

Hartley Pond and Tischer Creek Feasibility Study
Public Comments Received Between November 1, 2023 - April 24, 2024

Date of Submission	Comment
11/19/2023	<p>My wife and I enter Hartley Park on a daily basis, and our activities range from ice skating or on a few occasions canoeing on the pond, to walking, jogging, biking, skiing and snowshoeing near the pond. I often snowshoe and ski on the pond, and see lots of other folks skating, skiing, snowshoeing or just playing on the pond. There is something aesthetically pleasing about a stretch of open water, and reflections of sky and surrounding vegetation. Removing the pond will eliminate this visual resource. I honestly think the recreational value of these Hartley Pond activities that many engage in outweighs DNR's desire to promote brook trout habitat. I have never in my 50 years of traveling the park seen a person fishing for brookies either upstream or downstream of the pond. But I have seen lots of folks fishing from the shore or the dock, at the pond. If DNR seeks to promote fishing, it would appear that doing nothing is a viable option, even if there is no population of brookies in the pond. In this era of climate change, the creek has become almost intermittent. Last May, June and July in a more and more frequent example, an extended drought brought creek flow very near zero, and unable to maintain a viable brook trout population. Please think about more than trout, and consider recreational users that are always drawn to the pond, just to look, or to otherwise interact with the pond.</p>
11/19/2023	<p>Harley Pond is an asset to the park & city. Dam failure is not a valid argument. The design of the emergency overflow protects the dam. It just needs to be maintained by the city (periodic removal of trees & shrubs in overflow). Review the plans in the City Engineers office - designed by Bill Bennet of LHB Engineers.</p>
11/20/2023	<p>Just wanted you to know where I stand on the Hartley Pond issue. I'm with you and the DNR on removing the pond to restore Tischer Creek, or some alternative plan that might preserve the pond and reroute the creek.</p> <p>I would certainly miss the pond -- on early morning walks, letting Nellie go for a cool-down swim during a hike or run, standing on the dam and watching a squadron of Canada geese on final approach on a September evening, seeing a pair of nesting swans far down the lake in spring. I have spent quite a few early-winter nights skiing on the frozen pond in repeated circles when the trails weren't quite ready yet. I love seeing a gaggle of pre-teens casting from the little dock, even though I know they're mostly catching chubs. They're having fun.</p> <p>I'm sure it won't be an easy sell convincing Hartley lovers that it's best to get rid of the pond or somehow find a work-around. It is a magnet within the park, a destination. Good luck as you move forward with that proposal.</p>
11/20/2023	<p>I cannot attend the Tuesday night meeting at Hartley regarding the dam, pond and Tischer Creek. There is a conflict in time with the Arrowhead Fly Fishers meeting -every third Tuesday of the month - and I need to be there to help lead the meeting.</p> <p>My support goes toward elimination of the dam, creating flood plains, and allowing the creek to naturally flow. So many dams were put in a hundred years ago - only to find they are a detriment to fish that depend on cool waters for their very breath and well-being, along with the areas that surround them.</p> <p>In addition, since it is considered an endangered dam, now is the time to take it out so that future heavy rains or floods don't put people, infrastructure and homes at risk. These so-called '100 year events' are happening on a more frequent basis due to climate change.</p> <p>Thank you for considering my opinion.</p>

11/19/2023	<p>I am writing to share my view on the situation at the Hartley Nature Center Pond. After reading the article about the options for change there, I am in favor of connecting the cool water that flows above and below the pond to allow improved conditions for the designated trout stream. I'm one who has had her dog swim in the pond over the years, so I would miss that, but it is more important to improve water conditions for an already threatened species.</p> <p>Thank you for considering my view.</p>
11/21/2023	<p>I have been a resident of West Anoka Steet in Duluth for over thirty years. I believe Hartley Park and Hartley Pond are an incredibly valuable recreational resource for our community. It is essential to preserve Hartley Pond for recreational use by PEOPLE (meaning children of all ages). The Pond has been neglected, but it can certainly be dredged, reshaped and resized as needed for the benefit of wildlife as well as people. Money is always a factor, but it should not control the decision on the use of this crucial resource. I want to paddle a canoe on Hartley Pond to watch the waterfowl and not get my paddle stuck in the mud!</p>
11/23/2023	<p>I am writing in support of removing the dam at Hartley to increase the health of Tischer Creek for trout habitat. The study shows clearly a dam in poor and hazardous condition, a pond in declining quality and, most importantly, the ways in which a man-made dam has impaired trout habitat and populations. Numbers don't lie. Higher water temperatures above the pond mean less trout. Maintaining the health of an urban stream is a challenge. Taking out a man-made dam to improve trout habitat is a clear solution. We encroach every day on the wildlife of our unique city. Taking out the dam rights a wrong of such encroachment over 100 years ago.</p>
3/8/2024	<p>See attached Arrowhead Fly Fishers Letter (page 3)</p>
3/25/2024	<p>See attached Hartley Nature Center Position Statement (pages 4-6)</p>



March 7, 2024

TO: Kate Kubiak, Nat. Res. Coordinator, 411 W 1st St. Duluth, MN 55802
John Lindgren, MN DNR, 5351 North Shore Drive, Duluth, MN 55804

RE: Proposal for Tischer Creek/Hartley Dam removal and Trout Restoration

The Arrowhead Fly Fishers (AFF), an affiliate chapter of Fly Fishers International (FFI), is writing to express support for a proposal to restore Tischer Creek to natural channel flow in Hartley Park. The designated trout stream is negatively impacted by the pond formed by the Hartley dam structure. The dam and pond are aged and deteriorating, leading to sediment accumulation and pose a risk of failure. Additionally, the pond and dam elevate the temperature of the creek and restrict movement of fish and aquatic species, adversely affecting access to seasonal habitat for naturally reproducing brook trout.

Tischer Creek watershed is supported by various cold-water springs that help maintain water temperatures throughout the summer which are amenable to the growth and survival of brook trout. The overgrown pond has lost its appeal for recreational activities and no longer offers viable fishing opportunities.

The proposed project will enhance Tischer Creek by removing the dam, thereby reducing water temperatures and restoring approximately 1700 feet of stream connectivity and acres of degraded habitat on public property. Smaller off-channel ponds will be constructed for uses such as teaching tools for natural habitats in separate smaller frog/duck ponds away from the natural channel reconstruction. The proposed project also promises storm flood protection for a 100-year event and downstream flow, equivalent to the existing dam.

The funding opportunity to get this project done exists now and may not last. The restored reach will be accessible to the public, will help to sustain a cold-water fishery, and enhance the local environment for citizens young and old of Duluth to enjoy into the future. This project would protect downstream areas and complement the recent similar and excellent Chester Bowl dam removal project. Do not lose the moment.

The mission of FFI through its various chapters such as AFF is to protect and care for rivers and streams so our children can experience the joy of all fishes including wild and native brook trout. We recognize the challenges our native brook trout face and we hope that restoration efforts such as this will provide improved habitat to help these fish thrive in their native environment.

Sincerely,

Claudia Berguson (President AFF)
cberguson@gmail.com

Peder Yurista (Conservation & Education AFF)
woollybugger@charter.net

Hartley Nature Center Position Statement

Regarding Alternatives Identified During the Hartley Pond and Dam Feasibility Study by GEI Consultants, Inc

March 25, 2024

Summary:

Hartley Nature Center (HNC) fully supports pursuing Alternative 3: Dam Removal to restore the ecological and hydrologic functioning of Tischer Creek within the Hartley Natural Area. HNC supports, with qualifications, further consideration of Alternative 4: Open Bottom Culvert as an interim solution worth pursuing if Alternative 3 is not selected. HNC does not support Alternative 1: No Action or Alternative 2: Stream Route Around.

Justification:

Hartley Pond and the dam are within the area designated by the City of Duluth as the Hartley Natural Area. This natural area was designated as part of the Duluth Natural Areas Program (DNAP), a program developed to designate and permanently protect lands with environmental value as natural places. Criteria for natural area designation include plant and animal communities, habitat for special species, natural water features, important bird habitat areas, and geologic landforms. The Hartley Natural Area Management plan, developed as a required element of the DNAP, identifies negative ecological impacts related to the dam and the impoundment. Additionally, several agencies and planning efforts have identified negative ecological impacts from the dam and pond including the State of Minnesota Department of Natural Resources (MNDNR) in the Tischer Creek Management Plan, the South St. Louis Soil and Water Conservation District (SWCD) in their 2016/17 Tischer Creek Stream Assessment, and MPCA in the 2018 Draft Duluth Urban Area Watershed Restoration and Protection report. The South St. Louis SWCD also identified a need to conduct riparian restoration downstream of Hartley Pond. The Hartley Master Plan calls for the City to conduct a feasibility study to assess preservation of Hartley Pond and restoration of Tischer Creek.

A feasibility study was commissioned by the MNDNR and completed by GEI Consultants, Inc. (GEI) to evaluate specific future conditions intended to eliminate the negative impacts of warm water outflow from Hartley Pond and the migration and sediment barrier of Hartley Dam on the cold-water brook trout resources of Tischer Creek in Duluth, Minnesota. The feasibility study included consideration of changes in flood risk downstream of the dam at the request of the City of Duluth.

Alternatives evaluated include:

1. No action.
2. Stream route around (leaving the dam in place and continuing to use it for peak flow mitigation).

3. Dam removal.
4. Open-bottom culvert through the dam embankment.

HNC notes that in the current condition, the dam and pond are significant artificial barriers to fish passage and stream sediment transport. Continued presence of the dam and pond within Hartley Natural Area significantly limits the options available for ecological restoration of Tischer Creek and the adjacent riparian flood plain, wetlands, and forests. Additionally, HNC recognizes that cost assessments for dam repair and replacement, as well as required maintenance of the pond, for both flood mitigation and recreational and scenic values, are beyond the scope of the feasibility study. However, it is important to note that these costs are not insignificant, and it is unlikely that external funding sources will be readily available to help support the City when they arise over regular intervals in the future.

HNC supports full removal of the dam and pond with restoration of Tischer Creek in its natural stream channel. We believe that this alternative will protect the cold-water stream and native trout population while also meeting the intent of the Duluth Natural Area Program and the 2014 Hartley Park Master Plan. We also believe that this approach is the most cost-effective alternative over the long term. It eliminates future costs associated with dam repair and replacement, pond dredging and maintenance, and the potential for a catastrophic failure of a high hazard dam. To implement this alternative, without increasing flood risk to residents downstream, work outside of the Hartley Natural Area would be required. Projects in the watershed have been identified by partners that would reduce peak flows and downstream flood risk. Though the time needed to accomplish this work would be significant, HNC supports these ongoing efforts and recommends implementation of the watershed management strategies aimed at these mitigation efforts. Work by partners has identified other strategies throughout the watershed to reduce peak flows and downstream flood risk. HNC supports these ongoing efforts and recommends implementation of the watershed management strategies aimed at replacing undersized culverts, re-meandering ditched stream reaches, and restoring a more natural hydrology to Tischer Creek. These strategies will be critical to reduce peak flows that may pose flood risks during high flow events. Watershed-wide strategies of stream restoration and appropriate stormwater management mitigate peak flows without the negative environmental effects of the existing dam.

Specifically, HNC encourages the following:

1. Additional flood risk studies on properties below the dam to determine actual increased flood risk and potential damage to downstream properties, and
2. Further exploration of re-meandering ditch 14 above the dam to determine how to lessen flood risk downstream, and
3. Assessment and replacement of undersized culverts that create flood conditions by failing to pass a sufficient volume of water during high-flow events.
4. If other flood mitigation strategies don't achieve the desired results, the City could explore strategic acquisition of properties with the highest potential to store peak flows.

Because of the time and cost involved in restoring Tischer Creek's hydrology, HNC supports, with qualification, Alternative 4: Open Bottom Culvert as an interim strategy. This alternative provides critical and immediate mitigation of the negative ecological impact of heated water from the impoundment that creates lethal conditions for cold water dependent aquatic organisms including trout. This outcome is worth pursuing immediately. However, it does not remove the artificial conditions of the concrete spillway and earthen dike in the City's Natural Area and limits full ecological restoration of the stream. Implementing Alternative 4 as a strategy to mitigate flood risk until watershed management strategies can restore a more natural hydrology and mitigate peak flows is a reasonable interim step which will facilitate full dam removal in the future.

Recreation, Environmental Education, Aesthetics

Several recreational and educational activities occur on or near Hartley Pond, and the pond holds some aesthetic values. These activities, although already impacted by sedimentation and poor water quality, include bird watching, environmental education classes, fishing in a low quality fishery, canoeing/kayaking, swimming, ice skating, and dog-swimming. In the No Action (Alternative 1) and the Stream Route Around (Alternative 2) alternatives, pond-related recreation and aesthetics will continue to degrade as sedimentation shallows the pond. Additionally, Alternative 1 has significant negative implications for the naturally occurring cold-water fish habitat and existing ecological restoration goals. Alternatives 3 and 4 enhance stream-related aesthetics, recreation, and environmental education opportunities, such as trout fishing, rock-hopping and other forms of stream play, stream studies and other forms of environmental education classes, and wildlife viewing that is associated with stream habitats. Full stream restoration would provide other educational opportunities for the public and would serve as a demonstration site for the public broadly related to stream restoration projects and their associated benefits.

References:

City of Duluth. 2014. [Hartley Park Master Plan](#).

City of Duluth Ordinances, [Article XXIX. Duluth Natural Areas Program](#).

[Hartley Natural Area Management Plan](#)

[Hartley Pond and Dam Feasibility Study - Draft](#)

MNDNR. 2010 Tischer Creek Management Plan

MPCA, 2018. Draft Duluth Urban Area Watershed Restoration and Protection Report

South St. Louis Soil and Water Conservation District. 2016/17. Tischer Creek Stream Assessment