



## RESOLUTION # 07:02-22

### RESOLUTION OF THE EAST GULL LAKE CITY COUNCIL MAKING A NEGATIVE DECLARATION ON THE NEED FOR ADDITIONAL ENVIRONMENTAL REVIEW FOLLOWING THE COMPLETION OF AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR THE PROPOSED MAXSON DEVELOPMENT

**Whereas**, an EAW is a document which is designed to set out the basic facts necessary to determine whether an Environmental Impact Statement (EIS) is required for a proposed action. The purpose of the EAW process is to disclose information about potential environmental impacts of a project. The worksheet contains a series of questions to provide background on the project, describe the project's environmental setting, identify the potential for environmental harm, and describe plans to reduce the harm.

**Whereas**, the proposed Maxson Development meets the mandatory threshold for an Environmental Assessment Worksheet (EAW) according to MN Rules 4410.4300 subpart 19A (Residential Development).

**Whereas**, an Environmental Assessment Worksheet has been prepared by the City of East Gull Lake according to MN Rules 4410 and Environmental Quality Board guidance documents.

**Whereas**, no governmental approvals may be given to the proposed project, nor construction initiated, until the need for an Environmental Impact Statement (EIS) has been determined. Construction includes any activities which directly affect the environment, including the preparation of land. If the decision is to prepare an EIS, approval must be withheld until an EIS is completed.

**Whereas**, comments have been received during a 30-day public comment period from May 24, 2022 through June 23, 2022 following publication in the Environmental Quality Board Monitor and local public notice. Comments were received from four (4) individual and four (4) state agencies. Two of the comments were received outside of the comment period but have been included as they are relevant to the proposed development. Responses have been prepared by the City of East Gull Lake which address the comments received.

**Whereas**, independent of the EAW comment period, an open house on the project was held on June 2, 2022 to provide the opportunity for the public to receive additional information on the proposed project.

**Whereas**, The East Gull Lake Planning Commission made a recommendation to support a decision on a negative declaration on the need for an EIS at their regularly scheduled meeting on June 28, 2022.

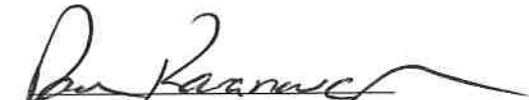
Findings for a negative declaration on the need for an EIS:

- The EAW and companion Response to Comments have identified and accurately described the anticipated impacts that would result from the proposed development. Completion of an EIS would not provide substantial new information.
- An active bald eagle's nest is located on the north side of the property. This will be avoided, and the project proposer will coordinate with the U.S. Fish and Wildlife Service to permit the completion of work in the vicinity of the nest to prevent disturbance.
- The proposed development will result in the conversion of land from undeveloped to developed. The City of East Gull Lake will review the development and approve through a Planned Use Development process.
- A stormwater management plan will be needed, and A National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency will be obtained prior to grading.
- The proposed development is completing cultural resource reviews and is coordinating through the State Historic Preservation Office, Office of State Archeologist, and Minnesota Indian Affairs Council. The City of East Gull Lake may require modification of plans if the survey identifies cultural or archeological resources within the property.
- Coordination with Cass County will be required to finalize and complete the proposed improvements related to access changes on County State Aid Highway 77.


Based on information presented in the EAW, the comments/responses and supporting information, and given all of the above findings, the project does not have the potential for significant environmental effects. All environmental issues raised during the EAW process of which the City of East Gull Lake has control over have been addressed or will be addressed during subsequent permit processes. The City of East Gull Lake, as the Responsible Government Unit, determines that an Environmental Impact Statement is not necessary for the proposed project.

**NOW, THEREFORE, BE IT RESOLVED** that the East Gull Lake City Council makes a negative declaration regarding the need for additional environmental review following the completion of an Environmental Assessment Worksheet prepared for the proposed Maxson Development.

Adopted by the East Gull Lake City Council this 5<sup>th</sup> day of July 2022

  
David Kavanaugh, Mayor

ATTEST

  
Laura Christensen, City Administrator