

## Amendment # 1 for Grant Agreement # 236769

Contract Start Date:	<u>September 22, 2023</u>	Total Contract Amount:	<u>\$108,000.00</u>
Original Contract Expiration Date:	<u>November 30, 2024</u>	Original Contract:	<u>\$108,000.00</u>
Current Contract Expiration Date:	<u>November 30, 2024</u>	Previous Amendment(s) Total:	<u>\$0.00</u>
Requested Contract Expiration Date:	<u>December 31, 2025</u>	This Amendment:	<u>\$0.00</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Natural Resources, Division of Ecological and Water Resources, and Minnesota’s Lake Superior Coastal Program (“STATE”) and City of Duluth, 411 West 1st Street, Duluth MN 55802 (“GRANTEE”).

### Recitals

1. Under Coastal Zone Management Administration Awards, U.S. Department of Commerce; National Oceanic and Atmospheric Administration, CFDA 11.419, NA23NOS4190213, the State received a federal award on July 1, 2023 for Implementation of Minnesota’s Lake Superior Coastal Program (Revised Attachment A.1, attached and incorporated into this grant agreement).
2. The State has a grant contract with the Grantee identified as 236769 to provide services for Minnesota’s Lake Superior Coastal Program’s FFY23 Task 306A-3: Minnesota Point Boardwalk and Dune Restoration – Phase 2.
3. The Grantee has submitted sufficient documentation to satisfy the requirements for National Environmental Policy Act (NEPA) and environmental consultation; and has received approval from NOAA and the State to expend funds to construct a boardwalk at the beachhouse on Minnesota Point, revegetate the beach grass in the area of disturbance, and install signage (educational and funding acknowledgement).
4. The State and Grantee have also agreed that additional time will be necessary for the satisfactory completion of the agreement.
5. City of Duluth Resolution 24-##### (Attachment G, attached and incorporated into this grant contract agreement) empowered the Grantee to enter into this grant contract amendment.
6. The State and the Grantee are willing to amend the original grant contract as stated below.

### Grant Contract Amendment

REVISION 1. Clause 1.2. “**Expiration date.**” is amended as follows:

**Expiration date.** ~~November 30, 2020,~~ December 31, 2025, or, in the event this grant contract agreement is continued by way of amendment or new agreement, the date the amendment or new agreement is fully executed, whichever is later. Notwithstanding the foregoing, in the event an amendment or new agreement is not fully executed within 60 calendar days of the stated expiration date, this grant agreement will expire on ~~November 30, 2024~~ December 31, 2025.

REVISION 2. Clause 2. “**Grantee’s Duties**” is amended as follows:

**Grantee’s Duties**

The Grantee, who is not a state employee, will:

- a) Comply with required grants management policies and procedures set forth through [Minn.Stat. § 16B.97](#), Subd.4(a)(1).
- b) Perform the duties specified in the Project Description and Budget (Revised Attachment B.1, attached and incorporated into this grant contract agreement).
- c) Complete the project within the time frame specified and in accordance with the approved budget in the grant contract agreement. Any material change in the grant contract agreement will require an amendment by the State (see Section 8.2).
- d) Be responsible for the administration, supervision, management, record keeping, and project oversight required for the work performed under this agreement.
- e) Maintain a written conflict of interest policy (Attachment C, attached and incorporated into this grant contract agreement). Throughout the term of this agreement, the Grantee must monitor and disclose any actual or potential conflicts of interest to the State's Authorized Representative.
- f) Ensure that all work be conducted in accordance with appropriate Federal, Tribal, state, and local laws and will follow recognized best practices for minimizing impacts to the human and natural environment.

REVISION 3. Clause 4.1(A) "**Compensation.**" is amended as follows:

**Compensation.** The Grantee will be paid \$108,000.00 according to the breakdown of costs contained in Revised Attachment B.1.

REVISION 4. Clause 4.1(D) "**Specific Award Condition.**" is amended as follows:

**Specific Award Conditions.** ~~The Grantee is not authorized to expend federal funds in the amount of \$100,000 for boardwalk construction, vegetative restoration, and signage until the Grantee provides to the State: a completed 306A questionnaire, site plans, map, permits, identified historic properties, and any additional information requested to satisfy requirements for National Environmental Policy Act (NEPA) and environmental consultation, and receives approval from NOAA.~~

~~This information must be submitted to the State by March 1, 2024. The State and NOAA will review this information for compliance with NEPA and Environmental compliance to determine if additional information is necessary and what level of NEPA documentation applies. Once this Specific Award Condition has been released by NOAA and the State has notified the Grantee in writing, the Grantee is authorized to expend federal funds to complete boardwalk construction, restoration, and signage, unless there are other conditions placed on the award that would restrict this expenditure of funds.~~

The City is authorized to expend funds (\$8,000) to contract for a Cultural and Tribal Resource Survey and/or Phase 1 Archeological Survey for the Area of Potential Effect and Tribal Monitors during all ground disturbing activities.

The State and NOAA, Office for Coastal Management, have reviewed and approved the 306A questionnaire, site plans, map, permits, identified historic properties, and additional information requested to satisfy requirements for National Environmental Policy Act (NEPA) and environmental consultation (Attachment F, attached and incorporated into this grant contract agreement). The Grantee is authorized to expend federal funds to construct the boardwalk at the beachhouse on Minnesota Point, revegetate the beach grass in the area of disturbance, and install signage (educational and funding acknowledgement) as described in these

materials. The Grantee must submit to the State’s Authorized Representative, any changes to these methods prior to commencement of work.

REVISION 5. Clause 18.3. **“Final Report.”** is amended as follows:

**Final Report.** The Grantee must submit a Final Report, which summarizes activities conducted during the entire award, and Products, as identified in Revised Attachment B.1, within thirty days of expiration (see Section 1).

The Original Contract and any previous amendments are incorporated into this amendment by reference. Except as amended herein, the terms and conditions of the Original Grant and all previous amendments remain in full force and effect.

## Signatures:

### 1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

SWIFT Contract/PO No(s). \_\_\_\_\_

### 2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By:

\_\_\_\_\_  
City Administrator per delegated authority

Attest:

\_\_\_\_\_  
City Clerk (Stamp)

Date Attested: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

Countersigned:

\_\_\_\_\_  
City Auditor

### 3. STATE AGENCY

By: \_\_\_\_\_  
(with delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution:

Agency

Grantee

State’s Authorized Representative

# Attachment A: Federal Award Letter

Minnesota Department of Natural Resources, Minnesota's Lake Superior Coastal Program

FORM CD-450 (REV 10/18)		U. S. DEPARTMENT OF COMMERCE <b>FINANCIAL ASSISTANCE AWARD</b>		<input type="checkbox"/> GRANT <input checked="" type="checkbox"/> COOPERATIVE AGREEMENT	
RECIPIENT NAME MINNESOTA DEPARTMENT OF NATURA		FEDERAL AWARD ID NUMBER <b>NA23NOS4190213</b>			
STREET ADDRESS 500 LAFAYETTE RD N		PERIOD OF PERFORMANCE 07/01/2023-12/31/2024			
CITY, STATE, ZIP CODE SAINT PAUL MN 55155-4002		FEDERAL SHARE OF COST <div style="text-align: right;">\$1,158,000.00</div>			
AUTHORITY 16 U.S.C. 1455, 1455a ,1456b		RECIPIENT SHARE OF COST <div style="text-align: right;">\$1,158,000.00</div>			
		TOTAL ESTIMATED COST <div style="text-align: right;">\$2,316,000.00</div>			
CFDA NO. AND NAME 11.419 Coastal Zone Management Administration Awards					
PROJECT TITLE Implementation of Minnesota's Lake Superior Coastal Program - FFY23					
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p><input checked="" type="checkbox"/> DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p><input type="checkbox"/> R &amp; D AWARD</p> <p><input type="checkbox"/> FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p><input checked="" type="checkbox"/> BUREAU SPECIFIC ADMINISTRATIVE STANDARD AWARD CONDITIONS</p> <p><input checked="" type="checkbox"/> SPECIFIC AWARD CONDITIONS</p> <p><input checked="" type="checkbox"/> LINE ITEM BUDGET</p> <p><input checked="" type="checkbox"/> 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p><input type="checkbox"/> 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p><input checked="" type="checkbox"/> DEPARTMENT OF COMMERCE PRE-AWARD NOTIFICATION REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS (REF: 79 FR78390)</p> <p><input type="checkbox"/> MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p><input type="checkbox"/> OTHER(S):</p>					
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Jewel Linzey				DATE 07/20/2023	
PRINTED NAME, PRINTED TITLE AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Katie Smith				DATE 08/01/2023	



RECIPIENT INFORMATION	FEDERAL AWARD INFORMATION
<p>1. Recipient Name MINNESOTA DEPARTMENT OF NATURA 500 LAFAYETTE RD N SAINT PAUL, MN 55155</p> <p>2. Congressional District of Recipient 04</p> <p>3. Employer Identification Number (EIN) 41-6007162</p> <p>4. UEI VBRKNZ9E3Q11</p> <p>5. Recipient Point of Contact Amber Westerbur (Contact) amber.westerbur@state.mn.us</p> <p>6. Authorized Official Katie Smith katie.smith@state.mn.us</p>	<p>10. Award Number / FAIN NA23NOS4190213-T1-01 Revision 4 / NA23NOS4190213 / Mod 4</p> <p>11. Award Type Cooperative Agreement</p> <p>12. Period of Performance Start Date &amp; End Date 07/01/2023 – 12/31/2025</p> <p>13. Federal Share of Cost \$1,158,000</p> <p>14. Recipient Share of Cost \$1,158,000</p> <p>15. Total Federal and Recipient Cost \$2,316,000</p>
<p>FEDERAL AGENCY CONTACT INFORMATION</p> <p>7. Grant Specialist Kylie Brock kylie.brock@noaa.gov</p> <p>8. Program Officer Elizabeth Mountz elizabeth.mountz@noaa.gov</p> <p>9. Grant Officer Jewel Linzey jewel.linzey@noaa.gov</p>	<p>16. Opportunity Number NOAA-NOS-OCM-2023-2007842</p> <p>17. Project Title Implementation of Minnesota's Lake Superior Coastal Program - FFY23</p> <p>18. Assistance Listing Number and Name 11.419 Coastal Zone Management Administration Awards</p> <p>19. R&amp;D Award? No</p> <p>20. Construction Award? No</p> <p>21. Grants Officer – Signature and Date Brandi Franklin – 10/28/2024</p>

## **Revised Attachment B.1: Project Description and Budget**

### **US Department of Commerce, Financial Assistance Award**

**CFDA No. and Name:** 11.419, Coastal Zone Management Administration Awards

**Award Number:** NA23NOS4190213

**Recipient:** Minnesota Department of Natural Resources

**Title:** Implementation of Minnesota's Lake Superior Coastal Program – FFY23

**Federal Award Period:** July 1, 2023 – December 31, ~~2024~~2025

### **Project Description**

**Task 306A-3:** Minnesota Point Boardwalk and Dune Restoration – Phase 2

**Project Number:** 23-306A-03

**Subrecipient:** City of Duluth

**Timeframe:** August 2023 – ~~November 2024~~December 2025

Minnesota Point in Duluth Minnesota is a unique and fragile environment. It is the only sandy beach and dunes on Lake Superior in Minnesota. On the dunes, vegetation is beachgrass and a patchy cover of shrubs, forbs, graminoids, and fruticose lichens. These species, including the beachgrass, only grow on Minnesota Point. People walking across the dunes disturb this fragile vegetation.

City of Duluth (subrecipient) will replace the deteriorated boardwalks that provide beach access across the Minnesota Point sand dunes at Park Point, by the beach house. The boardwalk, built to Architectural Barriers Act (ABA) standards, will provide access from the adjoining parking lot to the beach.

The City will replace the boardwalk with salvaged Ipe lumber re-claimed from the City's Lakewalk reconstruction projects. Ipe is a Brazilian Hardwood with an approximate 100-year life expectancy. It is naturally resistant to bugs, mold, and mildew as well as exceeds the Americans with Disabilities Act requirements for slip resistance when wet. The salvaged Ipe lumber is approximately 35 years old.

After completion, the City will close the social trails and replant with beachgrass. The beachgrass disturbed before and during construction will be replanted on the social trails. The City will install signage to direct users to the official dune crossings.

The City will work with the State to prepare and submit the 306A questionnaire and supporting documentation. The State will support a Cultural and Tribal Resource Survey conducted by the Fond du Lac Band of Lake Superior Chippewa or Phase 1 Archeological Survey with Tribal Monitoring for the area of potential impact prior to submission.

### **Task Outcomes**

1. **Cultural/Archeological Survey** - Contract for either a Cultural and Tribal Resource Survey or a Phase 1 Archeological Survey (with Tribal Monitoring) of the area of potential impact.

Outcome End Date: December 2023

1. **Construct Boardwalk** - Using salvaged lumber, construct boardwalk at the Park Point Park. Boardwalk will extend from parking area to the beach. The finished boardwalk will include railings on both sides. After installed it will be covered with a UV Finisher specifically made for hardwood.

Outcome End Date: ~~November 2024~~ December 2025

2. **Replant Vegetation, Signage** - Restore the disturbed beachgrass and other native vegetation on the social trails. Install signage.

Outcome End Date: ~~November 2024~~ December 2025

## Products

The City of Duluth will construct a boardwalk at the beachhouse on Minnesota Point, revegetate the beach grass in the area of disturbance, and install signage (educational and funding acknowledgement).

## Budget (Task Funding)

Grant (federal): \$108,000.00  
Match (non-federal): \$275,708.00  
Total: \$383,708.00

Name	Grant	Match	Total
Personnel			
Fringe			
Travel			
Equipment			
Supplies		251,783	251,783
Subcontract	100,000	5,000	105,000
Construction		15,500	15,500
Other	8,000	3,425	11,425
Indirect			
<b>Total</b>	<b>\$108,000</b>	<b>\$275,708</b>	<b>\$373,708</b>

## Budget Detail

### Supply Costs

- Erosion Control Materials \$1,287 (match)
- Plants and vegetation materials \$1,434 (match)
- Salvaged Ipe Boards \$249,062 (match)

*Contract Costs*

- Metal frames and railings - new boardwalk materials (metal frame, railings); includes shipping. \$100,000 (grant), \$5,000 (match). The City is using American made steel.

*Construction Costs*

- Equipment Rental: tracked hauler \$5,500 (match)
- Garbage / Removal of construction debris and disposal \$10,000 (match)

*Other Costs*

- Fond du Lac Band of Lake Superior Chippewa / Tribal monitoring during ground disturbing activities \$3,425 (match)
- Cultural and Tribal Resource Survey and/or Phase 1 archeological survey of area of impact \$8,000 (grant)



STATE OF MINNESOTA )

) SS.


**AFFIDAVIT**

COUNTY OF ST. LOUIS )

I, MELISSA MALONEY, solemnly affirm that the following statements are true:

1. I am an Assistant City Attorney for the City of Duluth, Minnesota.
2. I am a licensed attorney in good standing in the State of Minnesota and my license number is 0316167.
3. This affidavit relates to the following property (the "Property"):  
  
Lots or parcels 5, 6, 7, 17, 18, 19, 20, 24 and 26, REFEREE'S PLAT OF MINNESOTA POINT,  
St. Louis County, Minnesota.
4. On May 21, 2024, I examined Certificate of Title No. 84741, certified by the St. Louis County Registrar of Titles through May 14, 2024, covering the Property and other property, and I am of the opinion that as of May 14, 2024, title to the Property was vested in fee simple in the City of Duluth, a Minnesota municipal corporation, subject to restrictions and easements.

Further affiant sayeth not.

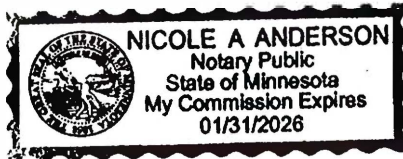
  
\_\_\_\_\_  
MELISSA MALONEY

Subscribed and affirmed before me on

May 22<sup>nd</sup>, 2024

  
\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

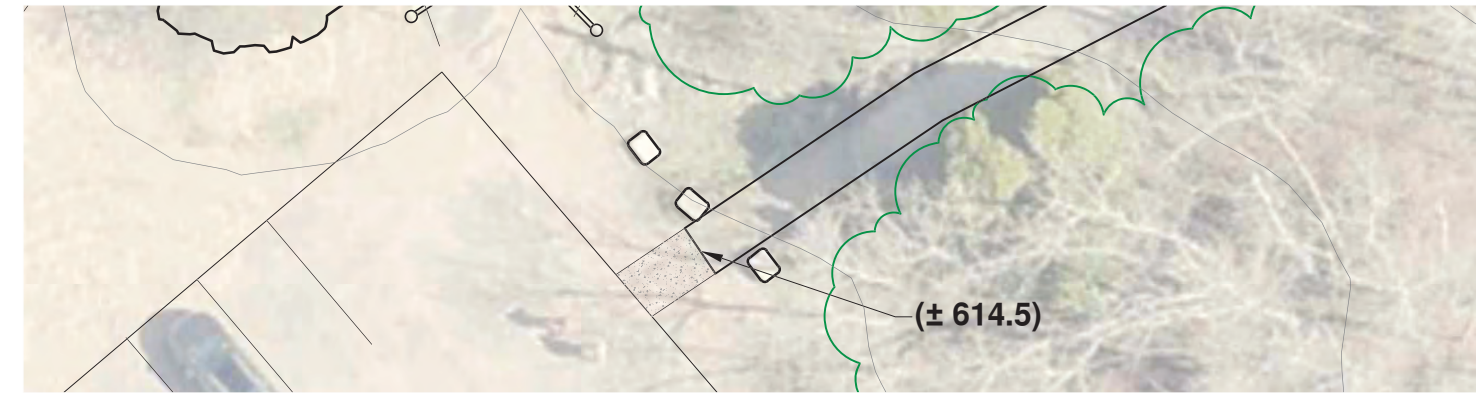
NOTORIAL STAMP OR SEAL



# CITY OF DULUTH

## DEPARTMENT OF PARKS AND RECREATION

### 4750 MINNESOTA AVE ADA BOARDWALK REPLACEMENT



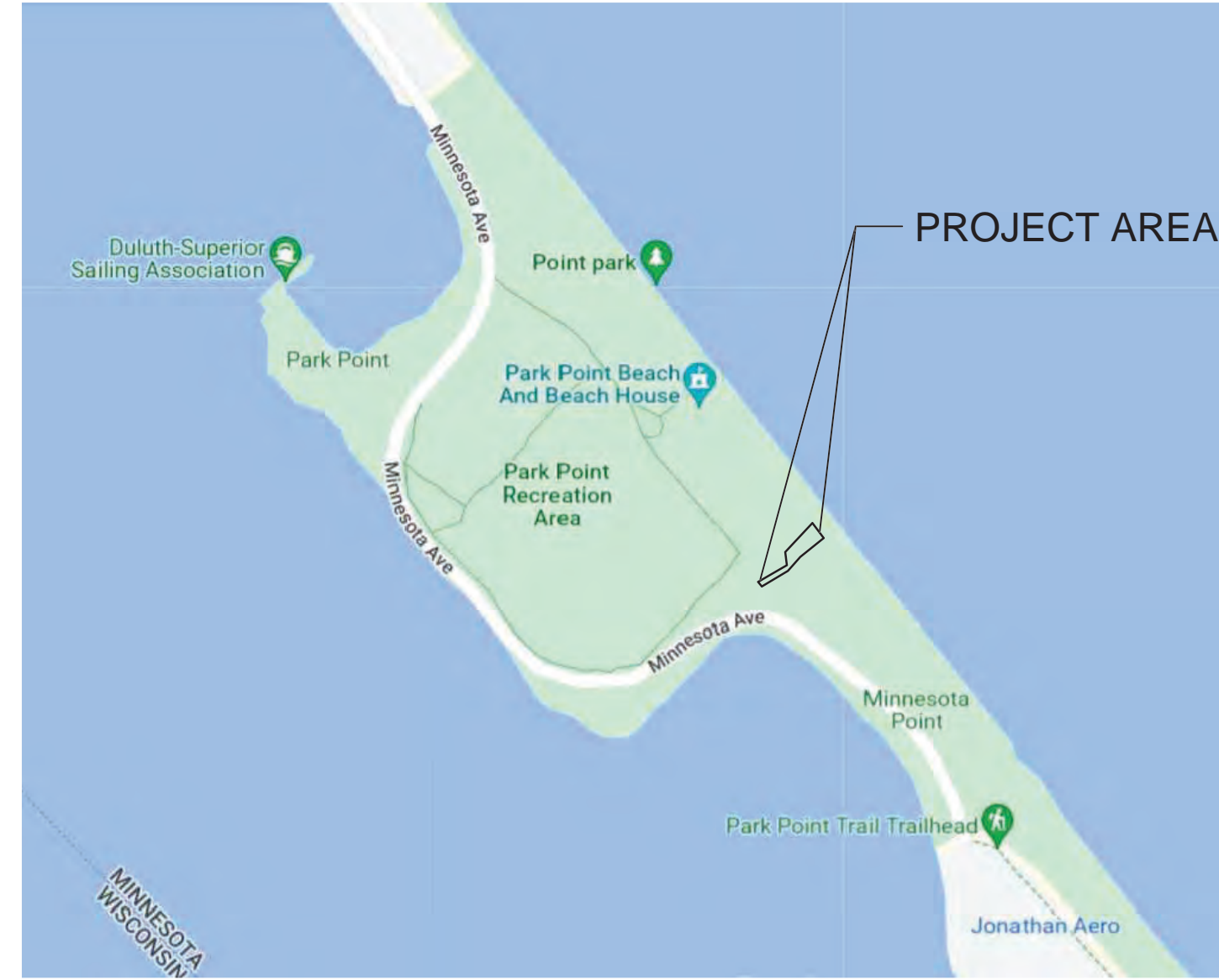
EXISTING SPOT ELEVATION



EXISTING BOARDWALK

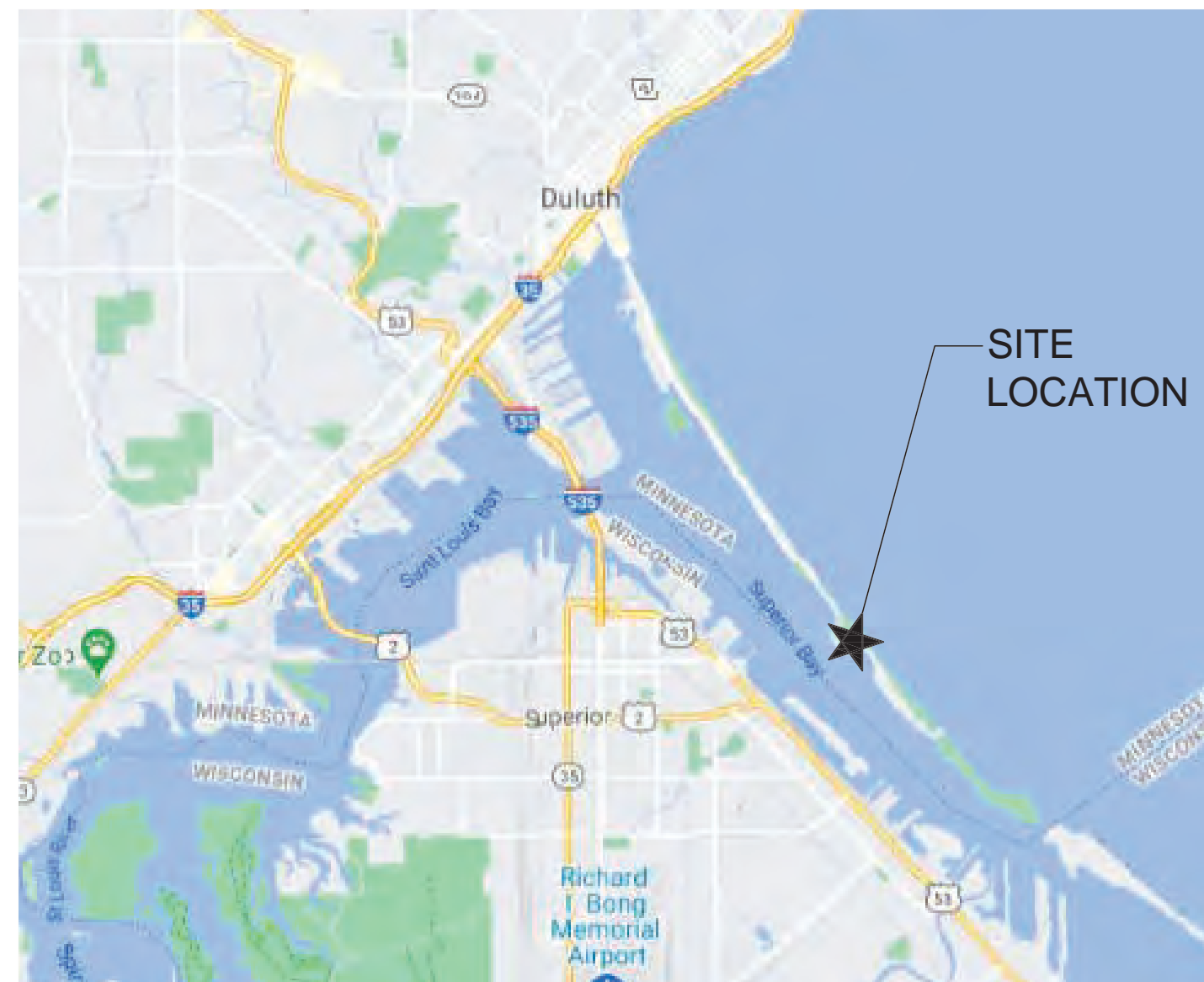


NEW BOARDWALK



KEY PLAN

NOT TO SCALE



PROJECT LOCATION MAP

NOT TO SCALE

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

#### GOVERNING SPECIFICATIONS

THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.  
AVAILABLE AT: <http://www.dot.state.mn.us/pre-letting/spec/index.html>

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE MN MUTCD, INCLUDING THE FIELD MANUAL DATED JANUARY 2014.  
AVAILABLE AT: <http://www.dot.state.mn.us/trafficeng/publ/fieldmanual2011/index.html>

THE 2019 EDITION OF THE CITY OF DULUTH PUBLIC WORKS AND UTILITIES DEPARTMENT STANDARD CONSTRUCTION SPECIFICATIONS AND SUPPLEMENTS OR ADDENDUMS SHALL APPLY. \_\_\_\_\_ SPECIFICATION SHALL BE THE GOVERNING SPECIFICATIONS.

#### INDEX

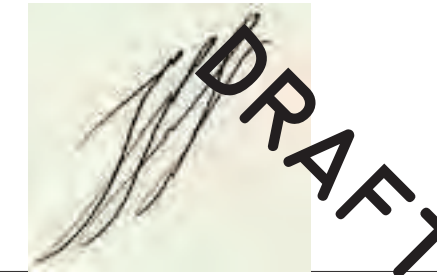
SHEET NO.	DESCRIPTION
L-1	TITLE SHEET & INDEX MAP
L-2	EXISTING CONDITIONS REMOVALS PLAN
L-3	LAYOUT PLAN AND WORK DESCRIPTION
L-4	GRADING
L-5	DETAILS
L-6	DIAMOND PIER DETAILS

THIS PLAN SET CONTAINS 6 SHEETS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

**Luke W. Sydow**

LANDSCAPE ARCHITECT (TYPED OR PRINTED NAME)



LANDSCAPE ARCHITECT

MARCH 22, 2022  
DATE

#25866  
REG. NO.

CITY APPROVAL

APPROVED

PARKS MANAGER

DATE



LANDSCAPE ARCHITECTURE

**ASSOCIATES**

WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350  
DULUTH, MN 55802  
(P) 218.391.1335  
MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION

PURPOSE	DATE

**4750 MINNESOTA AVE  
ADA BOARDWALK  
REPLACEMENT**  
 CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
**TITLE SHEET AND  
INDEX MAP**

DATE: 11/12/2022

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER  
**22320**

SHEET NUMBER

**L-1**



LANDSCAPE ARCHITECTURE

**+ ASSOCIATES**

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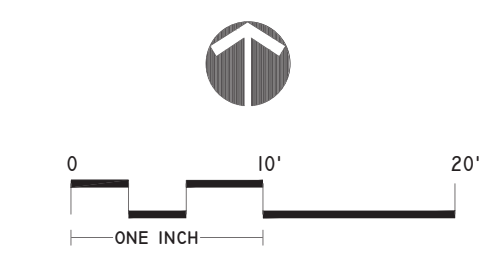
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ISSUE RECORD/REVISION

PURPOSE	DATE



**4750 MINNESOTA AVE  
ADA BOARDWALK  
REPLACEMENT**  
CITY OF DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**EXISTING CONDITIONS  
REMOVALS PLAN**

DATE: 11/12/2022

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER  
22320

SHEET NUMBER  
L-2

SEE SHEET 3 OF 6 FOR ALL NECESSARY NOTES.



NEW BOARDWALK USING RE-PURPOSED 8" LAKEWALK BOARDWALK PLANKS (CUT DOWN TO 6' LENGTHS) WITH CONTINUOUS RAIL ON ALL SIDES

+/- 6' x 8.5' x 6" CONCRETE LANDING PAD

**NOTES:**

ALL BOARDWALK SECTIONS SHALL INCLUDE THE FOLLOWING AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR-

1. QUANTITIES AND SCOPE OF WORK ARE FOR DESIGN INTENT ONLY. CONTRACTOR SHALL FIELD-VERIFY CONDITIONS. QUANTITY AND MATERIALS MAY VARY. ADJUSTMENTS TO QUANTITIES AND MATERIAL WILL BE ON A UNIT-COST BASIS.
2. CONTRACTORS SHALL BE RESPONSIBLE FOR RESTORING TO PRE-CONSTRUCTION CONDITION ANY SURFACES, STRUCTURES, SITE ELEMENTS SUCH AS STEPS, WALLS, BENCHES, RAILINGS, ETC., DAMAGED DUE TO THEIR WORK UNDER THIS CONTRACT, AT NO ADDITIONAL COST TO THE OWNER UNLESS AGREED TO IN WRITING BY BOTH PARTIES.
3. DECOMPOSTABLE JUTE EROSION CONTROL BLANKET ON ALL DISTURBED SURFACES BEYOND NEW BOARDWALK EDGE.
4. EROSION CONTROL MEASURES SUCH AS HAY BALES, SILT FENCES BIO LOGS, ETC., SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF ANY OTHER WORK AND MUST BE MAINTAINED IN ITS OPERATIONAL STATE UNTIL ACCEPTANCE OF THE PROJECT BY THE CITY OF DULUTH. ONCE SITE IS STABILIZED AND PROJECT ACCEPTED, CONTRACTOR SHALL PROMPTLY REMOVE ALL EROSION CONTROL MEASURES AS DIRECTED.
5. SITE DISTURBANCE BEYOND EDGE OF GRADING / FILL IS PROHIBITED. CONTRACTOR TO AVOID DAMAGING ADJACENT DUNES DURING ENTIRE CONSTRUCTION PROCESS.
6. SOIL/SAND CAN BE SPREAD OUT ON SITE AND COVERED WITH JUTE BLANKETING

7. CLEARING AND GRUBBING WILL BE NECESSARY ALONG THE ENTIRE CORRIDOR LENGTH. LIMIT OF WORK AND SITE DISTURBANCE SHALL BE MARKED ON SITE BY CONTRACTOR FOR REVIEW AND APPROVAL BY THE CITY OF DULUTH PRIOR TO THE START OF ANY WORK. CARE MUST BE TAKEN AT ALL TIMES TO MINIMIZE / ELIMINATE ALL SITE IMPACTS TO SOIL AND VEGETATION OUTSIDE WHAT IS REQUIRED FOR THIS WORK.
8. CONTRACTOR SHALL SUBMIT FOR REVIEW AND APPROVAL, STRUCTURAL SHOP DRAWINGS, SIGNED BY A MINNESOTA- REGISTERED STRUCTURAL ENGINEER FOR HELICAL PILES AND ALL BOARDWALK CONSTRUCTION.
9. CONTRACTOR SHALL ESTABLISH ALL REASONABLE BARRICADES, SIGNAGE, TRAIL CLOSURES, ETC., TO ENSURE SAFETY OF THE PUBLIC DURING THIS WORK.
10. ALL TRAILS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS AND THE BOARDWALK CROSS SECTION AND RAIL CROSS SECTION TYPES AND APPROVED SHOP DRAWINGS.
11. CONTRACTOR RESPONSIBLE FOR TRANSPORTATION OF LAKEWALK SECTIONS FROM THE CITY OF DULUTH'S RILEY ROAD FACILITY TO THE SITE.
12. CONTRACTOR SHALL DISPOSE OF ALL MATERIALS AT A CERTIFIED DISPOSAL FACILITY AND PROVIDE ACCORDING RECEIPTS.

SITE	DESCRIPTION OF WORK
<p>NOTES: QUANTITIES AND SCOPE OF WORK ARE FOR DESIGN INTENT ONLY. FIELD VERIFY. QUANTITIES AND MATERIALS MAY VARY. ADJUSTMENTS TO QUANTITIES AND MATERIALS WILL BE ON A LUMP SUM BASIS.</p> <p>BOARDWALK SECTION - DEMOLITION</p> <p>Bid item #1</p>	<p>City may choose to self-perform the boardwalk installation.</p> <ol style="list-style-type: none"> <li>1. Removals / disposal of: <ul style="list-style-type: none"> <li>+/- 210 L.F. of existing 6' wide boardwalk.</li> <li>- Associated rails.</li> </ul> </li> <li>2. Grade existing edges. Remove vegetation as required.</li> <li>3. Install erosions control measure</li> <li>4. Install safety fencing</li> </ol>
<p>Furnish and Supply</p> <p>Bid Item #2</p>	<ol style="list-style-type: none"> <li>1. Furnish appropriate framing or supports for boardwalk, Wickraft, Modular Trail Structures, Diamond Pier or Pre-Approved Equal.</li> <li>2. Transportation of Lakewalk boardwalk sections from Riley Road yard</li> <li>3. Dismantle and cut Lakewalk boardwalk sections to size specified (6' length).</li> <li>4. Till and level existing edges. Remove or properly prune vegetation as required, relocate all evergreen trees on site.</li> <li>5. Furnish railing materials, cables, connections, rails, misc. (both sides)</li> </ol>
<p>INSTALLATION OF NEW (LAKEWALK) BOARDWALK</p> <p>Bid Item #3</p>	<ol style="list-style-type: none"> <li>1. Install appropriate framing or supports for boardwalk, Wickraft, Modular Trail Structures or Pre-Approved Equal.</li> <li>2. Install approx. 334 L.F. boardwalk sections, landings and rails (both sides)</li> <li>3. Revegetate as required.</li> <li>4. Restoration of any damaged pavements</li> </ol>



LAKEWALK BOARDWALK PHOTOS, 6'5" WIDE, ± 8'-0" SECTIONS

CONTRACTOR SHALL COORDINATE ALL THEIR WORK UNDER THIS CONTRACT WITH OTHER CONTRACTORS WORKING WITHIN THE PARK OR VICINITY TO MINIMIZE SITE DISTURBANCE, RE-WORKING OF THE SITE, TRAFFIC DISRUPTION, MATERIAL DELIVERY, ETC. CONTACT OWNER FOR FURTHER DIRECTION.



**ASSOCIATES**  
WWW.SASLANDARCH.COM

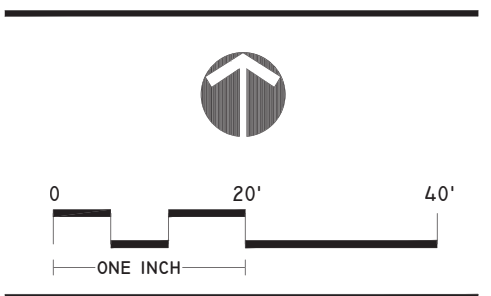
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(P) 218.391.1335  
MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION

PURPOSE	DATE

**4750 MINNESOTA AVE  
ADA BOARDWALK  
REPLACEMENT**  
CITY OF DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**LAYOUT**

DATE: 11/12/2022  
DRAWN BY: LWS  
CHECKED BY: LWS  
PROJECT NUMBER: 22320  
SHEET NUMBER: L-3

Nov 14, 2022, 7:24am  
 P:\22320 - 4750 Minn Ave Boardwalk\01 - 22320 - 4750 Minn Ave Boardwalk.dwg

**NOTES:**

1. CONTRACTOR TO WORK WITH EXISTING GRADES WITH THE GOAL OF HAVING FINISHED BOARDWALK SURFACE 18" ABOVE EXISTING GRADE. CONTRACTOR TO MEET ALL ADA REQUIREMENTS WITH A MAXIMUM 5% RUNNING SLOPE, A 2% MAX CROSS SLOPE AND 2% MAX SLOPE IN ALL DIRECTIONS AT LANDINGS.
2. GRADES SHOWN ARE APPROXIMATE; CONTRACTOR TO FIELD VERIFY. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
3. STAKE LAYOUT FOR APPROVAL.
4. CONTRACTOR TO AVOID ADJACENT DUNE DAMAGE DURING ENTIRE CONSTRUCTION PROCESS.



LANDSCAPE ARCHITECTURE

**+ ASSOCIATES**

WWW.SASLANDARCH.COM

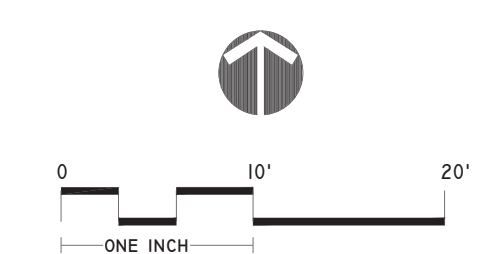
219 WEST FIRST STREET, SUITE 350  
 DULUTH, MN 55802  
 (P) 218.391.1335  
 MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION

PURPOSE	DATE

**4750 MINNESOTA AVE  
 ADA BOARDWALK  
 REPLACEMENT**  
 CITY OF DULUTH, MINNESOTA



SHEET KEY

SHEET TITLE  
**GRADING**

DATE: 11/12/2022  
 DRAWN BY: LWS  
 CHECKED BY: LWS  
 PROJECT NUMBER: 22320  
 SHEET NUMBER: L-4

SEE SHEET 3 OF 6 FOR ALL NECESSARY NOTES.

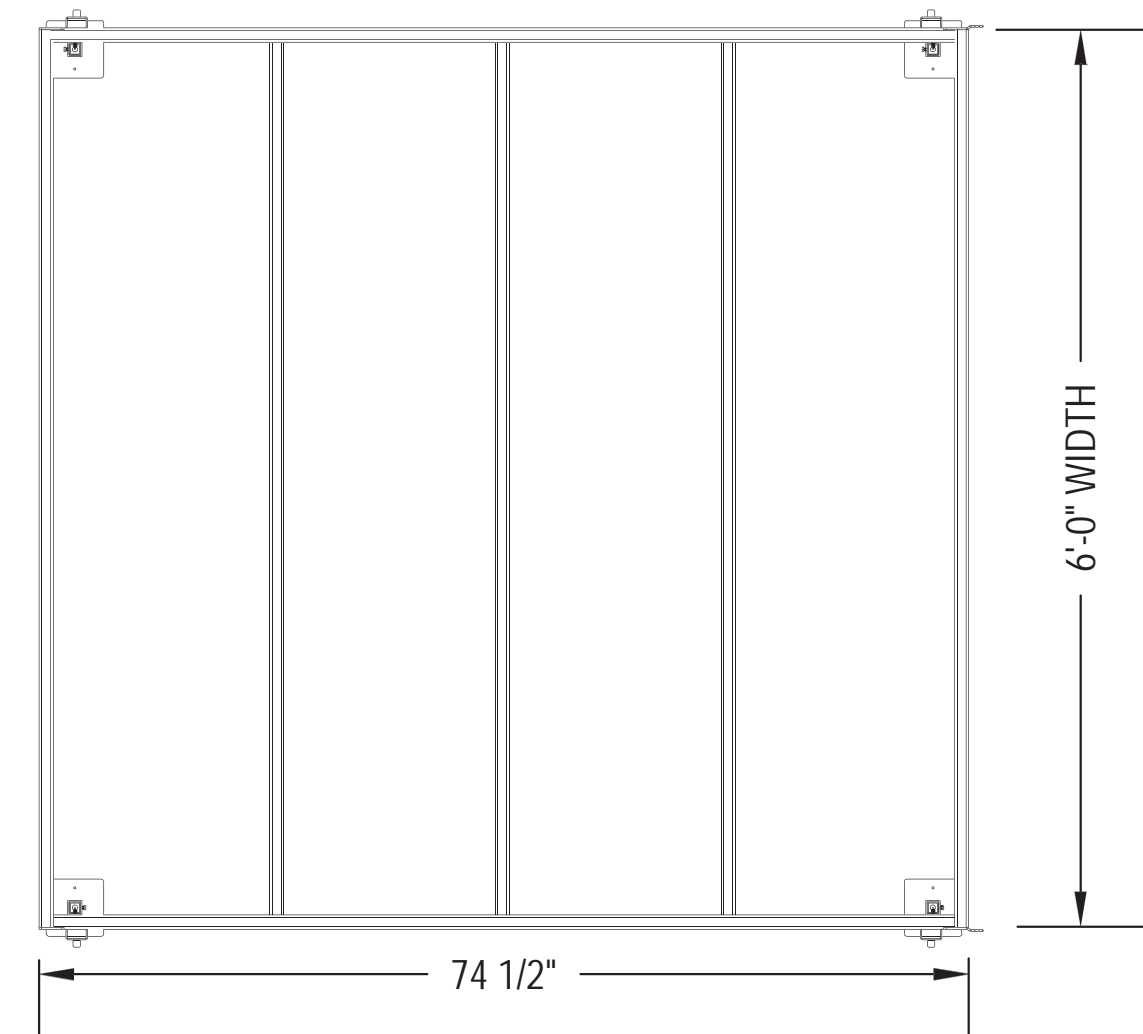
Nov 14, 2022, 7:24am  
 P:\22320 - 4750 Minn Ave Boardwalk.dwg

CITY OF DULUTH PROJECT NO.

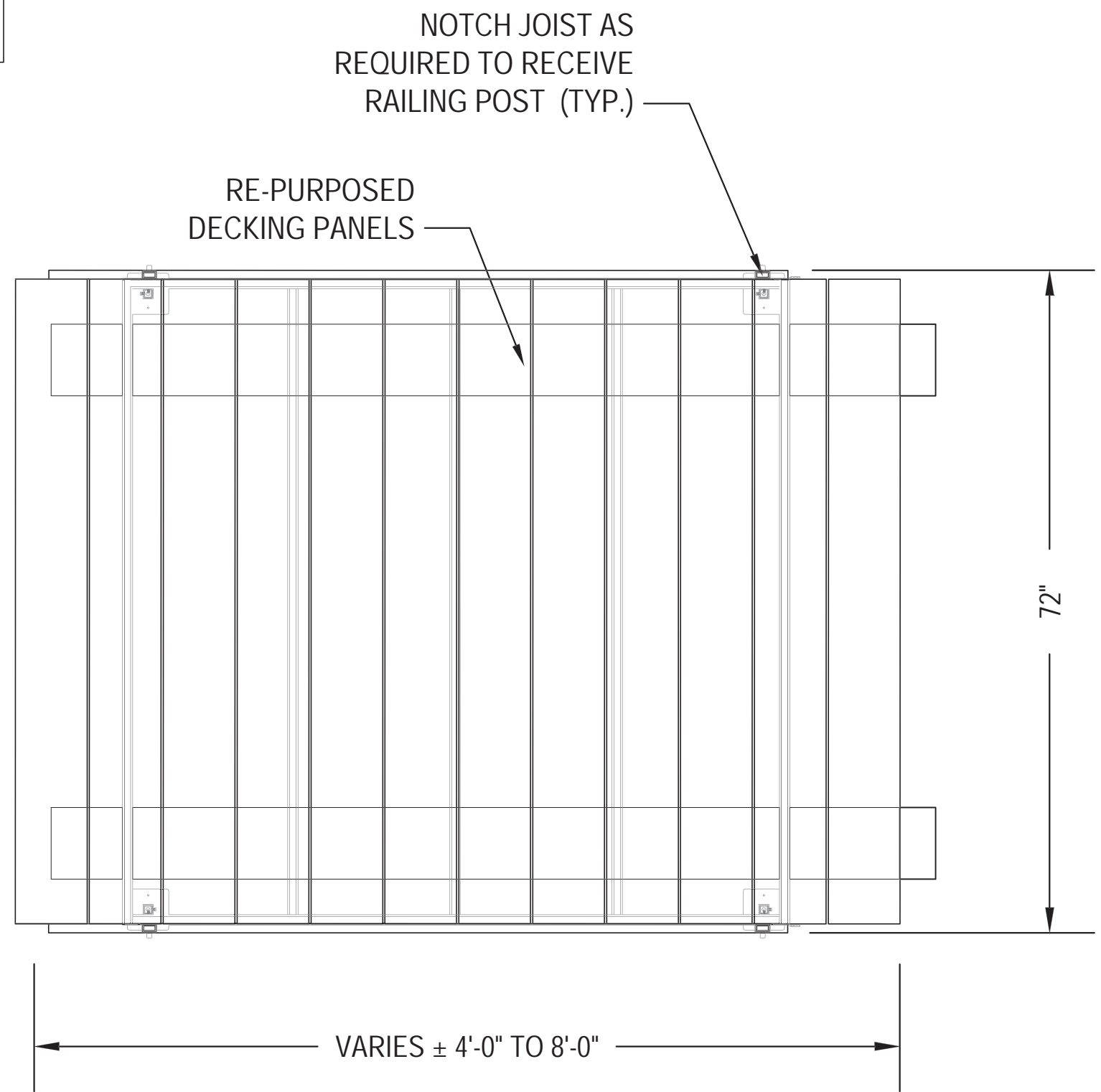
DRAWN BY: LWS

SHEET NO. 4 OF 6

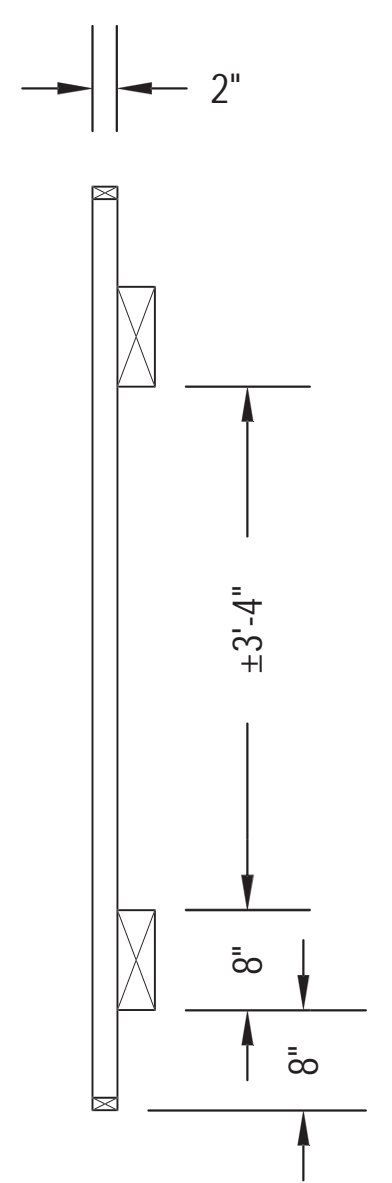
NOTES:  
 1. CONTRACTOR MAY PROPOSE ALTERNATE METHOD FOR INSTALLATION, INCLUDING DISASSEMBLING THE EXISTING BOARDWALK SYSTEM. SUBMIT METHOD FOR APPROVAL PRIOR TO BIDDING.  
 2. ALL FASTENERS SHALL BE STAINLESS STEEL OR GALVANIZED.



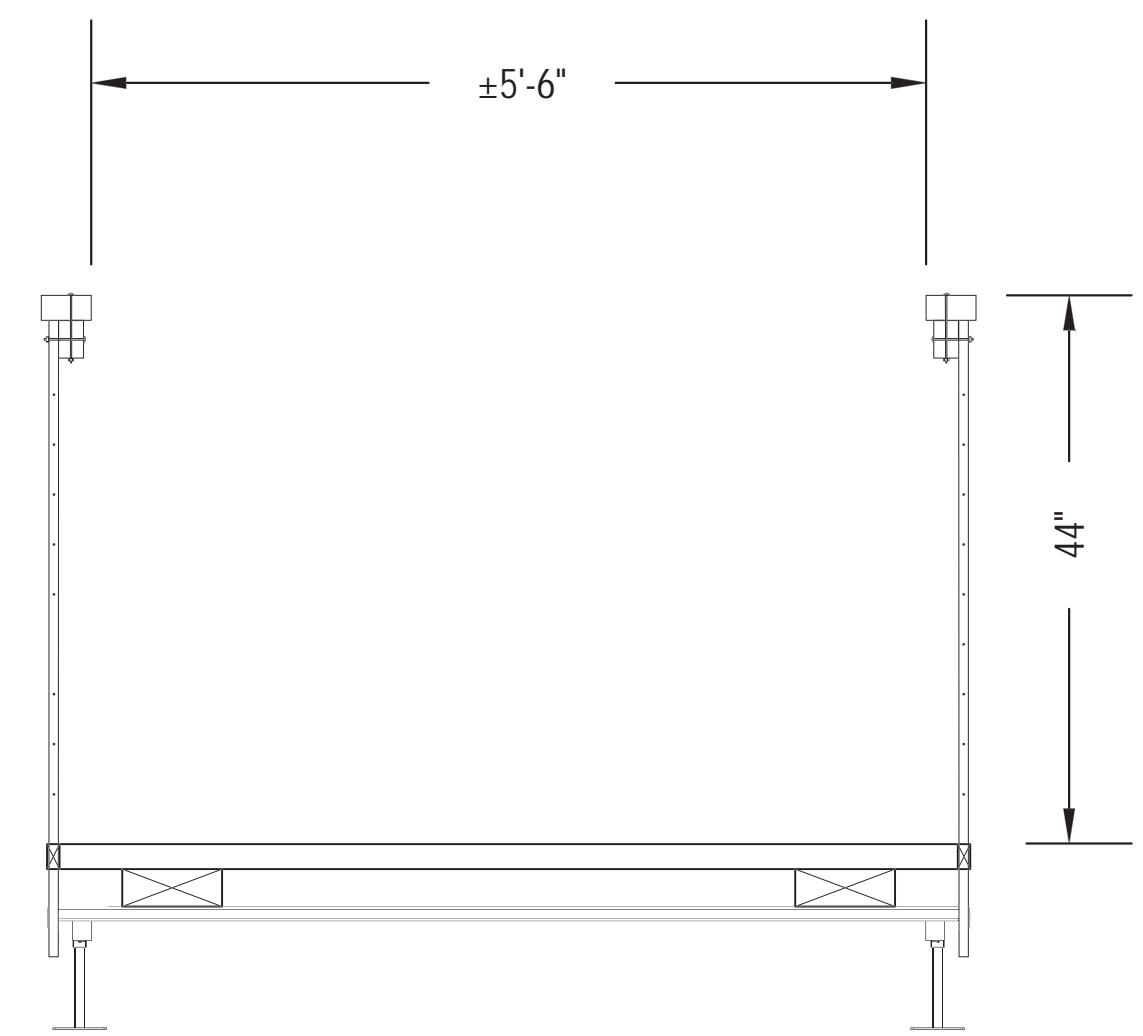
BOARDWALK FRAME ASSEMBLY TOP VIEW



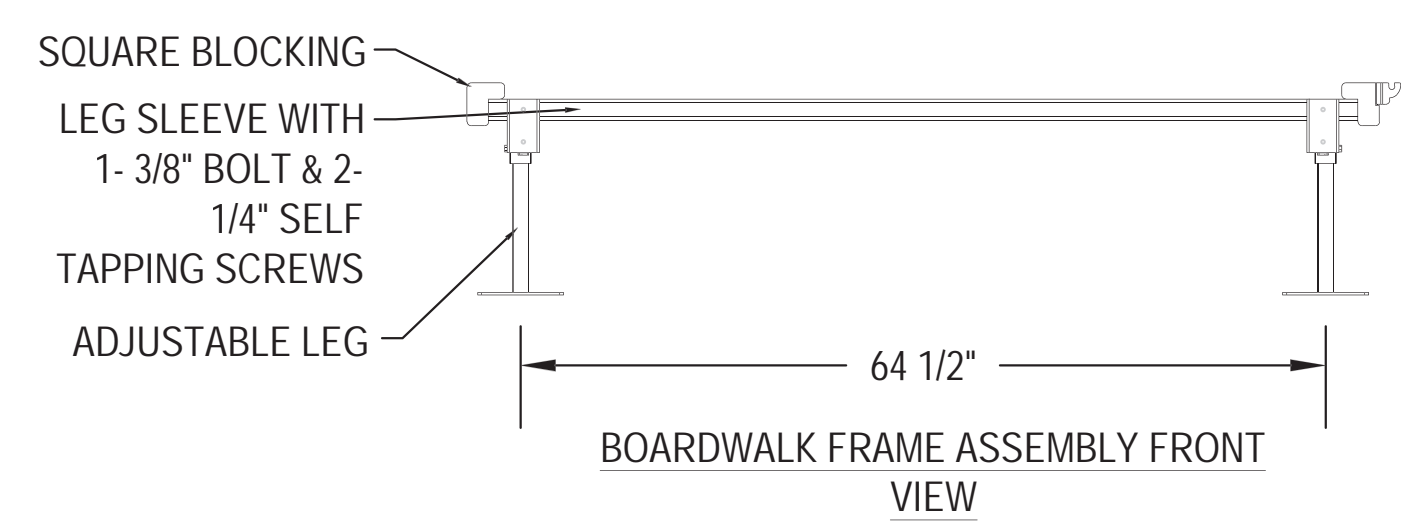
LAKEWALK DECKING TOP VIEW



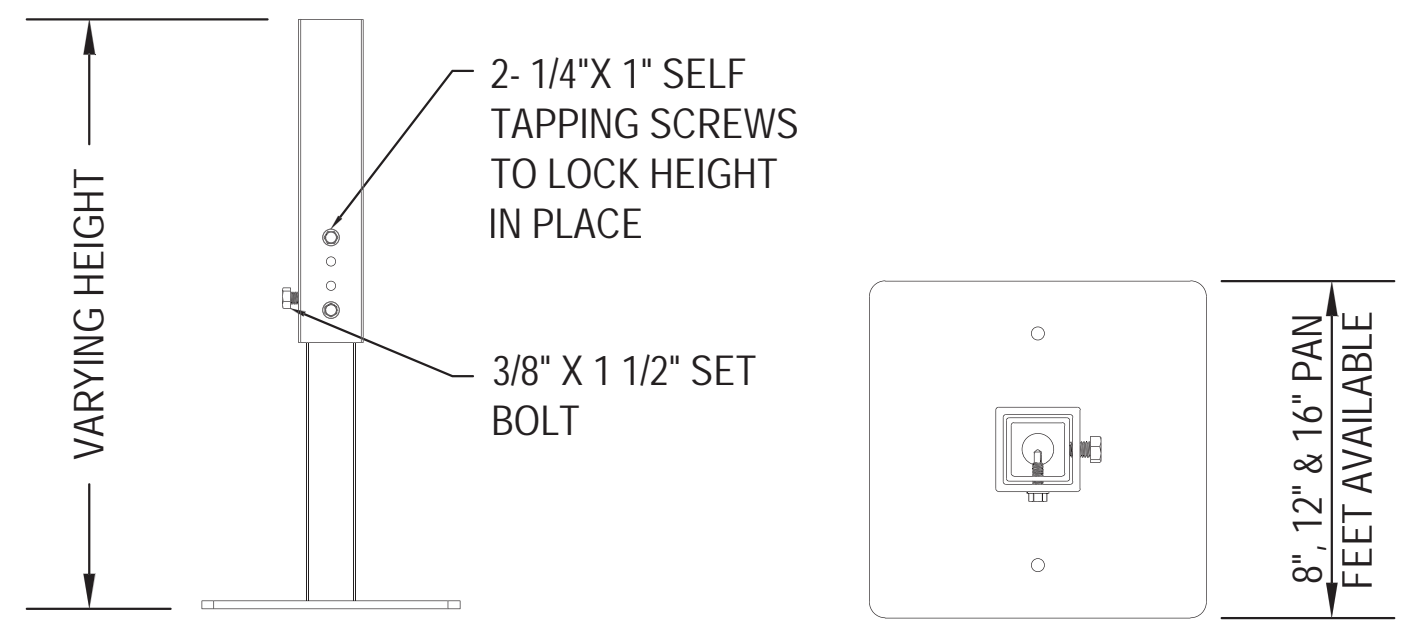
LAKEWALK DECKING SIDE VIEW



RAILING SECTION VIEW

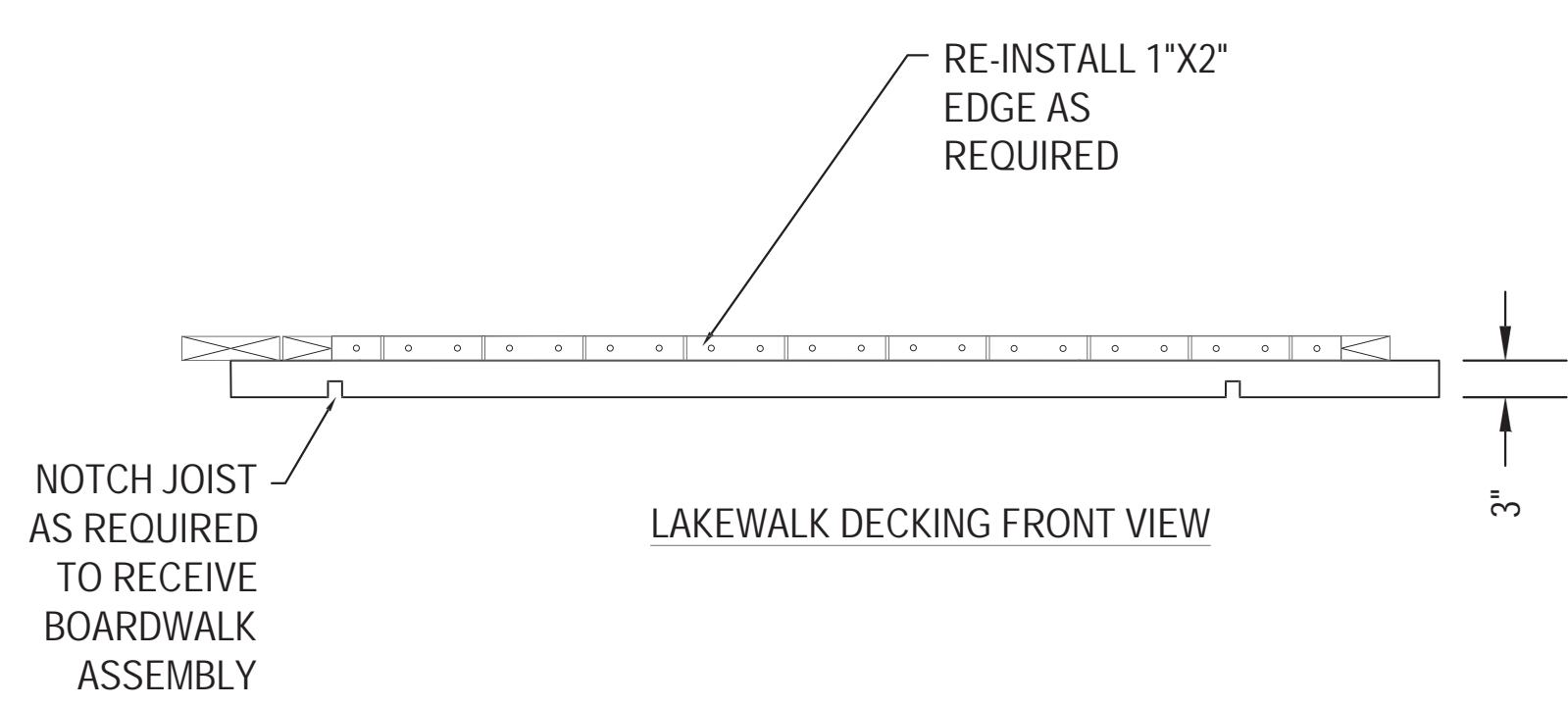


BOARDWALK FRAME ASSEMBLY FRONT VIEW

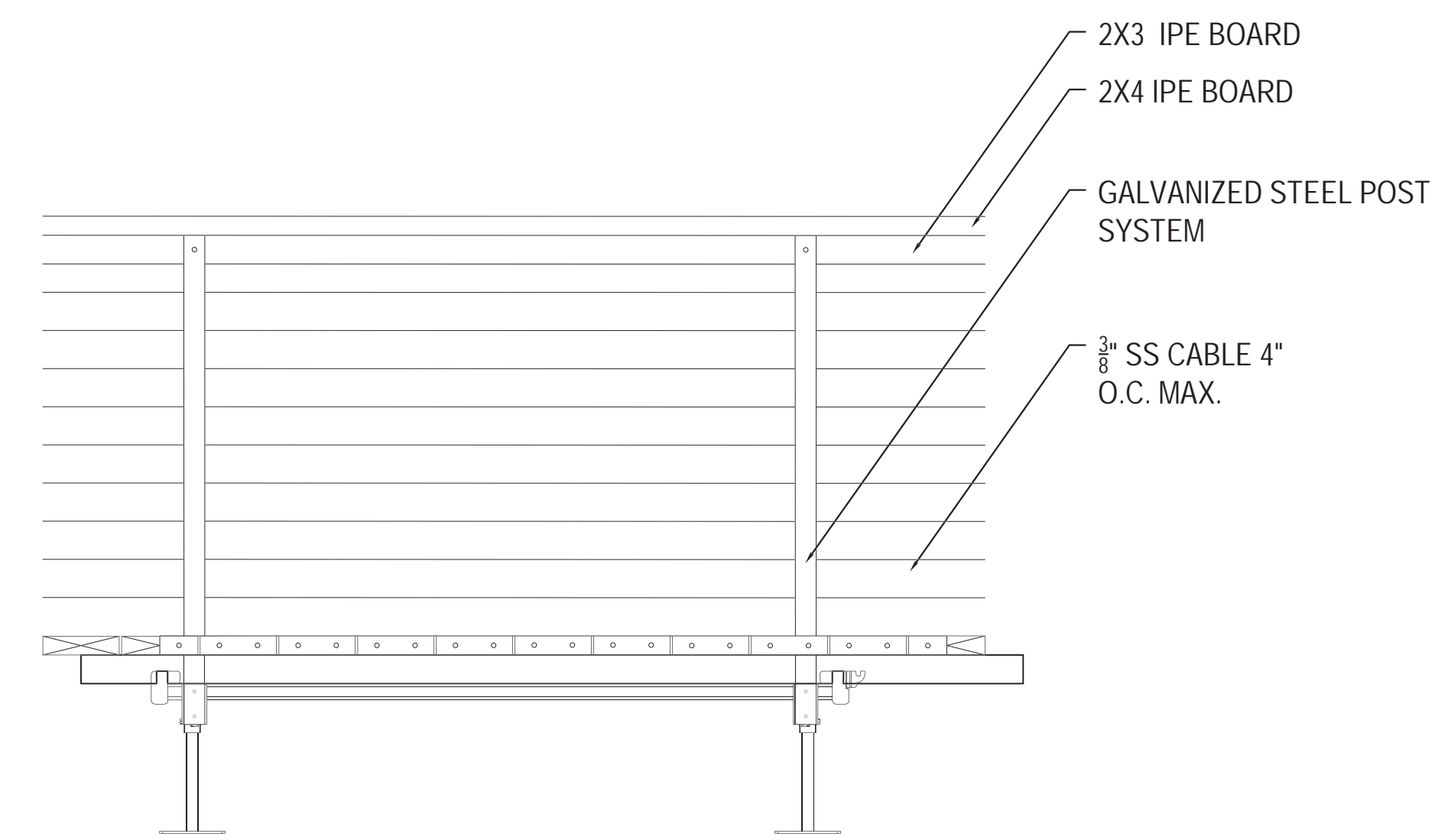


ADJUSTABLE LEG FRONT VIEW

ADJUSTABLE LEG TOP VIEW



LAKEWALK DECKING FRONT VIEW



RAILING SIDE VIEW

**1 GALVANIZED FRAME DETAILS**

**2 LAKEWALK BOARDWALK DETAILS**

**3 BOARDWALK RAILING DETAILS**



LANDSCAPE ARCHITECTURE  
 + ASSOCIATES

WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350  
 DULUTH, MN 55802  
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 MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION

PURPOSE	DATE

**4750 MINNESOTA AVE  
 ADA BOARDWALK  
 REPLACEMENT**  
 CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
 NOTES - DETAILS

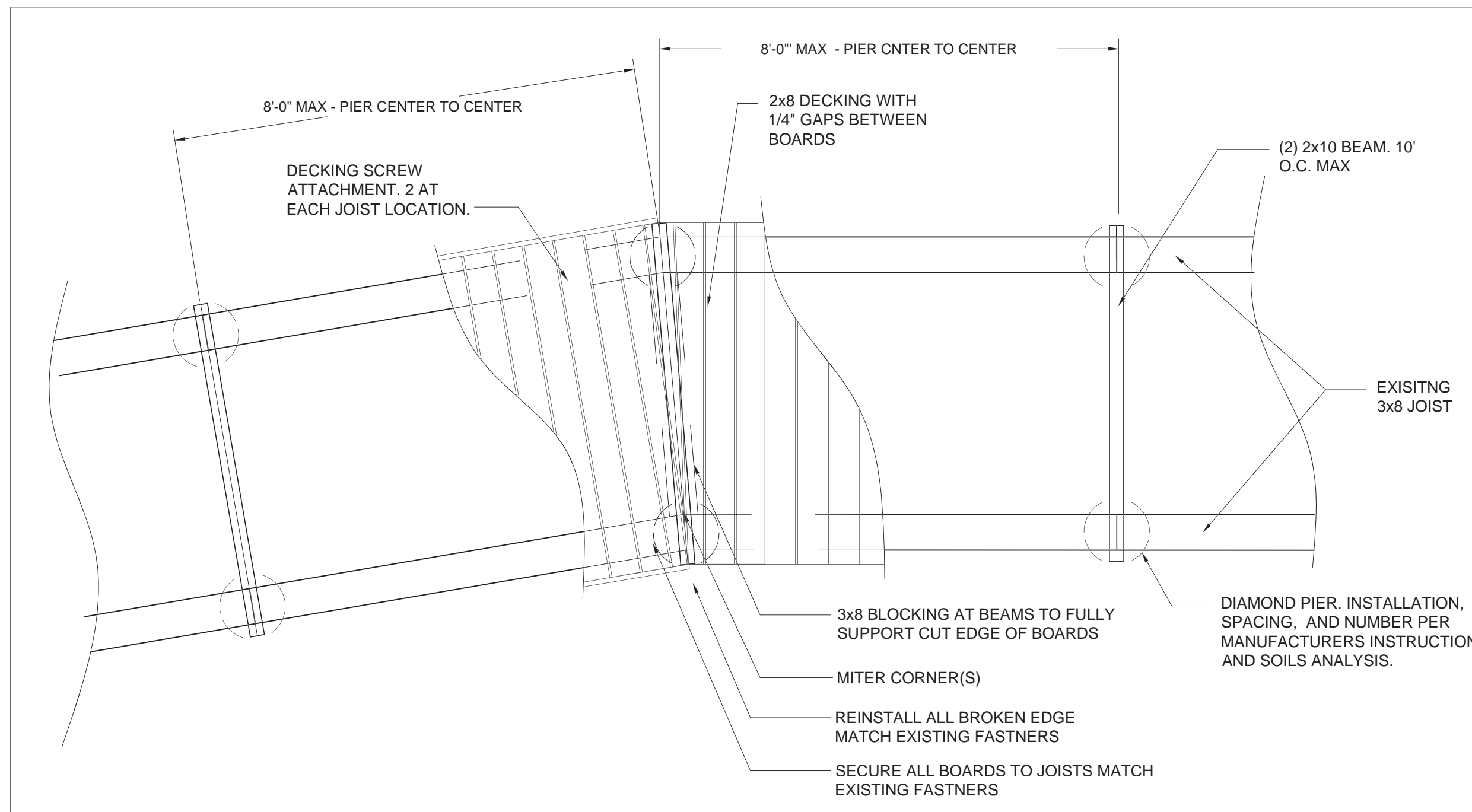
DATE: 11/12/2022  
 DRAWN BY: LWS  
 CHECKED BY: LWS  
 PROJECT NUMBER: 22320  
 SHEET NUMBER: L-5

SEE SHEET 3 OF 6 FOR ALL NECESSARY NOTES.

ISSUE RECORD/REVISION

PURPOSE	DATE

4750 MINNESOTA AVE  
ADA BOARDWALK  
REPLACEMENT  
CITY OF DULUTH, MINNESOTA



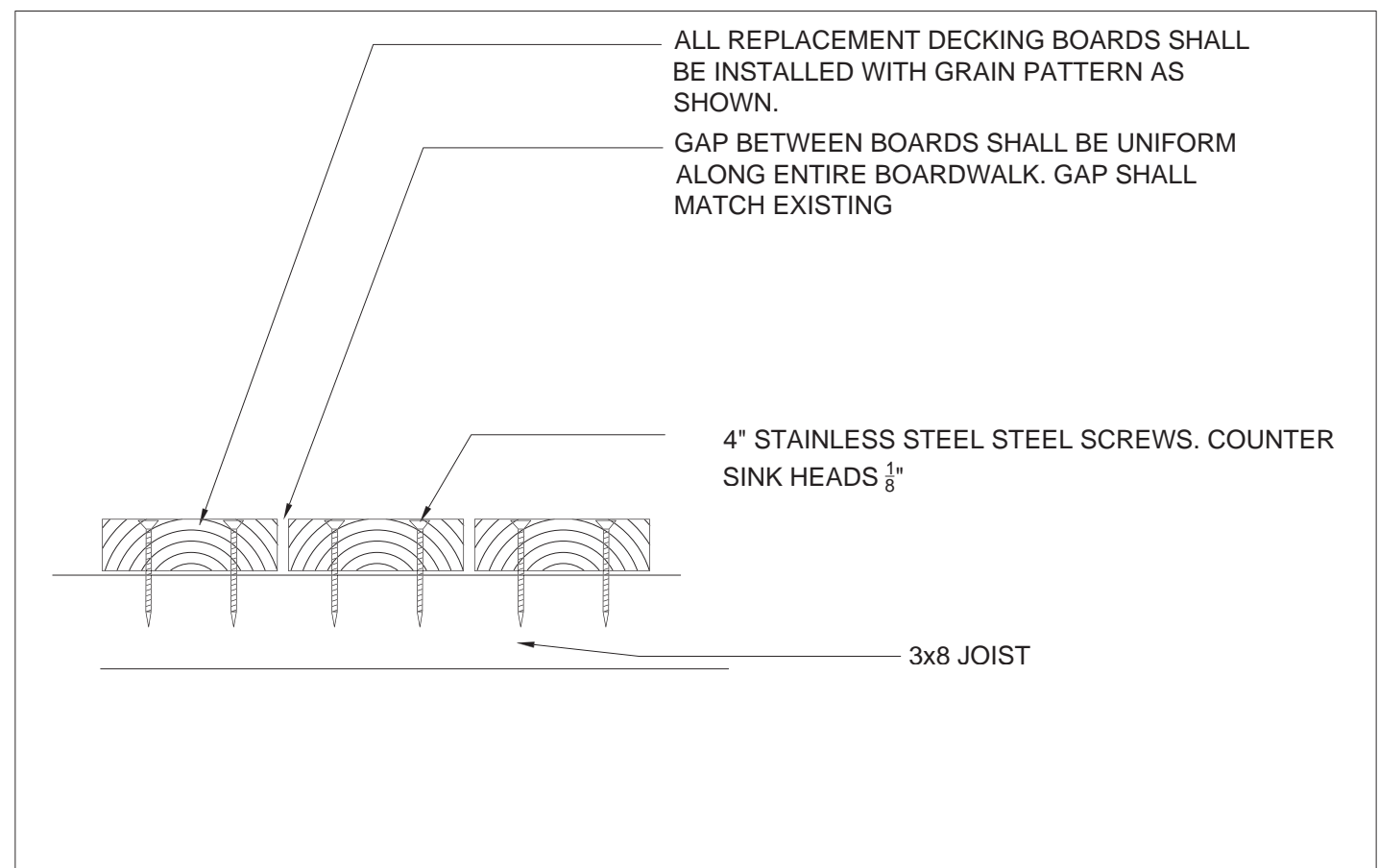
**A** PLAN VIEW

CONTRACTOR TO INSTALL SIMPSON STRONG-TIE HARDWARE COMPATIBLE WITH TREATED LUMBER. ALL HARDWARE SHALL BE RATED FOR MEDIUM OR HEAVY DUTY USE. CONTRACTOR SHALL MAKE ALL CONNECTIONS USING CONSTRUCTION HARDWARE. NO STRUCTURAL ELEMENT MAY BE FASTENED TOGETHER WITH ONLY BOLTS, NAILS OR SCREWS.

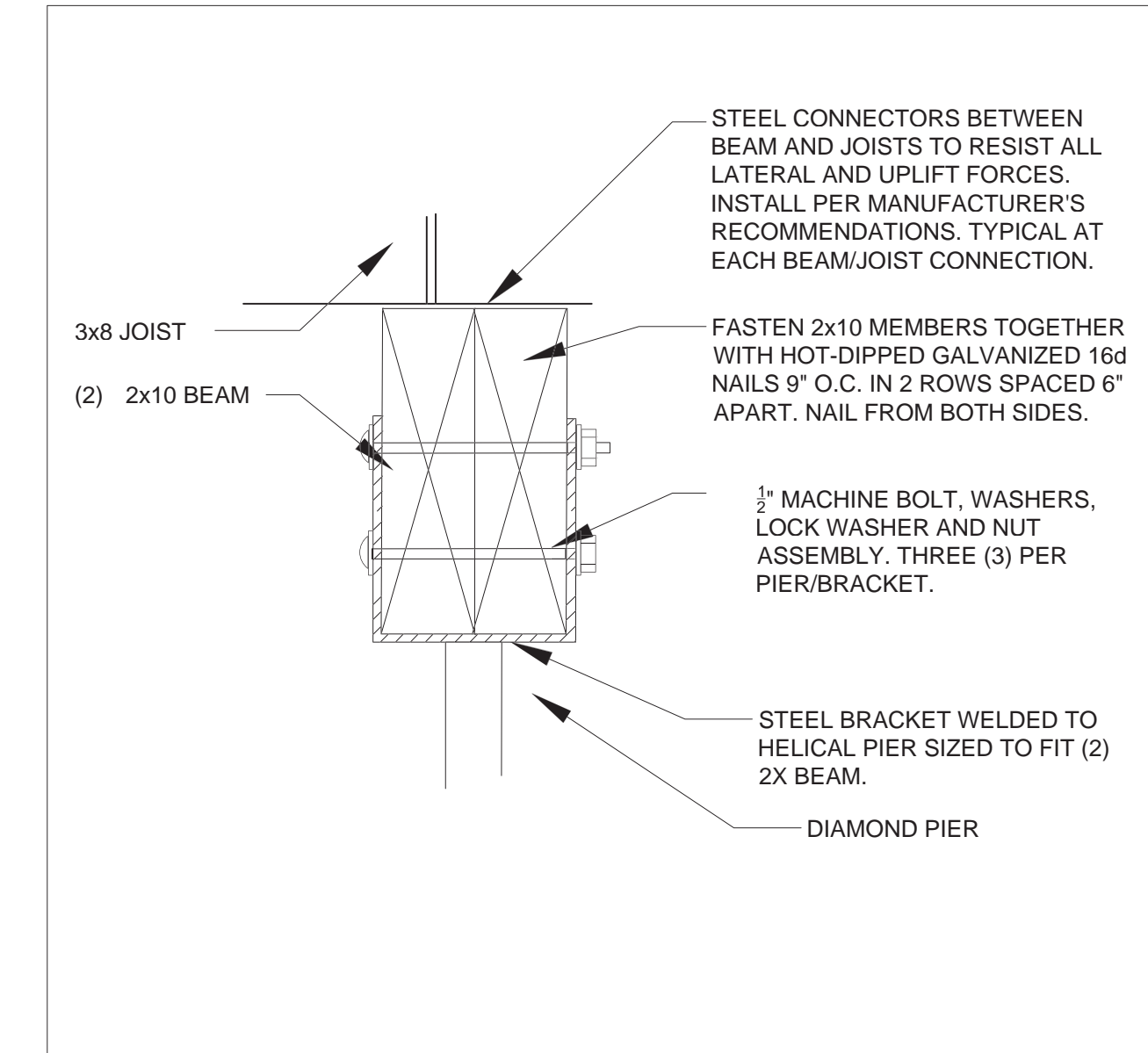
CONTRACTOR TO INSTALL ALL BRACKETS AND OTHER HARDWARE IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTION. ALL NAILS, SCREWS OR OTHER FASTENERS MUST BE INSTALLED AS SPECIFIED BY MANUFACTURER AND CURRENT CONSTRUCTION METHODS AND RECOMMENDATIONS.

ALL HARDWARE INCLUDING SCREWS AND THROUGH-BOLT ASSEMBLIES SHALL BE STAINLESS STEEL, GALVANIZED, OR COATED EXTERIOR-GRADE HARDWARE.

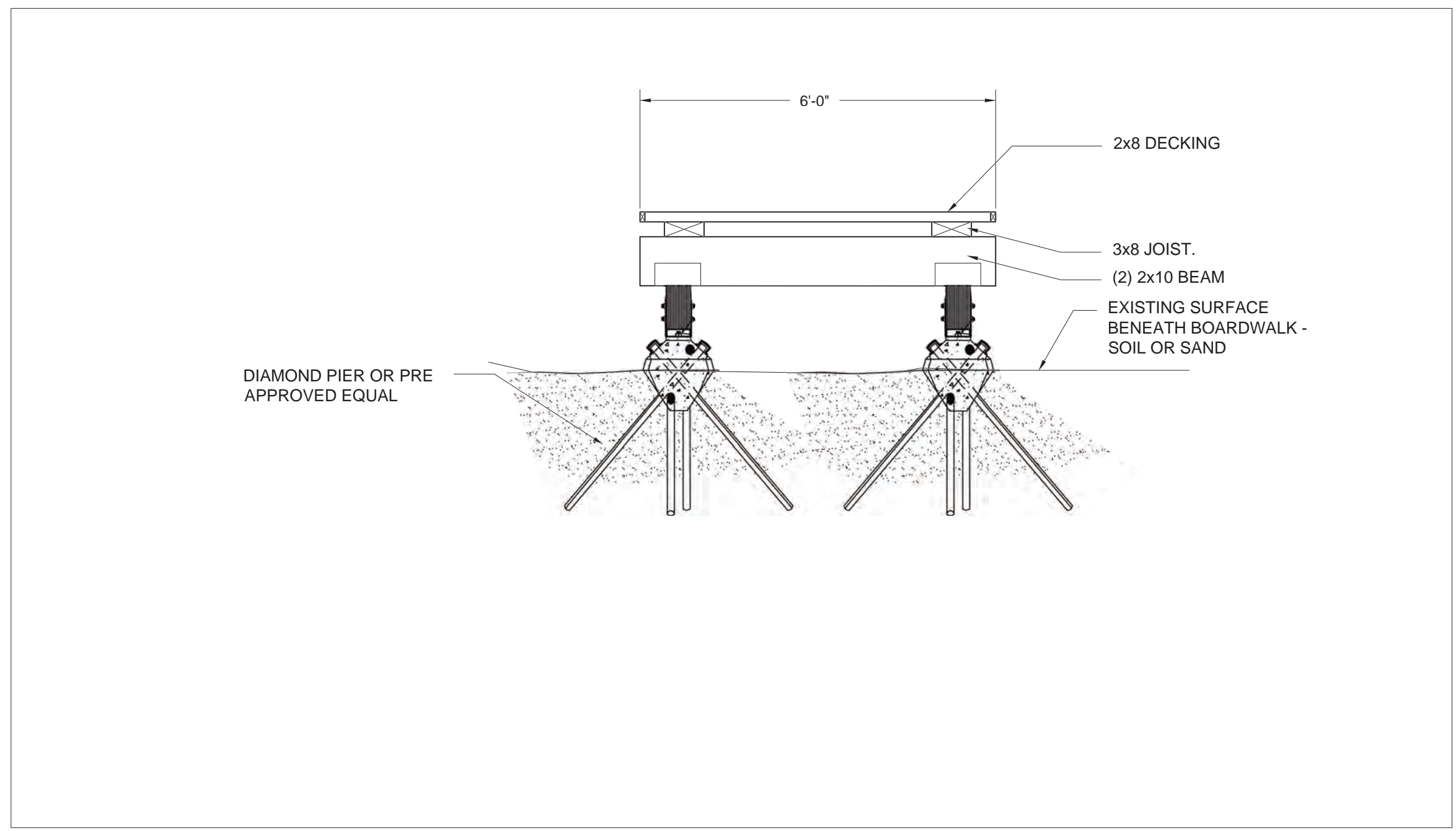
CONTRACTOR SHALL SUBMIT FOR REVIEW AND APPROVAL, STRUCTURAL SHOP DRAWINGS, SIGNED BY A MINNESOTA- REGISTERED STRUCTURAL ENGINEER FOR DIAMOND PIERS AND ALL BOARDWALK CONSTRUCTION METHODS.



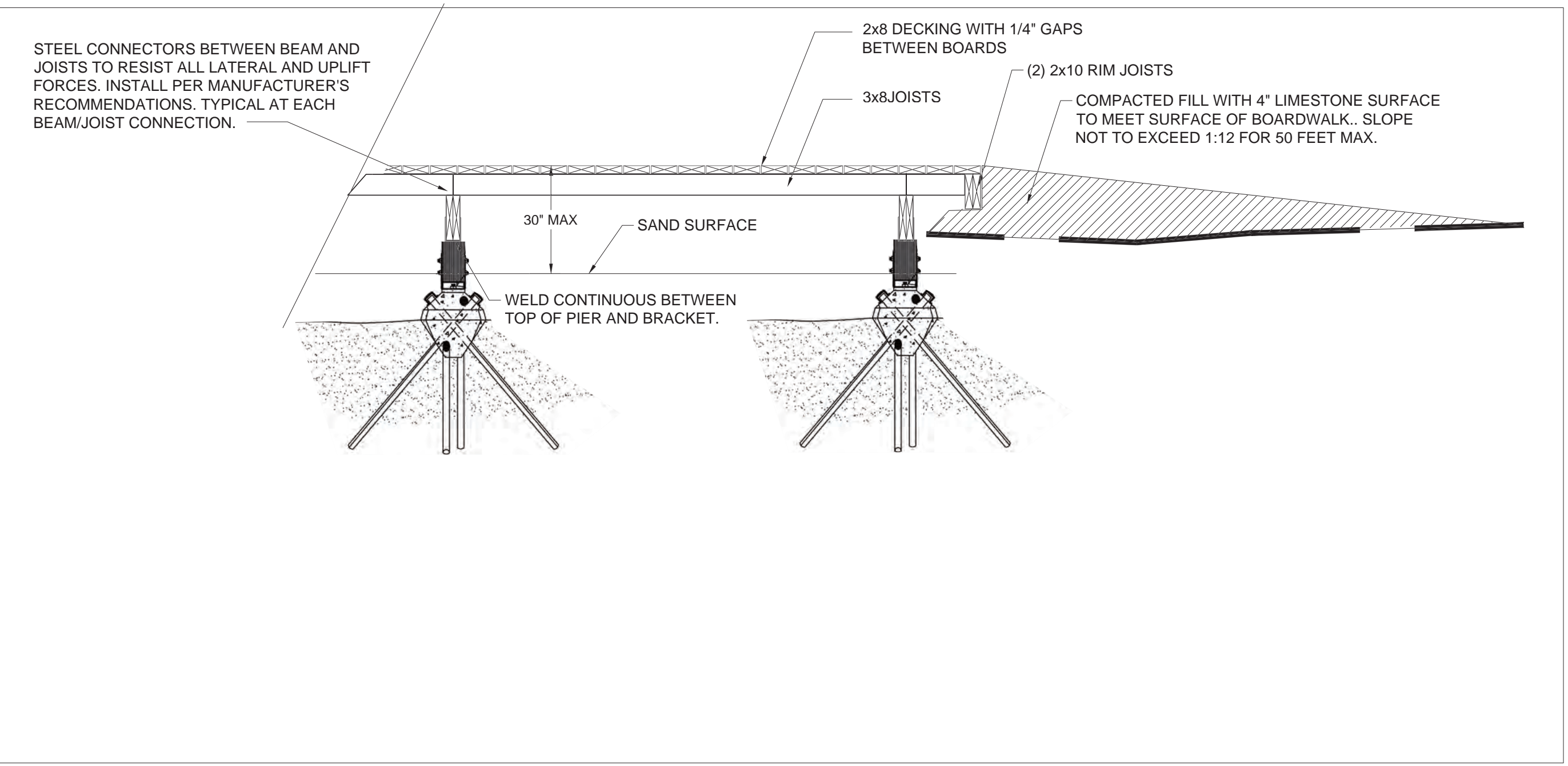
**B** LAKEWALK DECK SECTION



**C** BEAM SECTION

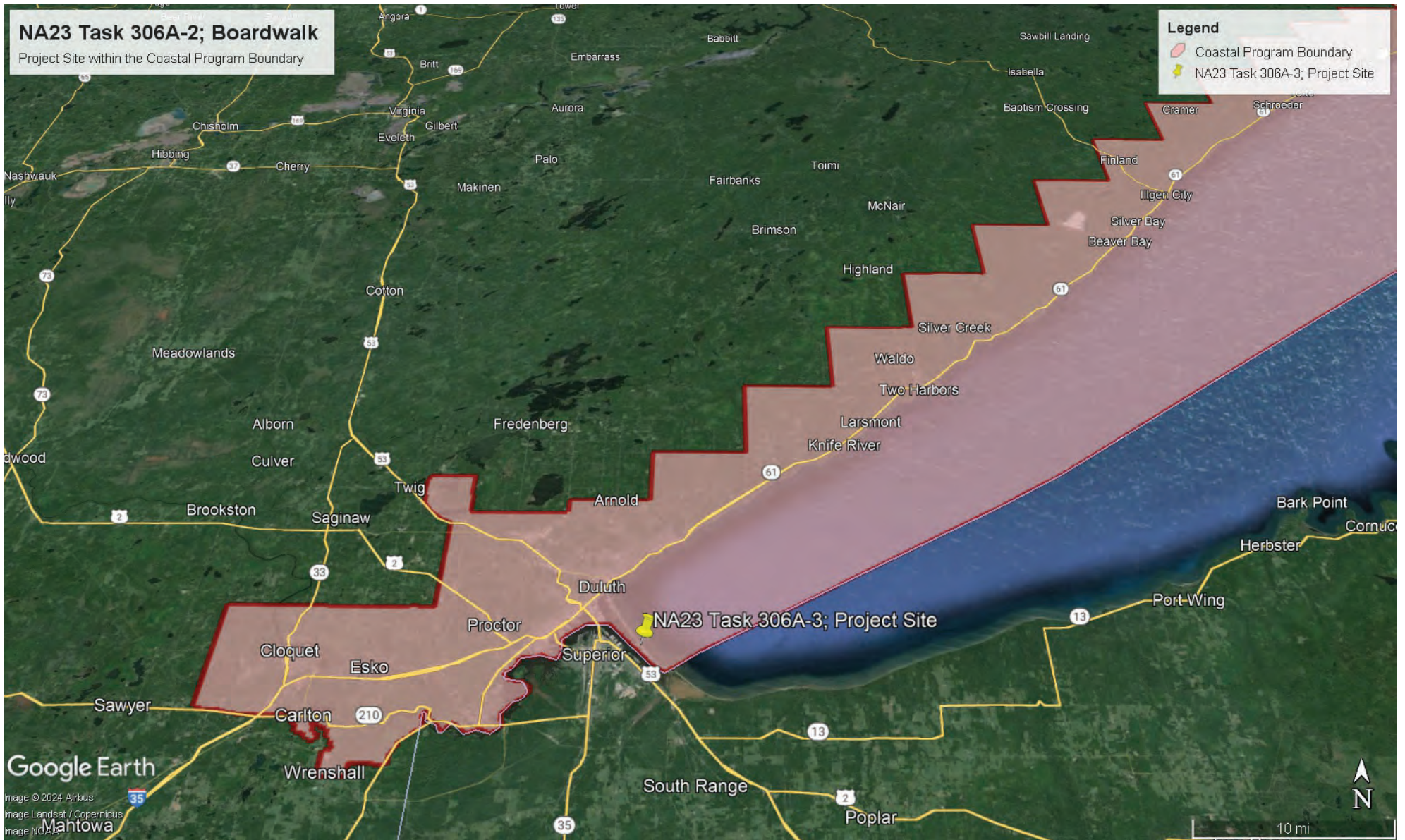


**D** SECTION



**E** BOARDWALK END SECTION

SEE SHEET 3 OF 6 FOR ALL NECESSARY NOTES.



**4750 Minnesota Avenue, Duluth MN 55802**  
 Location Coordinates  
 NAD83  
 UTM ZONE 15  
 X: 572590.0 Y: 5175575.8

LATITUDE	LONGITUDE
DMS: 46 43 47.3	-92 2 59.9
DD: 46.72979	-92.04997
DM: 46 43.788	-92 2.998

Location PLS  
 Public Land Survey  
 County:St. Louis (69)  
 Township:49; Section:13; Range:14  
 Direction:West  
 Forty:12 NW of NE  
 Government Lot:1

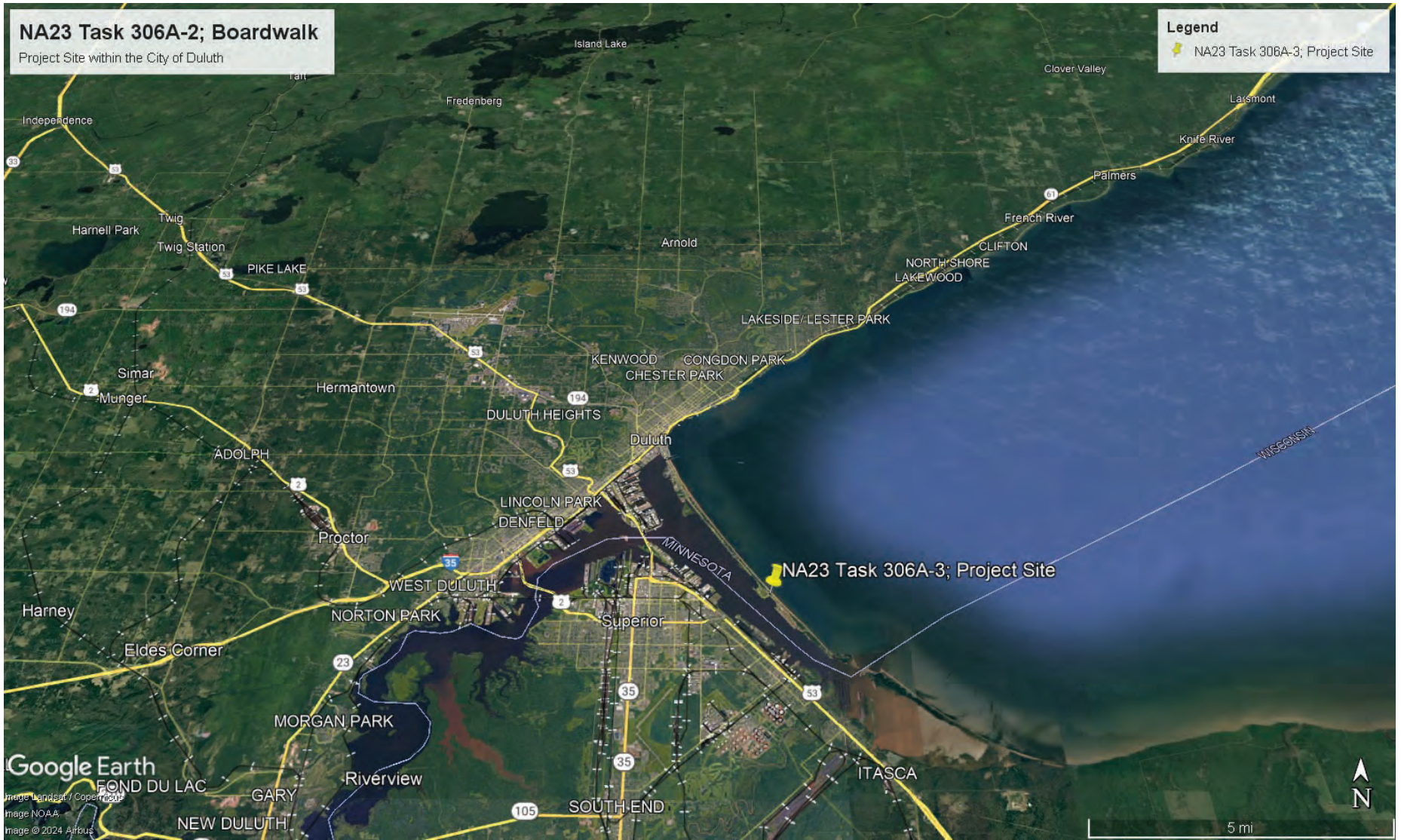


# NA23 Task 306A-2; Boardwalk

Project Site within the City of Duluth

## Legend

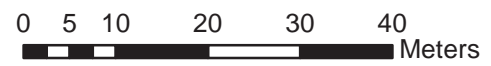
NA23 Task 306A-3; Project Site





Project Location

**4750 Minnesota Ave, Duluth MN 55802**  
**ADA Boardwalk Replacement**



# 4750 Minnesota Ave ADA Boardwalk Replacement



Park Point

13

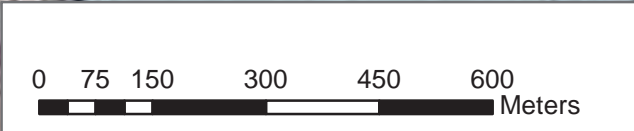
BM 607

Project Location

60A

SKY HARBOR  
SEAPLANE BASE

18

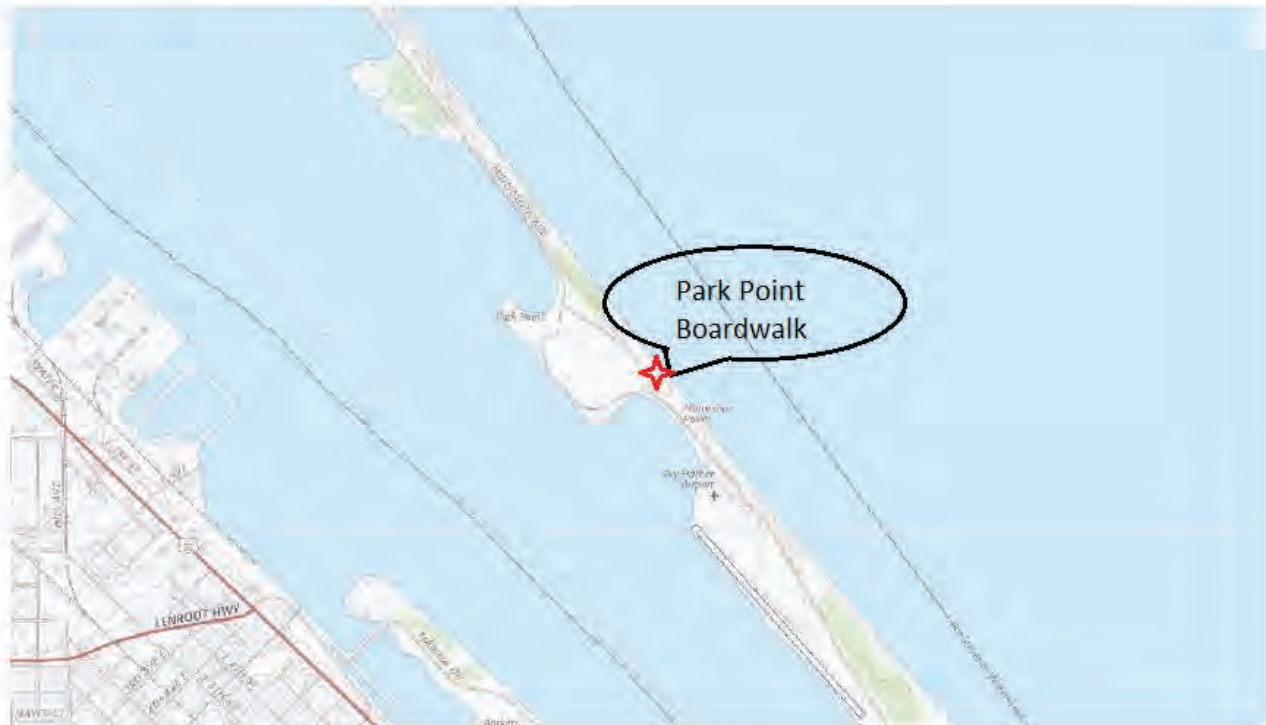


1 inch = 0.16 miles

Copyright: © 2013 National Geographic Society, I-cubed



# USGS Map



## Legends

## Dataset Details

## Map Credits

- Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Print Disclaimer

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Printed from <https://maps.usgs.gov/map/> on Wed Mar 09 2022 18:10:34 GMT-0600 (Central Standard Time)

- [DOI Privacy Policy](#)
- [Legal](#)
- [Accessibility](#)
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- [Contact USGS](#)

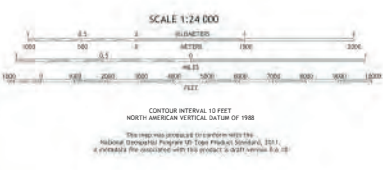
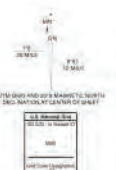
- 
- [U.S. Department of the Interior](#)
  - [DOI Inspector General](#)
  - [White House](#)



42.1200  
-72.0000

**Produced by the United States Geological Survey**  
North American Edition of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84). Projection and  
1:250,000-meter grid (National Transverse Mercator, Zone 15T)  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

**Imagery:** Aerial, September 2017; November 2019  
**Base:** U.S. Census Bureau, 2015 - 2018  
**Names:** U.S. Census Bureau, 2015 - 2018  
**Hydrography:** National Hydrography Dataset, 1982 - 2018  
**Contour:** National Elevation Dataset, 1999 - 2018  
**Boundaries:** Multiple sources, see metadata file 2018 - 2017  
**Public Land Survey System:** BLM, 2015 - 2017  
**Waterbodies:** FWS, National Wetlands Inventory, 2011 - 2012



**ROAD CLASSIFICATION**

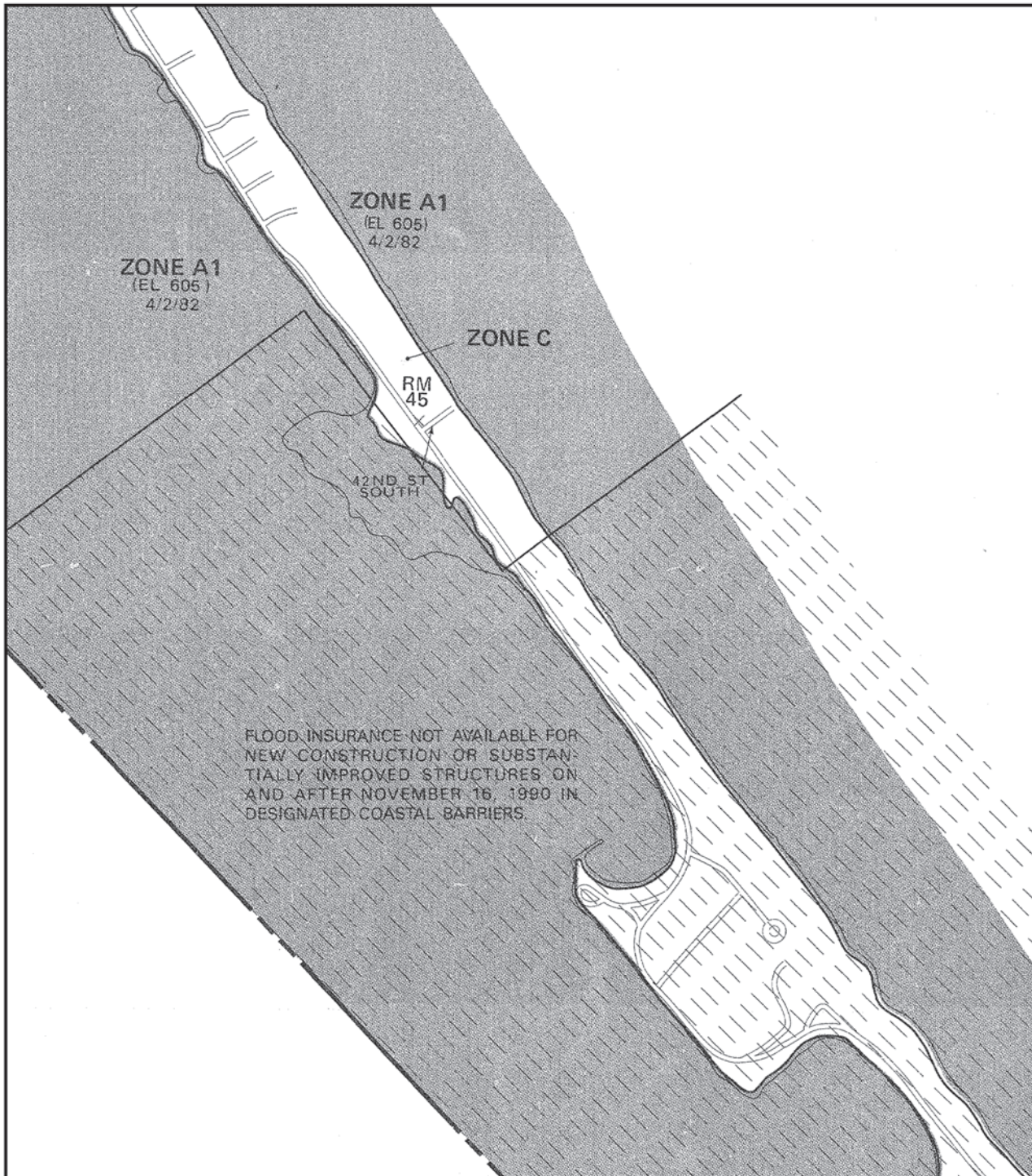
Expressway	Local Connector
Secondary Hwy	Local Road
Barrel	Trail
Interstate Road	US Road
	State Road

1	2	3	1 Duluth Heights
4	5	6	2 Duluth
7	8	9	3 Duluth
			4 West Duluth
			5 Parkersburg
			6 Duluth
			7 Superior
			8 Superior
			9 Superior

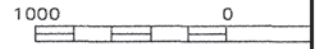
ADJUTANT QUADRANGLES

SUPERIOR, WI, MN  
2018





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

ADJOINING AREA SHOWN AS INSET C ON PANEL 270421 0040

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



# SUPERIOR STEEL

S U P P L Y

## Material Certification

1155 Kelly Johnson Blvd - Colorado Springs, CO 80920 - (719) 694-3004 - Fax: (719) 355-8329

Part No	Gauge	Width	Length	Type	BOL #	Customer P.O. #	Grade	Origin	Mill Coil #												
	10GA	37	0.0000	HR	181937	682023			23058181-08												
Chemical Analysis										Physical Analysis											
Heat #	C	Mn	P	S	Si	Ti	Cr	Mn	Cu	Al	Ca	Ni	Sb	N	V	Nb	Sb	Yield (KSI)	Tensile (KSI)	Elongation %	R <sub>m</sub>
23058181	0.030	0.090	0.006	0.005	0.020	0.018	0.060	0.015	0.080	0.032	0.002	0.040	0.003	0.007	0.002	0.001	0.001				0

We certify that the above figures are accurately stated that are provided by our supplier(s) and/or tests results from the laboratory.



CMC STEEL SOUTH CAROLINA  
310 New State Road  
Cayce SC 29033-3704

CERTIFIED MILL TEST REPORT  
For additional copies call  
800-637-3227

We hereby certify that the test results presented here  
are accurate and conform to the reported grade specification



Curtis G. Glenn.

Quality Assurance Manager

1SERIES-BPS®

HEAT NO.:2100557	S O L D  T O	S H I P  T O	Delivery#: 85306213
SECTION: FLAT 1/4x2-1/2 20'0" A36/52950			BOL#: 75188172
GRADE: ASTM A36-19/A529-19 GR 50			CUST PO#: 6756999
ROLL DATE: 01/03/2023			CUST P/N: 773370
MELT DATE: 12/28/2022			DLVRY LBS / HEAT: 5100.000 LB
Cert. No.: 85306213 / 100557D895			DLVRY PCS / HEAT: 120 EA

Characteristic	Value	Characteristic	Value	Characteristic	Value
C	0.15%	Elongation test 1	25%		
Mn	0.65%	Elongation Gage Lgth test 1	8IN		
P	0.010%	Yield to tensile ratio test1	0.75		
S	0.031%	Yield Strength test 2	58.0ksi		
Si	0.19%	Tensile Strength test 2	77.2ksi		
Cu	0.36%	Elongation test 2	22%		
Cr	0.13%	Elongation Gage Lgth test 2	8IN		
Ni	0.14%	Yield to tensile ratio test2	0.75		
Mo	0.037%	C+(Mn/6)	0.26%		
V	0.000%				
Cb	0.009%				
Sn	0.012%				
Al	0.001%				
B	0.0003%				
Ti	0.000%				
N	0.0118%				
Carbon Eq A529	0.36%				
Yield Strength test 1	57.4ksi				
Tensile Strength test 1	76.0ksi				

The Following is true of the material represented by this MTR:

- \*Material is fully killed and is Hot Rolled Steel
- \*100% melted, rolled, and manufactured in the USA
- \*EN10204:2004 3.1 compliant
- \*Contains no weld repair
- \*Contains no Mercury contamination
- \*Manufactured in accordance with the latest version of the plant quality manual
- \*Meets the "Buy America" requirements of 23 CFR635.410, 49 CFR 661
- \*Warning: This product can expose you to chemicals which are known to the State of California to cause cancer, birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov)

REMARKS : ALSO MEETS ASTM GRADE A36, A529 GR.50, A572 GR.50, A709 GR.36, A709 GR.50, A992, AASHTO GRADE M270 GR.36, M270 GR.50, CSA G40.21-04 GRADE 44 W,50W,ASME SA-36





Sold To:

Ship To:

REF BOL:81157954

13101 Eckles Road  
 Plymouth, MI, US, 48170  
 734.738.5600 734.738.5604

US

US

Heat Number  
42306940

Shipper No  
393716

Customer PO#  
180556

Customer Name  
Wiedenbeck, Inc.

Heat #: 42306940	Made In: US	Melted and Poured In: US
------------------	-------------	--------------------------

C	Mn	P	S	SI	Al	CU	CB	MO	NI	CR	V	TI	B	N
0.19	0.72	0.008	0.001	0.03	0.032	0.1	0.001	0.02	0.05	0.04	0.001	0.0	0.0001	0.009

Material Group# : 015015125	Certification: ASTM A500-21 GRADE C
-----------------------------	-------------------------------------

Yield	Tensile	Eln.2in	CE
0.78900 Psi	0.86100 Psi	33.7 %	0.34

Mill	Mill Location	Method	Recycled Content	Post Consumer	Pre-Consumer (Post Industrial)	% Harvested	Within Miles of Location
SDI	Butler, IN	EMF	89.00%	80.00%	9.00%	99.00%	500.00

Material	Customer Item	Customer Note
1.5x1.5x125x24"0(10x6) GRC	ST112112125-24	

Bundle No	Pcs	Purchase Order	Sales Order	Sales Order Note
M301382201	60	A-238176	0001920543	
M301382203	60	A-238176	0001920543	

Authorized by Quality Assurance: *Jason Richard* Jason Richard

The results reported on this report represent the actual attributes of the material furnished and indicate full compliance with all applicable specification and contract requirements. CE calculated using the AWS D1.1 method. This document is in compliance with the requirements of EN 10204 type 3.1





Sold To:

Ship To:

REF/BOL:81171163

1000 N Burlington Street  
North Kansas  
City,MO,US,64116

US

US

Heat Number

16698C

Shipper No

393716

Customer PO#

180556

Heat #: 16698C 1	Made In: US	Melted and Poured In: US
------------------	-------------	--------------------------

C	Mn	P	S	SI	Al	CU	CB	MO	NI	CR	V	TI	B	N
0.2	0.77	0.009	0.004	0.01	0.044	0.03	0.0	0.0	0.01	0.05	0.0	0.001	0.0	0.003

Material Group# : 015015120	Certification:ASTM A500-21 GRB,A513-20,T1
-----------------------------	---

Yield	Tensile	Eln.2ln	CE
064697 Psi	074205 Psi	26.5 %	0.34

Mill	Mill Location	Method	Recycled Content	Post Consumer	Pre-Consumer (Post Industrial)	% Harvested	Within Miles of Location
USSTEEL	GRANITE CITY,IL	BOF	36.90%	19.80%	14.40%	100.00%	500.00

Material	Customer Item	Customer Note
1.5x1.5x120x240"0(8x8).A513B		

Bundle No	Pcs	Purchase Order	Sales Order	Sales Order Note
Z100005195	64	A-240459	0001948142	
Z100005196	64	A-240459	0001948142	

Authorized by Quality Assurance: *Jason Richard* Jason Richard

The results reported on this report represent the actual attributes of the material furnished and indicate full compliance with all applicable specification and contract requirements. CE calculated using the AWS D1.1 method. This document is in compliance with the requirements of EN 10204 type 3.1



Customer Name

Wiedenbeck, Inc.

Pekin IL 61554

Date

Shipped: 8/08/2023

Send

To:

Ship

To:

Material: 2 X 2 .188 A500 GR B 24.000FT Sales Order: 154575-01 PO#: 0650222  
 Hot rolled carbon steel cold formed ERW square tubing P/N: 873080

Heat#: B305544	ASTM A500 2021a	Grade B/C Type 1
----------------	-----------------	------------------

C	Mn	P	S	Si	Al	Cb	Cr	Cu	Mo	Ni	V	N	Nb	Ti	B
.060	.330	.013	.002	.040	.021	.000	.050	.130	.010	.040	.000	.0075	.0010	.0010	

Yield(psi)	Tensile(psi)	TE	Rock	CEV
59,000	66,000	25.1	B78	.138

Melted and manufactured in the USA

LEED Information

Year 2021 Recycled Content 74.0% Scrap 95.0% Post consumer 5.0% Pre consumer  
 Exact scrap% per heat is unknown; LEED data is an average for that mill/production year.

Products manufactured to this specification may not be suitable for those applications such as dynamically loaded elements in welded structures, etc., where low-temperature notch-toughness properties (Charpy impact testing) may be important.

Repair welding of ASTM A500-21 tubing is allowed under certain conditions as described in Section 16.2.1. However, Hanna Steel does not currently perform any repair welding on our tubing.

Bundle#	Heat#	Pieces	Feet	Weight
5092839	B305544	49	1,176	5,080

The above results are a true and correct copy of physical tests performed to the ASTM A370 standard by Hanna Steel Corporation and contained in the records of Hanna Steel Corporation. Chemical tests are from records maintained by Hanna Steel Corporation as supplied by our mill sources.

Hanna Steel Corporation



**MATERIAL TEST REPORT**

**ORIGINAL**

M/C No. MC0000083571  
 Date 06/20/2023

BL No. SH0000096405  
 Destination  
 Supplier

**MARUICHI LEAVITT PIPE & TUBE, LLC**  
 1717 W. 115TH ST.  
 CHICAGO, IL. 60643  
 TEL:773-239-7700 FAX:773-239-1023

No	SPEC	No of PCS	Heat No	Chemical Composition(Ladle Analysis)										Tensile Test			Hydrostatic Test	Bending Test	Remarks
				C (%)	Si (%)	Mn (%)	P (%)	S (%)	Cu (%)	Ni (%)	Cr (%)	Mo (%)	V (%)	Yield Strength (PSI)	Tensile Strength (PSI)	Elongation (%)	Pressure (PSI)	Flattening Test	
				X 100	X 100	X 100	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	Result	Test		
1	ASTM A500-21A GRADE B ERW HIY TUBING 4.5IN x 0.337IN x 252IN HRB 03059645 / 28986	100 31,500	B69256	6	3	116	9	0	30	10	40	7	7	57,725	67,332	31			SA0000254115 A500 Grade B/C
2	ASTM A513/A513M-20A ERW TUBING 1IN x 1 1/2IN x 0.083IN x 24FT HRB 03059664 / 00871	100 3,160	832A40980	9	2	48	10	6	33	20	40	11	1					0	SA0000254409
3	ASTM A500/A500M-21A GRADE B ERW TUBING 2 1/2IN x 2 1/2IN x 0.188IN x 24FT HRB 03059881 / 00881	60 8,048	A76116	17	3	66	8	2	20	0	50	6	5	61,427	72,268	27			SA0000257627 A500 Grade B/C
4	ASTM A500/A500M-21A GRADE B ERW TUBING 2 1/2IN x 2 1/2IN x 0.188IN x 24FT HRB 03059881 / 00881	30 4,024	B3937	15	3	64	12	6	50	60	70	20	4	68,463	69,141	28			SA0000257627 A500 Grade B/C

**Melted and Manufactured in the USA**

This material has not come in direct contact with mercury during the manufacturing or testing processes. No Weld Repair. EN10204:2004 TYPE 3.1 Cert

Remarks:

We hereby certify that the material described herein conforms fully to the said specification.

Maruichi Leavitt Pipe & Tube, LLC



1000 N Burlington Street  
Kansas City, KS, US, 64116

Sold To:

Ship To:

REF BOL:81150389

US

US

Heat Number

23009152

Shipper No

384555

Customer PO#

178355

Customer Name

Wiedenbeck, Inc.

Heat #: 23009152	Made In: US	Melted and Poured In: US
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C	Mn	P	S	SI	Al	CU	CB	MO	NI	CR	V	TI	B	N
0.06	0.85	0.009	0.003	0.02	0.027	0.12	0.001	0.015	0.05	0.04	0.004	0.001	0.0001	0.0079

Material Group# : 040020120	Certification: ASTM A500-21 GRADE B&C
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Yield	Tensile	Eln.2In	CE
063000 Psi	069600 Psi	30.8 %	0.23

Mill	Mill Location	Method	Recycled Content	Post Consumer	Pre-Consumer (Post Industrial)	% Harvested	Within Miles of Location
BIGRIVER	OSCEOLA,AR	EAF	76.00%	95.00%	5.00%	75.00%	500.00

Material	Customer Item	Customer Note
4.0x2.0x120x24"0; 5x8)		

Bundle No	Pcs	Purchase Order	Sales Order	Sales Order Note
5000036340	40	A-236925	0001906863	
5000036458	40	A-236925	0001906863	

Authorized by Quality Assurance: *Jason Richard* Jason Richard

The results reported on this report represent the actual attributes of the material furnished and indicate full compliance with all applicable specification and contract requirements. CE calculated using the AWS D1.1 method. This document is in compliance with the requirements of EN 10204 type 3.1



# CERTIFICATE OF ANALYSIS



1819 Clarkson Rd.  
Chesterfield, MO 63017  
Phone: (636) 537-2600

BILL TO:

SHIP TO:

Release Number: 595340  
Ship Date: 7/28/2023

Page: 2 of 5

Chemistry		Heat Number	MELTED AND MANUFACTURED IN THE USA							
C: 0.0500	Mn: 0.3100	P: 0.0130	S: 0.0040	Si: 0.0200	Cu: 0.1500	Al: 0.0370	V:	Ni: 0.0600	Nb/CB:	
Cr: 0.0700	Ti:	Mo: 0.0200	B: 0.0020	CE: 0.137	N: 0.0070	CA: 0.0020	Sn: 0.0070			

Tag No	Gage	Width	Length	Weight	Coating	Prod Plant	Part Number	Grade	Tensile	Yield	Elong
Product				Tag As							
200885245	0.1200	2.0000	288.0000	3,607		CHICAGO HEIC	21280N120HR00AB24ST		63500	61500	43
Hot Rolled		2" SQ X 0.120 HR X 24'					Cust PO: A-238012	A500 21 GRADE B & C			
200885251	0.1200	2.0000	288.0000	3,607		CHICAGO HEIC	21280N120HR00AB24ST		63500	61500	43
Hot Rolled		2" SQ X 0.120 HR X 24'					Cust PO: A-238012	A500 21 GRADE B & C			

Heat Number  
32313450

Shipper No  
392883

Customer PO#  
180332

Customer Name  
Wiedenbeck, Inc.



US-ML-WILTON  
1500-2500 WEST 3RD STREET  
WILTON, IA 52778  
USA

CUSTOMER SHIP TO		CUSTOMER BILL TO		GRADE GGMULTI	SHAPE - SIZE Angle = 2X2X3/16	DOCUMENT ID 0000152702
USA		USA		LENGTH 20'00"	WEIGHT 25,375 LB	HEAT / BATCH 63224678/02
SALES ORDER 13217156-000010		CUSTOMER MATERIAL NO. A22316240		SPECIFICATION / DATE of REVISION ASTM A579-14, A572-15 ASTM A1017, A706-14, ASME SA-36 ASTM A709-18, AASHTO M270-15 CSA G40.20-13, G40.21-13		
CUSTOMER PURCHASE ORDER NUMBER A-238955	BILL OF LADING 1334-0000092686	DATE 08/02/2023				

CHEMICAL COMPOSITION											
C (%)	Mn (%)	P (%)	S (%)	Si (%)	Cu (%)	Ni (%)	Cr (%)	Mo (%)	V (%)	Nb (%)	Sn (%)
0.12	0.61	0.010	0.030	0.21	0.35	0.08	0.11	0.020	0.012	0.000	0.011

MECHANICAL PROPERTIES					
Elong. (%)	G/L (Inches)	UTS (PSI)	UTS (MPa)	YS (PSI)	YS (MPa)
26.30	8.000	77373	534	52936	365
27.50	8.000	75957	524	52319	361

GEOMETRIC CHARACTERISTICS	
R.R.	
42.90	

COMMENTS - NOTES

This grade meets the requirements for the following grades:  
 ASTM Grades: A36, A529-50, A572-50, A709-36, A709-50  
 CSA Grades: 44W, 50W  
 AASHTO Grades: M270-36, M270-50  
 ASME Grades: SA36

Gerdaul's steel is 100% recyclable. Support the circular economy through our Metals Recycling Partnership. For details, visit [www.gerdau.com/metals-recycling](http://www.gerdau.com/metals-recycling) or contact [metalsrecycling@gerdau.com](mailto:metalsrecycling@gerdau.com).

The above figures are certified chemical and physical test records as contained in the permanent records of the company. We certify that these data are correct and in compliance with specified requirements. No weld repair was performed on this material. The material has not been in contact with mercury while in Gerdaul possession. For all products other than billets or beam blanks, this material was produced (Electric Arc Furnace, Melted, Continuously Cast, Hot Rolled and, if applicable, Cold-Drawn) in the USA. For billets or beam blanks, this material was produced (Electric Arc Furnace, Melted and Continuously Cast) in the USA. CMTR complies with EN 10204 3.1.

*Bhaskar*  
BHASKAR YALAMANCHILI  
QUALITY DIRECTOR  
Phone: (409) 267-1971 Email: [Bhaskar.Yalamanchili@gerdau.com](mailto:Bhaskar.Yalamanchili@gerdau.com)

*Daniel Wells*  
DANIEL A WELLS  
QUALITY ASSURANCE MGR.  
Phone: (563) 279-1258 Email: [Daniel.wells1@gerdau.com](mailto:Daniel.wells1@gerdau.com)

Heat Number  
63224678/02

Shipper No  
392883

Customer PO#  
180332

Customer Name  
Wiedenbeck, Inc.

Park Point Boardwalk



Park Point Boardwalk





Social Trails





# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793 Fax: (952) 646-2873

In Reply Refer To:  
Project code: 2023-0053999  
Project Name: Park point Beach House Boardwalk  
IPaC Record Locator: 481-123415933

March 09, 2023

Federal Nexus: yes  
Federal Action Agency (if applicable): NOAA - Fisheries

**Subject:** Record of project representative's no effect determination for 'Park point Beach House Boardwalk'

Dear Christine Penney:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 09, 2023, for 'Park point Beach House Boardwalk' (here forward, Project). This project has been assigned Project Code 2023-0053999 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action

and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Canada Lynx *Lynx canadensis* Threatened
- Gray Wolf *Canis lupus* Threatened
- Piping Plover *Charadrius melodus* Endangered
- Red Knot *Calidris canutus rufa* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of "No Effect" on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0053999 associated with this Project.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Park point Beach House Boardwalk

**2. Description**

The following description was provided for the project 'Park point Beach House Boardwalk':

replace 300 ft or boardwalk across the dunes

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@46.73042635,-92.0520183685828,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

5. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

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6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*No*

7. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*

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## **PROJECT QUESTIONNAIRE**

Will all project activities be completed by April 1, 2024?

*No*

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**IPAC USER CONTACT INFORMATION**

Agency: Duluth city  
Name: Christine Penney  
Address: 411 West 1st Street  
Address Line 2: Parks and Recreation  
City: Duluth  
State: MN  
Zip: 55802  
Email: christinepenney@earthlink.net  
Phone: 2184286809

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: NOAA - Fisheries  
Name: Cynthia Poyhonen  
Email: cynthia.poyhonen@state.mn.us  
Phone: 2188341447

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# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793 Fax: (952) 646-2873

In Reply Refer To:  
Project Code: 2023-0053999  
Project Name: Park point Beach House Boardwalk

March 09, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

## To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

## Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

## Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

**Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review.** If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

### **Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species**

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
  2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
-

3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

### **Northern Long-Eared Bats**

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

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**Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

*If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the northern long-eared bat 4(d) D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. The 4(d) D-key streamlines consultation under the 2016 range-wide programmatic biological opinion for the 4(d) rule.*

*Please note:* On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's [northern long-eared bat website](#).

### **Whooping Crane**

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

### **Other Trust Resources and Activities**

*Bald and Golden Eagles* - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically

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authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

*Communication Towers* - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

### **State Department of Natural Resources Coordination**

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

#### *Minnesota*

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

#### *Wisconsin*

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNRRERReview@wi.gov](mailto:DNRRERReview@wi.gov)

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

#### Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Coastal Barriers
-

- Wetlands

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

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## PROJECT SUMMARY

Project Code: 2023-0053999  
Project Name: Park point Beach House Boardwalk  
Project Type: Management Plans Land Management/Restoration  
Project Description: replace 300 ft or boardwalk across the dunes  
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@46.73042635,-92.0520183685828,14z>



Counties: St. Louis County, Minnesota

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Gray Wolf <i>Canis lupus</i> Population: MN There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/4488">https://ecos.fws.gov/ecp/species/4488</a>	Threatened
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

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**BIRDS**

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.) There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Endangered
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

**CRITICAL HABITATS**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location.** To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31
Black Tern <i>Chlidonias niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20

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NAME	BREEDING SEASON
<b>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
<b>Bobolink <i>Dolichonyx oryzivorus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
<b>Canada Warbler <i>Cardellina canadensis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Common Tern <i>Sterna hirundo hirundo</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Aug 31
<b>Connecticut Warbler <i>Oporornis agilis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 15 to Aug 10
<b>Eastern Whip-poor-will <i>Antrostomus vociferus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Aug 20
<b>Evening Grosbeak <i>Coccothraustes vespertinus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Aug 10
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds Jan 1 to Aug 31
<b>Golden-winged Warbler <i>Vermivora chrysoptera</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a>	Breeds May 1 to Jul 20
<b>Kirtland's Warbler <i>Setophaga kirtlandii</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8078">https://ecos.fws.gov/ecp/species/8078</a>	Breeds May 25 to Jul 31

NAME	BREEDING SEASON
<p><b>Lesser Yellowlegs</b> <i>Tringa flavipes</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a></p>	Breeds elsewhere
<p><b>Long-eared Owl</b> <i>asio otus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/3631">https://ecos.fws.gov/ecp/species/3631</a></p>	Breeds Mar 1 to Jul 15
<p><b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/3914">https://ecos.fws.gov/ecp/species/3914</a></p>	Breeds May 20 to Aug 31
<p><b>Ruddy Turnstone</b> <i>Arenaria interpres morinella</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds elsewhere
<p><b>Wood Thrush</b> <i>Hylocichla mustelina</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31
<p><b>Yellow Rail</b> <i>Coturnicops noveboracensis</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/9476">https://ecos.fws.gov/ecp/species/9476</a></p>	Breeds May 15 to Sep 10

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee

was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

- To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

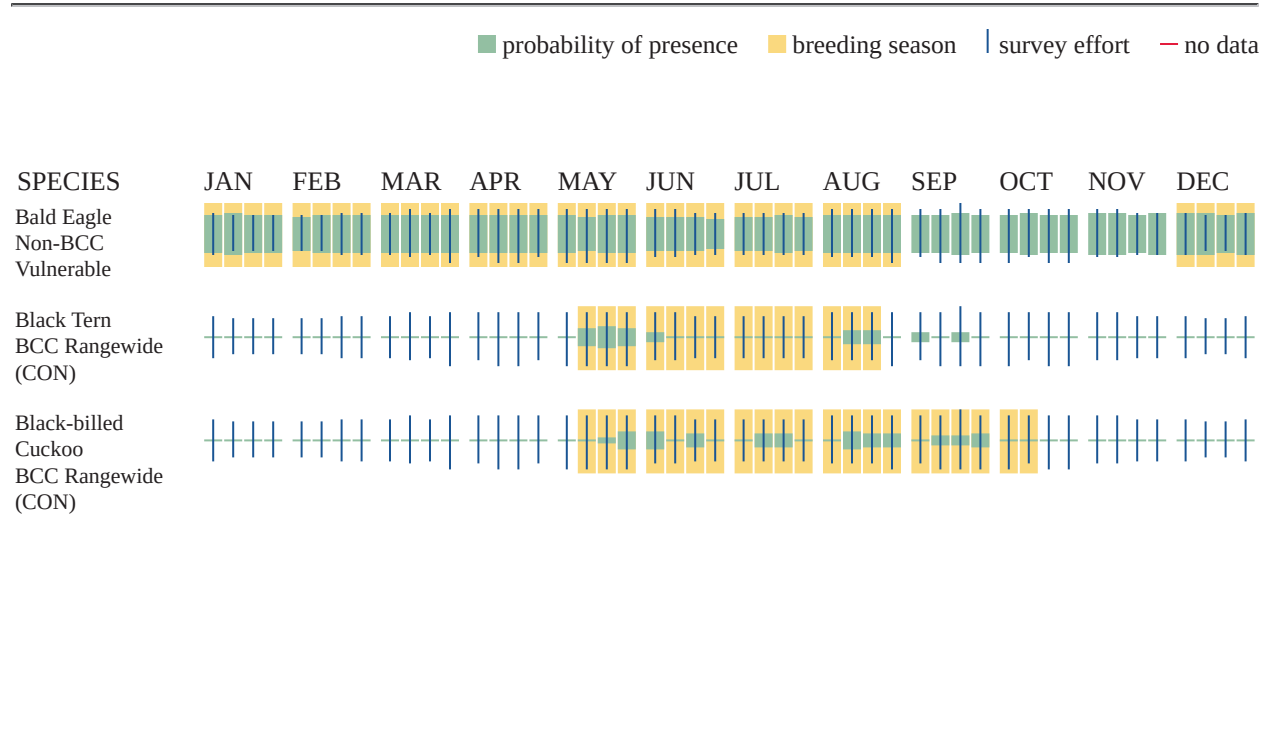
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

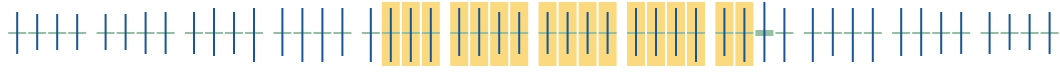
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







Yellow Rail  
BCC Rangewide  
(CON)



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## MIGRATORY BIRDS FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

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Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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## COASTAL BARRIERS

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

### SYSTEM UNIT (SU)

*Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. **Federally-funded projects within System Units require consultation with the Service.** Consultation is not required for projects using private, state, or local funds.*

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
MN-01	Minnesota Point	SU	11/16/1990	11/16/1990

**PLEASE NOTE:** *If this project is Federally funded by the U.S. Fish and Wildlife Service through the [Great Lakes Restoration Initiative \(GLRI\)](#), there may be a [programmatic GLRI CBRA consultation](#) that applies. Please contact the lead Ecological Services Field Office shown on the letterhead for more information.*

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

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**IPAC USER CONTACT INFORMATION**

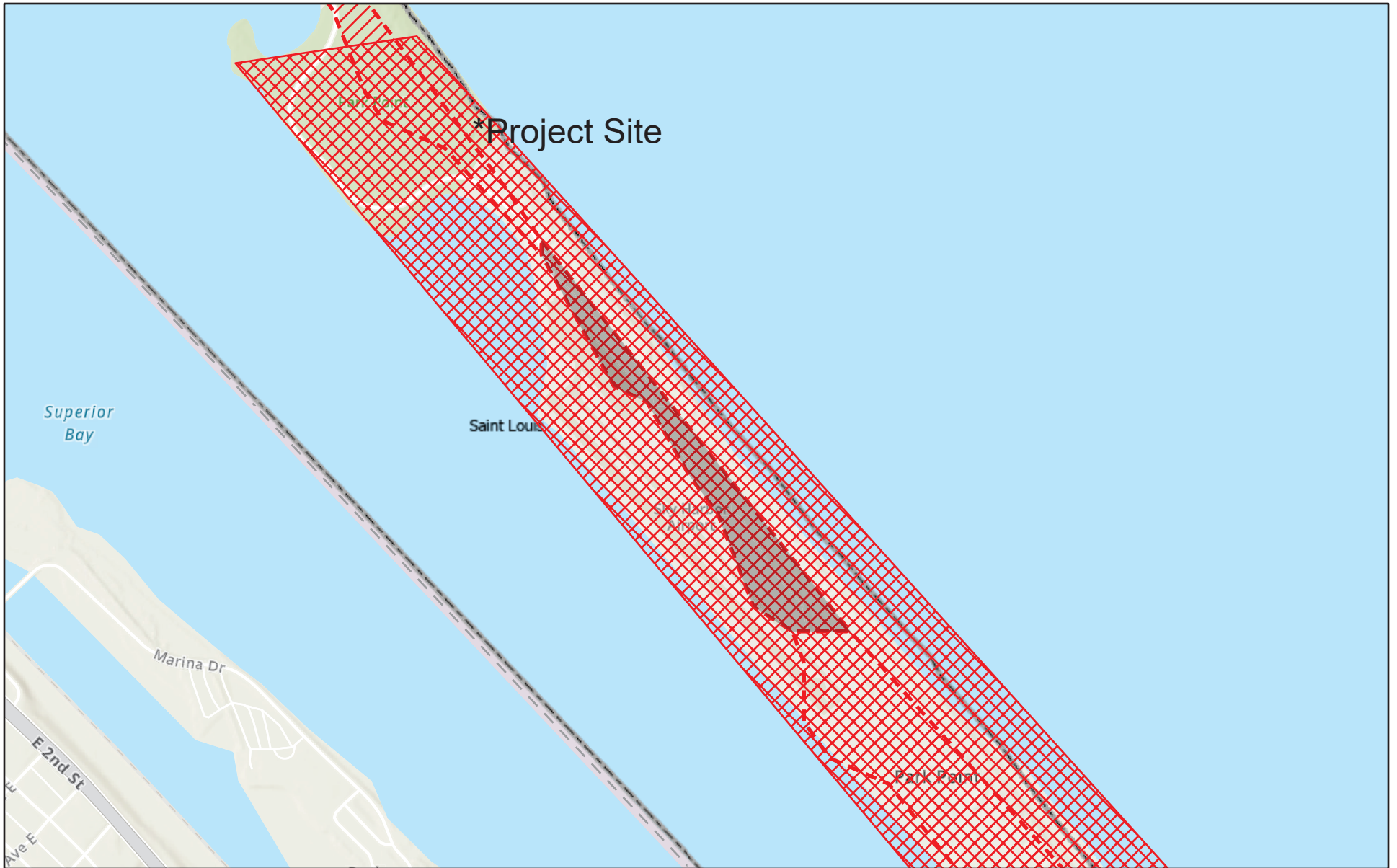
Agency: Duluth city  
Name: Christine Penney  
Address: 411 West 1st Street  
Address Line 2: Parks and Recreation  
City: Duluth  
State: MN  
Zip: 55802  
Email: christinepenney@earthlink.net  
Phone: 2184286809

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: NOAA - Fisheries  
Name: Cynthia Poyhonen  
Email: cynthia.poyhonen@state.mn.us  
Phone: 2188341447

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# T49,R13,S18



5/14/2024

MnSHIP Points

● NR Listed or Eligible

● Inventoried

MnSHIP Lines

— NR Listed or Eligible

— Inventoried

MnSHIP Polygons

▨ Inventoried

- - - County Boundaries

1:17,605

0 0.1 0.2 0.4 mi

0 0.15 0.3 0.6 km

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, St. Louis County (MN), Esri, TomTom, Garmin, SafeGraph, GeoTechnologies,

COUNTY  
Saint Louis

CITYTWP

Duluth

PROPNAME

Duluth Sky Harbor Airport

ADDRESS

on Minnesota Point

TOWI RANG SEC QUARTER USGS

49 13 18 Superior

REPORTNUM NRH CE DOI INVENTNUM

SL-DUL-3159



**From:** [Christine Penney](#)  
**To:** [Poyhonen, Cynthia \(DNR\)](#)  
**Subject:** FW: Yet another request  
**Date:** Friday, March 10, 2023 11:15:12 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[History.xls](#)

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Good morning again. Last piece for the PP Boardwalk 306, I believe.

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**From:** MN\_MNIT\_Data Request SHPO <DataRequestSHPO@state.mn.us>  
**Sent:** Friday, March 10, 2023 10:15 AM  
**To:** Christine Penney <cpenney@DuluthMN.gov>  
**Cc:** Katie Bennett <kbennett@DuluthMN.gov>  
**Subject:** RE: Yet another request

Hello Christine,

Please see attached. Our database has no archaeological records for the given project area.

Jim



SHPO Data Requests  
Minnesota State Historic Preservation Office  
50 Sherburne Avenue, Suite 203  
Saint Paul, MN 55155  
(651) 201-3299  
[datarequestshpo@state.mn.us](mailto:datarequestshpo@state.mn.us)

**Notice:** This email message simply reports the results of the cultural resources database search you requested. The database search is only for previously known archaeological sites and historic properties. **IN NO CASE DOES THIS DATABASE SEARCH OR EMAIL MESSAGE CONSTITUTE A PROJECT REVIEW UNDER STATE OR FEDERAL PRESERVATION LAWS** – please see our website at <https://mn.gov/admin/shpo/protection/> for further information regarding our Environmental Review Process.

Because the majority of archaeological sites in the state and many historic/architectural properties have not been recorded, important sites or properties may exist within the search area and may be affected by development projects within that area. Additional research, including field surveys, may be necessary to adequately assess the area's potential to contain historic properties or archaeological sites.

Properties that are listed in the National Register of Historic Places (NRHP) or have been determined eligible for listing in the NRHP are indicated on the reports you have received, if any. The following codes may be on those reports:

**NR** – National Register listed. The properties may be individually listed or may be within the boundaries of a National Register District.

**CEF** – Considered Eligible Findings are made when a federal agency has recommended that a property is eligible for listing in the National Register and MN SHPO has accepted the recommendation for the purposes of the

Environmental Review Process. These properties need to be further assessed before they are officially listed in the National Register.

**SEF** – Staff eligible Findings are those properties the MN SHPO staff considers eligible for listing in the National Register, in circumstances other than the Environmental Review Process.

**DOE** – Determination of Eligibility is made by the National Park Service and are those properties that are eligible for listing in the National Register, but have not been officially listed.

**CNEF** – Considered Not Eligible Findings are made during the course of the Environmental Review Process. For the purposes of the review a property is considered not eligible for listing in the National Register. These properties may need to be reassessed for eligibility under additional or alternate contexts.

Properties without NR, CEF, SEF, DOE, or CNEF designations in the reports may not have been evaluated and therefore no assumption to their eligibility can be made. Integrity and contexts change over time, therefore any eligibility determination made ten (10) or more years from the date of the current survey are considered out of date and the property will need to be reassessed.

If you require a comprehensive assessment of a project’s potential to impact archaeological sites or historic/architectural properties, you may need to hire a qualified archaeologist and/or historian. If you need assistance with a project review, please contact Kelly Gragg-Johnson, Environmental Review Specialist @ 651-201-3285 or by email at [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us).

The Minnesota SHPO Archaeology and Historic/Architectural Survey Manuals can be found at <https://mn.gov/admin/shpo/identification-evaluation/>.

Please [subscribe to receive SHPO notices](#) for the most current updates regarding office hours, accessing research files, or changes in submitting materials to the SHPO.

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**From:** Christine Penney <[cpenney@DuluthMN.gov](mailto:cpenney@DuluthMN.gov)>  
**Sent:** Tuesday, March 7, 2023 10:52 AM  
**To:** MN\_MNIT\_Data Request SHPO <[DataRequestSHPO@state.mn.us](mailto:DataRequestSHPO@state.mn.us)>  
**Cc:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>  
**Subject:** Yet another request

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Hi Jim:  
Parcel # 010275000090  
Township = 49  
Range = 13  
Section = 18

Photo attached.

Thanks! Christine

**PHASE I ARCHAEOLOGICAL SURVEY OF A  
BOARDWALK CORRIDOR FROM  
PARK POINT RECREATION AREA TO THE  
LAKE SUPERIOR BEACH ON MINNESOTA POINT,  
DULUTH, ST. LOUIS COUNTY,  
MINNESOTA**

**Susan C. Mulholland**

**Duluth Archaeology Center  
5910 Fremont Street  
Duluth MN 55812**

**TO:**

**City of Duluth, Parks and Recreation**

**Duluth Archaeology Center Report No. 24-17**

**May 2024**

## **ABSTRACT**

Phase I archaeological survey was conducted at a new ADA boardwalk corridor from a Park Point Recreation Area parking lot to the Lake Superior beach on Minnesota Point. The existing corridor will be replaced with a realignment to the north; four shovel tests were placed in and adjacent to the new corridor in previously undisturbed area. No cultural materials were observed on the surface or in tests, exclusive of modern trash. No indications of pre-Contact Native American or Contact/post-Contact sites were observed. No further archaeological investigations are recommended in advance of reconstruction of the boardwalk to access the Lake Superior beach in the Park Point Recreation Area, near 4750 Minnesota Avenue. However, monitoring of the construction is strongly recommended, particularly including tribal monitors.

## **ACKNOWLEDGMENTS**

Project maps were provided by Lisa McManus (Property and Facilities Management, City of Duluth), who also flagged the new corridor. Jim Shoberg (Property and Facilities Management, City of Duluth) replanted any displaced endangered plants. Project Manager Katie Bennett (Parks & Recreation, City of Duluth) facilitated consultation with the Fond du Lac Band of Lake Superior Chippewa, including Evan Schroeder (Tribal Historic Preservation Officer), Lance Northbird (Cultural Resources Project Manager), and Michael Thunder (on-site tribal monitor). The State Archaeology license was provided by Amanda Gronhovd, State Archaeologist. Research of Duluth News Tribune issues was previously provided by Todd Lindahl, local historian.

## **PROJECT PERSONNEL**

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Jennifer Shafer, accountant  
Adam Herman, field technician

## **REPORT SENT TO:**

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Amanda Gronhovd, State Archaeologist, 328 West Kellogg Boulevard, St. Paul MN 55105.

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# INTRODUCTION

## BACKGROUND

This report is on the Phase I archaeological survey conducted for reconstruction/restoration of a boardwalk to the Lake Superior beach from a parking lot within Park Point Recreation Area on Minnesota Point in the City of Duluth, St. Louis County, Minnesota. The City of Duluth requested the survey in advance of reconstructing the boardwalk and construction of a new route to the lakeside beach area. The land is under the jurisdiction of the City of Duluth through the Property, Parks, and Libraries department. The City of Duluth conducted consultation with the Fond du Lac Band of Lake Superior Chippewa, who supplied a tribal monitor for the project.

The objective of the Phase I survey was to determine if there was evidence of archaeological sites within the Area of Potential Effect (APE) along the new/planned boardwalk corridor. Phase I survey is designed to search for physical evidence of unknown/unrecorded archaeological sites and was conducted using standard survey techniques as per the State Historic Preservation Office (SHPO)/Office of the State Archaeologist (OSA) standards (Anfinson 2011). The specific location considered during the archaeological survey is the existing corridor in T49N, R14W, section 13, extending from the parking lot east of 4750 Minnesota Avenue to the Lake Superior beach (Figures 1, 2). A new corridor is proposed on the lakeside half of the boardwalk to provide better access through the sloping portion of the corridor (Table 1).

### **Table 1. Universal Transverse Mercator Coordinates\* for Proposed Boardwalk**

south end at parking lot      0572575E / 5175560N

north end at landing          0572633E / 5175625N

\* North American Datum 1983, zone 15

Relatively little archaeological survey has been previously conducted within the limits of the City of Duluth (Mulholland et al. 2011); many of the investigations to date have focused on standing structures (including shipwrecks) from the post-Contact period (post A.D. 1845). One archaeological site, 21SL0151, was previously recorded from Minnesota Point, a habitation and cemetery just west of the old lighthouse at the southeast end of the Point. Native American and early

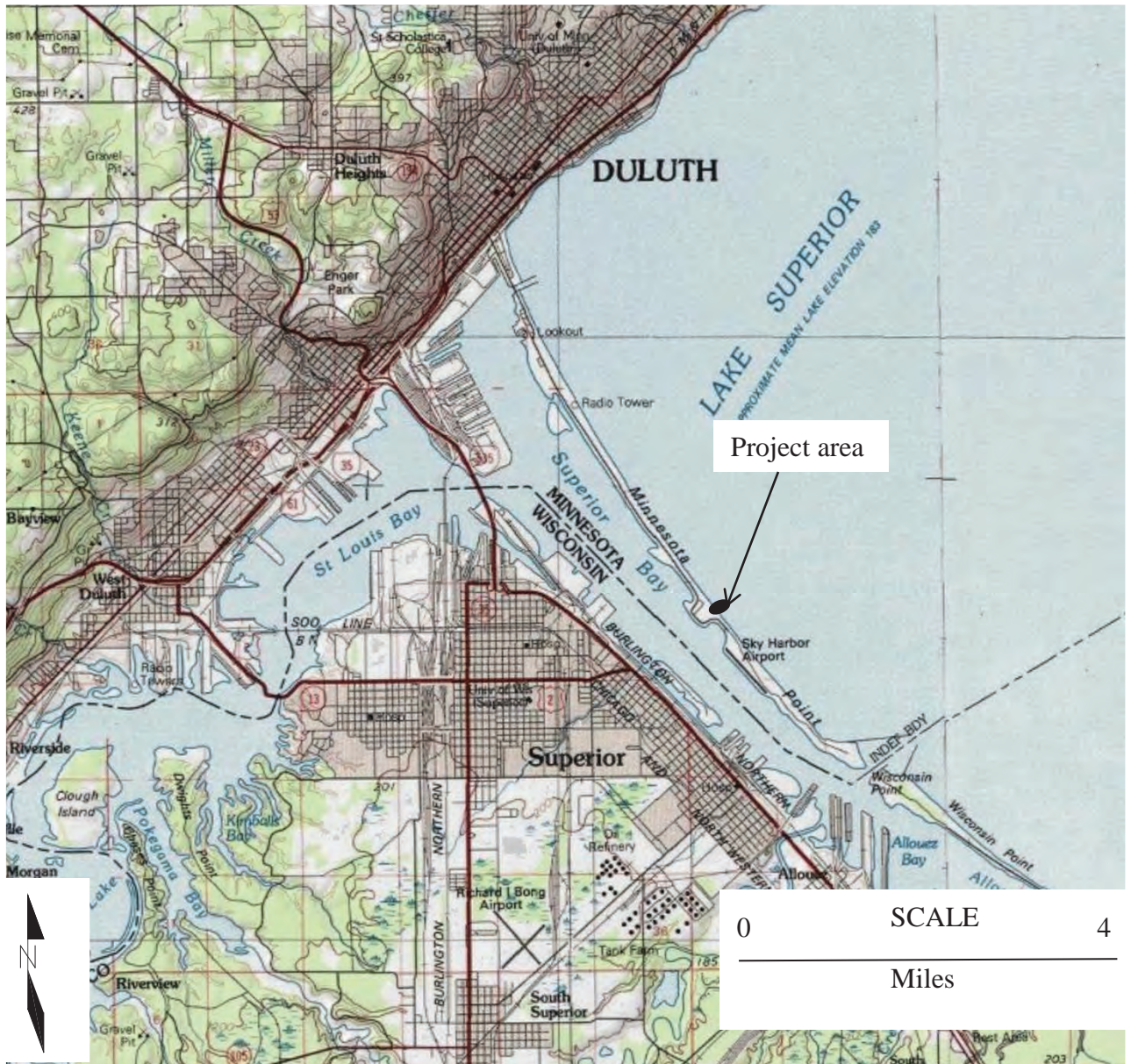


Figure 1. Project area. Duluth (1980) quadrangle (1:100,000) USGS topographic map.



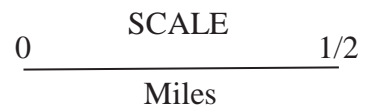


Figure 2. Project location. Superior WIS-MINN (1954/1993) quadrangle, (1:24,000) USGS topographic map.

historic (mid to late nineteenth century) use of Minnesota Point is documented (Mulholland and Mulholland 2008a). In addition, early twentieth century recreational uses have been identified (Mulholland and Mulholland 2008b). Survey of similar locations farther north on Minnesota Point were negative (Mulholland 2020, 2023). Phase I archaeological survey was conducted to determine if any evidence of previous activities was present within the current APE.

## **PROJECT LOCATION**

The Park Point Recreation Area boardwalk project is located on Minnesota Point (also known as Park Point), a long but narrow sand point extending southeast from Duluth, Minnesota on the west end toward Superior, Wisconsin on the east end (Figure 2). A natural break separates Minnesota Point from Wisconsin Point approximately 6 miles from downtown Duluth. The break is the natural entry between Lake Superior to the northeast and the St. Louis River/Bay to the southwest. The Duluth canal is an artificial entry to the harbor located near the Duluth end of the Point. The project is located approximately 2 miles southeast of the artificial canal entry.

The project area is located within the northern part of the Lake Superior Shore Archaeological Region (9) of the SHPO system (Anfinson 1990). This region is defined as within the Lake Superior shoreline drainage north of the Lake Nemadji plain in Carlton County. The Minnesota Point sand spit is a prominent topographic feature extending northwest-southeast from Duluth and separating the St. Louis River estuary from Lake Superior. It formed from St. Louis River sediments deposited laterally during post-glacial times by a shoreline current at the entry to Lake Superior. The base of the feature abuts the Highland Flutes geomorphic region (University of Minnesota 1977) but is also close to the Nemadji-Duluth lacustrine plain formed from glacial lake deposits. This area was the location of repeated glacial lakes (Wright 1972:568-569). The St. Louis River eroded into the bedrock deposits as a result of varying levels of glacial lakes in the Superior basin (Waters 1977:28).

The project area is also within the Northeastern Minnesota (4) Archaeological District (Dobbs 1988a:20). This system is also based on topography and glacial history but follows county lines to a greater degree. The cultural contexts expected in this region range from Paleoindian to Woodland (or Late Prehistoric) periods (Anfinson 1990:159), although the very earliest contexts are not expected as the area was covered first by ice lobes and then by Glacial Lake Duluth (Dobbs

1988a). Sites tend to focus on waterways, especially where the modern streams cut through the glacial features (Minnesota Historical Society 1981:32). Recorded sites are few in the Duluth area but are numerous in the rest of St. Louis County.

The major stages of pre-Contact historic contexts are most commonly considered to be Paleoindian, Archaic and Woodland although later, more complex contexts are now recognized as well (Minnesota Historical Society 1999:24). Dobbs (1988a) splits the Paleoindian into Fluted (Early) and Lanceolate (Late) segments, as well as dividing the Woodland into Ceramic/Mound and Late Prehistoric. Individual historic contexts are considered in relation to the regional differences in the archaeological record. District 4 contains evidence of the three major stages but not all historic contexts within those stages. However, no sites are listed for any pre-Contact historic context within the project area.

Only scattered projectile points indicative of Early Paleoindian (Fluted) occupation have been reported in Minnesota (Higgenbottom 1996); Late Paleoindian (or Lanceolate) is better documented at the Reservoir Lakes to the north (Harrison et al. 1995). The Archaic Tradition is represented by Lake-Forest Archaic to the south, Eastern Archaic to the east and Shield Archaic to the north. The Woodland Tradition (Ceramic/Mound) is well-represented in the general area: Laurel and Brainerd to the west (Anfinson 1979). The Late Prehistoric includes Blackduck and Selkirk to the north. The Sandy Lake historic context occurs in portions of northeastern Minnesota as well.

Most or all of the Contact period contexts are possibly represented in the project area (Dobbs 1988b). Both Dakota and Ojibwe were in northern Minnesota during Contact times. Euro-American contexts could include French, British and Initial United States as the St. Louis River was a favored travel route. Trade posts are recorded in the area, specifically at Fort St. Louis in Superior and Fond du Lac on the St. Louis River (Fritzen 1978). Explorers and traders commonly passed through the Duluth-Superior area in travels recorded in journals, diaries and other documents. A trading post was established by George Stuntz on Minnesota Point in 1853 (Rapp 1958).

Post-Contact contexts include both period and thematic contexts (Minnesota Historical Society 1999). Traffic up the St. Louis River continued through Contact times. Northern Minnesota Logging (1870-1930s) is directly applicable to Northeastern Minnesota. Logs often were floated to mills in Cloquet and Duluth as well as Ashland to the east.

## LITERATURE REVIEW

Minnesota Point has a high potential for pre-Contact and Contact archaeological sites, including both Native American and EuroAmerican historic contexts (Mulholland and Mulholland 2008a). One site of each type is documented outside the project APE with additional incidents mentioned in early accounts.

The Minnesota Point site, 21SL0151, is a Native American campsite and cemetery located in T49N, R13W, sections 19 (east half) and 20 (west half). This site is just west of the old lighthouse. The Chippewa (Ojibwe) occupied the site in the summer and older prehistoric occupation is considered possible as well (Brown 1914).

In 1853, George R. Stuntz established a structure that he described as a residence at the end of Minnesota Point under a trading license prior to the Treaty of La Pointe in 1854 (Woodbridge and Pardee 1910: I, 229). The location on the bay side of the Point is near the original lighthouse (constructed later); a trading post and dock with a warehouse are mentioned (Van Brunt 1921: I, 73, 92). Stuntz used the facilities to operate a ferry service to Superior under a monopoly (Rapp 1958:14-15). The “Stuntz Trading House” occurs in the General Land Office (GLO) survey notes (from mid-1850s) as well as two other buildings marked “Frazer” and “Barrett” at the end of Minnesota Point (Figure 3).

Two separate accounts may correspond to site 21SL0151: “Indian teepees” near the Stuntz trading post in 1853 (Zachau 1914:7; Van Brunt 1921:I, 68) and severe impacts to an Indian cemetery at the end of Minnesota Point in 1876 (Bardon 1927, MacGill 1936). These incidents are repeated in several accounts of early settlement (for example, in MacDonald 1999:43, Bailey 1976:103, and Aguar 1971:9 as well as others) but originate in manuscript accounts by early pioneer settlers. In addition, removal of burials from the “old Minnesota Point burying ground” is mentioned in newspaper accounts (Duluth Daily Tribune 1883). No reason is given, although the discussion of a railroad to cross Minnesota and Wisconsin Points suggests a possible impetus for the project (Todd Lindahl, personal communication December 2008).

Post-Contact recreational activities are documented to the southeast outside the APE (Park Point Community Club 1999: Appendix B). One standing structure, a cabin designated as the Pine Knot Cabin, is the last survivor of Peabody’s Landing, a recreational community dating to the early twentieth century (Lohn 1999). Other buildings are mapped on various U.S.G.S. topographic maps

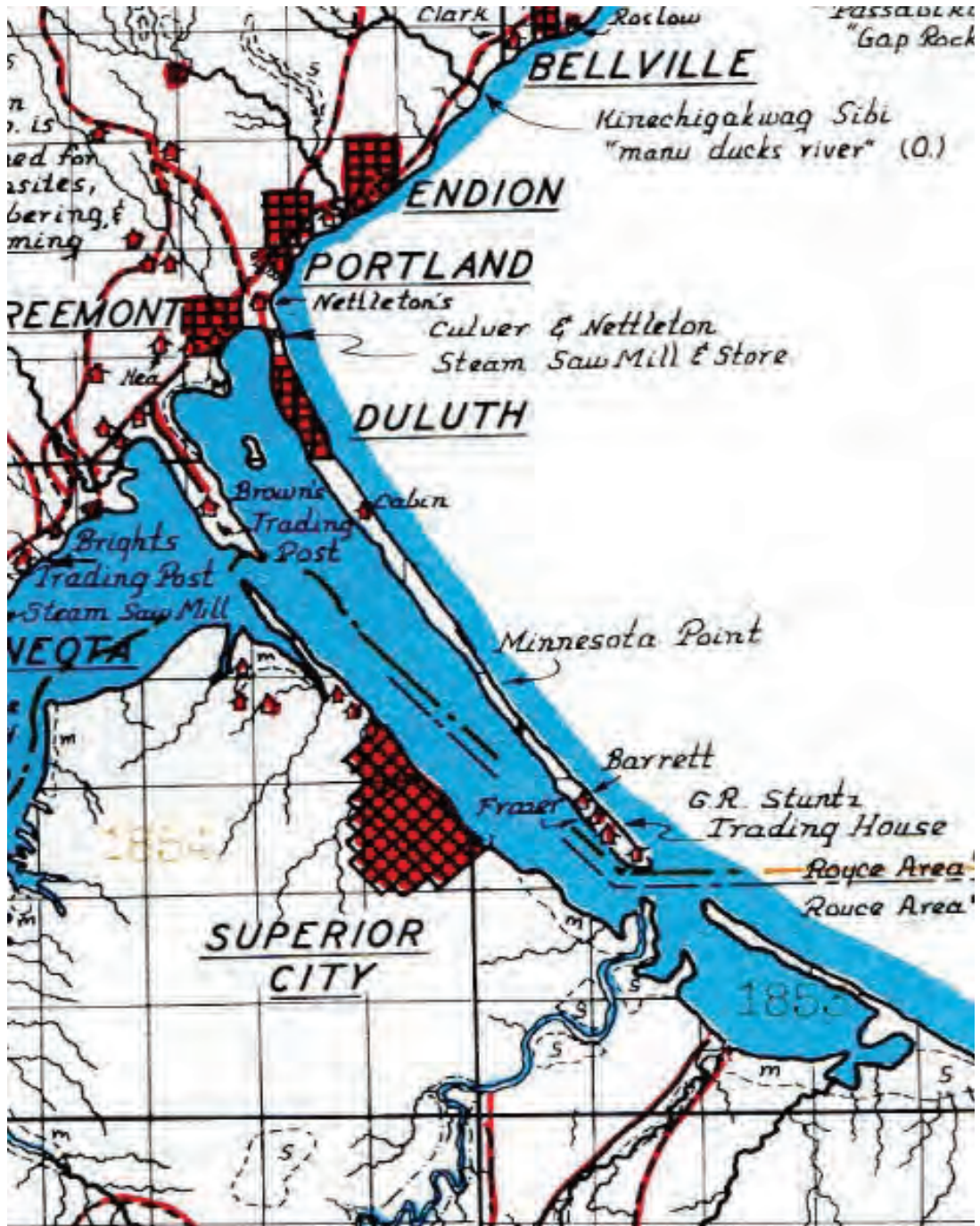


Figure 3. Historic cultural features on Minnesota Point (Trygg 1966: sheet 14).

in the early and mid 1900s in this general portion of the Point (Wilson, personal communication 2008).

Two historic properties on Minnesota Point are listed on the National Register of Historic Places (Nord 2003:229). The old Minnesota Point Lighthouse was constructed in 1858 at the end of Minnesota Point as a navigation aid (Park Point Community Club 1999:B13). Remnants of the lighthouse structure are still standing, consisting of about 30 feet of the tower (Norton and Aubut 2001:13). A ground penetrating radar study of the area near the lighthouse has been conducted (Lowry et al. 2019). The U.S.S. Essex was a steam naval sloop built by Donald McKay (Minnesota Historical Society 2008). It is the last known example of a McKay's work, built in 1874 and commissioned in 1876 when sailing ships were being replaced by steam propulsion. After a career in the U.S. Navy and private companies, it was decommissioned and sold for scrap in 1930, then burned off Minnesota Point in 1931. Remnants of the ship are present on the lakeside beach near the end of Minnesota Point.

# PHASE I ARCHAEOLOGICAL SURVEY

## METHODS

Phase I survey usually is conducted by one or both of two methods (Anfinson 2011). Pedestrian walkover consists of walking over the area for two types of evidence. Surface expressions such as pits, mounds, berms, foundations, or other structural elements can be recorded. In addition, areas of exposed sediments (especially if disturbed so a sample of subsurface materials is exposed) can be reviewed for less obvious indications such as stone artifacts, ceramics, and other artifacts. This method works well for exposed beaches and plowed fields. However, areas that are densely vegetated or not disturbed require shovel testing survey. Shovel tests expose a sample of the subsurface deposits, usually on a predetermined transect interval or grid; the sediment from each test is screened through 1/4 inch mesh to concentrate any artifacts for recovery.

The APE of the survey was defined by City personnel as the area along the proposed boardwalk corridor between the Park Point Recreation Areas parking lot and the lakeside beach (Figure 4). The APE is approximately 0.3 acres, following the existing boardwalk corridor for about a third of the length and then a new corridor extension on the northwest side (to provide a lower and accessible slope angle). At the lakeside end, a landing and an extension at right angles will be constructed in the existing trail corridor (Figure 5). The route goes through an area of dunes with herbaceous vegetation on the lakeside and brushy vegetation with some pines on the side towards the parking lot. The project APE is under the jurisdiction of the City of Duluth.

Survey was conducted on May 2, 2024, under State archaeology license 24-074 (Appendix I). Shovel testing was conducted along the length of the new boardwalk corridor with four tests in the grassy dune area and one adjacent to the boardwalk (Figure 6).

## RESULTS

A total of four shovel tests were placed in the project APE (Figure 6, Table 2). Tests 1 through 3 were placed in the open dune area with herbaceous vegetation where the new boardwalk corridor is proposed (previously undisturbed by existing boardwalk construction). The area of dunes with herbaceous vegetation was tested by one test at the lakeside end, one at the bend in the corridor (15 m from #1), and one near the brushy vegetation on the land side of the project. Test 4 was placed just



Figure 4. Project area on Google Earth aerial photograph.  
From City of Duluth.





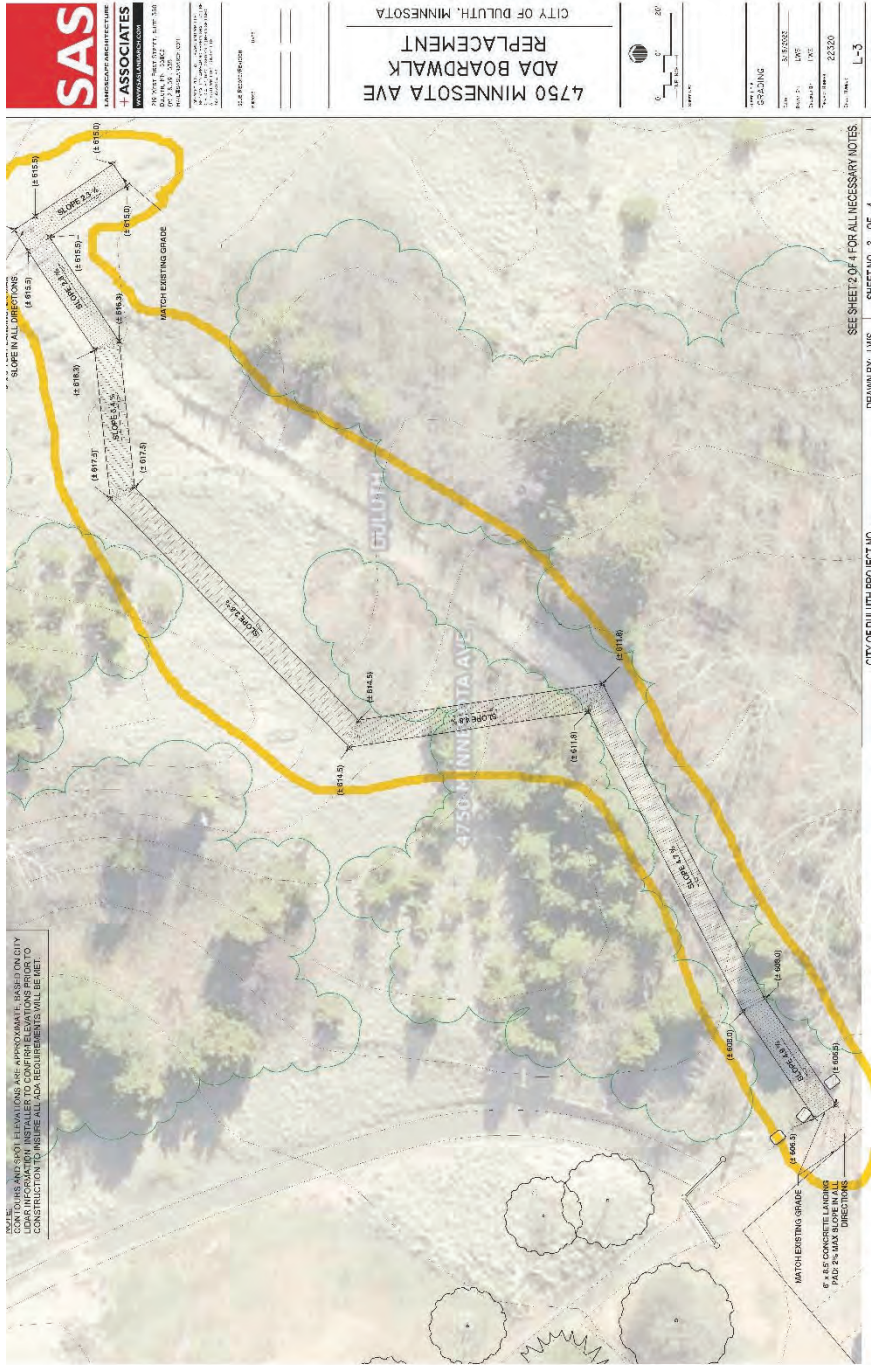


Figure 5. Proposed reconstruction of boardwalk at Park Point Recreation Area. From SAS.

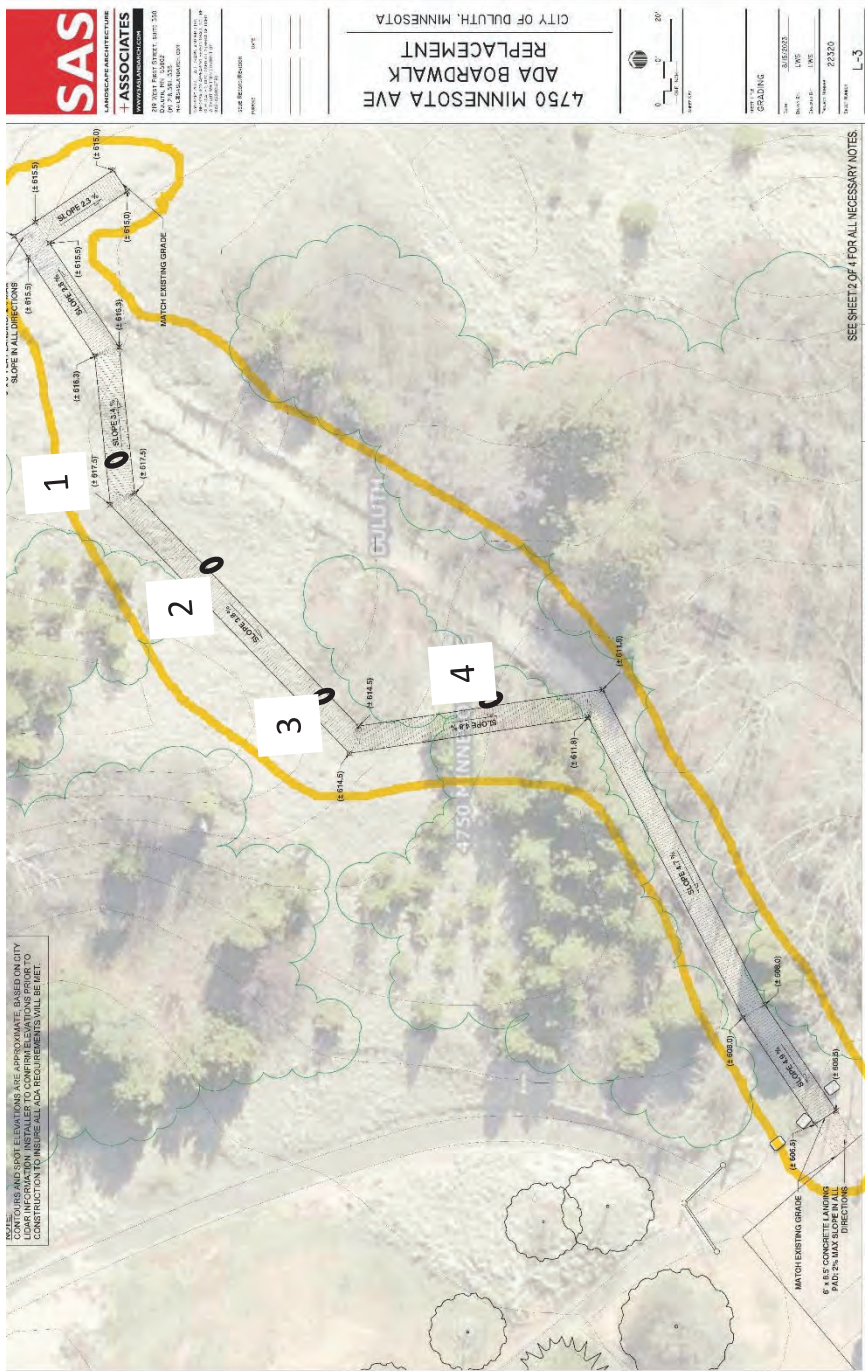


Figure 6. Shovel tests in proposed new corridor. Modified from SAS.

adjacent to the existing boardwalk within the brushy vegetation, near where the new corridor splits from the existing boardwalk. An approximate 15 m interval was kept between tests as per standard procedures.

**Table 2. Location of Shovel Tests**

TEST	UTM COORDINATES*	LOCATION
1	0572629E / 5175627N	at lakeside of new corridor
2	0572618E / 5175618N	approx. 15 m south from #1
3	0572607E / 5175607N	near brushy vegetation
4	0572605E / 5175586N	adjacent to existing boardwalk near junction of two routes

\*Universal Transverse Mercator, North American datum 1983, zone 15

Tests 1 to 3 were in the new corridor where herbaceous vegetation is present within the sand dunes (Figure 7A). The flagged centerline of the route extends northwest and then northeast from the corridor split at the existing boardwalk. Test 4 was placed approximately adjacent to the proposed split between the two corridors, close to the existing boardwalk within a brushy area (Figure 7B). The east side of the fenced corridor was significantly narrower as well as sloping; no tests were placed as little space was present between the existing boardwalk and the flag line. No tests were placed adjacent to the existing boardwalk portions that will be rebuilt (Figure 8). No tests were placed where new boardwalk is proposed in the existing sand trail on the lakeside as the sediment is exposed and no artifacts were observed.

All four tests were negative for cultural materials with the exception of modern items (bottle glass, aluminum pieces, plastic, cigarette butt, styrofoam). Modern items are consistent with recent recreational use of the area. The sediment in all tests consists of a beach or dune sand which is mostly coarse sands. Gravel and pebbles were rare to none. Wooden treads or boards were present within the boardwalk corridor (between the fenced side walls) in all portions.

**A**



**B**



Figure 7. Vegetation in project. A. Dunes with grasses. B. Brush along boardwalk.

**A**



**B**



Figure 8. Existing boardwalk. A. End at lakeside. B. Boardwalk in brush.

# CONCLUSIONS

## SUMMARY

No artifacts or surface indications of pre-Contact Native American or Contact/post-Contact archaeological sites were found during the survey. All shovel tests were negative for any items other than modern trash. No areas in the APE appear to have surface indications (mounds, depressions) of burials in the generally rolling topography with semi-stabilized dunes above the lakeside beach.

## RECOMMENDATIONS

No indications of pre-Contact Native American or Contact/post-Contact archaeological sites were found during survey. The existing boardwalk and the new corridor lack indications of occupation, other than trash from modern recreational activities. No further archaeological investigations are recommended prior to the proposed reconstruction of the boardwalk from the Park Point Recreation Area parking lot to the Lake Superior beach. However, construction of the new boardwalk will cause significant ground disturbance in areas under the existing boardwalk. Monitoring is recommended, especially by tribal monitors.

Native American sites are documented at the southeast end of Minnesota Point near the natural entry into St. Louis Bay. Early accounts place a village occupation at this location near and around the Stuntz buildings. One recorded site, 21SL0151, correlates to the area around the old lighthouse (which is also the general location of the Stuntz buildings). Burials are recorded at this site as well as farther northwest along the Point by oral tradition, specifically near the 12<sup>th</sup> to 14<sup>th</sup> Avenues location (LeRoy Defoe, personal communication, 2008). Avoidance of these areas, which are outside the project APE, is strongly recommended.

Although no indications of Native American occupation was found in the survey, the possibility of unrecorded burials within the APE cannot be excluded. **If any evidence of human burials is uncovered during construction or any other project activities, the provisions of the Private Cemeteries Act (MnSt 307.08) must be followed. Evidence may include but is not restricted to human remains, coffin parts, memorial items, or rectangular/oval stains in sediments. All work in the vicinity of the possible burial must cease and the proper authorities notified, including local law enforcement and the Office of the State Archaeologist. The OSA recommends avoidance of any indications of burials by a buffer of at least 50 feet diameter.**

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July 24, Tuesday, v. III, no. 60, p. 4. "Up to date, sixty-five corpses ..."  
July 25, Wednesday, v. III, no. 61, p. 4. "The remains of twelve corpses ..."  
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July 28, Saturday, v. III, no. 64, p. 6. "Of 125 bodies disinterred ..."
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**APPENDIX I: State Archaeology Annual License 24-074**

# MINNESOTA ARCHAEOLOGICAL SURVEY LICENSE APPLICATION

This license only applies to **Phase I survey fieldwork**<sup>1</sup> conducted under **Minnesota Statute 138.31-.42**<sup>2</sup> at the location listed below and during the **2024** calendar year<sup>3</sup>. Any archaeological investigation performed on publicly owned or managed (non-federal) land must have a licensed archaeologist associated with the project. Archaeological investigations include, but are not limited to, the following methodologies: assessing archaeological potential, mapping, geophysical studies, drone surveys, surface survey, shovel testing, coring, soil, chemical and biological sampling, augering, and excavation<sup>4</sup>.

The Principal Investigator must have a separate license for each Phase I survey project. Each Phase II evaluation, Phase III major investigation, and burial site work must also be individually licensed. Only the individual indicated below is licensed as the principal investigator<sup>5</sup>. *The principal investigator is responsible for all work conducted by their employees, contractors, and subcontractors*<sup>6</sup>. The licensed individual (principal investigator) is responsible for reading, understanding, and complying with all Conditions attached to this license. Future licenses may be denied or revoked for failure to comply with this license, its conditions, professional ethics, or professional work standards.

## Applicant Information

Name: Susan Mulholland

Institution/Agency/Company Affiliation: Duluth Archaeology Center L.L.C.

Title/Position: President/principal investigator E-Mail: archcenter@aol.com

Address: 5910 Fremont Street, Suite 1, Duluth MN 55807

Work Phone: 218-624-5489 Cell Phone: 218-355-0153

## Education/Qualifications

Name of Advanced Degree Institution: University of Minnesota Degree: Ph.D.

Department Name: Ancient Studies (Interdisciplinary Archaeological Studies) Year of Completion: 1987

### *Required documentation:*

Curriculum Vita and documentation of appropriate experience attached (*submit an updated CV annually*)

Up-to-date CV and documentation on file at the OSA

<sup>1</sup> The study of the traces of human culture at any land or water site by means of surveying, digging, sampling, excavating, or removing objects, or going on a site with that intent (MS 138.31 [Subd. 7])

<sup>2</sup> State archaeological licenses are required on publicly owned and managed (non-federal) land.

<sup>3</sup> January 1<sup>st</sup> through December 31<sup>st</sup> of a given year

<sup>4</sup> As technologies change, survey options increase. This list is not intended to be nor can it be comprehensive.

<sup>5</sup> The individual named on this license. The Principal Investigator is responsible for the methods, implementation, standards, results, and recommendations of all work conducted under this license.

<sup>6</sup> Any person or entity working for or under the Principal Investigator's direction or contract as part of this license.

**License History**

Year of most recent license: 2023

Type of License (survey, evaluation, etc.): survey License #: 23-001

*Have you ever been denied an archaeological license? If not, check "NO" and leave this section blank.)*

No  Yes; If yes, when: \_\_\_\_\_ Where: \_\_\_\_\_

Explain: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Curation**

Minnesota Historical Society #: 1062

Other Approved Curation Facility Name: \_\_\_\_\_ #: \_\_\_\_\_

By signing this license application, I consent to the sharing of information submitted as part of the licensing process among the Office of the State Archaeologist (OSA), the Minnesota Historical Society (MHS), and the Minnesota Indian Affairs Council (MIAC). As the primary licensing agencies, OSA and MHS may share license application information with MIAC and Tribal Historic Preservation Offices (THPOs) as part of the tribal consultation process. I understand that the information shared with MIAC includes only the information I submit as part of the license application process. This consent expires upon completion of the above-stated purpose.

**Signatures**

Applicant: Susan Mulholland Date: 3-21-2024

Minnesota Historical Society Approval:  Date: 04/01/2024

Minnesota State Archaeologist Approval:  Date: 3/29/2024

**LICENSE NUMBER: 24-074**

# MINNESOTA ARCHAEOLOGICAL PROJECT INFORMATION

LICENSE #: 24-074

*\* IMPORTANT -This information will be shared with MIAC and tribal officials as part of the tribal consultation process.*

## Applicant Information

Name: Susan Mulholland

Institution/Agency/Company Affiliation: Duluth Archaeology Center L.L.C.

## Land Management

Type of Land: (check all that apply)

- State-Owned or Managed
- County-Owned or Managed
- Township/City Owned or Managed
- Other non-federal public (describe): \_\_\_\_\_

## Dates

Dates of proposed fieldwork: 1 day in spring 2024 (April/May)

Is the project within a recorded archaeological site?  Yes  No

If so, what are the site number(s)? \_\_\_\_\_

## Survey:

Location (attach a detailed map, and provide an address or Property ID #, and PLSS location):

Park Point boardwalk at 4750 Minnesota Avenue in Duluth, St. Louis County; PID 010-2750-00080; T49N R14W section 13

Name and purpose of the project, and proposed survey methods (attach pages if necessary) (400 word limit - attach additional pages if more space is needed.)

Park Point ADA Boardwalk replacement; replace the existing boardwalk with an ADA compliant one in a slight realignment; Phase I archaeological survey will use standard methods including pedestrian walkover and shovel testing (Anfinson 2011).



## CONDITIONS OF MINNESOTA ARCHAEOLOGICAL SURVEY LICENSE

1. The licensed individual and the sponsoring institution/agency/company must comply with all the conditions attached to the license. If the licensee does not comply with these conditions, the license could be revoked and impact one's ability to obtain future licenses.
2. All information given on this license application is accurate and up to date.
3. The individual listed on this license is responsible for all work of their employees, contractors, and subcontractors.
4. A license can be denied for any of the following reasons: a) failure to meet the required professional qualifications standards, b) failure to possess the necessary regional, topical, or managerial experience, c) failure to fulfill the conditions of a previous license, or d) exhibiting unethical professional behavior, including, but not limited to falsifying field notes or reports, plagiarism, intentionally misrepresenting professional qualifications or experience, mishandling archaeological and site information or materials owned by the state per MS 138.37 (Subd. 1).
5. This license can be revoked or suspended by the State Archaeologist or the director of the MHS, or their agent, at any time for failure to fulfill the license conditions or for exhibiting unethical behavior such as listed above (4). Appeals of license denial, suspension, or revocation must follow procedures outlined in Minnesota Statutes 138.36, Subd. 6
6. As part of this license and in support of Executive Order 19-24, licensing information will be submitted to MIAC and tribal officials as part of the tribal consultation process. The licensee is strongly encouraged to continue consultation with MIAC and appropriate THPOs.
7. If the project area is within the boundaries of a reservation or Dakota community, archaeologists should directly communicate with the appropriate THPO or tribal cultural resource specialist regarding the proposed work.
8. If the project area is on Federal land, archaeologists should directly communicate with the federal agency regarding proposed work.
9. Under the provisions of Minnesota Statutes 138.31-138.42, the license applicant must be a Qualified Professional Archaeologist as specified in Minnesota Statutes (MS) 138.31, Subd. 10, and meet the Secretary of the Interior's Professional Qualifications Standards for Archaeology. The applicant must also possess the appropriate regional, topical, and managerial experience to undertake reconnaissance surveys.
10. This license only applies to Reconnaissance/Phase I archaeological surveys conducted on non-federal public lands in Minnesota. If more than two square meters of formal unit excavation or procedures that involve terrain disturbance (e.g., machine excavation) at a known site are planned, the principal investigator must consult with the Office of the State Archaeologist (OSA) before implementation.
11. This license does not authorize activities within cemeteries, per Minnesota Statutes 307.08. No ground disturbance within 50 feet of recorded cemeteries is allowed, without the prior approval of the State Archaeologist and the Minnesota Indian Affairs Council, in the case of American Indian cemeteries. If human remains or suspected burial-related items are encountered, all work must immediately cease, the remains or items left in situ, and law enforcement contacted (e.g., county sheriff). If the remains are not deemed a crime scene, the licensee must immediately contact the State Archaeologist.
12. This license only applies to fieldwork conducted between the dates specified on this license application.
15. This license applies only to the location specified on this license application.
16. If the licensee ceases association with the institution/agency/company before completing the project, immediately notify the OSA. The OSA and licensee or institution/agency/company

- will develop a plan to fulfill reporting and curation obligations.
17. The license is non-transferable and applies only to work conducted under the direct supervision of the licensee.
  18. The licensee must comply with the field, laboratory, and reporting guidelines in the *OSA Manual for Archaeological Projects in Minnesota*. Any exceptions must be discussed with the OSA before work occurs.
  19. The licensee must obtain permission from the landowner or land manager to enter the land for archaeological investigations.
  20. All archaeological materials and data recovered from non-federal public property in Minnesota are the state's property and should be curated with the MHS (<http://www.mnhs.org/collections/archaeology/curation.htm>), or other OSA approved facility.
  21. If materials, samples, or data are being processed or analyzed by an entity other than that with which the principal investigator is associated, the principal investigator must notify the OSA and MHS.
  22. If materials or samples are to leave the state of Minnesota, the OSA and MHS must approve the transport before materials, samples, or data leave the state.
  23. Official OSA Minnesota site inventory forms must be completed for all archaeological sites identified during surveys (previously recorded and known sites). The site forms must be submitted to the OSA within three months of site discovery. Professional archaeologists are also ethically obligated to inform the OSA if previously unrecorded archaeological sites located outside their project boundaries are identified during their project survey.
  24. One copy of the report (see *OSA Manual for Archaeological Projects in Minnesota*) must be submitted to the OSA for each project within six months of completing the fieldwork. The licensee may submit a written application requesting an extension of this deadline. Digital copies of reports are accepted as .pdf files.
  25. If presentations or publications develop from this project, the OSA and MHS must be notified, and the following information submitted for inclusion in the archaeological site files:
    - a. Location of presentation or publication,
    - b. Date
    - c. Title
    - d. Abstract
    - e. The final and complete version of the presentation, publication, etc.
  26. The licensee must submit a summary report of all licensed activity to the OSA by the end of January of the following year. Summaries should include:
    - a. project name and description (e.g., road construction),
    - b. sponsor/review agency,
    - c. location,
    - d. type of work (Phase I, Phase II) and field methods (e.g., shovel testing),
    - e. results (number of sites located/type of sites or official site numbers) and recommendations
  27. Upon completing the project, the licensee must submit .shp files to the OSA. These files should show the project's Area of Potential Effect and archaeological survey areas, including the type of survey conducted in each survey area. Templates for submitting .shp files are at <https://mn.gov/admin/archaeologist/professional-archaeologists/manuals-licenses/apply/>. Please do not alter these templates.
  28. Additional conditions may be added, as appropriate. If this occurs, the applicant will be notified of the update and asked to submit a response accepting the Condition.



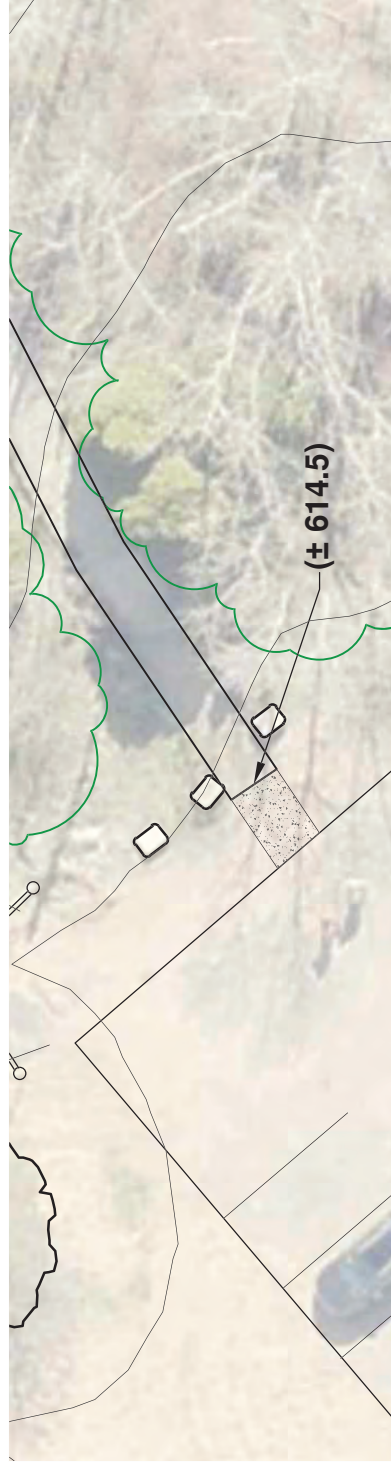
29. Minnesota Department of Health and the Center for Disease Control recommendations regarding COVID-19 and limiting its spread. These recommendations include, but are not limited to, social distancing, appropriate personal protective equipment (e.g., masking), and sanitation. This Condition does not supersede stricter landowner, agency, or employer restrictions. This Condition will remain in effect until state health officials determine that social distancing is no longer necessary.

I have read, understand, and agree to all Conditions attached to this license. SCM (Initial)

# CITY OF DULUTH

## DEPARTMENT OF PARKS AND RECREATION

### 4750 MINNESOTA AVE ADA BOARDWALK REPLACEMENT



EXISTING SPOT ELEVATION



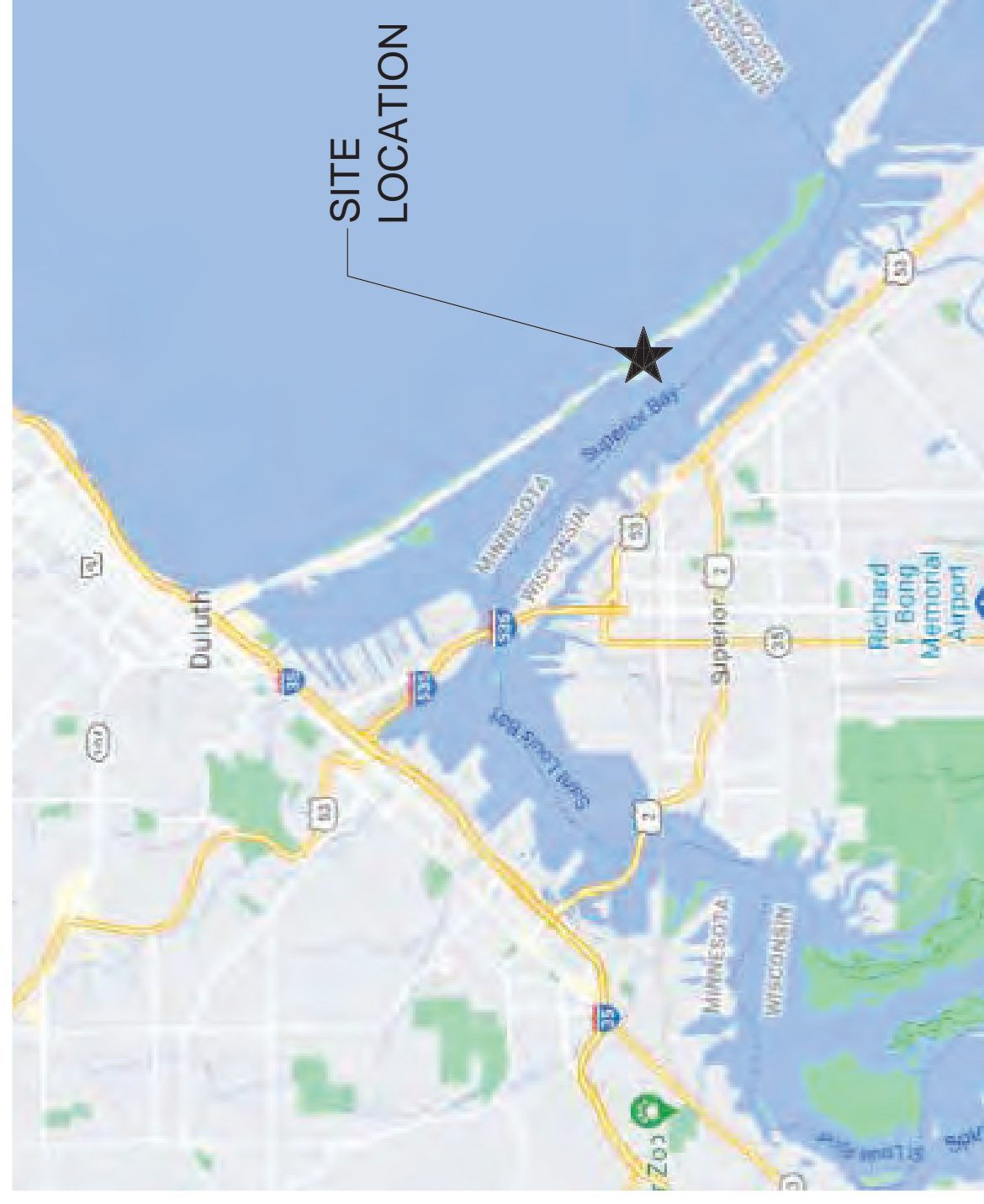
EXISTING BOARDWALK



BOARDWALK

#### KEY PLAN

NOT TO SCALE



#### PROJECT LOCATION MAP

NOT TO SCALE

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

#### GOVERNING SPECIFICATIONS

THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN. AVAILABLE AT: <http://www.dot.state.mn.us/pre-letting/spec/index.html>

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE MIN MUTCD, INCLUDING THE FIELD MANUAL DATED JANUARY 2014. AVAILABLE AT: <http://www.dot.state.mn.us/trafficeng/publ/fieldmanual2011/index.html>

THE 2019 EDITION OF THE CITY OF DULUTH PUBLIC WORKS AND UTILITIES DEPARTMENT STANDARD CONSTRUCTION SPECIFICATIONS AND SUPPLEMENTS OR ADDENDUMS SHALL APPLY. SPECIFICATION SHALL BE THE GOVERNING SPECIFICATIONS.

#### INDEX

SHEET NO.	DESCRIPTION
L-1	TITLE SHEET & INDEX MAP
L-2	LAYOUT PLAN AND WORK DESCRIPTION
L-3	GRADING
L-4	DETAILS

ISSUE RECORD/REVISION

PURPOSE

DATE

ALL INFORMATION APPEARING HEREIN SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT WRITTEN CONSENT OF SAS ASSOCIATES.



4750 MINNESOTA AVE  
ADA BOARDWALK  
REPLACEMENT  
CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
TITLE SHEET AND  
INDEX MAP  
DATE: 3/14/2023  
DRAWN BY: LWS  
CHECKED BY: LWS  
PROJECT NUMBER: 22520  
SHEET NUMBER: L-1

THIS PLAN SET CONTAINS 4 SHEETS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Luke W. Sydow  
LANDSCAPE ARCHITECT (TYPED OR PRINTED NAME)



AUGUST 2023 DATE #25866 REG. NO.  
LANDSCAPE ARCHITECT

CITY APPROVAL

APPROVED \_\_\_\_\_ PARKS MANAGER DATE \_\_\_\_\_

DRAWN BY: LWS SHEET NO. 1 OF 4

CITY OF DULUTH PROJECT NO.



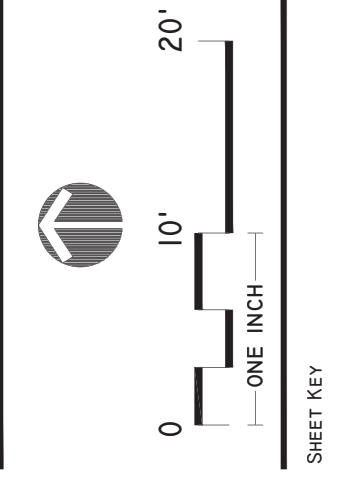
LANDSCAPE ARCHITECTURE  
**ASSOCIATES**  
 WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350  
 DULUTH, MN 55802  
 (P) 218.391.1335  
 MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION	PURPOSE	DATE

**4750 MINNESOTA AVE  
 ADA BOARDWALK  
 REPLACEMENT**  
 CITY OF DULUTH, MINNESOTA



SHEET TITLE	
GRADING	
DATE:	8/15/2023
DRAWN BY:	LWS
CHECKED BY:	LWS
PROJECT NUMBER:	22520
SHEET NUMBER:	L-3



**NOTE:**  
 CONTOURS AND SPOT ELEVATIONS ARE APPROXIMATE, BASED ON CITY LIDAR INFORMATION. INSTALLER TO CONFIRM ELEVATIONS PRIOR TO CONSTRUCTION TO INSURE ALL ADA REQUIREMENTS WILL BE MET.

MATCH EXISTING GRADE  
 6' x 8.5' CONCRETE LANDING PAD; 2% MAX SLOPE IN ALL DIRECTIONS

SEE SHEET 2 OF 4 FOR ALL NECESSARY NOTES.

## Poyhonen, Cynthia (DNR)

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**From:** Katie Bennett <kbennett@DuluthMN.gov>  
**Sent:** Wednesday, February 28, 2024 5:16 PM  
**To:** Poyhonen, Cynthia (DNR)  
**Cc:** Christine Penney; Allison Brooks; Lisa MacManus  
**Subject:** FW: Park Point Boardwalk Survey

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Hi Cynthia,

Please see Lance's response below regarding survey work. We will reach out to Duluth Archeology in the next few days to check their availability.

Thanks,

**Katie Bennett**

Senior Parks Planner

**City of Duluth – Parks & Recreation**



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**From:** Lance J. Northbird <LanceNorthbird@FDLREZ.COM>  
**Sent:** Wednesday, February 28, 2024 4:57 PM  
**To:** Katie Bennett <kbennett@DuluthMN.gov>; Evan J. Schroeder <EvanSchroeder@FDLREZ.COM>  
**Cc:** Alex T. DuFault <AlexDuFault@FDLREZ.COM>; Allison Brooks <abrooks@DuluthMN.gov>; Lisa MacManus <Lmacmanus@DuluthMN.gov>  
**Subject:** RE: Park Point Boardwalk Survey

Katie,

As much as FDL would enjoy leading this survey I am going to suggest that we monitor instead of leading this work. I hope we can work together on a future survey. There has not been any down time for us as the winter weather has been peculiar.

Please let me know if you have any questions.

Miigwech,



**Lance Northbird | Cultural Resource Project Manager**

*Aki-naanaagajichkewin Gegaanzkiged*

Resource Management Division | Environmental Program

**NagaaJlwanang Ishkoniganing**

**Fond du Lac Band of Lake Superior Chippewa**

**Mail: 1770 Hig Lake Rd. Cloquet, MN 55770**

**Office: (218) 878 - 7127 Cell: (218) 355 - 0488**



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**From:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>

**Sent:** Friday, February 23, 2024 9:09 AM

**To:** Evan J. Schroeder <[EvanSchroeder@FDLREZ.COM](mailto:EvanSchroeder@FDLREZ.COM)>; Lance J. Northbird <[LanceNorthbird@FDLREZ.COM](mailto:LanceNorthbird@FDLREZ.COM)>

**Cc:** Alex T. DuFault <[AlexDuFault@FDLREZ.COM](mailto:AlexDuFault@FDLREZ.COM)>; Allison Brooks <[abrooks@DuluthMN.gov](mailto:abrooks@DuluthMN.gov)>; Lisa MacManus <[lmacmanus@DuluthMN.gov](mailto:lmacmanus@DuluthMN.gov)>

**Subject:** [External] RE: Park Point Boardwalk Survey

--- Always use caution when opening attachments or clicking links received in any email. Thank you FDL IT Division---

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Hi Evan,

I've attached the plan set for your review, which shows the current and planned boardwalk corridors.

Thanks,

**Katie Bennett**

Senior Parks Planner

City of Duluth – Parks & Recreation



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**From:** Evan J. Schroeder <[EvanSchroeder@FDLREZ.COM](mailto:EvanSchroeder@FDLREZ.COM)>

**Sent:** Friday, February 23, 2024 8:54 AM

**To:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>; Lance J. Northbird <[LanceNorthbird@FDLREZ.COM](mailto:LanceNorthbird@FDLREZ.COM)>

**Cc:** Alex T. DuFault <[AlexDuFault@FDLREZ.COM](mailto:AlexDuFault@FDLREZ.COM)>; Allison Brooks <[abrooks@DuluthMN.gov](mailto:abrooks@DuluthMN.gov)>; Lisa MacManus <[lmacmanus@DuluthMN.gov](mailto:lmacmanus@DuluthMN.gov)>

**Subject:** Re: Park Point Boardwalk Survey

Hey Katie,

Lance and I will connect on this today. Could you send over a map of the proposed survey areas?

Thanks,

Evan

---

**From:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>

**Sent:** Friday, February 23, 2024 8:50:42 AM

**To:** Evan J. Schroeder; Lance J. Northbird

Cc: Alex T. DuFault; Allison Brooks; Lisa MacManus

Subject: [External] RE: Park Point Boardwalk Survey

--- Always use caution when opening attachments or clicking links received in any email. Thank you FDL IT Division---

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Hi Lance and Evan,

Please let me know if your team is committed to conducting the survey work for the project area around the Park Point boardwalk this spring. If we do not receive confirmation by Friday, March 1<sup>st</sup>, we will proceed with the same process that was used for the Lafayette boardwalk location – likely with DAC conducting the archeological survey and coordinating with you to have a tribal monitor on site during the survey work.

Thank you,

**Katie Bennett**

Senior Parks Planner

City of Duluth – Parks & Recreation



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**From:** Katie Bennett

**Sent:** Monday, February 5, 2024 2:27 PM

**To:** Evan J. Schroeder <[EvanSchroeder@FDLREZ.COM](mailto:EvanSchroeder@FDLREZ.COM)>; Lance J. Northbird <[LanceNorthbird@FDLREZ.COM](mailto:LanceNorthbird@FDLREZ.COM)>

**Cc:** Alex T. DuFault <[AlexDuFault@FDLREZ.COM](mailto:AlexDuFault@FDLREZ.COM)>

**Subject:** RE: Park Point Boardwalk Survey

Hi Lance and Evan,

I'm writing to see if you've had time to discuss the spring timeline and approach for surveying at the Park Point boardwalk location?

Thanks,

**Katie Bennett**

Senior Parks Planner

City of Duluth – Parks & Recreation



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**From:** Katie Bennett

**Sent:** Monday, January 29, 2024 11:20 AM

**To:** Evan J. Schroeder <[EvanSchroeder@FDLREZ.COM](mailto:EvanSchroeder@FDLREZ.COM)>; Lance J. Northbird <[LanceNorthbird@FDLREZ.COM](mailto:LanceNorthbird@FDLREZ.COM)>

**Cc:** Alex T. DuFault <[AlexDuFault@FDLREZ.COM](mailto:AlexDuFault@FDLREZ.COM)>

**Subject:** RE: Park Point Boardwalk Survey

Hi Evan and Lance,

Ideally, we'd like to see the survey work for the Park Point boardwalk take place as soon as possible this spring. We cannot order the steel structure for the boardwalk until we can verify that there are no significant findings. Given the long lead-time on ordering the steel, we need to get that order in before summer in order to have it delivered and ready for install in the fall.

Thanks,

**Katie Bennett**

Senior Parks Planner

**City of Duluth – Parks & Recreation**



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**From:** Evan J. Schroeder <[EvanSchroeder@FDLREZ.COM](mailto:EvanSchroeder@FDLREZ.COM)>

**Sent:** Monday, January 29, 2024 10:27 AM

**To:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>; Lance J. Northbird <[LanceNorthbird@FDLREZ.COM](mailto:LanceNorthbird@FDLREZ.COM)>

**Cc:** Alex T. DuFault <[AlexDuFault@FDLREZ.COM](mailto:AlexDuFault@FDLREZ.COM)>

**Subject:** Park Point Boardwalk Survey

Hey Katie,

I just wanted to update you about the action items I had from our last Park Point Boardwalk meeting.

I was able to connect with Lance today and have included him on this response. As we determine the best way to approach the boardwalk surveys we wanted to verify timelines and scheduling with you. Do you have a timeline set for when you would like fieldwork/survey work conducted and when the physical project will begin? Those are questions that will help us determine our approach.

Thanks,



**Evan Schroeder | Tribal Historic Preservation Officer**

*Anishinaabe Izhitwaawin Ganawenjigewin Ozhibi'igewigamig*

Resource Management Division | Environmental Program

**Nagaajiwanaang Ishkoniganing**

**Fond du Lac Band of Lake Superior Chippewa**

Mail: 1720 Big Lake Rd. Cloquet, MN 55720

Office: (218) 878 - 7129



## Attachment F: Environmental Review

### Section 306A Project Questionnaire

State coastal management programs must complete this questionnaire for each Coastal Zone Management Act (CZMA) Section 306A project and submit it to NOAA's Office for Coastal Management.

This questionnaire helps applicants collect and record the information and documents typically required for NOAA review and approval of Section 306A projects, including this completed questionnaire, all project information, related grants requirements (e.g., detailed budget), title documentation and appraisal (if applicable), and other information that may be subsequently requested by NOAA.

NOTE: NOAA may request additional documentation to fulfill environmental compliance, grants or other requirements. Failure to provide this documentation in a timely manner may delay or prevent approval. Please use the Coastal Zone Management Act Section 306A Guidance document [November 2019] for further information.

#### A. Basic Project Information

- 1. Grant and Task Number** (if a multi-year award, identify the year of funding): **NA23NOS4190213; Task 306A-103**
- 2. State:** **Minnesota**
- 3. Name of Project** (and, if different, cooperative agreement task name): **Minnesota Point Boardwalk and Dune Restoration – Phase 2.**
- 4. Address** (city, county, state) **or Coordinates for Project:** **Park Point, 4750 Minnesota Avenue, Duluth MN 55802; 46°43'47.2"N 92°02'59.9"W.**
- 5. Project Proponent** (must be a public entity): **City of Duluth.**
- 6. Key Project Contact** (coastal management program or local lead, project implementer, or sub-award manager): **Katie Bennett, Project Coordinator, [kbennett@duluthmn.gov](mailto:kbennett@duluthmn.gov), 218-730-4317.**
- 7. Involvement of Nonprofit Organizations:**  
The state coastal management program or sub-recipient will contract with a nonprofit organization to complete portions of this project.  YES  NO  
If the answer to number 7 is YES, name the organization: **[Click here to enter text.](#)**
- 8. Project Start and End Dates (estimated):** **July 2024 – June 2025.**
- 9. Date Questionnaire Completed:** **06/04/2024.**
- 10. Total (Federal + Match) Cost:** **\$383,708.00.**  
**Federal:** **\$108,000.00.**  
**Match:** **\$275,708.00.**
- 11. Project Narrative Summary:** Insert a high-level, short project description (no more than 400 words) here with project purpose and primary goals, including linkages to the state coastal management program. In addition, please include the following:



## Section 306A Project Questionnaire

- a. Implementation dates of major elements of the proposed activity;
- b. Frequency of activities within the project schedule (e.g., once per week, 10 days per month, daily);
- c. Deployment and recovery schedules of equipment or structures that would be temporarily or permanently placed in the environment.

A detailed project narrative and budget similar in detail to all award tasks should be provided in a separate file consistent with cooperative agreement requirements.

City of Duluth (subrecipient) will replace the former boardwalk that provides beach access across the sand dunes at the Park Point Beach House. The path goes from the adjoining parking lots to the beach. Due to deterioration, the old boardwalk was removed prior to project start.

The new boardwalk, built to ABA standards, will be constructed off site. City employees will install footings onsite, and add the (mostly) assembled frame, decking, and railings on both sides. The deck of the boardwalk will be constructed of reclaimed lumber from the old Duluth lakewalk.

The Ipe is the hardest of Brazilian Hardwoods. It is approximately 3 times harder than Oak with an approximate 100-year life expectancy. The salvaged Ipe lumber is approximately 35 years old, leaving a substantial portion of its useful life remaining. Ipe is naturally resistant to bugs, mold, and mildew due to its density and hardness (Janka Scale 3680). The salvaged boards will be treated with a UV finisher specifically made for hardwood prior to being installed.

After completion, the City will close (e.g., block off) the social trails and plant with beachgrass. They will also replant the beachgrass disturbed before and during construction. The City will install signage to direct users to the official dune crossings.

Goal: Protect the dune ecosystem on Minnesota Point.

Objective 1: Install a boardwalk and railing that protect the dune environment and provide safe accessible beach access; fall 2024 (between July – November 2024)

Objective 2: Eliminate social trails and replant with native beachgrass; fall 2024 and spring 2025

## B. Project Eligibility

### 1. 306A Objectives (Check all that apply):

- 306A(b)(1)(A) (preservation or restoration of areas designated in the state coastal management program)  
Identify the designation under the state's coastal management program as required by CZMA section 306(d)(9): [Click here to enter text.](#)
- 306A(b)(1)(B) (preservation or restoration of coastal resource of national significance or restoring or enhancing shellfish production/cultch)  
Identify coastal resource: [Click here to enter text.](#)

## Section 306A Project Questionnaire

- 306A(b)(2) (redevelopment of deteriorating or underused urban or working waterfronts designated as areas of particular concern in the state's coastal management program)

Identify the Area of Particular Concern: [Click here to enter text.](#)

- 306A(b)(3) (providing public access to coastal areas)
- 306A(b)(4) (development of process for aquaculture)

### 2. 306A Allowable Uses (Check all that apply):

- 306A(c)(2)(A) (fee simple or other interest in land)
- 306A(c)(2)(B) (low-cost construction projects, including most restoration projects)
- 306A(c)(2)(C)(ii) (shoreline stabilization/living shorelines)
- 306A(c)(2)(C)(i) (revitalize urban or working waterfronts-piers)
- 306A(c)(2)(C)(iii) (revitalize urban or working waterfronts-pilings)
- 306A(c)(2)(D) (engineering designs, specifications, other 306A reports)
- 306A(c)(2)(E) (educational, interpretive, and management costs, including signage and kiosks and aquaculture permitting processes)

### 3. Public Benefit

The project must meet all of the following criteria to be eligible for 306A funding:

- a. The project will be for public benefit.  YES  NO
- b. The project will be located on a property that is publicly owned or accessible via a publicly held easement. In the case of acquisition, the property will become publicly owned and accessible as a result of the project.  YES  NO
- c. The project will not improve private property and will not have a primary purpose of private or commercial gain.  YES  NO

If the answer to any of the above questions is "NO," the project is not eligible for Section 306A funding.

- d. The state or sub-recipient will need to secure an easement or lease to conduct the project because the state or sub-recipient does not own the property.  YES  NO

If the answer to the above question is "YES," attach a copy of the easement or lease to this questionnaire and answer questions 3e and 3f below; if "NO," go on to 3g.

- e. What is the term of the easement or lease? (Provide date of expiration or specify if in perpetuity.) [Not Applicable.](#)

## Section 306A Project Questionnaire

- f. The easement or lease contains a reversionary clause.  YES  NO  N/A

If yes, attach a copy of the reversionary clause to this questionnaire.

- g. The project will be open to the general public.  YES  NO  N/A

If the answer to 3g is "NO," the project is not eligible for Section 306A funding unless access is to be limited for a legitimate reason, such as public safety, resource restoration or protection, or scientific research. Attach an explanation for why the project will not be open to the public and describe the public benefits that would be provided by the project in absence of the project being open to the general public. For example, a rain garden or living shoreline may provide water quality and ecosystem benefits, but not be "open" to the public for the purposes of access or recreation.

- h. The public will be charged a user fee to access the project.  YES  NO  N/A

If the answer to 3h is "YES," attach an explanation for the user fee, including the amount, whether there will be differential fees (and a justification thereof), the need for the fees, and proposed use of the revenue. The revenue from access fees must be used to maintain the public access site. For additional details, see Section 306A Guidance, Section 2.4.4.

### 4. Project Geography and Location

- a. Is the project or parcel entirely within the state coastal zone boundary?  YES  NO

If the project or acquisition location is not entirely contained within the state coastal zone boundary, please attach a description of how the project will provide clear and direct benefits to the state coastal program consistent with Section 306A Guidance, Section 2.7.

- b. Is the project within the state's NOAA approved Coastal and Estuarine Land Conservation Program (CELCP) boundary?  YES  NO  N/A (state does not have draft or final CELCP plan).

- c. Does the acquisition expand an existing National Estuarine Research Reserve (NERR) or support the research reserve system?  YES  NO

- d. Does the project include an area designated as a unit of the Coastal Barrier Resources System (CBRS) as outlined in Section 3.2.8 of the Guidance? A CBRS mapper and the official maps of the CBRS are available on the U.S. Fish and Wildlife Service's website at <https://www.fws.gov/cbra/maps/mapper.html>.  YES  NO

If the answer to this question is "YES," list the unit number(s): **MN-01**.

### 5. Supporting Documentation for Low-Cost Construction Projects (if your project is land

acquisition, skip to 6)

All of the following information is required for low-cost construction projects and must be attached:

- a. A title opinion, title insurance commitment/certificate, or affidavit showing that the property on which the proposed project will be located is publicly owned, leased, or under easement in perpetuity or for the expected life of the project (at least 20 years). (Section 306A Guidance, Section 4.3.5) [See Affidavit; Attachment A.](#)
- b. A detailed site plan for the project as described in Section 306A Guidance, Section 4.3.4. [See Engineering Designs; Attachment B.](#)
- c. A plan to ensure that operations and maintenance are provided for the project for its expected useful life as described in Section 306A Guidance, Section 2.4.11.  
If there is no party that has been identified to conduct operations and maintenance please describe why there is no plan for operations and maintenance.

[City of Duluth Properties and Facilities Management – Park Maintenance will maintain the boardwalk. It will be added to the Asset Management database for regular inspection and maintenance. The Asset Management database \(AID\) lists all assets, date of construction, date of inspections, condition of asset, and schedule of maintenance or replacement. The AID is a computerized system that tracks the asset’s lifespan against going rates for construction materials and labor.](#)

Useful lifespan:

- [Ipe: 50 years](#)
- [Galvanized steel structure: 50 years.](#)

Maintenance schedule:

- [Monthly: The boardwalks will be inspected for loose boards/fasteners, blowing sand covering the walkways, and vandalism.](#)
  - [Annually: Check for board wear, fastener integrity, frost heaving, and levelness \(ensure accessibility\).](#)
- d. A detailed site location map for the project. If available, please include the relevant U.S. Geological Survey quadrangle maps for the site. (Section 306A Guidance, Section 4.3.3) [See Maps; Attachment C.](#)
  - e. Documentation demonstrating compliance with the provisions of Build America, Buy

## Section 306A Project Questionnaire

America Act and associated CZMA cooperative agreement specific award condition. (Section 306A Guidance, Section 4.2 and Appendix VI)

This is phase 2 of a project to install boardwalks on Minnesota Point. The City is using the same company, Wiedenbeck, Inc., for both phases. Attached (Attachment D) is the documentation from Phase 1 of the project that shows the origin of the steel.

Continue to Section C, National Environmental Policy Act and Environmental Compliance.

### 6. Supporting Documentation for Land Acquisition Projects

All of the following information is required for land acquisition projects and must be attached:

- a. A title opinion or title insurance commitment/certificate showing that the property to be acquired is owned by the contracted seller and is free of encumbrances that could affect the intended uses of the property. Title opinion must be less than one year old. (Section 306A Guidance, Section 4.3.5)
- b. Copies of any third-party easements associated with the acquisition. (Section 306A Guidance, Section 4.3.10)
- c. An independent appraisal of the fair market value for the property to be purchased that was developed pursuant to the Office for Coastal Management Section 306A Guidance (using Uniform Standards of Professional Appraisal Practice [USPAP] Standards 1 & 2). Appraisal must be less than one year old. (Section 306A Guidance, Section 4.3.11)
- d. A legal property survey meeting all applicable state and local requirements for accuracy and sufficiency. (Section 306A Guidance, Section 4.3.12)
- e. Copy of final deed or conservation easement containing the required NOAA deed restriction language. (Section 306A Guidance, Section 4.3.13)
- f. A copy of the purchase-sale agreement indicating the selling price. (Section 306A Guidance, Section 4.3.14)
- g. Evidence of agreement with willing seller (e.g., letter from seller). (Section 306A Guidance, Section 4.3.15)

### C. Project Information Necessary for NOAA Office for Coastal Management National Environmental Policy Act (NEPA) and Environmental Compliance Review

#### Project Information

## Section 306A Project Questionnaire

1. Provide the detailed information below to describe the proposed activity, either as direct responses to each question below (as feasible), in the detailed project narrative, or as attachments with references to the appropriate question for items such as maps or data tables.
  - a. Its purpose, objectives, and goals. **Build and install a 331'7" boardwalk from the parking lot over the dunes to the beach near the Beach House at the Park Point Recreation Area. Build the boardwalk to Architectural Barriers Act standards, regarding slope, width, and materials. Close the social trails, restore the beach grasses, and protect the dunes.**
  - b. Graphics (e.g., figures, photographs), plan diagrams, models. These items, if available, would be additional to a basic site plan and design drawings. **See Photos; Attachment E.**
  - c. For purposes of compliance with E.O. 11988 (Floodplain Management) and to ensure that relevant coastal hazards are taken into consideration such that projects are designed and maintained to last as long as intended, applicants should include maps of the existing 100-year and/or 500-year floodplains determined by the Federal Emergency Management Agency (FEMA) or other reputable sources, and other available information relevant to future site conditions. Information in narrative form is acceptable when mapping data are not available consistent with Section 306A Guidance, Section 3.2.7. **See Maps; Attachment C.**
  - d. Sampling, collection, or observation protocols and operational procedures. **Not Applicable.**
  - e. Any proposed best management practices, including any and all CZMA Section 6217 management measures that will be employed or on-site mitigation to reduce or control project impacts (Section 306A Guidance, Section 4.3.9). **Planting and landscaping post-construction will follow DNR Restoration and Enhancement guidelines as well as Pollinator Best Management Practices.**
  - f. Monitoring measures and protocols for the project (if any). **City of Duluth Properties and Facilities Management – Park Maintenance will inspect and maintain the planting until they are established and maintain the boardwalk. It will be added to the Asset Management database for regular inspection and maintenance. Duluth's Project Manager will oversee construction and planting.**
  - g. If not fully described in Section 4 of this questionnaire, a description and plan diagram of the proposed impact area, if the proposed activity involves construction, restoration, dredging, excavation, and/or fill. **See Attachment B; Engineering Designs.**
  - h. If not fully described in Section A, question 11 of this questionnaire, include a description, including specifications of the equipment or structures (e.g., scientific monitoring

## Section 306A Project Questionnaire

- equipment, deployment platforms) that would need to be temporarily or permanently placed in the environment. Demolition utilizes a mixture of mechanized and hand labor. Mechanized trail work is done with equipment such as tracked dozers, excavators, and tracked haulers. Typically tracked machines are utilized because their lower ground pressure reduces compaction. Stabilization with beachgrass follows the final restoration and is planted by hand.
- i. A description of the construction methods and materials to be used during project implementation. See Attachment B; Engineering Designs. Construction access will be from either the beach side or Lake Ave, preventing any heavy equipment impacts to the dunes. The boardwalk will be constructed off site in sections and assembled at the site.
  2. List any federally threatened, endangered, or other protected species (e.g., marine mammals) that exist in the project area as outlined in Section 306A Guidance, Section 3.2.1. If Endangered Species Act or related consultation has been initiated or completed, please attach. Piping Plover nests on the MN Point dunes and is an endangered species. The City of Duluth requested review by the Fish and Wildlife Service. Attached is the IPaC record (See Attachment F; 481-123415933) for the project site.
  3. If your project has any components that may risk the introduction or spread of non-native invasive species, describe any management practices or protective measures that would be implemented to prevent their introduction. Best practices may include measures such as sanitizing boats and vessels before departure from ports and sterilizing gear/machinery/equipment/materials prior to placement on land or in water. Planting and landscaping post-construction will follow DNR Restoration and Enhancement guidelines as well as Pollinator Best Management Practices. Contractors are required to clean their mechanical and personal equipment before entering the site.
  4. List any hazardous substances or hazardous wastes, as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) or the Resource Conservation and Recovery Act (RCRA) that are used, stored, generated, or released by the proposed activity which could pose any threat to human health and/or the environment. Not Applicable.
  5. List any potential unique or unknown risks to human health or the environment from the proposed activity. Not Applicable.
  6. Describe the degree to which the proposed action may have effects on the human environment that are likely to be highly controversial. A project is considered highly controversial if there is a substantial dispute about the size, nature, or effect of the major federal action rather than the

## Section 306A Project Questionnaire

existence of opposition to the use. **Not Applicable.**

7. Is the proposed activity a continuation of, or related to, an ongoing or phased project (see Appendix VI for definition of “phased project”)?  YES  NO  
If yes, please include information and attach relevant documents describing the ongoing or phased project. **City of Duluth is restoring beachgrass and replacing deteriorated boardwalks that provide sustainable ABA beach access across the Minnesota Point sand dunes in two locations; Lafayette Community Center and Park Point Beach House. The Lafayette boardwalk construction is underway (NA22NOS4190054; Task 306A-2).**
8. Describe how the project is compatible with relevant local, regional, or state planning and zoning. **This project is within the Park Point Recreational Area (City park); and provides access to the public beach.**
9. Describe any changes to scenery or viewsheds in the project vicinity. **Not Applicable.**
10. Describe whether location of the proposed activity includes unique geographic areas of notable recreational, ecological, scientific, cultural, historical, scenic, or aesthetic importance. Examples include, but are not limited to coral reefs, marine protected areas, National Marine Sanctuaries, essential fish habitat, habitat area of particular concern, critical habitat designated under the Endangered Species Act, park or refuge lands, wild or scenic rivers, wetlands, prime or unique farmland, sites listed on the National Register of Natural Landmarks, sites listed or eligible for the National Register of Historic Places, tribal lands, sites that are ecologically significant, or critical areas (including areas that are normally inundated by water or areas within the 100-year floodplain). **Minnesota Point in Duluth Minnesota is a unique and fragile environment. It is the only sandy beach and dunes on Lake Superior in Minnesota. Dune vegetation is beachgrass and a patchy cover of shrubs, forbs, graminoids, and fruticose lichens. These species, including the beachgrass, only grow on Minnesota Point. The sandy beach habitat of Minnesota Point is nesting habitat used by piping plovers. The piping Plover is Endangered in Minnesota and Wisconsin as well as federally.**
11. Explain whether the project is likely to have adverse economic or environmental impacts on minority groups, low-income groups, or Native American tribes that are out of proportion with its impacts on other groups. **Not Applicable.**

### Other Project Location Attributes

12. Will the proposed activity degrade or disturb previously undisturbed areas?  YES  NO  
If “YES,” please explain. **Click here to enter text.**



13. Are there any known previous or ongoing uses of the site, or any other issues that make it likely that contaminants may be uncovered and/or disturbed?  YES  NO

If "YES," identify the potential contaminant and the circumstances that may uncover or disturb the contaminants. [Click here to enter text.](#)

### Project Partners, Permits, and Consultations

14. Will the proposed activity be conducted in partnership with NOAA, or require NOAA's direct involvement, activity, or oversight?  YES  NO

If "YES," describe NOAA's involvement, activity, or oversight, including the name of the office or program that is involved. [Click here to enter text.](#)

15. List all other interested or affected federal, state, and local agencies; tribal governments; nongovernmental organizations; or minority or economically disadvantaged communities. Describe the listed entities' involvement, activity, or oversight regarding the proposed activity.

- MN DNR: Monitor beach grass restoration and issues permits for planting.
- Fond du Lac Band of Lake Superior Chippewa: Band members monitored shovel testing during the archaeological survey (Attachment G2); and will monitor construction during ground disturbing activities for Tribal and Cultural artifacts.
- Park Point Community Club: Advocate for and partner on projects relating to Park Point.

16. List all federal, state, and local permits, authorizations, waivers, determinations, and ongoing consultations that would be required for the proposed activity to comply with all applicable environmental laws and regulations. Provide the date the permit, authorization, waiver, or determination was obtained or the date by which it will be obtained. Provide copies of the permits, authorizations, waivers, or determinations that have been secured. (Section 306A Guidance, Section 4.3.8)

[Beach Grass restoration; issued by the DNR \(secured\)](#)

If any of the above have expiration dates that could affect project implementation, please note and explain. If the project involves wetlands or living shorelines and does not qualify for a U.S. Army Corps of Engineers Nationwide Permit, please note and explain. **Not Applicable.**

17. Explain the actions that the coastal management program or sub-recipient has taken to assess potential affects to any historic properties, listed or with potential to be listed, pursuant to the National Historic Preservation Act, including any correspondence with the State Historic Preservation Office or Tribal Historic Preservation Office. [See Map and email response from the State Historic Preservation Office; Attachment G1.](#) Also attached is a Phase 1 archeological survey conducted by Duluth Archeology Center, May 2024 (Attachment G2).

## Section 306A Project Questionnaire

The Fond du Lac Band of Lake Superior Chippewa provided Tribal Monitors for the archeological Phase 1 survey. The City will contract with the Band for monitors during the ground disturbing activities during construction.

Please attach relevant documents. A completed consultation is necessary before the project can be approved. (Section 306A Guidance, Section 4.3.6)

18. Has the project been designed consistent with applicable Americans with Disabilities Act of 1990 (ADA) requirements found in the Section 306A Guidance, Section 2.4.13?  YES  NO

Only projects incorporating all required ADA elements can be approved.

19. If there is a lead federal agency for the project, please provide the agency and contact (if known) and describe whether any NEPA document has been completed or is in process for the proposed activity. **Not Applicable.**

Office of Management and Budget (OMB) Control # 0648-0119 pending approval as of April 2023.

The NOAA Office for Coastal Management (OCM) requires this information in order to adequately assess the eligibility of proposed CZMA section 306A projects. Public reporting burden for this collection of information is estimated to average 25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Stewardship Division, OCM, 1305 East-West Hwy., 10th Floor, Silver Spring, Maryland 20910. This reporting is required under and is authorized under 16 U.S.C. 1455a.

Information submitted will be treated as public records. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.