

City of Duluth
Planning Commission (Special Meeting)
October 27, 2015 Meeting Minutes
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the special meeting of the City Planning Commission at 5:00 p.m. on Tuesday, October 27, 2015, in City Hall Council Chambers.

Roll Call

Attending: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Garner Moffat, Heather Rand, Mike Schraepfer, and Zandra Zwiebel

Absent: Tim Meyer and Luke Sydow

Staff Present: Keith Hamre, Nate LaCoursiere, Kyle Deming, and Cindy Stafford

II. Old Business

PL 15-090 Decision on the Environmental Assessment Worksheet (EAW) for Hartley Park Phase 1 Implementation of the Master Plan.

Applicant: Kyle Deming gave an overview. The Duluth Planning Commission is the Responsible Governmental Unit (RGU) for the environmental review of the Hartley Park Phase 1 Implementation of the Park Master Plan. Ecological Consultant Jeff Lee of Barr Engineering addressed the commission. He noted the public comments and the responses they received including the impact on habitat. Details are listed starting on page 8 of their "Findings of Fact and Record of Decision Document" dated October 19, 2015. Management of the park is extremely important as good stewards of the land. Preservation by using a hands-off approach is not good stewardship. The EAW discusses the temporary dispersal of wildlife when human interaction occurs. Wildlife species are not going to leave the park because someone is hiking or biking along the trail system within the park. There will be a thinning of the red pine and aspens for habitat purposes. The project does not introduce invasive species; to the contrary, the plan is to remove and control the invasive buckhorn. The plan will not interfere with habitat connectivity. The buffer around the park will remain the same. In summation the project actually improves the habitat, reduces soil erosion and soil compaction, and removes buckhorn. Another issue raised is Hartley was classified as Preservation in the City's Comprehensive Plan. The Comprehensive Plan states that the designation is to preserve high-quality habitat including visual characteristics. Trails are allowed to provide access and protection. The park already has an extensive trail system and they are not interfering with preservation designation. Red pine thinning exhibits good forestry management practices by opening up the tree canopy to allow sub-canopy trees and other vegetation to become established. Lee discusses the environmental issues summary on Page 21. The land cover changes includes: aspen stand improvements, trail construction and new parking. Buckhorn (invasive species) will be removed from the park. The State Rules list four criteria that must be evaluated when determining whether or not an EIS is needed: 1) Type, extent and reversibility of environmental impacts; 2) Cumulative potential effects; 3) The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority; and 4) The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer including other EIS's. Lee welcomed questions. Garner Moffat asks about buckhorn removal specifics. The DNR recommends pulling the buckhorn, but if that's not possible to cut and then treat the stump with chemicals including round-up. How will the park remove it? Lee states the smaller buckhorn can be pulled up to about an inch in diameter. The larger sized buckhorn needs to be cut preferably in the fall. There are numerous chemicals (including round-up) for stump spraying/painting. Buckhorn removal is a war and if you don't use all the tools in your toolbox you will not win the war. Janet Kennedy asked the speaker about his background. Lee stated he has been an ecologist with Barr Engineering for 13 years, prior to this he was a natural resource manager for the Minneapolis parks system for 12 years. His training is in aquatic ecology, and for the past 25 years he has focused on eco-restoration work. Kennedy asked what

the benefit is of having an EIS. Lee noted an EIS is mainly for large complicated projects with no way to regulate it. For example, the proposal of a new gravel mine in the Mississippi river. Chair Zwiebel asked how the decision was formulated to have a voluntary EAW. Per Director Keith Hamre, the decision was made by administration to ensure they are looking at all aspects in order to be good stewards of the land. They wanted to tell the petitioners of the Hartley Mini Master Plan that the City was certain of what the impacts are, and to confirm they are doing the right thing. Moffat asked if it is a possibility to manage the buckthorn by using a cut and cover technique instead of a chemical alternative. He opposes Round-up (main chemical – glyphosate) and notes several countries including Canada have ban glyphosate, which the World Health Organization states is a probable cancer causing compound. Moffat is concerned if they use the chemical, it will have lasting environmental effects. If they use the chemical it would make him lean towards voting for the need of an EIS, otherwise he feels comfortable with the project. Lee referred to the 3rd question of if an EIS is necessary which states the project is subject to regulatory agencies approval. Pesticide use is regulated by federal and state agencies. He noted the buckthorn heat map in the EAW and stated that buckthorn covers about ¼ of the park. They need an effective and efficient way to manage it. There are other chemicals that can be used besides round-up. Based on no additional questions, Chair Zwiebel thanked Lee for his time.

Public: N/A. Public hearing held on 9/22/15 with additional comments accepted through 9/30/15.

Commissioners: Moffat would feel comfortable moving forward if round-up/glyphosate was not used. Lindsey Dean, the City's Manager of Parks and Recreation addresses the commission. There are many options the City can use. If it's a deciding factor, they don't have to use glyphosate. Heather Rand asked if the cost increases if an alternative is used. Dean stated she is not an expert in the matter, and relies on City staff as well as state and federal regulatory agencies for guidance. Dean stated her team says the cost is negligible. Round-up is not necessarily the preferred chemical. Mike Schraepfer asked about the effectiveness of Round-up versus alternatives. Lee stated he has been working with buckthorn for 20 years there a number of different chemicals used. Determining factors include, time of year, size of buckthorn, and worker safety issues. There are chemicals that are benign to the environment, but may have worker safety issues. From a worker perspective Round-up is the most benign. People use it in their yard to kill their dandelions. Schraepfer confirms they will use the most effective, safe and cost-efficient method. Moffat is still concerned with the use of glyphosate based on the WHO findings. He noted the water supply and the chemical possibly seeping in. Terry Guggenbuehl doesn't want to micro-manage the buckthorn situation. There are state and federal agencies that regulate this. He doesn't like the chemicals either, but they need to have the proper authorities make that decision. Schraepfer concurred. A motion was made – see below. Guggenbuehl thanks everyone involved. Hartley is a huge asset to the City and he is convinced the plan will benefit Hartley in the long run. Moffat thinks the entire project is really good. He will be voting against it due to his concerns of chemical usage. Chair Zwiebel asked if the public commenters received the responses. Deming stated yes.

MOTION/Second: Rand/Guggenbuehl - Based on the Environmental Assessment Worksheet and related documentation for the Hartley Park Phase 1 Implementation of Master Plan, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet and related documentation for Hartley Park Phase 1 Implementation of Master Plan were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement (EIS) for this Project.

VOTE: (6-1, Moffat opposed)

III. Other Business
N/A

IV. Adjournment
Meeting adjourned at 5:47 p.m.

Respectfully,



Keith Hamre
Director of Planning and Construction Services