planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)  
**Cc:** Jean Coleman <[jcoleman@DuluthMN.gov](mailto:jcoleman@DuluthMN.gov)>; Ethan Scrivner <[escrivner@DuluthMN.gov](mailto:escrivner@DuluthMN.gov)>  
**Subject:** Visual requested for April 11th meeting

Dear Planning Commission President Nelson,

In addition to my request to speak for a longer amount of time (Adam Fulton notified me at 5:05 pm yesterday that he had sent my request to you, I emailed at 11:52 am), I would like to request the aid of one visual posterboard, sized 22x30. See attached. It would go a long, long way towards helping me explain very important information to the Planning Commission.

I will patiently wait for your reply, thank you!

Becca

Becca Mulenburg  
1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)



PL 23-053

27

**From:** [planning](#)  
**To:** "Becca Mulenburg"; [planning](#)  
**Cc:** [Jean Coleman](#); [Ethan Scrivner](#)  
**Subject:** RE: Visual requested for April 11th meeting  
**Date:** Tuesday, April 11, 2023 9:05:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello Becca –

Thank you for your clarification. Yes, please feel free to bring your visual aid.

Cindy



**Cindy Stafford - City of Duluth**  
Planning & Economic Development  
411 W. 1<sup>st</sup> St. Room 160, Duluth, MN 55802  
[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 730-5161

**From:** Becca Mulenburg <[beccamulenburg@yahoo.com](mailto:beccamulenburg@yahoo.com)>  
**Sent:** Tuesday, April 11, 2023 8:44 AM  
**To:** [planning](#) <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>; [planning](#) <[planning@DuluthMN.gov](mailto:planning@DuluthMN.gov)>  
**Cc:** Jean Coleman <[jcoleman@DuluthMN.gov](mailto:jcoleman@DuluthMN.gov)>; Ethan Scrivner <[escrivner@DuluthMN.gov](mailto:escrivner@DuluthMN.gov)>  
**Subject:** Re: Visual requested for April 11th meeting

Hi Cindy,

Just to clarify, I'm not asking to be *provided* with a posterboard. I would be bringing it, all prepared. It would really help me explain new information. Please respond, thank you!

Becca

On Tuesday, April 11, 2023 at 08:39:36 AM CDT, [planning](#) <[planning@duluthmn.gov](mailto:planning@duluthmn.gov)> wrote:

Hello Becca –

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1649 W Page St  
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218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053

28

**From:** [planning](#)  
**To:** ["Becca Mulenburg"; planning](#)  
**Cc:** [Jean Coleman](#); [Ethan Scrivner](#)  
**Subject:** RE: Visual requested for April 11th meeting  
**Date:** Tuesday, April 11, 2023 9:08:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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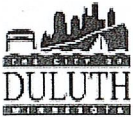
Hello Becca –

Please see the information below from Jean Coleman:

As related earlier from Adam to Ms. Mullenberg, the decision on speaking time is a decision of the planning commission, not staff. The planning commission can not make a decision except at the meeting.

Jean

Thanks, Cindy



**Cindy Stafford -City of Duluth**  
Planning & Economic Development  
411 W. 1<sup>st</sup> St. Room 160, Duluth, MN 55802  
[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 730-5161

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**Sent:** Tuesday, April 11, 2023 8:52 AM  
**To:** [planning <planning@DuluthMN.gov>](mailto:planning@DuluthMN.gov)  
**Cc:** Jean Coleman <[jcoleman@DuluthMN.gov](mailto:jcoleman@DuluthMN.gov)>; Ethan Scrivner <[escrivner@DuluthMN.gov](mailto:escrivner@DuluthMN.gov)>  
**Subject:** Re: Visual requested for April 11th meeting

Hi again Cindy,

Also, I haven't heard back from planning regarding my requests about speaking time sent via emails on April 6th and 7th. We will be going under the assumption that proponents will have a total of 15 minutes to speak per the bylaws. However that is divided up in time per speakers will be variable, but we will be respectful of everyone's time while providing important information.

Thank you,  
Becca

On Tuesday, April 11, 2023 at 08:39:36 AM CDT, planning <[planning@duluthmn.gov](mailto:planning@duluthmn.gov)> wrote:

Hello Becca –

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**Cindy Stafford - City of Duluth**

Planning & Economic Development

411 W. 1<sup>st</sup> St. Room 160, Duluth, MN 55802

[cstafford@duluthmn.gov](mailto:cstafford@duluthmn.gov) Phone (218) 730-5161

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**Sent:** Friday, April 7, 2023 3:36 PM

**To:** planning <[planning@duluthmn.gov](mailto:planning@duluthmn.gov)>

**Cc:** Jean Coleman <[jcoleman@duluthmn.gov](mailto:jcoleman@duluthmn.gov)>; Ethan Scrivner <[escrivner@duluthmn.gov](mailto:escrivner@duluthmn.gov)>

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I will patiently wait for your reply, thank you!



Becca

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1649 W Page St  
Duluth, MN 55811  
218-464-1251 (home/landline)  
218-380-7349 (cell/text)

PL 23-053

29

**From:** jo haubrich  
**To:** planning  
**Subject:** Support for the Citizen's of EAW  
**Date:** Tuesday, April 11, 2023 10:47:51 AM

---

Date April 11, 2023

Planning Commission, Care of Adam Fulton  
411 West First Street, Room 160,  
Duluth, MN 55802

Dear Mr. Fulton:

Today at the Planning commission meeting you will be reviewing the EAW petition on behalf of over 200 signatures to uphold further scrutiny of the hotel project on Sunby Rd. I am writing to ask that you support the Citizens' Petition for an EAW regarding the proposed hotel on the corner of Sundby Road and Page Street (PL22-143).

The citizens of our community are not negating the development of hotels for the City of Duluth.. What we are requesting is a moral and ethical decision about what environmental impacts this will have on Duluth's future. The impact in this area will set the stage for what will happen 10, 20, 50 years from now. We cannot afford to dismiss the actions of the Duluth communities for the sake of higher tax revenue.

Given the existence of wetlands on the property and its adjacency to an impaired trout stream, Miller Creek, it makes perfect sense to me that due diligence occurs to fully ensure our natural resources are being well protected. Water is easy to contaminate but difficult and expensive to clean up. This is abundantly clear in the \$965,000 already spent on the clean- up of Miller Creek. An EAW is a positive step toward preventing contamination of our waterways, and ultimately, our drinking water.

Clean water is essential for good health and clean water supports economic development, especially for businesses that rely on it. When the benefits are so great and there is no harm done, what reasons could you have to deny this EAW? As the Planning Commission, you need to be planning for the future of our city. A city is dependent on their clean water, ample green space and an environmentally sound future. You owe it to the community who has entrusted our future to this commission to provide the highest level of care before a poor decision causes irreversible harm.

Thank you so much for your help.

Sincerely,

Jo Haubrich

Dick Higgins

**1513 W. Morgan St.**  
**Duluth, MN 55811**  
**Cell: 218-464-3942**

PL 23-053

30



# SIERRA CLUB

NORTH STAR CHAPTER

City of Duluth Planning Commission  
411 W. First Street, Rm 160  
Duluth MN 55802  
Via email [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

April 10, 2023

Re: Sierra Club Support for EAW, Kinseth Hotel Development

Planning Commission Members,

We write on behalf of the Minnesota Sierra Club North Star Chapter to ask that you support the Citizens' Petition for an EAW regarding the proposed hotel on the corner of Sundby Road & Page Street, only 150 feet away from Miller Creek, an impaired trout stream.

Past developments have already negatively impacted Miller Creek and surrounding wetlands. The creek should not be taken for granted and it is important that cumulative impacts be studied. Further impairment should not be tolerated and existing impairment should be corrected. Increasing impervious surfaces could adversely affect the creek's flow and degrade water quality.

We urge you to require an EAW for this project. Thank you for your consideration and for the opportunity to comment.

Sincerely,

Tom Thompson  
Co-Chair  
Sierra Club North Star Chapter