



NATURAL RESOURCES COMMISSION

MEETING MINUTES

May 1, 2024 – 6:00 p.m.

Lakeside Conference Room 430, City Hall

I. Call to Order

Vice Chair Schuldt called the meeting to begin at 6:01 PM.

II. Roll Call

Commissioners Present: Lori Dando, Judy Gibbs, John Lindgren, Mike Schrage, Nancy Schuldt, Andrew Streitz

City Staff Present: Allison Brooks, Clark Christenson, Kate Kubiak, Jim Filby Williams

Absent: Pam Foster, Mike Raichel, Tiffany Sprague

III. Approval of the Agenda

Commissioner Schrage made a motion to approve the agenda; seconded by Commissioner Dando. Unanimously approved.

IV. Approval of the March 6, 2024 Meeting Minutes

Commissioner Streitz made a motion to approve; seconded by Commissioner Schrage. Unanimously approved.

V. Old Business

A. Hartley Pond and Dam Feasibility Study [For Future Action]

Kubiak introduced that the City, in cooperation with the DNR has completed the Feasibility Study. The City is at a decision point whether to proceed with allowing the DNR to seek funding for design. There will be sequential presentations to both the Natural Resources and Parks and Recreation Commissions with future presentation to the Duluth City Council.

Cole Webster from GEI Consultants Inc. provided an informational presentation about the Feasibility Study process and findings. The recommended alternative identified in the Study is to install a flow-restrictive, open bottom culvert through the earthen dam at Hartley with, or potentially without, the excavation of an off-channel pond. A copy of the Study report and slides from the presentation are available on the project webpage: <https://duluthmn.gov/parks/parks-planning/progress-in-the-parks/hartley-pond-tischer-creek-feasibility-study/>.

Commissioner Schrage asked what the water source for an off-channel pond would be. Webster responded that the pond would be dug deep enough to be fed from groundwater and precipitation. The longevity of a healthy off-channel pond would need to be studied during the design process. Commissioner Schrage asked if the pond and stream channel would combine during a heavy rainfall event. Webster answered that yes, because the culvert would be flow-restrictive, when flood attenuation is required and the dam begins to hold back water, the stream channel would fill the floodplain as needed. Commissioner Schrage queried if there are any concerns about invertebrate or fish connection between the pond and the creek in the event that the floodplain connects the two. Chair Lindgren answered that there would be intermingling of the populations, as there is currently, and that the connection would need to be discussed during the design process.

Vice Chair Schuldt expressed appreciation for the detail in the Study and highlighted that the provided comments from Hartley Nature Center and Arrowhead Flyfishers both indicated support for the future removal of the dam and reconnection of the natural floodplain for Tischer Creek.

Commissioner Streitz asked what City staff and administrative thoughts have been about the Study process. Filby Williams responded that the Feasibility Study has been a consistent action item that the City has wished to complete for years. The City will not explore implementation of an alternative that would increase downstream flood risk. Based on assessments provided through the Study process, it is reasonable that the recommended alternative of an open bottom culvert can be designed to maintain flood mitigation provided by current



NATURAL RESOURCES COMMISSION MEETING MINUTES

May 1, 2024 – 6:00 p.m.

Lakeside Conference Room 430, City Hall

conditions. The design process, if approved to move forward, would further describe and detail conditions to ensure that this condition will be met. The City does anticipate requiring additional third-party/independent assessment of the design and modelling to ensure that there is no increase in downstream flood risk. The City also will want to ensure that recreational opportunities will remain and continue to be consistent with the Hartley Park Mini-Master Plan. Filby Williams further clarified that the City does not wish to provide city funding for construction of the alternative.

Vice Chair Schuldt inquired about the level of engineering assurance the City would require to move forward with construction and whether it is different from a typical design process. Filby Williams commented that there would be a need for the typical design process as well as additional third-party verification of any modeling and designs to achieve necessary confidence in mitigated flood risk.

Vice Chair Schuldt asked if UMD partners continue to contribute. Filby Williams answered that UMD partners can be involved and the City would also still need engagement with a hired consultant, as well as coordination with other City departments. Chair Lindgren commented that additional modeling and reviews will be required to request any revision to the FEMA flood maps as a result of the proposed project.

Commissioner Streitz requested clarification about the next steps for the Natural Resources Commission for the project. Filby Williams responded that it is anticipated that the next meeting could include action on a motion to support moving forward with design, which would then move to Duluth City Council for a resolution on the subject. Vice Chair Schuldt asked if the City would entertain a motion that provides support for both design and construction. Filby Williams commented that the City could, but it would be conditional support only.

Vice Chair Schuldt asked for an update at the next meeting about how the Parks & Recreation Commission presentation goes and what questions come up. Kubiak responded that she can provide a report at the next meeting about both the PRC and the public meeting that will be held, and a summary of the responses to the survey.

Commissioner Streitz asked what Hartley Nature Center's preference was regarding Hartley Dam. Secretary Gibbs responded that the removal of the dam is the preferred solution and a culvert is viewed as a temporary solution only. Filby Williams commented that during the Study, the City asked for additional modeling to determine the downstream flood risk for the full removal of the dam. Based on the potential risk to downstream property, dam removal is not feasible at this time.

There were no further comments.

VI. New Business

None.

VII. Staff Reports

A. Natural Resources Coordinator's Report – Kate Kubiak

Kubiak provided the following written report. There were no questions.

- Continued moving Hartley Pond and Tischer Creek Feasibility Study process moving forward, including 2 internal staff meetings and planning for upcoming Commission meetings.
- Completed bidding processes for invasive species removal and treatment in St. Louis River and Hartley designated natural areas. This work is being funded by an EPA Great Lakes Restoration Initiative grant.
- Arranged summer natural resources work, including 1 small controlled burn of a pollinator meadow.



NATURAL RESOURCES COMMISSION MEETING MINUTES

May 1, 2024 – 6:00 p.m.

Lakeside Conference Room 430, City Hall

- Working with the Nature Conservancy to do tree planting in the Amity and Lester River Watersheds. They will also be doing a volunteer planting event along Mission Creek later in May.
- Continued coordination with USACE for the Section 111 MN Point Study. Half day meeting with Detroit USACE staff held in early April.
- Selected contractor to complete a Native Plant Community Survey on recently acquired land north of Park Hill Cemetery.
- Working with other city staff and the Duluth Fire Department to potentially do some controlled burns next spring in areas with heavy fuel loads - mostly blowdown in eastern Duluth - to 1.) mitigate the potential for wildfires, and 2.) prepare several select areas for replanting under existing management and restoration plans.
- Putting together a plan for a BWSR grant to restore (planting) parts of Hartley and Magney Natural Areas.
- Continued to serve as City representative for Headwaters Partnership and Hartley Nature Center.

B. Forester's Report – Clark Christenson

The City Forester provided the following written report. There were no questions.

Staff wrapped up pruning this spring after a banner year. Our goal for pruning is to cover the entire city in 5-6 years. This comes from several cost to benefit studies on pruning that have yielded similar results: 5-6 years for a pruning cycle is ideal. Our average cycle length is 7.6 years, which includes the winter of '22 - '23 (a terrible year for pruning). If we continued pruning the number of trees we pruned this past year we would have a 4.8-year pruning cycle! So, it is possible for us to have an ideal pruning cycle, but any amount of snow will bring that average down. We aren't the only municipality to struggle with pruning cycles. A certain capitol of Wisconsin just brought their cycle down to 10 years from a sky high 20! At conferences similar stories are repeated from across the country. So, we are doing quite well when it comes to pruning cycles. As we continue to plant trees beyond replacing ash trees we will push beyond our capacity and pruning cycles will lengthen.

Staff have been removing ash trees and try to target areas that have dead ash trees. If you know of any out there, please pass that information along. When it comes to removals we have been in a holding pattern of "only 1,000 ash left" for at least a year! The trickling addition of previously unrecorded ash trees to our inventory puts us in a frustrating state of zero-sum progress. We will work beyond it, likely, this summer.

Staff have been receiving trees ordered last fall, and that process always takes time. Included are trees destined for the green house. Ordering trees that are promised to be 3' tall and having them show up as 6' tall trees does not help any feeble attempt at organization. Despite these set-backs it is a fun process and there is a lot of potential growing our own trees. I plan on starting to plant the first week of May, but the second week is more likely. That is still early for us and will give the ground time to dry out.

C. Director's Report – Jim Filby Williams

Nothing to report.

VIII. Announcements

None.

IX. Public Comment

Louise Levy spoke on the Mayor's State of the City Address and an interest in more attention towards street



NATURAL RESOURCES COMMISSION MEETING MINUTES

May 1, 2024 – 6:00 p.m.

Lakeside Conference Room 430, City Hall

trees impacted by engineering and street projects.

Tim Churchill spoke on the interest in assessing downstream effects as a downstream resident of the Hartley Pond and flood protection during heavy rainfall events. Vice Chair Schuldt asked if the FEMA mapping would provide clarification on the level of precipitation events would affect downstream property owners. Chair Lindgren responded that it might not, but that during the design process, there may be a need for additional survey of downstream properties. Chair Lindgren commented that there is downstream infrastructure that is also presenting flood damage risk and will need to be addressed outside of the potential Hartley Pond and Dam project. Filby Williams reiterated that the City will not proceed without strong, demonstrable evidence that there will be no additional flood risk to downstream property owners.

Dave Zentner spoke on the Hartley Pond and Dam Feasibility Study outreach and information sharing has been well done and asked that the City clarify, in advance, the deliverables that the City will require to move forward with construction. Mr. Zentner also spoke on fuel accumulation for woodland wildfires in Duluth.

X. Adjournment

Commissioner Streitz made a motion to adjourn, Commissioner Dando seconded. Meeting adjourned at 7:27 PM.

Next Meeting – June 5, 2024 at 6:00 p.m. Lakeside Conference Room 430, City Hall