



# NATURAL RESOURCES COMMISSION

## MEETING MINUTES

August 7, 2024 – 6:00 p.m.

Lakeside Conference Room 430, City Hall

### I. Call to Order

Chair Lindgren called the meeting to begin at 6:02 PM.

### II. Roll Call

Commissioners Present: Lori Dando, Pam Foster, Judy Gibbs, John Lindgren, Mike Schrage (arrived after voting at 6:30 PM), Nancy Schuldt, Tiffany Sprague, Andrew Streitz

City Staff Present: Kate Kubiak, Jim Filby Williams, Bronwyn Bauer

Absent: Mike Raichel

### III. Approval of the Agenda

Commissioner Streitz made a motion to approve the agenda; seconded by Commissioner Sprague. Unanimously approved.

### IV. Approval of the July 3, 2024 Meeting Minutes

Filby Williams mentioned the recent fish kill in Tischer Creek, said an investigation is under way, and there are restrictions as to what he can say. He said that the commission can discuss the event after the investigation is complete and will work to assure that this does not happen again. Filby Williams then read the City approved statement;

*The City of Duluth is fully cooperating with regulatory agencies conducting the investigation regarding the fish kill at Tischer Creek discovered on August 1.*

*In the course of a maintenance operation on a nearby drinking water reservoir, the City of Duluth discharged clean, potable drinking water into the stormwater sewer system, which then flowed into Tischer Creek. The City of Duluth would like to reaffirm that the water discharged into the stormwater system on August 1 was safe, clean, and potable for humans and house pets as it left the reservoir. Normal precautions should always be taken when swimming, bathing, or ingesting in natural bodies of water like Tischer Creek.*

*The City of Duluth will not have further comment in light of the ongoing investigation.*

Vice Chair Schuldt said she is closely watching the investigation by the DNR and MPCA.

Commissioner Foster made a motion to approve the July 3, 2024 meeting minutes; seconded by Commissioner Streitz. Unanimously approved.

### V. Old Business

#### A. Hartley Pond and Dam Feasibility Study - Resolution to recommend selected alternative

Chair Lindgren said he will abstain from voting; Vice Chair Schuldt will facilitate this discussion. Kubiak referred to the Hartley Recommendation Package and said the results were a group effort of many, including attorneys, stormwater staff, and administration. Filby Williams added that agency partners and public surveys were also consulted, and this is a consensus of the roadmap moving forward. This resolution is for design only, not construction. Next steps are approval from the Parks & Recreation Commission, then City Council. The project will be designed in order to decrease downstream flood risks, it will include independent evaluations of a consultant, a secondary consultant with the Engineering division, then FEMA. A precondition to proceeding is



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the downstream flood risk condition. Kubiak said that there will be a MOU with the DNR. Commissioner Streitzi asked if Chair Lindgren supports this resolution, even if he does not vote on it, and Chair Lindgren said that he does support it. Secretary Gibbs asked how the increase in stream events has been factored in. Filby Williams said that they have made it a habit, with the frequency of stream events, to ask project teams to go beyond what they normally do. Secretary Gibbs then asked if using larger culverts is now a normal practice, and Kubiak responded that they are. Secretary Gibbs asked that if FEMA supports this plan, does that take responsibility off of the City? Filby Williams replied that we are thinking primarily of the wellbeing of people and property downstream, versus City liability, but we are determined and confident of this path before greenlighting construction.

Commissioner Sprague made a motion to vote to support the resolution; seconded by Commissioner Dando. Unanimously approved.

### VI. New Business

None.

### VII. Staff Reports

#### A. Natural Resources Coordinator's Report – Kate Kubiak

Kubiak provided the following written report.

- Continued coordination with USACE for the Section 111 MN Point Study. Helped get new project manager up to speed.
- Continued serving on Headwaters partnership Board and on St. Louis River Habitat Work Group.
- Helping SWCD and DNR with Buckingham Creek Restoration Project – work continues.
- Continued Arrowhead Bowhunters Alliance support.
- Attended kick-off meeting with SWCD and partners for Amity Small Watershed grant – a 10 – year turbidity impairment improvement process.
- Continued discussion about potential Hawk Ridge/ Amity Natural Area.
- Continued coordination of Hartley buckthorn work with the stream corps.
- Interviewed by John Myers at DNT for article on the Stream Corps, published 7/20/24.
- Attended Magney-Snively plan renewal kick- off meeting with vegetation survey consultant and the MN Land Trust.
- Received completed native plant community survey and report from Stantec for Park Hill (will share more info at next meeting).

#### B. Forester's Report – Clark Christenson

The City Forester provided the following written report:

This summer is moving along and the heat is reminding me that it is far from done. We labor on. Several items have come up that give me pause on our current methods and procedures.

The first is lead line replacement projects. After contacting Engineering and getting access to their maps, it's



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obvious we need to tighten up where we plant and make sure we are planting in a way that ensures they can do their work and our trees will survive. I think avoiding their work areas is the most effective. Gary-New Duluth will have no lead water lines by the end of the year and the maps indicate Morgan Park had theirs replaced before. So, we will plant a lot of trees in those neighborhoods next year.

That doesn't solve the issue of needing to replace ash trees in areas where we have removed them and lead lines still exist. In those cases, we will proceed with caution, give water lines a wider berth and possibly wait to plant certain spots until after the water lines are replaced. All of that takes time and slows us down but will give us a more satisfactory result in the future.

The other issue is around our ash-centric removals of the last 6 years. We have removed ash almost to the complete exclusion of removing other species. We had and have budgeted contract money that we use for removing problematic or high-risk trees. Typically, that is silver maple with some basswood. Now, I find us looking at trees that were once small problems but have become much larger and more urgent. Consequently, we have spent most of the summer dealing with these issues and occasionally removing ash trees. We will hopefully turn the tide and get back to removing ash trees by this fall.

Everything dried up and we are watering trees 3 days every week. That makes a hit to our working capacity and the one item that suffers is the greenhouse. You probably don't want an update on the (lack of) progress. It's a frustrating position to be in but despite the dry forecast I remain optimistic that we will have it up and running this summer.

### C. Director's Report – Jim Filby Williams

None.

### VIII. Announcements

None.

Commissioner Schrage arrives at 6:30 PM.

### IX. Public Comment

Bill and Carson Spohn voiced concerns about keeping the current dam and culvert at Hartley. Chair Lindgren explained that the feasibility study met criteria for downstream flooding and flows through the culvert and will allow fish migration, is flow restricting, and will give more protection to downstream homes. Vice Chair Schultz commented that this project was not all about flood risk, but to protect the fish and stream habitat. Commissioner Sprague added that the culvert is larger than the typical culvert.

Carson Spohn said that he talked to someone from the DNR today and would like it if the City took responsibility for actions in the fish kill incident.

Julie O'Leary from the McCabe Izaak Walton League wanted to know why this commission was not consulted about the water release that possibly caused the fish kill, what discussion, if any, took place, if there is a standard operating procedure for the water discharge, and why the water was discharged into creek.

Jill Crawford-Nichols wanted to know why the water was discharged and what this commission would like to see as an improvement in the future. Filby Williams reiterated that we cannot make any comments before the



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investigation is complete, but that after it is, we can revisit this discussion.

### **X. Adjournment**

Commissioner Schuldt made a motion to adjourn, Commissioner Foster seconded. Meeting adjourned at 6:54 PM.

Next Meeting – September 4, 2024 at 6:00 PM Lakeside Conference Room 430, City Hall.