



**U.S. Department of Housing and Urban
Development**
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: Lincoln-Park

HEROS Number: 900000010025295

Responsible Entity (RE): DULUTH, 407 CITY HALL DULUTH MN, 55802

State / Local Identifier: 17-PF-05

RE Preparer: Kathy Wilson

Certifying Officer: Adam Fulton

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 411 Lincoln Park Dr, Duluth, MN 55806

Additional Location Information:

411 Lincoln Park Dr, Duluth, MN 55806

Direct Comments to: City of Duluth Planning and Development Division
duluthcommdev@duluthmn.gov
(218) 730-5580
City Hall, Room 160
411 W 1st St
Duluth, MN 55802

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The City of Duluth's restoration of Lincoln Park will focus funds on restoration of the Works Progress Administration (WPA) pavilion, restoration of the Upper Terrace, including a new parking lot, basketball court, nature playscape and picnic pavilion, ADA trail connections, resurfacing of multi-use play field, relocation and construction of new structured playground, repaired picnic pavilion, new parking lot and site furnishings on Lower Terrace, new park entrance gates and signage/wayfinding, repave and stabilize Lincoln Park Drive. The total anticipated project costs are \$1,817,350, including \$750,000 National Outdoor Recreation Legacy Program funds from the National Parks Service Land and Water Conservation Program administered by the Minnesota Department of Natural Resources, and \$45,000.47 Community Development Block Grant funds from the Department of Housing and Urban Development funds administered by the City of Duluth.

Maps, photographs, and other documentation of project location and description:

[LincolnPark_Location.PDF](#)

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:

Determination:

	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
✓	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Approval Documents:

[17-PF-05 signature page.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
B-17-MC-27-0002	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded, Assisted or Insured Amount: \$45,000.47

This project anticipates the use of funds or assistance from another federal agency in addition to HUD in the form of:

Estimated Total Project Cost: \$1,817,350.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance

		of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project does not include any activities that would affect a Coastal Zone. The project is in compliance with the Coastal Zone Management Act. Through the City permitting process for projects, the City of Duluth ensures compliance with the CZMA. All projects will obtain the required permits, ensuring compliance with the CZMA.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species because the project area is a city park in the middle of a developed city neighborhood and there are no listed species or designated critical habitats in the action area. This project is in

		compliance with the Endangered Species Act.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on Section 106 consultation the project will have an Adverse Effect on historic properties. With mitigation, as identified in the MOA or SMMA, the project will be in compliance with Section 106. Satisfactory implementation of the mitigation should be monitored.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		

Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.
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Mitigation Measures and Conditions [40 CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Flood Insurance	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	N/A	For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of	

			the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.	
Floodplain Management	<p>The Lower Terrace of Lincoln Park is where most of the current park assets are located and are anticipated to be refurbished or replaced. Most of the Lower Terrace is located within the 100-year flood plan, which limits the alternatives to siting this park infrastructure.</p> <p>WPA Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component.</p> <p>Playground: The community input determined that the playground needed to be placed on the same side of Lincoln Park Drive as Miller Creek and the bathrooms (in the WPA Pavilion). The playground in its current location is entirely within the floodplain. The new proposed location only 25% of the playground area will intersect with the 100-year floodplain. Other locations were not considered, due to steep slopes, proximity to parking, restrooms and the picnic</p>	N/A	<p>The Lower Terrace of Lincoln Park is where most of the current park assets are located and are anticipated to be refurbished or replaced. Most of the Lower Terrace is located within the 100-year flood plan, which limits the alternatives to siting this park infrastructure.</p> <p>WPA Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component.</p> <p>Playground: The community input</p>	

	<p>pavilion. New Lower Terrace Parking Lot: This parking lot is partially within the 100-year floodplain. At one time we had considered a second parking lot on the lower terrace and it also would have intersected with the 100-year floodplain, however it has been removed from the scope. There were no other viable alternatives, as vehicle access is limited to the north side of Miller Creek, and topography could not accommodate parking. Further, and any alternative site would have required constructing a bridge or bridges across the creek, and those sites would also be located in the floodplain. LP Drive: this is a reclaim in its current location. There were no viable alternatives due to the topography. Upper Terrace Retaining Wall: We considered many alternatives including refurbishing the existing wall, partial removal/partial repair. Ultimately, these options were cost prohibitive. The final decision on removal actually removes a man-made asset susceptible to damage & liability, improves connectivity between the east & west sides of the park, and also restores the area to a more natural setting. Park Amenities: These items will be placed near active use areas such as the playground and pavilions. Signage is to be placed throughout the park for wayfinding and informational purposes. We will locate these</p>		<p>determined that the playground needed to be placed on the same side of Lincoln Park Drive as Miller Creek and the bathrooms (in the WPA Pavilion). The playground in its current location is entirely within the floodplain. The new proposed location only 25% of the playground area will intersect with the 100-year floodplain. Other locations were not considered, due to steep slopes, proximity to parking, restrooms and the picnic pavilion. New Lower Terrace Parking Lot: This parking lot is partially within the 100-year floodplain. At one time we had considered a second parking lot on the lower</p>	
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	<p>outside the floodplain when possible, but in some cases there are no alternatives. Trails and Lighting: This is another case where existing trails and footpaths are primarily being refurbished in-place, and much of which is located outside the floodplain, or intersections are minimal. No alternatives were considered as they do not exist. Picnic Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component. A major component of this project is green Infrastructure improvements. Several years ago, the park experienced flooding and some improvements were made to improve storm water management, including bio swales, cutting in a new water channel for when Miller Creek overtops its banks, and streambank restoration and armoring. In this plan, we do incorporate additional bio swales, drainage improvements associated with trails, rain gardens and storm retention incorporated into the both parking facilities. Some project elements, particularly the new parking lot and retaining wall removal, will require tree removal. All trees and shrubs added as a part of this project will be native species. The project is in compliance with state and local floodplain protection procedures.</p>		<p>terrace and it also would have intersected with the 100-year floodplain, however it has been removed from the scope. There were no other viable alternatives, as vehicle access is limited to the north side of Miller Creek, and topography could not accommodate parking. Further, and any alternative site would have required constructing a bridge or bridges across the creek, and those sites would also be located in the floodplain. LP Drive: this is a reclaim in its current location. There were no viable alternatives due to the topography. Upper Terrace Retaining Wall: We considered many alternatives including refurbishing the</p>	
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Historic Preservation	see attached MOA - mitigation measures A. Public Interpretation: Interpretive Plan B. Historic Property Documentation: Minnesota	N/A	see attached MOA - mitigation measures A. Public	

	Historic-Property Record C. National Register of Historic Places Nomination		Interpretation: Interpretive Plan B. Historic Property Documentation: Minnesota Historic- Property Record C. National Register of Historic Places Nomination	
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Project Mitigation Plan

City of Duluth Parks Division will be managing the project and reporting mitigation/compliance to the City of Duluth planning and Economic Development Division.

Supporting documentation on completed measures



U.S. Department of Housing and Urban Development

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Washington, DC 20410

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**Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: Lincoln-Park

HEROS Number: 900000010025295

State / Local Identifier: 17-PF-05

Project Location: 411 Lincoln Park Dr, Duluth, MN 55806

Additional Location Information:

411 Lincoln Park Dr, Duluth, MN 55806

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

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Level of Environment Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

Funding Information

Grant Number	HUD Program	Program Name
B-17-MC-27-0002	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Estimated Total HUD Funded Amount: \$45,000.47

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$1,817,350.00

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
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Historic Preservation	see attached MOA - mitigation measures A. Public Interpretation: Interpretive Plan B. Historic Property Documentation: Minnesota Historic-Property Record C. National Register of Historic Places Nomination	N/A	see attached MOA - mitigation measures A. Public Interpretation: Interpretive Plan B. Historic Property Documentation: Minnesota Historic-Property Record C. National Register of Historic Places Nomination	

Determination:

<input type="checkbox"/>	This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; Funds may be committed and drawn down after certification of this part for this (now) EXEMPT project; OR
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<input checked="" type="checkbox"/>	This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, publish NOI/RROF and obtain "Authority to Use Grant Funds" (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
<input type="checkbox"/>	This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: Kathy Wilson Date: July 15, 2022

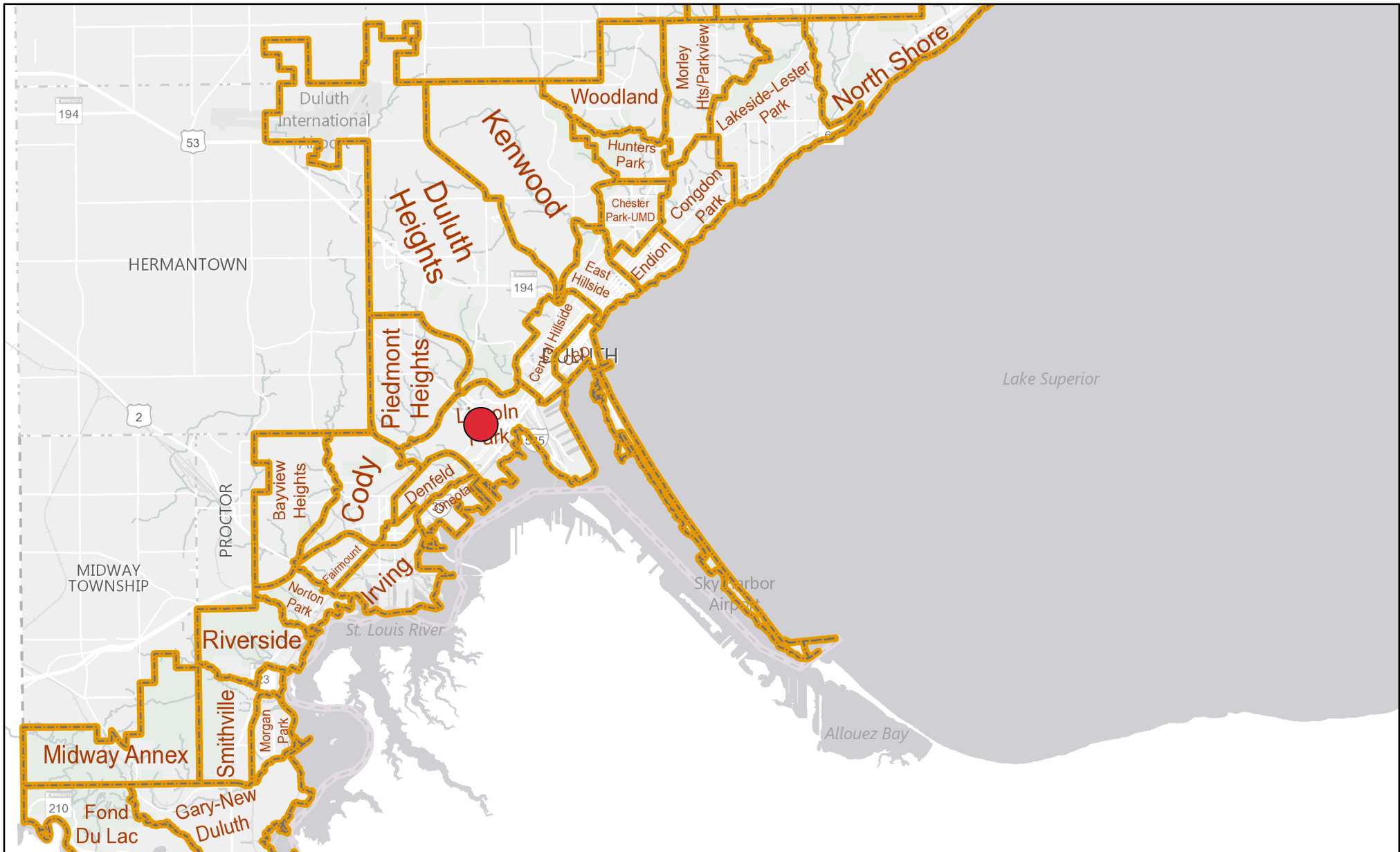
Name / Title/ Organization: Kathy Wilson / Planner II / DULUTH

Responsible Entity Agency Official Signature: Adam Fulton Date: July 15, 2022

Name/ Title: Adam Fulton, Deputy Director, Planning and Economic Development

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Lincoln Park



1 in = 12,037 ft



 Neighborhoods



May 24, 2017

Map Powered by DataLink
from WSB & Associates

APPENDIX A: Related Federal Laws and Authorities**Airport Hazards**

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section.
Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary**Compliance Determination**

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport.
The project is in compliance with Airport Hazards requirements.

Supporting documentation

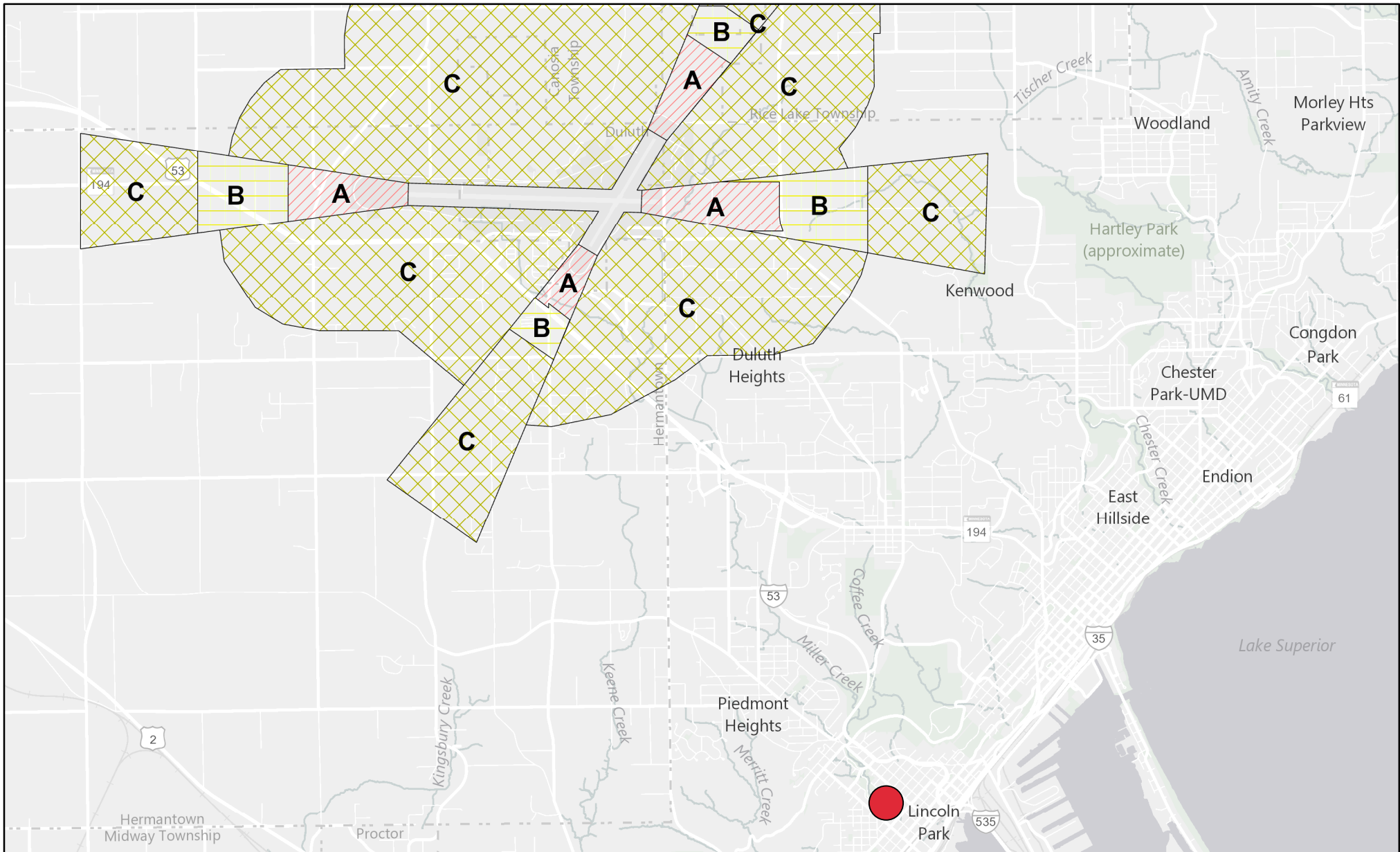
[LincolnPark_Airport.PDF](#)

Are formal compliance steps or mitigation required?

Yes

✓ No




Lincoln Park



1 in = 6,019 ft



Airport Landuse Safety Zones

-  Safety Zone A
-  Safety Zone B
-  Safety Zone C



May 24, 2017

Map Powered by DataLink
from WSB & Associates

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

☒ No

Document and upload map and documentation below.

Yes

Screen Summary**Compliance Determination**

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

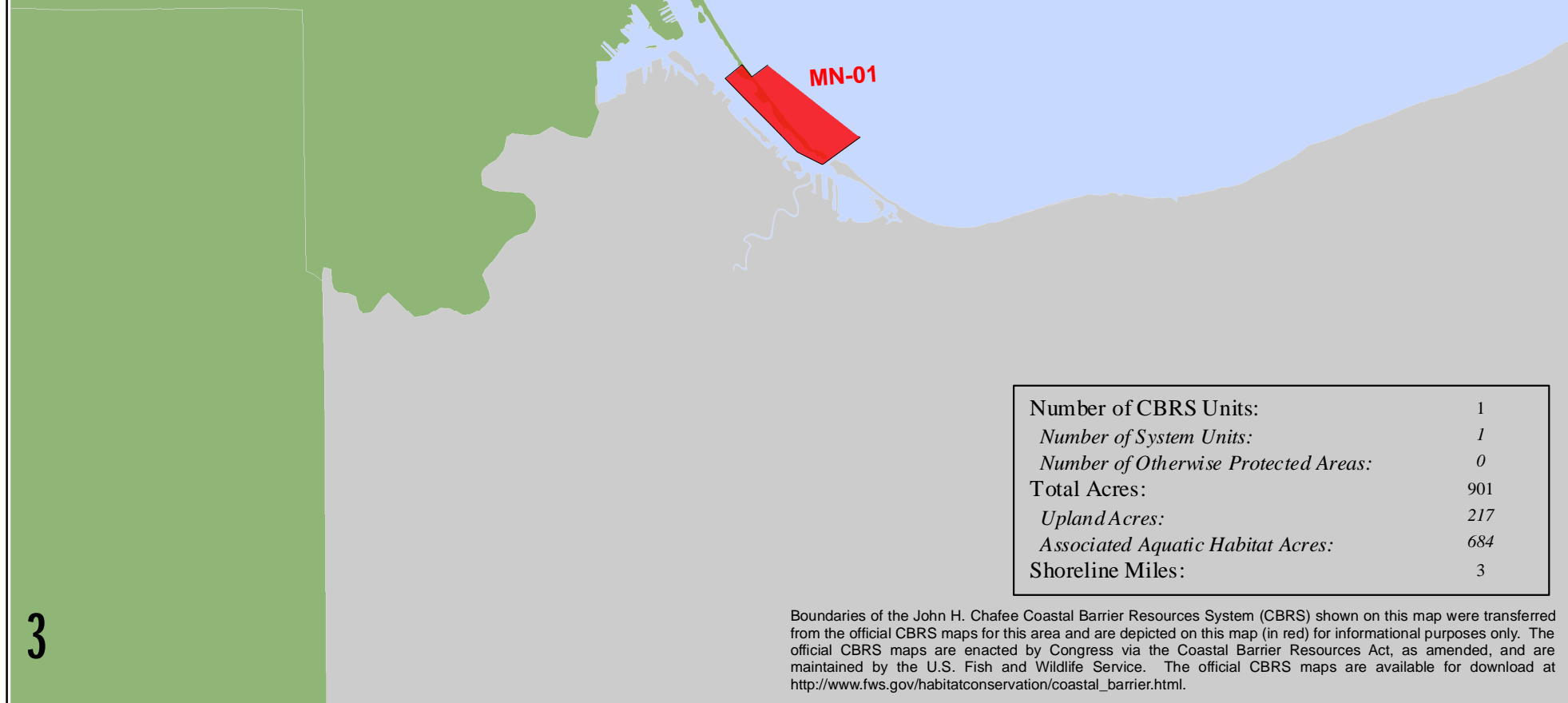
[CBRS map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

☒ No

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MINNESOTA



Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this map were transferred from the official CBRS maps for this area and are depicted on this map (in red) for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and are maintained by the U.S. Fish and Wildlife Service. The official CBRS maps are available for download at http://www.fws.gov/habitatconservation/coastal_barrier.html.

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

[LP FIRMETTE.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

✓ Yes

3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?

✓ Yes, the community is participating in the National Flood Insurance Program.

Based on the response, the review is in compliance with this section.

Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

No. The community is not participating, or its participation has been suspended.

Screen Summary

Compliance Determination

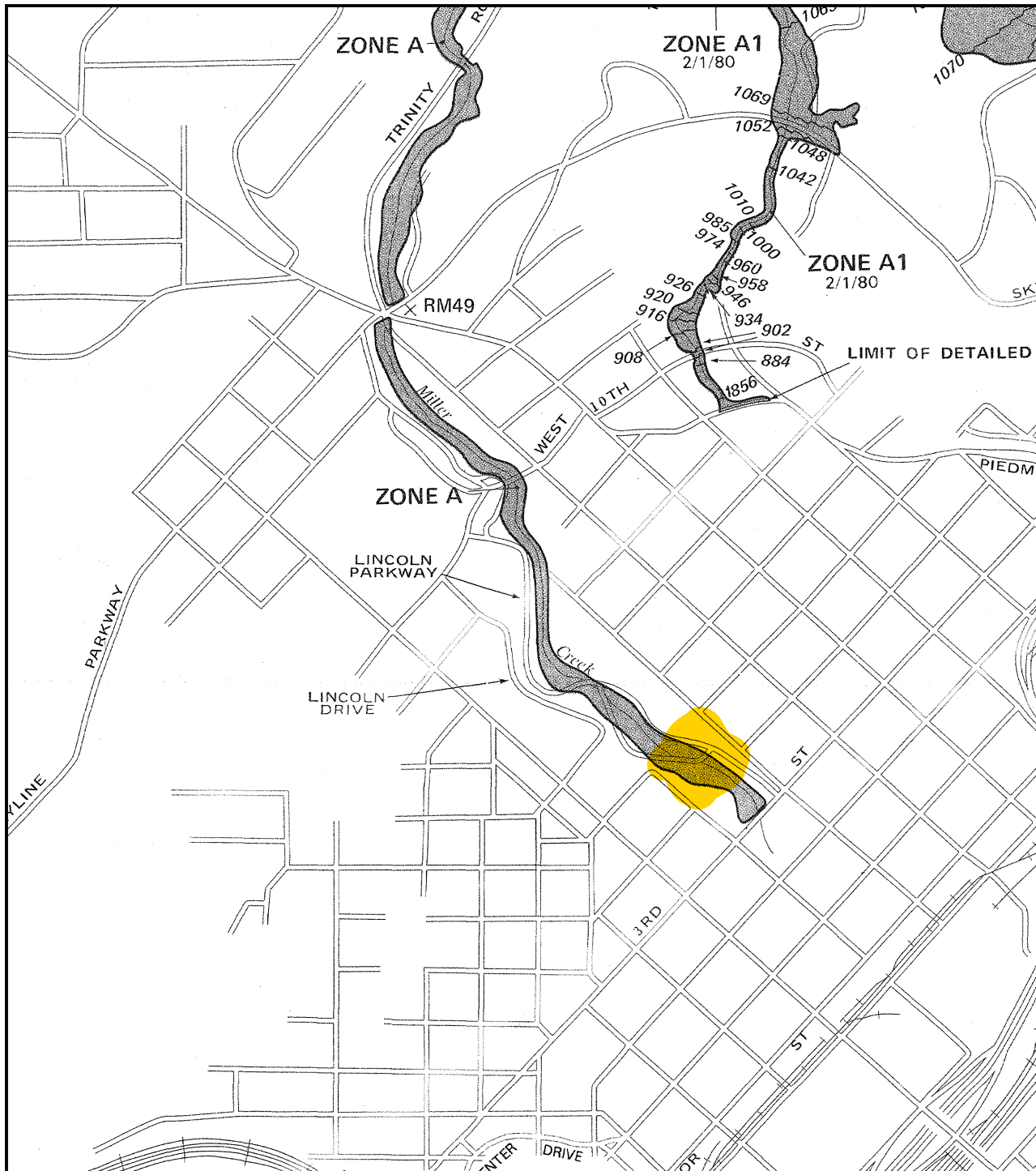
The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements.

Supporting documentation

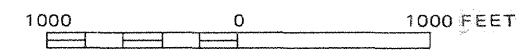
Are formal compliance steps or mitigation required?

✓ Yes

No



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

CITY OF
DULUTH,
MINNESOTA
ST. LOUIS COUNTY

PANEL 40 OF 45
(SEE MAP INDEX FOR PANELS NOT PRINTED)

—NOTE—

THIS MAP INCORPORATES APPROXIMATE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM UNIT AND/OR OTHERWISE PROTECTED AREAS ESTABLISHED UNDER THE COASTAL BARRIER IMPROVEMENT ACT OF 1990 (PL 101-591).

COMMUNITY-PANEL NUMBER
270421 0040 D

MAP REVISED:
NOVEMBER 4, 1992



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary**Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

Supporting documentation**Are formal compliance steps or mitigation required?**

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

☒ Yes

No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

Yes

☒ No

Based on the response, the review is in compliance with this section.

Screen Summary**Compliance Determination**

Based on the project description the project does not include any activities that would affect a Coastal Zone. The project is in compliance with the Coastal Zone Management Act. Through the City permitting process for projects, the City of Duluth ensures compliance with the CZMA. All projects will obtain the required permits, ensuring compliance with the CZMA.

Supporting documentation

[CZMAII_mlscp_feis2.pdf](#)

[CZMAI_mlscp_feis5.pdf](#)

Are formal compliance steps or mitigation required?

Lincoln-Park

Duluth, MN

900000010025295

Yes

✓ No

PART V

MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM

CHAPTER 6

FEDERAL COORDINATION AND THE NATIONAL INTEREST

State agencies in Minnesota have a history of strong and positive working relationships with federal agencies. Together they have coordinated agreements regarding natural and cultural resource concerns. Coordination with the Environmental Protection Agency regarding air and water quality certification, with the U.S. Army Corps of Engineers regarding wetland permits, harbor dredging and related activities and with the U.S. Forest Service that address protected waters concerns are examples of agreements whose purpose is to satisfy resource needs through mutual cooperation and process simplification. Through Minnesota's Lake Superior Coastal Program, the relationships between state, local, and federal agencies can be further strengthened through early coordination of projects and by reducing redundancy through permit and process simplification.

Considered by states as one of the key benefits of the national Coastal Management Program, the Coastal Zone Management Act federal consistency provision requires actions of federal agencies to be consistent to the maximum extent practicable with the enforceable policies of approved state management programs. This requirement will encourage federal agencies to seek input early in the planning of activities that affect any land or water use or natural resource of the coastal area.

This chapter is divided into sections. Section A describes **Federal-State Consultation** during program development and implementation. Section B describes the **Consideration of the National Interest** which includes identification and management of those facilities and resources of national interest. Section C describes the **Federal Consistency Procedures**.

A. FEDERAL-STATE CONSULTATION

1. During Program Development

Notification to and consultation with relevant federal agencies occurred early in the process of developing a coastal management program in Minnesota. Notices were sent on February 26, 1996, to federal agencies announcing Minnesota's intent to develop a Coastal Management Program (see Appendix E-1). Included with this notice was a reply form asking agencies to indicate the level of information desired regarding program development and the level of program and document review desired. Mailing list updates were also requested. A scoping meeting scheduled for federal agencies was also announced in this notice.

A second letter announcing the April 30, 1996, scoping meeting was sent on April 5, 1996. Included with this mailing was a survey form requesting input concerning activities and resources of national interest and benefit and review of federal activities, permits and licenses, and assistance programs conducted within the Lake Superior watershed. National interest statements related to federal consistency are included in Appendix E, page 3.

The scoping meeting on April 30, 1996, was conducted jointly by staff developing Minnesota's Coastal Management Program and NOAA's Office of Ocean and Coastal Resource Management (OCRM), the federal agency responsible for administration of the program at the national level.

The purpose of the meeting was to review the goals, benefits and conditions of the Coastal Management Program from a national perspective, review development of a Coastal Management Program in Minnesota, and lastly, to explain the requirements of federal consistency, as outlined in the Coastal Zone Management Act.

Throughout the development of the program during 1996 and 1997, federal agencies received regular updates through a newsletter produced by program development staff in Minnesota and, as desired, drafts of the program document.

Federal agencies will also have an opportunity to provide input during draft and final environment review periods.

2. During Program Implementation

Coordination of federal agency activities in and affecting the coastal area will be provided by Minnesota's federal consistency process (see Section C page 6-7) which uses numerous existing and new mechanisms (including MOUs and partnership agreements), the federal consistency process as detailed in the OCRM's federal consistency workbook, periodic 312 reviews and program changes, environmental reviews (NEPA) and informal communication.

The intent of federal consistency is to ensure that federal actions, activities, and permits are consistent with the state's policies and authorities. It is an important mechanism to help resolve conflicts between states and federal agencies. The result of having a federal consistency component in the Coastal Program should lead to and improve: early coordination, consultation, cooperation and consistency with state policies. Therefore, the goal of federal consistency in Minnesota is to improve early coordination where lacking, improve cooperation between federal, state, and local governments when needed, and reduce conflict when possible. The outcome of early coordination will result in timely decision making and more effective and efficient government decisions. It is the intent of the state to review and require federal consistency determinations for federal actions or activities that have been identified as creating conflict or controversy, and affect the state's coastal uses or resources.

The MN Coastal Management Program will review existing and proposed federal actions at the time of federal program approval to determine if those activities are consistent with the state's enforceable policies. This initial review will not require the submittal of consistency determinations by federal agencies, for those activities that MN finds are consistent. For future proposed activities the focus of the consistency process in Minnesota is to develop MOUs or partnership agreements with federal, state, and local agencies. The MOUs or partnership agreements will identify the process for coordination and a tiered approach to decision making. Whenever possible, review and inclusion of voluntary Best Management Practices (BMP) will be considered when developing MOUs with federal agencies. Existing MOUs and partnership agreements are identified in Part VII, Appendix G.

B. CONSIDERATION OF THE NATIONAL INTEREST

Section 306(d)(8) of the CZMA and 15 C.F.R. 923.52 of the Coastal Zone Management Development and Approval Regulations require that states give adequate consideration to the national interest in planning for and management of the coastal zone including the siting of facilities which are of greater than local significance. In addition, section 307(b) of the CZMA requires that the views of federal agencies principally affected by a state's coastal management program be adequately considered during program development.

These requirements establish a reciprocal state-federal relationship in which the state, by providing relevant federal agencies with the opportunity for full participation and by giving full consideration to their interests in Minnesota's Lake Superior coast during program development, can administer the federal consistency requirements of 307(c) and (d) of the CZMA, once Minnesota's Lake Superior Coastal Program is approved. In order to meet these requirements the state's Coastal Management Program must:

- C Describe the national interest in the planning for and siting of facilities considered during program development;
- C Identify the sources relied upon for a description of the national interest;
- C Identify how and where the consideration of the national interest is reflected in Minnesota's Lake Superior Coastal Program; and
- C Describe the process for continued consideration of the national interest in the planning for and siting of facilities during program implementation.

Recognizing the distinct and irreplaceable nature of the nation's coast, Congress declared in Section 302 of the CZMA:

- C There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.
- C The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immediate and potential value to the present and future well being of the nation.

Thus, the primary focus for the consideration of the national interest under the National Coastal Management Program is the balance between providing for facilities and activities which are in the national interest and for protecting coastal resources, which are also in the national interest.

1. Identification of Facilities and Resources of National Interest

The facilities of national interest were documented by program development staff with input from federal agencies at local, regional, and national levels in response to a survey sent to each office early in the program development process. Additional review was requested of local, state, and federal agencies following the draft of this information and upon completion of the Draft Environmental Impact Statement. In addition to certain facilities of national interest, various coastal natural resources were identified by the Lake Superior Binational Program and by federal agencies as being of national interest.

Consideration of the national interest during program implementation will be achieved by the review, certification, and approval process described in the federal consistency section of this document (Part V, page 6-7) or through processes outlined in Memorandums of Understanding (list of agreements in Appendix G) that address alternative review processes.

The following types of coastal facilities, activities, and resources are considered by Minnesota to be of national interest:

- C National defense
- C Energy production and transmission
- C Transportation, ports, and navigation
- C Public recreation areas
- C Coastal resources:
 - Threatened wildlife habitats
 - Historical, cultural, and archeological sites
 - Wetlands
 - Coastal Barrier Resource System

2. Management for Facilities and Resources in the National Interest

National Defense

The policies and authorities of particular interest for national defense include those that regulate transportation (ports, roads and highways, airports, railways), public services and facilities (e.g., water supply, waste management), and areas of special concern (e.g. navigation channels).

Energy Production and Transmission

Energy facilities and activities considered to be in the national interest and currently located in the coastal area include: hydroelectric and coal-fired generating plants, energy transmission facilities and activities, transportation of raw materials such as coal and petroleum products. State and local agencies within the coastal area will consider the national interest in energy production and transmission when they plan for energy facilities (new or expanded facilities, new uses, or relicensing) located in or affecting the coastal area. See “Energy Facility Siting” (Chapter 3 Section G) for a more detailed description of this process. Energy production and transportation may be addressed in other state policies or programs found in Chapter 3 including: Floodplain Management Act (Minn. Stat. ch. 103F), Shoreland Management Act (Minn. Stat. ch. 103F),

Protected Waters Program (Minn. Stat. ch. 103G), Groundwater Protection Act (Minn. Stat. ch. 103H), Water Pollution Control Act (Minn. Stat. ch. 115).

Transportation, Ports, and Navigation

Water and highway transportation, ports and other navigation facilities serve national defense, recreation, economic, and other needs along Minnesota's North Shore. The policies and authorities concerning port facilities, transportation, and dredging provide consideration of the national interest in these activities. More detailed descriptions of these processes can be found in Chapter 3 Floodplain Management Act (Minn. Stat. ch. 103F), Shoreland Management Act (Minn. Stat. ch. 103F), Protected Waters Program (Minn. Stat. ch. 103G), Groundwater Protection Act (Minn. Stat. ch. 103H), Water Pollution Control Act (Minn. Stat. ch. 115). Part V, Chapter 4 (A) (1) and (2) identify the highway transportation and port planning programs in the coastal area. In addition, Minn. Stat. ch. 458 identifies the national interest in Water Transportation Facilities; Port Authorities.

Public Recreation Areas

With tourism one of the leading forms of industry within the Coastal Program boundary, considerable interest is given to the area's natural and cultural areas and their recreational use. Areas of regional and national significance are listed under Special Programs and Management Areas in Chapter 4. In addition to regional and national consideration given specific unit management plans, the Minnesota DNR also develops a Statewide Comprehensive Outdoor Recreation Plan (SCORP) which is reviewed every five years. The SCORP must be approved by the U.S. Department of the Interior's National Park Service to receive funding from the Land and Water Conservation Fund. This process includes identification of recreational issues of national interest within the state.

Coastal Resources:

Threatened Wildlife Habitats

Similar to the federal endangered species program, Minnesota monitors and protects, through its own and through federal policies and regulations, species considered by the state or nationally, as endangered or threatened. The DNR, through its Natural Heritage Program, maintains a database of information on these species in the state. Through the Scientific and Natural Areas Program (SNA), areas containing unique elements or are themselves unique on a statewide or national scope, are protected. This program and a list of sites are further described in Chapter 4 - Special Programs and Management Areas.

Historical, Cultural, and Archeological Sites

The coastal area is rich in history. The Minnesota Historical Society as well as other state, county and local agencies address regional and national interests in its preservation, restoration, interpretation and development of historical sites. Listed in Chapter 4, Special Programs and Management Areas, are sites, policies and authorities that pertain to the coastal area.

Wetlands

The issues of diminishing wetlands in Minnesota and nationwide has been addressed at both state and federal levels. Minnesota's policies and authorities, contained in Chapter 3 of this document, address the national interest.

Coastal Barrier Resource System

The Coastal Barrier Resources System, as designated by the U.S. Fish and Wildlife Service and National Flood Insurance Program, protects areas particularly susceptible to wave damage and having significant value for fish and wildlife habitat from structural development. In Minnesota, the undeveloped area along the end of Park Point has been designated as a Coastal Barrier Resource System. This designation has been incorporated into the City of Duluth's floodplain management standards (see Floodplain Management Act, Part V, Chapter 3, page 17).

C. FEDERAL CONSISTENCY PROCEDURES

Federal consistency is a powerful tool available to states that provides a mechanism with which to review and comment on federal actions and effect change on actions which are inconsistent with state policies and authorities.

1. Definition

Federal consistency is the CZMA requirement that federal actions that affect (including reasonably foreseeable effects) any land or water use or natural resource of the coastal area be consistent with the enforceable policies of the state's federally approved coastal management program. Within the Department of Natural Resources, the Waters Coastal Program will take the lead for the state in coordinating review of federal actions to determine if proposed actions will be consistent with the state's Coastal Management Program. An annual summary of federal activities of concern or consistency reviews will be prepared by the Coastal Program Coordinator. At the federal level, OCRM/NOAA oversees the state's use of consistency, acts as an advocate for the state, mediates consistency disputes and NOAA processes appeals to the Secretary of Commerce. The requirements of federal consistency are defined in greater detail in 15 C.F.R. Part 930. Federal actions include:

- C Direct federal actions - Activities and development projects performed by a federal agency or by a contractor for the benefit of a federal agency.
- C Indirect federal actions - Activities not performed by a federal agency, but requiring federal permits or licenses or other forms of federal approval.
- C Federal financial assistance to states and territories and local governments.

The list of federal actions that are subject to consistency review is included at the end of this chapter. The list is a comprehensive list of federal actions that may affect the coastal area and is not an indication of federal agency actions being taken in conflict with state policies or authorities. Federal actions not listed at the end of this chapter will be monitored with the assistance of and consultation with state and local agencies. The list may be revised by the state following consultation with the federal agency and approval by OCRM.

2. Process

a. Consistency for Federal Activities and Development Projects

Federal agency activities are any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities, but does not include the granting of a federal license or permit. A federal development project is a federal activity involving the planning, construction, modification, or removal of public works, facilities, or other structures; and the acquisition, utilization, or disposal of land or water resources.

Federal agencies must review proposed actions, whether within or outside the coastal area, affecting any land or water use or natural resource of the coastal area, to determine that they will be carried out in a manner consistent to the maximum extent practicable with the enforceable policies of the state's Coastal Management Plan. Federal actions that are occurring within the coastal area (as described in Part V, Chapter 1) will have the greatest potential for impact to coastal resources, therefore, these activities shall be a priority for inclusion in MOUs or partnership agreements between the federal agency and state. Federal actions or activities occurring outside the coastal area but within the Lake Superior Watershed have the potential for impacting coastal resources. In certain situations, federal actions and activities outside the Lake Superior Watershed have the potential for impacting coastal resources, therefore, the location and magnitude of these actions will be the deciding factor for determining the level of coordination and cooperation needed to comply with state policies and authorities. During program implementation, the Coastal Program will work with federal, state, and local agencies in identifying actions and activities to be incorporated into MOUs and other agreements, either formal or informal. The consistency process helps to maintain the necessary communication and coordination between all levels of government to ensure the wise management of coastal resources.

Where federal and state agencies are already implementing consistency practices such as early coordination and consultation, and where the federal and state activities are being performed consistent with the enforceable policies and authorities of the state, the consistency process or procedure will be described in a Memorandum of Understanding (MOU) or other agreement between the Coastal Program and federal agencies.

Likewise, if an activity that impacts the coastal area is required to comply with an existing process or procedure in order to obtain a state permit, license, or approval, after receiving all of the necessary permits, licenses or approvals, the activity will be considered consistent with the Coastal Program and deemed approved.

Federal Consistency Determinations: Where not already occurring under an MOU, partnership agreement, formal or informal agreement, federal agencies submit to the Coastal Program consistency determinations for all federal activities affecting the coastal area as indicated in the process that follows. A model determination statement in Appendix E, page 6 can be used if desired by a federal agency for notification. Consistency determinations should be submitted as early as practicable during the planning of the activity but at least 90 days before federal approval of the activity. The Coastal Program and the federal agency may agree to extend the notification period beyond 90 days under certain circumstances.

Various networked state agencies are responsible for administration or implementation of the state policy or authority that will potentially be affected by the federal action or activity. These agencies are identified on the Coastal Management Consistency Form in appendix E-7. The state agencies responsible for enforceable policies and authorities are: DNR, PCA, MDA, MHD, BWSR, and EQB. The Coastal Program coordinates its consistency response with these networked state agencies to ensure that all applicable enforceable policies are considered.

In an effort to use existing review procedures already established in Minnesota, the Coastal Program will use whenever applicable and as frequently as possible, the process established under the Environmental Review Program pursuant to Minnesota Statutes, section 116D.04 and 116D.045 and the administrative rules adopted by the Environmental Quality Board: Minnesota Rules, chapter 4410 parts 4410.0200 to 4410.7500. This program requires certain proposed projects to undergo special review procedures prior to obtaining approvals and permits otherwise needed. The program lists in detail three categories for activities that are; exempt from review, require a mandatory Environmental Assessment Worksheet (EAW) or require a mandatory Environmental Impact Statement (EIS). For the purposes of Minnesota's Lake Superior Coastal Program, those activities listed as exempt will be considered approved for federal consistency. Those activities that meet the mandatory EAW thresholds shall require a consistency determination by the federal agencies responsible.

In addition, consistency determinations are required (unless otherwise covered by an MOU or general determination) when it is determined that an activity will have reasonably foreseeable effects and the activity falls between the list of mandatory EAW categories and exemption categories, or is not listed in the Environmental Review Rules.

The mandatory categories (or thresholds) for activities that require a consistency determination and review are described in detail on page 6-18 of this chapter. Some of these categorical approvals for activities that have been reviewed are identified in MOUs shown in Appendix E.

If a federal agency determines that coastal effects are not reasonably foreseeable or believes that a consistency determination is not required for a listed activity under the Environmental Review Program, the agency shall notify the Coastal Program and the appropriate reviewing state agency of its decision as soon as possible, but at least 90 days before final approval of the activity. The notification shall briefly set forth the reasons for the negative determination. The Environmental Review Program is provided by the state as an administrative convenience, thus the Coastal Program is the ultimate decision maker as to whether a federal activity is subject to the requirements of the Environmental Review Program.

As indicated above, alternative review processes may be developed by state and federal agencies regarding state review of federal activities through written Memorandums of Understanding (MOU), general consistency determinations or other similar agreements. These MOUs or agreements may establish and identify thresholds for activities that may impact the coastal area. A list of existing agreements between state and federal agencies in Minnesota are listed in Appendix G, pages 1-2. The activities agreed upon in these MOUs will be reviewed for consistency with the state's Coastal Management Program and where appropriate, will replace the consistency procedures listed below. Revised, updated, or additional MOUs may be developed and included in this document following a public review and a consistency determination as specified below.

If a federal activity meets or exceeds mandatory thresholds provided for in this section, the consistency determination for a federal activity affecting the Minnesota coastal area shall

include:

- C A brief statement indicating whether the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of Minnesota's Lake Superior Coastal Program.
- C A detailed description of the proposed activity and associated facilities and their effects on the Minnesota coastal area and,
- C Comprehensive data and information to support the federal agency's consistency statement.

MOU's, general consistency determinations or other similar agreements will be amended and/or developed to address the relevant issues and concerns of federal consistency and Minnesota's Lake Superior Coastal Program. These agreements and understandings shall:

- C Identify the activities to be addressed
- C Establish procedures that are necessary to comply with program requirements or documentation requirements
- C May determine categorical approval under agreed upon conditions
- C May require a determination under certain detailed conditions
- C May identify and provide an opportunity to meet public notice requirements
- C May include activities that are repetitive or without cumulative effects

The level of detail in the consistency determination should be commensurate with the reasonably foreseeable effects of the activity on the coastal area. In the case of an activity that involves more than one federal agency, preparation of a joint consistency determination should be developed.

In this process, if the federal agency and the Coastal Program have agreed that if the activity is covered under an MOU or falls under the exempted category of the Environmental Review Rules (ERR), a determination shall not be required unless the Coastal Program believes that the scope, magnitude and coastal effects warrants a consistency review. If the activity meets or exceeds the thresholds of the Minnesota Environmental Review Program's mandatory EAW category, then a consistency determination must be filed with the Coastal Program.

For projects that are not listed in the Minnesota Environmental Review Program, the federal agency shall submit a determination of consistency to the Coastal Program. The Coastal Program will then coordinate the review process with the appropriate networked state agency (s).

State Response: Upon receipt of the consistency determination, the Coastal Program will coordinate with appropriate networked state agencies for the public notice and comment process and to conduct the consistency review of the proposal. The NEPA process may be used as a part

of the public notice and participation requirements when appropriate by agreement with the federal agencies. Consistency reviews will incorporate the Minnesota Environmental Quality Board's review process as indicated in Part V, Section H, particularly the EQB rules, Minn. Rules 4410.0200 to 4410.8000.

The Coastal Program shall inform the federal agency of its decision regarding the consistency determination within 45 days (or as provided for in 15 C.F.R. Part 930, subpart C) from receipt of the determination and supporting information unless the Coastal Program notifies the federal agency within that time that the state's final response will be delayed and provides the reasons for the delay. Federal agencies shall approve one request for an extension period of 15 days or less. Other extensions shall be negotiated between the parties, but are at the discretion of the federal agency. If no response or request for extension of time is received from the Coastal Program within 45 days (or as provided for in 15 C.F.R. Part 930, subpart C), agreement on the consistency determination may be presumed.

If the state objects to the federal agency's consistency determination, the Coastal Program will notify the federal agency in writing according to the schedule described in the preceding paragraph and a copy will be sent to the Director, OCRM. The objection shall include:

- C The rationale for the disagreement
- C An explanation of how the proposed activity is inconsistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program, and
- C Alternative measures that, if implemented, would make the proposed activity consistent with Minnesota's Lake Superior Coastal Program.

If objection with the consistency determination is based on the lack of necessary information from the federal agency, the response shall describe the type of information needed to determine consistency and the rationale for its need.

If the Coastal Program and appropriate networked state agency(s) finds that an activity that was previously determined to be consistent with the approved program or was previously determined not to be a federal activity affecting any land or water use or natural resource of the coastal area, but now appears to be inconsistent with the approved program, the DNR Waters will promptly notify the appropriate federal agency in writing. Notification shall include supporting information regarding the inconsistency and a proposal recommending remedial action. Mediation regarding the activity and proposed remedial action may be requested by either party (see Chapter 6, Part 3, Mediation).

1. b. Consistency for Activities Requiring a Federal License or Permit

Federal license or permit activities include any authorization, certification, approval or other form of permission that any federal agency is empowered to issue to an applicant. Federal license or permit activities include renewals of and major amendments to federal license and permit activities that are ongoing within or have an effect on the Minnesota coastal area. The list of federal licenses or permits that are likely to affect land and water uses or natural resources in the coastal area are listed at the end of this chapter. In addition, the Coastal Program and appropriate networked state agency(s) will assist permit and license applicants regarding the means for ensuring that the proposed activity will be conducted in a manner consistent with the state's Coastal Management Program. It is the responsibility of both the applicant and the federal permitting agency to be familiar with Minnesota's Lake Superior Coastal Program. To facilitate the process, a Coastal Management Consistency Form (Appendix E, page 7-10) is available for inclusion in federal permit applications. The Coastal Program may also review unlisted activities on a case-by-case basis, pursuant to NOAA regulations (15 C.F.R. Part 930, Subpart D).

Consistency Certifications for Federal Permits: In the cases where a state permit(s) or license(s) and a federal permit or license is required for the same activity, the issuance of the state permit(s) or license(s) will meet the requirement for federal consistency. In such cases, the procedures to obtain the state permit(s) or license(s), including notification and submittal of information on the activity need only be submitted to the appropriate permitting state agency(s). It is understood that when a state permitting agency issues a permit for an activity, it has been determined that the permit complies with the agency's enforceable policies and procedures and will be consistent with Minnesota's Lake Superior Coastal Program. This will eliminate duplication of process and result in more efficient and timely decision making. In the cases where a state license or permit is not required for an activity that requires a federal license or permit, the applicant shall furnish to the federal permitting agency and the Coastal Program a certification statement specifying that the proposed activity complies with and will be conducted in a manner consistent with Minnesota's Lake Superior Coastal Program enforceable policies and authorities. The applicant shall also furnish the necessary data and information as described below.

Information Requirements for Permit Applications: The following information is required for review of permit and license certification:

- C A detailed description of the proposed activity and its associated facilities which is adequate to permit an assessment of their consistency with the relevant enforceable policies and authorities of the Coastal Program.
- C A brief assessment relating the probable effects of the proposal on the coastal area and its associated facilities to the relevant policies and authorities of the coastal management program.

- C A brief set of findings, derived from the assessment, indicating that the proposed activity, its associated facilities, and effects, are all consistent with the relevant enforceable policies and authorities of the coastal management program.
- C A copy of the federal application and all supporting information supplied to the federal agency.

In the majority of cases, information required by the federal permitting agency and provided to the appropriate permitting state agency(s) by public notice and through routine correspondence will usually serve the requirement to furnish the certification and supporting information to the Coastal Program.

Public Notice: Public notices of direct federal activities and applications for federal permits and licenses are coordinated by the Coastal Program through the DNR Regional Environmental Review Log. In addition, by Memorandum of Understanding between the Environmental Quality Board (EQB) and the DNR, copies of all applications and comments received by EQB for the Board's publication, the Monitor, will be forwarded to the Coastal Program for use in determining consistency with the enforceable policies and authorities of the approved coastal program. The Coastal Program will coordinate the notice of application with the appropriate state agency(s). Thus, existing public notice and comment procedures will be used to ensure public participation in the consistency certification review. The appropriate state agency(s) in coordination with the Coastal Program will ensure that additional public participation is provided for, if necessary, including public hearings.

State Review: Within a minimum of 30 days (or as required through existing state regulations) of receipt of the applicant's consistency certification, the appropriate permitting state agency, or the Coastal Program will notify the applicant and the federal agency whether the state concurs with or objects to the consistency certification. Requests for additional information or data beyond that required will not extend the decision date of the review unless agreed to by the applicant and federal agency. If the applicant does not receive the response within 30 days, concurrence by the state shall be conclusively presumed.

If the Coastal Program objects to the applicant's consistency certification within 30 days (or as required through existing state regulations), or the appropriate permitting state agency (s) denies the permit, the objection or permit must describe:

- C How the proposed activity is inconsistent with specific enforceable policies and authorities of Minnesota's Lake Superior Coastal Program and
- C Alternative measures (if they exist), which, if adopted by the applicant, would permit the proposed activity to be conducted in a manner consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program.

The Coastal Program shall notify the applicant, federal agency, and the Director OCRM of the state's objection. The objection will include a statement informing the applicant of the right of appeal to the Secretary of Commerce pursuant to the procedures described in 15 C.F.R. Part 930, Subpart H.

Where possible, applicants may consolidate related federal license and permit activities affecting the coastal area for the state's review. The Coastal Program and appropriate permitting state agency(s) will review these consolidated applications as a group to minimize duplication of effort and avoid unnecessary delays. An objection to one or more of the license or permit activities submitted for consolidated review does not prevent the applicant from receiving those licenses or permits for activities found to be consistent with the enforceable policies and authorities of the approved Minnesota's Lake Superior Coastal Program.

The federal agency may not approve the federal license or permit unless the Coastal Program issues a concurrence or is conclusively presumed to concur, (or the appropriate permitting state agency issues a permit) or if on appeal by the applicant, the Secretary of Commerce overrides the state's objection finding, that the proposed activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security. An applicant's appeal to the Secretary of Commerce does not affect state permit requirements or denials.

The Coastal Program will request that a federal agency take appropriate remedial action in case of a federal license or permit activity that was:

- C Determined to be consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program but which the Coastal Program maintains is being conducted in a manner different from that originally proposed, or has coastal effects different from those originally envisioned, and is no longer consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program, or
- C Determined not to be an activity affecting the coastal area, but which the Coastal Program maintains is being conducted or has coastal effects substantially different from those originally envisioned, and therefore is not consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program.

The request shall include supporting information and propose recommended action. A copy of the request shall also be provided to the applicant.

Unlisted licenses and permits: Certain federal licenses or permit activities not on the list or occurring outside the coastal area may be reviewed by the Coastal Program and appropriate permitting state agency(s). If it is determined that any of these license or permit activities will have an effect on any land or water use or natural resource of the area within the coastal boundary, the Coastal Program will notify in writing and within 30 days of receipt of the notice of federal application, the respective agencies, applicants, and the Director, OCRM, of the intent of the Coastal Program to initiate state agency review.

The federal agency and the applicant have 15 days from receipt of notification from the Coastal Program to provide comments to the Director, OCRM. The Director, OCRM, will issue a decision and supporting comments within 30 days. If review by the state is disapproved by OCRM, the federal agency may approve the permit or license. If review is approved, the applicant shall amend the federal application by including a consistency certification and supporting documentation. Concurrence on the consistency certification will be conclusively presumed if an objection from the Coastal Program is not received within 30 days of the original federal notice or receipt of the applicant's certification and supporting information, whichever terminates last.

c. Consistency for Federal Assistance to State and Local Governments

All applications by state and local governments or any related public entity such as a special-purpose district, for federal financial assistance for projects affecting Minnesota's coastal area must be consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program. Federal assistance programs subject to the consistency requirement are listed at the end of this chapter. This list may be modified subject to the provisions of the CZMA. The Coastal Program may also monitor applications for federal assistance in areas outside the coastal boundary but that affect the coastal area.

The Coastal Program will request to be included on the mailing list of appropriate federal agencies who provide financial assistance to state and local agencies who apply for federal funding. The Coastal Program will then review the application for consistency with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program and either concur or object. During program implementation, MOUs or general consistency determinations will be developed to streamline this process, acting as the federal consistency review, where appropriate.

If, after review of an application for federal financial assistance, the Coastal Program determines the proposed project is inconsistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program, formal objection will be provided to the federal or state agency administering the funding program. The formal objection will describe:

- C How the proposed project is inconsistent with specific enforceable policies and authorities of Minnesota's Lake Superior Coastal Program, and
- C Alternative measures, if they exist, that, if adopted by the applicant agency, would permit the proposed project to be conducted in a manner consistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program.

If the objection by the Coastal Program is based on the failure of the applicant to provide necessary information, the objection must describe the nature of the information requested and the necessity of having such information to determine consistency. The objection should also include a statement informing the applicant agency of the right of appeal to the Secretary of Commerce.

The Coastal Program shall notify the applicant agency, the federal agency, and the Director, OCRM of the objection.

The federal agency may not grant the financial assistance if the Coastal Program determines it to be inconsistent with the enforceable policies and authorities of Minnesota's Lake Superior Coastal Program. If the Coastal Program objects to the application, the federal agency may grant the financial assistance only if the Secretary of Commerce, on appeal by the applicant, overrides the state's objection on the grounds that the proposed activity is consistent with the objectives or purposes of the CZMA or is necessary in the interest of national security.

If the Coastal Program determines that an application for federal assistance for an activity or project outside of the coastal area is subject to the consistency requirement, the Coastal Program and appropriate state agency(s) will immediately notify the applicant agency, the federal agency, and the Director, OCRM.

3. Mediation

Section 307(h) of the CZMA and NOAA's regulations provide for mediation of a serious disagreement between any federal agency and a coastal state in the development and implementation of a management program (15 C.F.R. Part 930, Subpart G).

Conflict Resolution Process

State-local-federal differences should be addressed initially by the parties involved. During implementation of Minnesota's Coastal Program, the focus of Minnesota's Coastal Program will be to develop agreements between federal, state, and local agencies. There already exist examples where federal, state, and local agreements have been developed that identify coordination and conflict resolution mechanisms. One such agreement is the partnership agreement between the USCOE, state, and local agencies (see Appendix G). Where such agreements exist, these will be the mechanism by which conflicts will be resolved. Where agreements for conflict resolution do not exist, the following procedure should be used:

The Coastal Program should attempt to resolve directly with the federal agency disputes regarding:

- C A determination of whether a proposed activity affects the coastal area and therefore is subject to a consistency review; or
- C A determination of the consistency with Minnesota's Lake Superior Coastal Program of a proposed activity affecting the coastal area; or
- C A determination of whether a listed or unlisted federal license or permit activity is subject to consistency review; or
- C A determination that a federal assistance activity is subject to consistency review; or

- Ⓒ Actual compliance with Minnesota's Lake Superior Coastal Program of an activity previously determined to be consistent.

If a serious disagreement cannot be resolved between the parties concerned, either party may request the informal assistance of the Director, OCRM in resolving the disagreement. The request should be in writing, stating the points of disagreement and reasoning. Copies of the request shall be sent to all parties involved in the disagreement.

If a serious disagreement persists, the Secretary or other head of a relevant federal agency, or the Governor or the Coastal Program and Commissioner of DNR may notify the Secretary of Commerce of the disagreement and request mediation. A copy of the notice shall be sent to the agency with which there is a disagreement, and to the OCRM Director.

Mediation will last as long as the parties agree to participate. Mediation will terminate when:

- Ⓒ Parties agree to a resolution;
- Ⓒ One of the parties withdraws from mediation;
- Ⓒ A resolution is not reached following 15 days of mediation following Secretarial conference efforts and parties do not agree to extend mediation beyond that period; or
- Ⓒ Other good cause

4. Minnesota's Environmental Review Program and Minnesota's Lake Superior Coastal Program

Minnesota's Environmental Review Program is based on the Minnesota Environmental Policy Act (Minnesota Statutes Chapter 116D) which recognizes that the restoration and maintenance of environmental quality is critically important to our welfare. The act also recognizes that human activity has a profound and often adverse impact on the environment. Minnesota's Lake Superior Coastal Program also shares these concerns and seeks to use these existing mechanisms that have been established in Minnesota law to aid in the administration of the Coastal Program, to eliminate bureaucracy and streamline the process as much as possible. Following is the purpose of the Minnesota Environmental Policy Act:

A first step in achieving a more harmonious relationship between human activity and the environment is understanding the impact which a proposed project will have on the environment. The purpose of parts 4410.0200 to 4410.6500 of Chapter 4410 Environmental Quality Board Environmental Review is to aid in providing that understanding through the preparation and public review of environmental documents.

Environmental documents shall contain information that addresses the significant environmental issues of a proposed action. This information shall be available to governmental units and citizens early in the decision making process.

Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.

EXEMPTIONS AND MANDATORY EAW CATEGORIES

As a part of the Environmental Review process, a specific list of activities and thresholds has been established to allow applicants to determine the potential environmental effects and determine which process to follow. There are generally three levels that require different types of review: those activities that require and Environmental Assessment Worksheet (EAW), those activities that require and Environmental Impact Statement (EIS) and those activities that are exempt. MLSCP is using the existing the mandatory EAW and exemption categories as benchmarks to assess the effects of activities within the coastal region remaining consistent with the intent to use existing mechanisms where possible and further using existing policies and authorities in the management of the coastal region.

The following is a list of the exemption and mandatory EAW categories from the Minnesota Environmental Review Program, Minnesota Rules, parts 4410.4300, 4410.4400 and 4410.4600. The function of the Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions. The program requires

certain proposed projects to undergo special review procedures prior to obtaining approvals and permits otherwise needed. This list will be used, to the extent it is practicable, by the federal agencies to determine which federal activities required consistency determinations or certifications. Those federal activities that fall at or below the exemption categories will be deemed approved. Those federal activities that meet or exceed the mandatory EAW thresholds require a consistency determination to be submitted to the Coastal Program and will undergo a consistency review. Those federal activities that are not listed in the EAW thresholds, but which have coastal effects also require a consistency determination and will be reviewed by the Coastal Program. Review of any activity the meets or exceeds the mandatory EAW categories will follow the procedures outlined on pages 6-8 through 6-11 (Responsible Governmental Unit-RGU).

Table 26. NUCLEAR FUELS AND NUCLEAR WASTE	
Exemption Categories	Mandatory EAW
None	Subpart 2 A. For construction or expansion of a facility for the storage of high level nuclear waste, the EQB shall be the RGU. B. For construction or expansion of a facility for the storage of low level nuclear waste for one year or longer, the MDH shall be the RGU. C. For expansion of a high level nuclear waste disposal site, the EQB shall be the RGU. D. For expansion of a low level nuclear waste disposal site, the MDH shall be the RGU. E. For expansion of an away-from-reactor facility for temporary storage of spent nuclear fuel, the EQB shall be the RGU. F. For construction or expansion of an on-site pool for temporary storage of spent nuclear fuel, the EQB shall be the RGU.

Table 27. ELECTRIC GENERATING FACILITIES	
Exemption Categories	Mandatory EAW
Subpart 3 Construction of an electric generating plant or combination of plants at a single site with a combined capacity of less than five megawatts.	Subpart 3 For construction of an electric power generating plant and associated facilities designed for or capable of operating at a capacity of 25 megawatts or more, the EQB shall be the RGU.

Table 28. PETROLEUM REFINERIES	
Exemption Categories	Mandatory EAW
None	Subpart 4 For expansion of an existing petroleum refinery facility that increases its capacity by 10,000 or more barrels per day, the PCA shall be the RGU.

Table 29. FUEL CONVERSION FACILITIES	
Exemption Categories	Mandatory EAW
None	Subpart 5 A. For construction of a facility for the conversion of coal, peat, or biomass sources to gaseous, liquid or solid fuels if that facility has the capacity to utilize 25,000 dry tons or more per year of input, the PCA shall be the RGU. B. For construction or expansion of a facility for the production of alcohol fuels which would have or would increase its capacity by 5,000,000 or more gallons per year of alcohol produced, the PCA shall be the RGU.

Table 30. TRANSMISSION LINES	
Exemption Categories	Mandatory EAW
Subpart 5 Construction of a transmission line with a nominal capacity of 69 kilovolts or less.	Subpart 6 For construction of a transmission line at a new location with a nominal capacity of 70 kilovolts or more with 20 or more miles of its length in Minnesota, the EQB shall be the RGU.

Table 31.	PIPELINES
Exemption Categories	Mandatory EAW
None	<p>Subpart 7</p> <p>A. For routing of a pipeline, greater than six inches in diameter and having more than 0.75 miles of its length in Minnesota, used for the transportation of coal, crude petroleum fuels or oil or their derivatives, the EQB shall be the RGU.</p> <p>B. For the construction of a pipeline for distribution of natural or synthetic gas under a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, Section 216B.36, designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than: (1) five miles if the pipeline will occupy streets, highways and other public property; or (2) 0.75 miles if the pipeline will occupy private property; the EQB or the municipality is the RGU.</p> <p>C. For construction of a pipeline to transport natural or synthetic gas subject to regulation under the federal Natural Gas Act, the United States, title 15, Section 717, et. seq., designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than: (1) five miles if the pipeline will be constructed and operated within an existing right-of-way; or (2) 0.75 miles if construction or operation will require new temporary or permanent right-of-way; the EQB is the RGU. This item shall not apply to the extent that the application is expressly preempted by federal law, or under specific circumstances when an actual conflict exists with applicable federal law.</p> <p>D. For construction of a pipeline to convey natural or synthetic gas that is not subject to regulation under the federal Natural Gas Act, United States Code, title 15, Section 717, et. seq.; or to a license, permit, right, or franchise that has been granted by a municipality under authority of Minnesota Statutes, Section 216B.36; designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than 0.75 miles, the EQB is the RGU.</p>

Table 32. TRANSFER FACILITIES	
Exemption Categories	Mandatory EAW
Subpart 6 Construction of a facility designed for or capable of transferring less than 30 tons of coal per hour or with an annual throughput of less than 50,000 tons of coal from one mode of transportation to a similar or different mode of transportation, or the expansion of an existing facility by these respective amounts.	Subpart 8 A. For construction of a facility designed for or capable of transferring 300 tons or more of coal per hour or with an annual throughput of 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation; or the expansion of an existing facility by these respective amounts, the PCA shall be the RGU. B. For construction of a new facility or the expansion by 50 percent or more of an existing facility for the bulk transfer of hazardous materials with the capacity of 10,000 or more gallons per transfer, if the facility is located in a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district, Minnesota River Project Riverbend area, or the Mississippi headwaters area, the PCA shall be the RGU.

Table 33. UNDERGROUND STORAGE	
Exemption Categories	Mandatory EAW
None	Subpart 9 A. For expansion of an underground storage facility for gases or liquids that requires a permit, pursuant to Minnesota Statutes, Section 103I.681, subdivision 1, paragraph (a), the DNR shall be the RGU. B. For expansion of an underground storage facility for gases or liquids using naturally occurring rock materials, that requires a permit pursuant to Minnesota Statutes, Section 103I.681, subdivision 1, paragraph (b), the DNR shall be the RGU.

Table 34. STORAGE FACILITIES	
Exemption Categories	Mandatory EAW
Subpart 7 Construction of a facility designed for or capable of storing less than 750 tons of coal or more, with an annual throughput of less than 12,500 tons of coal, or the expansion of an existing facility by these respective amounts.	Subpart 10 A. For construction of a facility designed for or capable of storing more than 7,500 tons of coal or with an annual throughput of more than 125,000 tons of coal; or the expansion of an existing facility by these respective amounts, the PCA shall be the RGU. B. For construction of a facility on a single site designed for or capable of storing 1,000,000 gallons or more of hazardous materials, the PCA shall be the RGU. C. For construction of a facility designed for or capable of storing on a single site 100,000 gallons or more of liquefied natural gas synthetic gas, or anhydrous ammonia, the PCA shall be the RGU.

Table 35. METALLIC MINERAL MINING AND PROCESSING	
Exemption Categories	Mandatory EAW
Subpart 8 A. General mine site evaluation activities that do not result in a permanent alteration of the environment, including mapping, aerial surveying, visual inspection, geologic field reconnaissance, geophysical studies, and surveying, but excluding exploratory borings. B. Expansion of metallic mineral plant processing facilities that are capable of increasing production by less than ten percent per year, provided the increase is less than 100,000 tons per year in the case of facilities for processing natural iron ore or taconite. C. Scram mining operations.	Subpart 11 A. For mineral deposit evaluation of metallic mineral deposits other than natural iron ore and taconite, the DNR shall be the RGU. B. For expansion of a stockpile, tailings basin, or mine by 320 or more acres, the DNR shall be the RGU. C. For expansion of a metallic mineral plant processing facility that is capable of increasing production by 25 percent per year or more, provided that increase is in excess of 1,000,000 tons per year in the case of facilities for processing natural iron ore or taconite, the DNR shall be the RGU.

Table 36. NONMETALLIC MINERAL MINING	
Exemption Categories	Mandatory EAW
None	Subpart 12 A. For development of a facility for the extraction or mining of peat which will result in the excavation of 160 or more acres of land during its existence, the DNR shall be the RGU. B. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence the local government unit shall be the RGU.

Table 37. PAPER OR PULP PROCESSING MILLS	
Exemption Categories	Mandatory EAW
Subpart 9 Expansion of an existing paper or pulp processing facility that will increase its production capacity by less than 10 percent.	Subpart 13 For expansion of an existing paper or pulp processing facility that will increase its production capacity by 50 percent or more, the PCA shall be the RGU.

Table 38. **INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL FACILITIES**

Exemption Categories	Mandatory EAW
<p>Subpart 10</p> <p>A. Construction of a new or expansion of an existing warehousing, light industrial, commercial, or institutional facility of less than the following thresholds, expressed as gross floor space, if no part of the development is within a shoreland area, delineated flood plain, state or federal designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area:</p> <p>(1) third or fourth class city or unincorporated area, 50,000 square feet</p> <p>(2) second class city, 75,000 square feet</p> <p>(3) first class city, 100,000 square feet.</p> <p>B. Construction of a warehousing, light industrial, commercial, or institutional facility with less than 4,000 square feet of gross floor space, and with associated parking facilities designed for 20 vehicles or less.</p>	<p>Subpart 14</p> <p>A. For construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental unit shall be the RGU.</p> <p>(1) unincorporated area, 150,000;</p> <p>(2) third of fourth class city, 300,000;</p> <p>(3) second class city, 450,000;</p> <p>(4) first class city, 600,000.</p> <p>B. For construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, the local governmental units shall be the RGU. (1) unincorporated area, 100,000 square feet; (2) third or fourth class city, 200,000 square feet; (3) second class city, 300,000 square feet; (4) first class city, 400,000 square feet.</p> <p>C. This subpart applies to any industrial, commercial, or institutional project which includes multiple components in subparts listed in Minnesota Rule 4410.4300, for more than two or more of the components, regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the entire project must be compared to the thresholds specified in items A and B to determine the need for an EAW. If the project meets or exceeds the thresholds specified in any other subpart as well as that of item A or B, the RGU must be determined as provided in part 4410.0500, subpart 1.</p> <p>D. This subpart does not apply to projects for which there is a single mandatory category specified in Minnesota Rules 4410.4300 regardless of whether the project in question meets or exceeds any threshold specified in those subparts. In those cases, the need for an EAW must be determined by comparison of the project to the threshold specified in the applicable subpart, and the RGU must be the governmental unit assigned by that subpart.</p>

Table 39. AIR POLLUTION	
Exemption Categories	Mandatory EAW
Subpart 10, Item C Construction of a new parking facility for less than 100 vehicles if the facility is not located in a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area.	Subpart 15 A. For construction of a stationary source facility that generates 100 tons or more per year or modification of a stationary source facility that increases generation by 100 tons or more per year of any single air pollutant after installation of air pollution control equipment, the PCA shall be the RGU. B. For construction of a new parking facility for 2,000 or more vehicles, the PCA shall be the RGU, except that this category does not apply to any parking facility which is part of a project reviewed pursuant to part 4410.4300, subpart 14, 19, 32, or 34, or part 4410.4400, subpart 11, 14, 21, or 22.

Table 40. HAZARDOUS WASTE	
Exemption Categories	Mandatory EAW
None	Subpart 16 A. For construction or expansion of a hazardous waste disposal facility, the PCA shall be the RGU. B. For construction of a hazardous waste processing facility with a capacity of 1,000 or more kilograms per month, the PCA shall be the RGU. C. For expansion of a hazardous waste processing facility that increase its capacity by ten percent or more, the PCA shall be the RGU. D. For construction or expansion of a facility that sells hazardous waste storage services to generators other than the owner and operator of the facility or construction of a facility at which a generator's own hazardous wastes will be stored for a time period in excess of 90 days, if the facility is located in a water-related land use management district, or in an area characterized by soluble bedrock, the PCA shall be the RGU.

Table 41.	SOLID WASTE
Exemption Categories	Mandatory EAW
None	<p>Subpart 17</p> <ul style="list-style-type: none"> A. For construction of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU. B. For expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, the PCA is the RGU. C. For construction or expansion of a mixed municipal solid waste transfer station for 300,000 or more cubic yards per year, the PCA is the RGU. D. For construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 30 or more tons per day of input, the PCA is the RGU. E. For construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a capacity of 50 or more tons per day of input, the PCA is the RGU. F. For expansion by at least ten percent but less than 25 percent of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, the PCA is the RGU. G. For construction or expansion of a mixed municipal solid waste energy recovery facility ash landfill receiving ash from an incinerator that burns refuse-derived fuel or mixed municipal solid waste, the PCA is the RGU.

Table 42.	WASTEWATER SYSTEMS
Exemption Categories	Mandatory EAW
<p>Subpart 11 Construction of a new wastewater treatment facility with a capacity of less than 5,000 gallons per day average wet weather flow or the expansion of an existing wastewater treatment facility by less than 5,000 gallons per day average wet weather flow or the expansion of a sewage collection system by less than 5,000 gallons per day design daily average flow or a sewer line of 1,000 feet or less and eight-inch diameter or less.</p>	<p>Subpart 18</p> <ul style="list-style-type: none"> A. For expansion, modification, or replacement of a municipal sewage collection system resulting in an increase in design average daily flow of any part of that system by 1,000,000 gallons per day or more, the PCA shall be the RGU. B. For expansion or reconstruction of an existing municipal or domestic wastewater treatment facility which results in an increase by 50 percent or more and by at least 50,000 gallons per day of its average wet weather design flow capacity of 50,000 gallons per day or more, the PCA shall be the RGU. C. For expansion or reconstruction of an existing industrial process wastewater treatment facility which increases its design flow capacity by 50 percent or more and by at least 200,000 gallons per day or more, or construction of a new industrial process wastewater treatment facility with a design flow capacity of 200,000 gallons per day or more, 5,000,000 gallons per month or more, or 20,000,000 gallons per year or more, the PCA shall be the RGU. This category does not apply to industrial process wastewater treatment facilities that discharge to a publicly-owned treatment works or to a tailings basin reviewed pursuant to subpart 11, item B.

Table 43.

RESIDENTIAL DEVELOPMENT

Exemption Categories	Mandatory EAW
<p>Subpart 12</p> <p>A. Construction of a sewer residential development, no part of which is within a shoreland area, delineated flood plain state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, of:</p> <ol style="list-style-type: none"> 1) less than ten units in an unincorporated area, 2) less than 20 units in a third or fourth class city, 3) less than 40 units in a second class city, or 4) less than 80 units in a first class city. <p>B. Construction of a single residence or multiple residence with four dwelling units of less and accessory appurtenant structures and utilities.</p>	<p>Subpart 19</p> <p>A. 50 or more unattached or 75 or more attached units in an unsewered unincorporated area or 100 unattached units or 150 attached units in a sewer unincorporated area;</p> <p>B. 100 unattached units or 150 attached units in a city that does not meet the conditions of item D;</p> <p>C. 100 unattached units or 150 attached units in a city meeting the conditions of item D if the project is not consistent with the adopted comprehensive plan; or</p> <p>D. 250 unattached units or 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes, Section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the following elements:</p> <ol style="list-style-type: none"> 1) a land use plan designating the existing and proposed location, intensity, and extent of use of land and water for residential, industrial, agricultural, and other public and private purposes; 2) a transportation plan describing, designating, and scheduling the location, extent, function, and capacity of existing and proposed local public and private transportation facilities and services; 3) a sewage collection system policy plan describing, designating, and scheduling the areas to be served by the public system, the existing and planning capacities of the public system, and the standards and conditions under which the installation of private sewage treatment systems will be permitted; 4) a capital improvements plan for public facilities; and 5) an implementation plan describing public programs, fiscal devices, and other actions to be undertaken to implement the comprehensive plan, and a description of official controls addressing the matters of zoning, subdivision, private sewage systems, and a schedule for the implementation of those controls. The EQB chair may specify the form to be used for making a certification under this item.

Table 44. CAMPGROUNDS AND RV PARKS	
Exemption Categories	Mandatory EAW
None	Subpart 20 For construction of a seasonal or permanent recreational development, accessible by vehicle, consisting of 50 or more sites, or the expansion of such a facility by 50 or more sites, the local government unit shall be the RGU.

Table 45. AIRPORT PROJECTS	
Exemption Categories	Mandatory EAW
Subpart 13 A. Runway, taxiway, apron, or leading ramp construction or repair work including reconstruction, resurfacing, marking, grooving, fillets, and jet blast facilities, except where the project will create environmental impacts off airport property. B. Installation or upgrading of airfield lighting systems, including beacons and electrical distribution systems. C. Construction or expansion of passenger handling or parking facilities, including pedestrian walkway facilities. D. Grading or removal of obstructions and erosion control projects on airport property, except where the projects will create environmental impacts off airport property.	Subpart 21 A. For construction of a paved, new airport runway, the DOT, local governmental unit, or the Metropolitan Airports Commission shall be the RGU. B. For construction of a runway extension that would upgrade an existing runway to permit usage by aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway, the DOT, local government unit, or the Metropolitan Airports Commission shall be the RGU. The RGU shall be selected according to part 4410.0500, subpart 5.

Table 46. HIGHWAY PROJECTS	
Exemption Categories	Mandatory EAW
Subpart 14 A. Highway safety improvement projects. B. Installation of traffic control devices, individual noise barriers, bus shelters and bays, loading zones, and access and egress lanes for transit and paratransit vehicles. C. Modernization of an existing roadway or bridge by resurfacing, restoration, or rehabilitation that may involve the acquisition of minimal amounts of right-of-way. D. Roadway landscaping, construction of bicycle and pedestrian lanes, paths, and facilities within existing right-of-way. E. Any stream diversion or channelization within the right-of-way of an existing public roadway associated with bridge or culvert replacement. F. Reconstruction or modification of an existing bridge structure on essentially the same alignment or location that may involve the acquisition or minimal amounts of right-of-way.	Subpart 22 A. For construction of a road on a new location over one mile in length that will function as a collector roadway, the DOT or local government unit shall be the RGU. B. For construction of additional travel lanes on an existing road for a length of one or more miles, the DOT or local government unit shall be the RGU. C. For the addition of one or more new interchanges to a completed limited access highway, the DOT or local government unit shall be the RGU.

Table 47. BARGE FLEETING	
Exemption Categories	Mandatory EAW
None	Subpart 23 For construction of a new or expansion of an existing barge fleeting facility, the DOT or port authority shall be the RGU.

Table 48. WATER APPROPRIATION AND IMPOUNDMENTS	
Exemption Categories	Mandatory EAW
Subpart 15 A new or additional permanent impoundment of water creating a water surface of less than ten acres.	Subpart 24 A. For a new appropriation for commercial or industrial purposes of either surface water or ground water averaging 30,000,000 gallons per month; or an a new appropriation of either ground water or surface water for irrigation of 540 acres or more in one continuous parcel from one source of water, the DNR shall be the RGU. B. For a new permanent impoundment of water creating additional water surface of 160 or more acres or for an additional permanent impoundment of water creating additional water surface of 160 or more acres, the DNR shall be the RGU. C. For construction of a dam with an upstream drainage area of 50 square miles or more, the DNR shall be the RGU.

Table 49. MARINAS	
Exemption Categories	Mandatory EAW
Subpart 16 Construction of private residential docks for use by four or less boats and utilizing less than 1,500 square feet of water surface.	Subpart 25 For construction or expansion of a marina or harbor that results in a 20,000 or more square foot total or a 20,000 or more square foot increase of water surface area used temporarily or permanently for docks, docking, or maneuvering of watercraft, the local government unit shall be the RGU.

Table 50. STREAMS AND DITCHES	
Exemption Categories	Mandatory EAW
Subpart 17 Routine maintenance or repair of a drainage ditch within the limits of its original construction flow capacity, performed within 20 years of construction of major repair.	Subpart 26 For a diversion, realignment, or channelization of any designated trout stream, or affecting greater than 500 feet of natural watercourse with a total drainage area of ten or more square miles unless exempted by part 4100.4600, subpart 14, item E, or 17, the local government unit shall be the RGU.

Table 51. WETLANDS AND PROTECTED WATERS	
Exemption Categories	Mandatory EAW
None	<p>Subpart 27</p> <p>A. For projects that will change or diminish the course, current, or cross-section of one acre or more of any protected water or protected wetland except for those to be drained without a permit pursuant to Minnesota Statutes, chapter 103G, the local government unit shall be the RGU.</p> <p>B. For projects that will change or diminish the course, current, or cross-section of 40 percent or more or five or more acres of types 3 through 8 wetland of 2.5 acres or more, excluding protected wetlands, if any part of the wetland is within a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, the local government unit shall be the RGU.</p>

Table 52. FORESTRY	
Exemption Categories	Mandatory EAW
<p>Subpart 18</p> <p>A. Harvesting of timber for maintenance purposes.</p> <p>B. Public and private forest management practices, other than clear cutting or the application of pesticides, that involve less than 20 acres of land.</p>	<p>Subpart 28</p> <p>A. For harvesting of timber for commercial purposes on public lands within a state park, historical area, wilderness area, scientific and natural area, wild and scenic rivers district, the Minnesota River Project Riverbend area, the Mississippi headwaters area, or critical area that does not have an approved plan under Minnesota Statutes, Section 86A.09 or 116G.07, the DNR shall be the RGU.</p> <p>B. For a clear cutting of 80 or more contiguous acres of forest, any part of which is located within a shoreland area and within 100 feet of the ordinary high water mark of the lake or river, the DNR shall be the RGU.</p>

Table 53. ANIMAL FEEDLOTS	
Exemption Categories	Mandatory EAW
Subpart 19 Construction of an animal feedlot facility of less than 100 animal units or the expansion of an existing facility by less than 100 animal units no part of either of which is located within a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area.	Subpart 29 For the construction of an animal feedlot facility with a capacity of 1,000 animal units or more or the expansion of an existing facility by 1,000 animal units or more or construction of a total confinement animal feedlot facility of 2,000 animal units or more or the expansion of an animal feedlot facility by 2,000 animal units or more if the expansion is a total confinement facility, the PCA shall be the RGU.

Table 54. NATURAL AREAS	
Exemption Categories	Mandatory EAW
None	Subpart 30 For projects resulting in the permanent, physical encroachment on lands within a national park, state park, wilderness area, state lands and waters within the boundaries of the Boundary Waters Canoe Area, scientific and natural area, or state trail corridor when the encroachment is inconsistent with laws applicable to or the management plan prepared for the recreational unit, the DNR or local government unit shall be the RGU.

Table 55. HISTORICAL PLACES	
Exemption Categories	Mandatory EAW
None	Subpart 31 For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local unit of government shall be the RGU, except this does not apply to projects reviewed under Section 106 of the National Historic Preservation Act of 1966, United States Code, title 16, Section 470, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, Section 303.

Table 56. **MIXED RESIDENTIAL AND INDUSTRIAL-COMMERCIAL PROJECTS**

Exemption Categories	Mandatory EAW
None	Subpart 32 If a project includes both residential and industrial-commercial components, the project must have an EAW prepared if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold of subpart 19, plus the quotient obtained by dividing the amount of industrial-commercial gross floor space by the amount of industrial-commercial threshold of subpart 14, equals or exceeds one. The local government unit is the RGU.

Table 57. **COMMUNICATIONS TOWERS**

Exemption Categories	Mandatory EAW
None	Subpart 33 For construction of a communications tower equal to or in excess of 500 feet in height, or 300 feet in height within 1,000 feet of any protected water or protected wetland and within two miles of the Mississippi, Minnesota, Red, or St. Croix rivers, or Lake Superior, the local governmental unit is the RGU.

Table 58. **SPORTS OR ENTERTAINMENT FACILITIES**

Exemption Categories	Mandatory EAW
None	Subpart 34 For construction of a new sports or entertainment facility designed for or expected to accommodate a peak attendance of 5,000 or more persons, or the expansion of an existing sports or entertainment facility by this amount, the local governmental unit is the RGU.

Table 59. RELEASE OF GENETICALLY ENGINEERED ORGANISMS	
Exemption Categories	Mandatory EAW
None	<p>Subpart 35</p> <p>For the release of a genetically engineered organism that requires a release permit from the EQB under chapter 4420, the EQB is the RGU. For all other releases of genetically engineered organisms, the RGU is the permitting state agency. This subpart does not apply to the direct medical application of genetically engineered organisms to humans or animals.</p>

Table 60. LAND USE CONVERSION, INCLUDING GOLF COURSES	
Exemption Categories	Mandatory EAW
None	<p>Subpart 36</p> <p>A. For golf courses, residential development where the lot size is less than five acres, and other projects resulting in the permanent conversion of 80 or more acres of agricultural, native prairie, forest, or naturally vegetated land, the local government unit shall be the RGU, except than this subpart does not apply to agricultural land inside the boundary of the Metropolitan Urban Service established by the Metropolitan Council.</p> <p>B. For projects resulting in the conversion of 640 or more acres of forest or naturally vegetated land to a different open space land use, the local government unit shall be the RGU.</p>

**Federal Activities, Licenses, Permits and Assistance Programs
Subject to Federal Consistency Requirements**

I. Direct Federal Activities and Development Projects

If a direct federal activity is not addressed in an agreement with the state, and the activity meets or exceeds the “mandatory EAW categories”, a federal agency must provide the DNR Waters and appropriate state agency(s) with a consistency determination for any activity affecting any land or water use or natural resources within Minnesota’s coastal boundary. The following list is provided to highlight those activities most likely to affect the coastal area.

Department of Agriculture, Forest Service

- Harvest of timber, reforestation, road and trail building and maintenance, fish and wildlife enhancement, shoreline erosion control/bank stabilization, construction and operation of campgrounds and wilderness access points, construction and maintenance of water access sites, exchange and acquisition of federal land, design and construction of administrative site, and site cleanup under RCRA or CERCLA.

Department of Defense, Army Corps of Engineers

- Dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities and other projects with the potential to impact coastal lands and waters.
- Land acquisition or disposal for spoil disposal or other purposes.
- Habitat creation (islands, marshes, etc. created by dredge material).
- Selection of disposal sites for dredged material from federal harbors and navigation channels.

Department of Defense, Air Force, Army, and Navy

- Location, design, and acquisition of new or expanded defense installations (active or reserve status including associated housing, transportation or other facilities).
- Plans, procedures and facilities for handling storage use zones.
- Establishment of impact, compatibility or restricted use zones.
- Disposal of defense property.

Department of Energy

- Prohibition orders.

Department of Interior, Bureau of Indian Affairs

- Indian trust (reservation) land acquisitions (25 C.F.R. 151)
- Development of trust lands
Realty actions: leases, rights of way
Environmental review in compliance with tribal/federal mandates
- Inventorying, monitoring and protection of trust resources
(Includes adjudicated ceded territory resources in 1854 Authority)
Forest management and sales
Fish, wildlife & wild rice habitat management/restoration
Integrated Resource Management Plans (IRMPs)
Solid and hazardous waste compliance (dump caps, USTs, etc.)
Natural Resources Damage Assessments (CERCLA, CWA, OPA 90)

Department of Interior, Fish and Wildlife Service

- Management of Natural Wildlife Refuges; land acquisition.

Department of Interior, National Park Service

- National Park Service unit management; land acquisitions.
- Location, design, and acquisition of new or expanded facilities.

Department of Justice, U.S. Marshals Service

- Disposition of property acquired by the Marshals Service.

Department of Transportation, Coast Guard

- Location and design, construction, or enlargement of Coast Guard stations, bases, and lighthouses.
- Location, placement, or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- Expansion, abandonment, designation of anchorages, lighting areas or shipping lanes and ice management practices and activities.
- Ice breaking
- Oil and hazardous material pollution response planning and response activities

Department of Transportation, Federal Aviation Administration

- Location and design, construction, maintenance, and demolition of federal aids to air navigation.

Department of Transportation, Amtrak, Conrail

- Expansions, curtailments, new construction, upgrades or abandonments of railroad facilities or services, in or affecting the state's coastal area.

Department of Transportation, Federal Highway Administration

- Highway construction.

Department of Transportation, Maritime Administration

- Port planning

Environmental Protection Agency

- Activities conducted under the Resource Conservation and Recovery Act (RCRA) of 1976.
- Activities conducted under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980.

Federal Energy Regulatory Commission

- Construction to develop new supplies or to reinforce existing transportation systems

General Services Administration

- Acquisition, location and design of proposed federal government property or buildings, whether leased or owned by the federal government.
- Disposition of federal surplus lands and structures.

Nuclear Regulatory Commission

- The siting, construction and operation of nuclear generating stations, fuel storage, and processing centers pursuant to the Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974.

II. Federal Licenses and Permits

Department of Agriculture, Forest Service

- Road/trail access across federal land to nonfederal land to provide access to nonfederal land or to allow development of state, county or township roads and highways (36 C.F.R. 251.110).
- Minerals or energy development (includes mineral exploration, mine development and operation, gravel extraction and quarry stone extraction) (36 C.F.R. 228).
- Recreational uses (shoreline resorts, shoreline homes) (36 C.F.R. 251.50).
- Special events (36 C.F.R. 251.50).
- Utility corridors (power line and pipelines across federal land) (36 C.F.R. 251.50).
- Protection of archeological resources (36 C.F.R. 296).

Department of Defense, Army Corps of Engineers

- Construction of dams, dikes, or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- Approval of plans for improvement made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- Disposal of dredged or fill material into the waters of the U.S. pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).
- All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

Department of Interior, Bureau of Indian Affairs

- Archaeological Resources Protection Act Permits for trust lands (25 C.F.R. 262).

Department of Interior, Fish and Wildlife Service

- Fish and Wildlife coordination (17 U.S.C. 661-667).

- Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).

Department of Transportation, Coast Guard

- Construction or modification of bridges, causeways, or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- Hazardous substances and materials (33 U.S.C. 419).
- Marine event permits (46 U.S.C. 454, 33 C.F.R. 100.15).

Department of Transportation, Federal Aviation Administration

- Permits and licenses for construction, operation, or alteration of airports (F.A.R. Part 157).

Environmental Protection Agency

- NPDES permits and other permits for federal installations, sludge runoff and aquaculture permits and all other permits pursuant to §401, 402, 403, 405, and 318 of the federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- Permits pursuant to the Resource Conservation and Recovery Act (RCRA) of 1976.
- Permits pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980.
- Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300 h-c).
- Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

Federal Energy Regulatory Commission

- Licenses, renewals, or amendments to licenses for nonfederal hydroelectric projects and primary transmission lines under Section 3(11), 4(e), and 15 of the federal Power Act (16 U.S.C. 796 (11), 797 (11), and (808)).
- Orders for interconnection of electric transmission facilities under Section 202 (b) of the federal Power Act (15 U.S.C. 824 a (b)).
- Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under §7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c)).
- Permission and approval for the abandonment of natural gas pipeline facilities under §7 (b) of the Natural Gas Act (15 U.S.C. 717 f (b)).

- Regulation of gas pipelines, and licensing of import and export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- Exemptions from prohibition orders (15 U.S.C. 791).

Nuclear Regulatory Commission

- Licensing and determination of the siting, construction and operation of nuclear generating stations, fuel storage, and processing centers pursuant to the Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1974.

Surface Transportation Board

- Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines (49 U.S.C. 10901 @ seq.).

III. Federal Assistance

(NOTE: Numbers refer to the Catalog of federal Domestic Assistance Programs.)

Department of Agriculture

- 10.025 Plant and Animal Disease and Pest Control
- 10.405 Farm Labor Housing Loans and Grants
- 10.411 Rural Housing Site Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Rental Housing Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.420 Rural Self-Help Housing Technical Assistance
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants
- 10.433 Rural Housing Preservation Grants
- 10.760 Water and Waste Disposal Systems Loans and Grants
- 10.762 Solid Waste Management Grants
- 10.763 Emergency Community Water Assistance Grants
- 10.764 Resource Conservation and Development Loans
- 10.765 Watershed Protection and Flood Prevention Loans
- 10.766 Community Facilities Loans
- 10.767 Intermediary Relending Program
- 10.768 Business and Industrial Loans
- 10.769 Rural Business Enterprise Grant Program
- 10.850 Rural Electrification Loans and Guarantees
- 10.851 Rural Telephone Loans and Guarantees
- 10.852 Rural Telephone Bank Loans

- 10.854 Rural Economic Development Loan and Grant Program
- 10.901 Resource Conservation and Development
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

Department of Commerce

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.302 Economic Development - Support for Planning Organizations
- 11.303 Economic Development - Technical Assistance
- 11.304 Economic Development - Public Works Impact Projects
- 11.305 Economic Development - State and Urban Area Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance, Sudden and Severe Economic Dislocation (SSED) and Long-Term Deterioration (LTED)
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Interjurisdictional Fisheries Act of 1986
- 11.417 Sea Grant Support
- 11.419 Coastal Zone Management Program Administration
- 11.420 Coastal Zone Management Estuarine Research Reserves
- 11.427 Fisheries Development and Utilization Research/Development Grants/Coop Agreements
- 11.550 Public Telecommunications Facilities - Construction and Planning

Department of Defense

- 12.101 Beach Erosion Control Projects
- 12.104 Flood Plain Management Services
- 12.105 Protection of Essential Highways, Highway Bridge Approaches, and Public Works
- 12.106 Flood Control Projects
- 12.107 Navigation Projects
- 12.108 Snagging and Clearing for Flood Control
- 12.109 Protection, Clearing and Straightening Channels
- 12.110 Planning Assistance to States
- 12.610 Joint Military/Community Comprehensive Land Use Plans

Department of Housing and Urban Development

- 14.170 Congregate Housing Services Program
- 14.174 Housing Development Grants (HoDAG)
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Grants

Department of the Interior

- 15.600 Anadromous Fish Conservation
- 15.605 Sport Fish Restoration
- 15.611 Wildlife Restoration
- 15.612 Endangered Species Conservation

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- 15.614 North American Wetlands Conservation
- 15.616 Clean Vessel Act
- 15.904 Historic Preservation Fund Grants-In-Aid
- 15.910 National Natural Landmarks Program
- 15.916 Outdoor Recreation - Acquisition, Development and Planning

Department of Transportation

- 20.005 Boating Safety Financial Assistance
- 20.106 Airport Improvement Program
- 20.205 Highway Planning and Construction (Including Intermodal Surface Transportation Efficiency Act Programs)
- 20.219 Symms National Recreation Trails Fund Act - Grants for Motorized and Non-motorized Trails
- 20.308 Local Rail Service Assistance Program
- 20.500 Urban Mass Transportation Capital Improvement Grants
- 20.509 Public Transportation for Nonurbanized Areas
- 20.801 Development and Promotion of Ports and Intermodal Transportation
- 20.998 Transportation Improvement Program

General Services Administration

- 39.002 Disposal of Federal Surplus Real Property

National Foundation of the Arts and the Humanities

- 45.007 Promotion of the Arts - State Programs
- 45.023 Promotion of the Arts - Local Programs

Department of Veteran Affairs

- 64.005 Grants to States for Construction of State Home Facilities

Environmental Protection Agency

- 66.001 Air Pollution Control Program Support
- 66.419 Water Pollution Control - State and Interstate Program Support
- 66.432 State Public Water System Supervision
- 66.433 State Underground Water Source Protection
- 66.435 Water Pollution Control - Lake Restoration Cooperative Agreements
- 66.438 Construction Management Assistance
- 66.454 Water Quality Management Planning
- 66.456 National Estuary Program
- 66.458 Capitalization Grants for State Revolving Funds
- 66.500 Environmental Protection - Consolidated Research
- 66.501 Air Pollution Control Research
- 66.502 Pesticides Control Research
- 66.504 Solid Waste Disposal Research
- 66.505 Water Pollution Control - Research, Development, and Demonstration
- 66.506 Safe Drinking Water Research and Demonstration

- 66.507 Toxic Substances Research
- 66.600 Environmental Protection Consolidated Grants - Program Support
- 66.700 Pesticides Enforcement Program
- 66.701 Toxic Substances Compliance Monitoring Cooperative Agreements
- 66.702 Asbestos Hazards Abatement (Schools) Assistance
- 66.801 Hazardous Waste Management State Program Support
- 66.802 Hazardous Substance Response Trust Fund
- 66.804 State Underground Storage Tanks Program
- 66.805 Underground Storage Tank Trust Fund
- 66.807 Superfund Innovative Technology Evaluation Program (SITE)
- 66.808 Hazardous Waste; Integrated Training and Technical Assistance - Interstate

Department of Energy

- 81.041 State Energy Conservation
- 81.049 Basic Energy Sciences, High Energy or Nuclear Physics, Magnetic Fusion Energy, Health and Environmental Research, Program Analysis and Field Operations Management

Federal Emergency Management Agency

- 83.503 Civil Defense - State and Local Emergency Management Assistance
- 83.513 State and Local Warning and Communication Systems
- 83.516 Disaster Assistance

Table 61. **Summary of Federal Consistency Provisions**

	Direct Federal Actions & Development Projects	Federal License or Permit Activities	Federal Assistance to State and Local Governments
CZMA Section 307	(c)(1) & (2)	(c)(3)(A)	(d)
Activity subject to review, if it...	Affects any land or water use or natural resource of the coastal zone	Affects any land or water use or natural resource of the coastal zone	Affects any land or water use or natural resource of the coastal zone
Consistency requirement	Consistent to the maximum extent practicable with state CMP	Consistent with state CMP	Consistent with state CMP
Who decides?	Federal agency	State CMP and networked state agency(s)	State CMP and networked state agency(s)
Time limit	45 days, plus 15 day extension	30 days; state may extend	30 days state may extend
Impact of State Objection	Federal agency may proceed. Must cite legal authority as to why it must proceed despite inconsistency	Federal agency may not issue permit, license, or other approval	Federal agency may not grant assistance
Administrative conflict resolution	Mediation by the Secretary of Commerce (voluntary, non-binding)	Appeal to the Secretary to override state objection	Appeal to the Secretary to override state objection

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

☒ None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

☒ No

Explain:

According to Minnesota Pollution Control Agency data, the site does not have any toxic or hazardous substances and is not within 3,000 of a solid or hazardous waste landfill.

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in

compliance with contamination and toxic substances requirements.

Supporting documentation

[LincolnPark_WIMN.pdf](#)

[LincolnPark_LandfillSites.pdf](#)

Are formal compliance steps or mitigation required?

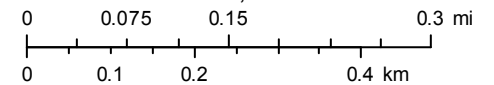
Yes

✓ No

[illegible]

May 17, 2017

1:9,028



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Legend

-  Multiple Activities
-  Air
-  Feedlot
-  Hazardous Waste
-  Investigation & Cleanup
-  Solid Waste
-  Tanks & Leaks
-  Water

Contamination and Toxic Substances: Landfills



Legend

- Hazardous or Solid Waste Facility
- ▨ 3,000 Foot Buffer

Date: 5/17/2017

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service ("FWS" and "NMFS" or "the Services").	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

2. Are federally listed species or designated critical habitats present in the action area?

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

Screen Summary**Compliance Determination**

This project will have No Effect on listed species because the project area is a city park in the middle of a developed city neighborhood and there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

Supporting documentation

[EndangeredSpecies_StLouis_MinnesotaDNR.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Minnesota

County Distribution of Federally-listed Threatened, Endangered, Proposed, and Candidate Species

Revised Jan. 10, 2018

Species	Status	County	Habitat
Mammals			
Canada lynx (<i>Lynx canadensis</i>)	Threatened	Aitkin, Beltrami, Carlton, Cass, Clearwater, Cook, Itasca, Koochiching, Lake, Lake of The Woods, Marshall, Pine, Roseau, St. Louis	Northern forested areas
Canada lynx (<i>Lynx canadensis</i>)	Critical Habitat	Cook, Koochiching, Lake, St. Louis	Map of lynx critical habitat in Minnesota
Gray wolf <i>Canis lupus</i>	Threatened	Aitkin, Beltrami, Becker, Carlton, Cass, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake Of Woods, Mahnomen, Marshall, Mille Lacs, Morrison, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Sherburne, Wadena	Northern forested areas
Gray wolf <i>Canis lupus</i>	Critical Habitat	Beltrami, Cook, Itasca, Koochiching, Lake, Lake of the Woods, Roseau, St. Louis	
Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Statewide	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Birds			
Piping plover (<i>Charadrius melodus</i>) Great Lakes Breeding Population	Endangered	St. Louis County	Sandy beaches, islands
Piping plover (<i>Charadrius melodus</i>) Northern Great Plains Breeding Population	Threatened	Lake of The Woods	Sandy beaches, islands
Piping plover (<i>Charadrius melodus</i>) Great Lakes Breeding Population	Critical Habitat	St. Louis County	
Piping plover (<i>Charadrius melodus</i>) Northern Great Plains Breeding Population	Critical Habitat	Lake of the Woods Map of Critical Habitat Unit (1-page PDF)	
Rufa Red knot (<i>Calidris canutus rufa</i>)	Threatened	St. Louis	Coastal areas along Lake Superior
Fish			
Topeka shiner (<i>Notropis topeka</i>)	Endangered	Lincoln, Murray, Nobles, Pipestone, Rock	Prairie rivers and streams

Topeka shiner (<i>Notropis topeka</i>)	Critical Habitat	Lincoln, Murray, Nobles, Pipestone, Rock	
Insects			
Dakota skipper (<i>Hesperia dacotae</i>)	Threatened	Clay, Douglas, Kittson, Lincoln, Lyon, Murray, Norman, Pipestone, Polk, Pope	Native prairie habitat
Dakota skipper (<i>Hesperia dacotae</i>)	Critical Habitat	Chippewa, Clay, Kittson, Lincoln, Murray, Norman, Pipestone, Polk, Pope, and Swift Maps of Critical Habitat www.fws.gov/midwest/endangered/insects/dask/fin_alch.html#maps	Native prairie habitat
Karner blue butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered	Winona	Pine barrens and oak savannas on sandy soils and containing wild lupines (<i>Lupinus perennis</i>), the only known food plant of larvae.
Poweshiek skipperling (<i>Oarisma poweshiek</i>)	Endangered Critical Habitat	Chippewa, Clay, Cottonwood, Douglas, Kittson, La Qui Parle, Lincoln, Lyon, Mahnomen, Murray, Norman, Pipestone, Polk, Pope, Roseau, Swift, and Wilkin Counties Maps of Critical Habitat www.fws.gov/midwest/endangered/insects/dask/fin_alch.html#maps	Native prairie
Rusty patched bumble bee <i>Bombus affinis</i>	Endangered	Beltrami, Blue Earth, Carver, Chisago, Clearwater, Dakota, Fillmore, Goodhue, Hennepin, Houston, Itasca, Jackson, Ramsey, Rice, Scott, Sherburne, Wabasha, Washington, Winona, Wright Note for project proponents: this bee is not known to occur throughout the entire county. To determine if your project or ongoing action is within an area that is likely to have the rusty patched bumble bee, use our online tool at https://ecos.fws.gov/ipac/	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.
Mussels			
Higgins eye pearlymussel (<i>Lampsilis higginsii</i>)	Endangered	Chisago, Dakota, Goodhue, Hennepin, Houston, Ramsey, Wabasha, Washington, Winona	Mississippi and St. Croix Rivers
Sheepnose (<i>Plethobasus cyphus</i>)	Endangered	Wabasha and Winona	Mississippi River in Wabasha and Winona counties, St. Croix River in Washington county
Snuffbox (<i>Epioblasma triquetra</i>)	Endangered	Chisago, Hennepin, Ramsey, Washington	Mississippi River in Hennepin and Ramsey counties; St. Croix River in Chisago and Washington counties
Spectaclecase (<i>Cumberlandia monodonta</i>)	Endangered	Chisago, Pine, Wabasha, Washington	St. Croix River and Mississippi River

Winged mapleleaf (<i>Quadrula fragosa</i>)	Endangered	Chisago, Ramsey, Washington	St. Croix River and Mississippi River (Upper Pool 2)
Plants			
Minnesota dwarf trout lily (<i>Erythronium propullans</i>)	Endangered	Dodge, Goodhue, Rice, and Steele	North facing slopes and floodplains in deciduous forest
Leedy's roseroot (<i>Rhodiola integrifolia</i> ssp. <i>leedyi</i>)	Threatened	Fillmore, Olmsted	Cool, wet groundwater-fed limestone cliffs
Prairie bush clover (<i>Lespedeza leptostachya</i>)	Threatened	Brown, Cottonwood, Dakota, Dodge, Goodhue, Jackson, Martin, Mower, Nobles, Olmsted, Redwood, Renville, Rice, Rock	Native prairie on well- drained soils
Western prairie fringed orchid (<i>Platanthera praeclara</i>)	Threatened	Clay, Kittson, Lincoln, Mower, Nobles, Norman, Pennington, Pipestone, Polk, Red Lake, Rock	Wet prairies and sedge meadows



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Canis lupus Linnaeus, 1758

Gra

MN Status:

delisted

Federal Status:

threatened

CITES:

yes

USFS:

yes

Group:

mammal

Class:

Mammalia

Order:

Carnivora

Family:

Canidae

Habitats:

[Fire Dependent](#)

[Forest, Mesic](#)

[Hardwood Forest,](#)

[Forested Rich](#)

[Peatland, Forested](#)

[Acid Peatland, Non-](#)

[forested Acid](#)

[Peatland, Non-](#)

[forested Rich](#)

[Peatland](#)

Synonyms

Canis lupus lycaon

Basis for Former Listing

Prior to European settlement, the gray wolf, sometimes called the timber wolf, inhabited most of North America south to at least 20° latitude (Mech 1995). Human persecution, habitat deterioration, and the reduction of prey populations led to the decline of wolves. Wolves were almost completely eliminated from the western United States by the 1930s. In Wisconsin and Michigan, wolves were eliminated by the mid-1960s. At that time, only a small number of wolves survived in northeastern Minnesota and on Isle Royale in Michigan, although large populations remained in Canada and Alaska.

The first federal Endangered Species Preservation Act was passed in 1966, and in 1967 gray wolves were classified as endangered and provided limited protection. In 1974, four subspecies of gray wolves in the lower 48 states (*Canis lupus irremotus*, *C. l. lycaon*, *C. l. bailey*, and *C. l. monstrabilis*) were afforded full protection under the federal Endangered Species Act (ESA) of 1973 (50 CFR 17.11(h)). In 1978, the gray wolf was relisted as endangered at the full species level (*C. lupus*) throughout the conterminous 48 States and Mexico, except for Minnesota where it was reclassified as threatened (50 CFR 17.11(h)). Under the federal protection provided by the ESA, it was illegal to kill a wolf, except in the defense of a human life. This protection allowed wolves the chance to repopulate portions of the Great Lakes region.

Wolves in Minnesota significantly increased and expanded their range (Fuller et al. 1992; Berg and Benson 1999), which led to the 1978 decision to reclassify them at the threatened level of federal protection. This reclassification allowed the federal government to kill problem wolves in response to livestock depredation. Gray wolves were originally state listed as threatened in Minnesota in 1984, but as wolf numbers continued to increase, they were reclassified as state special concern in 1996. In January 2012, wolves in the western Great Lakes population, including Minnesota, were completely removed from the federal Endangered Species List. On December 19, 2014, a federal judge issued a decision to immediately reinstate federal ESA protections for gray wolves in Minnesota, Wisconsin and Michigan. In Minnesota, this ruling returned the wolf to threatened status under the federal ESA and returned management to the U.S. Fish and Wildlife Service. Learn more about [wolf management \(http://www.dnr.state.mn.us/mammals/wolves/mgmt.html\)](http://www.dnr.state.mn.us/mammals/wolves/mgmt.html) in Minnesota.

Basis for Delisting

The current density of the gray wolf is approximately 1 per 10 square miles. Alaska is the only U. S. state with a higher population of gray wolves than Minnesota. Minnesota's gray wolf range has expanded from a 12,000 square miles in the 1950's to over 27,000 square miles. As of 2013, the population is estimated at 2,200, which exceeds the federal delisting 1,250-1,400. Minnesota's gray wolf population has remained stable over the last 10 years, with most areas of suitable habitat in state now occupied. These data suggest that the population has fully recovered and special concern status is no longer necessary. Gray wolf was removed from Minnesota special concern status in 2013.

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[Map Interpretation \(maps\)](#)



[Map Interpretation \(maps\)](#)



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Charadrius melodus Ord, 1824

Piping

MN Status:

endangered

Federal Status:

threatened

CITES:

none

USFS:

none

Group:

bird

Class:

Aves

Order:

Charadriiformes

Family:

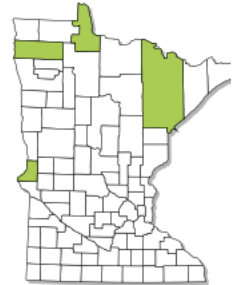
Charadriidae

Habitats:

[Lake Shore](#)

Basis for Listing

Three North American piping plover populations are recognized: Atlantic Coast, Great Lakes, and northern Great Plains. Human disturbance on nesting grounds, nest predation, and loss of habitat on both breeding and wintering grounds have caused serious declines in all three populations (U.S. Fish and Wildlife Service 1988). A population model suggests that the northern Great Plains population is declining by 7% annually (Ryan et al. 1993). In Minnesota, piping plovers once nested on sparsely vegetated dredge spoil disposal areas in the Duluth Harbor on Lake Superior. This population declined throughout the 1970s and 1980s, and has since been extirpated. A single population of piping plovers still exists in Lake of the Woods County, concentrated on Morris Point, Garden Island, Pine and Curry Island, and the [Rocky Point Wildlife Management Area \(http://www.dnr.state.mn.us/wmas/detail_report.html?\)](#)



[Map Interpretation \(maps.ht](#)



[Map Interpretation \(maps.ht](#)

[map=COMPASS_MAPFILE&mode=itemquery&qitem=uniqueid&qstring=WMA0151800](#)). However, the number of breeding pairs in this population is at a critically low level, with just 0-2 pairs in recent years. The sandy beach habitat by these piping plovers is vulnerable to fluctuating water levels and erosion, and is also seriously threatened by predation and human disturbance. Despite intensive efforts to protect nests and improve habitat, the plight of the Lake of the Woods population continues.

As of the 2001 International Piping Plover Census, Minnesota's population had declined 46% since 1991 and the northern Great Plains region as a whole had lost 14.9% of its population over the same time period (Ferland and Haig 2002). Through extensive recovery efforts, the Great Lakes piping plover population in Michigan has increased in recent years. Although small numbers of these birds are observed in the Duluth Harbor area, there has been no successful nesting here in over 25 years, and recovery opportunities are limited. The piping plover was designated a state endangered species in Minnesota in 1984. In 1986, piping plovers within the [Northern Great Plains population \(https://www.fws.gov/mountain-prairie/es/pipingPlover.php\)](#), which includes Lake of the Woods, were listed federally threatened by the U.S. Fish and Wildlife Service, and piping plovers in the [Great Lakes population \(http://www.fws.gov/midwest/endangered/pipingplover/index.html\)](#) were listed as federally endangered.

Description



The piping plover is a small (15-18 cm (6-7 in.)), sand-colored shorebird that is well camouflaged against the sandy beaches it inhabits. Distinctive markings of breeding-plumaged adults include a narrow black band between the eyes, a narrow black breast band, and orange-yellow legs. The similar semipalmated plover (*Charadrius semipalmatus*), a common migrant, has much darker upperparts, a broader black breast band, and more extensive black on the face. Killdeer (*Charadrius vociferous*) are significantly larger and are distinguished from piping plovers by their double breast band and vocal behavior.

Habitat

In Minnesota, the piping plover nests on sandy beaches with areas of gravel or pebble substrate and little or no vegetation. Wetland systems interspersed with flat cobbled areas are especially favored by piping plovers elsewhere in their range (Haig 1992).

Biology / Life History

Piping plovers from the Great Lakes and the northern Great Plains populations leave their breeding grounds between late July and September and overwinter on beaches, sandflats, and dunes along the Gulf and Atlantic coasts. They return to Minnesota from late May through late June (Green and Janssen 1975). Piping plover nests are scraped-out depressions in sandy soil, and they may be lined with pebbles. Spacing between piping plover nests varies, but generally a pair will defend a small territory of about 200 m (656 ft.). They lay an average of 4 eggs. The eggs are incubated by both sexes, and hatch in 25-28 days. Females leave the nest before the young fledge, but males stay with the young until they are around 27 days old.

Piping plovers and their eggs are camouflaged against the beach, which helps to reduce predation. If an intruder comes near the nest, the piping plovers will fake a broken wing to lure the intruder away. If the parents spend too much time away from the nest, the eggs become vulnerable to predation and overheating in the sun. Predators of piping plover eggs include ring-billed gulls (*Larus delawarensis*), herring gulls (*Larus argentatus*), great horned owls (*Bubo virginianus*), American crows (*Corvus brachyrhynchos*), common ravens (*Corvus corax*), and mink (*Mustela vison*) (Cuthbert and Wiens 1982 (http://files.dnr.state.mn.us/eco/nongame/projects/consgrant_reports/1982/1982_pipingplovers.pdf) PDF). Fox, dogs, cats, raccoons (*Procyon lotor*), and skunks will prey on adult and hatchling piping plovers.

Piping plovers eat a variety of aquatic and terrestrial invertebrates. They capture their food by pecking and gleaning along the shoreline in the area between the splash zone and herbaceous vegetation. In substrates with more sand and mud, piping plovers may also use their foot against water-saturated sand to bring invertebrates to the surface (Haig 1992).

Conservation / Management

Piping plovers are threatened by a variety of factors including predation, fluctuating water levels, weather, habitat degradation, loss, and competition with gulls for nesting areas. Lake of the Woods and Manitoba piping plover populations may also be experiencing problems associated with small population size such as inbreeding depression, which can contribute to reduced reproductive success, population instability, and increased likelihood of local extinction (Maxson and Haws 2000). Gull deterrents and gull egg removal, labor-intensive, should be employed at piping plover nesting sites to keep gull numbers down. Beaches on which piping plovers nest should be closed to human traffic during the breeding season to prevent disturbance to birds and destruction of their nests. Wire mesh enclosures should be placed around nests to prevent nest predation. Additional information is needed about piping plover wintering grounds, the extent and effects of genetic mixing between the three piping plover populations, and the effects of contaminants at breeding, migration, and overwintering sites.

Conservation Efforts in Minnesota

Piping plover management efforts in the Duluth area began in 1977 and focused on vegetation removal and predator trapping. These efforts could not prevent the extirpation of this small breeding population, and there has been no successful nesting here in over 20 years. Through intensive recovery efforts, the Great Lakes population in Michigan has increased in recent years, but although small numbers of birds are sporadically observed in the Duluth harbor area, the small amount of potential habitat and the intensive human use of potential nesting areas limit recovery opportunities in this area. During the 1980s, several studies funded by the DNR's Natural Wildlife Program (<http://www.dnr.state.mn.us/eco/nongame/index.html>) and the U.S. Fish and Wildlife Service monitored the Lake of the Woods piping plover population. Management techniques such as nest enclosures, brush control, predator removal, gull deterrents, and gull egg removal have been somewhat successful in reducing predation in this population. However, as a result of changing physiography, the primary Pine and Curry Island nesting site is no longer separated from the mainland; therefore, the trapping of mammalian predators was judged to be ineffective, and was discontinued. With only two or fewer nesting pairs per year in the Duluth portion of Lake of the Woods, opportunities for targeted management are limited. Whenever nests are discovered with eggs, the Minnesota DNR will continue to place nesting enclosures around them to reduce predation.

In 2001, the U.S. Fish and Wildlife Service designated approximately 325 km (201 mi) of Great Lakes shoreline in eight states, including 0.2 km (0.1 mi.) of Lake Superior shoreline in Minnesota, as critical habitat for the Great Lakes piping plover (<http://www.fws.gov/midwest/endangered/pipingplover/chabitat.html>). breeding population (U.S. Fish and Wildlife Service 2002), approximately 74,228.4 ha (183,422 ac.) of habitat and 1,943.3 km (1,207.5 mi.) of river in five states, including 95.1 ha (236 ac.) along Lake of the Woods in Minnesota, were designated as critical habitat for the northern Great Plains piping plover (<https://www.fws.gov/mountain-prairie/es/species/birds/pipingplover/mnunit1.pdf>) PDF breeding population (U.S. Fish and Wildlife Service 2002). Critical habitat has also been designated on piping plover wintering grounds along the Gulf and Atlantic coasts, covering birds from all breeding populations. A recovery plan (http://ecos.fws.gov/docs/recovery_plans/2003/030916a.pdf) PDF for the Great Lakes piping plover population was completed by the U.S. Fish and Wildlife Service in 2003.

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Lynx canadensis Kerr, 1792

Canada

MN Status:

special concern

Federal Status:

threatened

CITES:

yes

USFS:

none

Synonyms

Lynx lynx, *Felis lynx*

Basis for Listing

Canada Lynx (*Lynx canadensis*) are found across Canada and Alaska, with the southern range margin extending into the northern Rocky Mountains, western Great Lakes, and northeastern regions of the United States. It is usually found in association with its primary prey, [Snowshoe Hare](http://www.dnr.state.mn.us/mammals/snowshoehare.html) (*Lepus americanus*), which occur in highest densities within younger regenerating boreal forest patches with a coniferous component. Canada Lynx densities in the U.S. are often lower than northern counterparts due to its location at the southern periphery of boreal forest, where habitat is fragmented and Snowshoe Hare densities are lower (Aubry et al. 2000). In Minnesota, Canada Lynx are primarily found in the Arrowhead region of the state ([Northern Superior Uplands Section \(http://www.dnr.state.mn.us/ecs/212L/index.html\)](http://www.dnr.state.mn.us/ecs/212L/index.html)). It was debated whether or not Minnesota had a resident Canada Lynx population, or if animals in the state were part of a migrant population residing in Canada. Genetic analyses conducted from 2002 to 2016 have confirmed 316 unique individuals during this period. Ten den sites of radio-collared Canada Lynx were found during 2004-2007, confirming reproduction within the state. The best available information indicates that the Minnesota lynx population is a mix of residents and migrants from Canada. The relative proportion of resident to immigrant likely varies depending on immigrations associated with the lynx/hare population cycle and habitat change. In 2000, the Canada Lynx was [listed as threatened \(https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=A073\)](https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=A073) in the lower 48 states by the U.S. Fish and Wildlife Service. The ruling was motivated by limited knowledge of the ecology of the Canada Lynx and the inadequacy existing regulatory mechanisms to protect the species and their habitat ([USFWS 2000 \(https://www.fws.gov/policy/library/2000/00fr16052.pdf\)](https://www.fws.gov/policy/library/2000/00fr16052.pdf) PDF). Minnesota designated the Canada Lynx a species of special concern in 2013.

Humans are the primary cause of mortality to Minnesota's small Canada Lynx population. Moen et al. (2005) found over 50% of the mortality in which the cause of mortality could be established were attributable to anthropogenic causes. Documented causes include accidental trapping, road-kill, shooting, and train-kill.

Description

Canada Lynx are medium-sized felids, often confused with their relative the [North American Bobcat \(http://www.dnr.state.mn.us/mammals/bobcat.html\)](http://www.dnr.state.mn.us/mammals/bobcat.html) (*Lynx rufus*), which is of similar size. They can be distinguished by body size and pelage color differences. Canada Lynx have long legs and large well-furred paws, nearly double the size of bobcats, meant for hunting in deep snow. Both felids have black tufts on the ears and a short tail, but Canada Lynx have distinctly longer ear tufts and a black-tipped tail, rather than a striped tail with a black tip like the bobcat. Canada Lynx have a dense fur coat that is brown to black, with light spotting and long neck hairs giving it a bearded appearance. Adult males average 10 kg (22 lbs.) and females 8 lbs.; (USFWS 2000).

Habitat

Boreal forest comprises the primary habitat for Canada Lynx (USFWS 2000). This forest type is dominated by spruce (*Picea* spp.) (*Abies* spp.), and pine (*Pinus* spp.). The southern limit of boreal forest is found in the contiguous United States, including northern Minnesota. [Boreal forest \(http://files.dnr.state.mn.us/natural_resources/npc/fire_dependent_forest/lmf_fd_system.pdf\)](http://files.dnr.state.mn.us/natural_resources/npc/fire_dependent_forest/lmf_fd_system.pdf) PDF. Minnesota is patchy and interspersed with other habitats such as [northern hardwood forest \(http://files.dnr.state.mn.us/natural_resources/npc/mesic_hardwood/lmf_mh_system.pdf\)](http://files.dnr.state.mn.us/natural_resources/npc/mesic_hardwood/lmf_mh_system.pdf) PDF. The deciduous species in the landscape include birch (*Betula* spp.), aspen (*Populus* spp.), and willow (*Salix* spp.). In the Great Lakes Region, Canada Lynx use



[Map Interpretation \(maps\)](#)



[Map Interpretation \(maps\)](#)

patches for hunting and traveling between preferred patches of boreal and mixed conifer-hardwood forest. Early and mid-succes forests are often used for foraging as these areas provide primary habitat for Snowshoe Hare (Aubry et al. 2000). Canada Lynx tend to den in areas with large woody debris and downed logs that provide thermal cover and security for raising young. Suitable den must also be located near areas with sufficient prey due to the need to return to the den (Moen et al. 2008).

Biology / Life History

Canada Lynx are highly dependent on [Snowshoe Hare](http://www.dnr.state.mn.us/mammals/snowshoehare.html) (<http://www.dnr.state.mn.us/mammals/snowshoehare.html>) for prey, with densities necessary to support healthy Canada Lynx populations (Mowat and Slough 2003). Historically, the number of Canada Lynx in Minnesota appears to have fluctuated with the well documented 10-year population cycle of Snowshoe Hare in Canada and Alaska (USFWS 2000). When Snowshoe Hare are in decline, Canada Lynx will also prey on birds and other small mammals such as Red Squirrel (*Tamiasciurus hudsonicus*). Litter size can range from 1-5 kittens depending on age, prey density, and geographic region. Mating occurs during the months of early spring. Gestation is approximately 60 days, with birth occurring in early summer. Kittens remain with mother for 9-10 months (Moen et al. 2008).

Conservation / Management

Historically, Canada Lynx have been well studied in their northern range; however, few studies had been conducted on Canada Lynx ecology in Minnesota. Moen et al. (2005) conducted a study using GPS collars to determine movement patterns, habitat use, abundance, and persistence of Canada Lynx in Minnesota in order to create informed land management plans in areas where Canada Lynx reside. Although Canada Lynx in Minnesota are the same species as their counterparts in Canada and Alaska, they occur at much lower densities and appear to lack strong population cycles.

Conservation Efforts in Minnesota

Currently, the U.S. Forest Service conducts annual winter track surveys to monitor the Canada Lynx population in the Superior National Forest. Hair and/or scat collected during these surveys are used for [DNA analysis](http://files.dnr.state.mn.us/eco/nhnrp/Summary_results_of_2017_Canada_lynx_DNA-Final.pdf) (http://files.dnr.state.mn.us/eco/nhnrp/Summary_results_of_2017_Canada_lynx_DNA-Final.pdf) PDF. The Minnesota DNR also conducts annual [winter track surveys](http://files.dnr.state.mn.us/publications/wildlife/populationstatus2008/3_carnivore_scent.pdf) (http://files.dnr.state.mn.us/publications/wildlife/populationstatus2008/3_carnivore_scent.pdf) PDF as part of a carnivore monitoring program.

Authors/Revisions

Andrew Herberg (MNDNR), 2018

(Note: all content ©MNDNR)

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[Home \(/index.html\)](#) > [Nature \(/nr/index.html\)](#) > [ETSC \(/ets/index.html\)](#) > [Rare Species Guide \(/rsg/index.html\)](#) >

Myotis septentrionalis (Trovessart, 1897)

Northern Long-ear

MN Status:

special concern

Federal Status:

threatened

CITES:

none

USFS:

yes

Group:

mammal

Class:

Mammalia

Order:

Chiroptera

Family:

Vespertilionidae

Habitats:

[Fire Dependent Forest](#), [Mesic Hardwood Forest](#), [Floodplain Forest](#), [Subterranean](#)

Basis for Listing

The Northern Long-eared Bat (*Myotis septentrionalis*), also known as the Northern Myotis, is widely distributed in Canada and throughout the eastern half of the United States. It was designated a species of special concern in Minnesota in 1984, at which time it was known from only a few widely distributed localities in the state. Subsequent [survey work \(http://www.dnr.state.mn.us/eco/mcbs/procedures_mammals.html\)](#) has documented additional locations in Minnesota and confirmed that the species can be found in the state in both summer and winter. A large hibernating population was documented in St. Louis County, and Northern Long-eared Bats have been found in many other caves and mines surveyed in Minnesota, though typically in low numbers.

The spread of [white-nose syndrome \(https://pubs.usgs.gov/fs/2016/3084/fs20163084.pdf\)](#) PDF (WNS) across the eastern portion of the United States has become the major threat to the Northern Long-eared Bat. White-nose syndrome is caused by the fungus (*Pseudogymnoascus destructans*), which thrives in cave environments. The fungus is believed to cause cave bats to arouse from hibernation, subsequently depleting stored body fat, often leading to emaciation and death (Frick et al. 2010). The syndrome is associated with high mortality in bat hibernacula, with some sites documenting up to 90 or 100 percent mortality (Lankau and Rogall 2016). The fungus was first documented in Minnesota during winter 2011-2012, and the presence of the disease was confirmed during winter 2015-2016. Declines in the number of hibernating Northern Long-eared Bats as great as 100% were observed in Minnesota's hibernacula in 2017, following the second year of WNS infection.

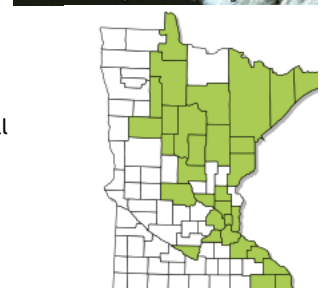
Human disturbance in caves occupied by Northern Long-eared Bats, wind turbine-caused mortalities, and habitat loss are other potential threats. Northern Long-eared Bats were designated as a [federally threatened species \(https://www.fws.gov/Midwest/endangered/mammals/nleb/index.html\)](#) by the U. S. Fish and Wildlife Service in April 2015 and remain listed as a special concern species in Minnesota. A [list of all townships \(http://files.dnr.state.mn.us/eco/ereview/minnesota_nleb_township_list_and_map.pdf\)](#) PDF containing known Northern Long-eared Bat roost trees and/or hibernacula in Minnesota is available.

Description

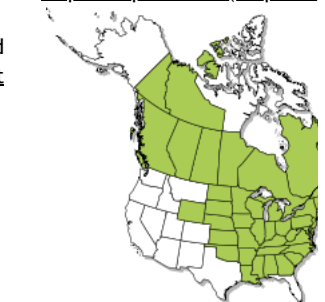
The Northern Long-eared Bat is a medium-sized bat, with relatively long ears with a long sharply pointed tragus (fleshy projection in the ear). The pelage is dull brown on the back and pale grayish brown on the underside. The membranes are dark, and the calcar (a bone or cartilage growth from the ankle that helps to support the tail membrane in flight) is slightly keeled. Adults typically measure 7. (3.1-3.7 in.) in total body length, with a tail length of 3.2-3.4 cm (1.2-1.3 in.). Weights range from 5.0-6.4 g (0.18-0.23 oz.) (Ha 1982). The Northern Long-eared Bat can be distinguished from the [Little Brown Myotis \(http://www.dnr.state.mn.us/rsg/profile?action=elementDetail&selectedElement=AMACC01010\)](#) (*Myotis lucifugus*) by its long ears and pointed tragi. When folded forward Northern Long-eared Bats' ears extend at least 3 mm (0.12 in.) beyond its nose. The ears of the Little Brown Myotis, on the other hand, are even with or only barely extend past the tip of the nose, and the tragi are shorter and blunted.

Habitat

Northern Long-eared Bats have been found in the winter in Minnesota in natural caves, sand mines, and iron mines. Hibernacula shared between both sexes and often multiple species of bats. Preferred sites typically have high humidity levels, minimal airflow, and constant temperature (Fitch and Shump 1979). After spring emergence, bats migrate to summer roosting and foraging grounds.



Map Interpretation ([maps.ht](#)



Map Interpretation ([maps.ht](#)



summer, the species is often associated with forested habitats ([Fire-Dependent Forests](http://files.dnr.state.mn.us/natural_resources/npc/fire_dependent_forest/lmf_fd_system.pdf) (http://files.dnr.state.mn.us/natural_resources/npc/fire_dependent_forest/lmf_fd_system.pdf) PDF, [Mesic Hardwood Forest](http://files.dnr.state.mn.us/natural_resources/npc/mesic_hardwood/lmf_mh_system.pdf) (http://files.dnr.state.mn.us/natural_resources/npc/mesic_hardwood/lmf_mh_system.pdf) PDF, and [Floodplain Forests](http://files.dnr.state.mn.us/natural_resources/npc/floodplain_forest/lmf_ff_system.pdf) (http://files.dnr.state.mn.us/natural_resources/npc/floodplain_forest/lmf_ff_system.pdf) PDF) where they make use of tree especially near water sources. Loose bark, broken tree limbs, cavities, and cracks in a tree can all be utilized by bats as roosts. The sexes tend to roost separately, with females forming small (~30 individuals) maternity colonies to bear and rear their offspring. Males often roost alone, as they do not have the same high temperature needs as maternity colonies.

Biology / Life History

Northern Long-eared Bats enter their winter hibernacula from late August through September. They typically roost singly or in small groups (Nordquist and Birney 1985). Emergence from the hibernaculum takes place during May. Bats in the family Vespertilionidae ('vesper bats' or 'evening bats') display delayed fertilization, where mating takes place in fall, ovulation and fertilization do not occur until spring. Females bear a single offspring in June or July. The earliest-born young are usually able to fly by early July, and the colonies disband around this time. Northern Long-eared Bats forage for insects over water, in forest clearings, and under tree canopies using echolocation to catch prey and to navigate. They may also glean insects off leaves and other surfaces, a behavior that may be aided by their unusually large ears. Foraging takes place throughout the night, peaking before midnight and again just before sunrise (Laubach et al. 1994).

Conservation / Management

The appearance of WNS in 2006 resulted in unprecedented mortality among hibernating bats in the northeastern U.S.. The ability of the disease causing fungus (*Pseudogymnoascus destructans*) to spread rapidly prompted immediate action for research and monitoring. In 2008, a coordinated effort was made by the Department of Interior, Department of Agriculture, Department of Defense, and State wildlife management agencies to develop an effective national response to the disease. Elements of the plan included research on the fungus and monitoring of affected bat populations, education about the fungus and ecological importance of bats, reduction of environmental transmission to and from bats, and evaluation of the ecological and economic consequences of WNS ([U.S. Fish and Wildlife Service 2011](https://www.whitenosesyndrome.org/sites/default/files/white-nose_syndrome_national_plan_may_2011.pdf) (https://www.whitenosesyndrome.org/sites/default/files/white-nose_syndrome_national_plan_may_2011.pdf) PDF). Although much has been learned about the disease since onset, a cure or method of preventing the fungus from entering hibernacula is as yet unknown.

Gaps in knowledge about the Northern Long-eared Bat have also inspired state projects focused on the ecology of the species, which vary by region. Winter hibernacula surveys document trends in hibernating populations and assess the health of these bats. As a species that utilizes trees during summer, retention of roost trees in a variety of decay classes provides critical habitat for recovery from disease and successful reproduction.

Conservation Efforts in Minnesota

The Minnesota DNR's [Minnesota Biological Survey](http://www.dnr.state.mn.us/mbs/index.html) (<http://www.dnr.state.mn.us/mbs/index.html>) has been monitoring the health of hibernating bats since 2010. Collaborating with national research projects addressing the spread and possible control of WNS, the Minnesota DNR continues to provide information on the status of Northern Long-eared Bats through [winter hibernacula surveys, acoustic surveys, and targeted population assessments](http://www.dnr.state.mn.us/eco/mcbs/procedures_mammals.html) (http://www.dnr.state.mn.us/eco/mcbs/procedures_mammals.html). Education about the importance of bats and effects of WNS is also a component of conservation efforts.

The [Minnesota Environmental and Natural Resources Trust Fund](https://www.lccmr.leg.mn/projects/2015/work_plans_may_2015_03i.pdf) (https://www.lccmr.leg.mn/projects/2015/work_plans_may_2015_03i.pdf) PDF provided support for a cooperative partnership between the Minnesota Department of Natural Resources, the University of Minnesota Natural Resources Research Institute, and Forest Service to assess critical summer habitat for Northern Long-eared Bats in the state. Information collected about roosts, cave trees, and stands will inform forest management recommendations to ensure adequate roost and foraging habitat for the Northern Long-eared Bat.

Authors/Revisions

Melissa Boman (MNDNR), 2018

(Note: all content ©MNDNR)

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Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

☒ No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

☒ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary**Compliance Determination**

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

☒ No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

The site is located within a public part in a developed, urban area of the City. The site has been developed as a city park since 1896. The project site is one of the most developed areas of the park, including buildings, a playground structure, and paved paths.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary**Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

Supporting documentation

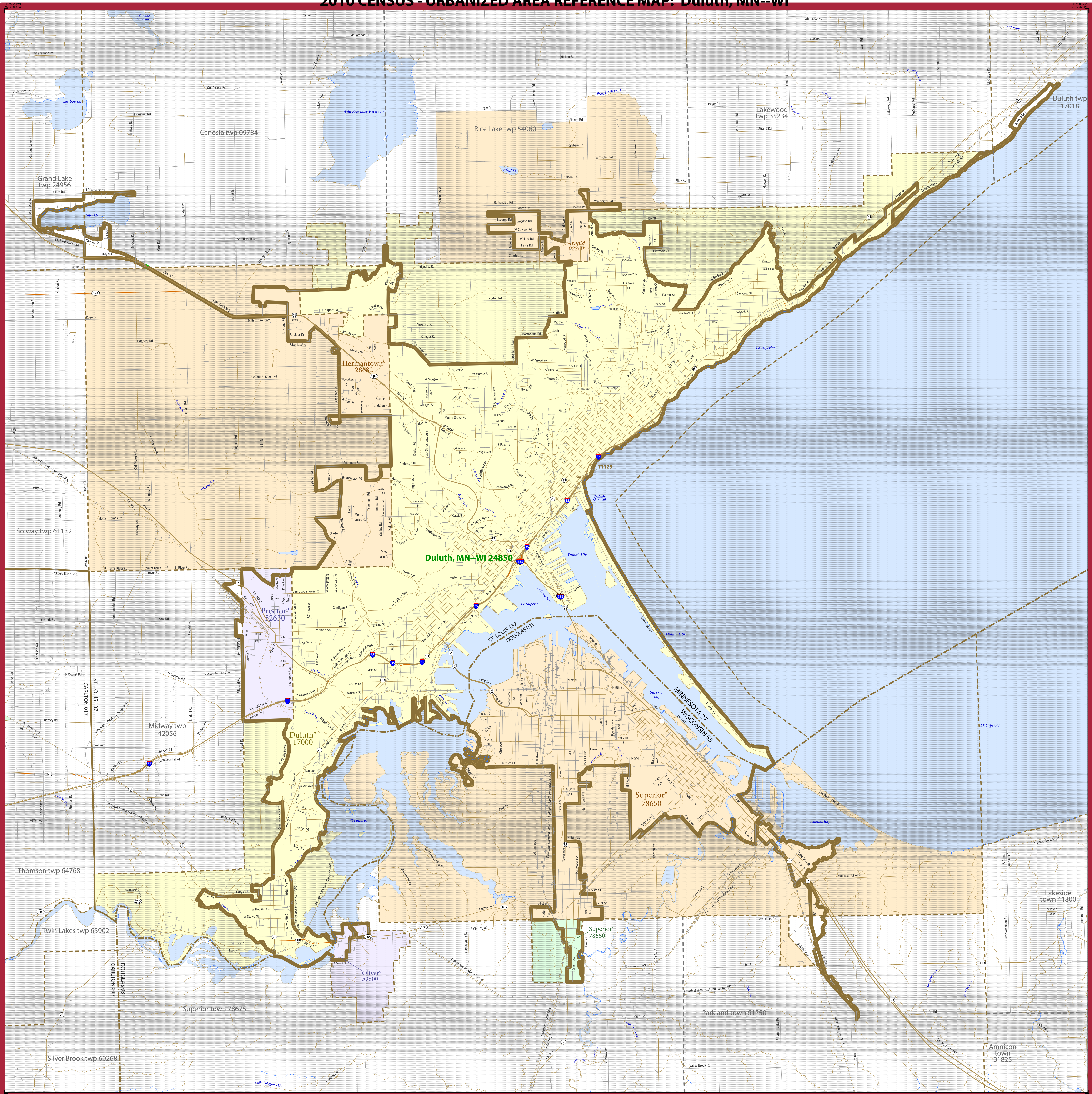
[Census Urbanized Area.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

2010 CENSUS - URBANIZED AREA REFERENCE MAP: Duluth, MN--WI



SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International	-----	CANADA
Federal American Indian Reservation	L'ANSE RES 1880
Off-Reservation Trust Land	T1880
Urbanized Area	-----	Dover, DE 24580
Urban Cluster	-----	Tooele, VT 88057
State (or statistically equivalent entity)	-----	NEW YORK 36
County (or statistically equivalent entity)	-----	ERIE 029
Minor Civil Division (MCD) ^{1,2}	-----	Bristol town 07485
Consolidated City	MILFORD 47500
Incorporated Place ^{1,3}	Davis 18100
Census Designated Place (CDP) ¹	Incline Village 35100

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate		Water Body	
U.S. Highway		Military	
State Highway		Outside Subject Area	
Other Road			
Railroad			
Perennial Stream			
Intermittent Stream			

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A ** following an MCD name denotes a false MCD. A ** following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which some or all MCDs function as general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. (Note that Illinois and Nebraska have some counties covered by nongovernmental precincts and Missouri has most counties covered by nongovernmental townships.)

3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
27137 St. Louis
55031 Douglas

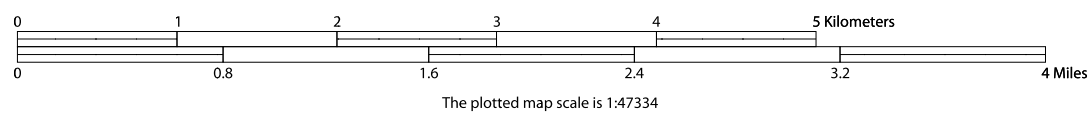
OFF-RESERVATION TRUST LAND NAMES
T1125 Fond du Lac

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
Data Source: U.S. Census Bureau's MAF/TIGER database (TAB10)
Map Created by Geography Division: March 10, 2012

U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau

Projection: Albers Equal Area Conic
Datum: NAD 83
Spheroid: GRS 80
1st Standard Parallel: 44 28 52
2nd Standard Parallel: 48 24 12
Central Meridian: 93 21 39
Latitude of Projection's Origin: 43 30 01
False Easting: 0
False Northing: 0



PARENT SHEET 1
Total Sheets: 1
Index Sheets: 0
Parent Sheets: 1

UA NAME: Duluth, MN--WI
UA CODE: 24850
ENTITY TYPE: Urbanized Area (UA)
ST: Minnesota (27), Wisconsin (55)

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

☒ None of the above

2. Upload a FEMA/FIRM map showing the site here:

[LP FIRMETTE.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

☒ Yes

Select the applicable floodplain using the FEMA map or the best available information:

Floodway

Coastal High Hazard Area (V Zone)

✓ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

8-Step Process

Does the 8-Step Process apply? Select one of the following options:

✓ **8-Step Process applies**

Document and upload the completed 8-Step Process below.

5-Step Process is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

8-Step Process is inapplicable per 55.12(b)(1-5).

Mitigation

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

The Lower Terrace of Lincoln Park is where most of the current park assets are located and are anticipated to be refurbished or replaced. Most of the Lower Terrace is located within the 100-year flood plan, which limits the alternatives to siting this park infrastructure. WPA Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component. Playground: The community input determined that the playground needed to be placed on the same side of Lincoln Park Drive as Miller Creek and the bathrooms (in the WPA Pavilion). The playground in its current location is entirely within the floodplain. The new proposed location only 25% of the playground area will intersect with the 100-year floodplain. Other locations were not considered, due to steep slopes, proximity to parking, restrooms and the picnic pavilion. New Lower Terrace Parking Lot:

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Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

Permeable surfaces

- ✓ Natural landscape enhancements that maintain or restore natural hydrology
- ✓ Planting or restoring native plant species

Bioswales

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements
Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

✓ Other

Screen Summary

Compliance Determination

This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988.

Supporting documentation

[affidavit of pub - floodplain notice 4-30-22.pdf](#)

[affidavit of pub - final floodplain notice 4-27-22.pdf](#)

[Floodplain narrative.docx](#)

[170032 20220322 Site Plan 100yr floodplain.pdf](#)

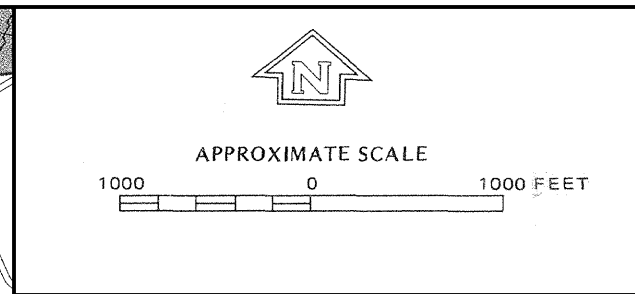
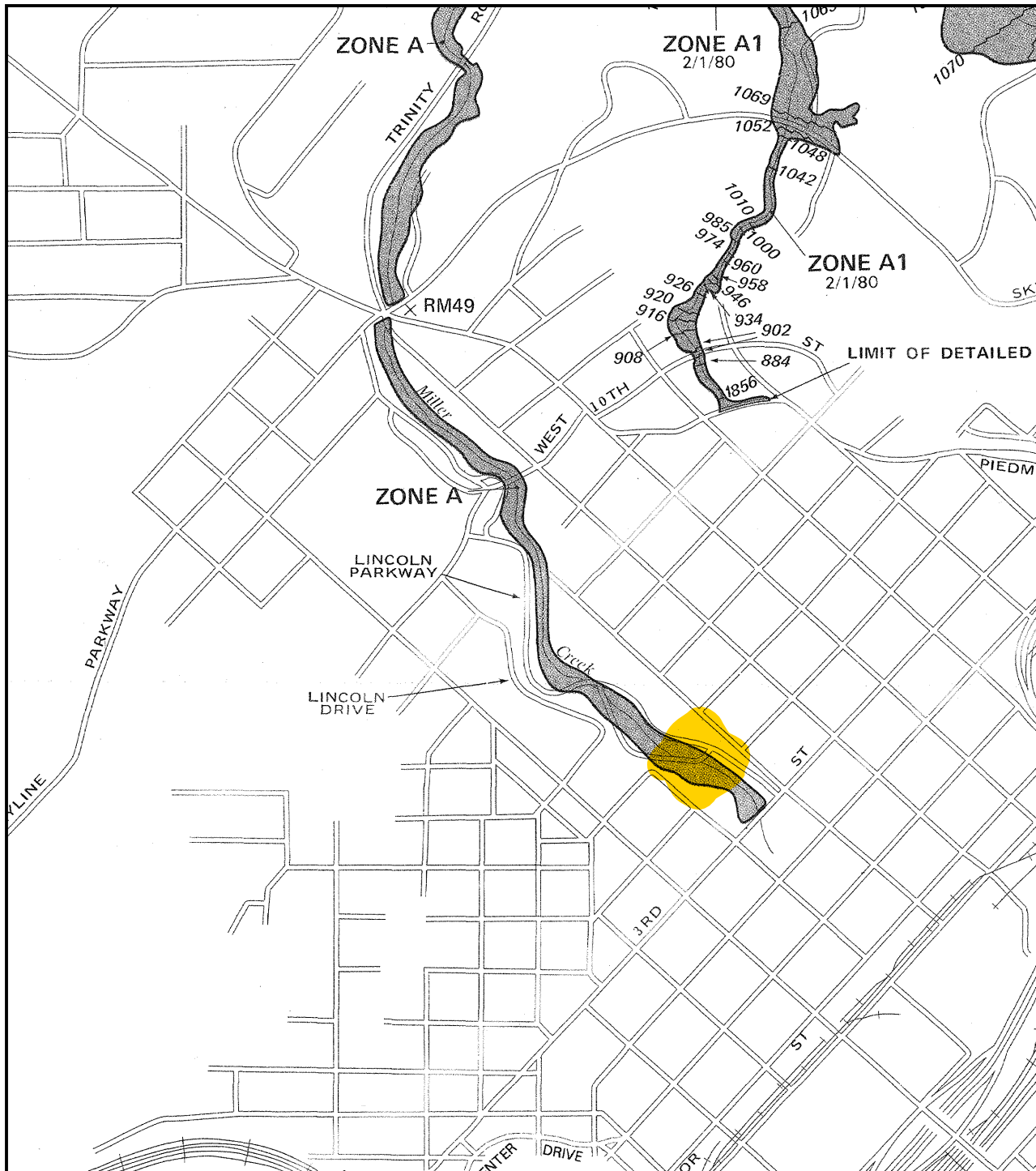
[170032 20220322 Rendered Plan 100yr floodplain.pdf](#)

[Mar 30 DNT Early Notice and Public Review of a Proposed Activity in a Floodplain.docx](#)

Are formal compliance steps or mitigation required?

✓ Yes

No



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP


CITY OF
DULUTH,
MINNESOTA
ST. LOUIS COUNTY

PANEL 40 OF 45
(SEE MAP INDEX FOR PANELS NOT PRINTED)

—NOTE—
THIS MAP INCORPORATES APPROXIMATE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM UNIT AND/OR OTHERWISE PROTECTED AREAS ESTABLISHED UNDER THE COASTAL BARRIER IMPROVEMENT ACT OF 1990 (PL 101-591).

COMMUNITY-PANEL NUMBER
270421 0040 D

MAP REVISED:
NOVEMBER 4, 1992


Federal Emergency Management Agency

ADJOINING AREA SHOWN AS INSET C ON PANEL 270421 0040

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

**PO BOX 2020
FARGO, ND 58107-2020**

INVOICE

ACCOUNT NUMBER	INVOICE DATE
MP238234	4/30/2022



PLEASE MAKE PAYABLE TO

INVOICE NUMBER	AMOUNT DUE
I2022.00033845	\$88.42

To:

CITY OF DULUTH - AUDITOR
411 W 1st St Rm 120
Duluth, MN 558021105



✂ REMITTANCE PORTION: PLEASE CUT AND RETURN THIS PORTION WITH YOUR PAYMENT

FORUM COMMUNICATIONS
PO BOX 2020
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(701) 241-5465

Customer: CITY OF DULUTH - AUDITOR

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Caption: Final Notice and Public Explanation of a
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TOTAL:	\$88.42
HST/GST #20734-01-00:	\$0.00
PST #20732-01-00:	\$0.00
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ADJUSTMENTS:	\$0.00
PAYMENTS:	\$0.00
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CITY OF DULUTH - AUDITOR
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Duluth, MN 558021105

RECEIVED

APR 29 2022

DULUTH CITY TREASURER

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF ST LOUIS

Taylor Herhold, being first duly sworn, on oath states as follows:

1. I am the publisher of the DULUTH NEWS TRIBUNE, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

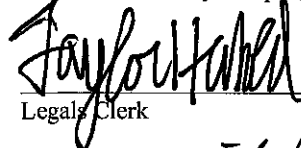
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: Wednesday April 27, 2022.

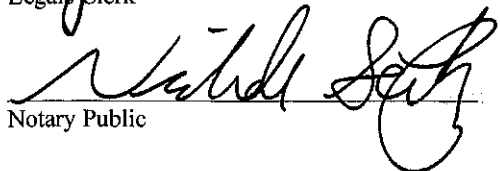
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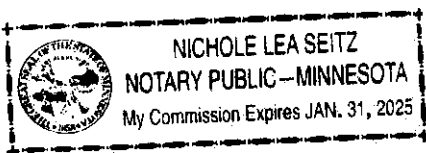
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Legals Clerk



Notary Public



Final Notice and Public Explanation of a Proposed Activity in a Floodplain

This is to give notice that the City of Duluth as Responsible entity under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the National Outdoor Recreation Legacy Program funds from the National Parks Service Land and Water Conservation Program administered by the Minnesota Department of Natural Resources, and Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development funds administered by the City of Duluth. The proposed project is located at 411 Lincoln Park Dr in the City of Duluth, St Louis County, Minnesota. The project will focus on restoration of the Works Progress Administration (WPA) pavilion, restoration of the Upper Terrace, including a new parking lot, basketball court, nature playscape and picnic pavilion, ADA trail connections, resurfacing of multi-use play field, relocation and construction of new structured playground, repaired picnic pavilion, new parking lot and site furnishings on Lower Terrace, new park entrance gates and signage/wayfinding, repave and stabilize Lincoln Park Drive. The total anticipated project costs are \$1,817,350, including \$750,000 National Outdoor Recreation Legacy Program funds, and \$45,000.47 CDBG funds. The amount of floodplain in the project area is approximately 1.5 Acres.

The City of Duluth has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. The Lower Terrace of Lincoln Park is where most of the current park assets are located and are anticipated to be refurbished or replaced. Most of the Lower Terrace is located within the 100-year flood plan, which limits the alternatives to siting this park infrastructure. WPA Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component. Playground: The community input determined that the playground needed to be placed on the same side of Lincoln Park Drive as Miller Creek and the bathrooms (in the WPA Pavilion). The playground in its current location is entirely within the floodplain. The new proposed location only 25% of the playground area will intersect with the 100-year floodplain. Other locations were not considered, due to steep slopes, proximity to parking, restrooms and the picnic pavilion. New Lower Terrace Parking Lot: This parking lot is partially within the 100-year floodplain. At one time we had considered a second parking lot on the lower terrace and it also would have intersected with the 100-year floodplain, however it has been removed from the scope. There were no other viable alternatives, as vehicle access is limited to the north side of Miller Creek, and topography could not accommodate parking. Further, and any alternative site would have required constructing a bridge or bridges across the creek, and those sites would also be located in the floodplain. LP Drive: this is a reclaim in its current location. There were no viable alternatives due to the topography. Upper Terrace Retaining Wall: We considered many alternatives including refurbishing the existing wall, partial removal/partial repair. Ultimately, these options were cost prohibitive. The final decision on removal actually removes a man-made asset

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The City of Duluth has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

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(April 27, 2022) 56869

**PO BOX 2020
FARGO, ND 58107-2020**

INVOICE

ACCOUNT NUMBER	INVOICE DATE
MP238234	4/30/2022



PLEASE MAKE PAYABLE TO

INVOICE NUMBER	AMOUNT DUE
I2022.00033845	\$88.42

To:

CITY OF DULUTH - AUDITOR
411 W 1st St Rm 120
Duluth, MN 558021105



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RECEIVED

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DULUTH CITY TREASURER

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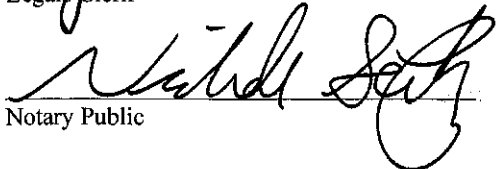
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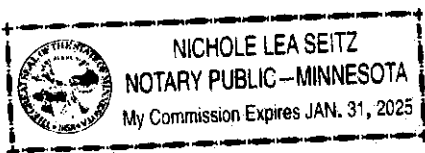
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Legals Clerk



Notary Public



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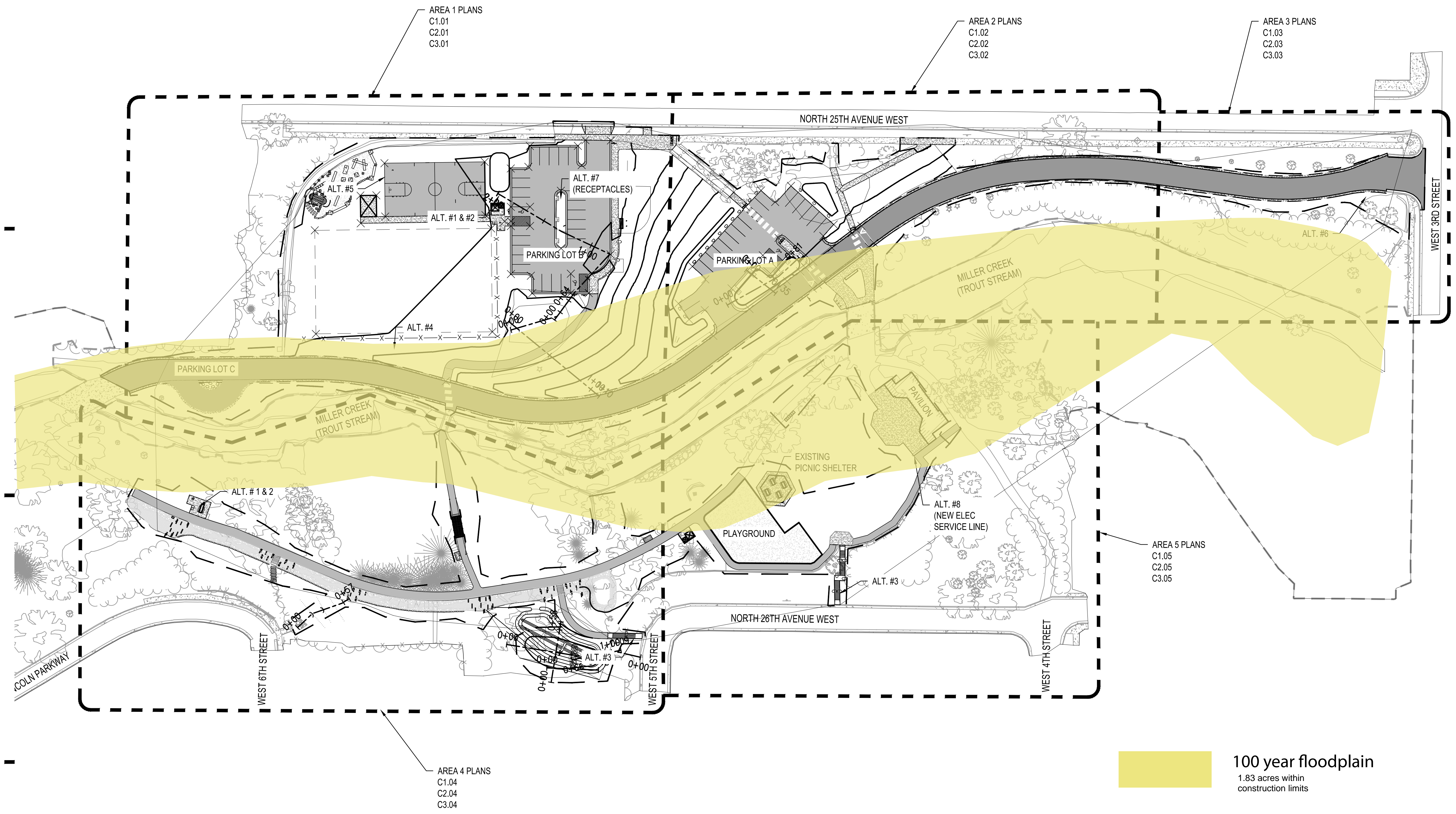
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(April 27, 2022) 56869



PROPOSED SITE PLAN

170032 | Lincoln Park



SOUTH SEGMENT CONCEPT

170032 | Lincoln Park Site Improvements

Approx 100 year floodplain
1.83 acres within
construction limits



PROJECT DESCRIPTION

Organization: City of Duluth

Project Name: Lincoln Park

Project Scope:

The City of Duluth's restoration of Lincoln Park will focus funds on:

- Restoration of the Works Progress Administration (WPA) pavilion
- Restoration of the Upper Terrace, including a new parking lot, basketball court, nature playscape and picnic pavilion
- ADA trail connections
- Resurfacing of multi-use play field
- Relocation and construction of new structured playground, repaired picnic pavilion, new parking lot and site furnishings on Lower Terrace
- New park entrance gates and signage/wayfinding
- Repaved and stabilized (Reclaim) Lincoln Park Drive

General Project Components Described:

Signage and Wayfinding: Signs throughout the park to direct visitors to trails, parking, restrooms, access points. All signage and wayfinding elements will conform to a new City-approved Gate, Wayfinding, and Signage Design Plan. These new standards, having been bid and installed in other Duluth parks, provide the City with more accurate estimates on manufacturing and installation for this project.

Park Entrance Gates: Throughout the park, three gates total: one located at Lincoln Park Drive & W. 10th Street; one located at Lincoln Parkway & W. 7th Street, one located in the interior of the park on Lincoln Park Drive near the turnaround/bridge at approximately W. 6th Street. The purpose of the gates is to enable occasional temporary short-term closure of Lincoln Park Drive for major events, with emergency vehicle access maintained.

LOWER TERRACE IMPROVEMENTS:

Structured Playground: The existing playground will be removed and a new structure of approximately 4,600 SF (75' x 65') will be installed. The surface material will be poured rubber and the primary age groups this equipment will serve is 2-12 years of age, with

seven elevated and ten ground play opportunities. The playground will have accessible surface and half the elements will be fully accessible. Inclusive play elements will be added to the playground area to accommodate multi-generational play.

Picnic Pavilion: The existing structure will be refurbished. This pavilion is located adjacent to the new structured playground.

Site Furnishings: Picnic tables and chairs, trash cans and bike racks for picnic area. Benches, table, and chairs for families visiting playgrounds, bike racks, trash cans.

Works Progress Administration (WPA) Pavilion Restoration: This facility has been closed for over ten years and then suffered from a devastating fire more recently. The original scope has changed due to the fire. Project will now restore and upgrade the 70' x 20' pavilion and restrooms to ADA accessibility and working order. It will replace the leaking roof and be upgraded to energy efficient lighting and water saving facilities. The roof type is asphalt shingle and the siding is stone. The pavilion capacity is 25 and will serve as seasonal restrooms and event rental once restoration is complete. Final design conforms to accessibility and historic preservation standards. The restoration will meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

Lower Parking Lot: New parking facility with green infrastructure for storm water management.

Lincoln Park Drive: Reclaim Lincoln Park Drive. This process removes the asphalt layers, grinds them and mixes with the aggregate road base. This allows some reshaping of the road bed to improve drainage and storm water management. A new asphalt wear course is then laid on top of the base.

Retaining Wall Removal: Wall adjacent to Lincoln Park Drive is damaged and it has been determined cost prohibitive to repair or replace. Remove retaining wall and re-grade with a 3:1 slope.

UPPER TERRACE IMPROVEMENTS:

Basketball Court: Construct one full-court, separable into two half courts on Upper Terrace.

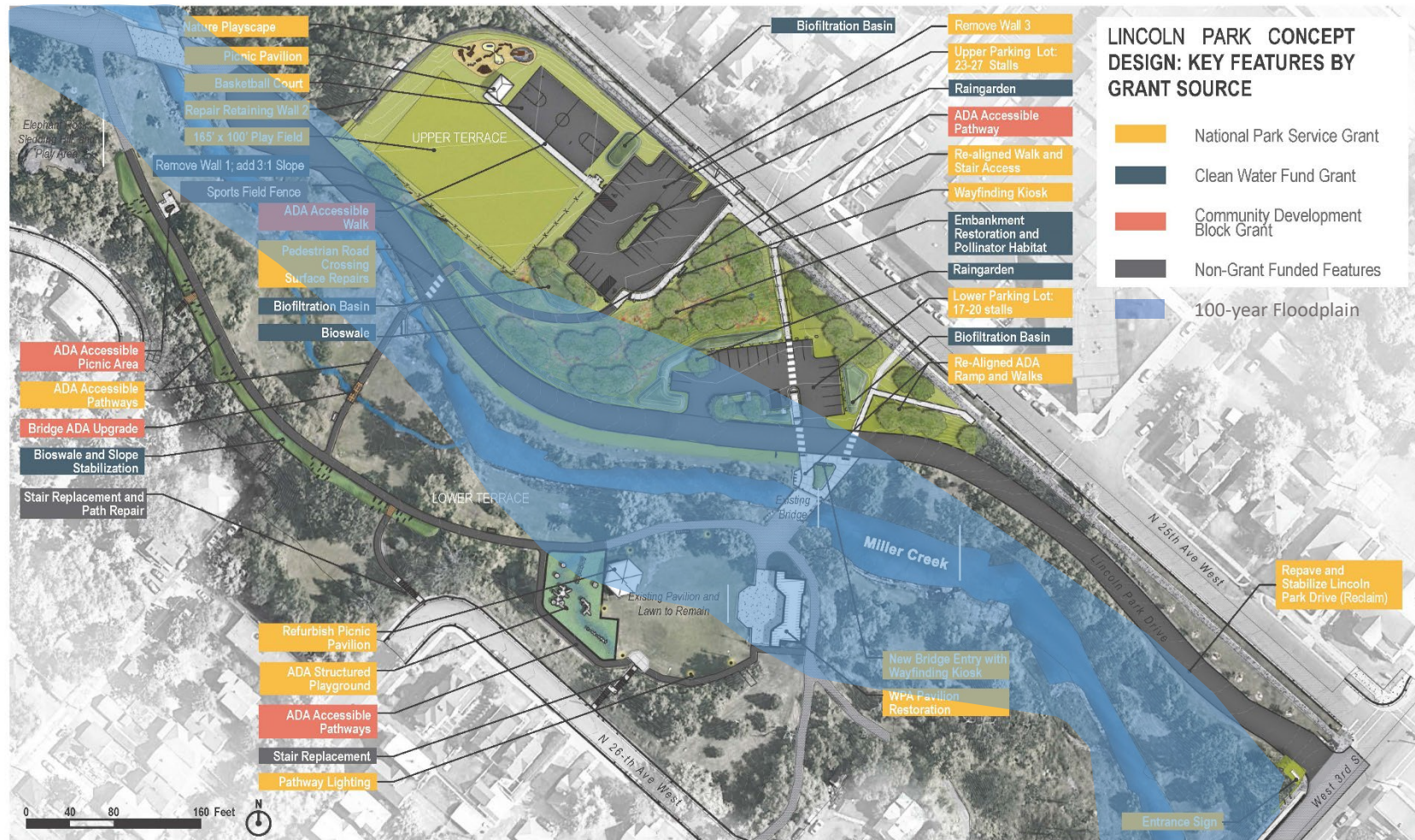
Nature Playscape: Create a natural play area on Upper Terrace that stimulates nature based play and appreciation, in order to form a gateway to natural areas of the park.

Picnic Pavilion: Construct small picnic pavilion adjacent to new natural playscape in Upper Terrace.

Repair Retaining Wall: Repair existing natural stone retaining wall above proposed basketball court, 25th Avenue West, play field and nature playscape not to be confused or combined with the retaining wall between the play field and Lincoln Drive.

Natural Resource Restoration: Grade and reestablish turf on Upper Terrace play field.

Parking Lot: Construct parking lot in Upper Terrace ("Upper Parking Lot" on concept plan) adjacent to active use area.



Project location in floodplain: Determine whether the Proposed Action is located in the 100- year floodplain, or whether it has the potential to affect or be affected by a floodplain.

The proposed project location is the southern portion of Lincoln Park. The proposed project included many components, some of which are located within the 100-year floodplain. The proposed project does not include any alteration of Miller Creek, nor does it impact any wetlands. Altogether, the amount of floodplain impacted is approximately 1.5 acres, however, no new buildings or other structures that are prone to flood damage are proposed, nor do any project components create or increase any flood hazards.

1. Project elements located within or partially within 100-year floodplain:
 - A. Refurbish existing WPA Pavilion: This historic structure is not vulnerable to flooding. It is constructed with a stone exterior and interior brick walls. It has wood ceilings and roof framing. These were not impacted in the last 100 year flood. It will be refurbished in the same footprint, and made more accessible, by enlarging door openings and remodeling the restrooms to meet ADA standards. There will be no increase or decrease in flood vulnerability with this element. This project element will not impact the floodplain.
 - B. New Playground: we are replacing the existing playground with new equipment in a different location. Current and new locations are both within the 100-year floodplain. New playground will be constructed with poured –in-place rubber fall zones with drainage system in ground. This type of recreational equipment is not typically susceptible to damage from flooding, as it is made to withstand the natural elements. This project is not anticipated to affect the floodplain.
 - C. New Lower Terrace Parking Lot: To be constructed in the location of the current playground, this parking lot will be located within the 100year floodplain. It will incorporate green infrastructure to treat and store runoff. In the event of a large flooding event, this type of infrastructure is not susceptible to significant damage.
 - D. Reclaim Lincoln Park Drive: This will include a reclaim in place of LP drive in its current location. With the reclaim process, we are able to make some improvements to drainage. This component is not anticipated to affect the floodplain other than to generally improve storm water management in the park.
 - E. Removal of Upper Terrace retaining wall: The wall adjacent to the upper terrace, along LP drive, is damaged and will be removed and replaced with a 3:1 sloped bank. This component eliminates a built asset that is susceptible to flood damage with a natural feature that promotes better drainage and better directs runoff to the desired locations.
 - F. Park Amenities: Benches, picnic tables, trash and recycling bins, signage and grills may be placed within the 100-year floodplain. These amenities will be placed on poured concrete pads or embedded in concrete. These items will be made out of durable composite materials rather than wood, making them more resilient and resistant to flood damage. Placement of these amenities will not affect the floodplain.
 - G. Trails and Lighting: Throughout the park, we are refurbishing or replacing existing foot paths with added pedestrian level lighting. These will be paved, accessible trails. Some of them will intersect with the 100-year floodplain. The lighting will be placed on

concrete footings. This infrastructure will be built in a manner that will not negatively affect the floodplain, other than adding a small amount of impervious surface.

- H. Refurbish Existing Picnic Pavilion: The existing pavilion will be updated with new roofing, paint and other cosmetic improvements. This project will not affect the floodplain.

3. Evaluate alternatives:

Identify and evaluate practicable alternatives to locating the Proposed Action in a floodplain or wetland.

1. The Lower Terrace of Lincoln Park is where most of the current park assets are located, and are anticipated to be refurbished or replaced. Most of the Lower Terrace is located within the 100-year flood plan, which limits the alternatives to siting this park infrastructure.

A. WPA Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component.

B. Playground: The community input determined that the playground needed to be placed on the same side of Lincoln Park Drive as Miller Creek and the bathrooms (in the WPA Pavilion). The playground in its current location is entirely within the floodplain. The new proposed location only 25% of the playground area will intersect with the 100-year floodplain. Other locations were not considered, due to steep slopes, proximity to parking, restrooms and the picnic pavilion.

C. New Lower Terrace Parking Lot: This parking lot is partially within the 100-year floodplain. At one time we had considered a second parking lot on the lower terrace and it also would have intersected with the 100-year floodplain, however it has been removed from the scope. There were no other viable alternatives, as vehicle access is limited to the north side of Miller Creek, and topography could not accommodate parking. Further, any alternative site would have required constructing a bridge or bridges across the creek, and those sites would also be located in the floodplain.

D. LP Drive: this is a reclaim in its current location. There were no viable alternatives due to the topography.

E. Upper Terrace Retaining Wall: We considered many alternatives including refurbishing the existing wall, partial removal/partial repair. Ultimately, these options were cost prohibitive. The final decision on removal actually removes a man-made asset susceptible to damage & liability, improves connectivity between the east & west sides of the park, and also restores the area to a more natural setting.

F. Park Amenities: These items will be placed near active use areas such as the playground and pavilions. Signage is to be placed throughout the park for wayfinding and informational purposes. We will locate these outside the floodplain when possible, but in some cases there are no alternatives.

G. Trails and Lighting: This is another case where existing trails and footpaths are primarily being refurbished in-place, and much of which is located outside the floodplain, or intersections are minimal. No alternatives were considered as they do not exist.

H. Picnic Pavilion: Since there is refurbishment in-place, there is no effective alternate site or action for this component.

4. **Access impacts:** Identify the full range of potential direct or indirect impacts associated with the occupancy or modification of floodplains and wetlands, and the potential direct and indirect support of floodplain and wetland development that could result from the Proposed Action.

This project preserves and enhances much of the historic features of the park. There are over 3000 linear feet of historic stone walls that will be preserved, two historic bridges preserved, the historic WPA pavilion will be refurbished and enhanced with historically appropriate ADA access improvements. We conducted significant cultural and historic studies and inventories. The only potential adverse impact to historic or cultural features is the removal of the upper terrace retaining wall, which was deemed beyond repair.

Overall, the impact to floodplain for this project is minimal. No new building structures are proposed for the lower terrace, other than the playground moving from one location to another, and the placement of a new parking lot where the current playground is.

Trails, Lincoln Park Drive, WPA Pavilion, Picnic Shelter and park amenities already exist and are being either replaced or refurbished in the same spaces. This scope of work will not have an adverse effect on the floodplain.

5. **Minimize impacts:** Minimize the potential adverse impacts from work within floodplains and wetlands (identified under Step 4), restore and preserve the natural and beneficial values served by wetlands.

A major component of this project is green Infrastructure improvements. Several years ago, the park experienced flooding and some improvements were made to improve storm water management, including bio swales, cutting in a new water channel for when Miller Creek overtops its banks, and streambank restoration and armoring. In this plan, we do incorporate additional bio swales, drainage improvements associated with trails, rain gardens and storm retention incorporated into the both parking facilities. Some project elements, particularly the new parking lot and retaining wall removal, will require tree removal. All trees and shrubs added as a part of this project will be native species.

6. **Practicability:** Evaluate the Proposed Action to determine: 1) if it is practicable in light of its exposure to flood hazards; 2) the extent to which it will aggravate the hazards to others; 3) its potential to disrupt floodplain and wetland values.

The proposed scope of work and project components are determined to have no adverse effects on the floodplain. Alternative siting of project elements is severely limited by topography, the Miller Creek channel. The proposed project maximizes the improvements to existing facilities by refurbishing them, or replacement in the same space/footprint.

The exceptions are relocating the playground, the new parking lot, and the removal of the upper Terrace retaining wall. The new playground only intersects with the floodplain by about 15% of its footprint and will have no adverse impact on it. The parking lot is designed with green infrastructure to effectively deal with storm water. The removal of the retaining wall removes a built structure from the floodplain that is prone to flood damage with a natural slope that will more effectively deal with storm water flow.

Altogether, with the findings herein, the proposed plan and scope of work for Lincoln Park is deemed appropriate and practical.

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Response Period Elapsed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
- ✓ Fond du Lac Band of Lake Superior Chippewa In progress

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

offers to consult were sent to MN SHPO, the ACHP, and the 15 federally recognized tribes with interests in St. Louis County.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

Yes

No

Step 2 – Identify and Evaluate Historic Properties

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
-------------------------------	--------------------------	------------------	-----------------------

Additional Notes:

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

✓ Yes

Document and upload surveys and report(s) below.

For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

Step 3 – Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

No Adverse Effect

✓ Adverse Effect

**Document reason for finding; upload the criteria with summary and justification.
Criteria of Adverse Effect 36 CFR 800.5.**

see attached MOA

Step 4 – Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD Exchange guidance and 36 CFR 800.6 and 800.7.

Were the Adverse Effects resolved?

✓ Yes

Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:

see attached MOA

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

see attached MOA - mitigation measures A. Public Interpretation: Interpretive Plan B. Historic Property Documentation: Minnesota Historic-Property Record C. National Register of Historic Places Nomination

Based on the response, the review is in compliance with this section. Document and upload the signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA) below.

No

Screen Summary

Compliance Determination

Based on Section 106 consultation the project will have an Adverse Effect on historic properties. With mitigation, as identified in the MOA or SMMA, the project will be in compliance with Section 106. Satisfactory implementation of the mitigation should be monitored.

Supporting documentation

[LincolnPark_THPOLetter_2019.pdf](#)

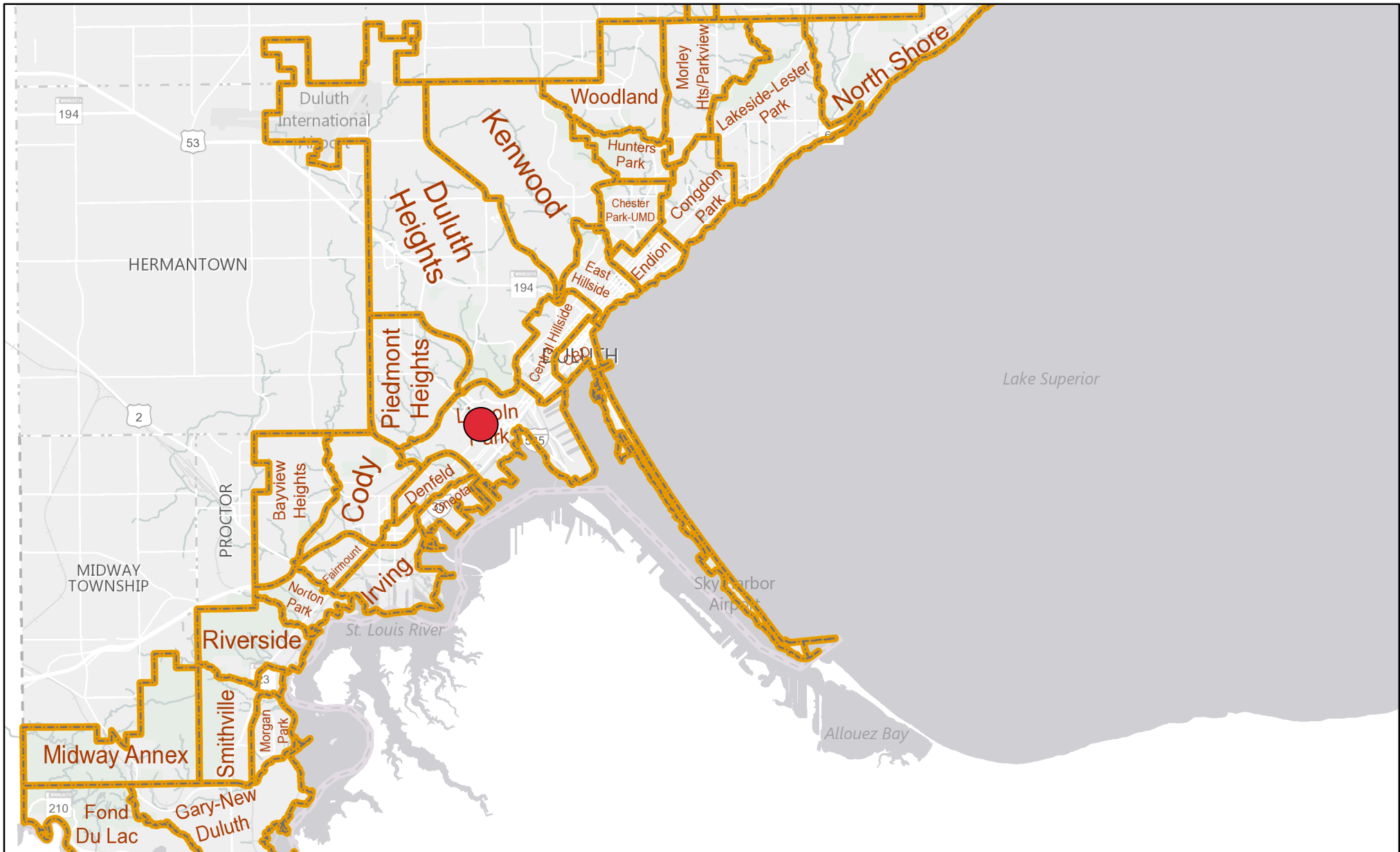
[Lincoln Park signed MOA 7 8 2022.pdf](#)

Are formal compliance steps or mitigation required?

✓ Yes

No

Lincoln Park



1 in = 12,037 ft



 Neighborhoods



May 24, 2017

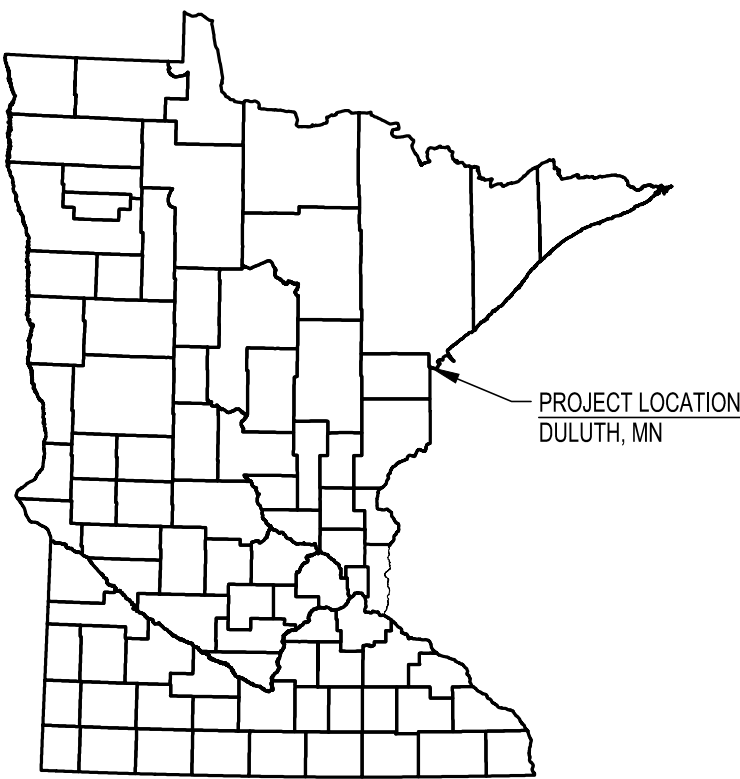
Map Powered by DataLink
from WSB & Associates

LINCOLN PARK

SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

PROJECT LOCATION



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

CLIENT:
CITY OF DULUTH
PARKS & RECREATION

411 WEST FIRST ST
DULUTH, MN 55802

THIS SQUARE APPEARS 1/2" x 1/2" ON
FULL SIZE SHEETS.

02/08/19	60% - SHPO SUBMITTAL	
NO	DATE	ISSUED FOR

NO	DATE	REVISION
----	------	----------

PRELIMINARY
NOT FOR CONSTRUCTION
02/08/18

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PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
TITLE SHEET

FILE: ..170032\600 Drawings\CI170032 C0.00 Title Sheet.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C0.00

CONTACTS

CLIENT
CITY OF DULUTH
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DULUTH, MN 55806
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EMAIL: MLEBEAU@DULUTHMN.GOV
PHONE: (218) 730-4434

PROJECT MANAGER & LANDSCAPE ARCHITECT
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21 WEST SUPERIOR STREET, SUITE 500
DULUTH, MN 55802
PHONE: (218) 279-2429
CONTACT: HEIDI BRINGMAN
E-MAIL: HEIDI.BRINGMAN@LHBCORP.COM

PROJECT CIVIL ENGINEER
LHB, INC.
CONTACT: MEGAN GOPLIN
EMAIL: MEGAN.GOPLIN@LHBCORP.COM
PHONE: (218) 249-7152

PROJECT ELECTRICAL ENGINEER
LHB, INC.
CONTACT: NATHAN WRIEDT
EMAIL: NATHAN.WRIEDT@LHBCORP.COM
PHONE: (612) 766-2834

SHEET INDEX

SHEETS	
C0.00	TITLE SHEET
C0.01	CIVIL STANDARD NOTES
C0.02	TOPOGRAPHIC SURVEY
C0.03	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
C0.04	SITE INDEX SHEET
C1.01	REMOVALS AND EROSION CONTROL PLAN AREA 1
C1.02	REMOVALS AND EROSION CONTROL PLAN AREA 2
C1.03	REMOVALS AND EROSION CONTROL PLAN AREA 3
C1.04	REMOVALS AND EROSION CONTROL PLAN AREA 4
C1.05	REMOVALS AND EROSION CONTROL PLAN AREA 5
C2.01	LAYOUT AND SURFACING AREA 1
C2.02	LAYOUT AND SURFACING AREA 2
C2.03	LAYOUT AND SURFACING AREA 3
C2.04	LAYOUT AND SURFACING AREA 4
C2.05	LAYOUT AND SURFACING AREA 5
C3.01	GRADING PLAN AREA 1
C3.02	GRADING PLAN AREA 2
C3.03	GRADING PLAN AREA 3
C3.04	GRADING PLAN AREA 4
C3.05	GRADING PLAN AREA 5
C4.01	CONSTRUCTION DETAILS
C4.02	CONSTRUCTION DETAILS
C4.03	CONSTRUCTION DETAILS
C4.04	CONSTRUCTION DETAILS
C4.05	CONSTRUCTION DETAILS
C4.06	CONSTRUCTION DETAILS
C4.07	CONSTRUCTION DETAILS
C4.08	CONSTRUCTION DETAILS
C5.00	SITE AMENITY DETAILS
C5.01	SITE AMENITY DETAILS
C5.02	SITE AMENITY DETAILS

LANDSCAPE ARCHITECTURE SHEETS

L1.01	LANDSCAPING PLAN AREA 1
L1.02	LANDSCAPING PLAN AREA 2
L1.03	LANDSCAPING PLAN AREA 3
L1.04	LANDSCAPING PLAN AREA 4
L1.05	LANDSCAPING PLAN AREA 5
L2.00	LANDSCAPING DETAILS

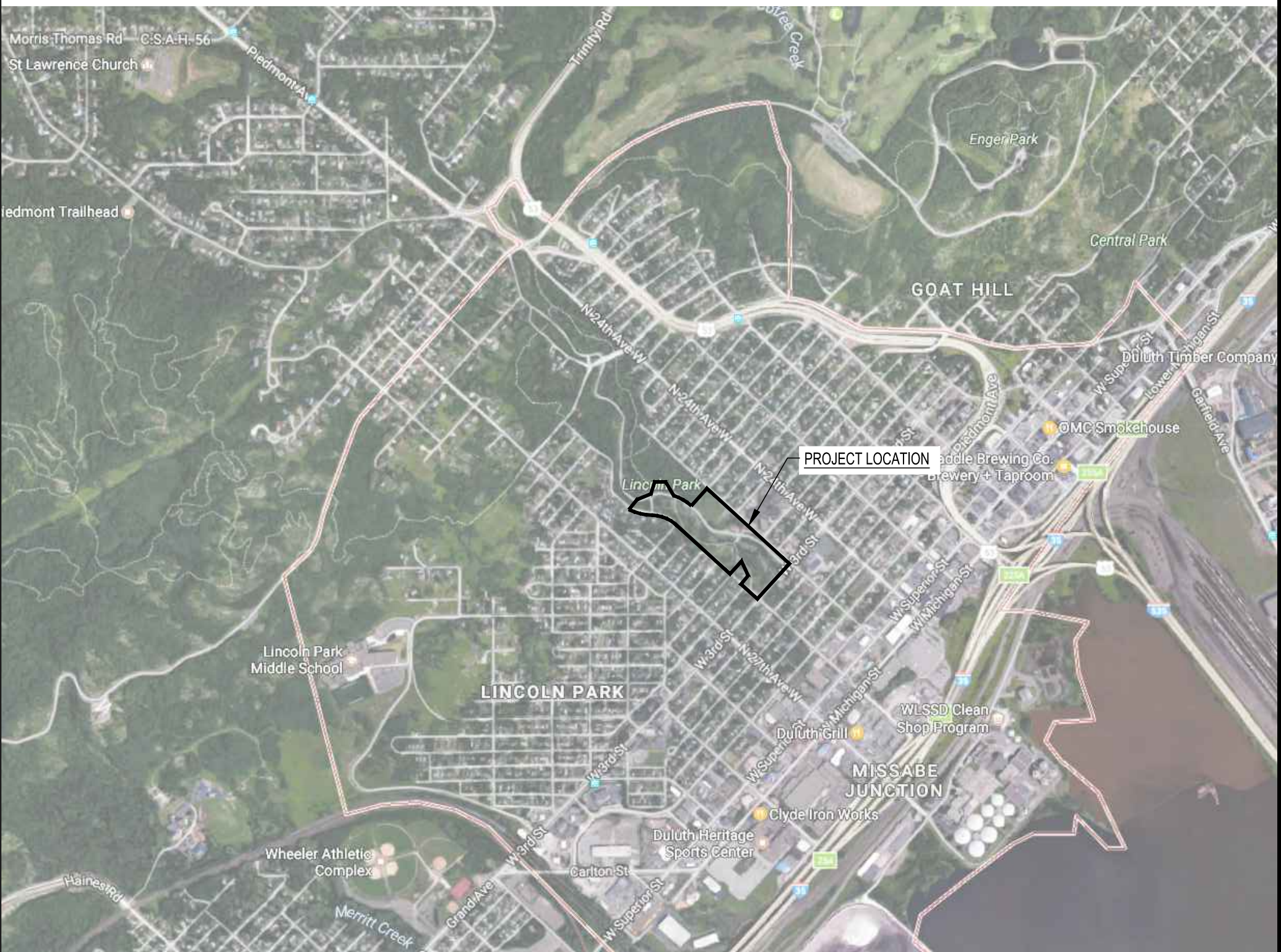
ELECTRICAL SHEETS

E1.00	ELECTRICAL SITE DEMOLITION PLAN
E1.01	ELECTRICAL SITE DEMOLITION PLAN
E2.00	ELECTRICAL SITE PLAN
E2.01	ELECTRICAL SITE PLAN
E3.00	ELECTRICAL DETAILS AND SCHEDULE

STRUCTURAL SHEETS

S1.00	WALL DETAILS
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LOCATION MAP



STANDARD PLATES

THE FOLLOWING STANDARD PLATES, APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION, SHALL APPLY ON THIS PROJECT.

PLATE No.	DESCRIPTION
7035N	CONCRETE WALK AND CURB RETURNS
7038A	DETECTABLE WARNING SURFACE TRUNCATED DOMES
7102J	CONCRETE CURB AND GUTTERS - DESIGN B612

GOVERNING SPECIFICATIONS

THE 2016 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL GOVERN. (AVAILABLE AT: <http://www.dot.state.mn.us/tecsup>)

THE CITY OF DULUTH PUBLIC WORKS/UTILITIES DEPARTMENT - ENGINEERING DIVISION 2016 STANDARD CONSTRUCTION SPECIFICATIONS BOOK, AND ANY ADDENDUMS OR SUPPLEMENTS SHALL APPLY. (AVAILABLE AT THE CITY OF DULUTH ENGINEERING OFFICE)

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE MN MUTCD, INCLUDING THE MOST CURRENT FIELD MANUAL. (AVAILABLE AT: <http://www.dot.state.mn.us/trafficeng>)

GENERAL CONSTRUCTION NOTES

- CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING FEATURES DESIGNATED TO REMAIN. ANY PAVEMENTS DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED BY THE CONTRACTOR AT NO COST TO THE OWNER.
- OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL PAY ALL PERMIT AND OTHER ASSOCIATED FEES REQUIRED BY LOCAL, STATE AND FEDERAL AGENCIES.
- MECHANICAL, ELECTRICAL, AND ARCHITECTURAL ELEMENTS SHOWN ON THE CIVIL PLANS ARE FOR INFORMATION ONLY. REFER TO THE APPROPRIATE DISCIPLINE DRAWINGS FOR DETAILS OF THESE ITEMS.
- GRADES SHOWN ARE FINISH SURFACE ELEVATIONS. THE CONTRACTOR SHALL MAKE APPROPRIATE DEDUCTIONS FOR VARYING SURFACES TO DETERMINE SUBGRADE ELEVATIONS.
- ALL EXISTING AND PROPOSED STRUCTURE ACCESS COVERS SHALL BE ADJUSTED TO FINISHED GRADE BY THE CONTRACTOR.
- ALL HORIZONTAL AND VERTICAL INFORMATION IS BASED ON THE TOPOGRAPHIC SURVEY PROVIDED BY LHB AND IS DATED APRIL 5, 2017.
- THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING AND/OR MAINTAINING PROJECT CONTROL AS IDENTIFIED ON SHEET C2.00.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION STAKING. SEE SPECIFICATIONS FOR REQUIREMENTS.
- THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL UNDERGROUND UTILITIES. UTILIZE THE ONE CALL EXCAVATION NOTICE SYSTEM OF "GOPHER ONE CALL", 1-800-252-1166
- ALL AREAS DISTURBED SHALL BE RESTORED WITH TOPSOIL, SEED AND EROSION CONTROL BLANKET UNLESS NOTED OTHERWISE. REFERENCE SPECIFICATIONS FOR REQUIREMENTS.
- PROTECT WETLAND BOUNDARIES WITHIN THE SITE.
- CONTRACTOR IS RESPONSIBLE FOR DOCUMENTING AS-BUILT INFORMATION DURING CONSTRUCTION AND SHALL PROVIDE AS-BUILT DOCUMENTS TO ENGINEER/ARCHITECT UPON PROJECT CLOSEOUT.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO COMPLY WITH ALL OSHA REGULATIONS IN THE EXECUTION OF WORK UNDER THIS CONTRACT.

UTILITY CONSTRUCTION NOTES

- ALL ABANDONED UTILITY PIPING ENCOUNTERED IN THE SITE EXCAVATION SHALL BE REMOVED THROUGHOUT THE LIMITS OF THE EXCAVATED AREA. CONTRACTOR SHALL PLUG AND SEAL ENDS OF UTILITY PIPES REMAINING BEYOND THE BOUNDARY OF THE EXCAVATION AREA WITH WATER TIGHT BLIND FLANGE OR CAP.
- BACKFILL ALL EXCAVATION NECESSARY FOR REMOVAL WITH GRANULAR FILL AND COMPACT TO THE REQUIREMENTS DEFINED IN THE SPECIFICATIONS.
- CONTRACTOR SHALL EXAMINE, EXPLORE AND FIELD VERIFY ALL PROPOSED WORK AS IT RELATES TO EXISTING INFRASTRUCTURE PRIOR TO PERFORMING THE WORK. WHEN CONFLICTS ARE DISCOVERED THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATLY. THE CONTRACTOR SHALL ALLOW 1 WEEK FOR THE ENGINEER TO EVALUATE AND MODIFY DESIGN, IF REQUIRED. THIS 1 WEEK EXAMINATION, EXPLORING, VERIFICATION, AND WAITING PERIOD SHALL BE INCLUDED IN THE CONTRACTOR'S BASE BID.

STORM SEWER

- UNLESS OTHERWISE SPECIFIED, ALL MATERIALS AND WORKMANSHIP FOR THE STORM SEWER SYSTEM SHALL BE IN ACCORDANCE WITH MNDOT-STANDARD SPECIFICATIONS FOR CONSTRUCTION 2016 AND AS MODIFIED OR ALTERED BY THE CITY OF DULUTH CONSTRUCTION STANDARDS, 2016 EDITION.

GRADING AND DRAINAGE NOTES

- SPOT ELEVATIONS ALONG CURB LINES REPRESENT THE FLOWLINE UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE OWNER IF CONTAMINANTS ARE FOUND IN THE EXISTING SOILS.
- SIDEWALK CROSS-SLOPES SHALL NOT EXCEED 2.0%.
- IN AREAS WHERE NEW FILL IS TO BE PLACED ON SLOPING GROUND, BENCHING THE SURFACE SHALL BE COMPLETED PRIOR TO PLACING THE FILL. BENCHING SHALL BE COMPLETED WHERE SLOPES ARE STEEPER THAN 1:4 (VERTICAL:HORIZONTAL).
- PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREA. DO NOT ALLOW WATER TO POND IN EXCAVATION AREAS.
- REFER TO LANDSCAPE PLANS FOR AREAS TO RECEIVE PERMANENT SEED, SOD, TREES, AND SHRUBS, ETC.
- ALL GRADES WITHIN THE LANDSCAPED AREA SHALL NOT EXCEED 3 HORIZONTAL TO 1 VERTICAL AND HAVE A MINIMUM GRADE OF 2%, UNLESS OTHERWISE NOTED. GRADED SWALES MUST HAVE A MINIMUM BOTTOM SLOPE OF 0.5%.

LAYOUT AND SURFACING NOTES

- REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS AND STOOP LOCATIONS.
- DIMENSIONS ARE TO EDGE OF PAVEMENT, FACE OF CURB, OUTSIDE FACE OF BUILDING, EDGE OF WALK, OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
- STRIPING FOR PARKING AREA SHALL BE SOLID 4" WIDE ALKYD OR CHLORINATED RUBBER WHITE PAINT. COMPLY WITH MN MUTCD STANDARDS.
- REFER TO THE LAYOUT AND SURFACING SITE PLAN, FOR DIMENSIONS AND LOCATION OF SITE FEATURES.
- THE CONTRACTOR SHALL CONSTRUCT ALL PAVEMENTS TO MATCH EXISTING PAVEMENT GRADES AT TIE-IN POINTS.
- CONTINUE ALL JOINTS THROUGH THE CURB.
- REINFORCE ODD SHAPED PAVING PANELS WITH #3 BARS AT 24" EACH WAY. AN ODD SHAPED PANEL IS CONSIDERED TO BE ONE IN WHICH THE SLAB TAPERS TO A SHARP ANGLE WHEN THE LENGTH TO WIDTH RATIO EXCEEDS 1.5 TO 1 OR WHEN A SLAB IS NEITHER SQUARE NOR RECTANGULAR.
- ENSURE POSITIVE DRAINAGE AT ALL PAVEMENT LOCATIONS.

DEMOLITION AND REMOVALS NOTES

- EXISTING SITE INFORMATION WAS TAKEN FROM A SURVEY PROVIDED BY LHB, DULUTH, MINNESOTA. ACTUAL FIELD CONDITIONS MAY VARY. VERIFY ALL FIELD CONDITIONS INCLUDING LOCATION OF UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. NOTIFY THE OWNER AND ARCHITECT OF ANY VARIANCES FROM PLAN.
- PRESERVE AND PROTECT ALL EXISTING ROAD SIGNAGE AND UTILITIES ALONG EXISTING ROADS UNLESS OTHERWISE INDICATED.
- PROTECT ALL PROPERTY CORNERS. RELOCATE BENCHMARKS AS NECESSARY WITH NEW BENCHMARK LOCATIONS WITHIN A TOLERANCE OF 0.010 VERTICAL FEET.
- SEE SHEET C1.00 FOR THE DEMOLITION, REMOVALS, AND EROSION CONTROL PLAN. INSTALL EROSION AND SEDIMENTATION CONTROL PRIOR TO DEMOLITION.
- MAINTAIN ALL COMMUNICATION AND UTILITY SERVICES TO ALL BUILDINGS WHICH REMAIN OPERATIONAL. COORDINATE OUTAGES WITH OWNER AND UTILITY COMPANIES.
- SAWCUT EXISTING PAVEMENT WHICH ABUTS ALL NEW PAVEMENTS TO PROVIDE A STRAIGHT VERTICAL EDGE.
- COORDINATE WITH OWNER ANY MATERIAL OR EQUIPMENT TO BE SALVAGED.
- PROTECT BY WHATEVER MEANS REQUIRED ALL FEATURES WHICH ARE NOT DESIGNATED FOR REMOVAL OR ARE OUTSIDE THE LIMITS OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE INCURRED DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO, DAMAGE CAUSED BY SUBCONTRACTORS TO THE GENERAL CONTRACTOR. REPAIRS SHALL EQUAL OR EXCEED THE QUALITY OF EXISTING CONDITIONS.
- ALL EXISTING FEATURES LOCATED WITHIN THE PROJECT LIMITS THAT HAVE NOT ALREADY BEEN REMOVED (BY OTHERS) MUST BE REMOVED AND DISPOSED OF PROPERLY OFF-SITE BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL COORDINATE REMOVALS WITH UTILITY COMPANIES TO ENSURE LINES ARE PROPERLY DISCONNECTED PRIOR TO REMOVAL.
- CONTRACTOR SHALL REMOVE AND/OR RELOCATE ALL ITEMS NECESSARY TO ACCOMMODATE THE PROPOSED IMPROVEMENTS WHETHER SPECIFICALLY CALLED OUT BY NOTE OR NOT.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL UNDERGROUND UTILITIES. UTILIZE "GOPHER STATE ONE-CALL" CALL 1-800-252-1166.
- CONTRACTOR SHALL FIELD VERIFY LOCATION, DEPTH, SIZE AND MATERIAL OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL FIELD VERIFY THE STATUS AND LOCATION OF THE SANITARY AND WATER SERVICES IMMEDIATELY FOLLOWING DEMOLITION OF THE EXISTING RESTROOM BUILDING AND PRIOR TO PROCEEDING WITH PORTIONS OF THE WORK WHICH MAY BE AFFECTED BY FIELD CONDITIONS THAT DIFFER FROM THOSE SHOWN IN THE DRAWINGS.
- THE CONTRACTOR IS RESPONSIBLE FOR TRANSFERRING BENCH MARK PRIOR TO REMOVAL.



PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

CLIENT:
CITY OF DULUTH
PARKS & RECREATION

411 WEST FIRST ST
DULUTH, MN 55802

THIS SQUARE APPEARS 1/2" x 1/2" ON
FULL SIZE SHEETS.

02/08/19		60% - SHPO SUBMITTAL
NO	DATE	ISSUED FOR
NO	DATE	REVISION

PRELIMINARY
NOT FOR CONSTRUCTION
02/08/18

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PROJECT NAME:

LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:

CIVIL STANDARD NOTES

FILE: ..\170032\600 Drawings\C170032 C0.01 Civil Standard Notes.dwg
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

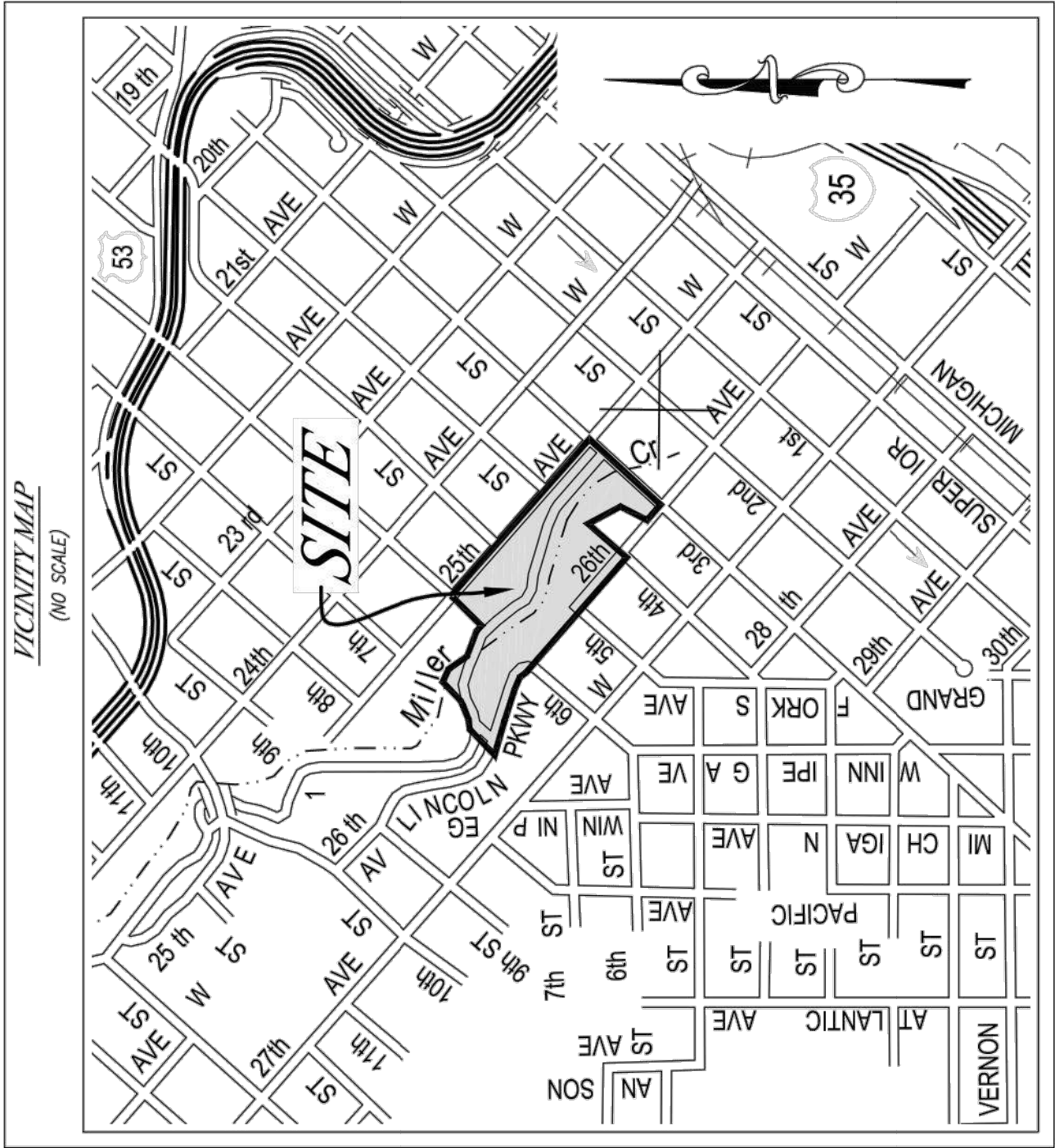
C0.01

Topographic Survey

part of
LINCOLN PARK, DULUTH, MINNESOTA
located in DULUTH PROPER 2nd DIVISION and the NE 1/4 - SW 1/4 - SE 1/4
Section 32, T50N, R14W of the 4th P.M.
City of Duluth, St. Louis County, Minnesota

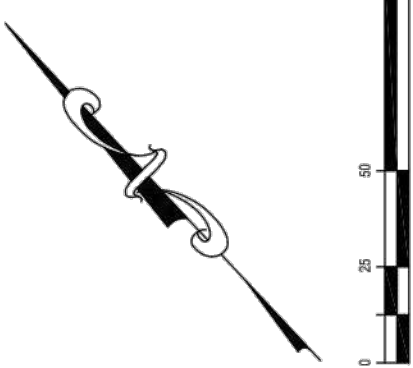


C0.02 TOPOGRAPHIC SURVEY



- LEGEND**
- BITUMINOUS SURFACE
 - BUILDING
 - CONCRETE SURFACE
 - 5 FOOT CONTOUR
 - 1 FOOT CONTOUR
 - CURB & GUTTER
 - GRAVEL SURFACE
 - RIP-RAP SURFACE
 - FENCE LINE
 - HAND RAILING
 - OVERHEAD ELECTRIC
 - BURIED ELECTRIC
 - BURIED TELEPHONE
 - BURIED GAS
 - BURIED SANITARY SEWER
 - BURIED STORM
 - BURIED WATER
 - BRUSH LINE/ EDGE
 - TREE LINE/ EDGE
 - SURVEY BY CARDNO, PROVIDED BY CITY OF DULUTH
 - STREET SIGN
 - STOP SIGN
 - SPEED LIMIT SIGN
 - POST
 - BOLLARD
 - EXISTING STORM MANHOLE
 - EXISTING SANITARY MANHOLE
 - EXISTING UNKNOWN MANHOLE
 - EXISTING TELEPHONE MANHOLE
 - EXISTING CATCH BASIN (SQUARE)
 - LIGHT POLE
 - GUY WIRE OR ANCHOR
 - POWER POLE/ LIGHT POLE
 - POWER POLE
 - WATER VALVE
 - WATER SHUTOFF
 - HYDRANT
 - GAS VALVE
 - EVERGREEN TREE
 - DECIDUOUS TREE
 - BUSH

- NOTES**
- DATE OF SURVEY: MARCH 15, 16, 20 AND 21, 2017.
 - BASIS OF BEARING IS GRID NORTH, ST. LOUIS COUNTY TRANSVERSE MERCATOR 96 COORDINATE SYSTEM.
 - UNDERGROUND UTILITY LOCATIONS ARE BASED UPON A GOPHER STATE ONE CALL SURVEY BOUNDARY SURVEY TICKET NUMBERS 170670959, 170670994 AND 170670987, DATED MARCH 8, 2017, AND FIELD MARKINGS BY RESPECTIVE UTILITIES.
CHARTER COMMUNICATIONS (800) 778-9140
CITY OF DULUTH (218) 730-5200
CENTURYLINK (855) 742-6062
MINNESOTA POWER (218) 720-2757
NORTHEAST SERVICE COOPERATIVE (218) 568-4744
HORIZONTAL DATUM = ST. LOUIS COUNTY TRANSVERSE MERCATOR 1996 (SLCTM 96).
VERTICAL DATUM = NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).



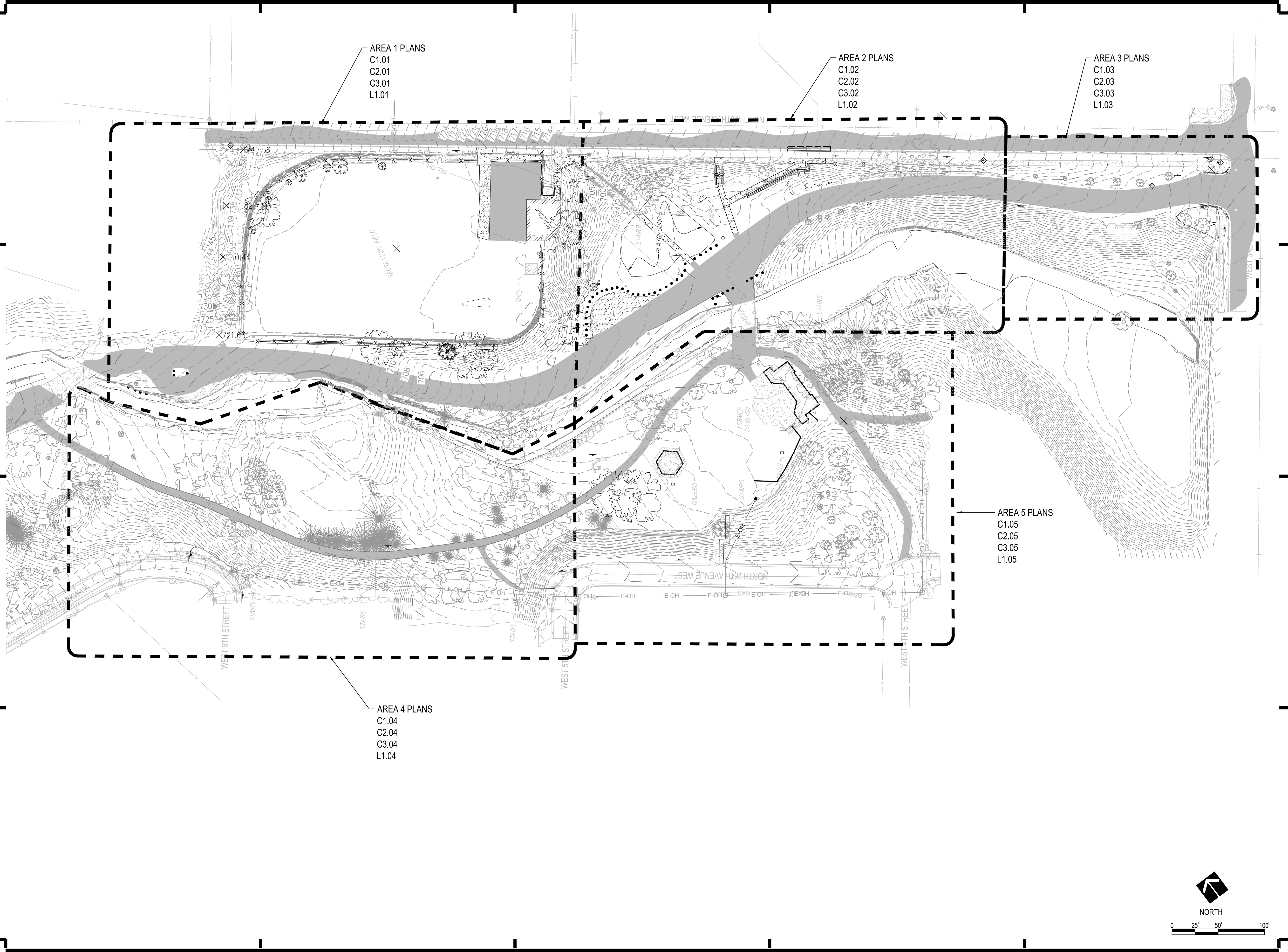
(SCALE IN FEET)
Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

DATE PREPARED: 4/8/17
PROJ. NO.: 17032
FILE: 17032.dwg
SHEET 1 of 1 SHEETS

Signature: *Paul A. Vogel* License # 44075 Date: 4/4/2017

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DESIGN
LH&P.com

211 W. Superior St., Ste. 800 Duluth, MN 55802 (218) 727-8486
FILE: 17032.dwg Drawing Sheet 17032.dwg



AREA 1 PLANS
C1.01
C2.01
C3.01
L1.01

AREA 2 PLANS
C1.02
C2.02
C3.02
L1.02

AREA 3 PLANS
C1.03
C2.03
C3.03
L1.03

AREA 5 PLANS
C1.05
C2.05
C3.05
L1.05

AREA 4 PLANS
C1.04
C2.04
C3.04
L1.04



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NO	DATE	ISSUED FOR

NO	DATE	REVISION

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02/08/18

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PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
SITE INDEX SHEET

FILE: ..170032\600 Drawings\C170032 C0.03 Site Plan Index Sheet.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C0.03



1. Wall and Stair Condition



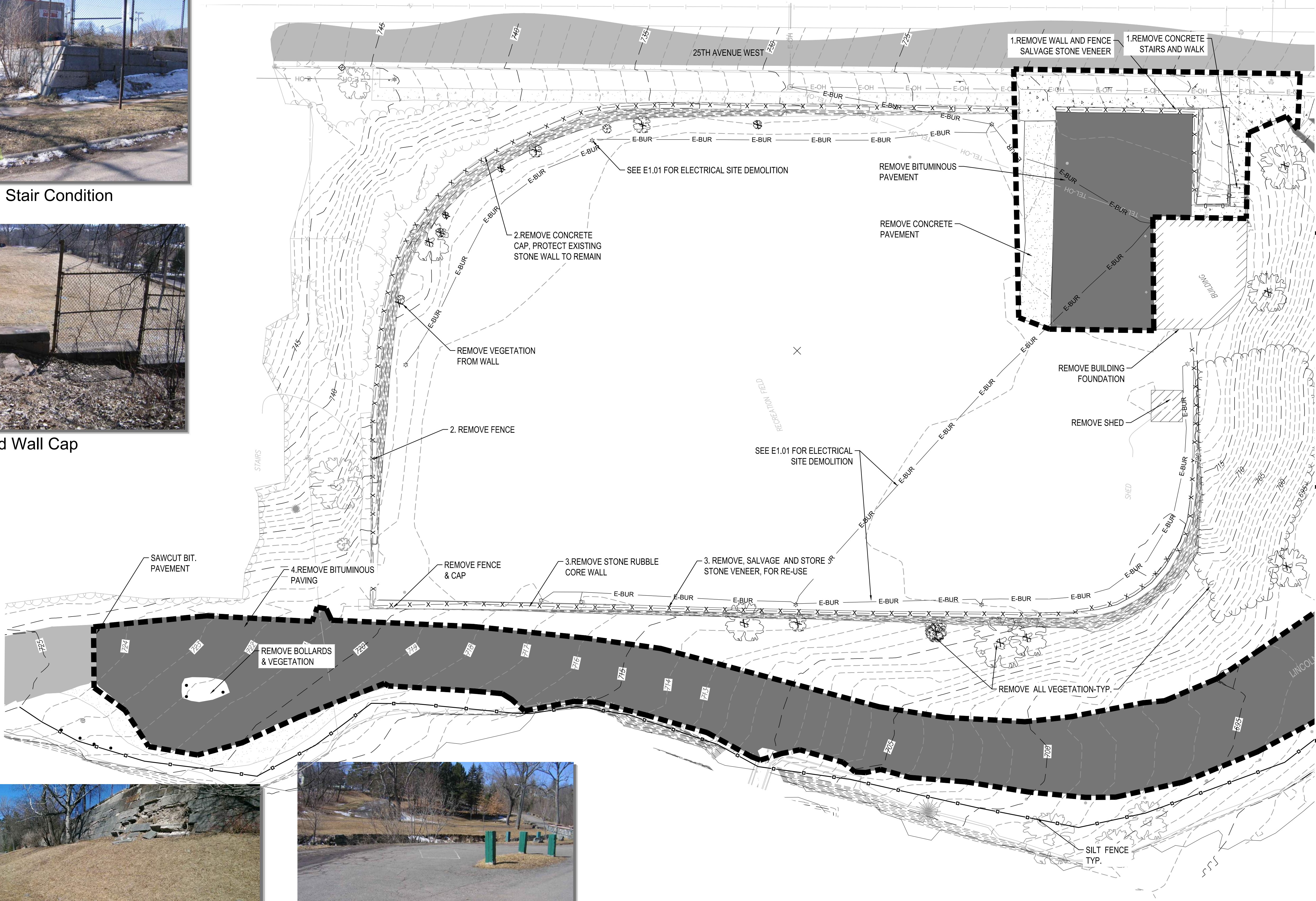
2. Fence and Wall Cap



3. Existing Wall



4. Existing Parking Area



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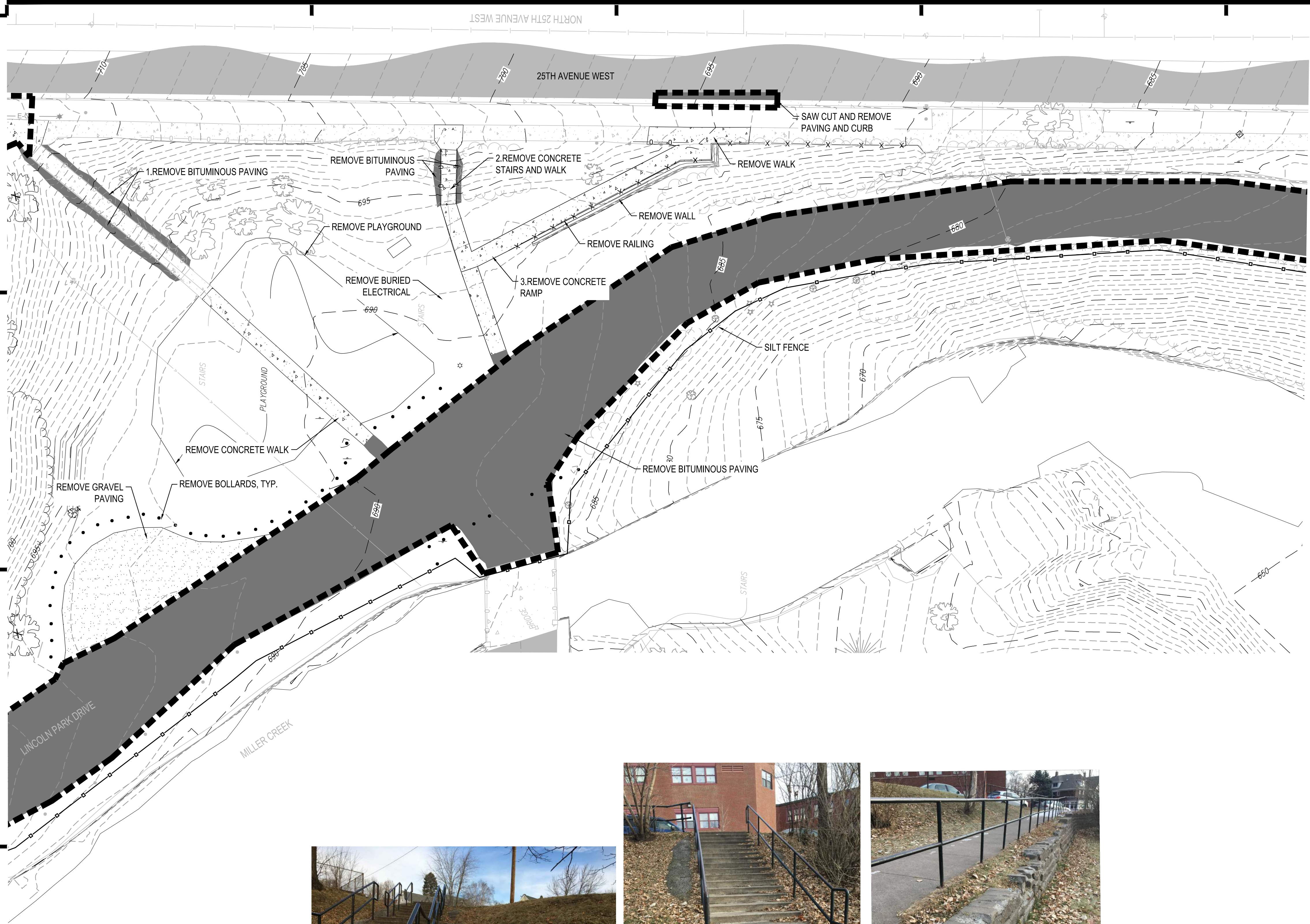
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
REMOVALS AND
EROSION CONTROL PLAN
AREA 1

FILE: .1170032\600 Drawings\C1170032 C1.00 Removals and Erosion Control Plan
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C1.01



1. Existing Bituminous Edge



2. Existing Stair Condition



3. Existing Ramp Condition



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DRAWING TITLE:
REMOVALS AND
EROSION CONTROL PLAN
AREA 2

FILE: .\\170032\\600 Drawings\\C170032 C1.00 Removals and Erosion Control Plan
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C1.02



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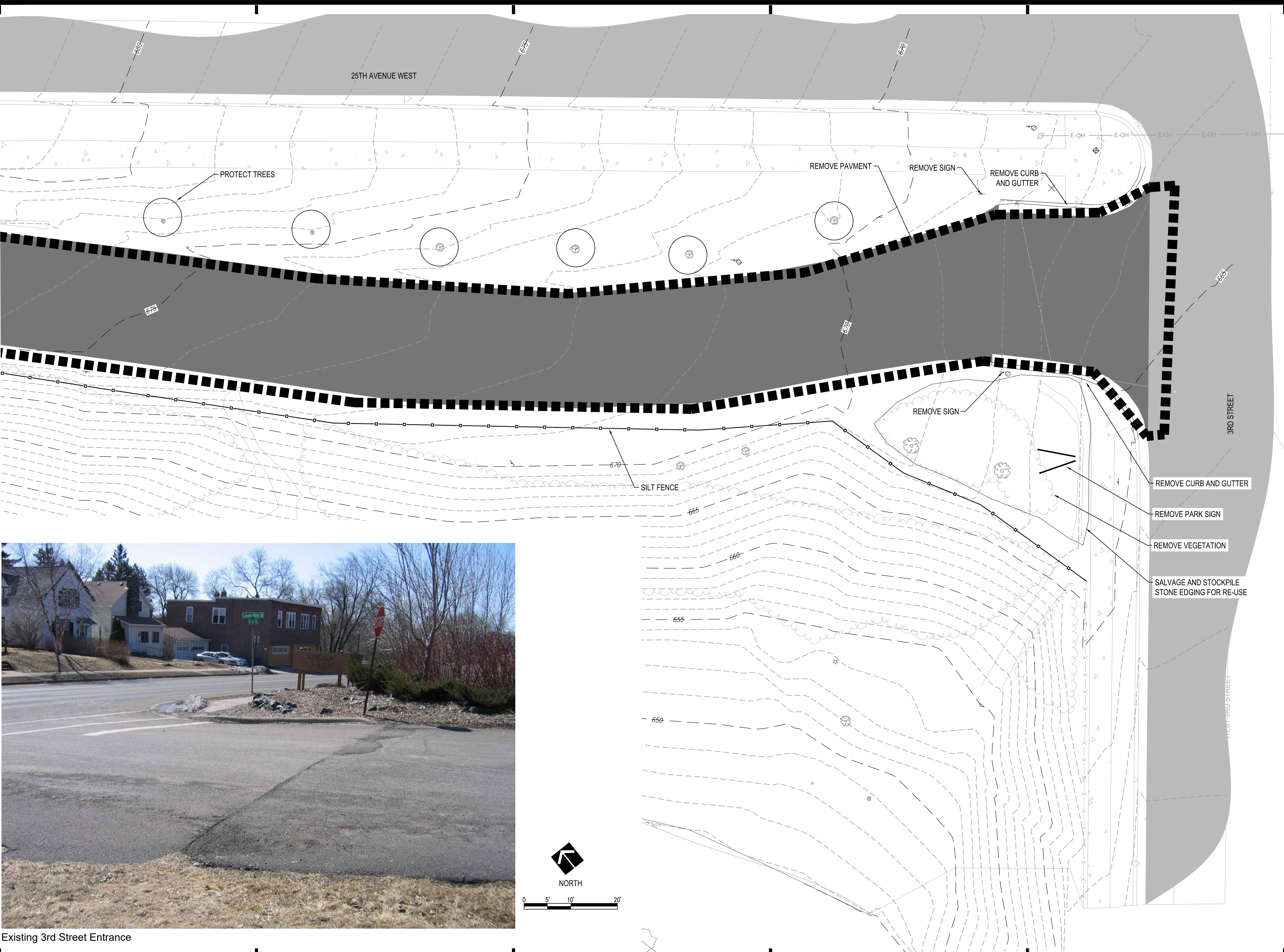
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
REMOVALS AND
EROSION CONTROL PLAN
AREA 3

FILE: .\\170032\\600 Drawings\\C170032 C1.00 Removals and Erosion Control Plan
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C1.03



Existing 3rd Street Entrance



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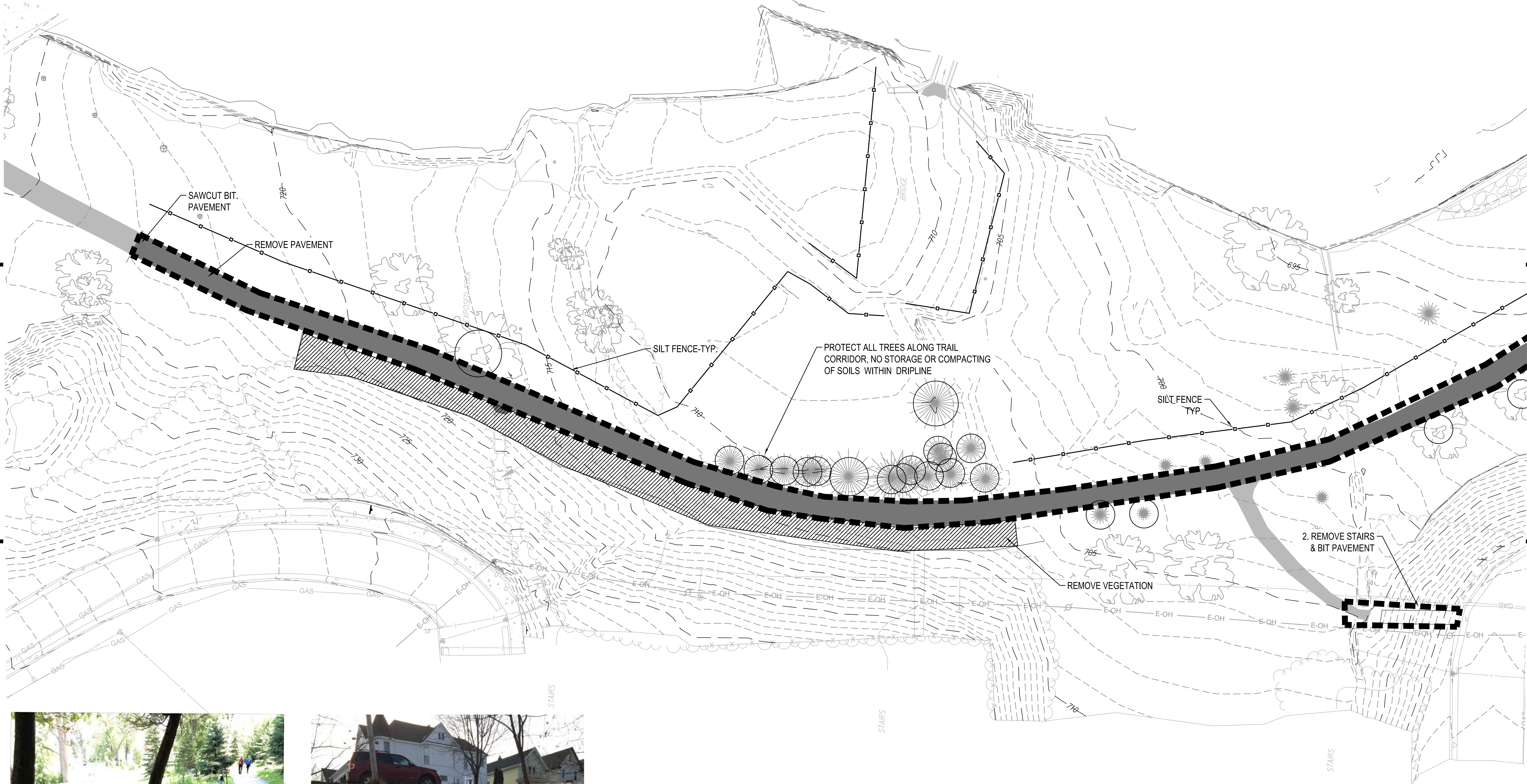
PROJECT NAME:
LINCOLN PARK
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501 N 25TH AVE W
DULUTH, MN 55806

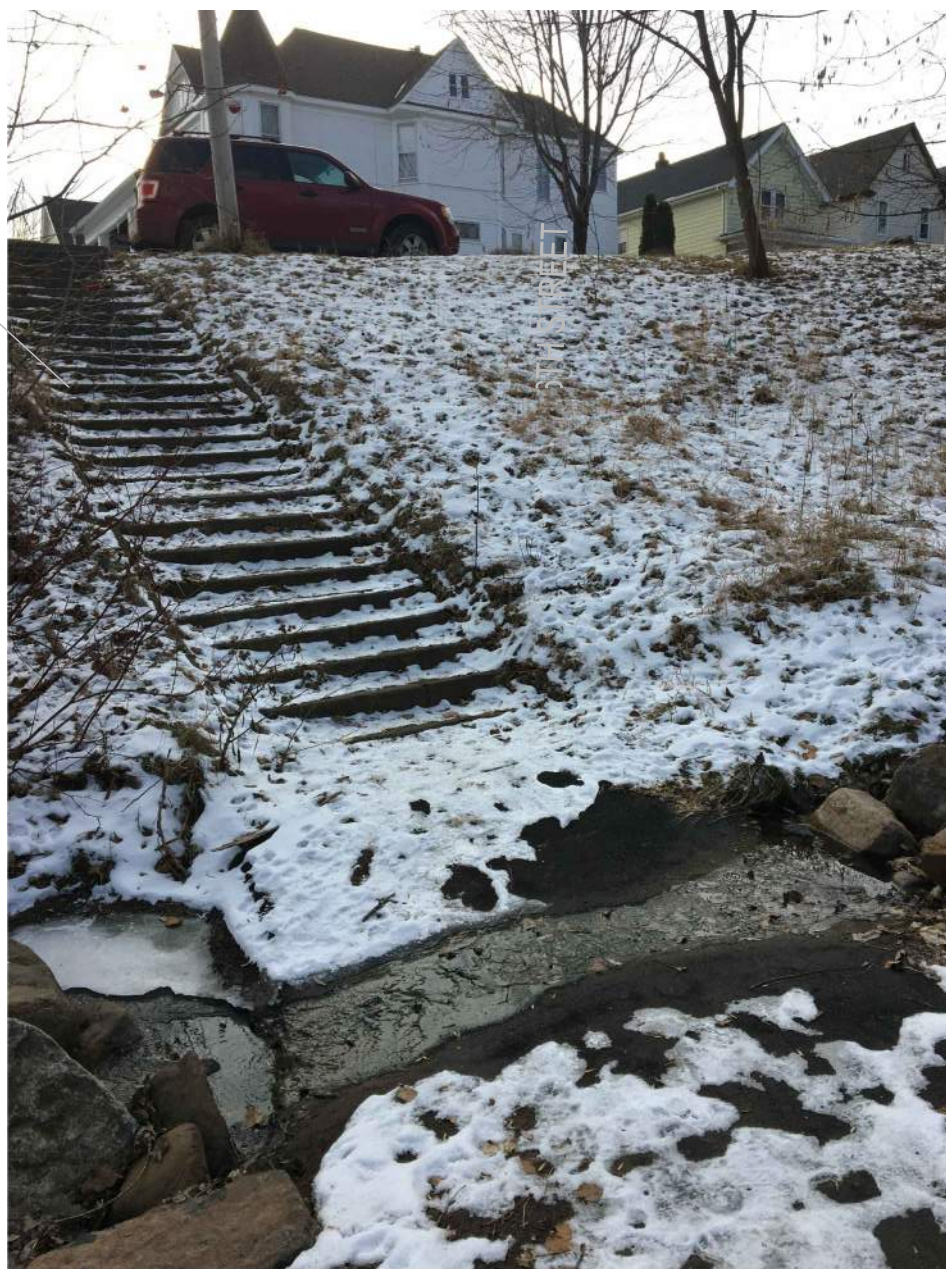
DRAWING TITLE:
REMOVALS AND
EROSION CONTROL PLAN
AREA 4

FILE: ..170032\600 Drawings\C170032 C1.00 Removals and Erosion Control Plan
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C1.04



1. Existing Trail Condition



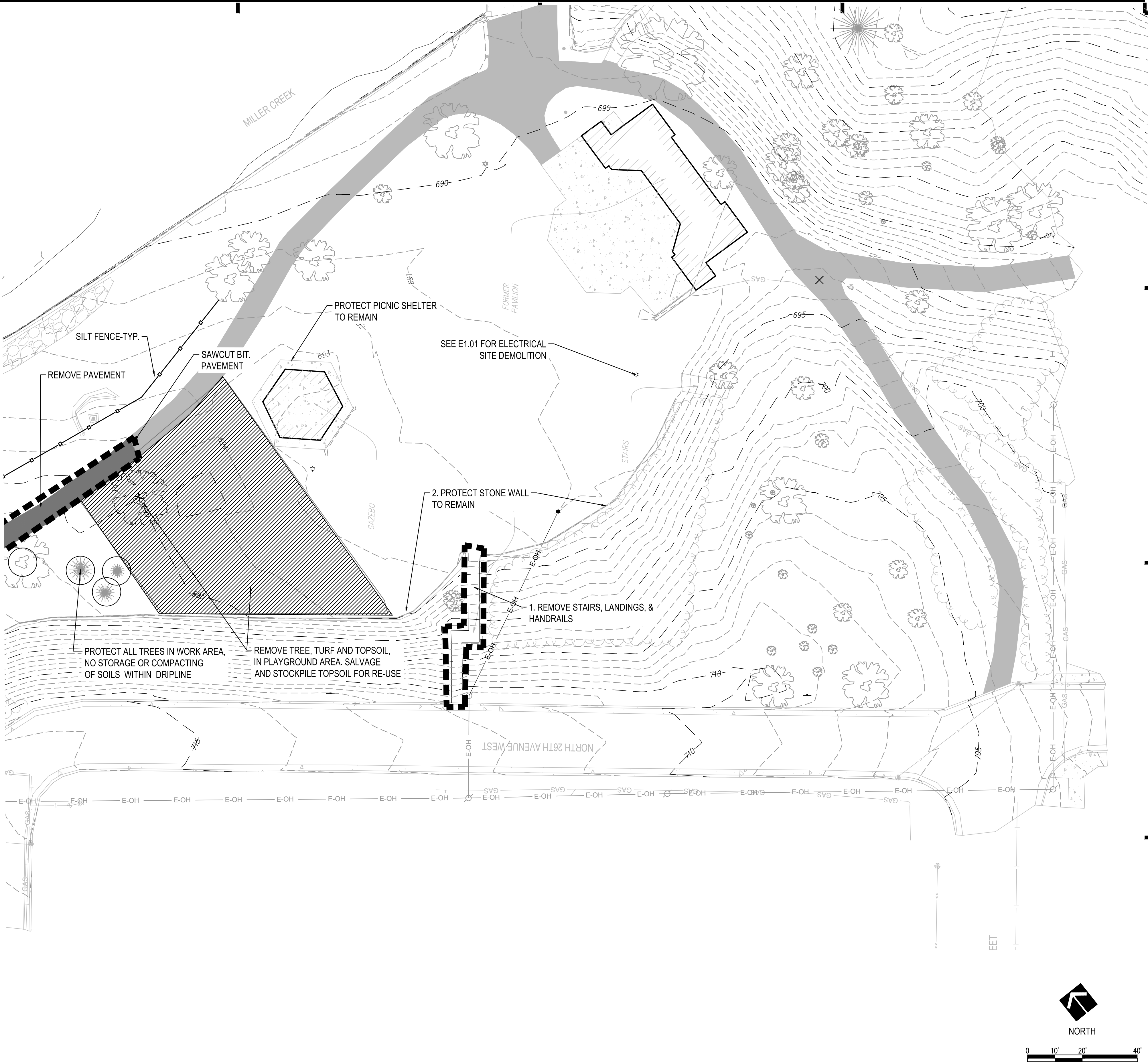
2. Existing Stair Condition



1. Existing Stair Condition



2. Existing Wall Condition



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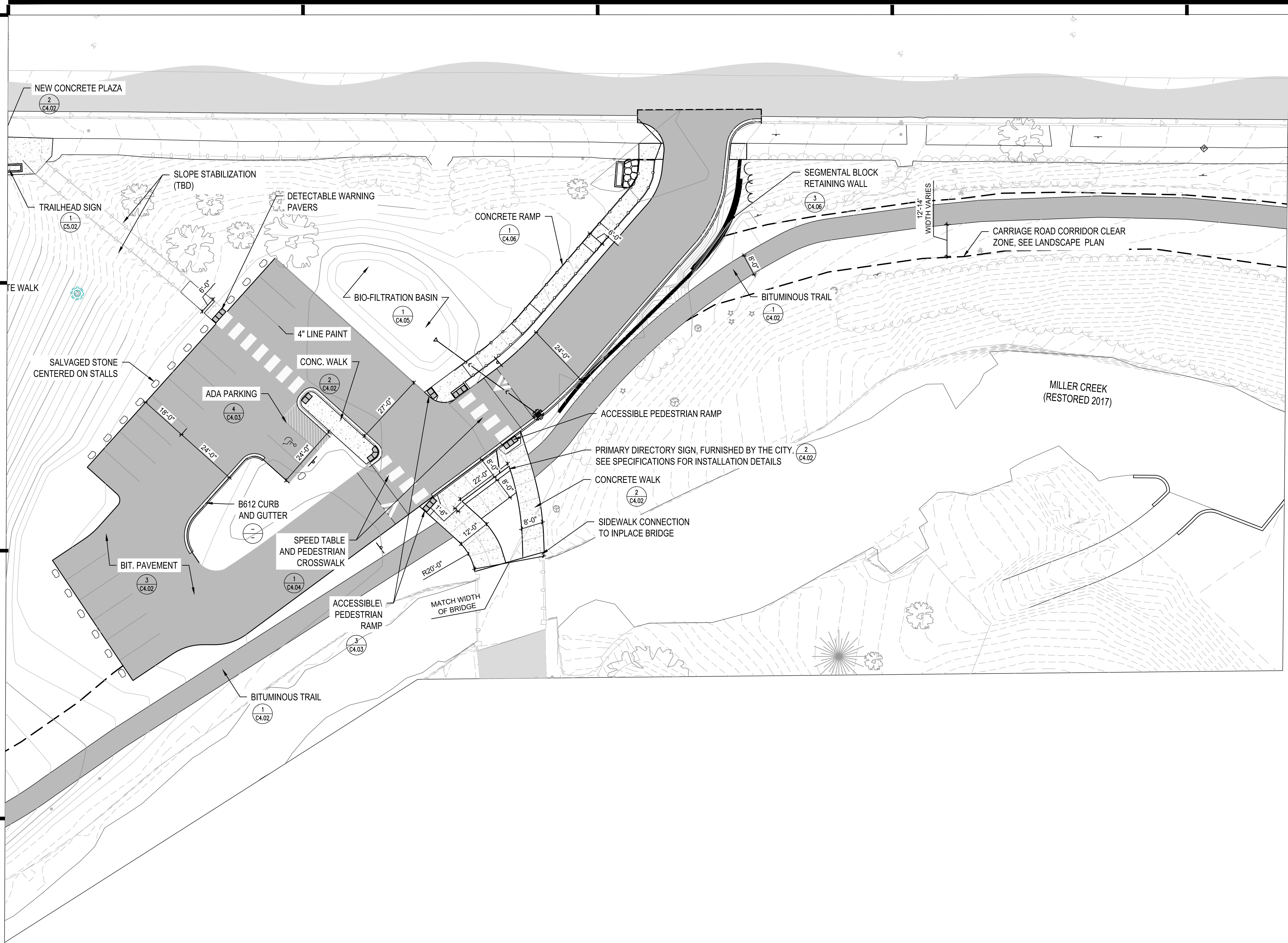
PROJECT NAME:
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SITE IMPROVEMENTS

501 N 25TH AVE W
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DRAWING TITLE:
REMOVALS AND
EROSION CONTROL PLAN
AREA 5

FILE: ..\170032\600 Drawings\C170032 C1.00 Removals and Erosion Control Plan
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C1.05



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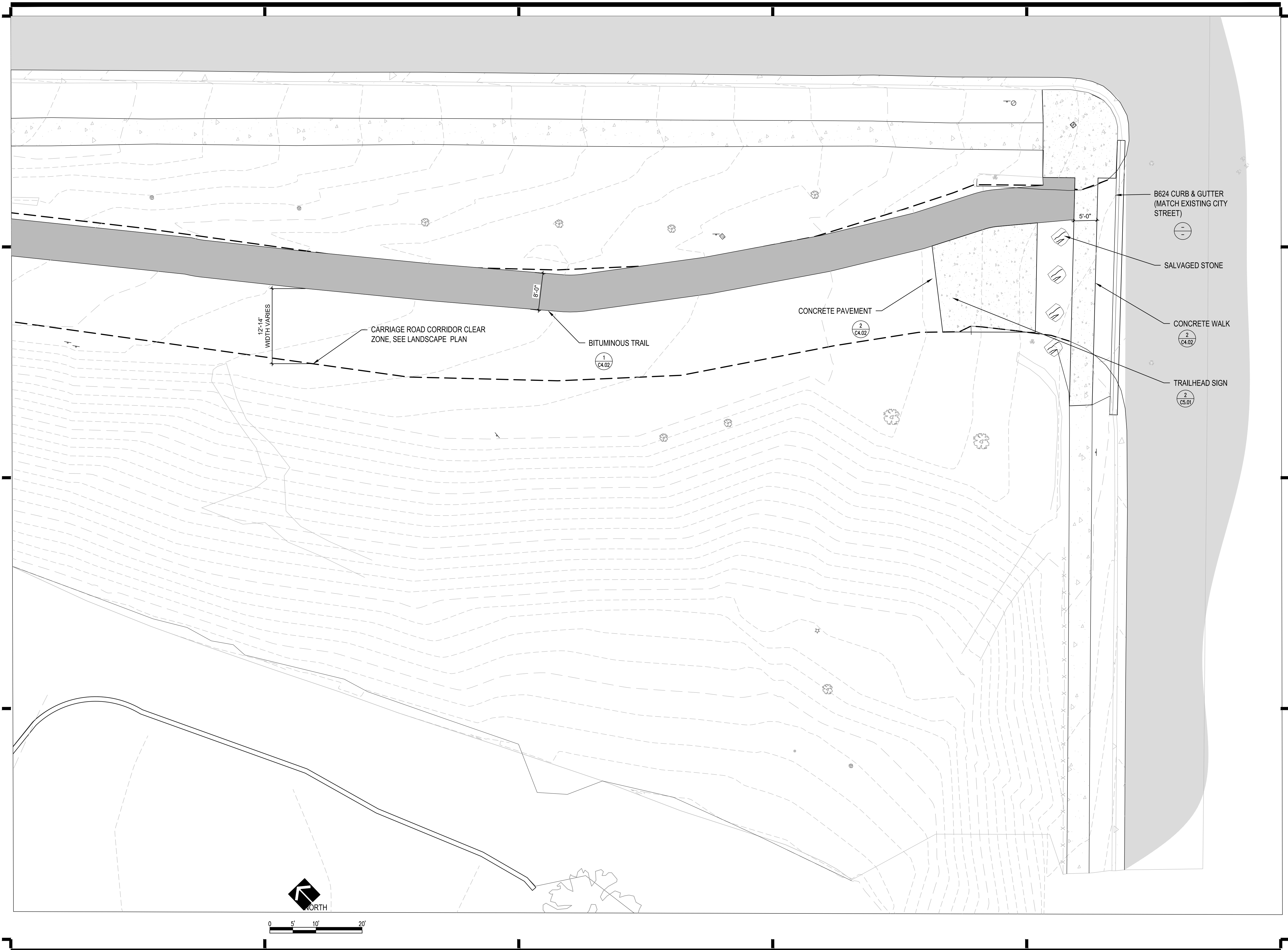
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LAYOUT AND SURFACING
SITE PLAN
AREA 2

FILE: ..170032\600 Drawings\C170032 C2.00 Layout & Surfacing.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C2.02



0 10' 20' 40'



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DRAWING TITLE:
LAYOUT AND SURFACING
SITE PLAN
AREA 3



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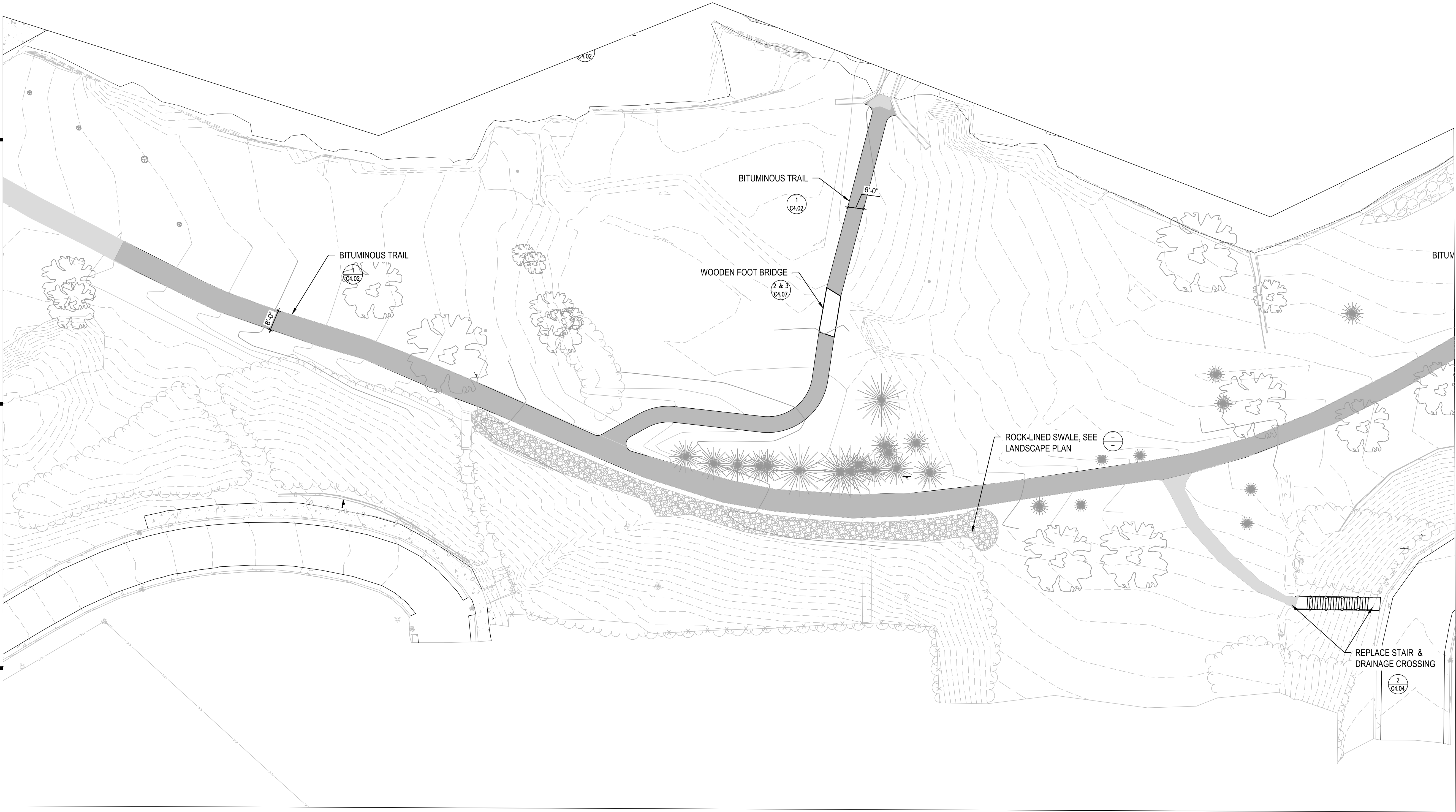
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LINCOLN PARK
SITE IMPROVEMENTS

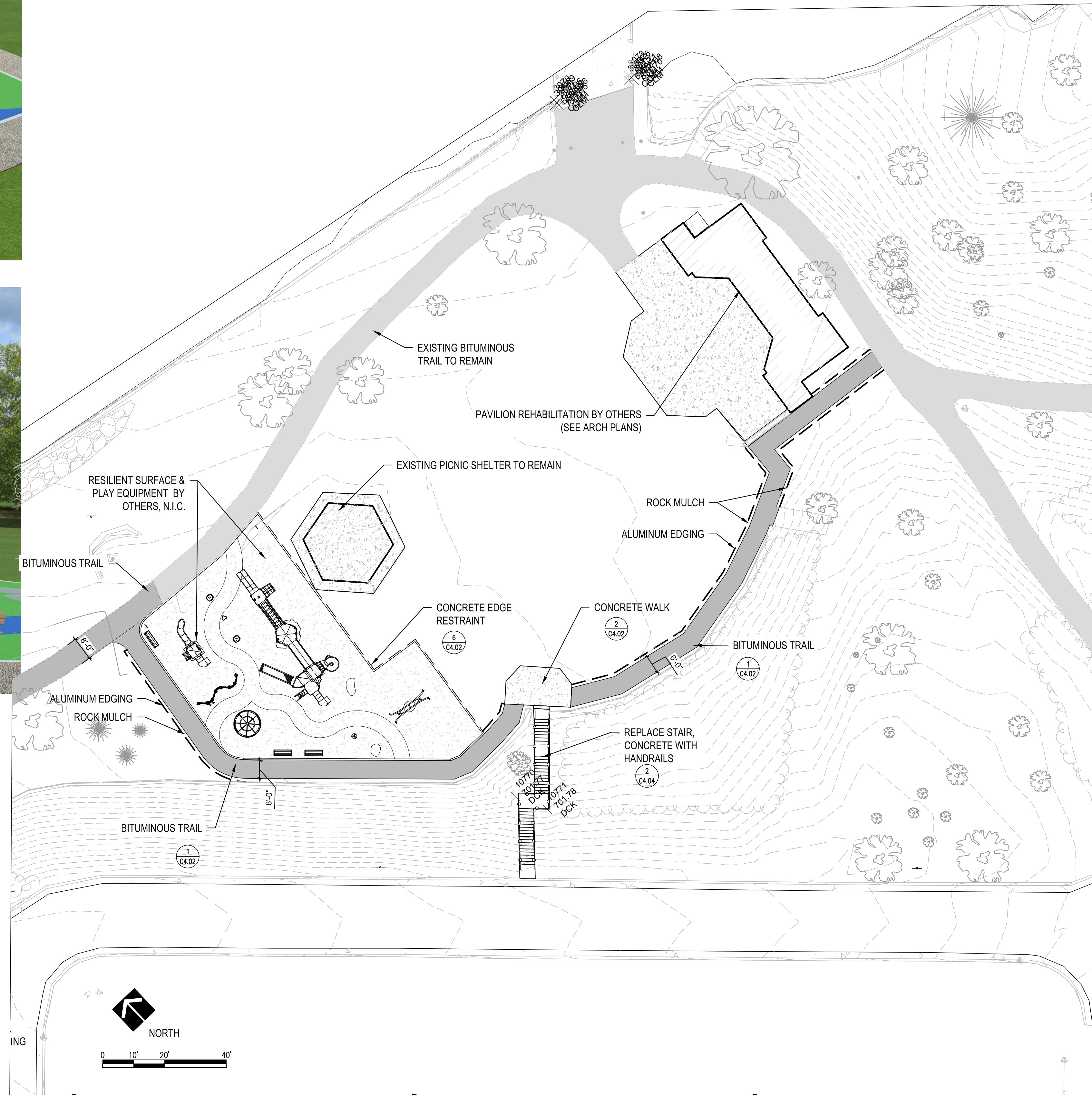
501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
LAYOUT AND SURFACING
SITE PLAN
AREA 4

FILE: ..170032\600 Drawings\CI170032 C2.00 Layout & Surfacing.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C2.04





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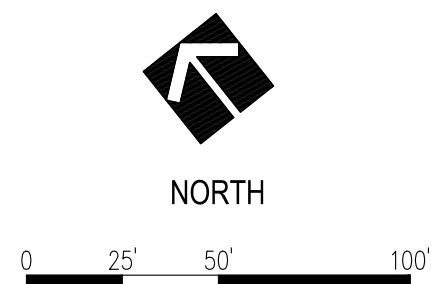
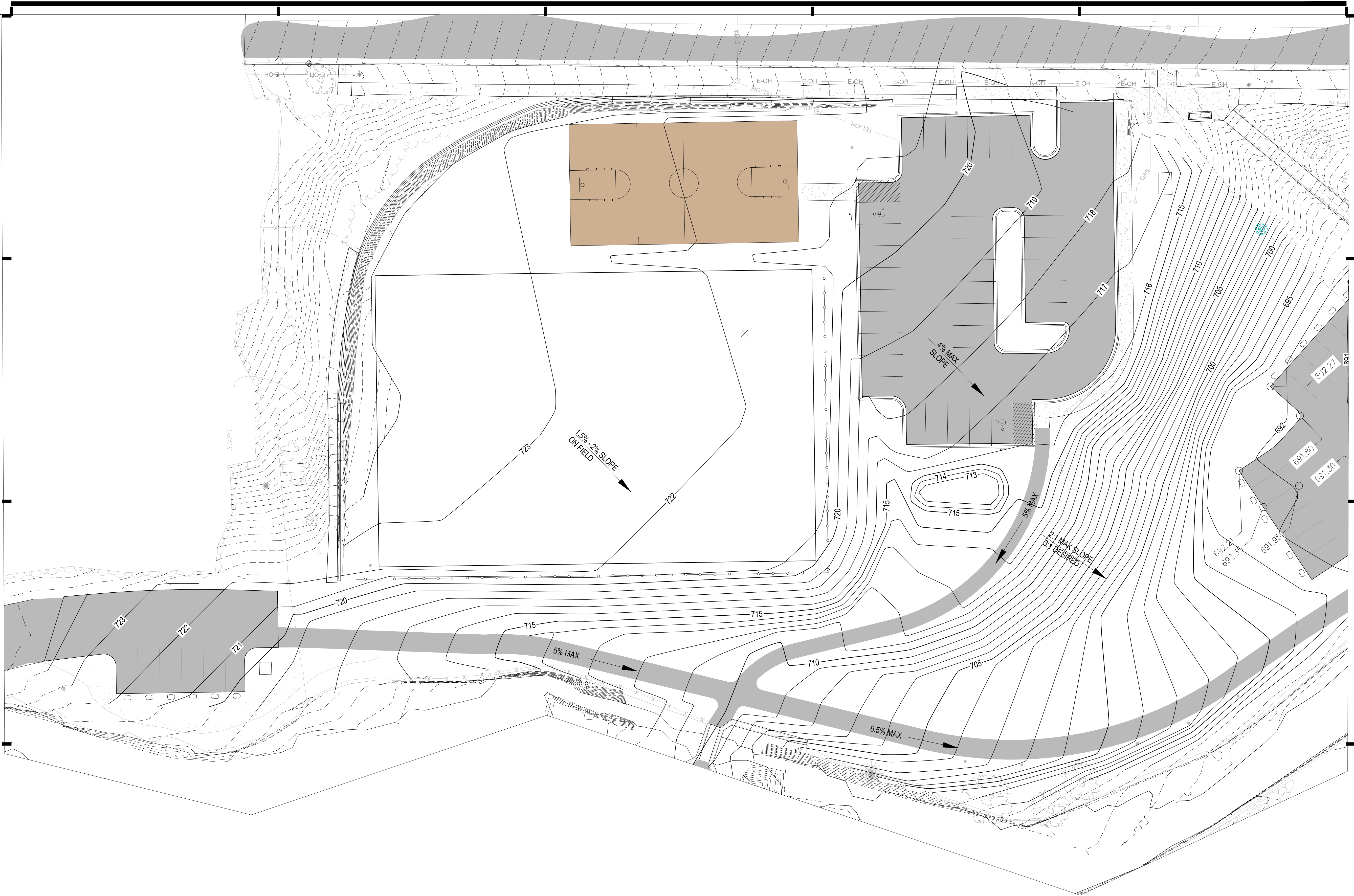
PROJECT NAME:
**LINCOLN PARK
SITE IMPROVEMENTS**

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:

LAYOUT AND SURFACING
SITE PLAN
AREA 5

FILE: ..\170032\600 Drawings\C\170032 C2.00 Layout & Surfacing.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
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DRAWING NO:



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DRAWING TITLE:
GRADING AND
DRAINAGE PLAN
AREA 1

FILE: ..170032\600 Drawings\CI170032 C3.00 Grading and Drainage.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C3.01



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[illegible]

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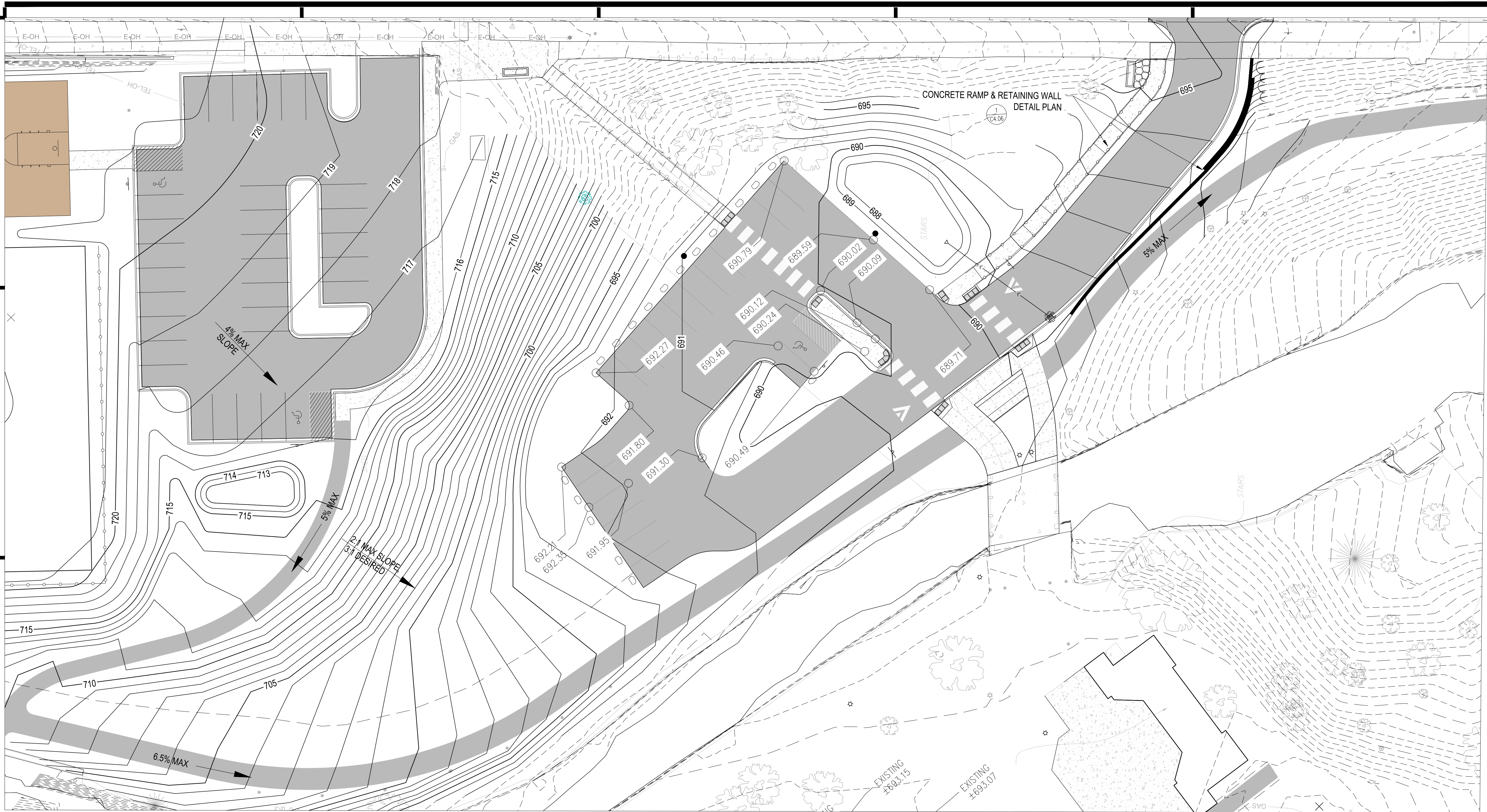
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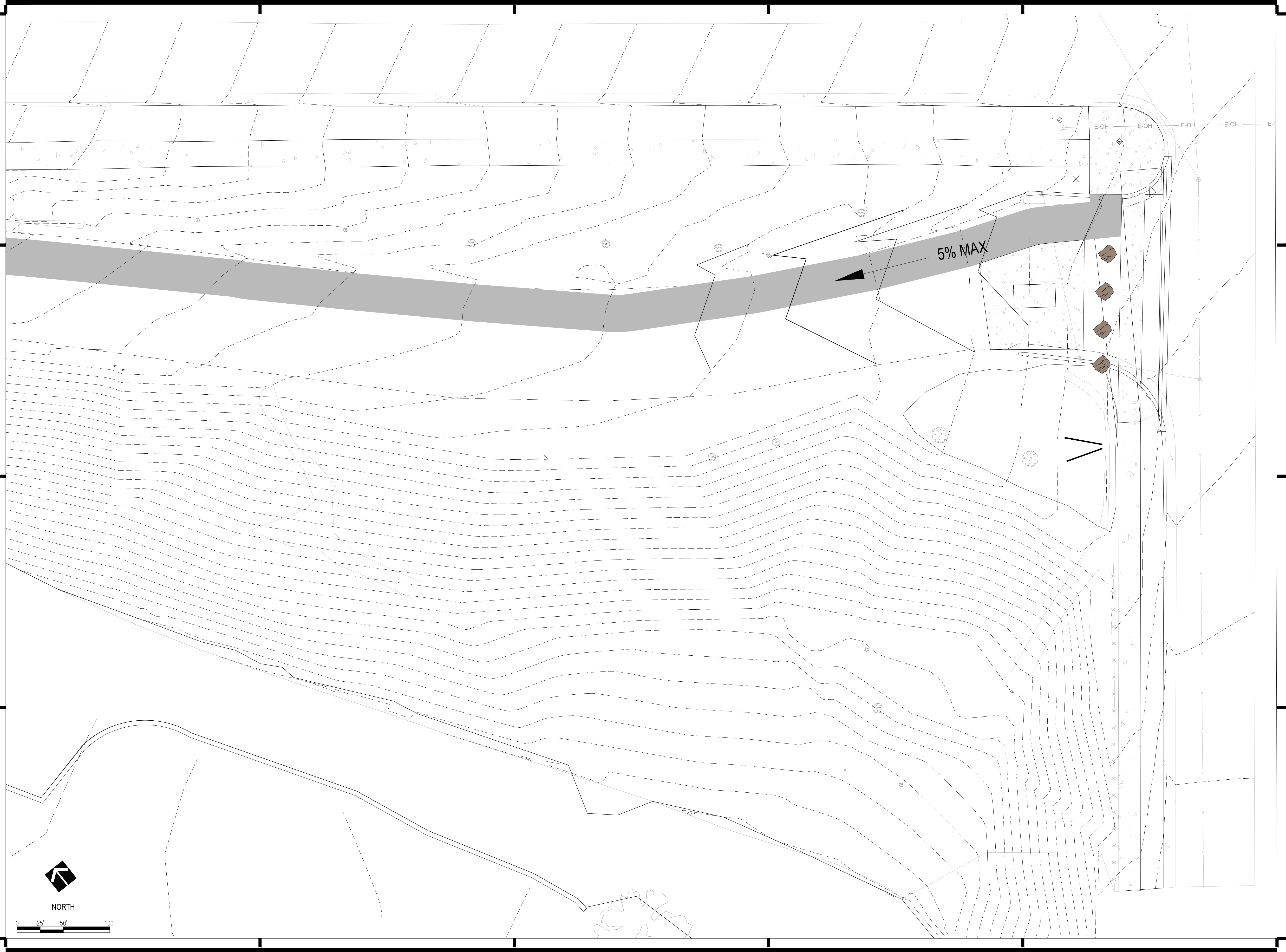
GRADING AND
DRAINAGE PLAN
AREA 2

FILE: ..\170032\600 Drawings\C170032 C3.00 Grading and Drainage.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C3.02

C3.02





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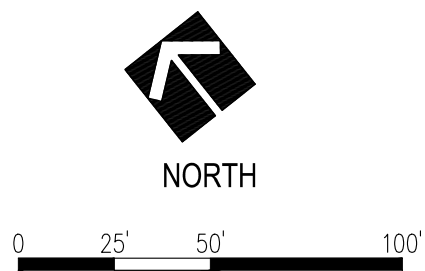
PROJECT NAME:
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DULUTH, MN 55806

DRAWING TITLE:
GRADING AND
DRAINAGE PLAN
AREA 3

FILE: ..170032\600 Drawings\CI170032 C3.00 Grading and Drainage.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C3.03



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DRAWING TITLE:
GRADING AND
DRAINAGE PLAN
AREA 4

FILE: ..170032\600 Drawings\CI170032 C3.00 Grading and Drainage.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C3.04



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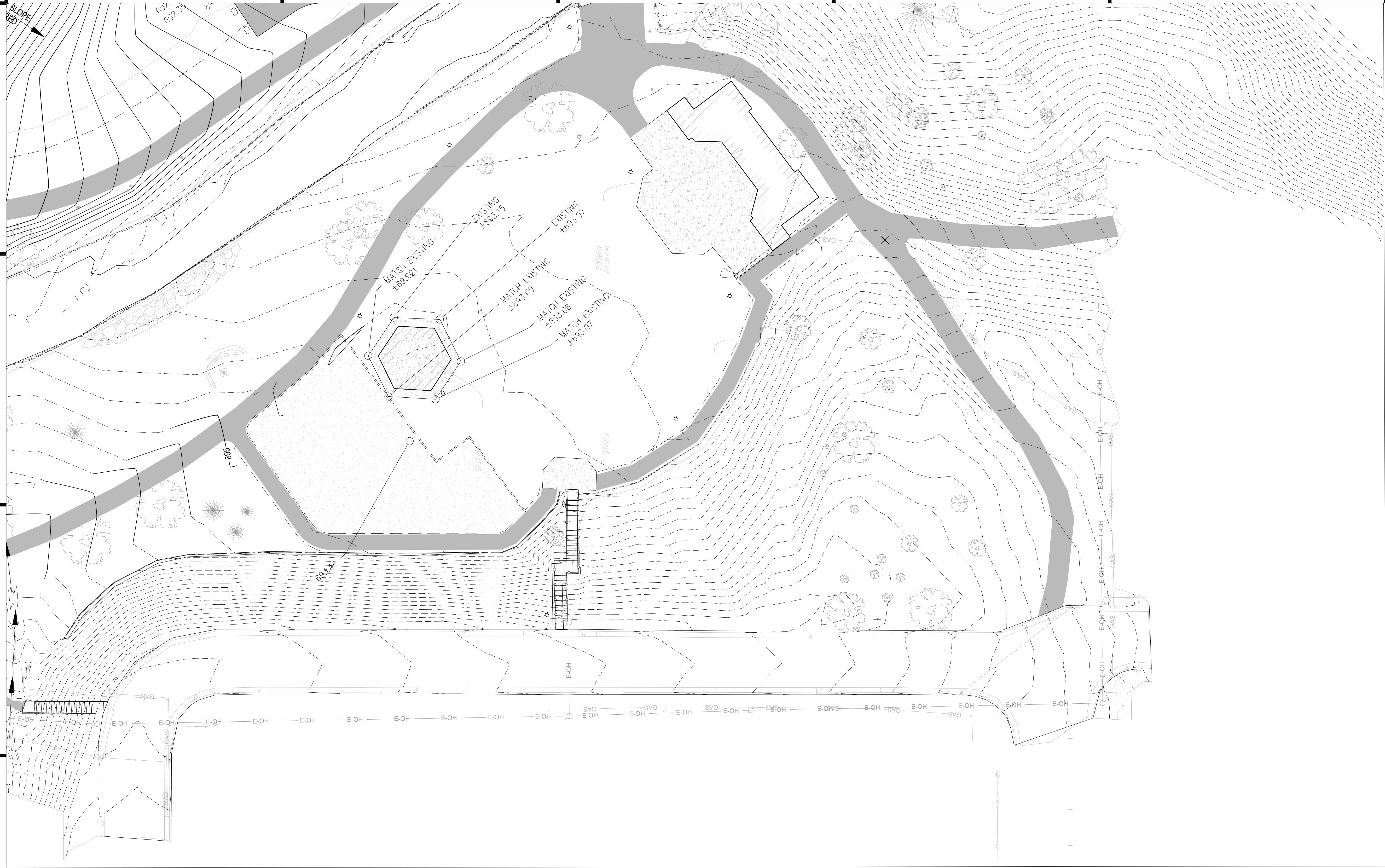
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**GRADING AND
DRAINAGE PLAN
AREA 5**

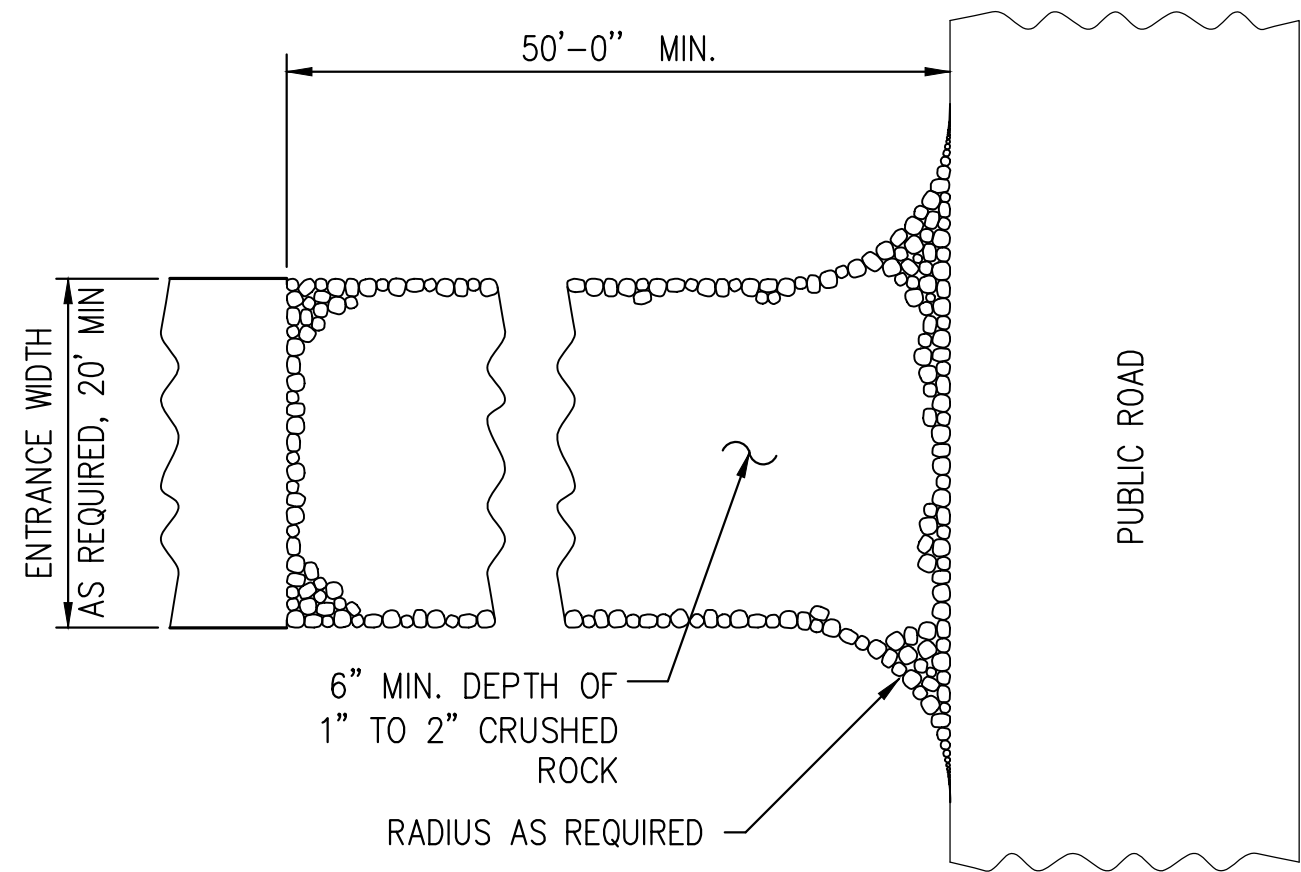
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DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C3.05

C3.05



A horizontal scale bar with tick marks at 0, 25, 50, and 100 feet. The segments between 0 and 25, 25 and 50, and 50 and 100 are shaded gray, while the segment from 0 to 100 is black.

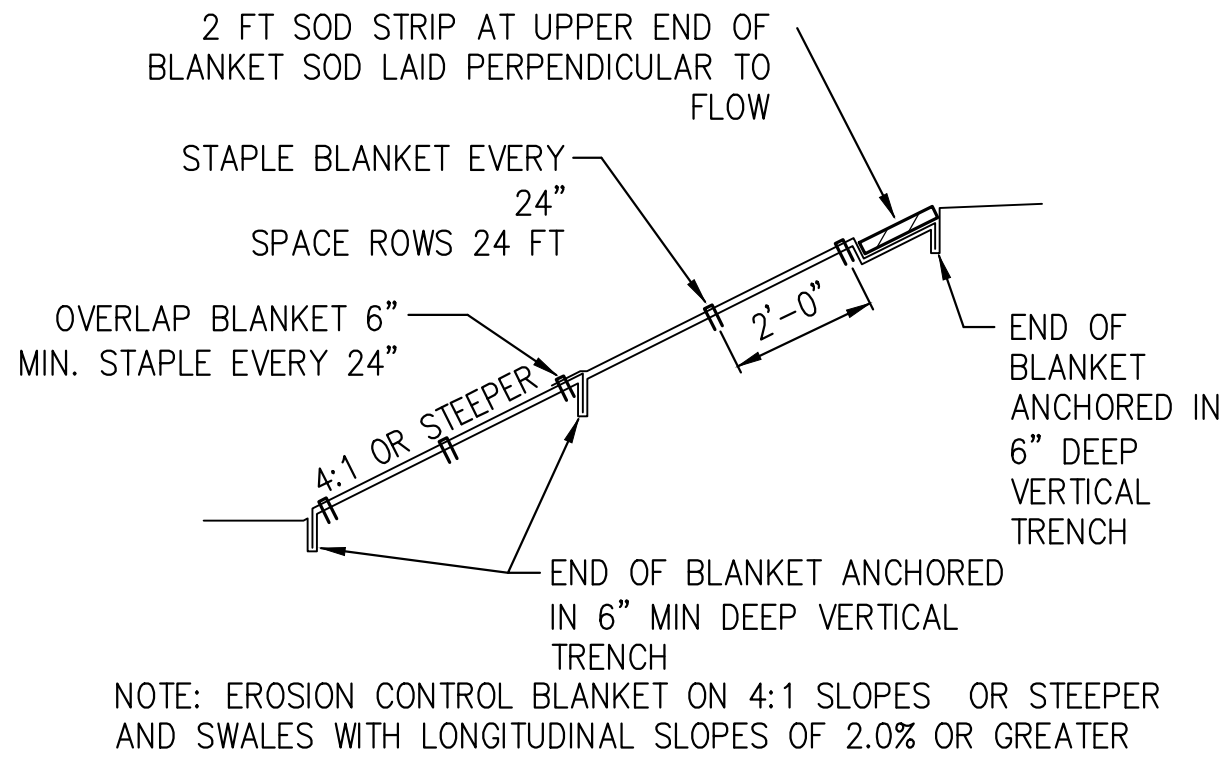


CONSTRUCTION ENTRANCE SPECIFICATIONS

- * STONE SIZE: USE 1"-2" CRUSHED ROCK OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- * THICKNESS: NOT LESS THAN 6-INCHES.
- * FILTER CLOTH: SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- * MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED IMMEDIATELY.
- * WASHING: WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- * PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN EVENT.

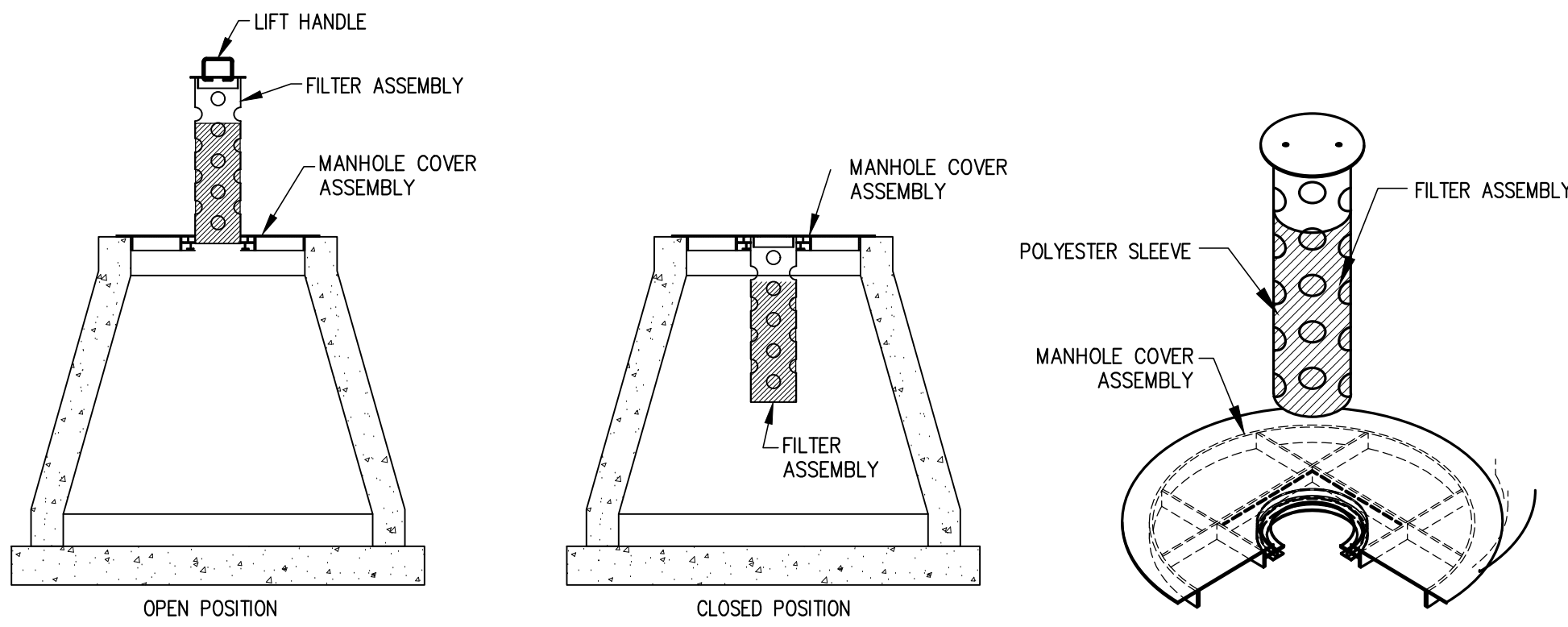
1 ROCK CONSTRUCTION ENTRANCE

NOT TO SCALE



2 EROSION CONTROL BLANKET

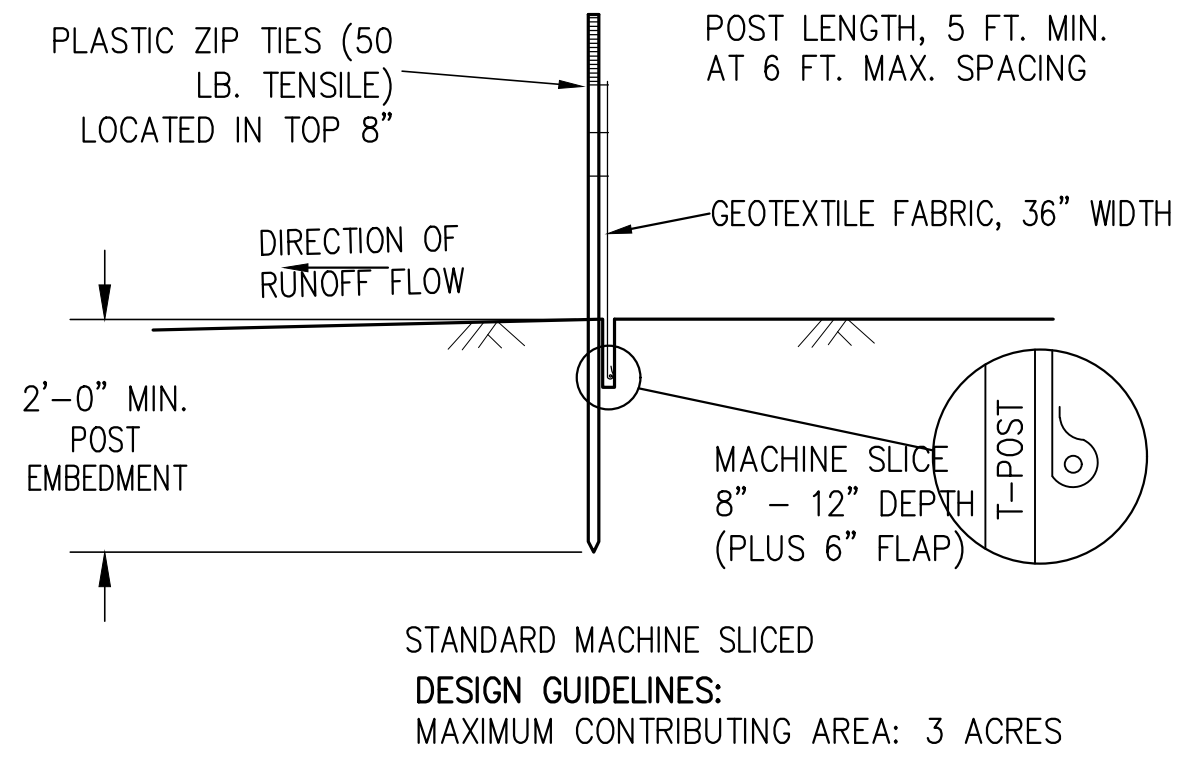
NOT TO SCALE



- NOTES:
1. WIMCO ROAD DRAIN RD-27 SHOWN. FILTER ASSEMBLY MAY BE IN CLOSED POSITION DURING HOURS OF CONSTRUCTION OPERATIONS. FILTER SHALL BE IN THE OPEN POSITION DURING "OFF" HOURS TO ALLOW STORM WATER TO ENTER STRUCTURE.
 2. DEVICES SHALL BE USED TO PREVENT SEDIMENT FROM ENTERING CATCH BASINS. DEVICES SHALL BE LEFT IN PLACE UNTIL CASTINGS ARE INSTALLED.

3 INLET PROTECTION

NOT TO SCALE



4 SILT FENCE MACHINE SLICED

NOT TO SCALE



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NO	DATE	REVISION
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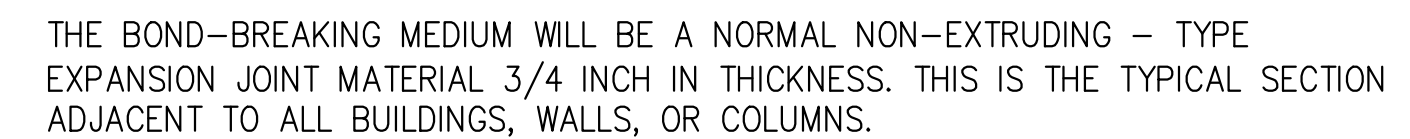
PROJECT NAME:
**LINCOLN PARK
SITE IMPROVEMENTS**

501 N 25TH AVE W
DULUTH, MN 55806

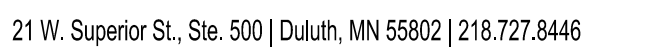
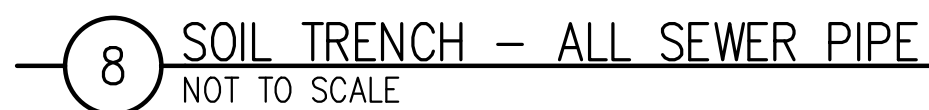
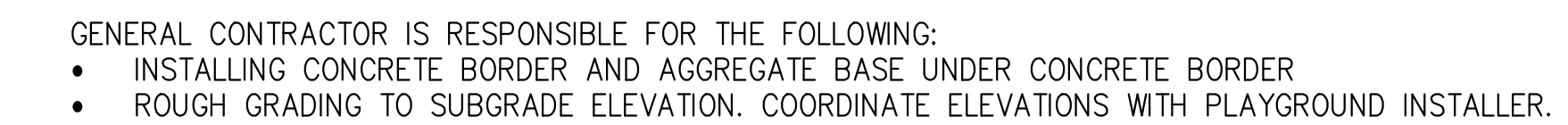
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**EROSION CONTROL
DETAILS**

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C4.01



5 TYPICAL CONCRETE EXPANSION JOINT
NOT TO SCALE



411 WEST FIRST ST
DULUTH, MN 55802

NO	DATE	REVISION
----	------	----------

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02/08/18

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PROJECT NAME:
**LINCOLN PARK
SITE IMPROVEMENTS**

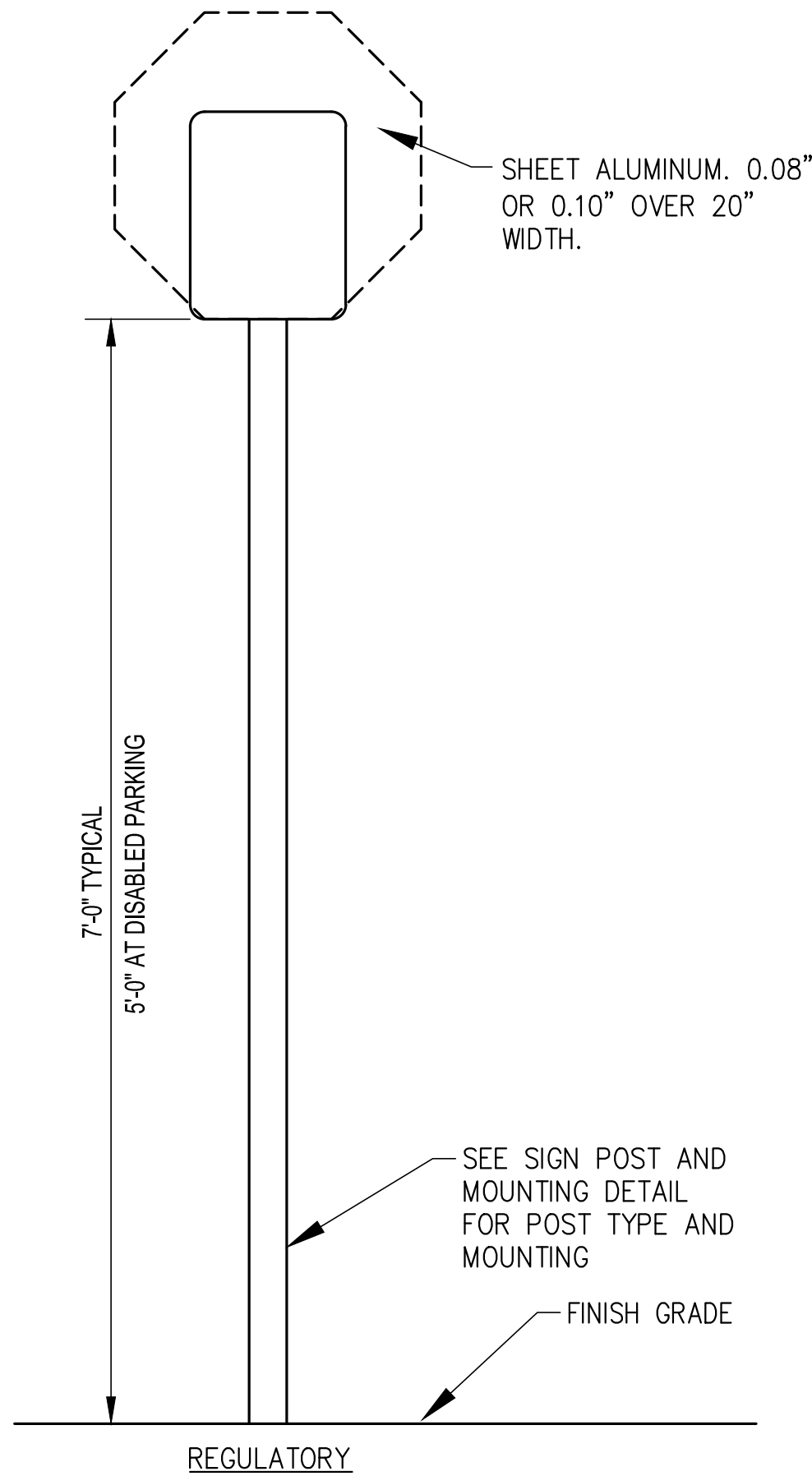
501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:

CONSTRUCTION DETAILS

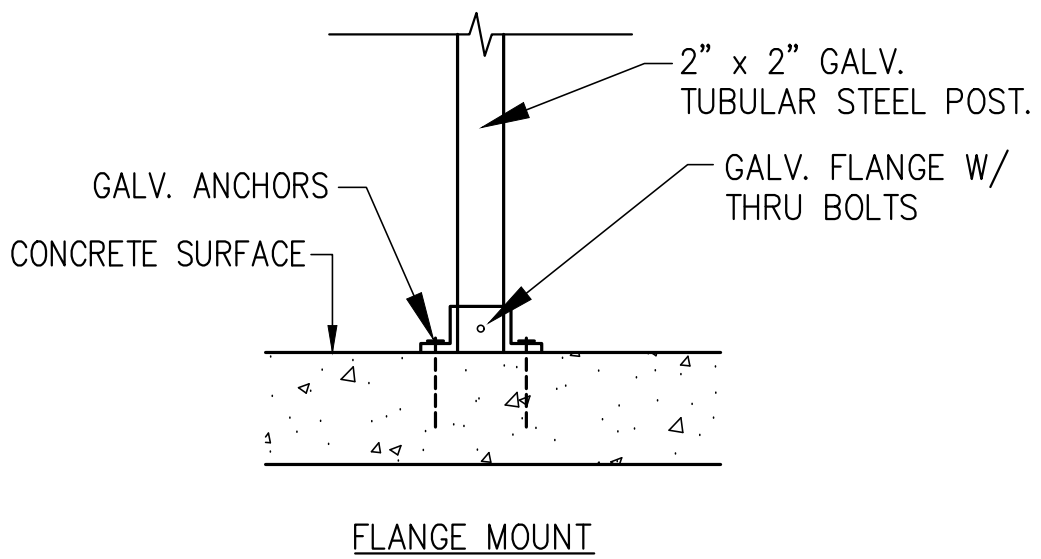
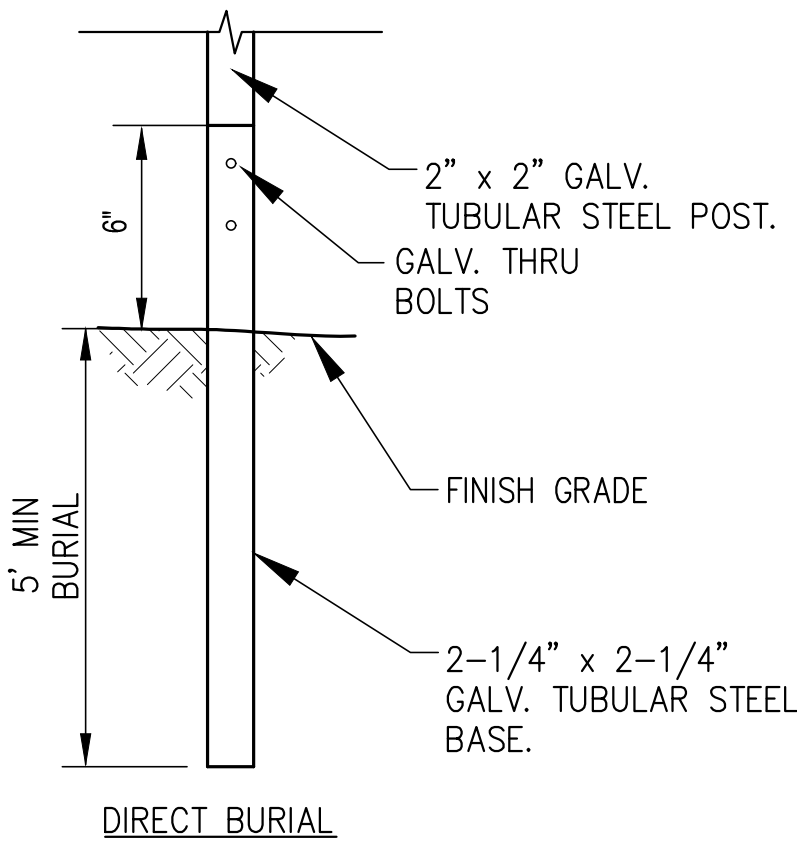
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PROJ. NO: 170032
DRAWING NO:

C4.02



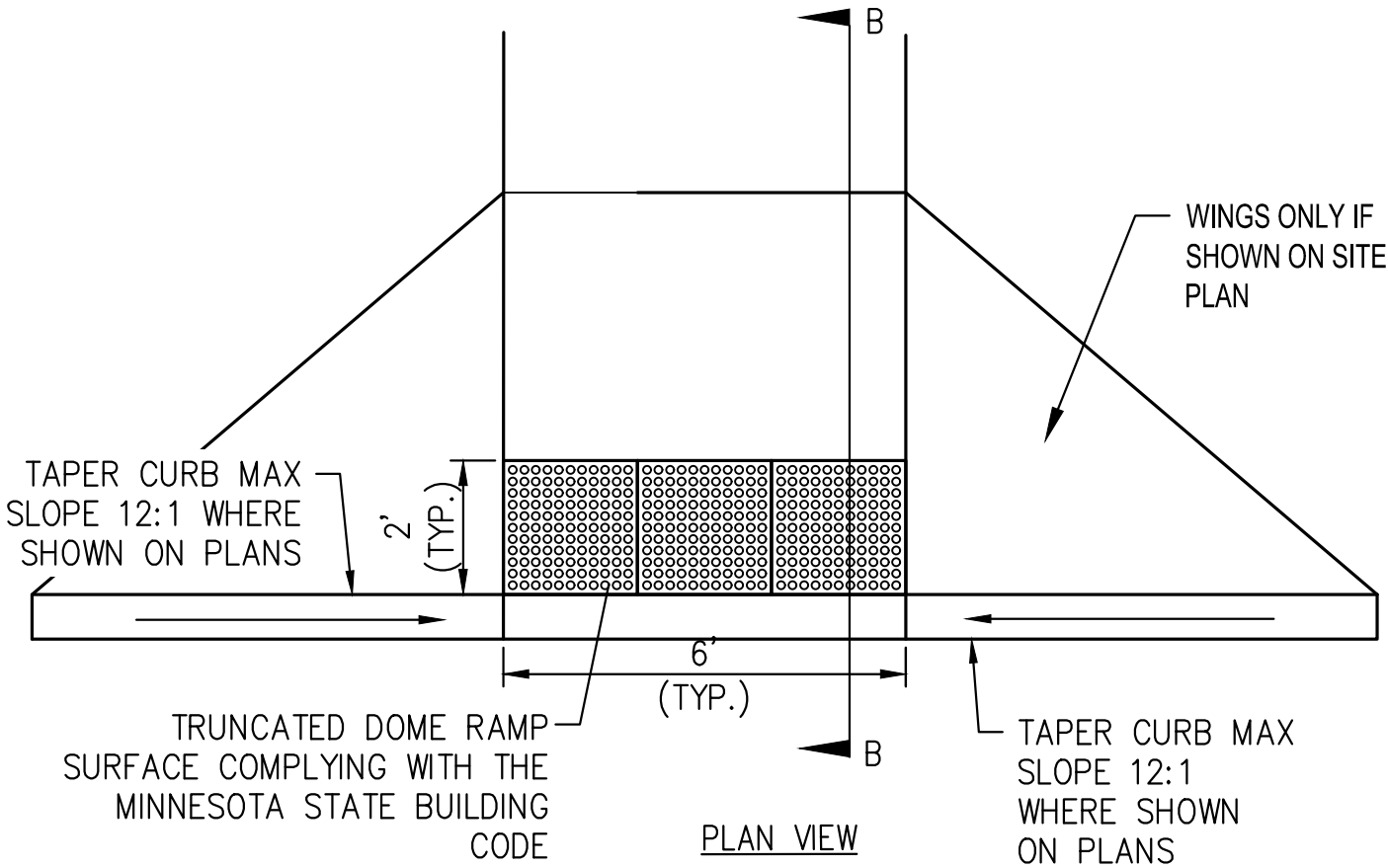
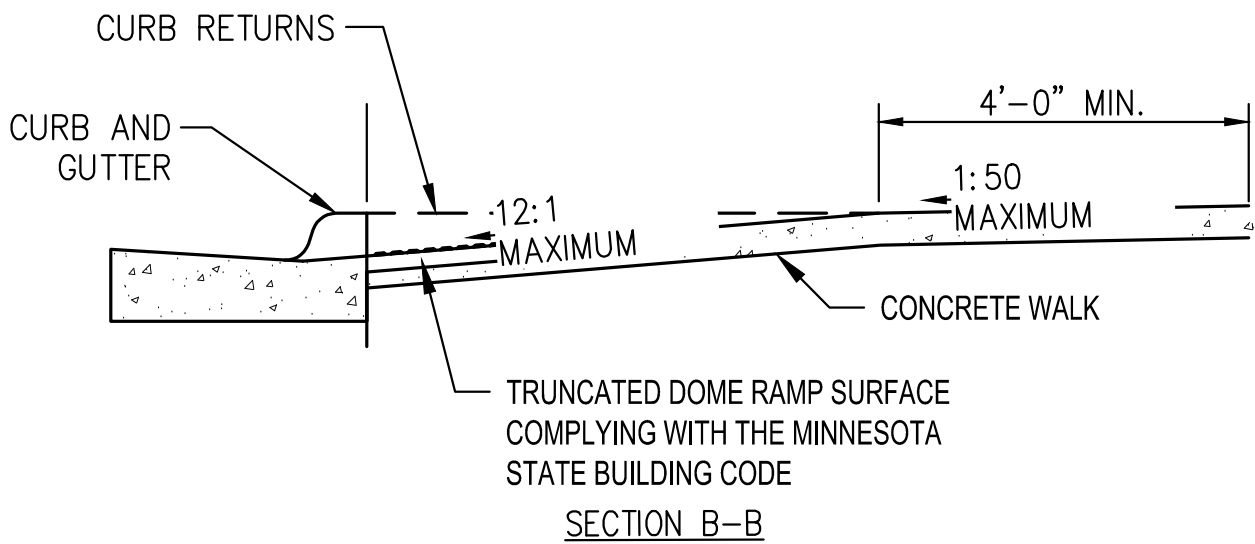
SIGN SCHEDULE		
MUTCD CODE	TEXT	SIZE
R7-8m	DISABLED PARKING	12"x18"
R1-1	STOP SIGN	18"x18"
R9-8	PEDESTRIAN CROSSWALK	36"x18"

- NOTES:
1. MOUNT SIGNS 2'-0" AWAY FROM CURB FACE OR EDGE OF PAVEMENT.
 2. ALL SIGNS SHALL CONFORM TO MN MUTCD AND MNDOT SPECIFICATION SECTION 3352.
 3. ALL ACCESSIBLE SIGNS SHALL CONFORM TO THE MINNESOTA ACCESSIBILITY CODE.

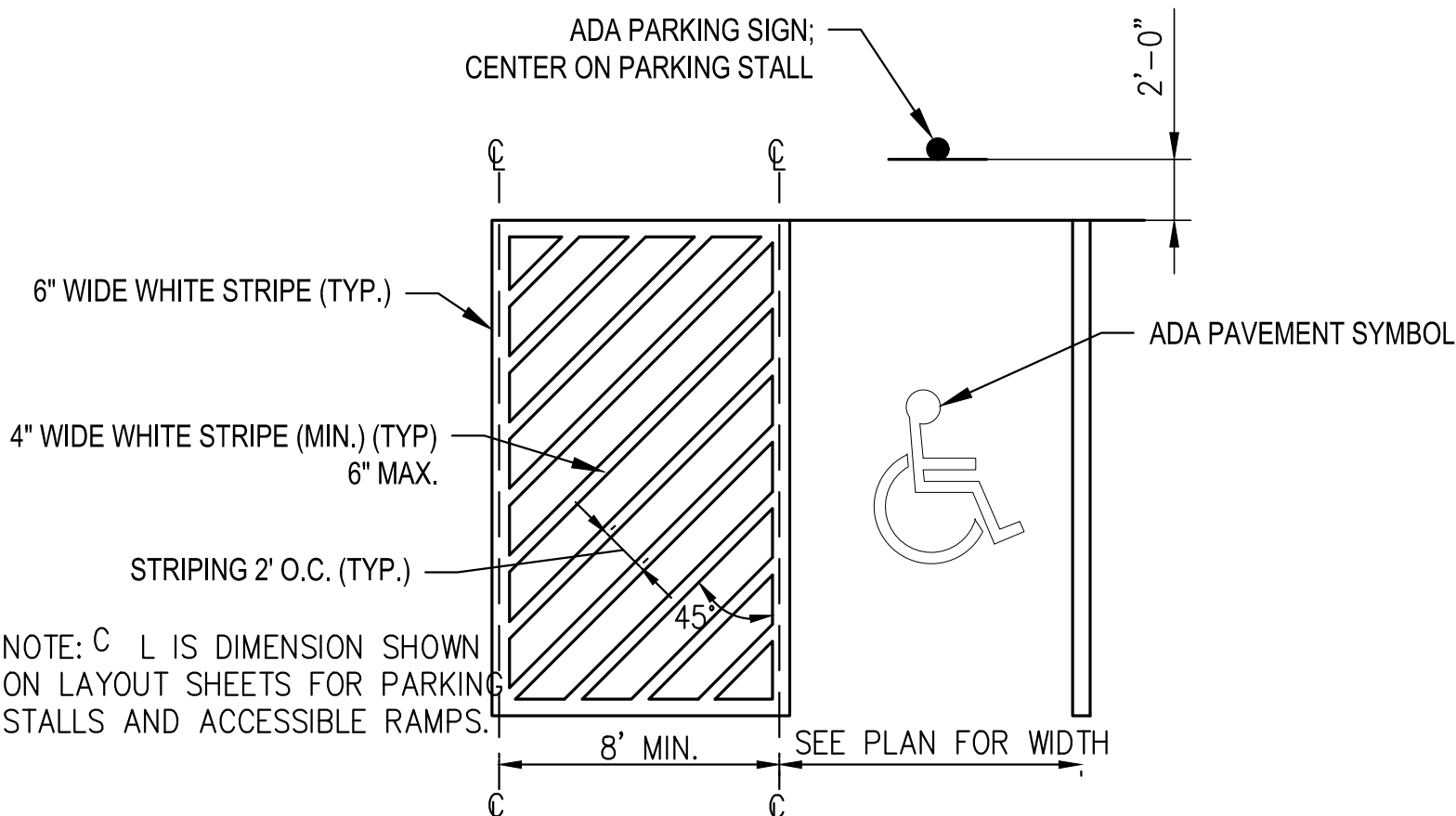


2 SIGN POST AND MOUNTING DETAIL – TUBULAR
NOT TO SCALE

1 SIGNAGE DETAIL
NOT TO SCALE



3 ACCESSIBLE PEDESTRIAN RAMP
NOT TO SCALE



4 ADA PARKING STALL AND PAVEMENT STRIPING
NOT TO SCALE



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411 WEST FIRST ST
DULUTH, MN 55802

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PROJECT NAME:
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501 N 25TH AVE W
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DRAWING TITLE:
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DETAILS

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
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DRAWING NO:

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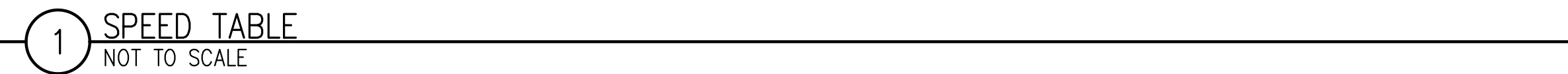
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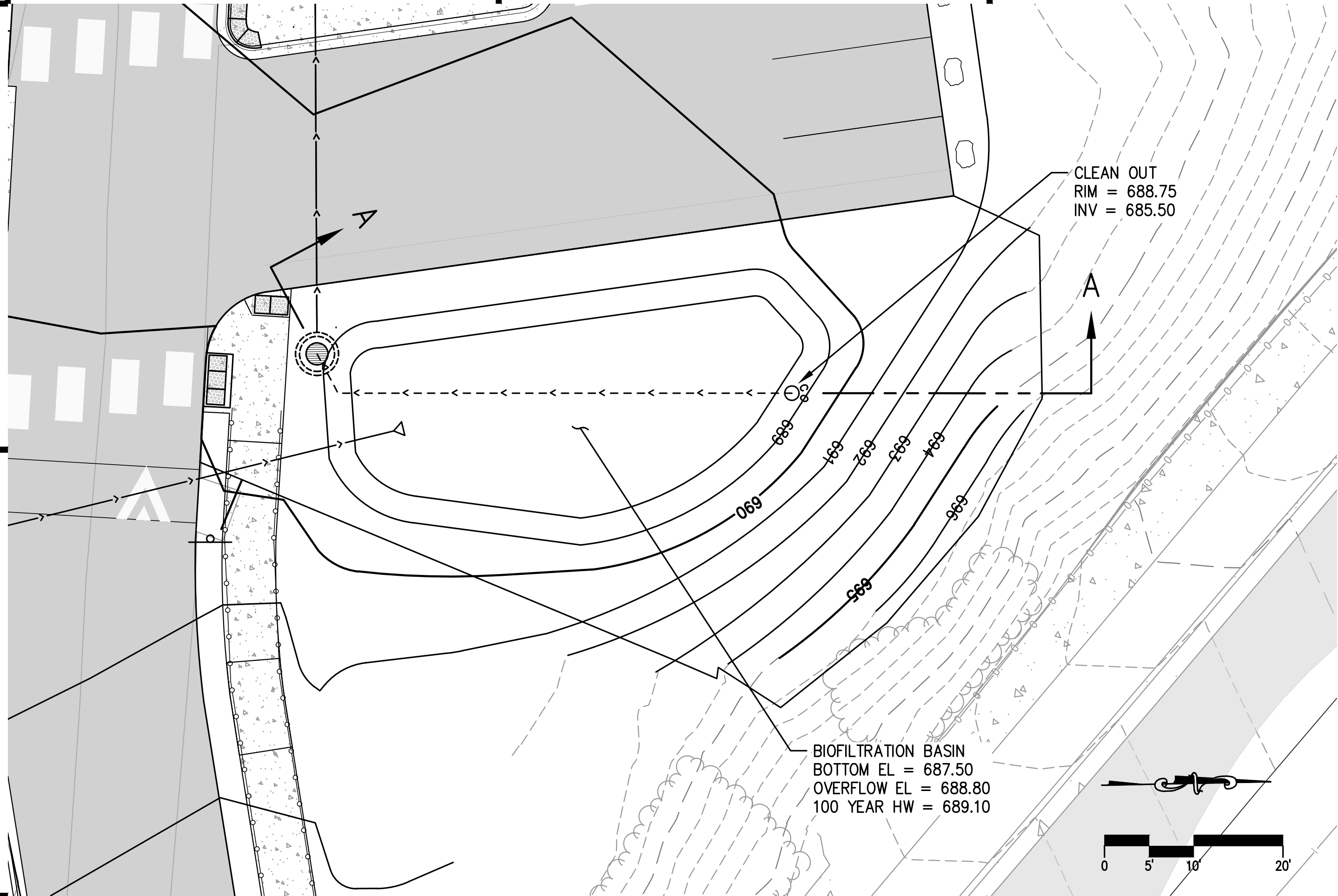
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

DRAWING TITLE:

CONSTRUCTION DETAILS

C4.04





NOTES

1. PROVIDE PERMANENT STABILIZATION FOR ALL TURF AREAS. SEE LAYOUT AND SURFACING PLANS AND SWPPP.
2. REFER TO LAYOUT AND SURFACING PLANS FOR SEEDING IN STORM POND.

BIOFILTRATION BASIN STORAGE DATA

BOTTOM OF POND EL = 687.50'	AREA = 644 SF
OVERFLOW EL = 688.80'	AREA = 1276 SF
TOTAL POND VOLUME	1517 CU FT

BIOFILTRATION BASIN SUMMARY ELEV

BASIN SUBDRAIN OUTLET	686.00
BOTTOM OF FILTER TOPSOIL BORROW	687.00
BOTTOM OF FINE FILTER AGGREGATE	686.50

WARNING
LOCATION OF UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR. CALL BEFORE DIGGING. GOPHER STATE ONE CALL 1-800-252-1166. REQUIRED BY LAW



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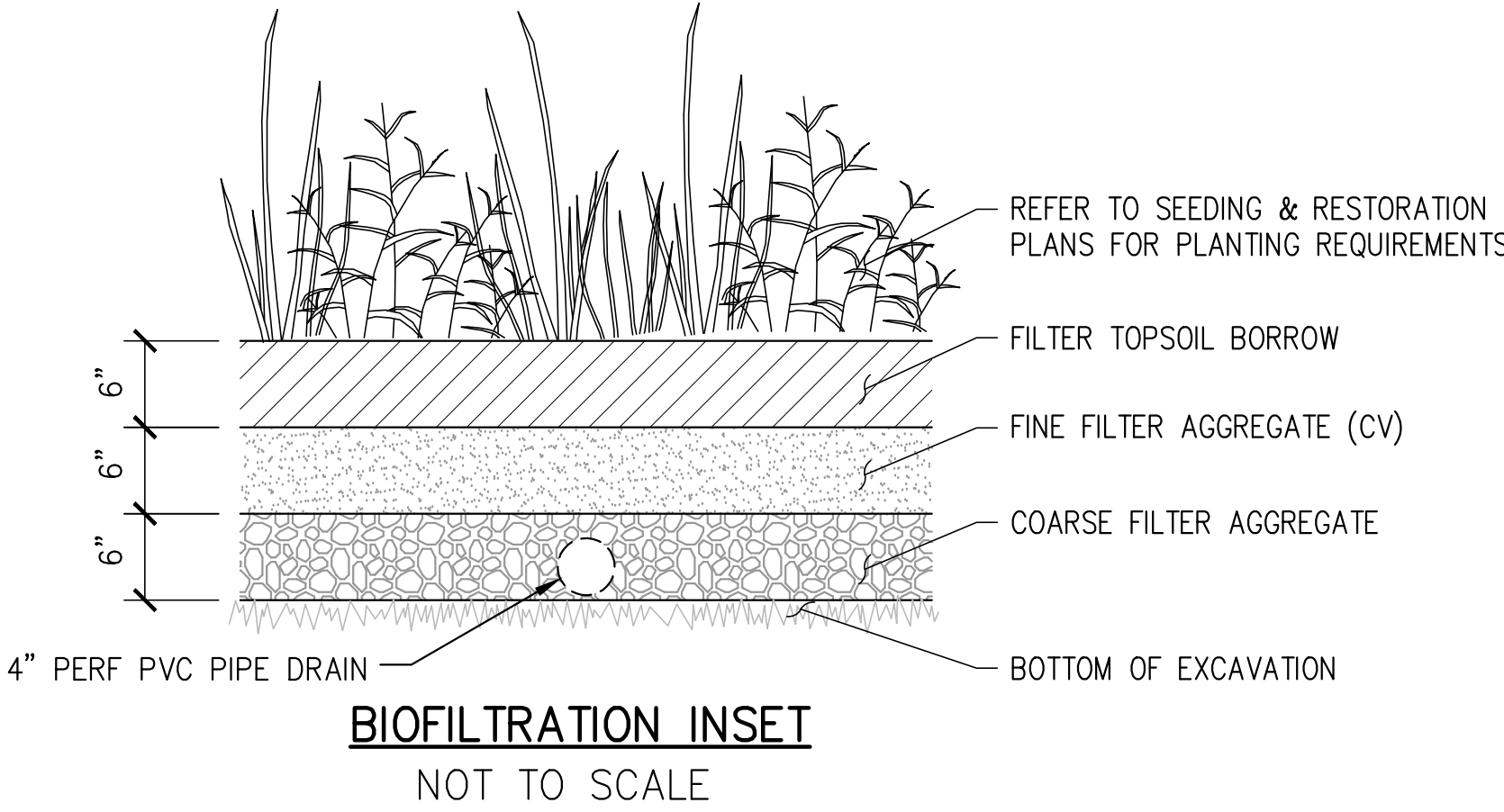
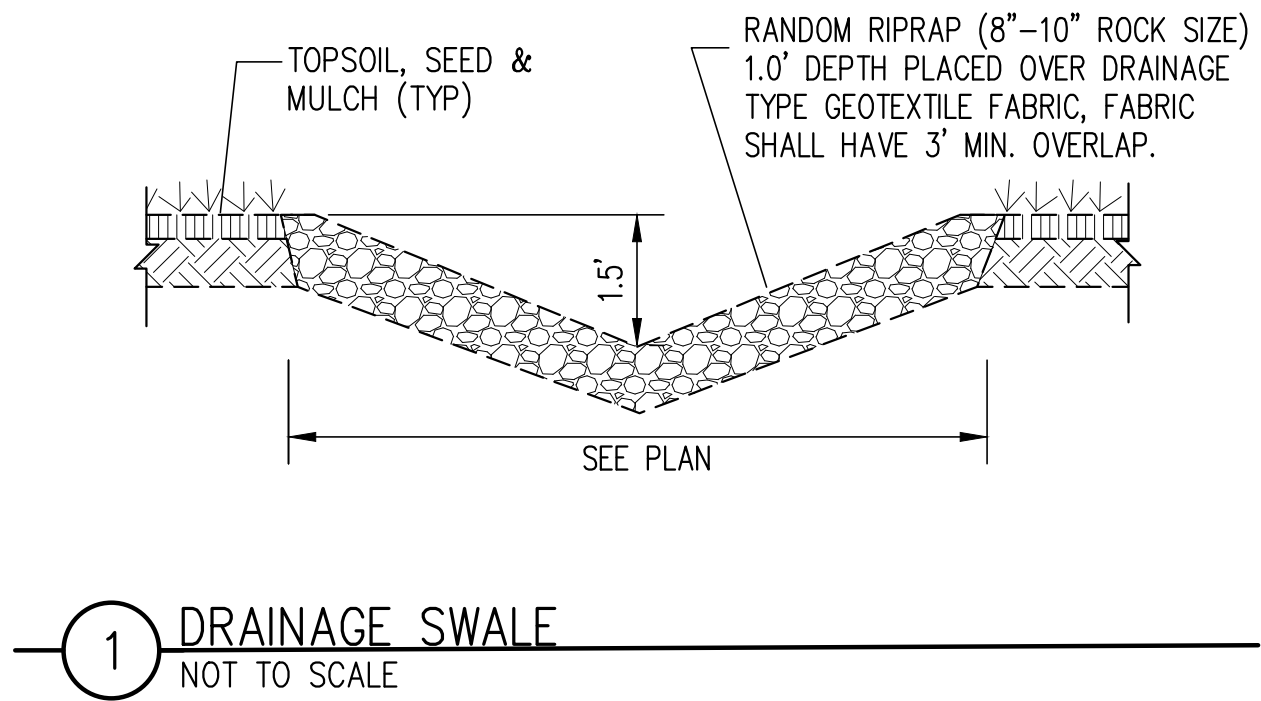
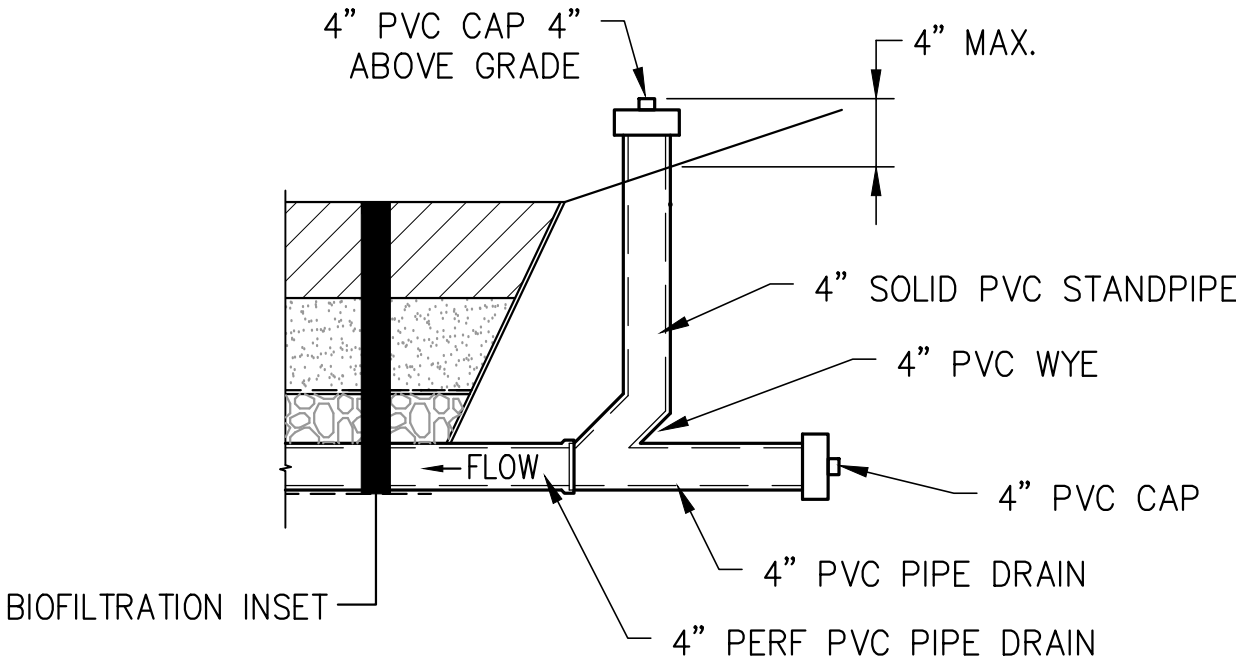
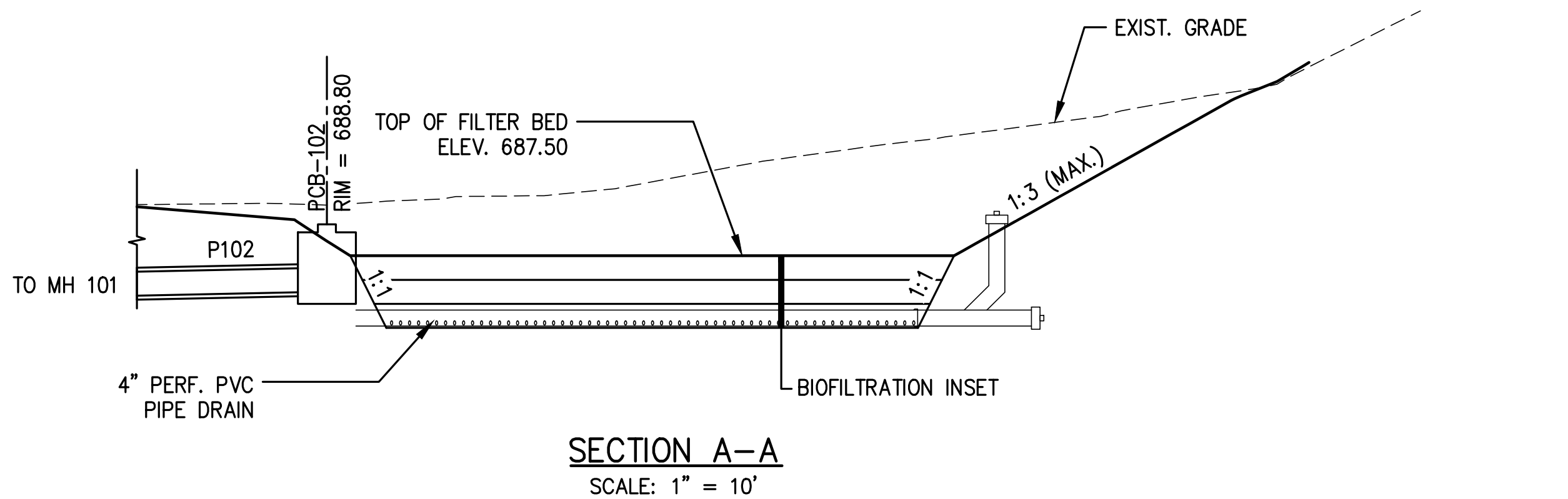
501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:

CONSTRUCTION
DETAILS

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

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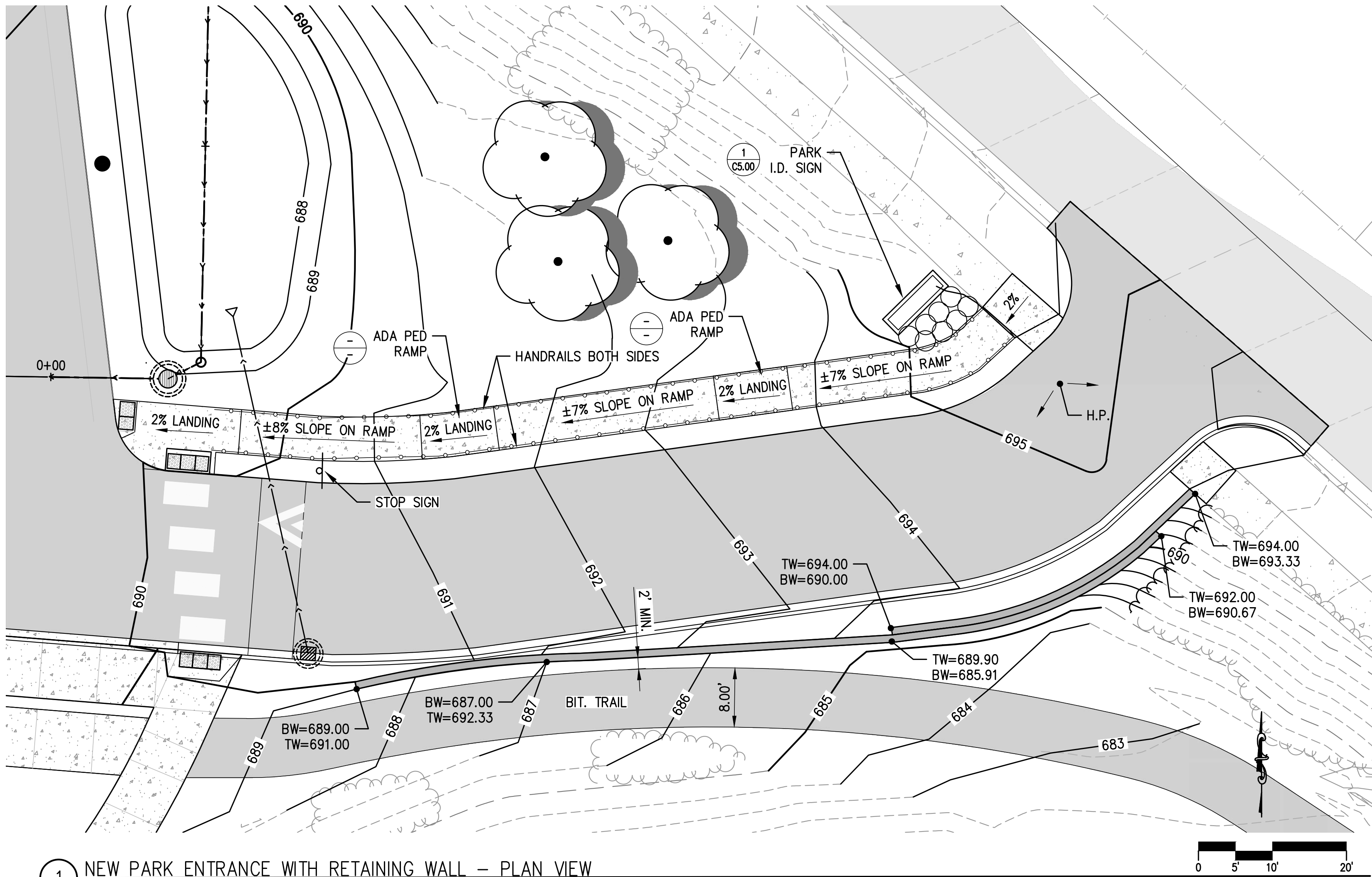
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

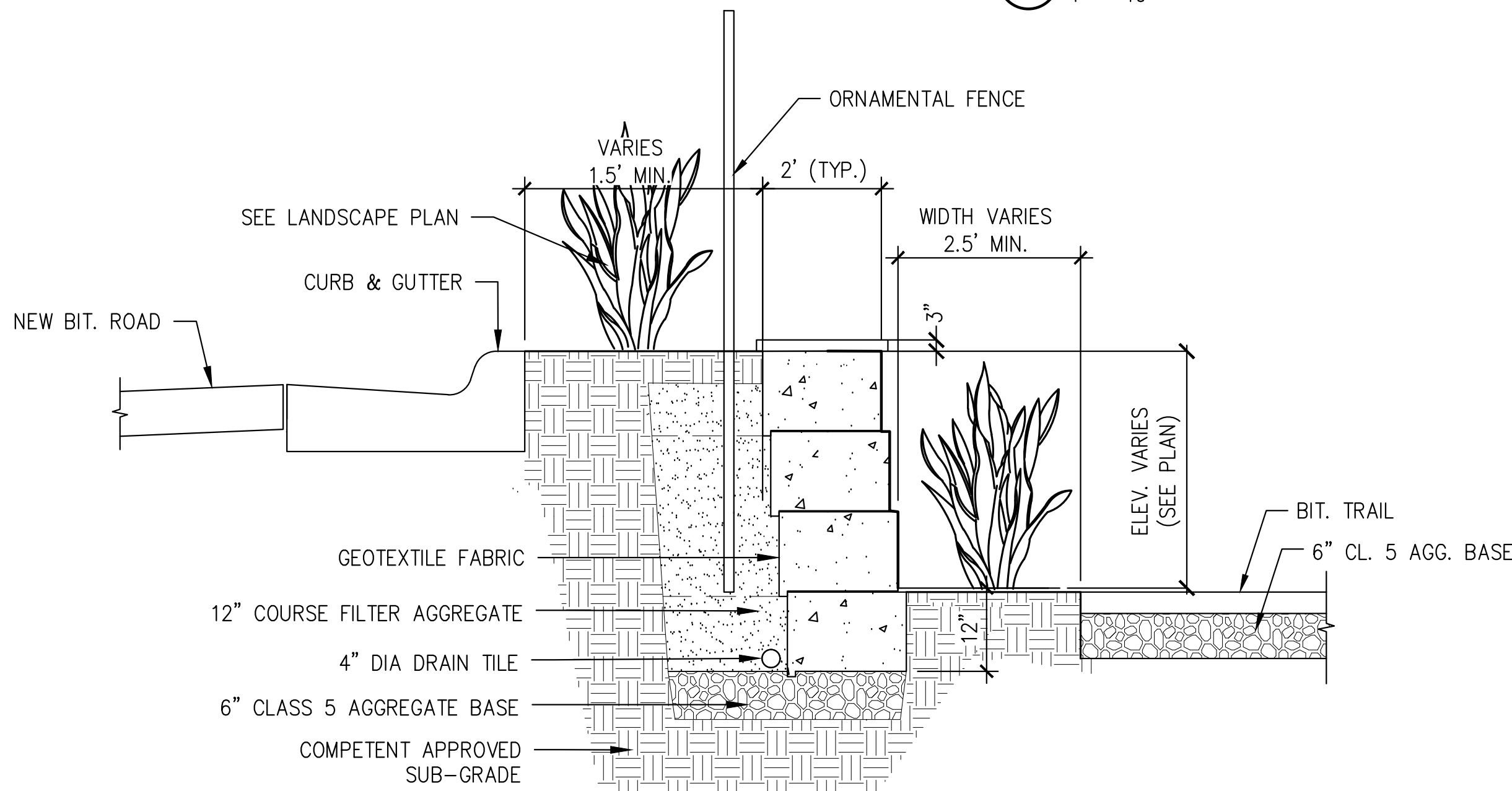
DRAWING TITLE:
CONSTRUCTION
DETAILS

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

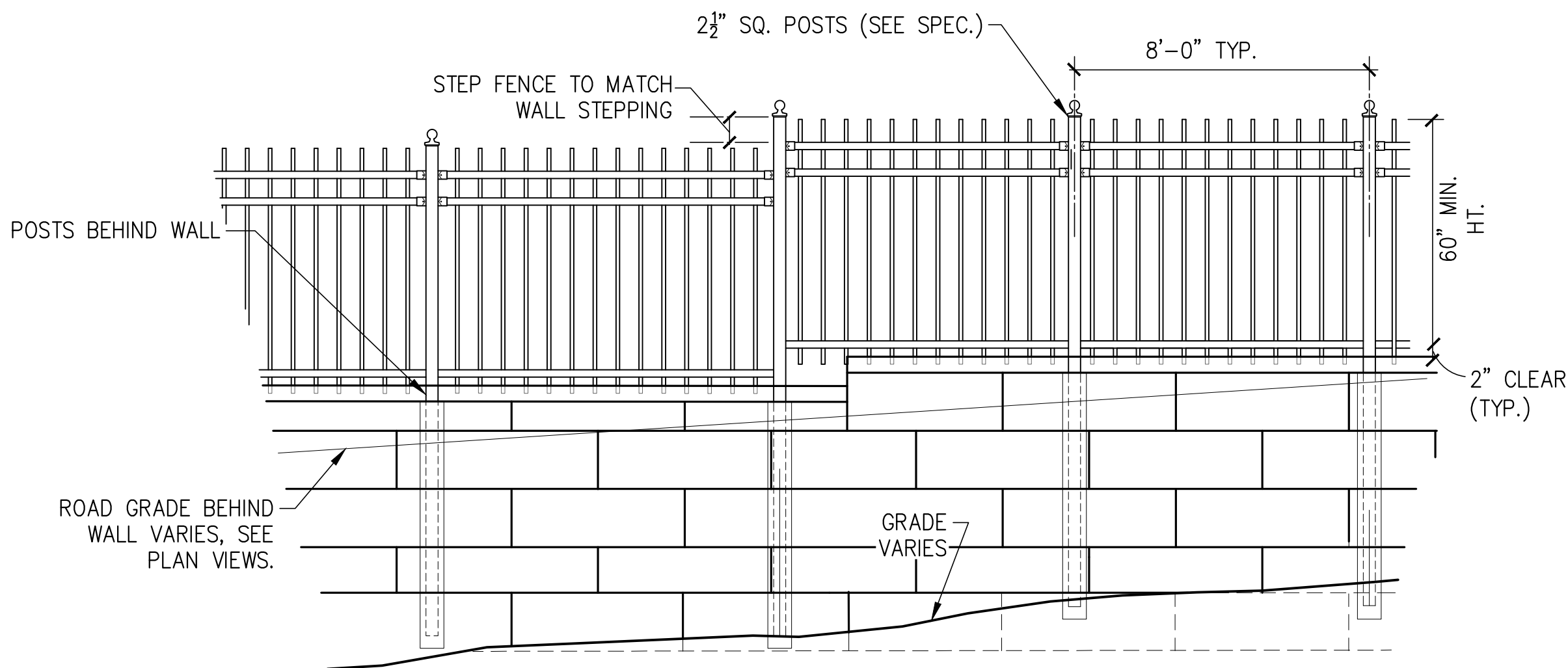
C4.06



1 NEW PARK ENTRANCE WITH RETAINING WALL - PLAN VIEW
1" = 10'



3 CONCRETE SEGMENTAL RETAINING WALL WITH FENCE
NOT TO SCALE



2 WALL ELEVATION
NOT TO SCALE



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NO	DATE	REVISION
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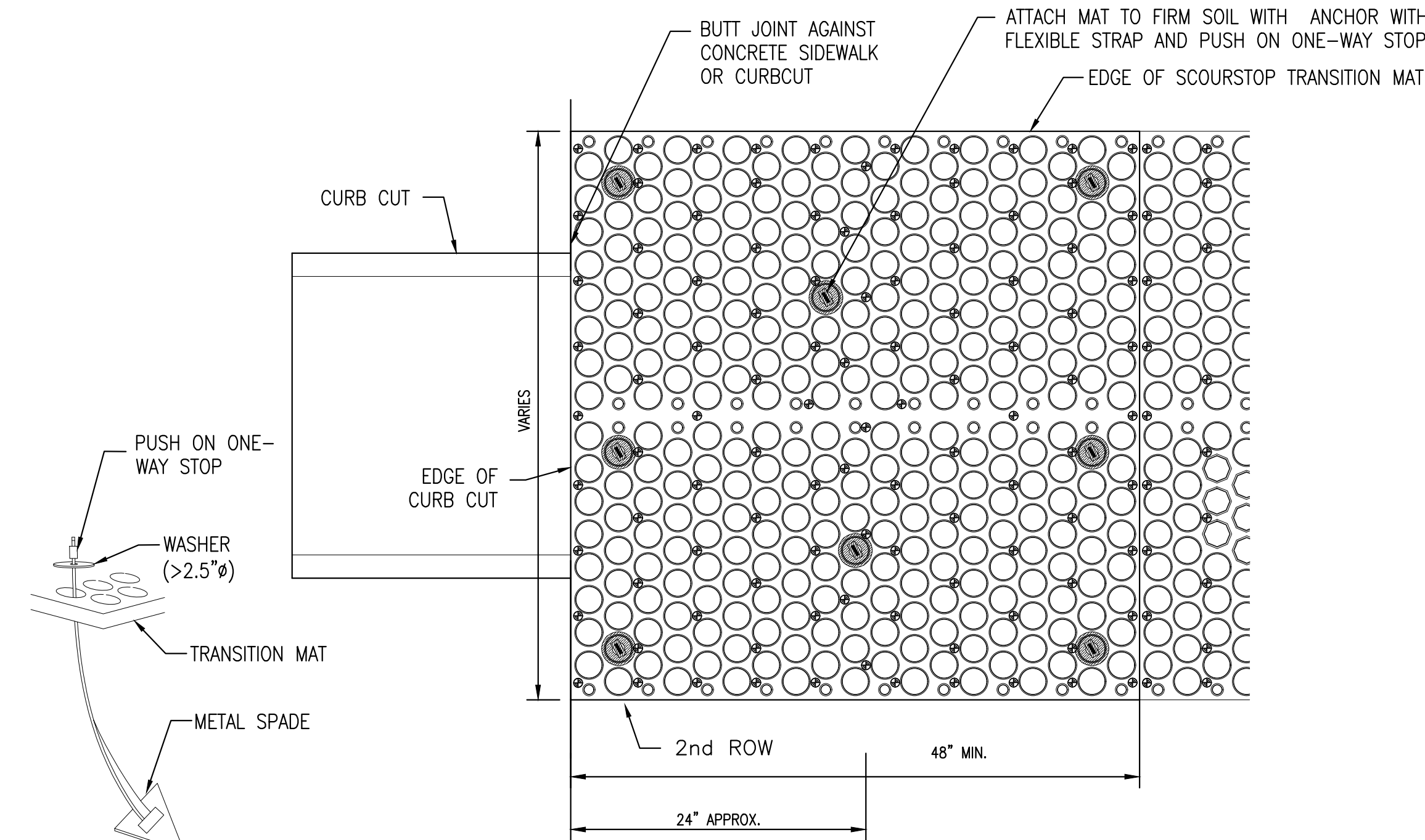
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

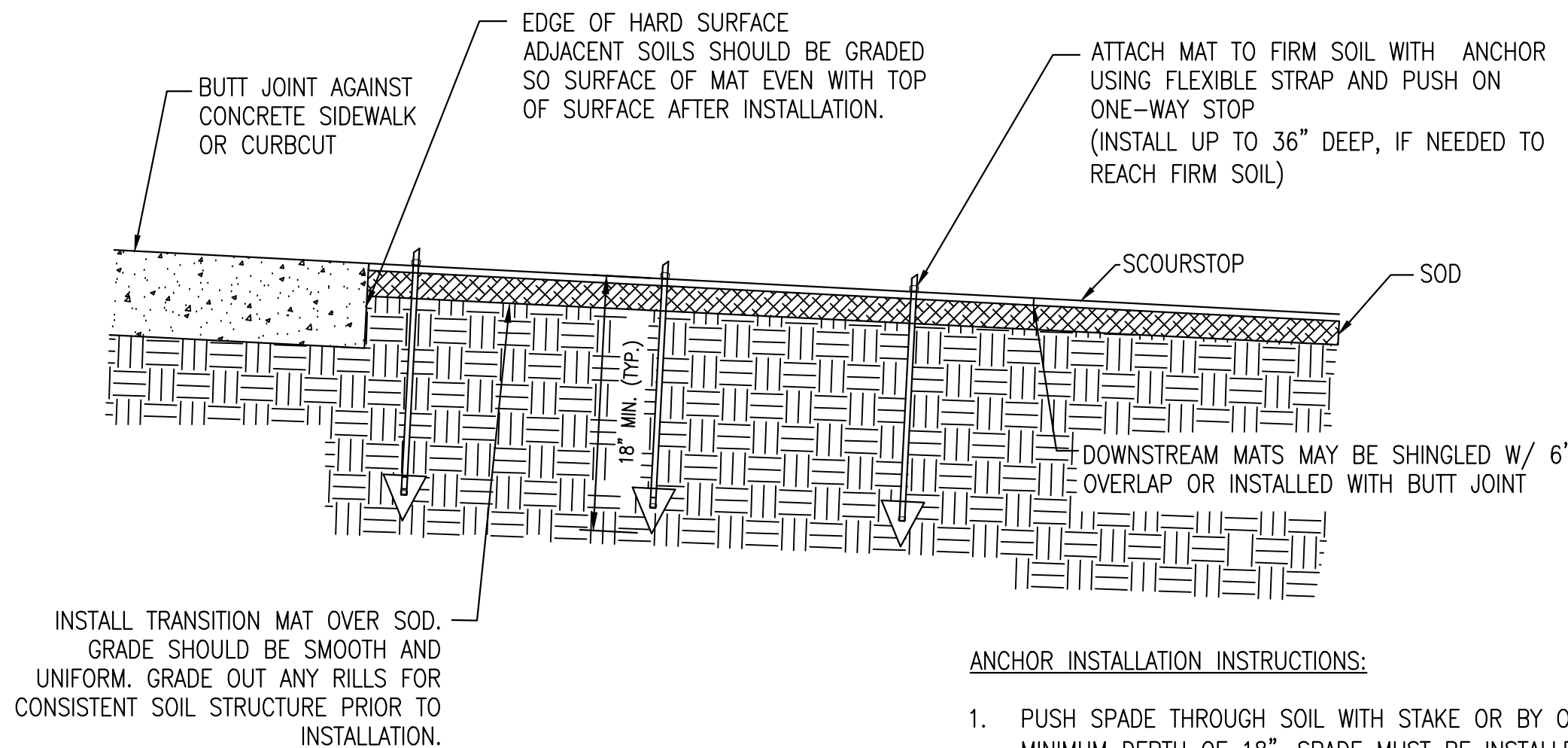
DRAWING TITLE:
CONSTRUCTION
DETAILS

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C4.07



ANCHOR AND FLEXIBLE STRAP
NO SCALE

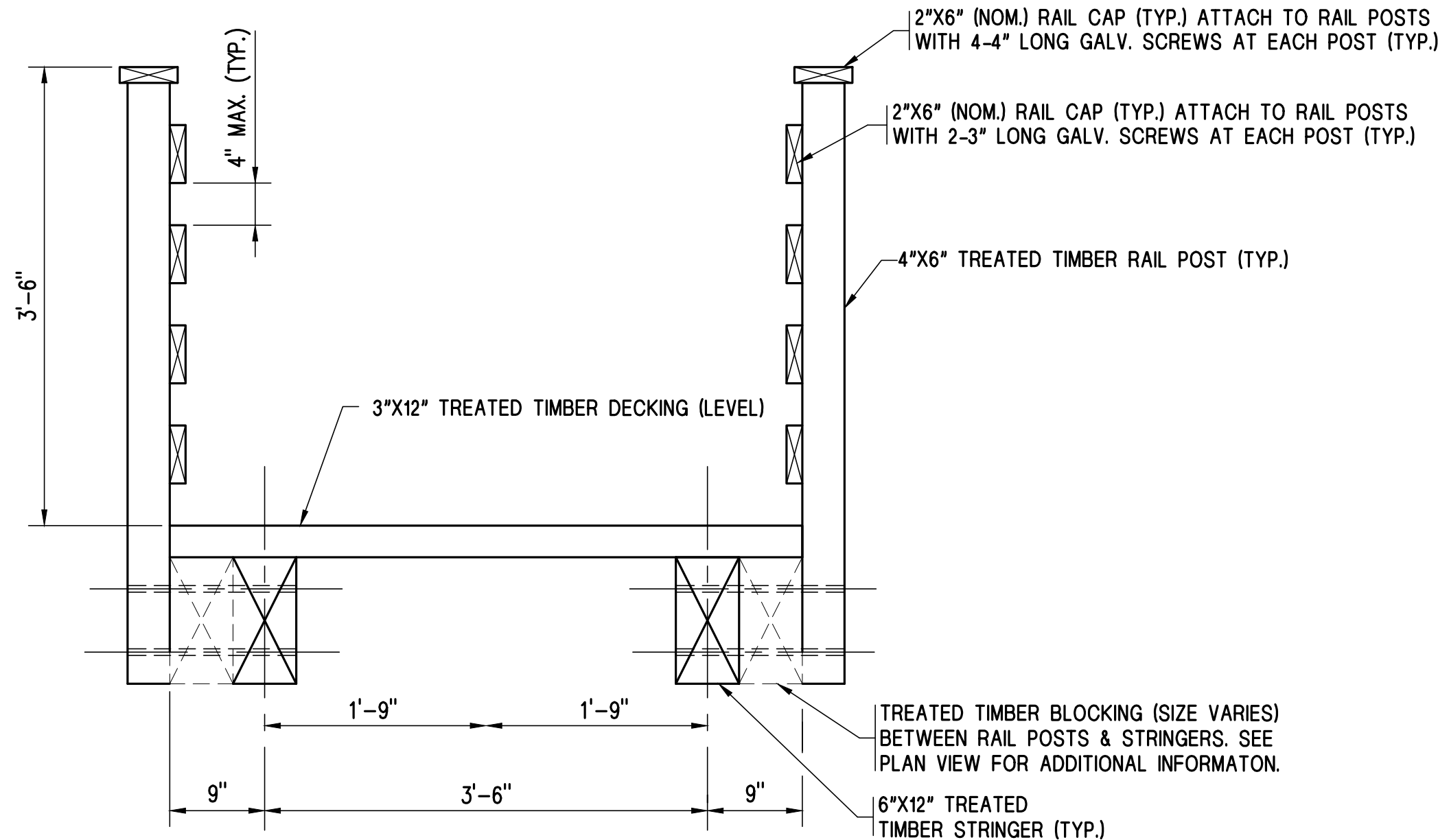


ANCHOR INSTALLATION INSTRUCTIONS:

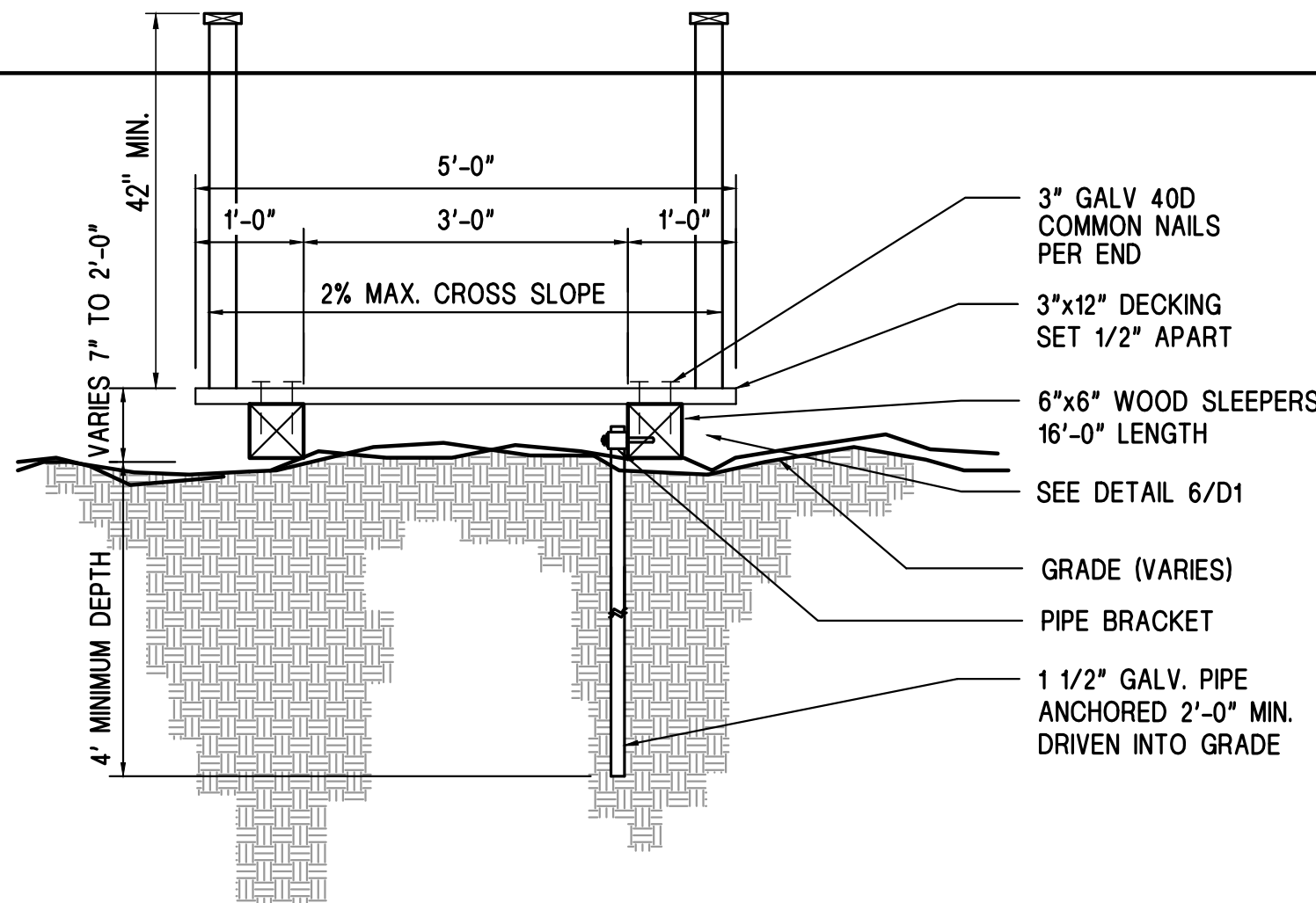
1. PUSH SPADE THROUGH SOIL WITH STAKE OR BY OTHER MEANS TO MINIMUM DEPTH OF 18". SPADE MUST BE INSTALLED INTO FIRM SOILS.
2. LOOP STRAP TROUGH SCOURSTOP MAT.
3. PULL STRAP TIGHT AND PUSH ON ONE-WAY STOP UNTIL SNUG.
4. TRIM EXCESS STRAP IF NECESSARY.

SCOURSTOP TRANSITION MAT
OR APPROVED EQUAL

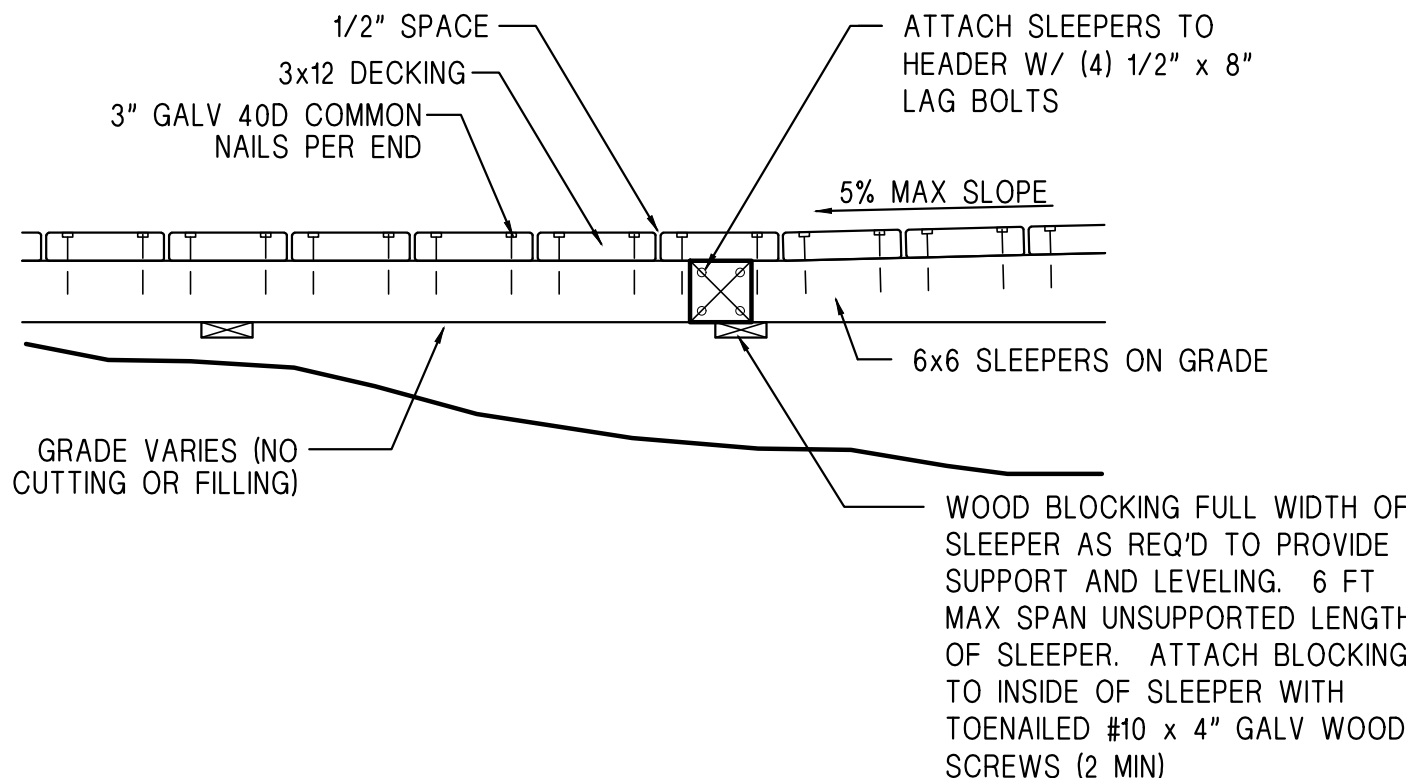
5 SCOURSTOP DETAIL
NOT TO SCALE



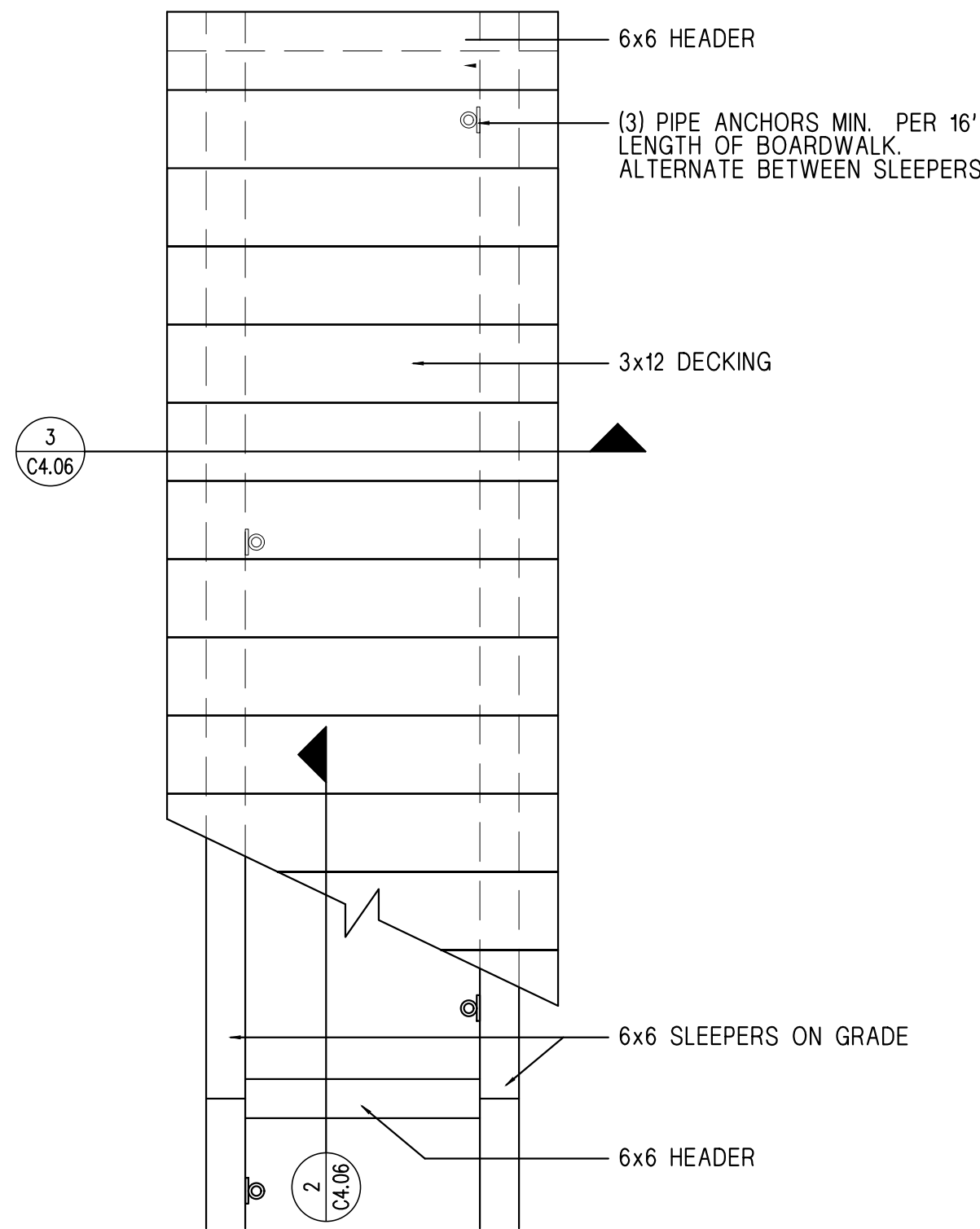
4 HANDRAIL ON WOODEN BRIDGE
NOT TO SCALE



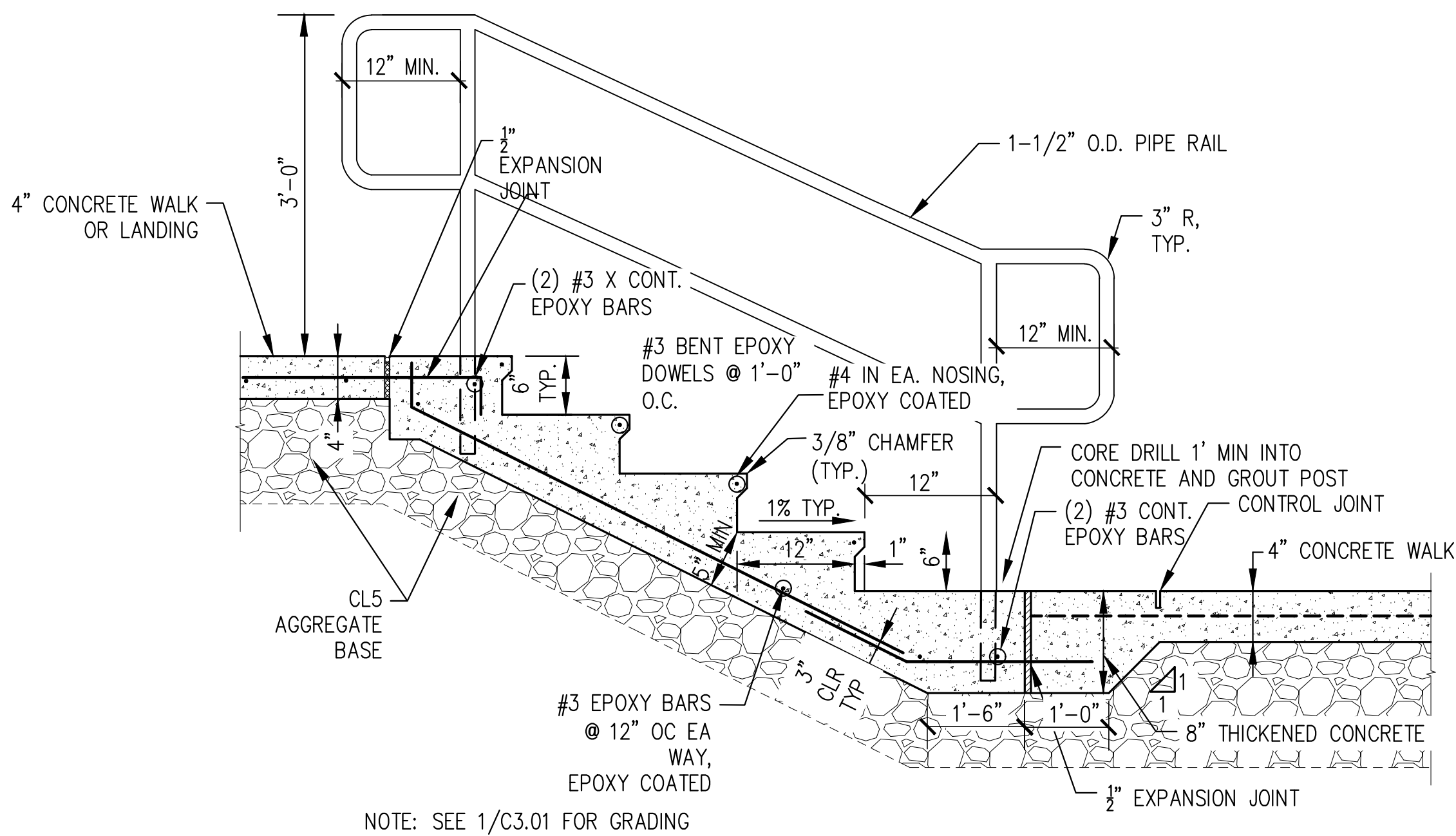
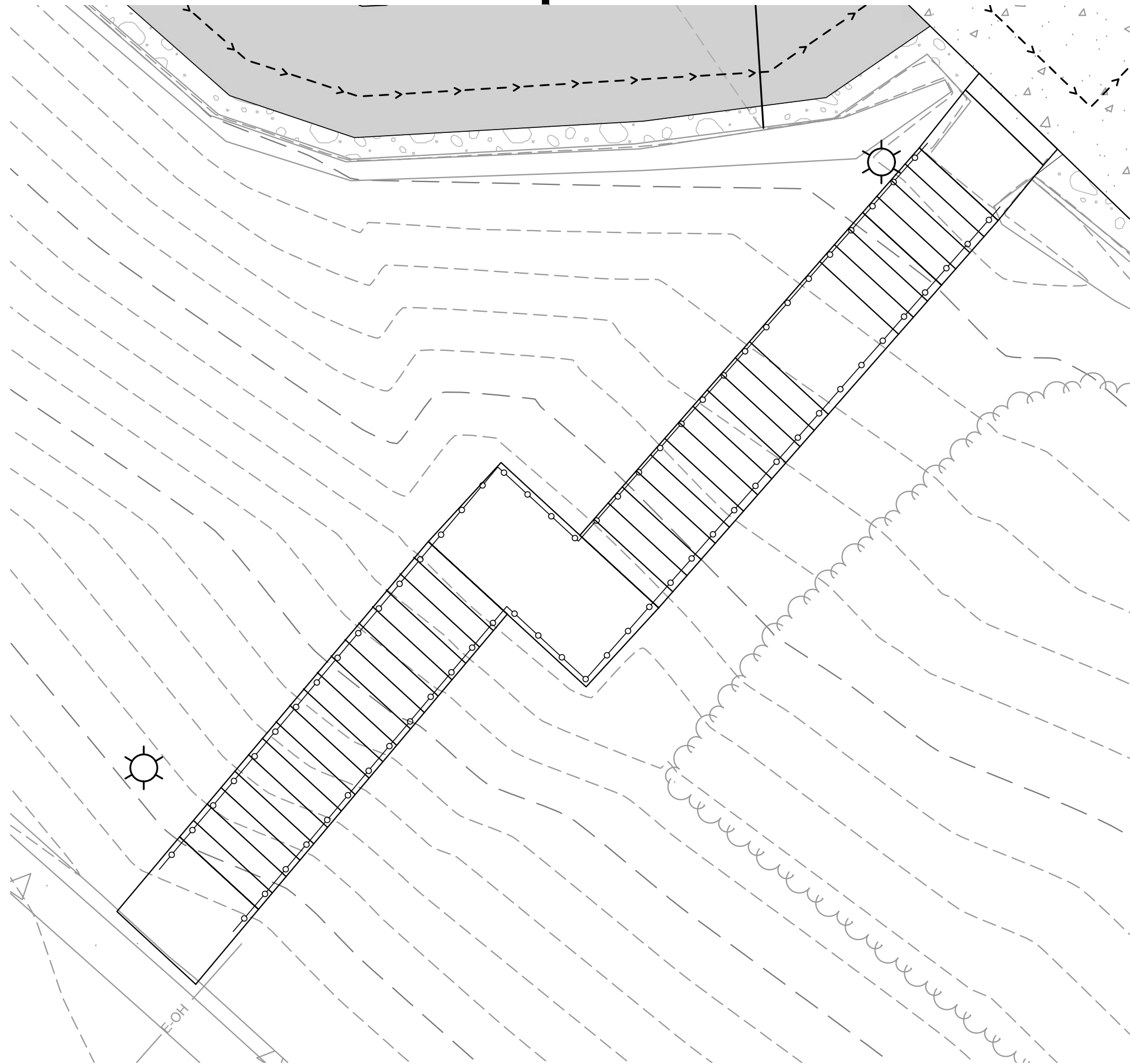
3 WOODEN BRIDGE CROSS SECTION
NOT TO SCALE



2 WOODEN BRIDGE CROSS SECTION
NOT TO SCALE



1 WOODEN BRIDGE CROSS SECTION
NOT TO SCALE



2 CONCRETE STAIR WITH HANDRAIL
NOT TO SCALE



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NO	DATE	REVISION
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501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
CONSTRUCTION
DETAILS

FILE: ..170032\600 Drawings\C170032 C4.01 Details.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C4.08



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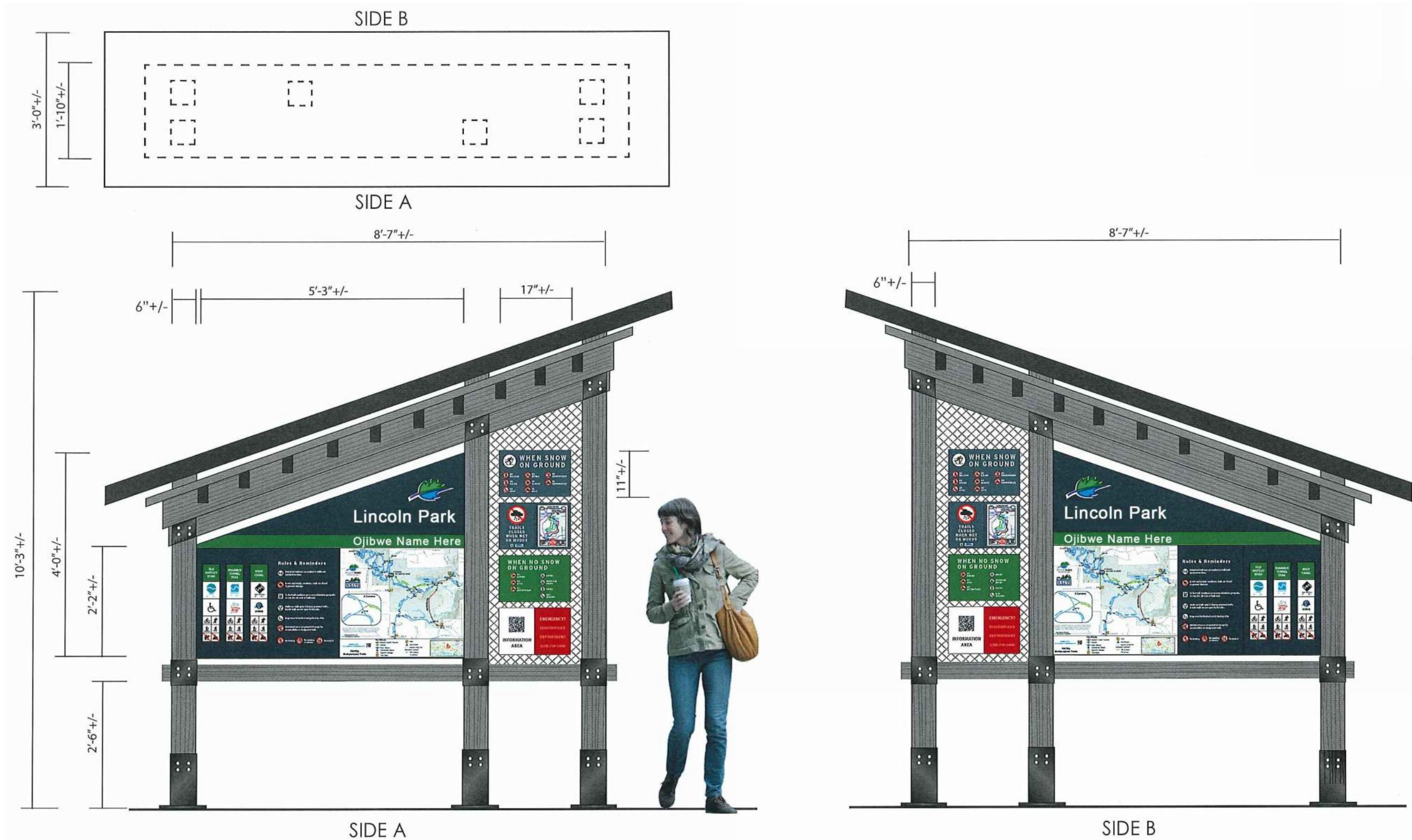
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
SITE AMENITY
DETAILS

FILE: .1170032\600 Drawings\CI170032 C5.00 Sign Details.dwg
DRAWN BY: PAB
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C500



1 PRIMARY DIRECTORY SIGN AT BRIDGE GATEWAY (TWO SIDED)
NOT TO SCALE
SIGN DETAILS PROVIDED FOR REFERENCE ONLY. DESIGN DETAILS WILL BE PROVIDED BY OTHERS AS PART OF THE CITY OF
DULUTH'S "EXTERIOR SIGNAGE DESIGN AND WAYFINDING PROJECT"

CLIENT:
CITY OF DULUTH
PARKS & RECREATION

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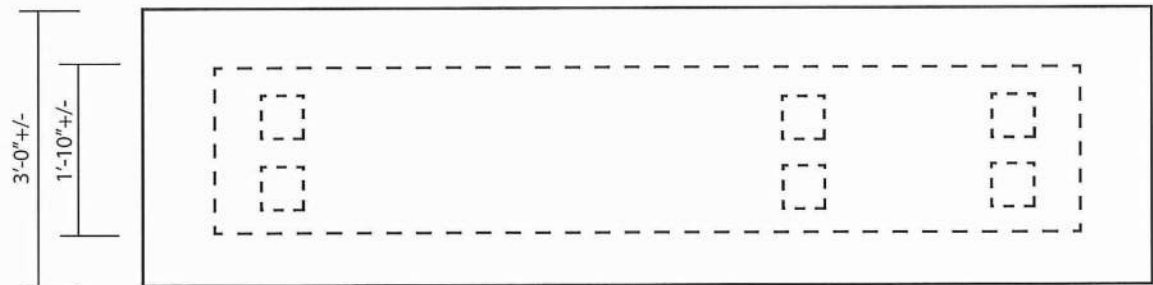
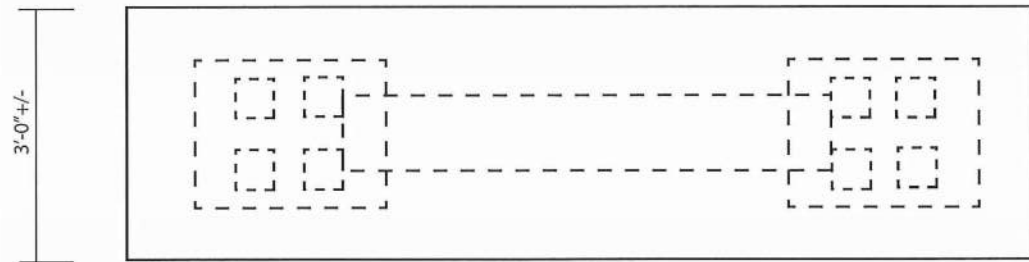
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
SITE AMENITY
DETAILS

FILE: .1170032\600 Drawings\CI170032 C5.00 Sign Details.dwg
DRAWN BY: PAB
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C501



1 PARK IDENTIFICATION SIGN AT NEW ROAD ENTRANCE

NOT TO SCALE
SIGN DETAILS PROVIDED FOR REFERENCE ONLY. DESIGN DETAILS WILL BE PROVIDED BY OTHERS AS PART OF THE CITY OF DULUTH'S "EXTERIOR SIGNAGE DESIGN AND WAYFINDING PROJECT"

2 TRAILHEAD DIRECTORY AT WEST 3RD STREET (SINGLE-SIDED)

NOT TO SCALE
SIGN DETAILS PROVIDED FOR REFERENCE ONLY. DESIGN DETAILS WILL BE PROVIDED BY OTHERS AS PART OF THE CITY OF DULUTH'S "EXTERIOR SIGNAGE DESIGN AND WAYFINDING PROJECT"



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411 WEST FIRST ST
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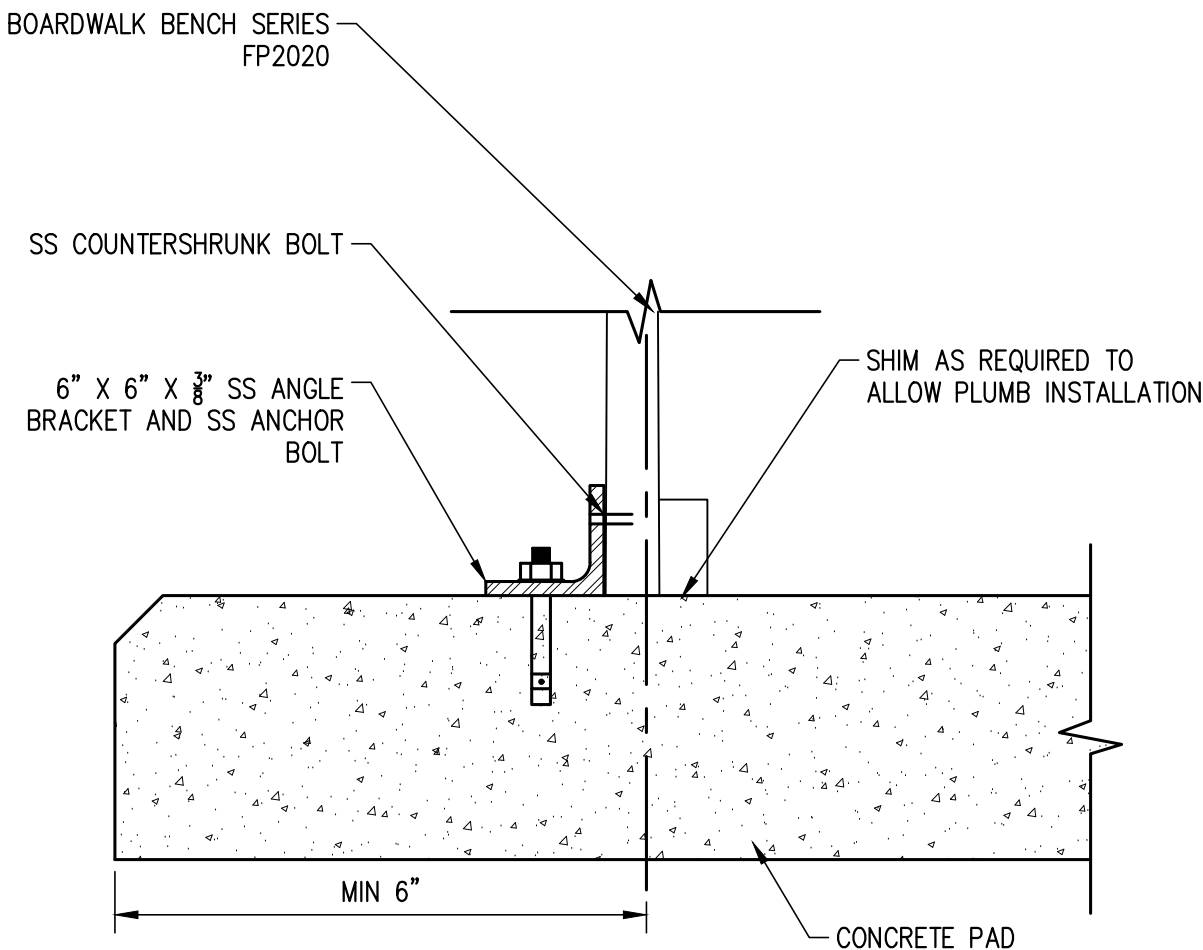
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

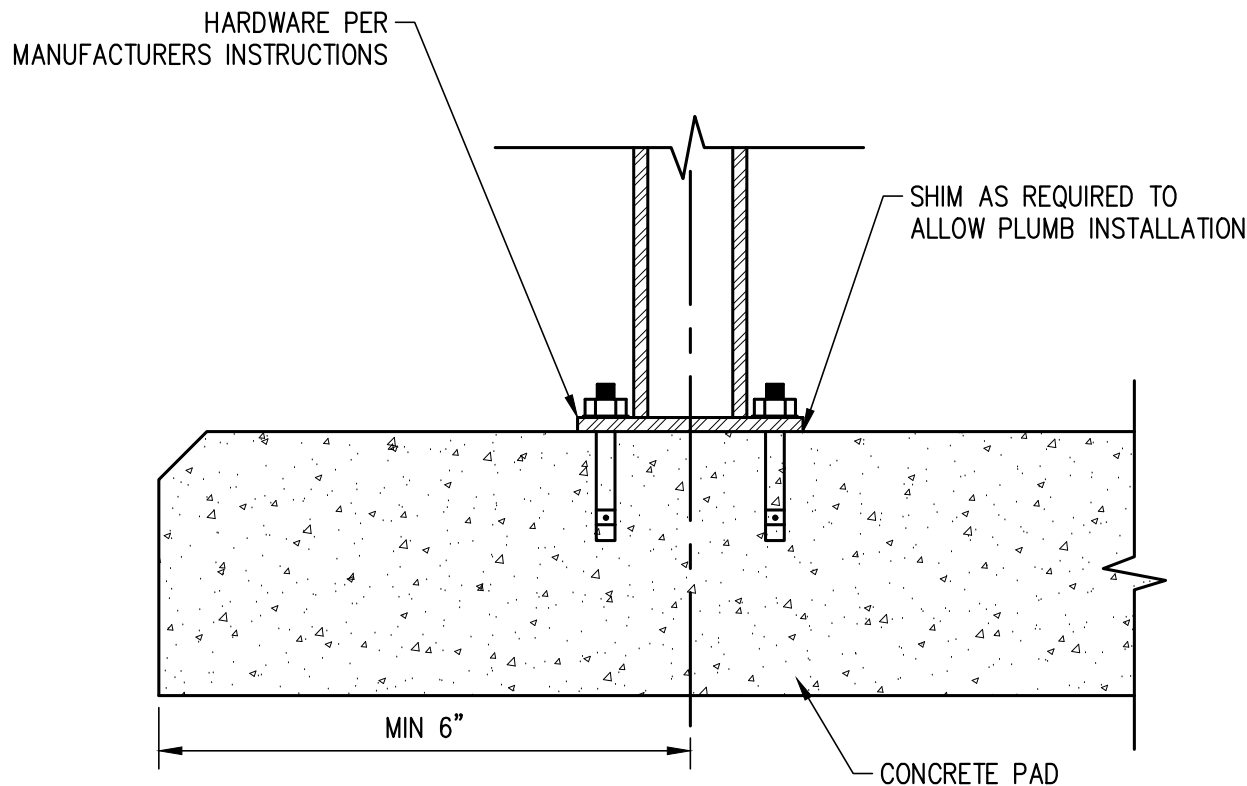
DRAWING TITLE:
SITE AMENITY DETAILS
DETAILS

FILE: ..170032600 Drawings\C170032 C5.00 Sign Details.dwg
DRAWN BY: PAB
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

C502



SS ANGLE BRACKET MOUNTING DETAIL



BENCH//FURNISHING MOUNTING DETAIL FOR STEEL LEGS

3 SITE AMENITY MOUNTING DETAILS
NOT TO SCALE



1 SMALL TRAILHEAD DIRECTORY AT WEST 5TH STREET & ELEPHANT ROCK ENTRANCE
NOT TO SCALE
SIGN DETAILS PROVIDED FOR REFERENCE ONLY. DESIGN DETAILS WILL BE PROVIDED BY OTHERS AS PART OF THE CITY OF DULUTH'S "EXTERIOR SIGNAGE DESIGN AND WAYFINDING PROJECT"



BOARDWALK BENCH SERIES FP2020 - 6' LONG WITH BACK

2 CITY STANDARD BENCH DETAIL
NOT TO SCALE



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NO	DATE	REVISION
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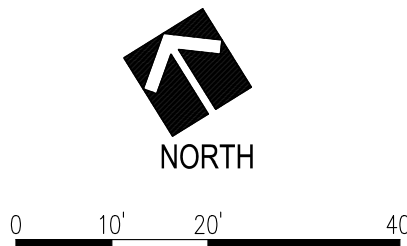
PROJECT NAME:
**LINCOLN PARK
SITE IMPROVEMENTS**

**501 N 25TH AVE W
DULUTH, MN 55806**

DRAWING TITLE:
**LANDSCAPE PLAN
AREA 1**

FILE: ..170032\600 Drawings\LA170032 L1.00 Landscape Plan.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

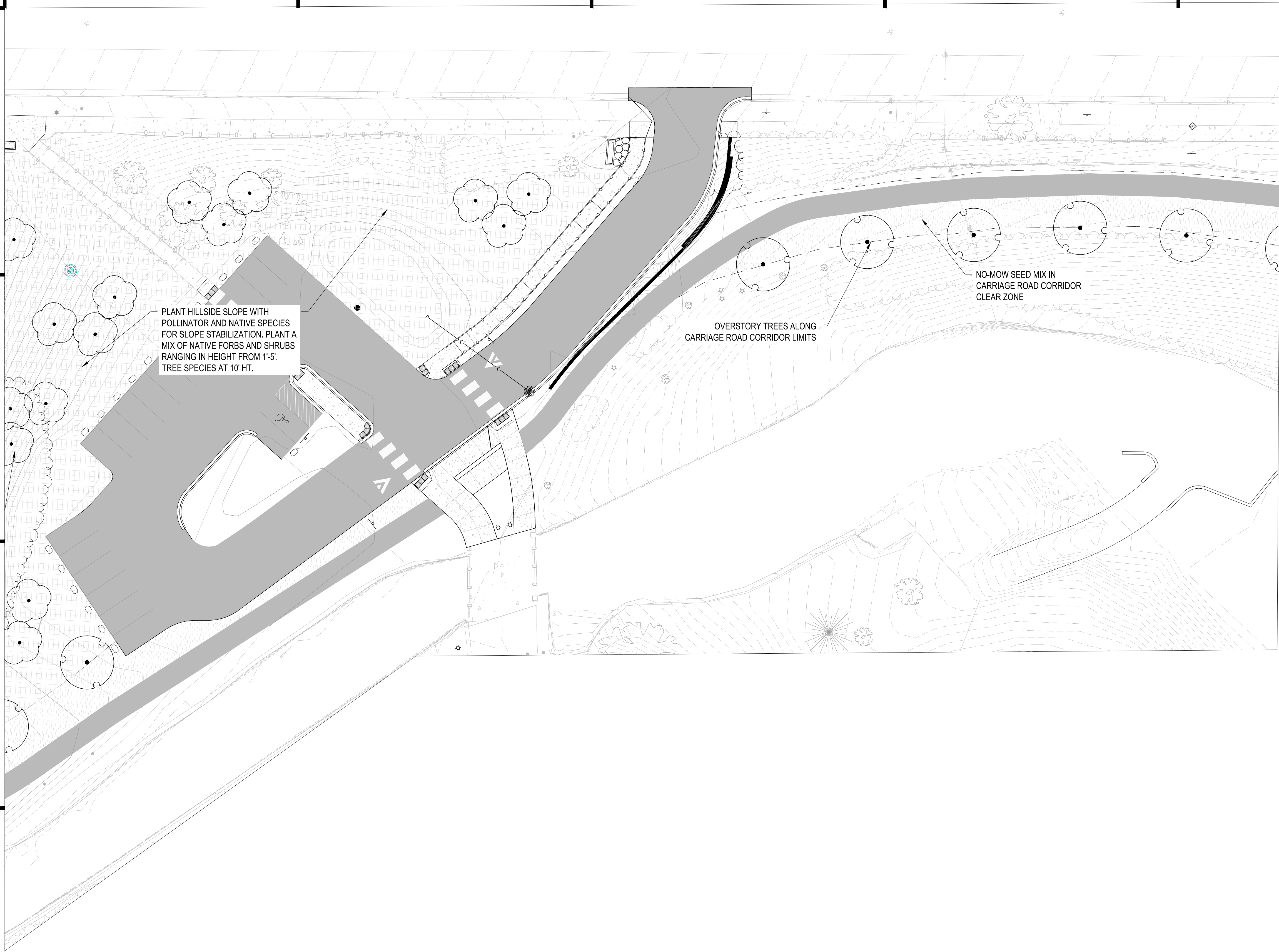
L1.01



Proposed Slope Planting Condition



Proposed Slope Planting condition



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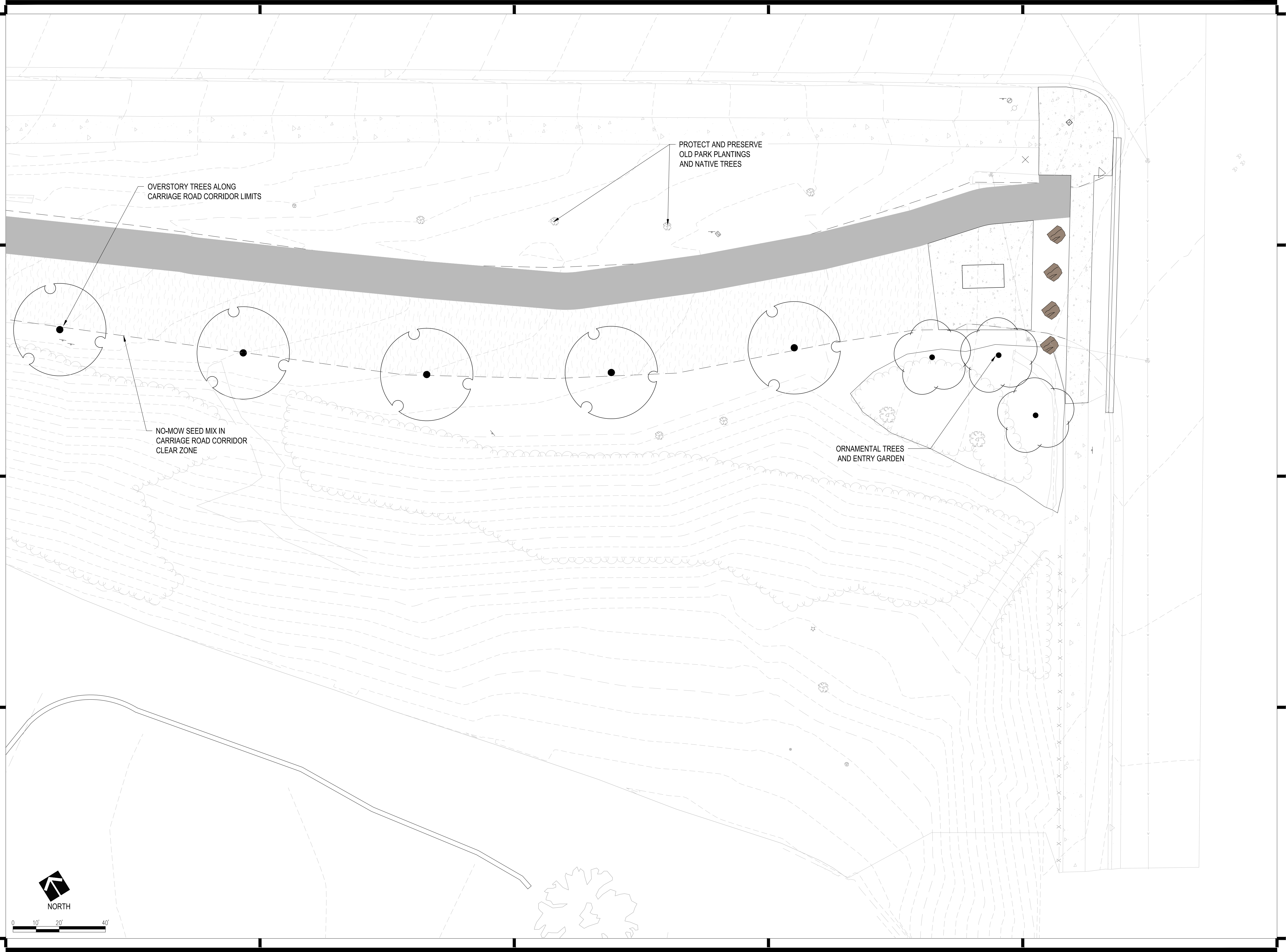
PROJECT NAME:
**LINCOLN PARK
SITE IMPROVEMENTS**

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DULUTH, MN 55806

DRAWING TITLE:
**LANDSCAPE PLAN
AREA 2**

FILE: ..170032\600 Drawings\LA\170032 L1.00 Landscape Plan.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

L1.02



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NO	DATE	REVISION
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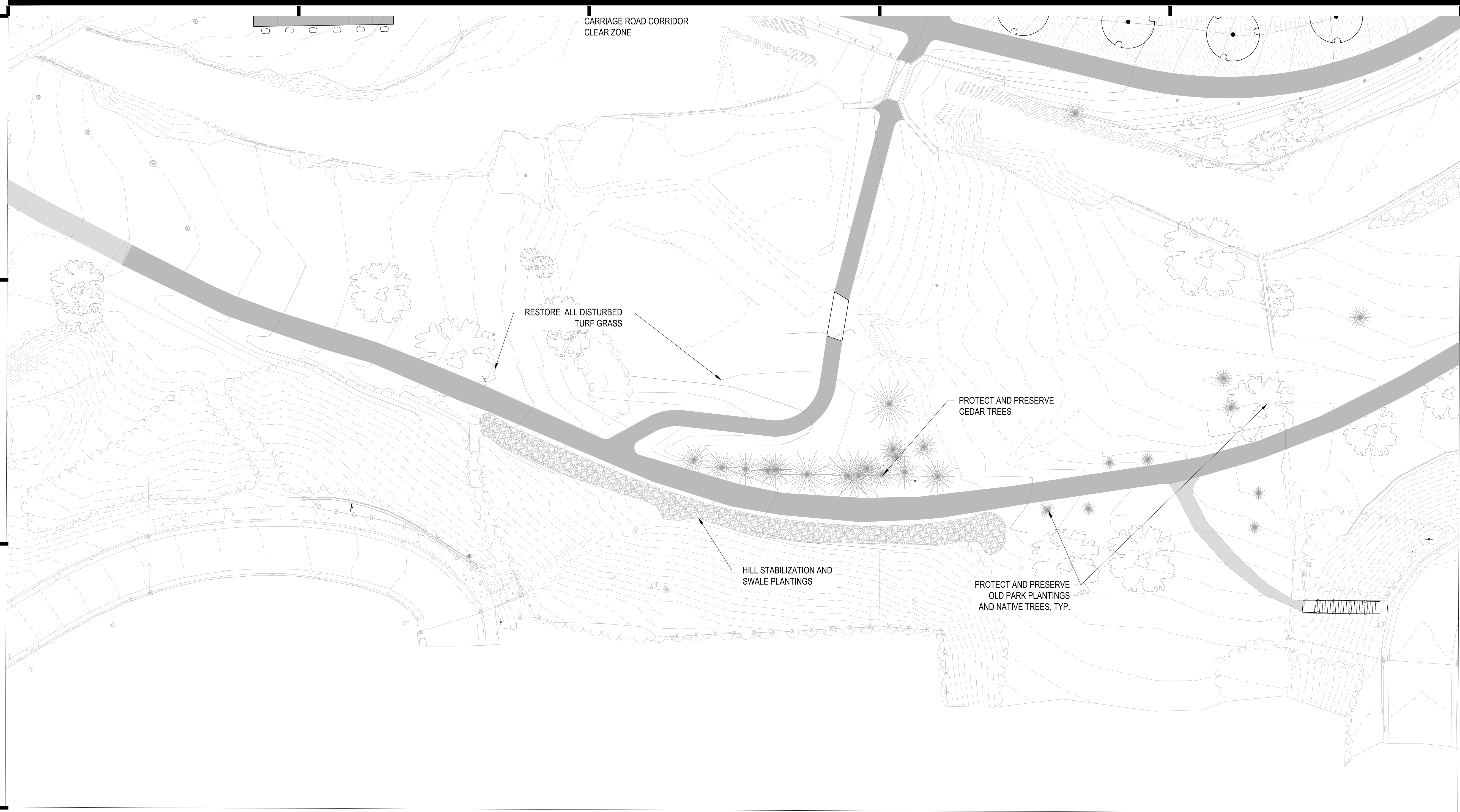
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
LANDSCAPE PLAN
AREA 3

FILE: ..170032\600 Drawings\LA170032 L1.00 Landscape Plan.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

L1.03



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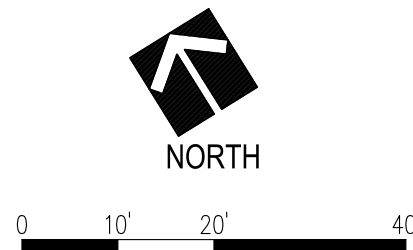
PROJECT NAME:
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**501 N 25TH AVE W
DULUTH, MN 55806**

DRAWING TITLE:
**LANDSCAPE PLAN
AREA 4**

FILE: ..170032\600 Drawings\LA\170032 L1.00 Landscape Plan.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

L1.04





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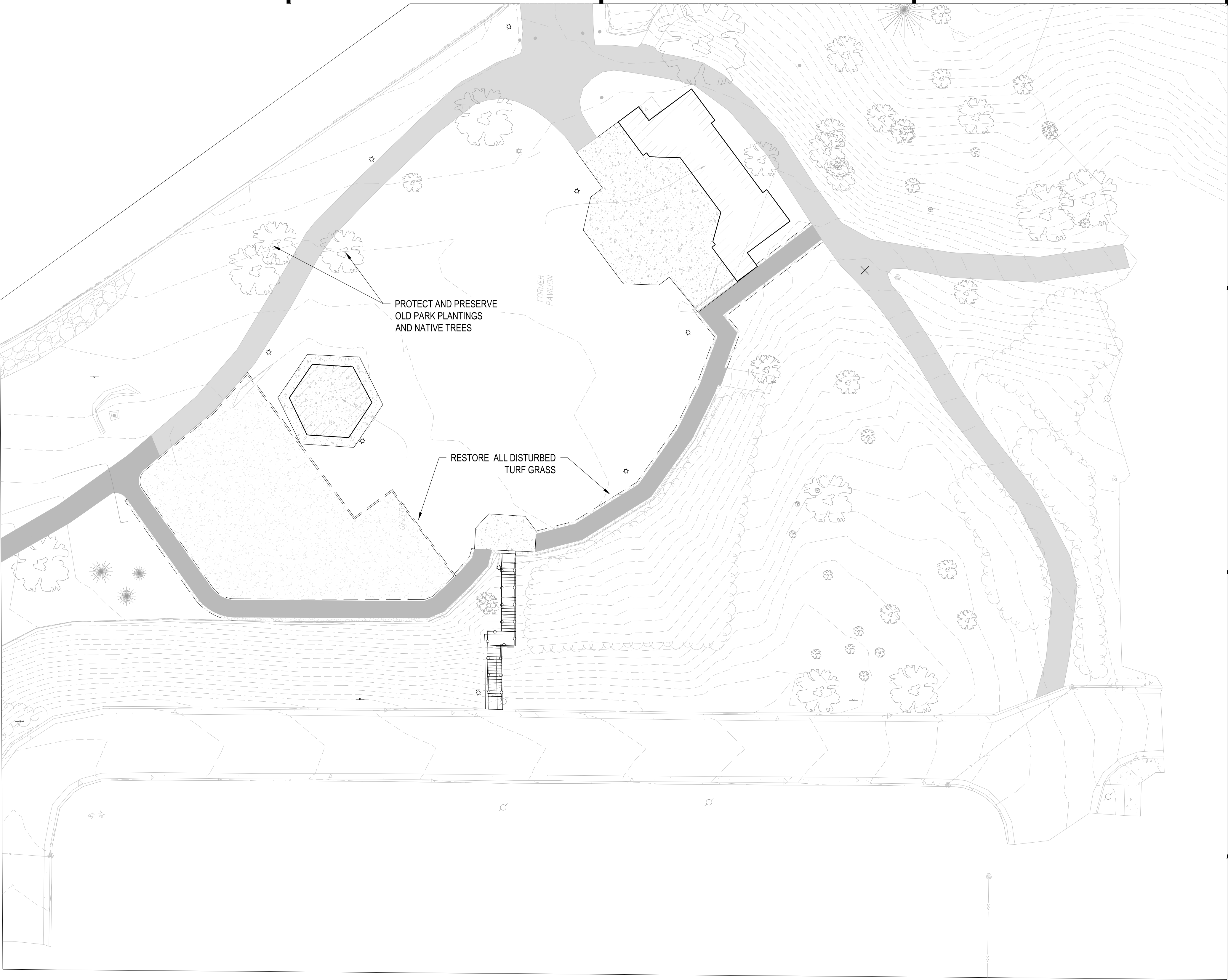
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
LANDSCAPE PLAN
AREA 5

FILE: ..170032\600 Drawings\LA\170032 L1.00 Landscape Plan.dwg
DRAWN BY: RMJ
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

L1.05



NORTH

0 10' 20' 40'



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PROJECT NAME:
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SITE IMPROVEMENTS

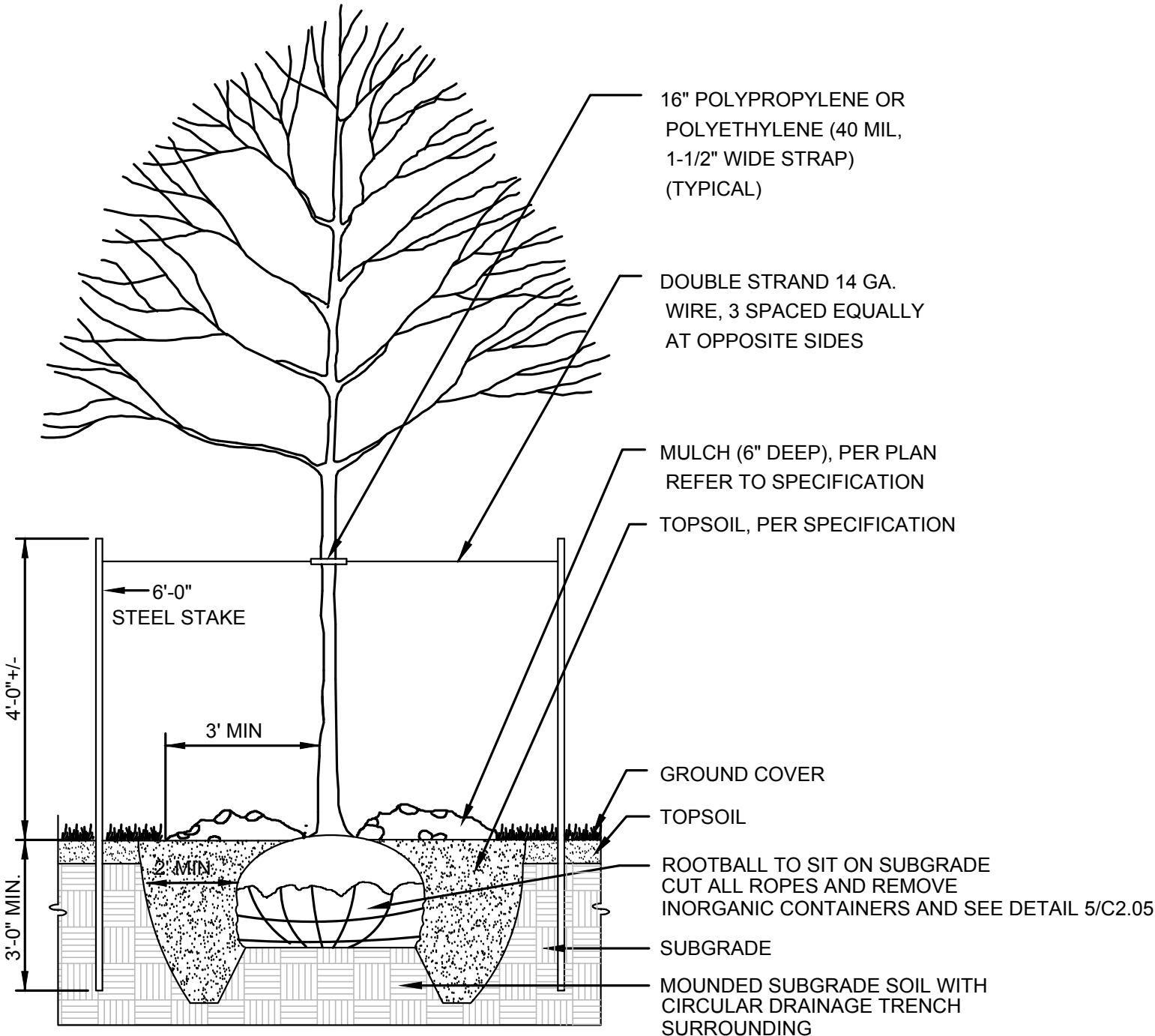
501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
LANDSCAPE DETAILS

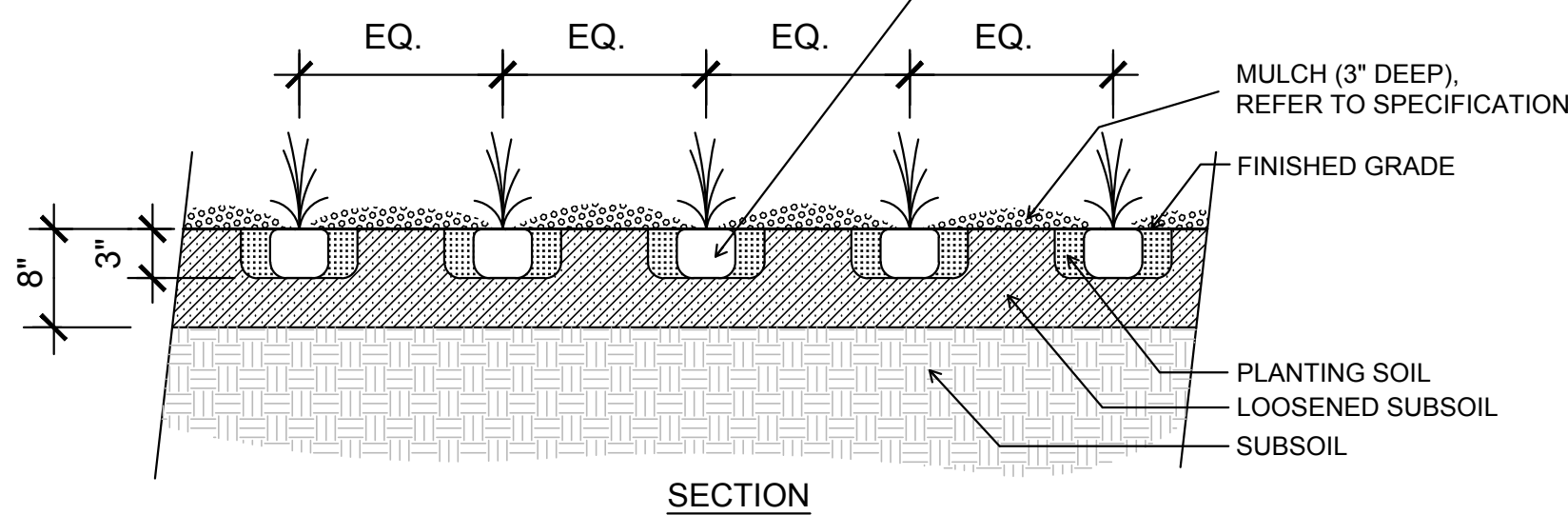
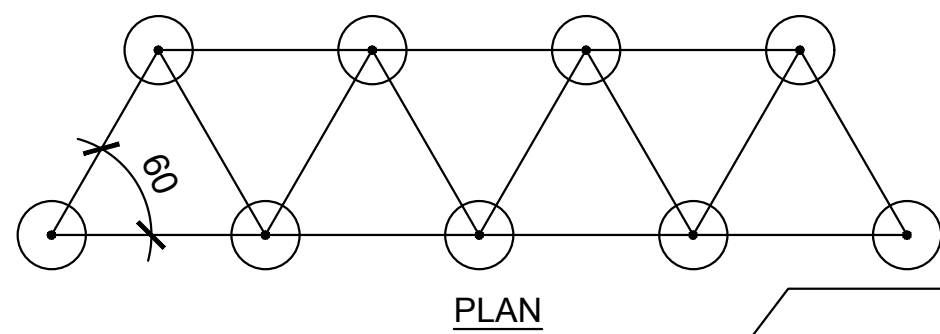
FILE: ..170032\600 Drawings\LA\170032 L2.00 Planting Details.dwg
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

L2.00

- NOTES:
- IT IS THE CONTRACTOR'S OPTION TO STAKE TREES; HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.
 - SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.
 - DO NOT PLANT TOO DEEP: EXPOSE TOP OF ROOT FLARE AND PULL MULCH AWAY FROM TRUNK.
 - HAND REMOVE EXCESS SOIL AT TOP OF ROOT BALL TO EXPOSE TOP OF ROOT FLARE. TYPICALLY REQUIRES THE REMOVAL OF 1-6" OF SOIL FROM CONTAINER OR B&B.
 - ENSURE THAT FIRST MAIN LATERAL ROOT IS LESS THAN 1" BELOW THE FINAL PLANTING SURFACE.

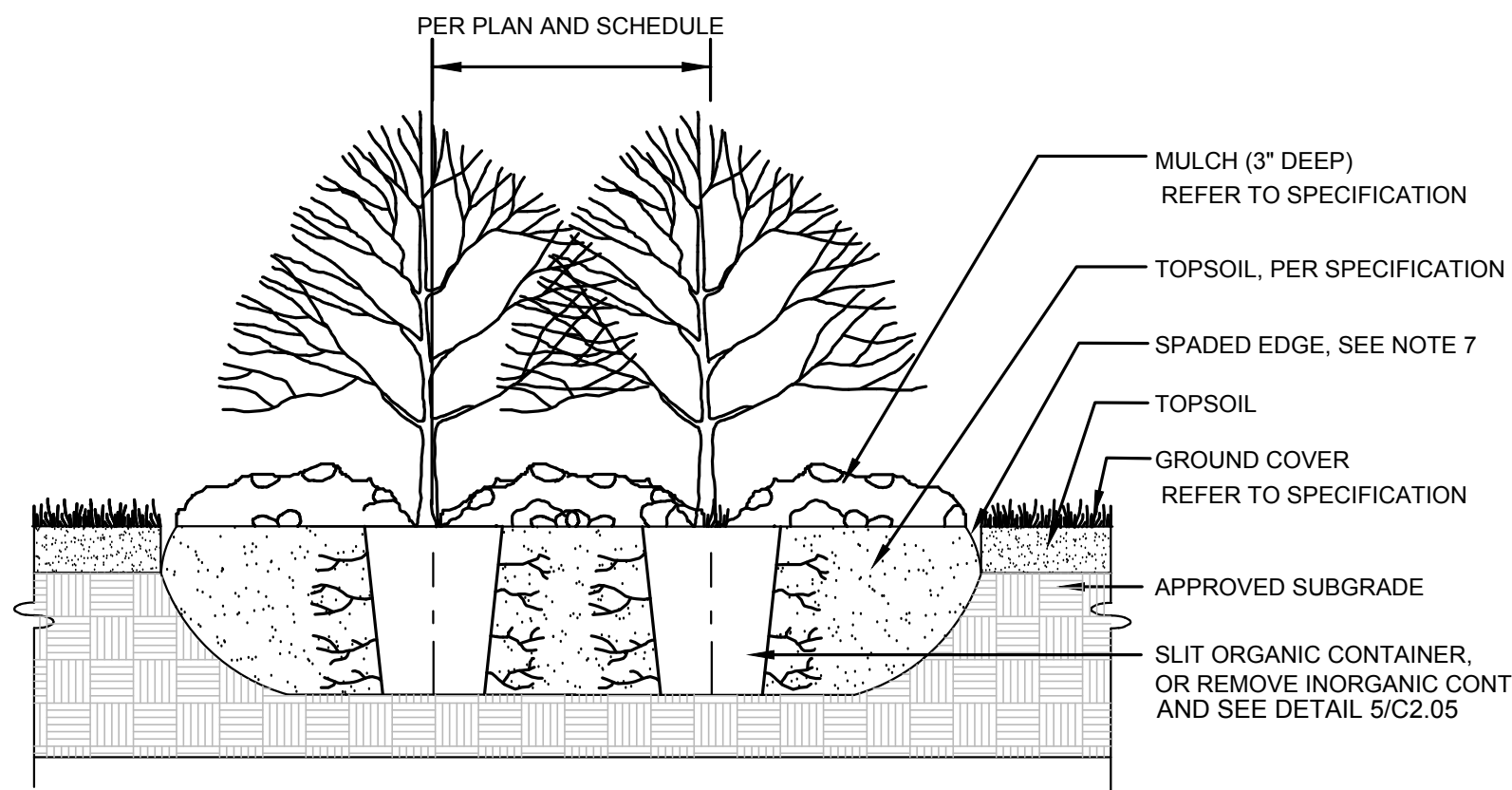


1 DECIDUOUS TREE NOT TO SCALE

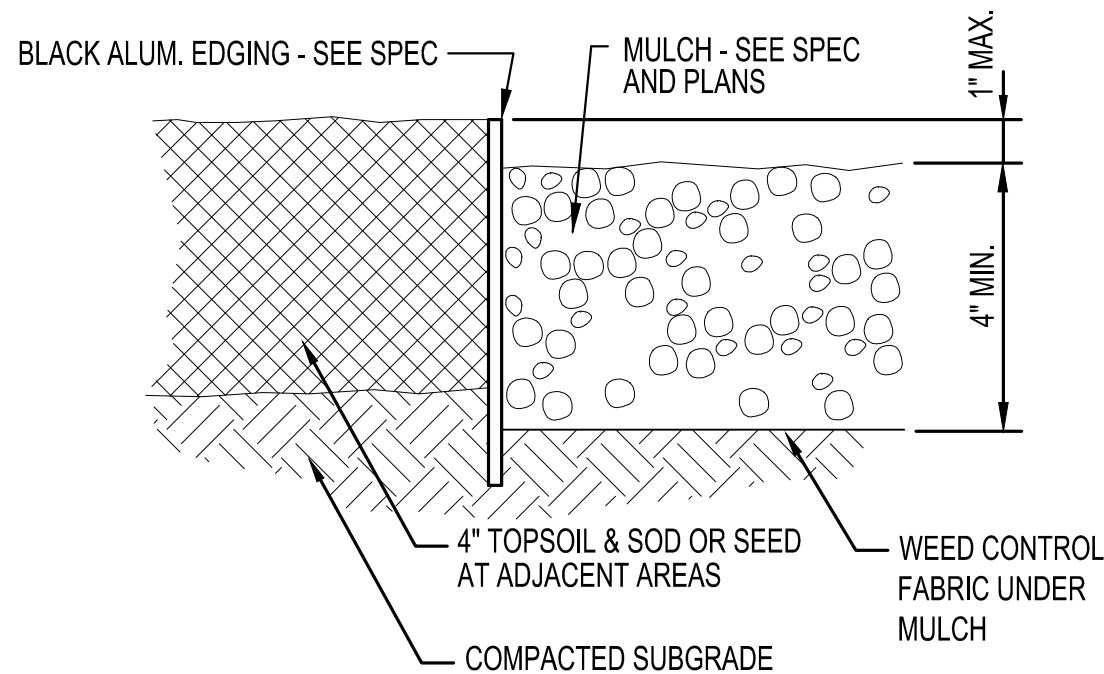


4 PERENNIAL PLANTING NOT TO SCALE

- NOTES:
- HAND LOOSEN ROOTS OF CONTAINERIZED MATERIAL (TYPICAL).
 - HAND REMOVE EXCESS SOIL AT TOP OF ROOT BALL TO EXPOSE TOP OF ROOT FLARE. TYPICALLY REQUIRES THE REMOVAL OF 1-6" OF SOIL FROM CONTAINER OR B&B.
 - ENSURE THAT FIRST MAIN LATERAL ROOT IS LESS THAN 1" BELOW THE FINAL PLANTING SURFACE.
 - SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING.
 - SHRUBS TO SIT ON SUBGRADE.
 - APPLY PELLET WEED PREVENTER PRIOR TO MULCHING.
 - EDGING: SPADED EDGING SHALL CONSIST OF A HAND OR MACHINE TRIMMED NEAT EDGE TRUE TO ALIGNMENT AND DIMENSIONS INDICATED ON THE PLANS. A SCALLOPED EDGE WILL NOT BE ACCEPTABLE.



2 SHRUB PLANTING NOT TO SCALE

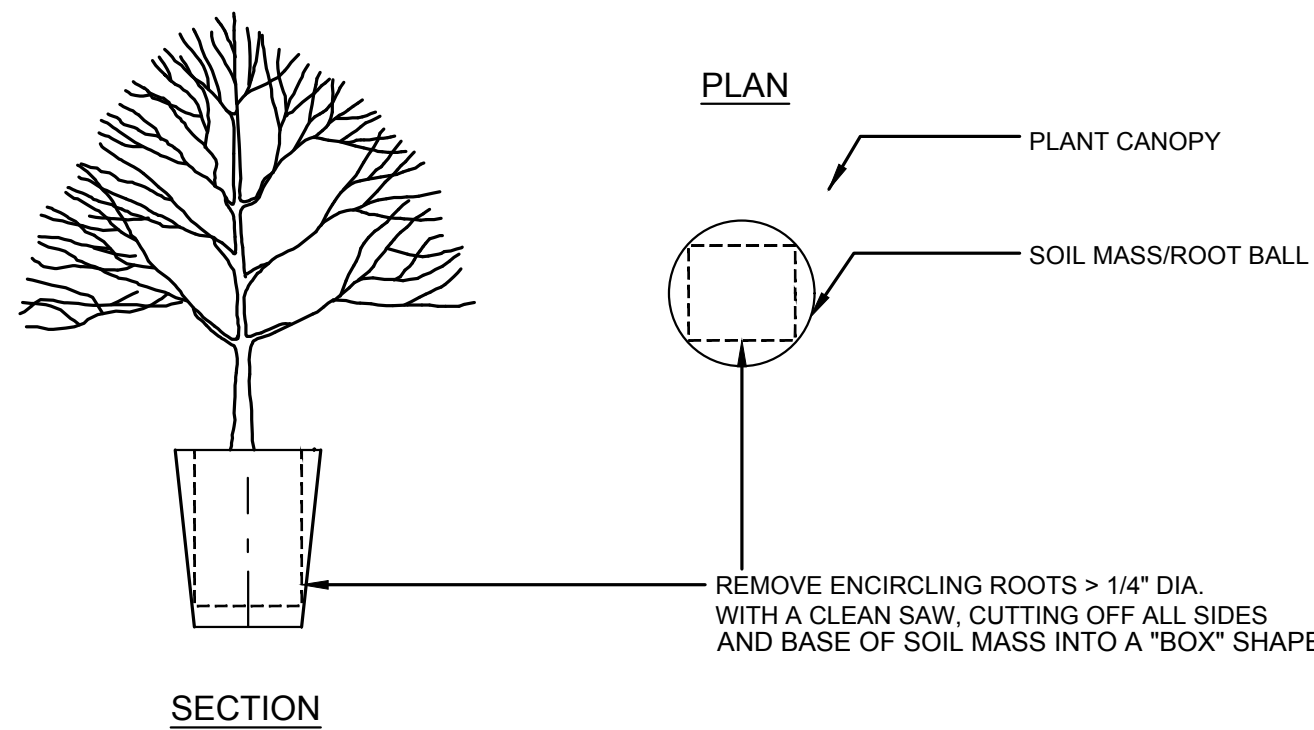


5 EDGING & MULCH DETAIL NOT TO SCALE

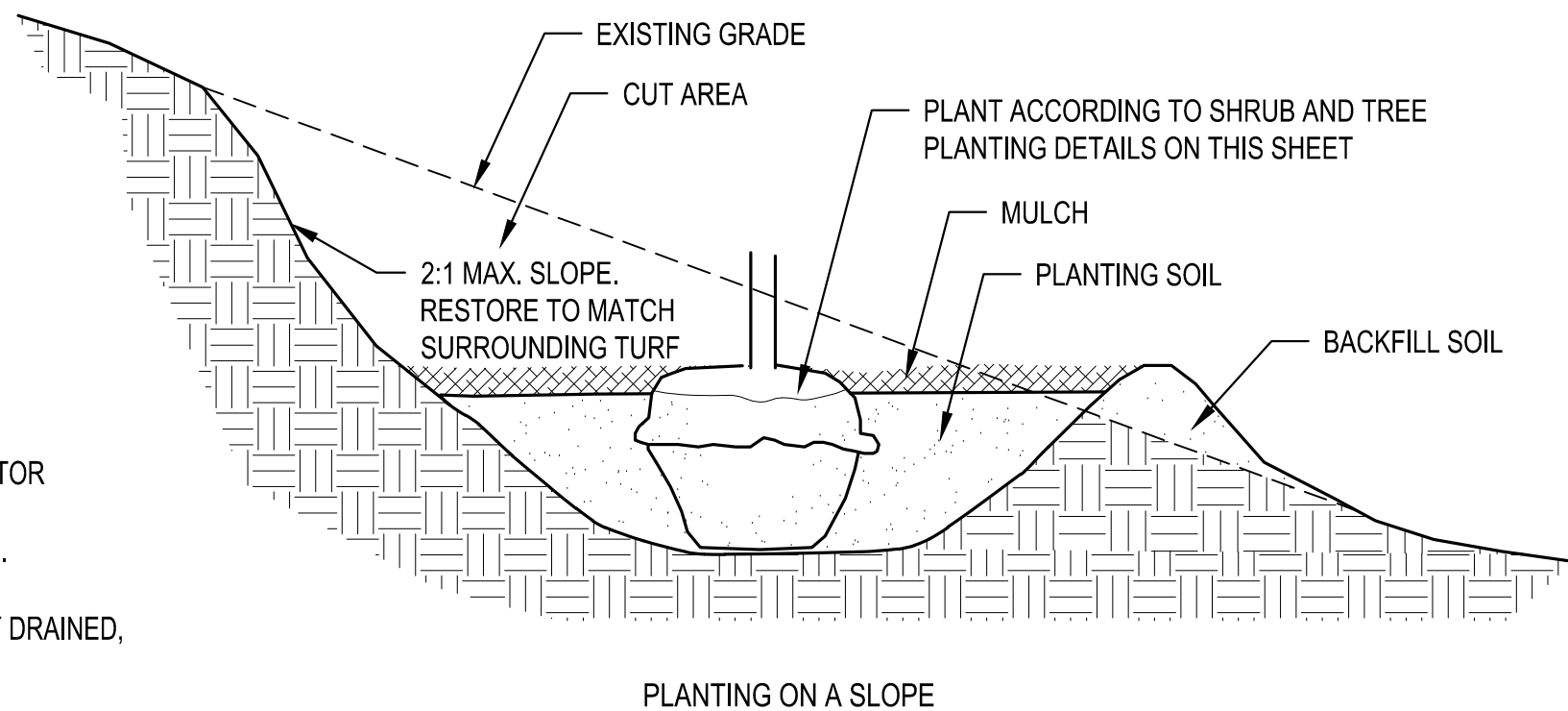
- NOTES:
- THE PLANTING DETAILS REPRESENT ADEQUATELY DRAINED SOIL CONDITIONS. THE CONTRACTOR SHOULD EXERCISE DISCRETION IN SETTING PLANTS 1"-3" HIGHER IN POORLY DRAINED SOILS.
 - ON 2:1 SLOPES OR GREATER, DO NOT CONSTRUCT THE UPHILL HALF OF THE WATERING BASIN.
 - ON WET, POORLY DRAINED SOILS, DO NOT CONSTRUCT WATERING BASIN.
 - THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ADEQUATE DRAINAGE IN HEAVY, POORLY DRAINED, OR IMPERVIOUS SOILS.
 - INSTALL PLANTS IN A PLUMB POSITION.
 - MULCH DEPTH SHALL BE 4".
 - FABRIC (SEE PLAN FOR LOCATIONS AND SPECIFICATIONS FOR TYPE).

6 PLANTING ON A SLOPE NOT TO SCALE

- NOTES:
- FOR TREES, SHRUBS, AND PERENNIALS WITH INORGANIC CONTAINERS, FOLLOW THE "BOXING" PROCEDURE TO REMOVE ENCIRCLING ROOTS.
 - "BOXING" IS ONLY NECESSARY ON PLANTS THAT HAVE ENCIRCLING ROOTS WITH DIAMETERS GREATER THAN 1/4".
 - HAND LOOSENING OF ROOTS IS STILL NECESSARY AFTER "BOXING" THE ROOT BALL (TYPICAL).



3 BOXING PROCEDURE FOR CONTAINERIZED PLANTS NOT TO SCALE



NOTE: EXTENDED EXCAVATION AND BACKFILL SOIL TO A POINT DOWNSLOPE EQUAL TO OR LOWER IN ELEVATION THAN THE BOTTOM OF THE HOLE DIRECTLY BENEATH THE PLANT TO INSURE ADEQUATE DRAINAGE IN HEAVY SOILS. GRANULAR SOIL MUST BE ADDED AS BACKFILL IN AREAS OF POOR DRAINAGE.



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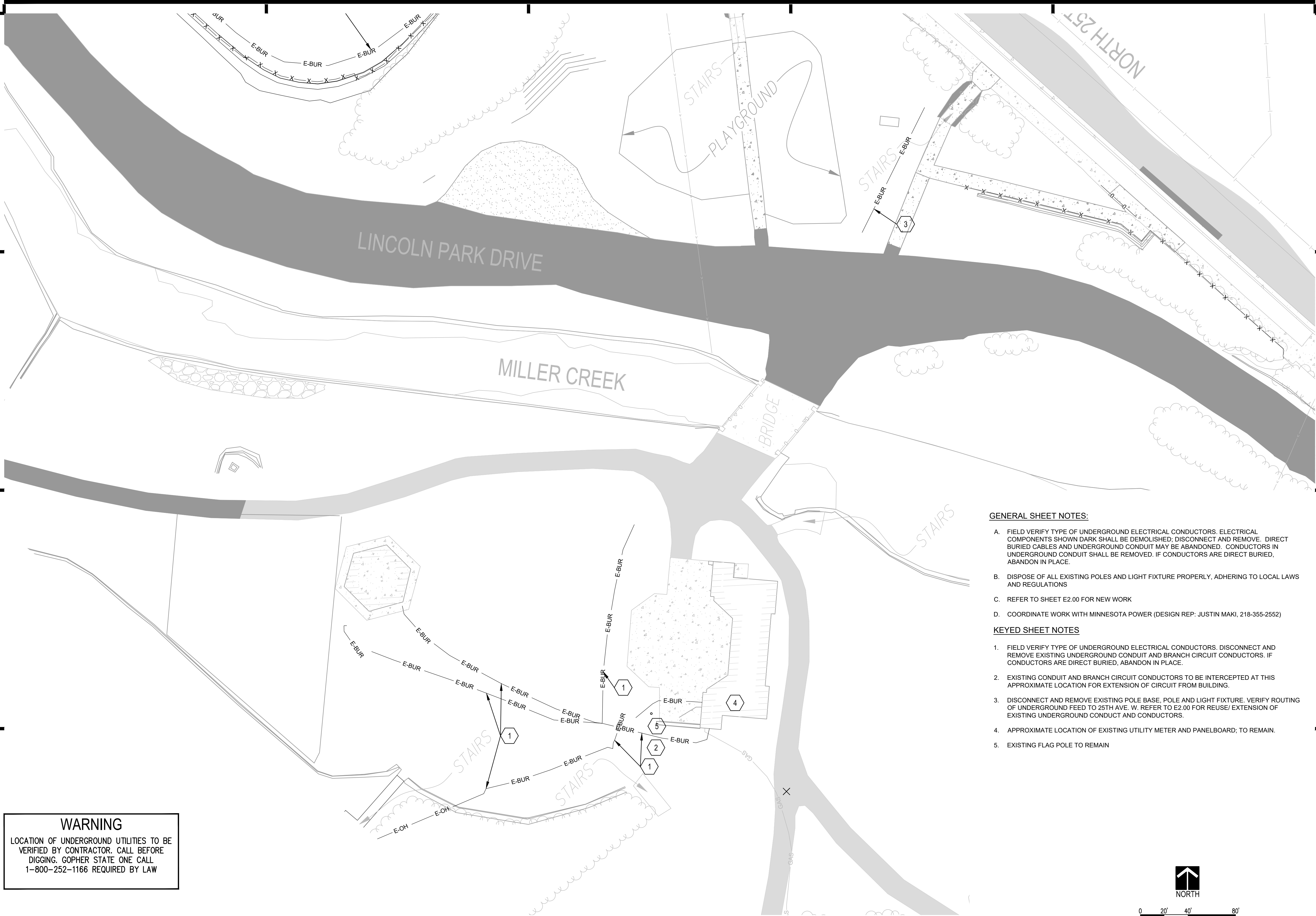
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
ELECTRICAL SITE
DEMOLITION PLAN

FILE: ..1170032\600 Drawings\MEP\E1170032 E1.00 Electrical Demo Plan.dwg
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

E1.00



1 ELECTRICAL SITE DEMOLITION
Scale: 1" = 20'-0"



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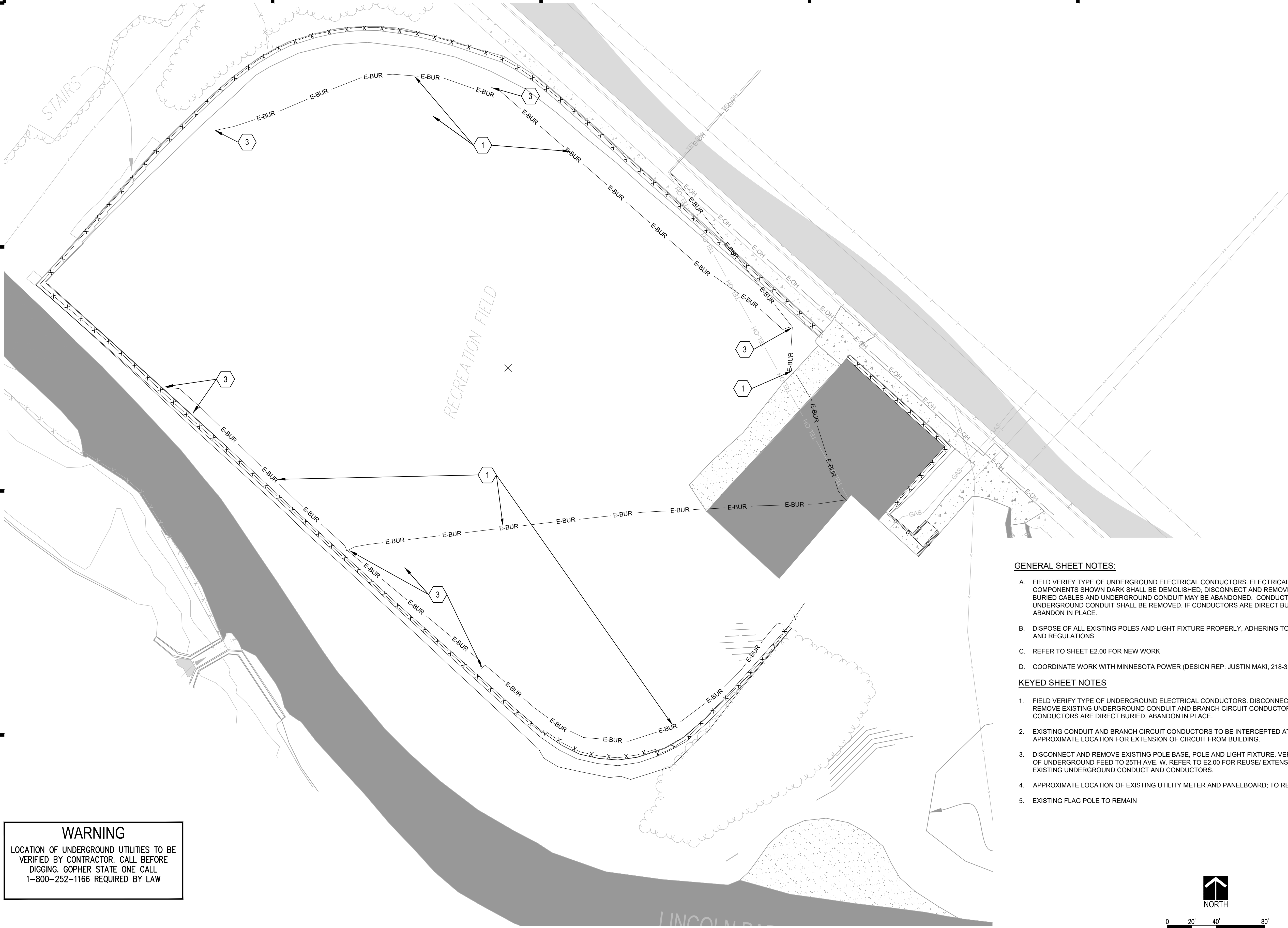
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
ELECTRICAL SITE
DEMOLITION PLAN

FILE: ..11700321600 Drawings\MEP\E1170032 E1.00 Electrical Demo Plan.dwg
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

E1.01



WARNING

LOCATION OF UNDERGROUND UTILITIES TO BE
VERIFIED BY CONTRACTOR. CALL BEFORE
DIGGING. GOPHER STATE ONE CALL
1-800-252-1166 REQUIRED BY LAW

1

ELECTRICAL SITE DEMOLITION

Scale: 1" = 20'-0"

GENERAL SHEET NOTES:

- FIELD VERIFY TYPE OF UNDERGROUND ELECTRICAL CONDUCTORS. ELECTRICAL COMPONENTS SHOWN DARK SHALL BE DEMOLISHED; DISCONNECT AND REMOVE. DIRECT BURIED CABLES AND UNDERGROUND CONDUIT MAY BE ABANDONED. CONDUCTORS IN UNDERGROUND CONDUIT SHALL BE REMOVED. IF CONDUCTORS ARE DIRECT BURIED, ABANDON IN PLACE.
- DISPOSE OF ALL EXISTING POLES AND LIGHT FIXTURE PROPERLY, ADHERING TO LOCAL LAWS AND REGULATIONS
- REFER TO SHEET E2.00 FOR NEW WORK
- COORDINATE WORK WITH MINNESOTA POWER (DESIGN REP: JUSTIN MAKI, 218-355-2552)

KEYED SHEET NOTES

- FIELD VERIFY TYPE OF UNDERGROUND ELECTRICAL CONDUCTORS. DISCONNECT AND REMOVE EXISTING UNDERGROUND CONDUIT AND BRANCH CIRCUIT CONDUCTORS. IF CONDUCTORS ARE DIRECT BURIED, ABANDON IN PLACE.
- EXISTING CONDUIT AND BRANCH CIRCUIT CONDUCTORS TO BE INTERCEPTED AT THIS APPROXIMATE LOCATION FOR EXTENSION OF CIRCUIT FROM BUILDING.
- DISCONNECT AND REMOVE EXISTING POLE BASE, POLE AND LIGHT FIXTURE. VERIFY ROUTING OF UNDERGROUND FEED TO 25TH AVE. W. REFER TO E2.00 FOR REUSE/ EXTENSION OF EXISTING UNDERGROUND CONDUIT AND CONDUCTORS.
- APPROXIMATE LOCATION OF EXISTING UTILITY METER AND PANELBOARD; TO REMAIN.
- EXISTING FLAG POLE TO REMAIN



0 20' 40' 80'



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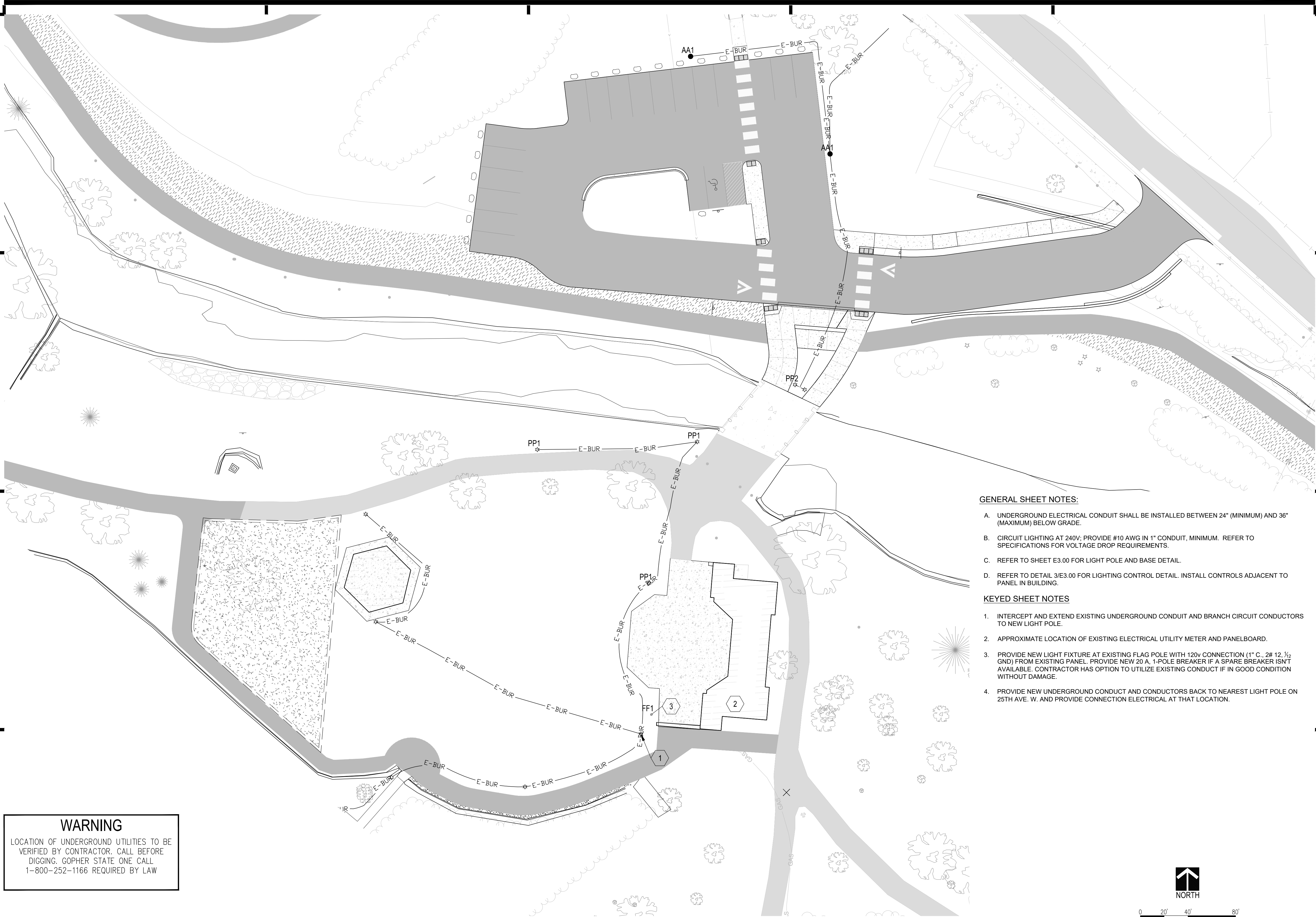
PROJECT NAME:
LINCOLN PARK
SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
ELECTRICAL SITE PLAN

FILE: ..1170032\600 Drawings\MEP\E1170032 E2.00 Electrical Plan.dwg
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

E2.00



- GENERAL SHEET NOTES:**
- A. UNDERGROUND ELECTRICAL CONDUIT SHALL BE INSTALLED BETWEEN 24" (MINIMUM) AND 36" (MAXIMUM) BELOW GRADE.
 - B. CIRCUIT LIGHTING AT 240V; PROVIDE #10 AWG IN 1" CONDUIT, MINIMUM. REFER TO SPECIFICATIONS FOR VOLTAGE DROP REQUIREMENTS.
 - C. REFER TO SHEET E3.00 FOR LIGHT POLE AND BASE DETAIL.
 - D. REFER TO DETAIL 3/E3.00 FOR LIGHTING CONTROL DETAIL. INSTALL CONTROLS ADJACENT TO PANEL IN BUILDING.
- KEYED SHEET NOTES**
- 1. INTERCEPT AND EXTEND EXISTING UNDERGROUND CONDUIT AND BRANCH CIRCUIT CONDUCTORS TO NEW LIGHT POLE.
 - 2. APPROXIMATE LOCATION OF EXISTING ELECTRICAL UTILITY METER AND PANELBOARD.
 - 3. PROVIDE NEW LIGHT FIXTURE AT EXISTING FLAG POLE WITH 120v CONNECTION (1" C., 2# 12, 1/2 GND) FROM EXISTING PANEL. PROVIDE NEW 20 A, 1-POLE BREAKER IF A SPARE BREAKER ISN'T AVAILABLE. CONTRACTOR HAS OPTION TO UTILIZE EXISTING CONDUIT IF IN GOOD CONDITION WITHOUT DAMAGE.
 - 4. PROVIDE NEW UNDERGROUND CONDUIT AND CONDUCTORS BACK TO NEAREST LIGHT POLE ON 25TH AVE. W. AND PROVIDE CONNECTION ELECTRICAL AT THAT LOCATION.

WARNING

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DIGGING. GOPHER STATE ONE CALL
1-800-252-1166 REQUIRED BY LAW

1

ELECTRICAL SITE PLAN

Scale: 1" = 20'-0"



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PROJECT NAME:

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SITE IMPROVEMENTS

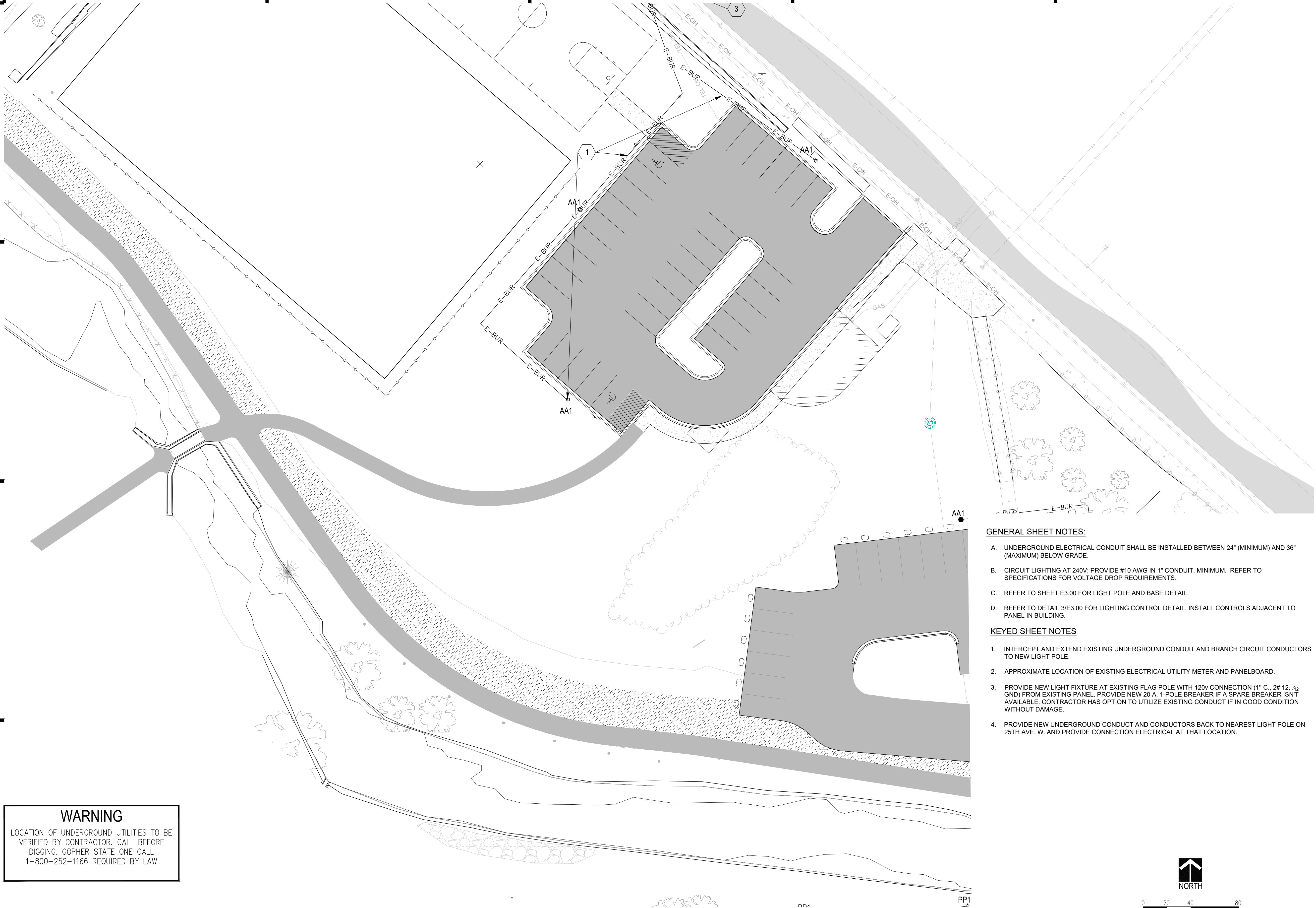
501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:

ELECTRICAL SITE PLAN

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DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

E2.01



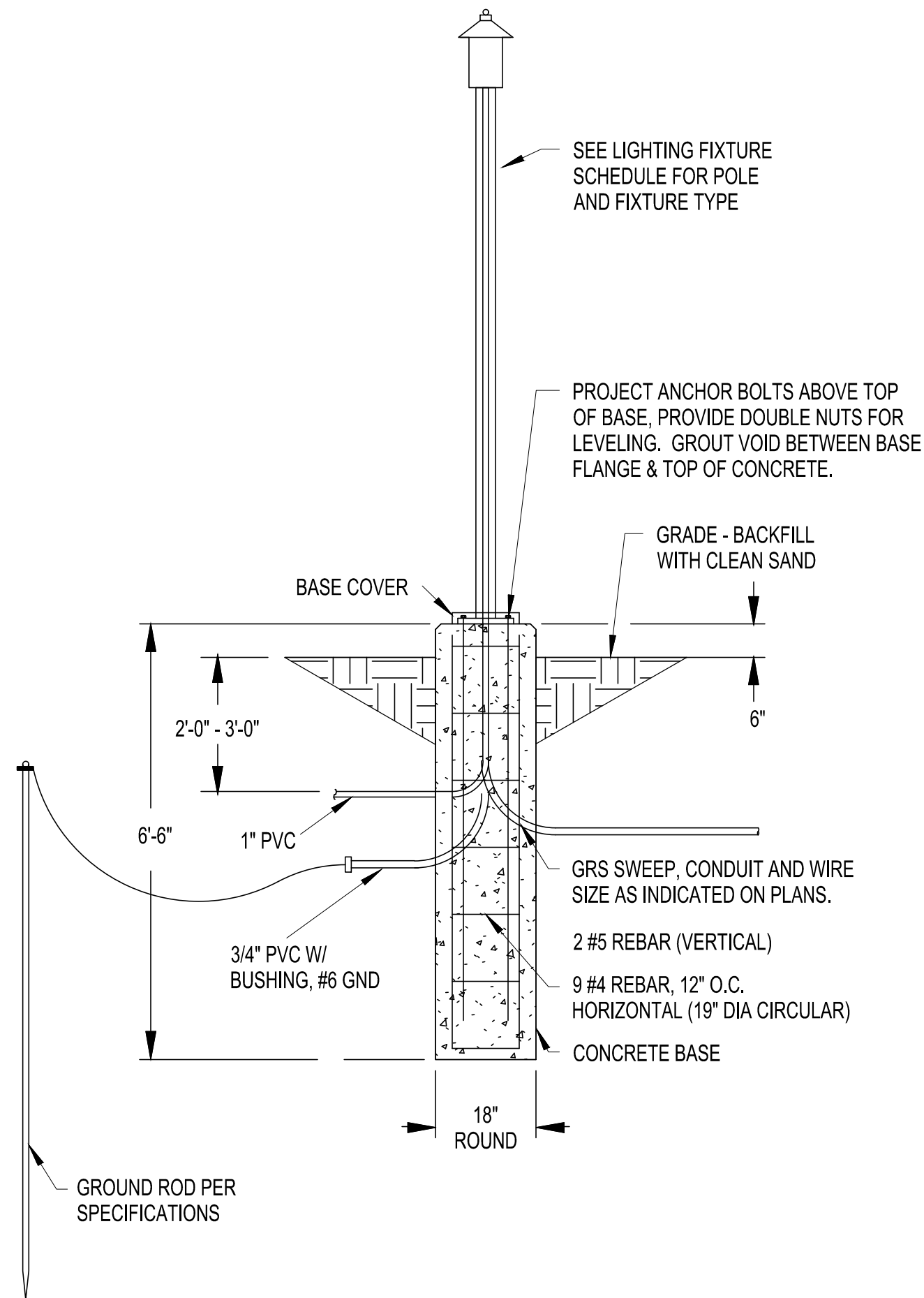
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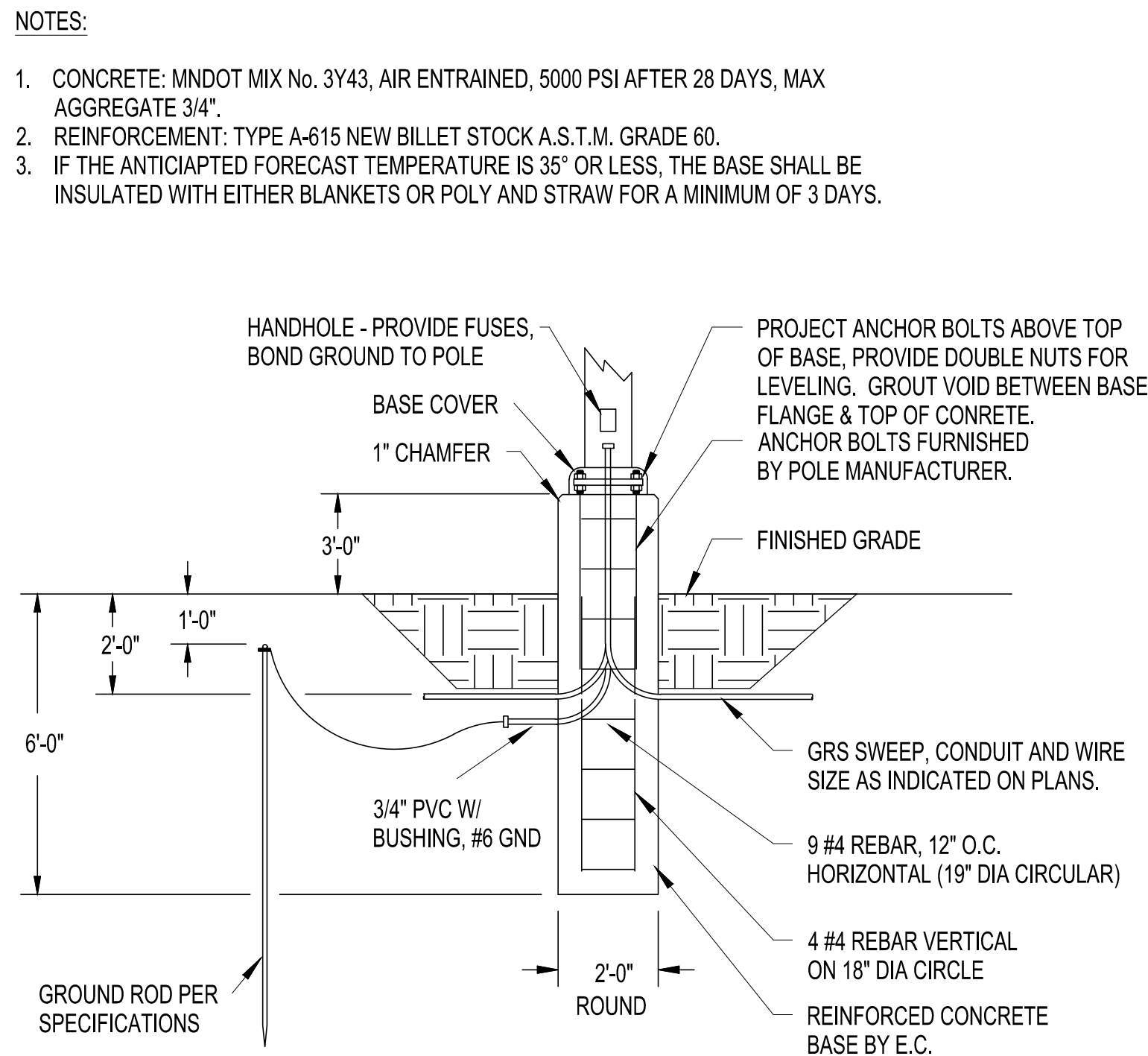
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ELECTRICAL SITE PLAN

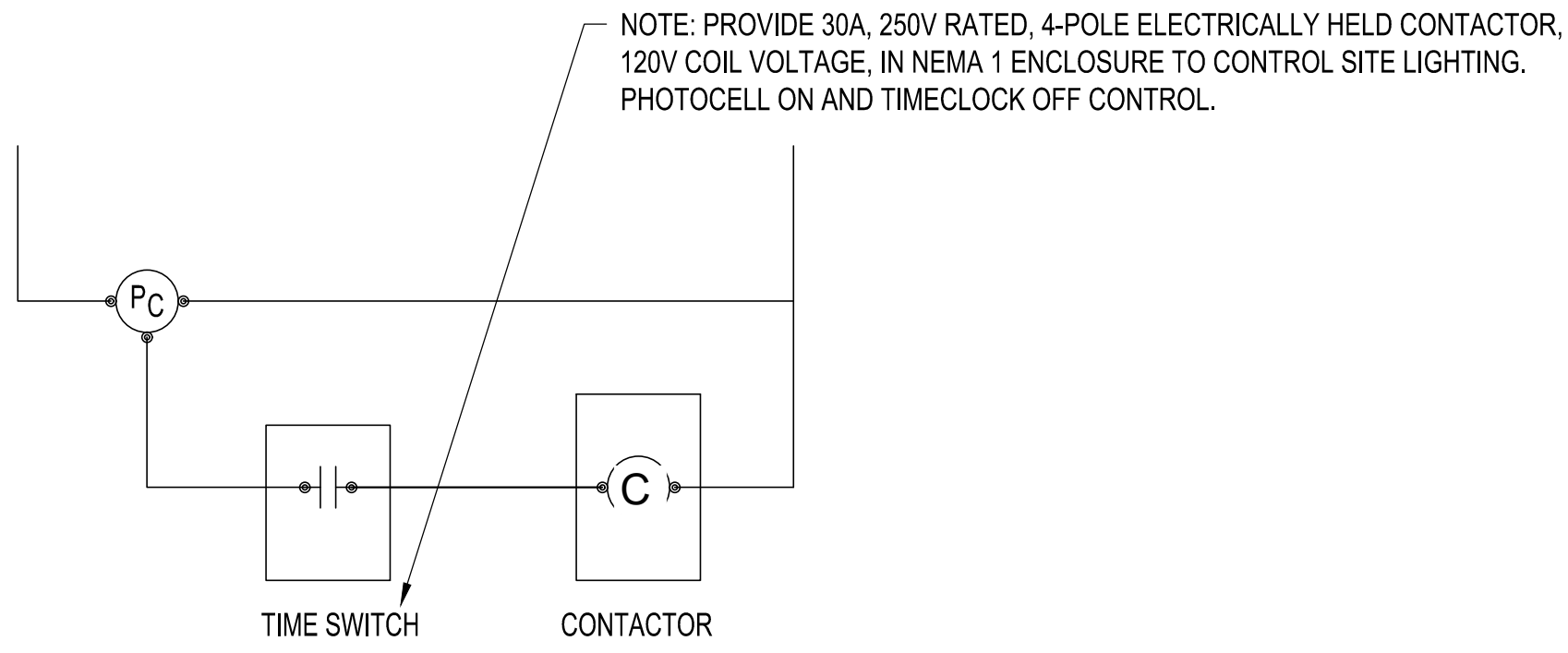
Scale: 1" = 20'-0"



1 WALKING PATH LIGHT POLE
Scale: NOT TO SCALE



2 PARKING LOT LIGHT POLE AND BASE DETAIL - ALT #5
Scale: NOT TO SCALE



3 EXTERIOR LIGHTING CONTROL DIAGRAM
Scale: NOT TO SCALE

SCHEDULE NOTES:

1. PROVIDE POLE ADAPTER SIZED TO MATCH FLAG POLE DIAMETER.

LIGHTING FIXTURE SCHEDULE										
TYPE	DESCRIPTION	LENS / DIFFUSER	MOUNTING	SOURCE	DRIVER	VOLT	WATTS	MANUFACTURER	CATALOG SERIES	NOTES
AA1	FULL CUT-OFF AREA LUMINAIRE WITH DIE-CAST ALUMINUM HOUSING, FORWARD THROW MEDIUM DISTRIBUTION, HOUSE-SIDE SHIELD, FIXTURE HEAD AND POLE COLOR: BLACK.	CLEAR ACRYLIC LENS	4" SQ. STRAIGHT 20' STEEL POLE	LED NOMINAL 10,000 LM 3000K, 82+ CRI	0-10V	UNV	91	LITHONIA MCGRAW-EDISON US ARCHITECTURAL	DSX1 SERIES GLEON SERIES QSR PLED SERIES	
FF1	ALUMINUM EXTERNAL HEAVY DUTY BEACON LIGHT FOR FLAGPOLE (BY OTHERS), INTERNATIONAL DARK SKY ASSOCIATION APPROVED FIXTURE, COLOR: SILVER.	N/A	20' POLE TOP	LED 500 LM 3000K	BY MANU.	120	(2) 6W	THE FLAG COMPANY	ORN-750074	1
PP1	DECORATIVE POST-TOP CAGED ACORN LUMINAIRE, TYPE 2 DISTRIBUTION WITH HOUSE SIDE SHIELD, FIXTURE HEAD AND POLE COLOR: BLACK.	CLEAR PRISMATIC POLYCARBONATE OR GLASS ACORN	5" DIA. STRAIGHT FLUTED 12' ALUMINUM POLE	LED NOMINAL 3,300 LM 3000K, 80+ CRI	0-10V	UNV	53	ANP LIGHTING STERNBERG LIGHTING SUN VALLEY LIGHTING	LF0962 SERIES A670TSRLED SERIES LCG-LED SERIES	
PP2	DECORATIVE POST-TOP CAGED ACORN LUMINAIRE, TYPE 4 DISTRIBUTION, FIXTURE HEAD AND POLE COLOR: BLACK.	CLEAR PRISMATIC POLYCARBONATE OR GLASS ACORN	5" DIA. STRAIGHT FLUTED 12' ALUMINUM POLE	LED NOMINAL 3,300 LM 3000K, 80+ CRI	0-10V	UNV	53	ANP LIGHTING STERNBERG LIGHTING SUN VALLEY LIGHTING	LF0962 SERIES A670TSRLED SERIES LCG-LED SERIES	



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PROJECT NAME:
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SITE IMPROVEMENTS

501 N 25TH AVE W
DULUTH, MN 55806

DRAWING TITLE:
ELECTRICAL DETAILS
AND SCHEDULE

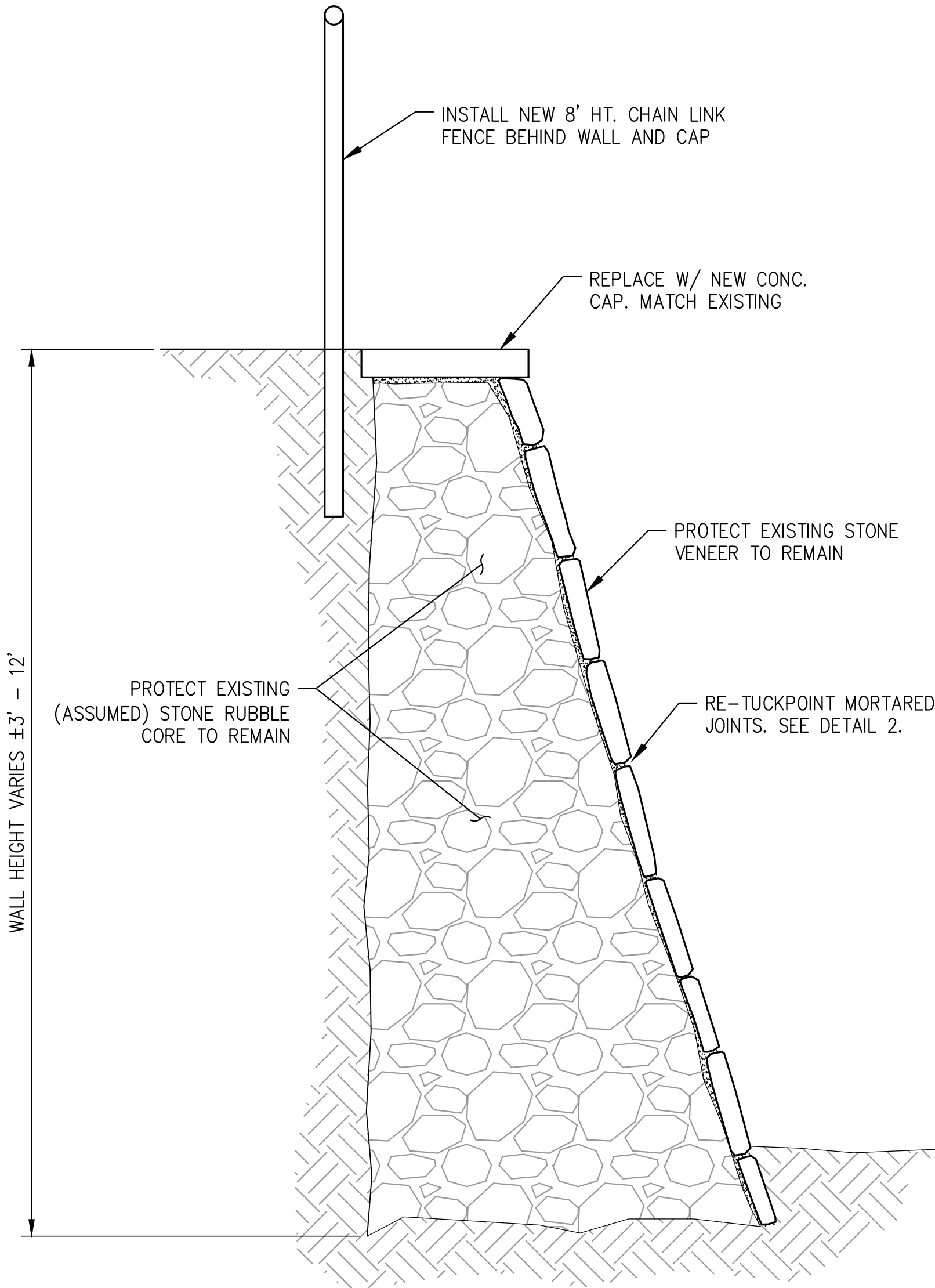
FILE: .1170032\600 Drawings\MEP\E1170032 E3.00 Electrical Details and Schedule
DRAWN BY: TFN
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

E3.00

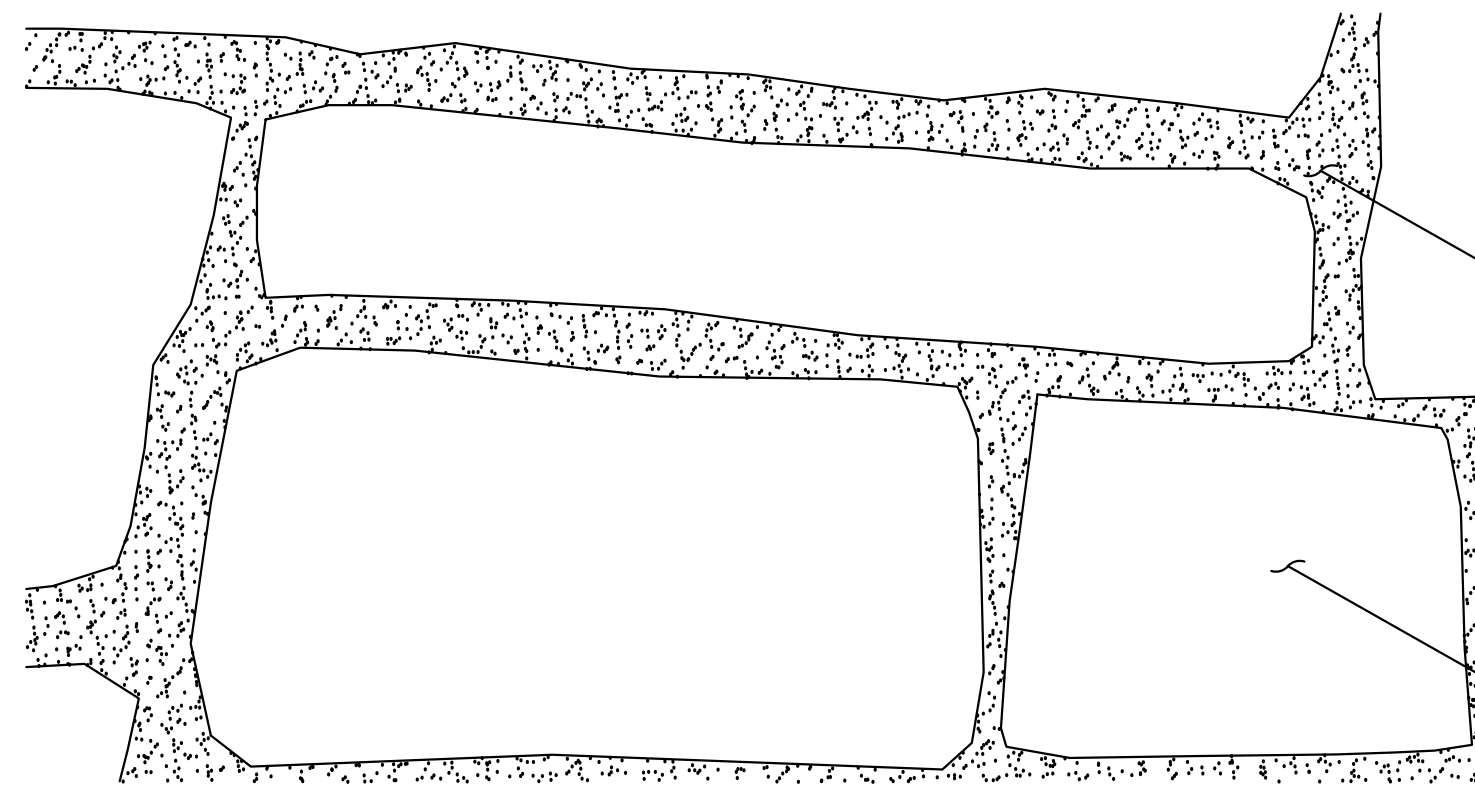


EXISTING STONE WALL CONDITIONS

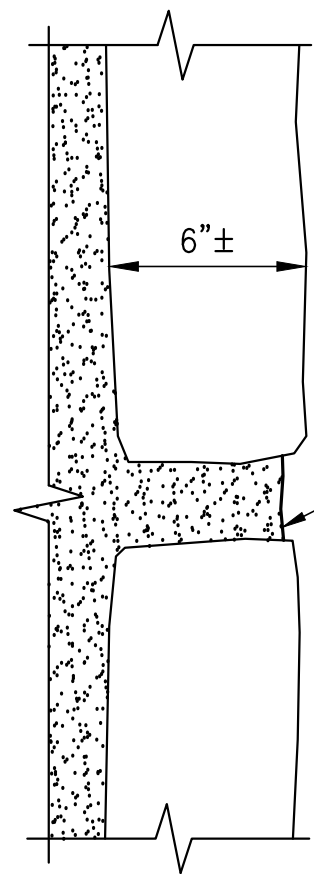
- FENCE AND CAP DETACHED AND IN NEED OF REPAIR
- TREES AND VEGETATION GROWING OUT OF WALL



1 REHABILITATE RETAINING WALL -- SECTION
NOT TO SCALE



3 STONE DETAIL
NOT TO SCALE



2 REPOINT STONE MASONRY JOINTS
NOT TO SCALE



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PROJECT NAME:
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**501 N 25TH AVE W
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DRAWING TITLE:
**WALL
DETAILS**

FILE: ..170032\600 Drawings\CI170032 S1.00.dwg
DRAWN BY: MAG
CHECKED BY: HSB
PROJ. NO: 170032
DRAWING NO:

\$1.00



**CITY OF DULUTH, LINCOLN PARK IMPROVEMENTS
DULUTH, SAINT LOUIS COUNTY, MINNESOTA
SHPO NUMBER: 2017-2457**

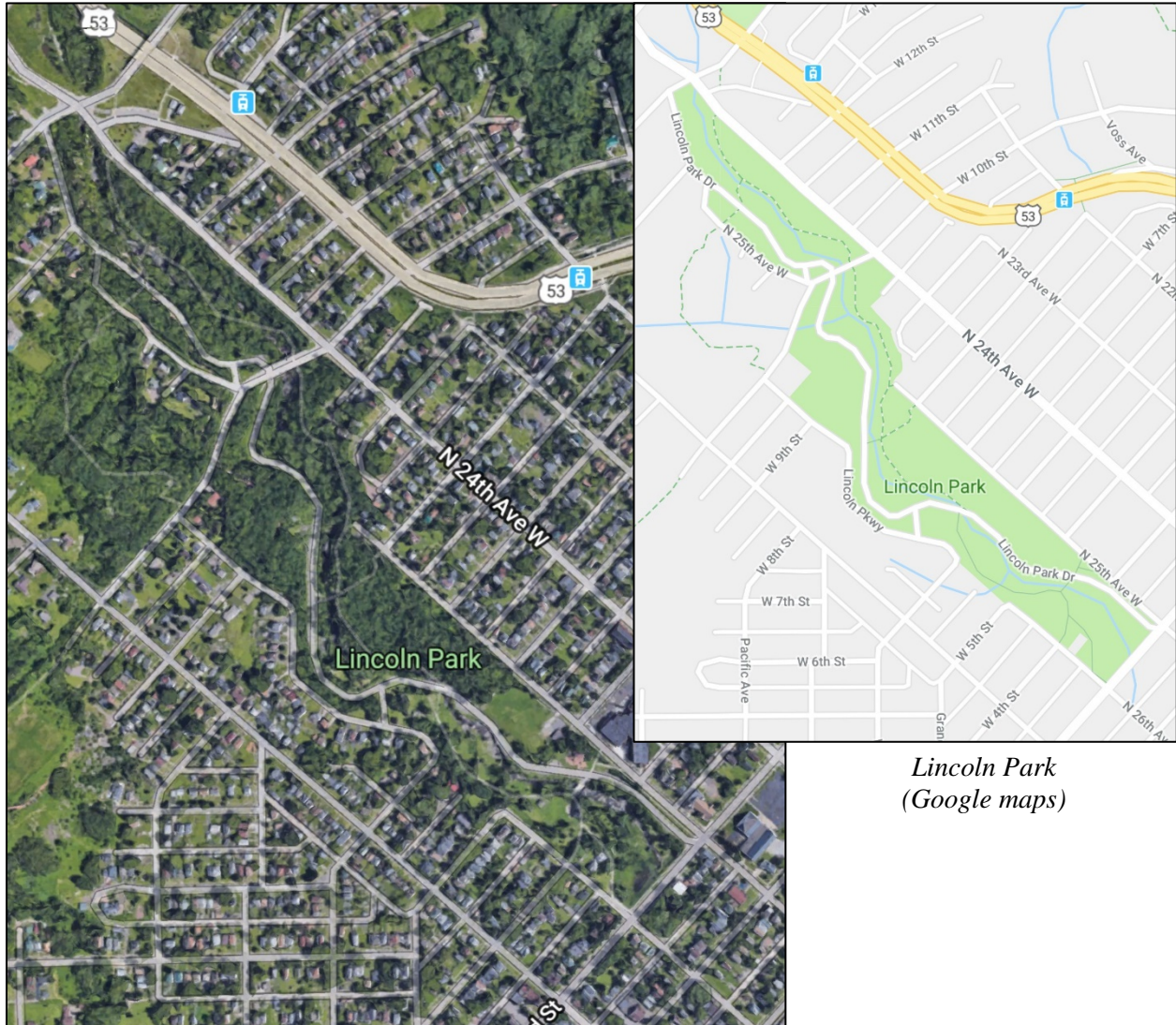
**ASSESSMENT OF PROPOSED DESIGN
USING GUIDELINES FOR THE
TREATMENT OF CULTURAL LANDSCAPES (1996)**

**PREPARED BY
CHARLENE ROISE, HISTORIAN/ARCHITECTURAL HISTORIAN
HESS, ROISE AND COMPANY
HISTORICAL CONSULTANTS**

FEBRUARY 2019

Spatial Organization and Land Patterns

The Lincoln Park is narrow and long, following Miller Creek as it cascades down a steep slope. The creek enters the park at West Skyline Parkway and runs in a southeasterly direction to the park's terminus at West 3rd Street. North 24th and 25th Avenues West edge most of the park's northeastern border. North 25th Avenue West also forms some of the park's southwestern border along with Lincoln Park Drive, West 10th Street, Lincoln Parkway, and North 26th Avenue West. Some private property is on the park side of these roads, and private property directly abuts the park in other locations.



*Lincoln Park
(Google maps)*

The northern two-thirds of the park is mostly wooded and has little development other than circulation features: Lincoln Park Drive, which meanders the length of the park near the creek, and footpaths running along the creek and connecting to the residential neighborhood surrounding the park. This part of the park is bisected by a substantial bridge at West 10th Street (Lincoln Park Bridge/Bridge L-8744), which carries traffic high above the park gorge.

The southeast end of the park between 3rd and 6th Streets has a more active character. This was the first part of the park to be established and by the time the park was formally dedicated in 1896, the park board had installed ponds, walkways and bridges, benches, and a small, wood-frame pavilion. The area continues to hold several facilities and has a more open character.¹ Between Third and Fourth Street, Lincoln Drive runs in a narrow corridor between Miller Creek and 25th Avenue. On the other side of the creek, northeast of 26th Avenue, a couple of private houses extend into the park's southern corner.



Detail of the southeast end of the park. (Google map)

¹ Nelson and Dierckins, *Duluth's Historic Parks*, 51-52; Duluth Board of Park Commissioners, *Duluth's Parks* (Duluth: n.p., 1911), n.p.

The Proposed Project and Its Effects

The proposed project affects only the southeast end of the park. Elements of the project affecting spatial organization and land patterns in this area include:

- Modifying the sports field terrace, removing masonry walls on its southwest and southeast edges, and regrading;
- Reconfiguring parking areas;
- Moving the playground area from east side of creek to a new site by the picnic shelter west of Miller Creek;
- Converting the 3rd Street entrance for pedestrian use only and establishing a new vehicular access from 25th Avenue;
- Ending vehicular use of a section of Lincoln Park Drive.

The effects of the project on land patterns is generally minor. There will be no physical effects on the northern two-thirds of the park. In the southeastern end, the most significant change will be the new entrance and changing Lincoln Park Drive's traditional function for through traffic. Repurposing the former road corridors for pedestrian use will somewhat minimize the adverse effect to the land patterns.

Topography is one of the most striking features of the park, which descends a steep slope, dropping from an elevation of about 1,000 feet to 650. “Elephant Rock” is a geographic landmark west of the creek near 6th Street.



The Proposed Project and Its Effects

The proposed project will have little effect on topography except for two areas:

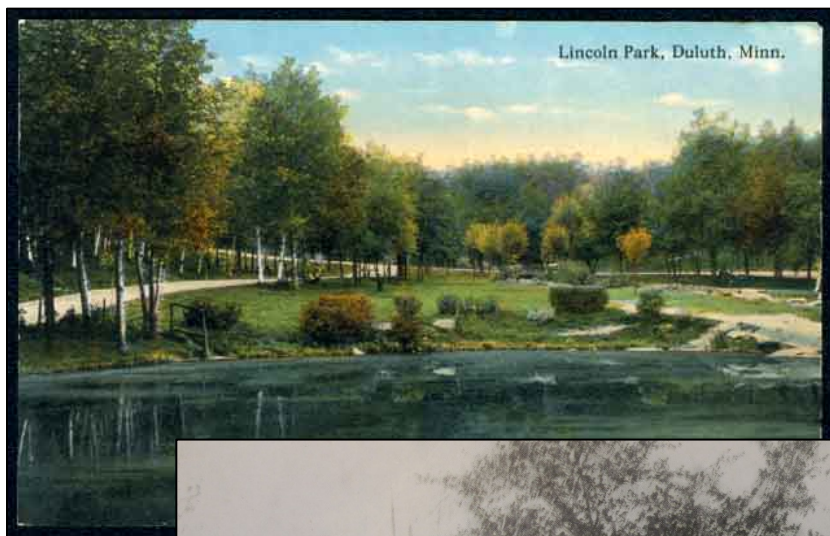
- The sports field terrace, created by the 1930s;
 - The northwestern section of the terrace will remain and continue to serve as sports fields, edged by an existing wall to the northwest. The southeastern and southwestern edges of the terrace will be softened by the removal of a stone wall and graded to facilitate the installation of an ADA trail (5% maximum slope). Stormwater runoff is addressed by a small depression for a biofiltration basin between the sports field, parking lot, and trail.
- The new park entry off of 25th Avenue.
 - A 130-foot-long CMU retaining wall will be installed along the south side of the new driveway stepping in height from 1 foot to 9 feet. Taller sections of the wall will be topped by a metal picket fence at least 5 feet in height. Unlike the stone wall edging the current driveway to 3rd Street, which parallels Miller Creek, the new wall will cut across the park transversely, introducing a change to the topography that could adversely affect the historic character of this area. Plantings along the top and bottom of the wall are intended to minimize the visual impact. Stormwater runoff is addressed by a small depression for a biofiltration basin adjacent to the new entry drive and parking lot.

As noted, the proposed design has endeavored to minimize the adverse effects of these changes.

Vegetation

In 1894, the park board planted two hundred trees in the park. The group continued energetic efforts to green the city in the following years, planting 5,000 trees throughout the city in 1896. Some of the improvements in the park, including the plantings, were occasionally damaged by the flooding of Miller Creek. The park board persevered, and the park was eventually well endowed with trees.

Trees dominate the landscape in the northern two-thirds of the park, which will be unaffected by the project. Trees also frame much of the southeastern end, but the landscape in this area is characterized by open, mowed lawns with scattered groupings of trees. While there is a surprising paucity of documentation of vegetation conditions over time, it supports the assumption that the character of the landscape today is similar to what it has been historically.



Left: Lincoln Park lake, circa 1914 (Minnesota Historical Society)

Below: Lincoln Park, 1911 (Duluth Park Board Annual Report)



The Proposed Project and Effects

- Old park plantings and native trees will be protected and preserved;
- Ornamental trees and a garden area will be installed at the 3rd Street entrance, now for pedestrians only;
- Overstory trees will be planted along the west side of the pedestrian path between 3rd Street and the parking lot and along the east side of the pedestrian path between the parking lots below the terrace. A no-mow seed mix will be along the path;
- To stabilize the modified slope adjacent to the terrace, the hillside will be planted with pollinator and native species, a mix of native forbs and shrubs ranging in height from 1 foot to 5 feet as well as tree species 10 feet tall. These plantings will extend south to the new entry drive;
- Biofiltration basins near parking lots will be seeded with native plants.

The proposed vegetation treatment conforms to modern ecological standards. Trees and grass historically lined Lincoln Park Drive, as is documented in the 1914 photograph, so that treatment is appropriate. In recent years, the terrace slope/walls have been vegetated and the proposed plantings will recall that condition.

Circulation

When the Board of Park Commissioners was established in 1888, Lincoln Park was one of its first priorities. Lincoln Park Drive was conceived as the western terminus of Terrace Parkway (now Skyline Parkway) by the 1890s, and initial improvements to the road along Miller's Creek were completed in 1891.²

Circulation in the park is primarily for two types of travel, by roadway or on foot. Lincoln Park Drive is designed for motorized vehicles but is also used by bicycles. Bicycles can easily traverse some paths in the lower section of the park, but the paths in the upper two-thirds are mostly used by pedestrians.

In addition to circulation through the park, there is also an alternative to pass over the park via the bridge at West 10th Street. This bridge offers a visual connection to the park but avoids direct contact. In the park, the bridge is a visual barrier but is functionally permeable for vehicles, pedestrians, and the creek.

The Proposed Project and Effects

- Eliminating the Lincoln Park Drive entrance on West 3rd Street;
 - The existing paving will be removed and the corridor will be repurposed as a bituminous-paved pedestrian trail. The width of this circulation feature will be reduced from over 20 feet to 8 feet. The experience of entering the park from 3rd Street will be changed by the visual impact of the new entry on 25th Avenue, which will be edged by a retaining wall that will be topped by a metal picket fence at least 5 feet in height. Plantings along the top and bottom of the wall are intended to minimize the visual impact.
- Creating a new entrance on North 25th Avenue West aligned with North 4th Street;
 - This will require removal of concrete sidewalks and a concrete stair in the area where the new entrance will be installed. A longer stairway, running diagonally to 25th Avenue near the terrace, will be retained. The new driveway will terminate in an expanded parking area.
- Eliminating Lincoln Park Drive between two existing parking areas;
- Modifying three parking areas;
 - All bollards and surface materials will be removed; neither are historic.
 - The proposed northern parking area off Lincoln Park Drive upgrades an existing parking area.
 - The proposed southern parking area off Lincoln Park Drive expands on an existing parking area, partially utilizing the former site of a non-historic playground. A speed table will be at this lot entrance. Salvaged stone will edge the parking areas helping to reinforce the park's rustic character.
 - The proposed parking area on the northeastern side of the recreational field terrace. This lot, in a practical location on 25th Avenue, will be expanded and will include handicap spaces.
- Removing two sets of concrete stairs connecting the park to 26th Avenue;

² Nancy Nelson and Tony Dierckins, *Duluth's Historic Parks: Their First 160 Years* (Duluth: Zenith City Press, 2017), 51.

- The stairs will be replaced in-kind and have simple two-pipe railings.
- Modifying trails to meet ADA requirements.
 - Improving ADA is an important goal of the project.

The most profound effect on circulation will be changing Lincoln Park Drive's function. A visitor entering the park by car will have a very different entry experience from the historic. Instead of coming down a tree-lined corridor that opens into a more expansive view of the park's open area, the new entry drive will be edged by a CMU retaining wall and fence and lead directly into a parking lot. Time will tell if effects of the road's closure to through traffic will be limited to the southeast section of the park or have ramifications for the northern section as well.

The modified and new pedestrian paths generally conform to existing circulation patterns on the southwest side of the creek. On the northeast side, paths relate to changes at the terrace and new entrance.

Water Features

Miller Creek is the park's spine. The waterway is temperamental, periodically escaping its banks and reworking its course. The banks of the creek in the park's southeast section have been addressed by a FEMA-funded project after devastation from a flood in 2012. The current project does not propose any work affecting water features.

The park has had other water features over time, most notably a small pond early on, which in the winter served as the city's first public skating rink in 1896. Today, though, Miller Creek is the park's only significant water feature.

The Proposed Project and Its Effects

There are no effects to water features anticipated by the proposed project.

Structures, Furnishings and Objects

The park includes two vehicular bridges:

- Lincoln Park Bridge (Bridge L-8744) (SL-DUL-2334, SL-DUL-2767): Also known as the West 10th Street Bridge, this property is National Register-eligible and retains good integrity. Damage from a flood in 2012 was repaired in 2015.
- Bridge L8476 (SL-DUL-3101): This structure was replaced by Bridge 69679 in 2011–2012.

There are also several pedestrian bridges in the park. Most are of relatively recent construction but are compatible with the historic character of the park.

The Lincoln Park Pavilion (SL-DUL-3100) is National Register-eligible and retains good integrity. It has been designated a city landmark by the Duluth Heritage Preservation Commission. Fire-damage and outdated facilities have resulted in the closure of the restrooms in the pavilion, the only restrooms in the park.

North of the pavilion is a modern, open, wood-frame picnic shelter on a concrete pad. The structure is hexagonal in plan. The design has no relation to the historic character of the park. The structure is small and open, though, which minimizes the effect of this noncontributing feature.

West of the creek is a playground with modern equipment. The park has historically had a playground. The location of the earlier playgrounds is not known. The current location next to Lincoln Park Drive raises problematic safety issues and separates it from related recreational facilities (picnic shelter, pavilion).

The Proposed Project and Its Effects

- Rehabilitating the historic pavilion, which has been damaged by fire, and include ADA restrooms;
 - The roof materials will be replaced in-kind and following the existing design. To access the restrooms, original openings that have been filled in will be reopened and widened to meet ADA requirements. Fixtures and other materials will be removed from the current restrooms, these spaces reconfigured to meet ADA requirements, and new fixtures will be installed. The wood ceiling will be retained, replaced in-kind or patched as needed, and repainted. The doorways from the restrooms into the central interior space will be widened to meet ADA requirements. An existing opening in a wall in this space will be filled in with CMU. New hollow-metal doors and frames will be installed in existing openings to access the center room from the exterior.
- Moving playground area from east side of creek to site by picnic shelter;
 - The location and general arrangement of the new playground is provided in the 60% plans. The park received the city's first official playground in 1908 and it has a history of providing this amenity, in one form or another. While the location seems appropriate, further details are needed to evaluate the effect of this installation.

- Rehabilitating northwest and northeast terrace wall;
 - The project will remove the deteriorating concrete cap and fence. Vegetation will be removed from the wall. The masonry will be repointed and a new concrete cap and 8-foot-tall chain-link fence will be installed.
- Installing new signage;
 - Non-historic signage will be removed. New signage conforms to park department standards.
- Installing benches;
 - The selected “Boardwalk” design features wood-plank seating and back. This material and design is modern, but compatible with the park’s historic character.
- A new wood footbridge with a wood plank rail will be incorporated into a trail west of the creek;
- Electrical systems will be replaced and new lighting fixtures installed.

Generally, the project’s effects on structures, furnishings, and objects do not appear to be adverse pending further details.

Accessibility Considerations

Accessibility of the park was not historically a concern and the facilities do not meet modern standards.

The Proposed Project and Its Effects

- Modifying paths and improving restrooms to meet ADA requirements is a reasonable goal and should be accommodated at the park.

Health and Safety Considerations

While the city has always been concerned about health and safety at the park, some features of the park raise issues.

The Proposed Project and Its Effects

- The renovated restrooms will meet modern standards;
- Moving the playground and eliminating part of Lincoln Park Drive will improve safety.

Environmental Considerations

This area was dedicated to park use because of its natural attractions. Values, standards, and practices towards the environment have evolved since the park was established in the late nineteenth century.

The Proposed Project and Its Effects

- A rock-lined swale will be installed along the edge of a path west of the creek to address stormwater;
 - The swale will help drainage in an area that has periodic groundwater issues. It is at the base of a slope along the edge of the park to minimize its visibility. Plantings in the swale will also reduce its visibility.
- Biofiltration basins will help manage groundwater that has historically been a problem at the park.

Energy Efficiency Considerations

This is not a significant issue at the park.

Technical Memorandum

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Project: 23692100.00
cc: Jeff Lee & Julie Kloss Molina, Barr Engineering Co.; Charlene Roise, Hess, Roise and Company

Barr Engineering Company completed a Phase I archaeological survey under contract with the City of Duluth pursuant to Section 106 of the National Historic Preservation Act in support of the Lincoln Park Improvements Project. The City of Duluth will invest \$1.6 million of funds into improvements at Lincoln Park. The funding is made up of corporate donations, two federal grants, state bonding dollars and other foundation funds. Funds include a National Park Services grant and also a Community Development Block Grant through Housing and Urban Development (HUD).

The purpose of the Phase I archaeological survey was to determine the presence or absence of archaeological deposits that could be considered eligible for listing on the National Register of Historic Places (NRHP). Hess, Roise, and Company of Minneapolis, Minnesota conducted an architectural survey in conjunction with the Phase I survey in order to identify NRHP eligible or listed historic properties located within the area of potential effect (APE).

Location

The area of potential effect (APE) is an approximately 20 acre area located in the NE ¼, SW1/4, SE1/4 of Section 32 of Township 50N, Range 14W. The APE encompasses Lincoln Park and a section of Lincoln Park Drive, a contributing element of the Skyline Historic District. The improvement parcel is dissected by Miller Creek and bordered on the northeast by 25th Ave W., on the east by 3rd St. W, on the southeast by 26th Ave. W., and on the west by Lincoln Parkway. Current land use within the APE is as a recreational public park administered by Duluth Parks and Recreation. A pavilion and gazebo are extant within the south to south east end of the APE and a disc golf course runs throughout the APE. In addition, the park hosts a playground in the north and a multi-use field in the northwest of the APE.

Background Research

Lincoln Park and Lincoln Park Drive are located within the Lincoln Park neighborhood of Duluth, Minnesota. This area falls within the Lake Superior (Region 9) archaeological resource region (Hudak 2002). The APE falls within the southern tip of the region, where fine sandy and clayey soils result from the glacial lake plain (Hudak 2002). Copper deposits are also found throughout this region. Late Holocene

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period vegetation in Region 9 was dominated by white pine with inclusions of birch and aspen (Hudak 2002). Seasonally available waterfowl and the large fish population in Lake Superior provided most sustenance during this period.

Recorded archaeological remains are particularly scarce in the Lake Superior Shore Region (Hudak 2002). Early Prehistoric period sites should be associated with Lake Duluth and Lake Minong beaches, but these beaches are submerged in Minnesota and the sites may be buried or destroyed (Hudak 2002). Archaic sites are generally associated with major waterways (Hudak 2002). The paucity of Woodland period ceramics and absence of mounds in Region 9 suggest Woodland settlement was most likely along inland lakes and waterways (Hudak 2002). The Assiniboiné and Cree probably controlled much of this region before being replaced by the Ojibwa in ca. 1700 (Hudak 2002). French explorer Daniel Greysolon Sieur du Luht, is credited with opening the Lake Superior region to the French fur trade. In 1679, it is recorded that du Luht met the Anishinaabe and Dakota at Fond du Lac, specifically 'Little Portage', which is the site of the present day aerial lift bridge (Norton 2001). Around 1817, the American Fur Trading Company established a post at present day Fond du Lac (Flaherty 2015).

Several treaties were entered into between the Anishinaabe and the United States government before the 1854 Treaty of La Pointe that affected the territories and mineral rights of the bands. Two of these treaties were signed at Fond du Lac, 1826 and 1847 (Flaherty 2015). The Treaty of La Pointe, signed by La Pointe band Chief Buffalo, ceded all of the Lake Superior Ojibwe lands to the United States in the Arrowhead Region of Northeastern Minnesota. Though Article Two of the 1854 Treaty required one hundred thousand acres of land in what is now downtown Duluth for the Fond du Lac band be kept from the sale, this land was quickly acquired illegally by the Euro-American population and Duluth began developing into the city as it is known today (Kappler 1904).

A file search at the Minnesota State Historic Preservation Office (SHPO) identified three known archaeological sites within one mile of the area: the J.C. Mullery Lumber wharf (21SL0820), the Jackson and Clark sawmill (21SL1230), and the Miller Creek scatter (21SL1231). All are associated with Euro-American industrial and urban centers. Three pre-contact sites exist within two miles of the project area: Lake Superior Vista 1, 2, and 3 (21SL1158, 21SL1159, and 21SL1160, respectively). The file search discovered numerous historical surveys of the area have occurred over the years which identified six considered eligible historic properties and two unevaluated historical properties within T50N R14W Section 32 (see Table 1).

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Table 1. SHPO Archaeological and Historic Resources Database Results

Site Number	Site Name	NHRP Status	Skyline Historic District Contributing Element
21SL0820	J.C. Mullery Lumber Wharf	Unevaluated	No
21SL1230	Jackson and Clark Sawmill	Unevaluated	No
21SL1231	Miller Creek Scatter	Unevaluated	No
21SL1158	Lake Superior Vista 1	Unevaluated	No
21SL1159	Lake Superior Vista 2	Unevaluated	No
21SL1160	Lake Superior Vista 3	Unevaluated	No
SL-DUL-2463	3rd St. Bridge over Miller Creek/ Bridge #L-88552	Unevaluated	No
SL-DUL-3510	Miller Creek Tunnels	Unevaluated	No
SL-DUL-2306	Western Extension Segment or Rogers Parkway	Considered Eligible	No
SL-DUL-2666/3127	6th St. Bridge /Bridge #L-8476/#L6979	Considered Eligible	No
SL-DUL-2333	Lincoln Park Drive	Considered Eligible	Yes
SL-DUL-3100	Lincoln Park Pavilion	Considered Eligible	Yes
SL-DUL-2440	Garfield/Lincoln Park	Considered Eligible	Yes
SL-DUL-2334/2767	Lincoln Park 10 th St. Bridge/ Bridge #L-8477	Considered Eligible	Yes

Examination of the 1856 General Land Office plat maps provided by the Bureau of Land Management show the townships of Freemont to the northeast and Oneota to the southwest. Additionally, these two plats maps (T50N R14W and T49N R14W) display two trails running through Lincoln Park within the project area (MNGeo). One runs southeast to northwest on the west side of Miller Creek and intersects

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the project area corresponding with the present day pedestrian trail just below the motorized vehicle bridge crossing the creek. The other trail intersects the project area on its east side near present day 3rd St. W. and 25th Ave. W, running southeast to northeast. A review of the Trygg map for the area confirms the findings of the plat maps. These two trails feed into a longer trail which originates from further west of Miller Creek and extends northwest, eventually joining with Rice Lake Trail. Aerial photos of the Lincoln Park area from 1939, 1948, 1961, 1972, and 1981 were also analyzed and do not display any significant landscape changes (MN Landview).

While there are many sites of Native American significance located throughout and surrounding Duluth, local archival and library sources do not indicate any site specific to the Lincoln Park Improvement parcel, beyond cartographic evidence of the trails. Canoe travel was the primary method of transportation and present day Park Point, Rice Point, and the Canal Park-Lake Avenue area was the nucleus of Native American presence in the area (Flaherty 2015). An Ojibwe village was once present near what is now the intersection of Mesaba Ave. and Superior St., extending over to 5th St. W. (Flaherty 2015). Camps and burials also existed on Park Point, in addition to burial grounds along Rice Point's present day 366-382 Garfield Ave. addresses (Carey 1865; Duluth Minnesotan Saturday 1870).

More evidence of the undeniable Anishinaabe presence is found in portage routes and trails to the southwest in present day Jay Cooke State park. Michigan and Superior streets were once trails that led to the 'Point of Rocks' (14th Ave. W. and Superior St.). Before the area was filled in between Rice and Park Point for railroad construction, the area was swamp and in winter, locals would traverse over the frozen swamp versus over the Point of Rocks (Duluth News Tribune 1921). The Miller Creek area provided a routes from habitation sites to resources and traditional cultural places (MNGeo).

Lincoln Park as it is known today was created in 1889 as the as the west terminus of the Skyline Parkway system, with Chester Park as the east terminus, by the Duluth Park Board (Dierckins 2015). The construction and design process utilized the park's native materials and was officially dedicated in 1896 (Federal 2015). The park enhancements included the creation of Lincoln Park Drive, pedestrian sidewalks, bridges, benches, a pavilion, and an intentionally flooded acre for ice skating and pond use (Dierckins 2015; Federal 2015). Only a year later, Miller Creek experienced a major flood event, destroying recent improvements and toppling trees. In 1908, Lincoln Park became the site of Duluth's first official playground (Dierckins 2015). Though the playground only lasted one season at Lincoln Park, its success drove the Duluth Park Board's subsequent efforts in creating playground space throughout the city (Dierckins 2015).

Over the years numerous repairs have occurred by the Works Progress Association (WPA), the National Youth Association (NYA), and the Duluth Parks Department (Stark 2011). In 2012, a large flooding event occurred, requiring Federal Emergency Management Agency (FEMA) funds (Project #DR-4069-MN) to repair the banks of Miller Creek (Federal 2015).

Methods

Field work for this project was conducted under the guidelines of the *SHPO Manual for Archaeological Projects in Minnesota* (Anfinson 2005) and the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (National Park Service 1983). Work was conducted by a Secretary of the Interior Qualified Archaeologist (MN OSA License #18-092).

The Minnesota Office of the State Archaeologist standards for Phase I Reconnaissance surveys include visual inspection, surface walkover, and subsurface shovel testing. In the event that pre-field research revealed suspected buried human remains, non-invasive techniques such as ground penetrating radar (GPR) would be employed.

The survey conducted systematic pedestrian reconnaissance of the entirety of the project area in addition to subsurface testing. Subsurface testing consisted of shovel testing in high probability areas and in discretionary locations based on past disturbance by original construction or restoration of Lincoln Park. All soil was screened through a ¼-inch mesh hardware. Tests were at least 30 centimeters (cm) in diameter and excavated at least 10 cm into a sterile soil deposit. Non-diagnostic artifacts identified during the survey were noted, photographed, and replaced in the test pit prior to backfilling. Artifacts that were recovered from fill deposits were also noted, photographed, and replaced in the test pit prior to backfilling. Soil profiles were recorded and photographed.

Field Work Results

Due to the past 130 years of public use, maintenance, and destructive flood events, Lincoln Park has experienced a high level of disturbance. Taking into account the history of recreational use and recent FEMA repairs at Lincoln Park, pedestrian reconnaissance plotted discretionary shovel test pits based on features of interest such as the presence of older growth trees, naturally terraced overlooks, degree of slope, and apparent areas of disturbance. The focus of subsurface testing was to attempt to identify if surface scatter or midden-type archaeological deposits are present that may provide information about the past use of the landscape by pre-contact or historic social systems. The locations of the shovel tests are shown on the survey map attached.

Test 1 (ST-1) was placed along the northwestern tip of the APE on a naturally terraced and wooded area overlooking Miller Creek. The soil profile consisted of approximately 13cm of a dark reddish brown (5YR3/2) sandy clay loam, overlying a dark reddish brown sandy clay (5YR3/4) with little to no coarse material. The test was excavated to a depth of 64 cm below the surface (Figure 1). Thick clay impeded further progress. Modern cultural materials observed consisted of clear glass body, neck and rim shards, amber colored glass shards (some stippled), two plastic cigarette mouthpieces, a corroded bottle cap, and an unidentified small metal pin (Figure 2).

Test 2 (ST-2) was placed within the northwest of the multi-use field located southeast of ST-1 (see attached map). The soil profile consisted of 50 cm of varying degrees of dark reddish brown (5YR3/2; 5YR3/4) sandy clay loam to wet clay (Figure 3). The test was excavated to a depth of 50 cm below the surface before water saturation prevented further excavation. No items were recovered from the excavation prior to backfilling.

Test 3 (ST-3) was placed on the south side of the cabin (Figure 4). The soil profile consisted of one layer, 0-5 cm dark reddish brown sandy clay loam (5YR3/2). The test was impeded quickly by bedrock. A small piece of white plastic resembling a soap dispenser pump was recovered from just below the surface. The item was photographed and returned to the excavation prior to backfilling (Figure 5).

Test 4 (ST-4) was placed approximately 30 m southwest of ST-3 following the contour of the land (Figure 6). The soil profile consisted of two layers:

1. 0-20 cm dark reddish brown sandy clay loam (5YR3/2);
2. 20-84 cm dark reddish brown sandy clay (5YR3/4).

The test was impeded at 84 cm by rock. Non-diagnostic clear, amber, and aqua glass shards were recovered from between 0-20 cm below the surface. The items were photographed and returned to the excavation prior to backfilling (Figure 7).

Test 5 (ST-5) was placed in southwest of ST-4 upon 'Elephant Rock' (Figure 8). The soil profile consisted of approximately 13cm of a dark reddish brown (5YR3/3) sandy clay loam, overlying a dark reddish brown sandy clay (5YR3/4), leading to hard clay which impeded further testing at 38 cm. Modern glass was identified between 0-15 cm along with a corroded bottle cap. The items were photographed and returned to the excavation prior to backfilling (Figure 9).

Test 6 (ST-6) was placed approximately 200 m southeast of ST-5 within the northwest of the open field near the pavilion and gazebo (Figure 10). The soil profile consisted of the following two layers:

1. 0-23 cm dark reddish brown sandy clay loam (5YR3/2);
2. 23-73 cm dark reddish brown sandy clay (5YR3/4).

The test was impeded at 73 cm by the thickness and 'refusal' of the clay. Artifacts recovered during excavation consisted of modern debris and include a white plastic button, a small metal key, and two clear glass shards (Figure 12). The items were photographed and returned to the excavation prior to backfilling (Figure 11).

Test 7 (ST-7) was placed upon an ait, or small island, within Miller Creek, that can be accessed on the north and south by pedestrian bridges when water levels are higher (Figure 12). The soil profile consisted of three layers:

1. 0-15 cm dark reddish brown sandy clay loam (5YR3/2);
2. 15-31 cm dark black/reddish brown sandy clay (5YR2.5/2);

3. 31-76 cm dark reddish brown sandy clay (5YR3/4).

The test was impeded at 76 cm by a large root. One small clear glass fragment, three amber glass shards, and two aluminum can pull tabs were recovered from between 0-30 cm (Figure 13). The items were photographed and returned to the excavation prior to backfilling.

Test 8 (ST-8) was placed northwest of ST-7, on the opposite side of the southern creek channel (Figure 14). The soil profile was consistently a dark reddish brown sandy clay loam (5YR2.5/2) throughout the excavation. The excavation was quickly impeded at 19 cm due to a very established root structure. The test was negative for cultural materials.

Test 9 (ST-9) was placed southeast of ST-8 on the current flood plain bench (Figure 15). The soil profile consisted of two layers, 0-31 cm dark reddish brown medium granular sand (5YR3/3) and 31-56 cm very coarse sandy structure with a small pocket of clay (5YR2.5/2). The test was excavated to a depth of 56 cm below the surface. Seven fragments of clear glass, four shards of amber glass, one white pottery sherd, a purple plastic fragment, and a bone fragment, likely of the rodentia order, were recovered between 0-30 cm. The items were photographed and returned to the excavation prior to backfilling (Figure 16).

Test 10 (ST-10) was placed approximately 50m southeast of ST-9 within the present flood plain bench and a stand of older growth cedar trees. The soil profile consisted of approximately 25 cm of a dark reddish brown (5YR3/2) sandy clay loam with medium granular structures, overlying a dark reddish brown sandy clay (5YR2.5/2) with very coarse material. The test was excavated to a depth of 41 cm below the surface (Figure 17). Only one small modern cultural material was observed: a shard of amber glass (Figure 18). The item was photographed and returned to the excavation prior to backfilling.

Test 11 (ST-11) was placed approximately 30m southwest of ST-10 within a small open terrace south of the current pedestrian trail (Figure 19). The soil profile did not display a substantial change in color and was consistently a dark reddish brown (5YR3/2) throughout. A sandy clay loam texture overlaid a coarse, pebbly layer. The excavation was impeded at 39 cm due to the increasing coarseness of the materials. Materials recovered from ST-11 included a large pink plastic cap or button, a shard of red, texturized glass, two shards of amber glass, a fragment of silver plastic, and an aluminum Pepsi can fragment (Figure 20). The items were photographed and returned to the excavation prior to backfilling.

Test 12 (ST-12) was placed southeast of ST-11, downslope from the pavilion (Figure 21) and near the area previously graded during the FEMA DR-4069-MN repairs. The soil profile consisted of a single dark reddish brown (5YR2.5/2) color. The texture from 0-15 cm was a sandy clay loam, changing to a clay mixed with large coarse materials. The test was excavated to a depth of 31 cm. Further progress was impeded by bedrock and the refusal of the thick clay. Seven fragments of an amber glass beer bottle were recovered from the test. The items were photographed and returned to the excavation prior to backfilling (Figure 16).

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Summary

A total of twelve test pits were excavated within the APE. Artifacts included various glass shards, plastics, modern debris, and one bone fragment. Fill deposits exists throughout the parcel and several flooding events have caused sudden upheavals to soils and vegetation. Artifacts recovered are suggestive of fill and modern use associated with construction phases and recreational activities. No dense artifact deposits were encountered and no surface features indicating the presence of buried deposits were observed. Due to the long disturbance history by both natural and anthropogenic forces, the described improvement activities for the project are unlikely to discover archaeological artifacts or features within their original contexts. As such, it appears that archaeological deposits that could contribute to the significance or NRHP eligibility of the Lincoln Park Improvement parcel are not present within the APE. In addition, no cultural materials indicating a pre-contact or contact period habitation within the APE were encountered. No further archaeological investigations are recommended.

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MNGeo General Land Office (GLO) Historic Plat Map Retrieval System

Minnesota Office of the State Archaeologist (OSA) Portal

Minnesota State Historic Preservation Office (SHPO) Statewide Inventory Database

National Park Service

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 11

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- 2015 A ULI Advisory Services Panel Report for Duluth, Minnesota: Strategic Advice for Lincoln Park and the Miller Creek Watershed, September 13-18, 2015.



Figure 1. View of ST-1



Figure 2. View of artifacts from ST-1



Figure 3. View of ST-2



Figure 4. View of ST-3

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 14



Figure 5. View of artifacts from ST-3



Figure 6. View of ST-4



Figure 7. View of artifacts from ST-4



Figure 8. View of ST-5

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 16



Figure 9. View of artifacts from ST-5



Figure 10. View of ST-6

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 17



Figure 11. View of artifacts from ST-6



Figure 12. View of ST-7

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 18

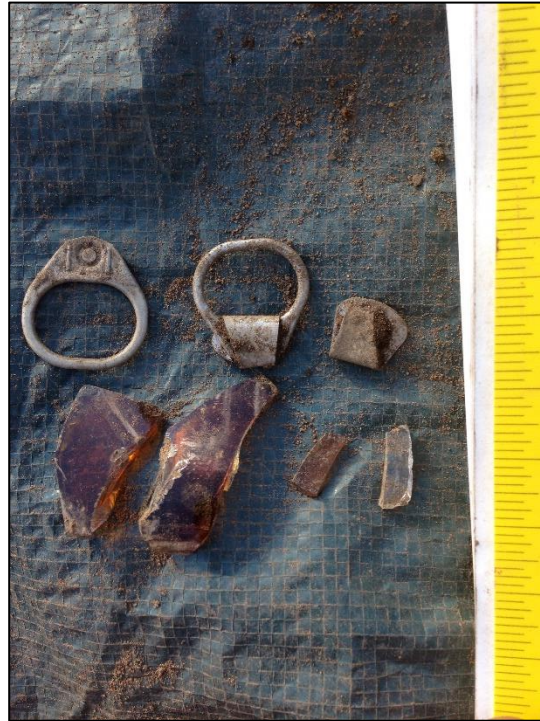


Figure 13. View of artifacts from ST-7



Figure 14. View of ST-8



Figure 15. View of ST-9



Figure 16. View of artifacts from ST-9



Figure 17. View of ST-10

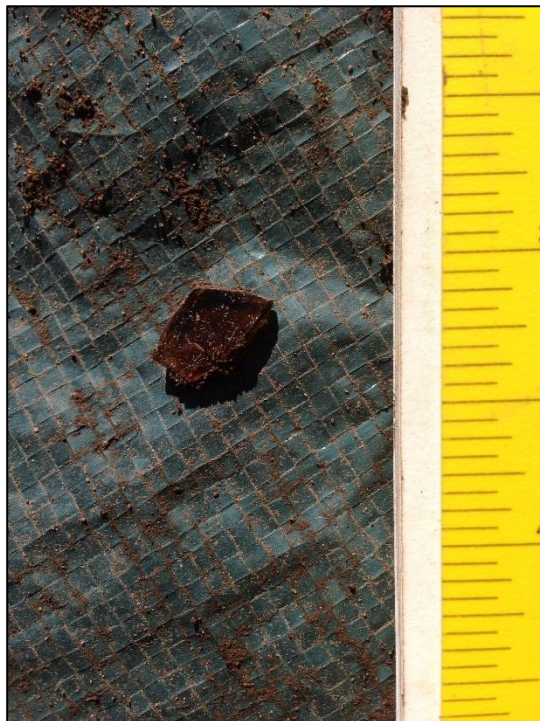


Figure 18. View of artifact from ST-10

To: Lisa Luukkala, Senior Parks Planner, City of Duluth Parks and Recreation Department
From: Kailin Hatlestad, Barr Engineering Co.
Subject: Lincoln Park Improvements Phase I Archaeological Survey, 3rd St. W between 25th and 26th Ave. W., Duluth, St. Louis County, Minnesota
Date: November 13, 2018
Page: 21



Figure 19. View of ST-11



Figure 20. View of artifacts from ST-11



Figure 21. View of ST-12



Figure 22. View of artifacts from ST-12

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:15 PM
To: 'Bkomardley@outlook.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Komardley.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

City of Duluth
Community Planning Division
City Hall, Room 110
411 W 1st St
Duluth, MN



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Duluth, Minnesota 55802
218-730-5580 / planning@duluthmn.gov

March 6, 2019

Bob Komardley, Chairman
Apache Tribe of Oklahoma
Bkomardley@outlook.com

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Bob,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The Community Planning Division will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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218-730-5580 / planning@duluthmn.gov

consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:09 PM
To: 'd.youpee@fortpecktribes.net'
Cc: 'fazure@fortpecktribes.net'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Youpee.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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Community Planning Division
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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Dyan Youpee, THPO
Fort Peck Assiniboine & Sioux Tribes
d.youpee@fortpecktribes.net

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Dyan,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:10 PM
To: 'THPO@badriver-nsn.gov'
Cc: 'hrmanager@badriver-nsn.gov'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Leoso.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

City of Duluth
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Duluth, MN



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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Edith Leoso, THPO
Bad River Band of Lake Superior Tribe of Chippewa
THPO@badriver-nsn.gov

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Edith,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The Community Planning Division will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

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HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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218-730-5580 / planning@duluthmn.gov

consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:10 PM
To: 'blatady@boisforte-nsn.gov'
Cc: 'cchavers@boisforte-nsn.gov'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Latady.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Bill Latady, THPO
Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe
blatady@boisforte-nsn.gov

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Bill,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:11 PM
To: 'mbear@c-a-tribes.org'
Cc: 'mdemery@c-a-tribes.org'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Bear.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

City of Duluth
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City Hall, Room 110
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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Max Bear, THPO
Cheyenne and Arapaho Tribes, Oklahoma
mbear@c-a-tribes.org

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Max,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:11 PM
To: 'JillHoppe@FDLREZ.COM'
Cc: 'miyahdanielson@fdlrez.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Hoppe.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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City Hall, Room 110
411 W 1st St
Duluth, MN



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City Hall – 411 W 1st Street – Room 110
Duluth, Minnesota 55802
218-730-5580 / planning@duluthmn.gov

March 6, 2019

Jill Hoppe, THPO
Fond du Lac Band of Lake Superior Chippewa
JillHoppe@FDLREZ.COM

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Jill,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:12 PM
To: 'mblackwolf@ftbelknap.org'
Cc: 'andy.werk@ftbelknap.org'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Black Wolf.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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March 6, 2019

Michael Black Wolf, THPO
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
mblackwolf@ftbelknap.org

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Michael,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The Community Planning Division will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:12 PM
To: 'maryanng@grandportage.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Gagnon.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

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Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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March 6, 2019

Mary Ann Gagnon, THPO
Grand Portage Band of the Minnesota Chippewa Tribe
maryanng@grandportage.com

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Mary Ann,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:12 PM
To: 'gloonsfoot@kbic-nsn.gov'
Cc: 'tcchris@kbic-nsn.gov'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Loonsfoot.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Gary Loonsfoot, Jr., THPO
Keweenaw Bay Indian Community
gloonsfoot@kbic-nsn.gov

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Gary,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:13 PM
To: 'ldfthpo@ldftribe.com'
Cc: 'Jwildcatsr@ldftribe.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Young.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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March 6, 2019

Melinda Young, THPO

Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin

ldfthpo@ldftribe.com

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Melinda,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you



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please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:13 PM
To: 'daisy.mcgeshick@lvdtribal.com'
Cc: 'jim.williams@lvdtribal.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_McGeshick.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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218-730-5580 / planning@duluthmn.gov

March 6, 2019

Daisy McGeshick, THPO
Lac Vieux Desert Band of Lake Superior Chippewa Indians
daisy.mcgeshick@lvdtribal.com

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Daisy,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:14 PM
To: 'dgrignon@mitw.org'
Cc: 'gbesaw@mitw.org'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Grignon.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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March 6, 2019

David Grignon, THPO
Menominee Indian Tribe of Wisconsin
dgrignon@mitw.org

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear David,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

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If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:14 PM
To: 'natalie.weyaus@millelacsband.com'
Cc: 'melanie.benjamin@millelacsband.com'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Weyaus.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

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Duluth, Minnesota 55802
218-730-5580 / planning@duluthmn.gov

March 6, 2019

Natalie Weyaus, THPO
Mille Lacs Band of the Minnesota Chippewa Tribe
natalie.weyaus@millelacsband.com

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Natalie,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

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Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:15 PM
To: 'thpo@uppersiouxcommunity-nsn.gov'
Cc: 'kevinj@uppersiouxcommunity-nsn.gov'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Pazi.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

Kathy Wilson
Planner II
Pronouns: she/her
(218) 730-5305
kwilson@duluthmn.gov

City of Duluth
Community Planning Division
City Hall, Room 110
411 W 1st St
Duluth, MN



PLANNING & ECONOMIC DEVELOPMENT

Community Planning Division
City Hall – 411 W 1st Street – Room 110
Duluth, Minnesota 55802
218-730-5580 / planning@duluthmn.gov

March 6, 2019

Sharon Pazi, THPO
Upper Sioux Community, Minnesota
thpo@uppersiouxcommunity-nsn.gov

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Sharon,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The Community Planning Division will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

Public Facilities Improvements in Lincoln Park 501 N 25th Ave W, Duluth, MN 55806

Project Description:

In an email dated June 30, 2017 the City of Duluth provided information regarding a Public Facilities project using CDBG funds to construct ADA accessible paved paths in Lincoln Park. Since that time the City of Duluth has also been awarded National Parks Service funds and has significantly expanded the scope of the project. At this time the City is sending information about the updated Lincoln Park Improvements project and asking again if you would like to consult, considering the revised scope of the project. The park is located at 501 N 25th Ave W in Duluth, MN (Township 50N, Section 32, Range 14W). The site has been a city park since 1896. Please see the attached project information, cultural landscape assessment, and Phase I archaeological study.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the



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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

Kathy Wilson

From: Kathy Wilson
Sent: Wednesday, March 06, 2019 4:15 PM
To: 'cayla.olson@whiteearth-nsn.gov'
Cc: 'terrance.tibbetts@whiteearth-nsn.gov'
Subject: Section 106 Lincoln Park Duluth, MN
Attachments: LincolnPark_THPOLetter_2019_Olson.pdf

Please see the attached letter regarding an improvements project to Lincoln Park in Duluth, MN. The attachments are too large to send via our email system, so you will receive an additional email shortly from the City's file sharing service called "ZendTo" which will include a link for you to download the file.

Please let me know if you have any trouble accessing the attachments, if you have any questions, or if you wish to consult on this project.

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March 6, 2019

Cayla Olson, THPO
White Earth Band of the Minnesota Chippewa Tribe
cayla.olson@whiteearth-nsn.gov

Re: Public Facilities Improvements in Lincoln Park in Duluth, MN

Dear Cayla,

The City of Duluth Community Planning Division is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the Community Planning Division has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

The Community Planning Division will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

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consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Adam Fulton
Manager, Community Planning Division
(218) 730-5580
afulton@duluthmn.gov

**MEMORANDUM OF AGREEMENT
AMONG
THE NATIONAL PARK SERVICE,
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
AND THE CITY OF DULUTH
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

WHEREAS, the National Park Service (NPS) administers the Outdoor Recreation Legacy Partnership (ORLP) Program of the Land and Water Conservation Fund (LWCF); and

WHEREAS, under the authority of the LWCF Act (Public Law 88-578, as amended, now codified at 54 U.S.C. §2003) the NPS may make ORLP grants available to States as the grantee, and through States to local jurisdictions as subgrantees; and

WHEREAS, 54 U.S.C. §200305(f)(3) of the LWCF Act requires the Governor of each State to delegate a state agency to accept and administer LWCF funds; and

WHEREAS, Governor Tim Walz has delegated the NPS grantee responsibility to the Minnesota Department of Natural Resources (MnDNR); and

WHEREAS, in 2018, the NPS awarded LWCF grant number 27-01416 to the City of Duluth (City), a subgrantee, for the Lincoln Park Improvements Project; and

WHEREAS, 54 U.S.C. §200305(f)(3) of the LWCF Act protects parks that have received funding through the LWCF program from conversion to other than outdoor recreation use without approval from the Secretary of the Interior, which approval shall be given only when the standards of 54 U.S.C. §200305(f)(3) and its regulations (36 CFR Part 59) are met; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) may also fund the Project through a Community Development Block Grant, and HUD has designated NPS to be the lead federal agency for the Project for compliance with Section 106 pursuant to 36 CFR 800.2(a)(2); and

WHEREAS, the Project includes rehabilitation of a fire-damaged park pavilion, alterations to park facilities and landscape features in order to improve ADA accessibility, increase public safety, and address groundwater and other ecological issues; and

WHEREAS, the NPS has determined the approval of federal ORLP grant assistance for the proposed Project is an undertaking as defined in 36 CFR 800.16(y), and therefore is subject to review under Section 106 of the National Historic Preservation Act of 1966 as amended (54 U.S.C. § 306108); and

WHEREAS, the NPS, in consultation with the MnDNR and the Minnesota State Historic Preservation Office (MnSHPO), has defined the Area of Potential Effect (APE) for indirect and

direct effects for the undertaking as shown on Attachment A; and

WHEREAS, the NPS, in consultation with the MnDNR and the MnSHPO, has identified the following historic properties in the APE that have been determined eligible for listing in the National Register of Historic Places (NRHP): Skyline Parkway Historic District (district eligible for listing in the NRHP includes contributing properties: Lincoln Park, Lincoln Park Bridge, Lincoln Park Drive, Lincoln Park Pavilion), Lincoln Park (individually eligible for listing in the NRHP), and Zion Lutheran Church; and

WHEREAS, the NPS, in consultation with the MnDNR and the MnSHPO, has reviewed the “Lincoln Park Improvement Project Updated and Assessment of Effects” (June, 2021), which was based on the “Lincoln Park Site Improvements” (6/14/2019), the Lincoln Park Pavilion architectural drawings (6/7/2021), and the draft schematic plans for Lincoln Park Drive (6/29/2021), and has found that certain aspects of the Project, as described in the said documentation, have been designed and are consistent with the Secretary of the Interior’s *Standards for the Treatment of Historic Properties* which will avoid and minimize adverse effects to character-defining features of: the Skyline Parkway Historic District and Lincoln Park; and

WHEREAS, the NPS, in consultation with the MnDNR and the MnSHPO, has found that the Project will have no adverse effect on the Zion Lutheran Church; and

WHEREAS, the NPS, in consultation with the MnDNR, the MnSHPO, and consulting parties, has found that the removal of Lincoln Park Wall Nos. 1 and 3 as part of the Project will result in an adverse effect to the Skyline Parkway Historic District and Lincoln Park; and

WHEREAS, the NPS, in consultation with the MnDNR, the MnSHPO, and consulting parties, has found that there is no practicable alternative that will avoid the adverse effect to historic properties and has developed this Memorandum of Agreement (MOA) to resolve the adverse effects; and

WHEREAS, requirements for public involvement were completed pursuant to 36 CFR 800.2(d) including presentations at public meetings, posting on the City’s website, and review by the Duluth Heritage Preservation Commission, which has issued a Certificate of Appropriateness for the rehabilitation of the Lincoln Park Pavilion, a locally designated landmark, and has expressed support for the Project as a whole; and

WHEREAS, federally recognized Native American tribes have been invited to consult on the undertaking, as summarized in Attachment B, and the Fond du Lac Band of Lake Superior Chippewa has requested to participate in consultation; and

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa, the Duluth Heritage Preservation Commission, Scott A. Marek, and Equilibrium 3 have been invited to participate in the consultation and have been invited to sign this MOA as Concurring Parties; and

WHEREAS, the MnDNR has responsibilities under this MOA and is an Invited Signatory to this MOA; and

WHEREAS, the City has responsibilities under this MOA and is an Invited Signatory to this MOA; and

WHEREAS, the NPS initially notified the Advisory Council on Historic Preservation (ACHP) of the Project in 2019 and provided documentation related to the proposed Project and the ACHP declined to participate at that time; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the NPS reinitiated Section 106 for the proposed Project and has notified the ACHP of the adverse effect determination and has provided the documentation specified in 36 CFR 800.11(e), and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the Signatories, Invited Signatories, and Concurring Parties, are all considered Consulting Parties pursuant to 36 CFR 800.2(c) and their roles are described herein are consistent with those described in 36 CFR 800.6(c)(1), (2), and (3) respectively;

WHEREAS, the City shall implement the Project and shall complete the stipulations of this MOA, the NPS, with assistance from the MnDNR, shall be responsible for ensuring that implementation of the Project meets the terms of this MOA; and

NOW, THEREFORE, the NPS and SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to resolve the adverse effects of the Project on historic properties.

STIPULATIONS

The NPS, with the assistance of the MnDNR, is responsible for ensuring the following measures are carried out:

I. MITIGATION MEASURES

A. Public Interpretation: Interpretive Plan

- i. The City shall prepare and implement a plan for incorporating an appropriate level of public interpretation of the history and significance of Lincoln Park and Skyline Parkway (Interpretive Plan). The Interpretive Plan shall be informed by the National Association for Interpretation's Standards and Practices for Interpretive Planning. The team preparing the content and location of the Interpretive Plan shall include a qualified historian and/or architectural historian who meets the Secretary of the Interior's (SOI's) *Professional Qualification Standards* (48 FR §§ 44738-44739) for history and/or architectural history.

- a. Within six (6) months of the execution of this MOA, the City shall prepare a draft Interpretive Plan including themes for interpretation, planned modes for delivering the interpretation, and draft text and graphics for each mode. Modes may include, but not be limited to webpages, interpretive signage, walking tours, and integration of interpretive elements into the Project. In order to avoid additional adverse effects to historic properties, any installation of new signage or other interpretive

elements proposed as part of the Interpretive Plan must be designed in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* and associated *Guidelines for the Treatment of Cultural Landscapes*.

- b. Prior to issuance of a draft Interpretive Plan, the City shall invite the Consulting Parties to a consultation meeting to provide an overview of the proposed Interpretive Plan and receive input.
- c. The City shall submit the draft Interpretive Plan to the NPS and the MnDNR for coordination of review. Following approval of the draft Interpretive Plan by the MnDNR, the MnDNR shall distribute the draft Plan to the Consulting Parties for a thirty (30) calendar day review and comment period.
- d. Following receipt of, and in response to, comments from the Consulting Parties, the City may revise the draft Interpretive Plan. If the City chooses not to incorporate a recommended modification made in writing by the Consulting Parties, then the City and the MnDNR shall provide a written explanation to the Consulting Parties and consult, as appropriate, to seek resolution.
- e. The City shall submit the final Interpretive Plan to the MnDNR for coordination of final review with the MnSHPO. Following review of the final Interpretive Plan by the MnSHPO, the MnDNR shall distribute to all Consulting Parties for review and comment. The MnSHPO may disagree with the Interpretive Plan in writing to the MnDNR. Upon receiving such comments, the MnDNR and the City shall consult with the MnSHPO and other Consulting Parties, as appropriate, to seek resolution in accordance with Stipulation III of this MOA.
- f. Upon final approval by the MnDNR, the City shall distribute the final Interpretive Plan to all Consulting Parties.
- g. Within two (2) years after approval of the final Interpretive Plan, the City shall complete its implementation of the Interpretive Plan.

B. Historic Property Documentation: Minnesota Historic-Property Record

- i. Prior to commencement of any Project-related construction activity, the City shall complete Level I Documentation of Lincoln Park for the Minnesota Historic Property Record (Level I MHPR) according to the provisions outlined below. All documentation shall be completed by a historian and/or architectural historian who meets the SOI's *Professional Qualification Standards* (48 FR §§ 44738-44739) for history and/or architectural history.
 - a. Recordation will be completed in accordance with the "Minnesota Historic

Property Record Guidelines (updated June 2009)” Level I Documentation standards.

- b. The City shall provide the MnSHPO with a draft version of the Level I MHPR for review and comment. The MnSHPO shall have thirty (30) calendar days to review the Level I MHPR. The City will take the comments of the MnSHPO into account in developing the final Level I MHPR.
- c. The City shall provide a final archival copy and a digital (PDF) copy of the Level I MHPR to the MnSHPO. The City shall provide a high-quality digital (PDF) copy of the Level I MHPR to the NPS, the MnDNR, the Duluth Heritage Preservation Commission, the Duluth Collection at the Duluth Public Library, and the Northeastern Minnesota Historical Collections at the Kathryn A. Martin Library, University of Minnesota-Duluth. Submission of these final Level I MHPR sets will constitute fulfillment of this stipulation.

C. National Register of Historic Places Nomination

- i. Within two (2) years following execution of this MOA, the City, in consultation with the Consulting Parties, shall prepare a National Register of Historic Places Nomination Form (NRHP Nomination) for Lincoln Park.
- ii. The City shall have a qualified consultant prepare the NRHP Nomination in conformance with the National Park Service’s Bulletin 16A *How to Complete the National Register Registration Form*. The NRHP Nomination shall be prepared by a historian and/or architectural historian who meets the SOI’s *Professional Qualification Standards* (48 FR §§ 44738-44739) for history and/or architectural history, and who has successfully completed previous NRHP nominations.
- iii. The City shall submit the first draft NRHP Nomination, and any subsequent drafts, to the MnSHPO for formal review and comment. The MnSHPO shall have sixty (60) calendar days to provide written comments on the initial draft NRHP Nomination. Any subsequent drafts of the NRHP Nomination, up to and including the final NRHP Nomination, shall incorporate any written comments and recommendations provided by the MnSHPO. As needed, review of multiple drafts may be required, and the MnSHPO shall have thirty (30) calendar days to provide comments on each subsequent version after the initial draft NRHP Nomination review.
- iv. The actual nomination of Lincoln Park to the NRHP will be at the discretion of the MnSHPO and will follow the established procedures of the National Park Service (36 CFR § 60). The intent of this stipulation shall be met following the MnSHPO notification to the City that the NRHP Nomination for Lincoln Park is sufficient and has been forwarded to the State Review Board for formal consideration.

208

209 **II. PROJECT DESIGN REVIEW**

210 A. The Project plans (drawings, specifications, special provisions, appendices, etc.)
211 including plans for temporary construction -related work, shall effectively meet the
212 Project purpose and be designed consistent with the SOI's *Standards for the Treatment of*
213 *Historic Properties* (36 CFR Part 68) and associated SOI's *Guidelines for the*
214 *Rehabilitation of Historic Buildings and Cultural Landscapes* (SOI Standards and
215 Guidelines) in an effort to avoid and minimize additional adverse effects to historic
216 properties.

217 B. The City shall prepare updated 90% Project plans in accordance with the SOI Standards
218 and Guidelines and submit them to the NPS and the MnDNR agency review and for
219 coordination of review by parties to this MOA.
220

221 D. If the NPS and the MnDNR find that the 90% Project plans will not expand the APE and
222 have been developed consistent with the SOI Standards and Guidelines in order to avoid
223 additional adverse effects to historic properties within the APE, the NPS shall issue this
224 finding, along with an appropriate level of documentation including the 90% Project
225 plans, to the Consulting Parties for a thirty (30) day review and comment period. If there
226 are no objections to the NPS finding of the 90% Project plans' consistency with the SOI
227 Standards and Guidelines and corresponding finding of effect, then the City shall finalize
228 the Project plans accordingly. If there are written objections to the NPS finding of the
229 90% Project plans consistency with the SOI Standards and Guidelines and corresponding
230 finding of effect, then the NPS and the MnDNR will continue consultation with the
231 objecting party(ies) pursuant to Stipulation III of this MOA.
232

233 E. If the NPS and the MnDNR find that the Project plan modifications will result in
234 additional adverse effects to historic properties, the NPS and the MnDNR shall first
235 consult with the Consulting Parties in accordance with 36 CFR 800.6 to seek ways to
236 avoid and/or minimize the adverse effect. The Consulting Parties shall have thirty (30)
237 days to review and provide comments on this effect finding. If it is determined that the
238 adverse effect cannot be avoided, the NPS and the MnDNR will consult with the
239 Consulting Parties, and the public, as appropriate, to develop a Mitigation Plan
240 (Mitigation Plan) for the adverse effect, taking into account the character and significance
241 of the historic property and the nature and scale of the adverse effect. Any newly
242 identified consulting parties under this stipulation will be invited to sign this MOA as
243 concurring parties pursuant to Stipulation IV.
244

245 i. The Mitigation Plan shall be developed within forty-five (45) calendar days of
246 any adverse effect finding made under this stipulation. The NPS and the MnDNR
247 shall provide a copy of the draft Mitigation Plan to the Consulting Parties who
248 shall have thirty (30) calendar days to provide comments on the Mitigation Plan
249 prior to the initiation of Project construction, or fifteen (15) calendar days to
250 provide comments on any Mitigation Plan prepared during Project construction.

251 a. If the Consulting Parties do not provide comments during the review

periods specified in Subparagraph E(i) of this Stipulation, the NPS and the MnDNR shall consider it final, and the City will move forward with the Mitigation Plan as provided.

b. The NPS and the MnDNR shall take into account any comments provided by the Consulting Parties during the review period specified in Subparagraph E(i) of this Stipulation in the development of a final mitigation plan. The Mitigation Plan will be final upon acceptance by the MnSHPO and written notice by the NPS and the MnDNR. The NPS and the MnDNR shall provide copies of all final Mitigation Plans to the Consulting Parties.

c. Upon completion of consultation under this stipulation, the City shall ensure that the terms and conditions of the final Mitigation Plan are fully implemented.

III. TRIBAL MONITORING

- A. The City shall develop a tribal monitoring plan in consultation with the Fond du Lac Band of Lake Superior Chippewa (Fond du Lac) Tribal Historic Preservation Officer (THPO) to provide for tribal monitors to be present on site during activities associated with the Project's construction that may have the potential to inadvertently affect cultural resources or human remains. The City and the Fond du Lac THPO shall develop a budget of monitor-related expenses, and the City shall contract with Fond du Lac to perform the agreed upon work.
- B. The City shall submit the tribal monitoring plan to the NPS for review and confirmation with the Fond du Lac THPO.
- C. Following consultation with the Fond du Lac THPO, the NPS shall notify the City that the tribal monitoring plan is appropriate or outline necessary revisions. A copy of the final tribal monitoring plan will be provided to the Fond du Lac THPO for their records.
- D. The City may not begin any Project construction until the tribal monitoring plan has been approved by the NPS and Fond du Lac.

IV. INADVERTENT DISCOVERIES

- A. If previously unidentified historic properties (including archaeological sites) or unanticipated effects to historic properties (including exceptionally significant finds) are discovered during Project activities and reported to the City, the City shall immediately halt all Project activities within a one hundred (100) foot radius of the discovery, notify the NPS and the MnDNR of the discovery, and implement interim measures to protect the discovery from looting and vandalism.
- B. Immediately upon receipt of the notification required under Stipulation IV.A above, the City, and the MnDNR, will inspect the construction site to determine the extent of the

discovery and ensure that construction activities have halted, clearly mark the area of discovery, and implement additional measures, as appropriate, to protect the discovery from looting and vandalism, and notify the MnSHPO and the Fond du Lac THPO.

- C. The MnDNR, in consultation with the MnSHPO and the Fond du Lac THPO, will design a plan for avoiding, minimizing, or mitigating any further adverse effects prior to resuming Project activities in the area of the discovery, if the discovery is determined to be a historic property.

Treatment of Human Remains: If an inadvertent discovery contains human remains, the City will immediately halt Project construction work in the area of discovery, will ensure protection of the area of discovery, and will immediately notify local law enforcement and the Office of the State Archaeologist (OSA), the lead state agency for authentication of burial sites on non-federal lands. In accordance with Minn. Stat. § 307.08, the OSA has the final authority in determining if the remains are human and to ensure appropriate procedures are carried out in accordance with the statutes. Avoidance and preservation in place is the preferred option for the treatment of human remains. In accordance with Minn. Stat. § 307.08, subd. 3a, the OSA is required to coordinate with the Minnesota Indian Affairs Council (MIAC) if the remains or associated burial items are thought to be American Indian. The City and MnDNR shall work with the OSA and MIAC to develop and implement a reburial plan if that is the approach preferred as determined in accordance with Minn. Stat. § 307.08.

V. DISPUTE RESOLUTION

- A. Should any Consulting Party to this MOA object to or be unable to complete the execution of any provisions of this MOA, the NPS and the MnDNR shall take the objection into account and consult as needed with the objecting party to resolve the objection.
- B. If the NPS determines that the objection cannot be resolved, the NPS shall request the further comments of the ACHP pursuant to 36 CFR 800.7.
- C. Any ACHP comment provided in response to such a request will be taken into account by the NPS in accordance with 36 CFR 800.7(c)(4) with reference only to the subject of the dispute; the responsibility of the Consulting Parties to carry out all actions under this MOA that are not the subjects of the dispute will remain unchanged.

VI. DURATION, AMENDMENTS, AND TERMINATION

- A. This MOA will automatically terminate if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the NPS may consult with the MnDNR, the MnSHPO, and the City to amend it in accordance with Subparagraph VI.B below.
- B. This MOA may be amended when such an amendment is agreed to in writing by all Signatories and Invited Signatories. The amendment will be effective on the date a copy

signed by all of the Signatories and Invited Signatories is filed with the ACHP.

C. If any Signatory or Invited Signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories and Invited Signatories to attempt to develop an amendment per Subparagraph B above. If within sixty (60) calendar days an amendment cannot be reached, any Signatory or Invited Signatory may terminate the MOA upon written notification to the other Consulting Parties.

D. Once the MOA is terminated, and prior to work continuing on the undertaking, the NPS must either (a) execute an MOA pursuant to 36 CFR 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. The NPS shall notify the parties to this MOA as to the course of action they will pursue.

VII. IMPLEMENTATION

A. This MOA may be implemented in counterparts, with a separate page for each Consulting Party. This MOA shall become effective on the date of the final signature by the Signatories and Invited Signatories. The NPS and the MnDNR shall ensure each party is provided with a complete copy of the final, executed MOA, updates to appendices, and any amendments. The NPS and the MnDNR shall ensure that the final MOA, updates to appendices, and any amendments are filed with the ACHP.

B. Execution of this MOA by the NPS and SHPO and implementation of its terms is evidence that the NPS has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

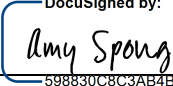
NATIONAL PARK SERVICE

By:  DocuSigned by:
FD0684143A38407... Date July 8, 2022
Roger Knowlton, Program Manager Recreation Grant Programs
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

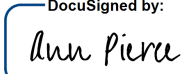
MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By:  Date June 10, 2022
598830C8C3AB4B9...
Amy Spong, Deputy State Historic Preservation Officer
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

INVITED SIGNATORY

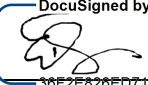
MINNESOTA DEPARTMENT OF NATURAL RESOURCES

By:  DocuSigned by: Ann Pierce Date June 23, 2022
12BD5D13EB344BA..
Ann Pierce, Director, Parks and Trails Division
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

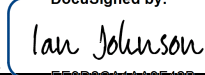
INVITED SIGNATORY

CITY OF DULUTH

By  DocuSigned by:
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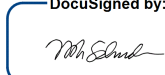
Date June 16, 2022

Mayor

Attest  DocuSigned by:
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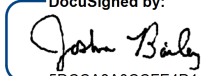
Date June 16, 2022

City Clerk

By Chief Administrative Officer  DocuSigned by:
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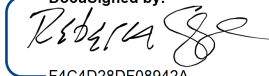
June 17, 2022

Countersigned:

City Auditor  DocuSigned by:
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June 16, 2022

Approved as to form:

City Attorney  DocuSigned by:
F4C4D28DF08942A...

June 17, 2022

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

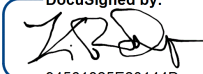
CONCURRING

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

By:  DocuSigned by:
BB8C21A8E0E848E Date July 7, 2022
Evan J. Schroder, Tribal Historic Preservation Office
Authorized Representative

 DocuSigned by:
53BD8B8A5F4A4DB...
Sec. Treasurer

July 8, 2022

 DocuSigned by:
94561825E20144D...
Chairman

July 8, 2022

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

DULUTH HERITAGE PRESERVATION COMMISSION

By: DocuSigned by: Ken Buehler Date July 7, 2022
D97944852601481...
Ken Buehler, Heritage Preservation Commissioner
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL LPARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

ECOLIBRIUM 3

By: _____ Date _____
Jodi Slick, Executive Director
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

By: _____ Date _____
Scott Marek
Consulting Party

**ATTACHMENT B: FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES
INVITED TO CONSULT ON THE UNDERTAKING**

1. Apache Tribe of Oklahoma
2. Fort Peck Assiniboine and Sioux Tribes
3. Bad River Band of Lake Superior Tribe of Chippewa
4. Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe
5. Cheyenne and Arapaho Tribes, Oklahoma
6. Fond du Lac Band of Lake Superior Chippewa
7. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
8. Grand Portage Band of the Minnesota Chippewa Tribe
9. Keweenaw Bay Indian Community
10. Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
11. Lac Vieux Desert Band of the Lake Superior Chippewa Indians
12. Menominee Indian Tribe of Wisconsin
13. Mille Lacs Band of the Minnesota Chippewa Tribe
14. Upper Sioux Community, Minnesota
15. White Earth Band of the Minnesota Chippewa Tribe
16. Fond du Lac Band of Lake Superior Chippewa

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

✓ None of the above

Screen Summary**Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation**Are formal compliance steps or mitigation required?**

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

Screen Summary**Compliance Determination**

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[Aquifer.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifer Regional Coordinator

Ground Water Branch, US EPA Region 5

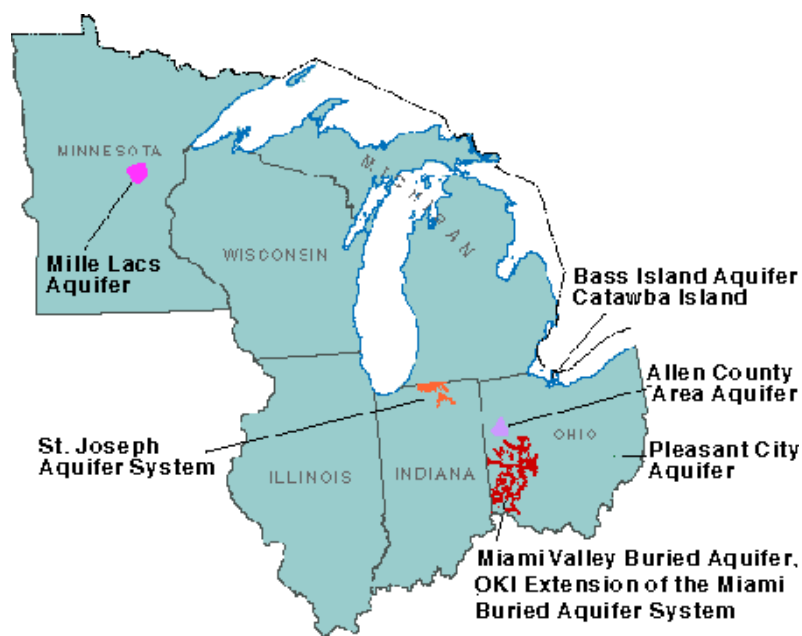
Thomas Poy
77 W Jackson Blvd
Chicago, IL 60604

(312)886-5991

email:poy.thomas@epa.gov

DESIGNATED SOLE SOURCE AQUIFERS IN REGION V:

State	Sole Source Aquifer Name	Federal Register Cit.
IN	St. Joseph Aquifer System	53 FR 23682
MN	Mille Lacs Aquifer	55 FR 43407
OH	Pleasant City Aquifer	52 FR 32342
OH	Bass Island Aq., Catawba Island	52 FR 37009
OH	Miami Valley Buried Aquifer	53 FR 15876
OH	OKI extension of the Miami Buried Valley Aquifer	53 FR 25670
OH	Allan County Area Combined Aquifer System	57 FR 53111



Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

Screen Summary**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990.

Supporting documentation

[LincolnPark_Wetlands.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No



U.S. Fish and Wildlife Service

National Wetlands Inventory

Lincoln Park



U.S. Fish and Wildlife Service, National Standards and Support Team,
wetlands_team@fws.gov

May 23, 2017

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary**Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[MN_WildScenicRivers.pdf](#)

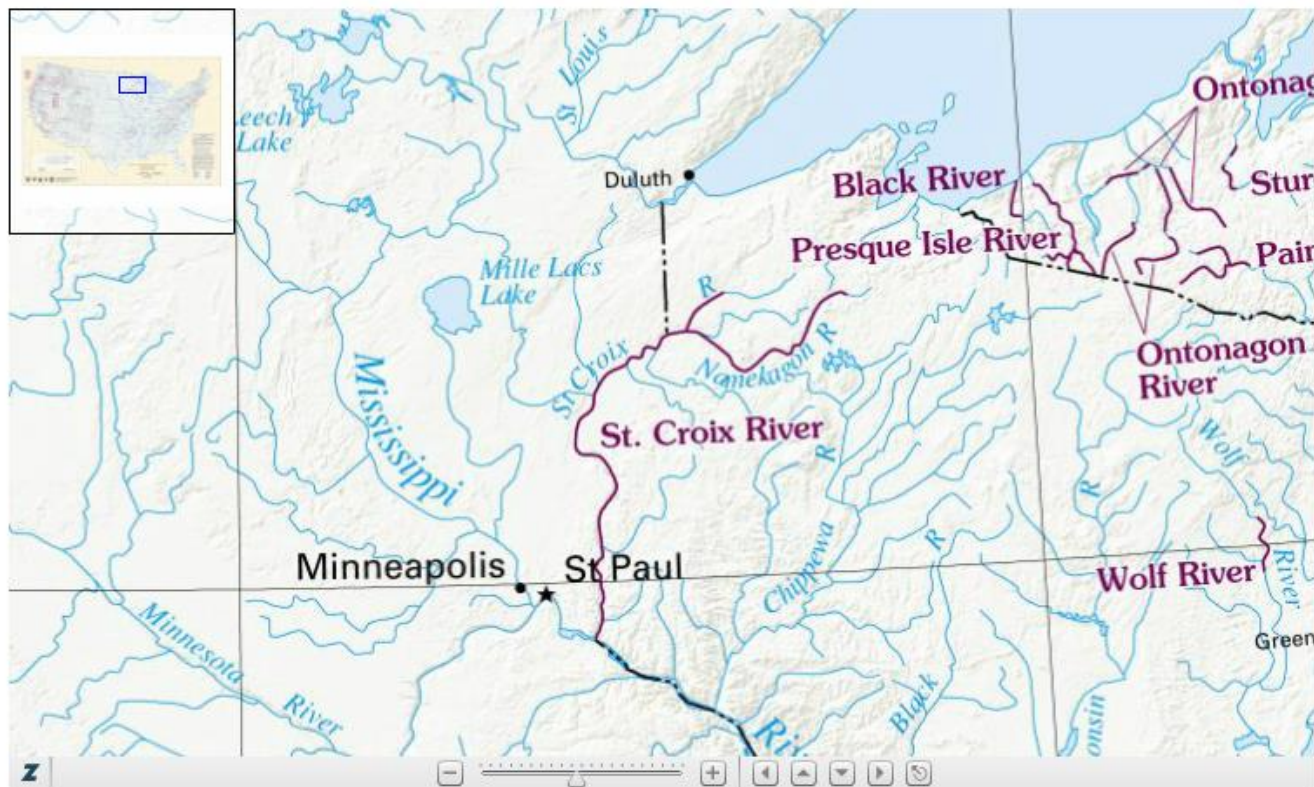
Are formal compliance steps or mitigation required?

Yes

✓ No



NATIONAL WILD AND SCENIC RIVERS SYSTEM

[HOME](#)[NATIONAL SYSTEM](#)[MANAGEMENT](#)[RESOURCES](#)[PUBLICATIONS](#)[CONTACT US](#)[KID'S SITE](#)

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary**Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No