

## Amendment # 2 for Grant Agreement # 216874

Contract Start Date:	<u>October 11, 2022</u>	Total Contract Amount:	<u>\$108,182.00</u>
Original Contract Expiration Date:	<u>November 30, 2023</u>	Original Contract:	<u>\$100,000.00</u>
Current Contract Expiration Date:	<u>November 30, 2023</u>	Previous Amendment(s) Total:	<u>\$8,182.00</u>
Requested Contract Expiration Date:	<u>December 31, 2024</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 First 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, NA22NOS4190054, the State received a federal award on July 1, 2022 for Implementation of Minnesota’s Lake Superior Coastal Program (Revised Attachment A.1, attached and incorporated into this grant contract agreement).
2. The State has a grant contract with the Grantee identified as 216874 to provide services for Minnesota’s Lake Superior Coastal Program’s FFY22 Task 306A-2: Minnesota Point Boardwalk and Dune Restoration.
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 for construction of the boardwalk and dune restoration.
4. The State and Grantee have agreed that additional time will be necessary for the satisfactory completion of the agreement.
5. City of Duluth Resolution 23-##### (Attachment F, attached and incorporated into this grant contract) empowers 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 2. Clause 2. **“Grantee’s Duties”** is amended as follows:

#### 2. 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.12, 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 7.2).
- 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. "**Consideration.**" is amended as follows:

4.1. **Consideration.** The State will pay for all services performed by Grantee under this grant contract agreement as follows:

- (A) **Compensation.** The Grantee will be paid \$108,182.00 according to the breakdown of costs contained in Revised Attachment B. ~~12.~~
- (B) **Travel Expenses.** Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract agreement will not exceed \$0.00. The State will reimburse the Grantee for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "[Commissioner's Plan](#)" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The State will not reimburse for travel and subsistence expenses incurred outside Minnesota unless the Grantee has received the State's prior written approval for out of state travel.
- (C) **Total Obligation.** The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract agreement will not exceed **\$108,182.00**.
- (D) **Specific award conditions.** ~~Task 306A-2, Minnesota Point Boardwalk and Dune Restoration was not sufficiently defined for the National Oceanic and Atmospheric Administration (NOAA) to perform an environmental review. The Grantee is not authorized to expend any funds for construction of the boardwalks or dune restoration until the Grantee provides to the State: a 306A checklist; budgets; site plans; information on location, methods, and best management practices being used; any additional information requested to satisfy requirements for National Environmental Policy Act (NEPA) and environmental consultation; and receives approval from the State. Once approved, the Grantee is authorized to expend these funds, unless there are other conditions placed on the award that would restrict this expenditure of funds. Non-field activities as described in Task Outcome 1 (\$5,000) in Attachment B may proceed in advance of this approval.~~  
The State and NOAA, Office for Coastal Management have reviewed and approved the project methods (Attachment E, attached and incorporated into this grant contract). The Grantee is authorized to expend funds for construction of the boardwalk and dune restoration at Lafayette Community Center. The Grantee must submit any changes to these methods to the State's Authorized Representative prior to construction.  
 The City is granted additional funds to complete a Phase 1 Archeological Survey (\$3,887) for the Area of Potential Effect and to compensate Fond du Lac Band of Lake Superior Chippewa for Tribal Monitors (\$4,295) to be onsite during shovel tests for the Survey as well as the ground disturbing activities during construction for the boardwalk at Lafayette.
- (E) **Indirect Cost Rate.** The federal indirect cost rate for the State's federal award is 20.20%. The Grantee's indirect cost rate is 0% for this sub-award agreement. The State will accept the

indirect cost rate negotiated with a federal agency, provided the agency approved the rate on or before the award end date.

- (F) **Matching Requirements.** The total project cost is \$214,258.00. Grantee will provide \$106,076.00 or 50% of project-related costs from non-federal sources, whichever is less.
- (G) **Budget Changes.** The Grantee is required to report deviations from the approved award budget. The Grantee may not create new budget categories without written approval. The Grantee must request approval for a budget change when the cumulative amount transfers exceed or is expected to exceed 10 percent of the total budget as last approved by the State.

REVISION 4. 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.12, within thirty days of expiration (see Section 1).

Signatures on next page.

## Signatures:

### 1. STATE ENCUMBRANCE VERIFICATION

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

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.

Approved as to form: \_\_\_\_\_

Rebecca St. George, City Attorney

Countersigned: \_\_\_\_\_

Josh Bailey, City Auditor

By: \_\_\_\_\_

Emily Larson, Mayor

By: \_\_\_\_\_

Ian B. Johnson, City Clerk (stamp)

Date Attested:

### 3. STATE AGENCY

By: \_\_\_\_\_

(with delegated authority)

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

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

Distribution:

Agency

Grantee

State's Authorized Representative

## Revised Attachment A.1: 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 NATURAL RESOURCES, MINNESOTA DEPARTMENT OF		FEDERAL AWARD ID NUMBER <b>NA22NOS4190054</b>			
STREET ADDRESS 500 LAFAYETTE RD N		PERIOD OF PERFORMANCE 07/01/2022-12/31/2023			
CITY, STATE, ZIP CODE SAINT PAUL MN 55155-4002		FEDERAL SHARE OF COST <div style="text-align: right;">\$1,128,000.00</div>			
AUTHORITY 16 U.S.C. 1455, 1455a		RECIPIENT SHARE OF COST <div style="text-align: right;">\$1,128,000.00</div>			
		TOTAL ESTIMATED COST <div style="text-align: right;">\$2,256,000.00</div>			
CFDA NO. AND NAME 11.419 Coastal Zone Management Administration Awards					
PROJECT TITLE Implementation of Minnesota's Lake Superior Coastal Program - FFY22					
<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 07/08/2022	
PRINTED NAME, PRINTED TITLE AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Katie Smith				DATE 07/20/2022	

## NA22NOS4190054 No-Cost Extension Accepted

U. S. DEPARTMENT OF COMMERCE <b>Award Action Request</b>	Award Number <b>NA22NOS4190054</b>
Recipient Name MINNESOTA DEPARTMENT OF NATURA	Request Type No Cost Extension - Prior Approval Required Document ID: 3191851
Street Address 500 LAFAYETTE RD N	Award Period 07/01/2022 - 06/30/2025
City, State, Zip Code SAINT PAUL MN 55155-4002 USA	Total Award Funding Federal: \$1,128,000.00 Non-Federal: \$1,128,000.00
Program Office NOS Office for Coastal Management (OCM)	Program Officer Rachael FranksTaylor 617-834-2493 rachael.ftaylor@noaa.gov
CFDA Number and Project Title 11.419: Implementation of Minnesota's Lake Superior Coastal Program - FFY22	
Requested Extension Date 06/30/2025	
Justification <p>The Minnesota Department of Natural Resources is requesting an 18-month, no cost extension to its NA22 award (new expiration date: June 30, 2025). We need this extension to fulfill elements of two tasks.</p> <p>The City of Duluth is working diligently with us in completing the necessary environmental review for their boardwalk project (Task 306A-2). They recently completed a Phase I archeological survey. NOAA will use this information to continue their pending consultations with the State Historic Preservation Office and Fond du Lac Band of Lake Superior Chippewa's Tribal Historic Preservation Officer. Until then, the project is on hold. Given we are into August with Minnesota's construction window closing in October, we don't anticipate the City of Duluth being able to finish the construction this year. With this extension, they would have the full spring/summer 2024 season to replace the boardwalk and restore adjacent dune habitat.</p> <p>In addition, we still have the majority of our small, capacity building funds to distribute (Task 306-6, Outcome 2). Capacity needs are acute in our coastal zone, so keeping this opportunity open for as long as possible is of utmost importance to the program.</p>	
Award Action Request Status Accepted	
SUBMITTED BY Amber Westerbur	DATE 08/01/2023
APPROVED BY Jennifer Jackson	DATE 09/01/2023

## Revised Attachment B.12: Project Description and Budget

### US Department of Commerce, Financial Assistance Award

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

**Award Number:** NA22NOS4190054

**Recipient:** Minnesota Department of Natural Resources

**Title:** Implementation of Minnesota's Lake Superior Coastal Program – FFY22

**Federal Award Period:** July 1, 2022 – ~~December 31, 2023~~ June 30, 2025

### Project Description

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

**Project Number:** 22-306A-02

**Subrecipient:** City of Duluth

**Timeframe:** ~~July~~ October 2022 – ~~November 2023~~ December 2024

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 two deteriorated boardwalks that provide beach access across the Minnesota Point sand dunes in two locations: Lafayette Community Center and Park Point. The boardwalks, built to Americans with Disability Act standards, will provide access from the adjoining parking lots to the beach.

The City will replace the boardwalks 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.

The finished boardwalks will include railings on both sides. After installed it will be covered with a UV Finisher specifically made for hardwood.

After completed, 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, with the DNR, will submit the 306A Questionnaire with supporting documentation for the boardwalk at Lafayette after completing the engineering designs in Outcome 1.

### Task Outcomes

1. **Engineering Designs** - Complete engineering designs for the Park Point Recreation Area boardwalk.

Outcome End Date: December 2022

2. **Construct Boardwalk** - Using salvaged lumber, construct boardwalk at Lafayette Community Center. Boardwalk will extend from parking area to the beach, and include railings and signage.

Outcome End Date: ~~November 2023~~ December 2024

3. **Replant vegetation** - Restore the disturbed beachgrass and other native vegetation on the social trails.

Outcome End Date: ~~November 2023~~ December 2024

4. **Phase 1 Archeological Survey** - Complete a Phase 1 Archeological Survey at in the Area of Potential Effects at Lafayette Community Center.

## Products

- (photos of) boardwalk and revegetation of beach grass at Lafayette Community Center

## Budget (Task Funding)

Grant (federal): \$108,182.00  
Match (non-federal): \$106,076.00  
Total: \$214,258.00

Name	Grant	Match	Total
Personnel			
Fringe			
Travel			
Equipment			
Supplies		106,076	106,076
Subcontract	12,000		12,000
Construction	88,000		88,000
Other	8,182		8,182
Indirect			
<b>Total</b>	<b>\$108,182</b>	<b>\$106,076</b>	<b>\$214,258</b>

## Budget Detail

**Supplies:** value of restored IPE lumber

**Subcontract:**

- Designs for boardwalk in Park Point Park - \$5,000
- Dune Restoration - \$7,000

**Other: (Professional Service Agreements)**

- Duluth Archeological Center for Phase 1 Archeological Survey - \$3,887
- Fond du Lac Band of Lake Superior Chippewa for Tribal Monitors to be present during onsite during the archeological survey and during ground disturbing activities of construction - \$4,295

**Construction:** City of Duluth equipment and personal to construct the boardwalks



## Attachment E: 306A Questionnaire and Environmental Review Documentation

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:** NA22NOS4190054; Task 306A-2.
2. **State:** Minnesota
3. **Name of Project:** Lafayette Community Center Boardwalk and Dune Restoration (Cooperative Agreement Task Name: Minnesota Point Boardwalk and Dune Restoration)
4. **Address (city, county, state) and Coordinates for Project:** 3026 Minnesota Ave, Duluth, St. Louis, MN 55802 (46.752141, -92.069345)
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):** January 1 – November 30, 2023
9. **Date Questionnaire Completed:** November 9, 2022
10. **Total (Federal + Match) Cost:** \$203,864.00
  - Federal:** \$100,000.00
  - Match:** \$103,864.00
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:

- 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 (City; subrecipient) will replace the deteriorated boardwalk that across the Minnesota Point sand dunes at the Lafayette Community Center. Minnesota Point is an important ecological landscape, and the only sand beach on Lake Superior in Minnesota. This project both provides public access and protects an important coastal habitat (beach grass).

The City will construct the new boardwalk to Architectural Barriers Act standards. The finished boardwalk will include railings on both sides and the wood will be treated with a UV Finisher specifically made for hardwood. After the new boardwalk is in place, the City will close the social trails and contract with professionals to replant with beachgrass. The beachgrass disturbed before and during construction will also be replanted. The City will install signage to direct users to the official dune crossings.

Prior to onsite activities, the City must have the frames constructed and prepare the wood.

Implementation dates of on-site activities:

- May/June 2023 - demolition and removal; fabrication of boardwalk
- July-August 2023 – installation of new boardwalk
- September 2023 – restoration of disturbed dune areas

Frequency of activities: Daily

Deployment and recovery schedules of equipment:

Demolition equipment: Deployment: May; Removal: June

Installation equipment: Deployment: July; Removal: August

## 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.](#)
- 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.) [Click to enter text.](#)
- 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 contained within the State Coastal Zone Boundary?

YES  NO

If the project or acquisition location is not entirely 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 Conservation Land 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)? 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): [Click to enter text](#).

#### 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](#)

**Attachment A.**

- b. A detailed site plan for the project as described in Section 306A Guidance, Section 4.3.4. **See 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. **See Attachment C.**  
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.
- d. A detailed site location map for the project. If available, please include the relevant USGS quadrangle maps for the site. (Section 306A Guidance, Section 4.3.3) **See Attachment D.**

Continue to Section C, NEPA 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. (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**

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. **City of Duluth (City; subrecipient) will replace the deteriorated boardwalk that provides beach access across the Minnesota Point sand dunes at Lafayette Community Center. The boardwalk, built to Architectural Barriers Act standards, will provide access from the adjoining parking lots to the beach. The finished boardwalk will include railings on both sides and be treated with a UV Finisher specifically made for hardwood. After completion, the City will close the social trails and replant with beachgrass. The beachgrass disturbed before and during construction will be replanted. The City will install signage to direct users to the official dune crossings.**

**Objective 1: Replace the degraded boardwalk and railing that protect the dune environment and provide safe accessible beach access.**

**Objective 2: Eliminate social trails and replant with native beachgrass.**

**Goal: Protect the dune ecosystem on Minnesota Point.**
  - 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 Attachments B and 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. **Per FEMA (<https://msc.fema.gov/portal/home>), the digital data does not exist for this location. Based on the current update, preliminary maps show zone AE (see Attachment D, page 8).**
  - d. Sampling, collection, or observation protocols and operational procedures. **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. Educational signage will be installed at the closed social trail locations to direct users to the official dune crossings.**
  - 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). **See c. above.**

- 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. Project will replace one existing, but deteriorated, boardwalk that enable public access from parking to the Lake Superior beach across the dune environment. The designated dune crossing has been in place for several years and are effective at protecting the fragile dune environment in a location that sees significantly heavy public use.
- 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 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. 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. The boardwalk will be constructed of re-claimed Ipe, 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 City will apply a UV Finisher specifically made for Hardwood to ensure it will last for years to come.
2. List any federally threatened, endangered, or other protected species (e.g., marine mammals) that exist in the project area. If Endangered Species Act or related consultation has been initiated or completed, please attach. The Piping Plover nests on the MN Point dunes and is Endangered Federally and in Minnesota. The dune vegetation is unique to Minnesota or Minnesota Park Point. See Attachment F for a copy of the federal list.
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 Operational Order 113 \(Invasive Species\)](#). 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. **None.**
5. List any potential unique or unknown risks to human health or the environment from the proposed activity. **None.**
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 existence of opposition to the use. **None.**
7. Is the proposed activity a continuation of, or related to, an ongoing or phased project?  YES  NO  
If yes, please include information and attach relevant documents describing the ongoing or phased project.  
**Click here to enter text.**
8. Describe how the project is compatible with relevant local, regional, or state planning and zoning. **In addition to the Comprehensive Land Use Plan (Imagine Duluth 2035) and the Natural Areas Program (described above) that seek to prioritize and protect Lake Superior and coastal resources, the Parks Master Plan drives Duluth Parks Planning in determining the future use of the extensive parks and trail system. Goals of this plan include to improve the quality of existing parks (especially neighborhood parks). The Park Point Small Area Plan included the goal 'To define public access/use of improved and unimproved rights-of-way'.**
  - **Comprehensive Land Use Plan (Imagine Duluth):** <https://imagineduluth.com/document>
  - **Natural Areas Program:** <https://duluthmn.gov/parks/parks-planning/parks-planning-library/>
  - **Parks Master Plan:** <https://duluthmn.gov/parks/parks-planning/parks-planning-library/Park Point Small Area Plan: https://duluthmn.gov/media/5730/park-point-small-area-plan.pdf>
9. Describe any changes to scenery or viewsheds in the project vicinity. **None.**
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.

The Lafayette Community Center is eligible for listing on the National Register of Historic Places, there is a Historical/Architectural Survey for the property (2013). This was sent to the NOAA for a low-cost construction project that altered the building (NA16NOS4190119; Task 306A-1). As this project will not impact the building itself, we have not submitted it with this questionnaire packet.

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. **Minnesota Department of Natural Resources; Fond du Lac Band of Lake Superior Chippewa (for consultation and Tribal monitors during ground disturbing activities).**

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) **Duluth has a local beachgrass permit that has been approved by the MN DNR.**

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.

- 17.** Explain the actions that the coastal management program or sub-recipient has taken to initiate or complete National Historic Preservation Act consultation with the State Historic Preservation Office or Tribal Historic Preservation Office. **None. Attached is the report from the State Historic Preservation Office of historical and architectural resources in the project area, with maps (attachment G). Note: this is a maintenance project – reconstruction of an existing but deteriorating dune crossing.**

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.**

OMB Control # 0648-0119, expires 08/31/2022.

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.

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 11, 2022, I examined Certificate of Title No. 84741, certified by the St. Louis County Registrar of Titles through May 9, 2022, covering the Property and other property, and I am of the opinion that as of May 11, 2022, 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

JUNE 7, 2022

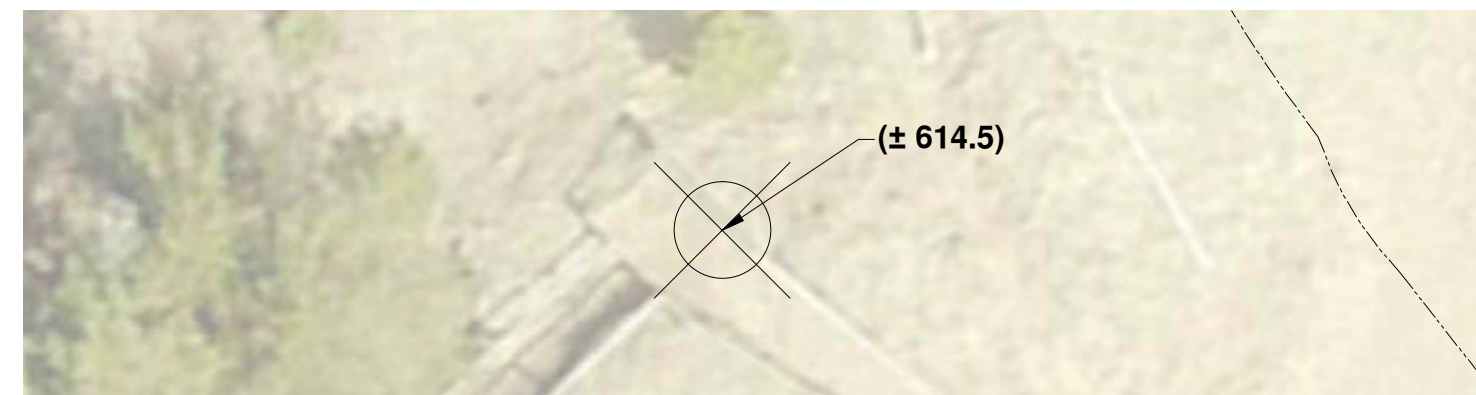
  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTORIAL STAMP OR SEAL



# CITY OF DULUTH

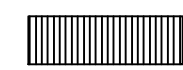
## DEPARTMENT OF PARKS AND RECREATION



EXISTING SPOT ELEVATION



EXISTING BOARDWALK

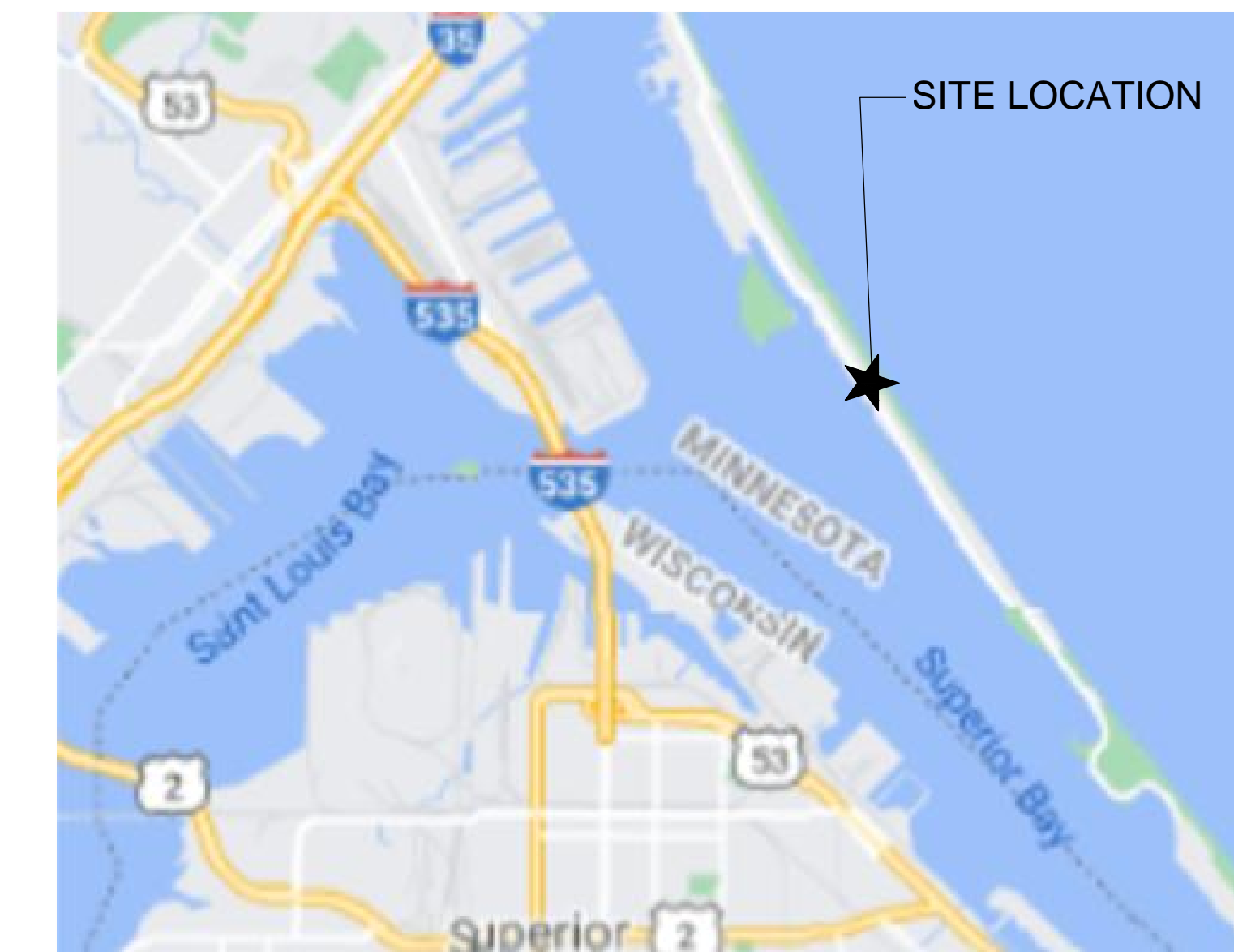


BOARDWALK



KEY PLAN

NOT TO SCALE



PROJECT LOCATION MAP

NOT TO SCALE



ACCESS ROUTES

NOT TO SCALE

\* CONTRACTOR TO RESTORE DISTURBED ACCESS ROUTES

**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/>

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE MN MUTCD, INCLUDING THE FIELD MANUAL DATED SEPTEMBER 2020.  
AVAILABLE AT: <https://www.dot.state.mn.us/trafficeng/publ/mutcd/>

THE 2019 EDITION OF THE CITY OF DULUTH PUBLIC WORKS AND UTILITIES DEPARTMENT STANDARD CONSTRUCTION SPECIFICATIONS AND SUPPLEMENTS OR ADDENDUMS SHALL APPLY.  
AVAILABLE AT: <https://duluthmn.gov/engineering/standard-construction-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	BOARDWALK DETAILS
L-6	BOARDWALK DETAILS
L-7	DIAMOND PIER DETAILS AND ALTERNATE #1

THIS PLAN SET CONTAINS 7 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      APRIL 28, 2021      #25866  
DATE      REG. NO.

CITY APPROVAL

APPROVED      PARKS MANAGER      DATE



LANDSCAPE ARCHITECTURE

**+ ASSOCIATES**

[WWW.SASLANDARCH.COM](http://WWW.SASLANDARCH.COM)

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ISSUE RECORD/REVISION

PURPOSE	DATE

**LAFAYETTE PARK  
ADA BOARDWALK  
REPLACEMENT**  
CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
**TITLE SHEET AND INDEX MAP**

DATE 04/28/21

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER 20190

SHEET NUMBER L-1



WALLS ON APPROACH RAMP - REMIAN



PROTECT ANGLED TIMBER



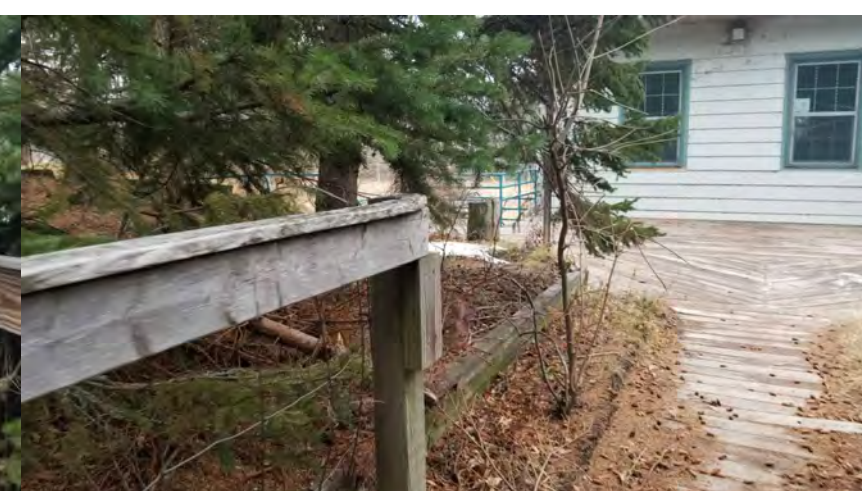
REMOVE FENCING



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



REMOVE FENCING AND RAILS



REMOVE WIRE FENCING



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



REMOVE FENCING AND WALL



PROTECT ANGLED TIMBER



REMOVE FENCING AND WALLS BEHIND



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ISSUE RECORD/REVISION

PURPOSE	DATE

**LAFAYETTE PARK  
ADA BOARDWALK  
REPLACEMENT**  
CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
**EXISTING CONDITIONS  
REMOVALS PLAN**

DATE: 04/28/21

DRAWN BY: LWS

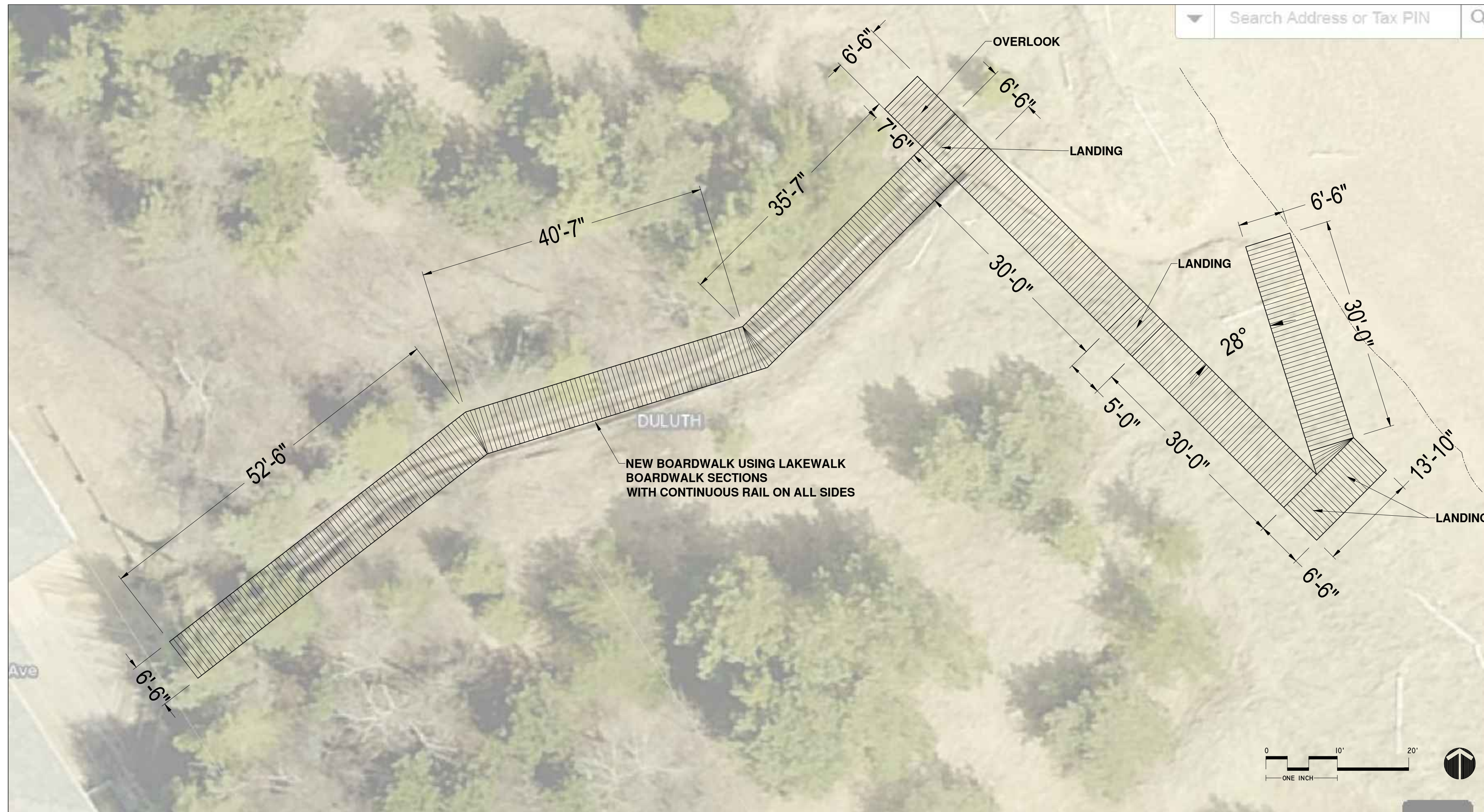
CHECKED BY: LWS

PROJECT NUMBER: 20190

SHEET NUMBER: L-2

SEE SHEET 3 OF 7 FOR ALL NECESSARY NOTES.

May 05, 2021, 2:55PM  
 C:\Users\lws\AppData\LocalTemp\Asb\lws\_200104-20190-Lafayette Boardwalk.dwg



LAKEWALK BOARDWALK PHOTOS, 6" 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.

**NOTES:**  
ALL TRAIL/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.
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/BOARDWALKS 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>+/- 155 L.F. of existing 5' wide boardwalk.</li> <li>- Associated rails.</li> <li>- Adjacent retaining timber walls</li> <li>- Adjacent wooded walls</li> </ul> </li> <li>2. Grade existing edges. Remove vegetation as required.</li> <li>3. Install erosion 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. Till and level existing edges. Remove or properly prune vegetation as required, relocate all evergreen trees on site.</li> <li>4. 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, Wickcraft, Modular Trail Structures or Pre-Approved Equal.</li> <li>2. Install approx. 250 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>
<p>DEDUCT ALT #1</p> <p>Deduct Alt #1</p>	<ol style="list-style-type: none"> <li>1. SUBSTITUTE cable rail system with an exterior grade brown treated wooden railing system.</li> </ol>



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ISSUE RECORD/REVISION

PURPOSE	DATE

**LAFAYETTE PARK  
ADA BOARDWALK  
REPLACEMENT**  
CITY OF DULUTH, MINNESOTA

SHEET KEY

SHEET TITLE  
LAYOUT

DATE 04/28/21

DRAWN BY: LWS

CHECKED BY: LWS

PROJECT NUMBER 20190

SHEET NUMBER L-3

**From:** [Christine Penney](#)  
**To:** [Poyhonen, Cynthia \(DNR\)](#)  
**Subject:** FW: Boardwalk maintenance plan final  
**Date:** Tuesday, October 25, 2022 11:28:01 AM

---

**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.

See below.

---

**From:** Christine Penney <[cpenney@DuluthMN.gov](mailto:cpenney@DuluthMN.gov)>  
**Sent:** Monday, October 24, 2022 2:58 PM  
**To:** Jim Shoberg <[jshoberg@DuluthMN.gov](mailto:jshoberg@DuluthMN.gov)>  
**Cc:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>  
**Subject:** RE: Boardwalk maintenance plan final

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:

lpe: 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).

---

**From:** Jim Shoberg <[jshoberg@DuluthMN.gov](mailto:jshoberg@DuluthMN.gov)>  
**Sent:** Monday, October 24, 2022 2:50 PM  
**To:** Christine Penney <[cpenney@DuluthMN.gov](mailto:cpenney@DuluthMN.gov)>  
**Cc:** Katie Bennett <[kbennett@DuluthMN.gov](mailto:kbennett@DuluthMN.gov)>  
**Subject:** Re: Boardwalk maintenance plan

This looks good I would clarify that our system tracks the assets lifespan against going rates for construction materials and labor.

Jim

Sent from my mobile device.

On Oct 24, 2022, at 1:54 PM, Christine Penney <[cpenney@duluthmn.gov](mailto:cpenney@duluthmn.gov)> wrote:

Boardwalk will be added to the Asset Inventory Database (AID). The AID is a computerized system that tracks maintenance needs based on the asset's lifespan.

Useful lifespan:

Ipe: 50 years

Galvanized steel structure: 50 years/

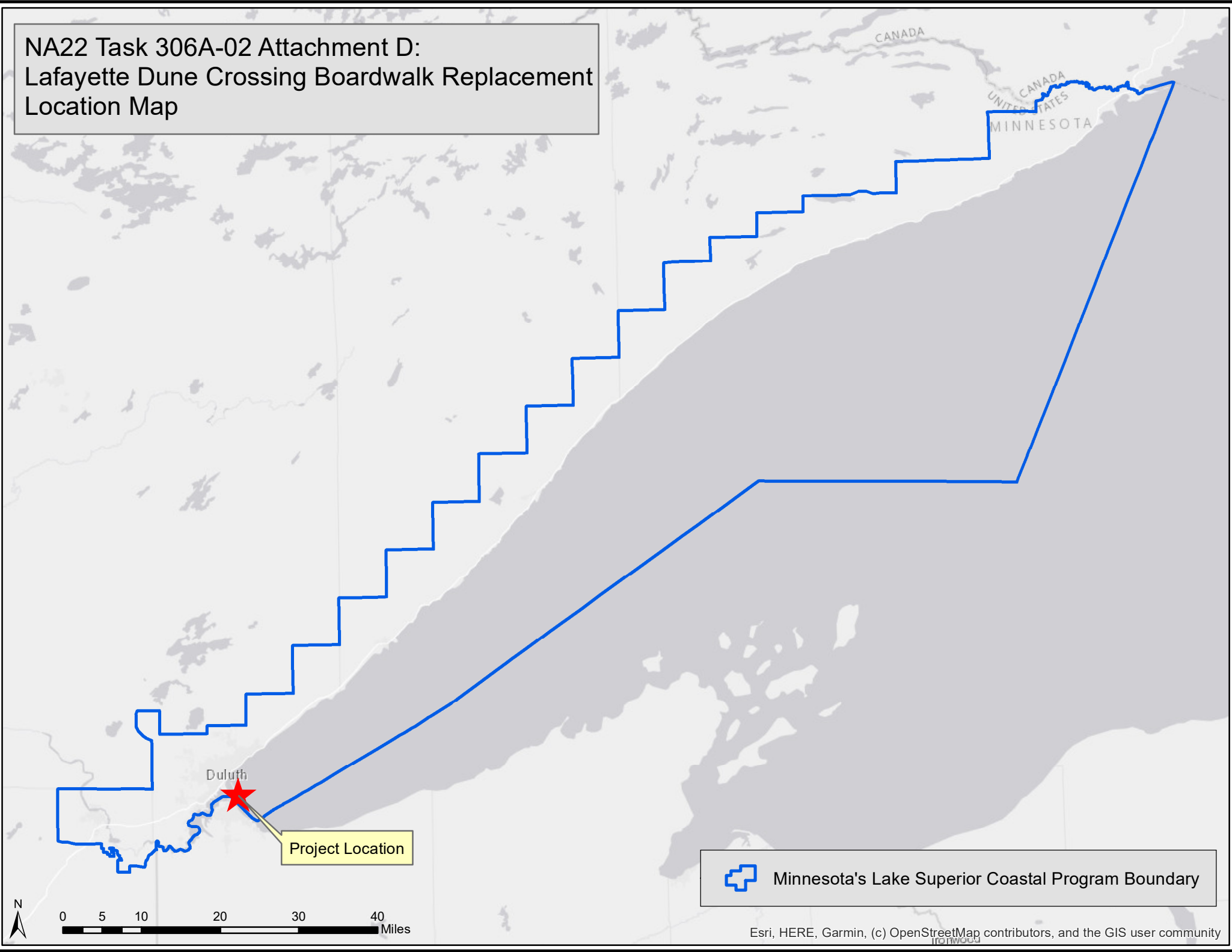
Maintenance schedule:


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).



NA22 Task 306A-02 Attachment D:  
Lafayette Dune Crossing Boardwalk Replacement  
Location Map



 Minnesota's Lake Superior Coastal Program Boundary

# Project Location Map



# Lafayette Dune Crossing Boardwalk Replacement

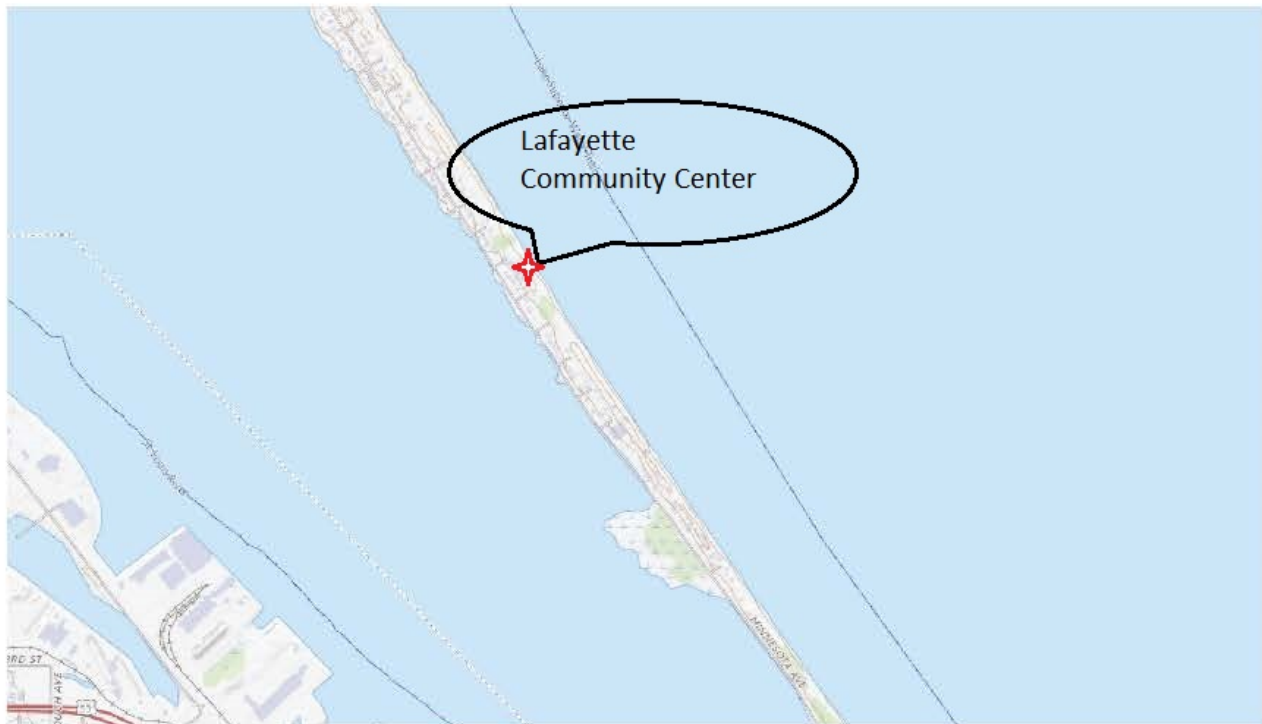


NA22 Task 306A-02 Attachment D:  
Lafayette Dune Crossing Boardwalk Replacement  
Location Map



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed June, 2022.

# 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

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Printed from <https://maps.usgs.gov/map/> on Wed Mar 09 2022 18:12:11 GMT-0600 (Central Standard Time)

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  - [DOI Inspector General](#)
  - [White House](#)



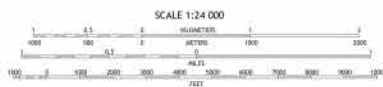
45° 42' 12.50"

42° 00' 00"

**Produced by the United States Geological Survey**

North American Datum of 1983 (NAD83)  
 World Geodetic System of 1984 (WGS84). Projection and  
 1:50,000-meter GCR Universal Transverse Mercator, Zone 17T  
 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	USGS, September 2017 - November 2017
Base	U.S. Census Bureau, 2013 - 2018
Names	National Hydrography Dataset, 1982 - 2018
Hydrography	National Hydrography Dataset, 2002 - 2018
Contours	National Elevation Dataset, 1999 - 2016
Boundaries	Multiple sources, see metadata file, 2016 - 2017
Public Land Survey System	BLM, 2011 - 2018
Wetlands	RWS National Wetlands Inventory 2011 - 2012



CONTOUR INTERVAL 10 FEET  
 NORTH AMERICAN VERTICAL DATUM OF 1988  
 This map was produced in conformance with the  
 National Cartographic Program (NCP) User Process Standard, 2011.  
 It is available for the public under the 1988 product's 5.0-BIT version 6.4.18



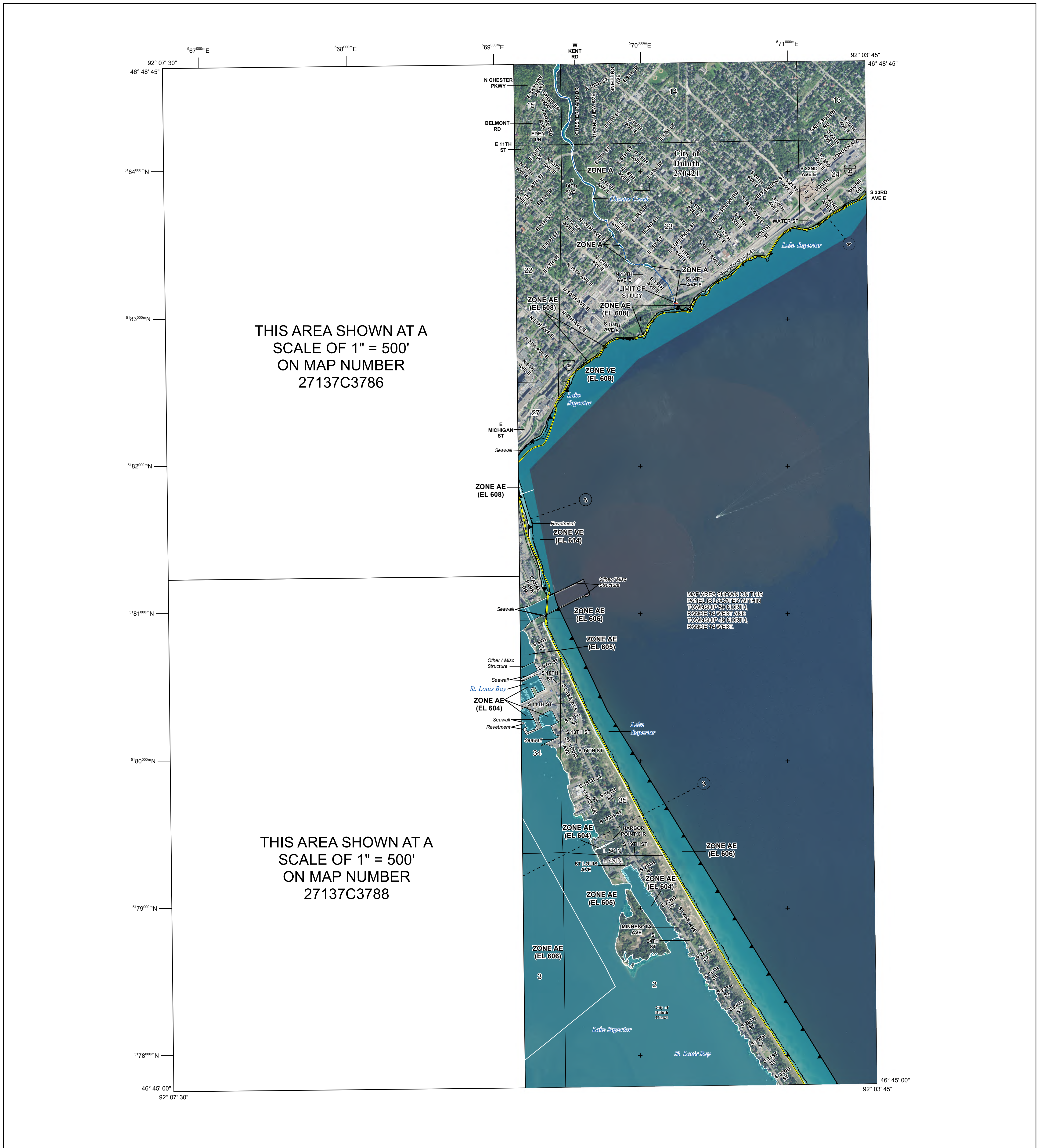
1	2	3
4	5	6
7	8	9

ADDITIONAL QUADRANGLES

- 1 Duluth Heights
- 2 Duluth
- 3 Lanesboro
- 4 West Duluth
- 5 Parkland
- 6 Green
- 7 Superior
- 8 Superior
- 9 Superior

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Artery	Hwy
Interstate Road	US Route
	State Route





**FLOOD HAZARD INFORMATION**

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT  
**THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)**

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
<b>OTHER AREAS</b>		NO SCREEN Areas of Minimal Flood Hazard Zone X
		Area of Undetermined Flood Hazard Zone D
<b>GENERAL STRUCTURES</b>		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		18.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary

**NOTES TO USERS**

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eExchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://fmsc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

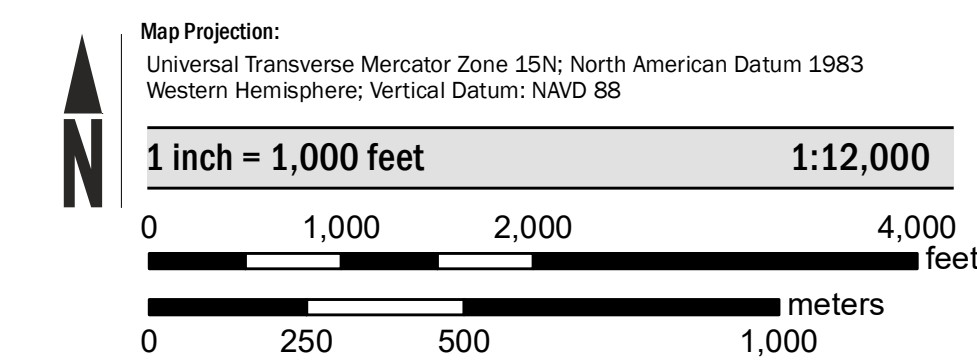
For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided in digital format by the United States Department of Agriculture National Resource Conservation Service (USDA-NRCS). This information was derived from digital orthophotography at a 1-meter resolution from photography dated 2015.

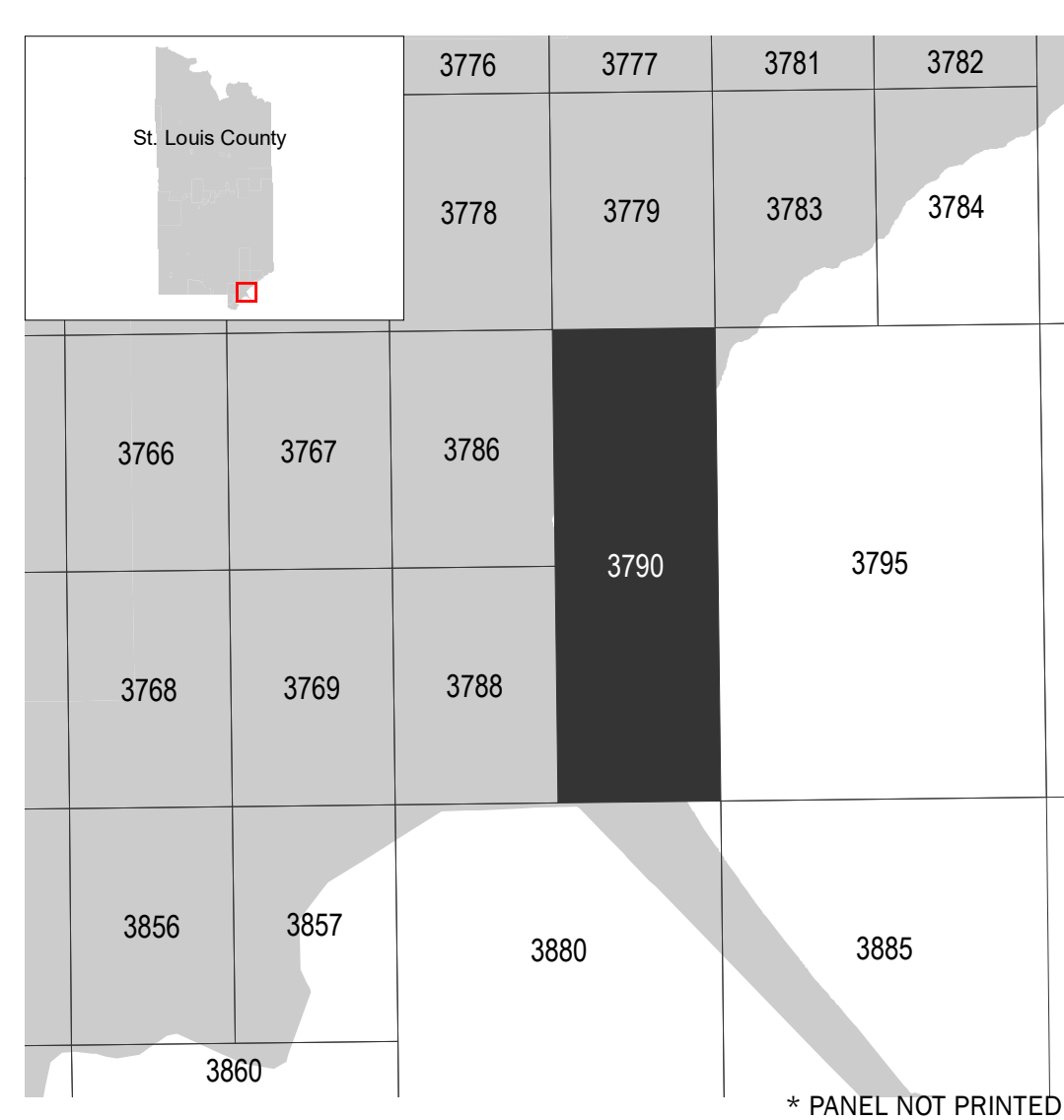
LIMIT OF MODERATE WAVE ACTION: Zone AE has been divided by a Limit of Moderate Wave Action (LIMWA). The LIMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between Zone VE and the LIMWA (or between the shoreline and the LIMWA for areas where Zone VE is not identified) will be similar to, but less severe than, those in the Zone VE.

Limit of Moderate Wave Action (LIMWA)

**SCALE**



**PANEL LOCATOR**



**NATIONAL FLOOD INSURANCE PROGRAM**  
 FLOOD INSURANCE RATE MAP

ST. LOUIS COUNTY,  
 MINNESOTA  
 And Incorporated Areas  
 PANEL 3790 of 3900



Panel Contains:  
 COMMUNITY NUMBER PANEL SUFFIX  
 DULUTH, CITY OF 270421 3790 E

**PRELIMINARY**  
 10/28/2022

VERSION NUMBER  
 2.6.3.6  
 MAP NUMBER  
 27137C3790E  
 EFFECTIVE DATE











U.S. Fish & Wildlife Service

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Conserving the Nature of America

Search ECOS

[ECOS](#) / [Species Reports](#) / [Species County Report](#)

## Listed species believed to or known to occur in St. Louis, Minnesota

The following report contains species that are known to or are believed to occur in this county, based on the species current range, as defined by the USFWS. The definition of current range that the FWS uses is the general geographic area where we know or suspect that a species currently occurs.

This list of species by county cannot be used for consultation purposes. To obtain an official list of species that should be considered during consultation, please visit [IPaC](#).

Show  entries

Search:

8 Species Listings

Group	Name	Population	Status	Lead Office	Recovery Plan	
Mammals	Tricolored bat ( <a href="#">Perimyotis subflavus</a> )	Wherever found	Proposed Endangered	5		
Insects	Monarch butterfly ( <a href="#">Danaus plexippus</a> )	Wherever found	Candidate	3		
Mammals	Little brown bat ( <a href="#">Myotis lucifugus</a> )	Wherever found	Under Review	5		
Birds	Red knot ( <a href="#">Calidris canutus rufa</a> )	Wherever found	Threatened	5	<a href="#">Draft Recovery Plan for the Rufa Red Knot (Calidris canutus rufa)</a>	<a href="#">Implementation Progress</a>
Birds	Piping Plover ( <a href="#">Charadrius melodus</a> )	[Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.)	Endangered	3	<a href="#">Recovery Plan for the Great Lakes population of Piping Plovers</a>	<a href="#">Implementation Progress</a>
Mammals	Gray wolf ( <a href="#">Canis lupus</a> )	U.S.A. (MN)	Threatened	3	<a href="#">Recovery Plan for the Eastern Timber Wolf - Revised</a>	<a href="#">Implementation Progress</a>
Mammals	Northern Long-Eared Bat ( <a href="#">Myotis septentrionalis</a> )	Wherever found	Threatened	3		
Mammals	Canada Lynx ( <a href="#">Lynx canadensis</a> )	Wherever Found in Contiguous U.S.	Threatened	6	<a href="#">Recovery Outline for the Contiguous United States Distinct Population Segment of Canada Lynx (Lynx canadensis)</a>	<a href="#">Implementation Progress</a>

Showing 1 to 8 of 8 entries

Previous  Next

COUNTY	CITY/TWP	PROPNAME	ADDRESS	TOWNSHIP	RANGE	SECTION	QUARTERS	USGS	REPORTNUM	NRH	CE	DOI	INVENTNUM
Saint Louis	Duluth	house	3101 Lake Ave. S.*	49	14	2			SL-84-1H				SL-DUL-0556
		house	321 Minnesota Ave.*	49	14	2			SL-84-1H				SL-DUL-0664
		Our Lady of Mercy Catholic Church	2202 Minnesota Ave.*	49	14	2			SL-84-1H				SL-DUL-0675
		house	2007 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0676
		fire hall	2138 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0677
		house	2302 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0678
		Park Point School	2400 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0679
		house	2505 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0680
		house	2524 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0681
		house	2525 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0682
		house	2624 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0683
		house	2700 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0684
		house	2721 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0685
		St. Andrew's Episcopal Church	2802 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0686
		house	2834 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0687
		house	3009 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0688
		house	3023 Minnesota Ave.	49	14	2			SL-84-1H				SL-DUL-0689
		Lafayette Square Fieldhouse	3026 Minnesota Ave.	49	14	2			SL-2013-6H		Y		SL-DUL-0690
		Lafayette Square Fieldhouse		49	14	2			SL-84-1H		Y		SL-DUL-0690
		house	3102 Minnesota Ave.	49	14	2							SL-DUL-0697
		Lafayette Recreation Center	3026 Minnesota Ave	49	14	2		Duluth	SL-2013-6H		Y		SL-DUL-3138
Saint Louis	Duluth												

**MN Coastal Program Note:** See attached email thread (pages 3-11) for information regarding three of these addresses, marked with an asterisk. To summarize:

-there are no archaeological artifacts in this Township, Range, Section (verified on page 6).

-Lake Avenue does not show up on Google maps, as the street does not run this far east. However the houses closest to the lake have Lake Avenue addresses, verified through parcel data.

-We received a Shapefile for the 321 house, and believe the address is incorrect (it is in the 3000 block, directly across from the Lafayette Community Center). In the map on the next page, the location is from the Shapefile.

-This address is incorrect and SHPO is correcting it. The street number should be 2002.

# NA22 Task 306A-02 Attachment D: Lafayette Dune Crossing Boardwalk Replacement Historic Sites Map



**From:** [MN MNIT Data Request SHPO](#)  
**To:** [Poyhonen, Cynthia \(DNR\)](#)  
**Subject:** RE: Data Request - Coastal Program  
**Date:** Monday, October 24, 2022 3:43:38 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[Poyhonen.zip](#)

---

Hello Cynthia,

Please see attached zipped shapefile for [321 Minnesota Ave.](#) Unfortunately, I am not able to add UTM coordinates to the data reports, sorry.

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.

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**From:** Poyhonen, Cynthia (DNR) <cynthia.poyhonen@state.mn.us>

**Sent:** Thursday, October 20, 2022 12:00 PM

**To:** MN\_MNIT\_Data Request SHPO <DataRequestSHPO@state.mn.us>

**Subject:** RE: Data Request - Coastal Program

Jim, Thank you so much for this graphic! This really does help. Just so you know what we (Clinton Little and myself) do with these searches: we take your excel spreadsheet and map the addresses (see attached). We send both the spreadsheet and the map to NOAA who will initiate the formal consultation with SHPO. Our map is just to help with NOAA's initial review and consultation request to you (SHPO).

While we couldn't find 3101 Lake Avenue South via our usual address mapping methods, we were able to dig in and find the property, verified through the parcel data. It's interesting, even though there is not a street there (i.e., Lake Ave) the houses closest the lake still have Lake Avenue addresses!

However, we are stuck with the 321 Minnesota Avenue property. In your picture, it looks like it should be across the street and to the west just a couple of houses? Is it possible you can send us the geospatial data for that property? Or send that graphic/map without the highlighted dots on it? That way we can add the labels, a project location marker, and send it to NOAA. If not, we'll find a work around (we'll send the graphic, with a note).

Knowing you have the geodata, is it possible in the future you could send the GIS coordinates in the excel file? That would make mapping it easier. I understand if you can't, but thought I'd ask regardless.

I greatly appreciate your help with this! I know you are really busy, so I appreciate you carving out the time to help us put this together. It was fun to dig into and find out more about Minnesota Point. That area really is full of history (and constantly changing due to the lake).

Thank you again!

Respectfully,

Cynthia

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**Cynthia Poyhonen (she/her/hers)**

Grants Specialist | [Minnesota's Lake Superior Coastal Program](#)



---

**From:** MN\_MNIT\_Data Request SHPO <[DataRequestSHPO@state.mn.us](mailto:DataRequestSHPO@state.mn.us)>

**Sent:** Wednesday, October 19, 2022 6:59 PM

**To:** Poyhonen, Cynthia (DNR) <[cynthia.poyhonen@state.mn.us](mailto:cynthia.poyhonen@state.mn.us)>

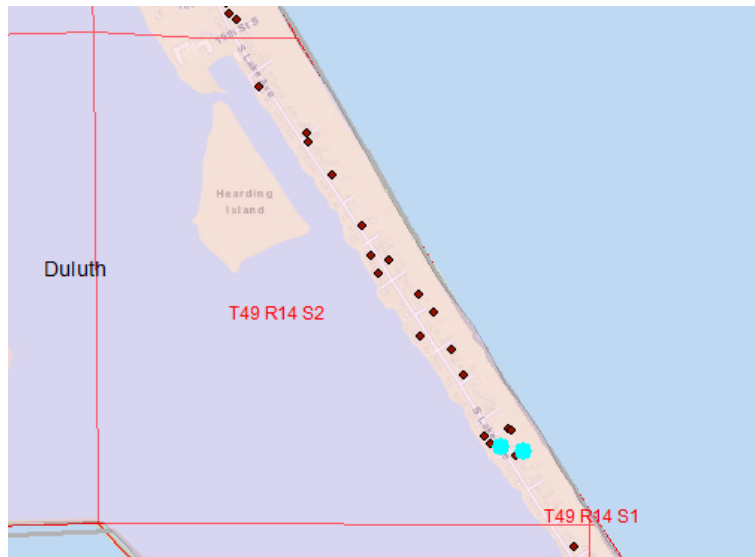
**Subject:** RE: Data Request - Coastal Program

Hello Cynthia,

I received your voicemail and hopefully I can answer it here.



- Rows 4 & 5: According to geocoding of our historic records by Mead & Hunt (our contractor) the two addresses you mention are placed in the highlighted locations shown in the screenshot below from ArcMap. Therefore, they confirm SHPO's TRS #s.



- Row 6: I will change the address for the church.

In the first bullet, if you have evidence that supports your position I certainly will look at it but I know Mead & Hunt's geocoding process was pretty thorough.

According to our database, the TRS #s you emailed me contain no archaeological sites. However, please note that these database searches do not constitute a project review under state or federal preservation laws. For more information please see the email signature below.

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)

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**From:** Poyhonen, Cynthia (DNR) <[cynthia.poyhonen@state.mn.us](mailto:cynthia.poyhonen@state.mn.us)>

**Sent:** Wednesday, October 12, 2022 9:50 AM

**To:** MN\_MNIT\_Data Request SHPO <[DataRequestSHPO@state.mn.us](mailto:DataRequestSHPO@state.mn.us)>

**Subject:** RE: Data Request - Coastal Program

Hello Jim, we mapped these locations and wanted to follow up on three addresses.

- Row 4: for 3101 Lake Ave. S. the PLS for this street address should be T50 R14W Section 34. Is the location address incorrect, should it be Minnesota Avenue rather than Lake?
- Row 5: 321 Minnesota Ave. is an invalid address. There is no 321, it should probably have another number? Minnesota Avenue runs from 7<sup>th</sup> Street (700 block) to 50<sup>th</sup> Street (5000 block)
- Row 6: Our Lady of Mercy Catholic Church. The correct street address is 2002 Minnesota Ave. (you have 2202 Minnesota Ave.)

Can you clarify that there are no archeological features, and let me know if you have any insight on the first two bullets?

Respectfully,

Cynthia

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**Cynthia Poyhonen (she/her/hers)**

Grants Specialist | [Minnesota's Lake Superior Coastal Program](#)



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**From:** MN\_MNIT\_Data Request SHPO <[DataRequestSHPO@state.mn.us](mailto:DataRequestSHPO@state.mn.us)>

**Sent:** Tuesday, October 11, 2022 11:41 AM

**To:** Poyhonen, Cynthia (DNR) <[cynthia.poyhonen@state.mn.us](mailto:cynthia.poyhonen@state.mn.us)>

**Subject:** RE: Data Request - Coastal Program

Hello Cynthia,

Please see attached.

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)

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**From:** Poyhonen, Cynthia (DNR) <[cynthia.poyhonen@state.mn.us](mailto:cynthia.poyhonen@state.mn.us)>  
**Sent:** Monday, October 10, 2022 9:50 AM  
**To:** MN\_MNIT\_Data Request SHPO <[DataRequestSHPO@state.mn.us](mailto:DataRequestSHPO@state.mn.us)>  
**Subject:** Data Request - Coastal Program

Hello! Can you please send me the historic and architecture resources in the following location?

**Township 49 Range 14 Section 2**

**Address: 3026 Minnesota Ave, Duluth, MN 55802**

Let me know if you have any questions. Thank you so much!

Cynthia

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**Cynthia Poyhonen (she/her/hers)**

Grants Specialist | [Minnesota's Lake Superior Coastal Program](#)

**Minnesota Department of Natural Resources**

1568 Highway 2

Two Harbors, MN 55616

Phone: 218-834-1447

Fax: 218-834-6639

Email: [cynthia.poyhonen@state.mn.us](mailto:cynthia.poyhonen@state.mn.us)

[mndnr.gov](http://mndnr.gov)



