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MINNESOTA SUPREME COURT RULES IN FAVOR OF THE ENVIRONMENT: MINNEAPOLIS 2040 PLAN THROWN INTO DOUBT

MINNEAPOLIS, February 10, 2020 – The Minnesota Supreme Court decided in favor of the plaintiffs in the case State of Minnesota by Smart Growth Minneapolis vs. City of Minneapolis, a landmark environmental case pitting environmental and environmental justice concerns versus the City’s 2040 Comprehensive Plan. Smart Growth Minneapolis was joined in the suit by co-plaintiffs, Audubon Chapter of Minneapolis and Minnesota Citizens for the Protection of Migratory Birds. The Court, in a landmark decision, determined that the Minnesota Environmental Rights Act (MERA) is available as a remedy to environmental harm caused by cities. The city must now evaluate and address the environmental consequences of the 2040 Plan.

The plaintiffs had hired the environmental consulting firm, Sunde Engineering, to study the environmental consequences of the plan. The Sunde Analysis concluded the Plan would “cause pollution and impairments to the environment” on a large scale, and that the level of development authorized by the plan would overwhelm “existing infrastructure that was implemented based on entirely different design criteria.” Sunde’s analysis found that the 2040 Plan “lacks the development of any specific criteria or mitigation steps necessary to reduce or minimize impacts resulting in likely pollution and harmful effects to natural resources.”

The plaintiffs argued the 2040 Plan violated the Minnesota Environmental Rights Act (MERA). They believe the 2040 Plan was the most radical deregulation of land use attempted by any city in the United States and had the potential for environmental harm. The City of Minneapolis sought to avoid environmental review.

The plaintiffs argued that a plan that pushed radical land use changes by allowing and encouraging far greater housing density must be required to consider the environmental consequences of that plan. They see the Minnesota Supreme Court’s decision as ensuring that plans with large development impacts provide better housing opportunities for all while also protecting the environment and addressing issues of environmental justice.

Nekima Levy Armstrong, a member of the plaintiff’s legal team, said “This legal challenge to the 2040 Plan being proposed by the city of Minneapolis provides a key opportunity to shine a light on the environmental impacts of the plan, coupled with the social justice issues that will have a disparate impact upon low-income communities of color. It is clear that the city failed in its duty to effectively engage the communities most impacted by this plan or to be transparent about the long-term unintended consequences that will ensue, which will likely include housing displacement and gentrification.”

Smart Growth Minneapolis and the Audubon Chapter of Minneapolis issued a joint statement saying, “The city lies in one of the most important migration corridors in our hemisphere” and “should honor the habitat needs of birds and other migratory beings as well consider the environmental consequences to the city’s residents.”

The plaintiffs will immediately seek an injunction to stay the 2040 Plan pending an analysis of the potential adverse environmental impacts of the Plan.

Smart Growth Minneapolis was formed by concerned citizens specifically to address the likely impacts of the Minneapolis 2040 Comprehensive Plan.

Audubon Chapter of Minneapolis, with 2,000 members, has roots extending back to 1915. Its mission is to advocate for birds and their habitats, educate broadly through bird-related activities, and engage all people who love birds and the natural world.

More information about SGM can be found at: [smartgrowthminneapolis.org](http://smartgrowthminneapolis.org).

More information about ACM can be found at: [minneapolisaudubon.org](http://minneapolisaudubon.org)

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