

**Duluth City Council Resolution
for the Establishment of Pontlana Woods
as a Duluth City Park
State of Minnesota Tax-Forfeit Land, Parcel #010-4400-01330
Lower St. Louis Avenue Lots 32-44, inclusive of
Easement for Extension of St. Louis Avenue and 17th Street**

This parcel is located on Minnesota Point (a.k.a. Park Point), southwest of Minnesota Avenue to the shoreline of the Duluth Harbor Basin, from 16th to 18th Streets, inclusive of the easement providing for continuations of St. Louis Avenue and 17th Street.

Whereas Tax-Forfeit Land #010-4400-01330, Lower St. Louis Avenue Lots 32-44, inclusive of easement for extension of St. Louis Avenue and 17th Street, known locally as Pontlana Woods – one of the last undeveloped, unprotected areas on Minnesota (Park) Point – has been identified by the Minnesota Department of Natural Resources as part of the St. Louis River Estuary, and as a Great Lakes Area of Concern by the United States Environmental Protection Agency, meeting all mandatory technical criteria for Wetland Identification and regarded as an important habitat for fish and wildlife and an Outstanding Resource: Water...

And whereas the City of Duluth, the State of Minnesota, the St. Louis County Commission and the United States Department of the Army have a long, documented history acknowledging the importance of permanent conservation and protection, including stated intentions to refrain from development and to permanently protect this parcel of land...

And whereas establishment of the area known as Pontlana Woods as a Duluth City Park would ensure public access to the Duluth Harbor and St. Louis Bay for both recreational and emergent activities...

Therefore, Be It Resolved: *The Duluth City Council hereby ordains that the subject property, inclusive of easement for continuation of St. Louis Avenue and 17th Street, shall be rezoned from its present classification of Residential (R-1) to a revised classification of Parks and Open Space (P-1), and that the official zoning map of the City of Duluth shall be amended to reflect that change. Classification notation should also identify this parcel as destined to be “a Duluth City Park, identified as The Thomas and Ella Pontlana Lake Superior Wetlands Preserve.”*

History and Background

(All references herein are documented in Appendix A)

On April 14th, 2015, the Park Point Community Club passes by unanimous vote a resolution supporting the establishment of "Pontlana Woods" as a permanently-protected City Park. In May, the City of Duluth Parks and Recreation Commission adds its voice of approval by likewise passing a resolution of support. *[See Documents #4 & #5, attached.]*

In a letter dated February 5th, 2013, Craig Engwall, Northeast Regional Director of the Minnesota Department of Natural Resources, acknowledges this parcel as part of the "St. Louis River Estuary, Great Lakes Area of Concern," as identified by the U.S. Environmental Protection Agency. He indicates that there would be "nine Beneficial Use Impairments (BUI's) (that would) need to be removed during the process to delist the AOC" in order to accomplish a sale. Director Engwall further notes: "AOC (Area of Concern) coordinators may be able to assist with funding and acquisition if the decision is made to move a parcel into permanent protection." *[See Document #22, attached]*

In a letter dated December 23rd, 1997, Ben Wopat, Chief, Regulatory Branch, U.S. Department of the Army, identifies and categorizes specific types of flora found within the wetland sites along Minnesota Point, based upon site visits within the area. *[See Document #24, attached]*

In a letter dated April 18th, 1994, Timothy Peterson, Project Manager, U.S. Department of the Army, determines according to his inspection of the parcel known as Pontlana Woods that "wetlands are present based on soil, hydrology and vegetation." and according to his professional judgment are likewise "determined (to be) an Outstanding Resource Value Water as defined by Minnesota Rule 7050." He further notes that a "*Department of the Army permit would be required for any excavation or discharge of fill material into these wetlands.*" *[See Document #33, attached]*

In a letter dated October 19th, 1994, Scott Smith, Urban Conservationist for the South St. Louis County region of the State of Minnesota Soil and Water Conservation Districts, concludes - following site visits he conducted with fellow professional Rich Harms - that "mandatory technical criteria for wetland identification as set forth in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989* have been met. These characteristics include hydrophytic vegetation, hydric soils, and wetland hydrology." *[See Document #48, attached]*

On September 15, 1994, Patrick Collins, Lake Superior Habitat Coordinator for the Minnesota Department of Resources, addresses Timothy VanHeel, head of the Park Point Long-range Planning Committee, stressing the importance of Park Point as a critical component of the St. Louis River estuary area, and as a part of the larger Lake Superior Binational Program for habitat protection and conservation. *[See Document #51, attached.]*

In a report dated March 29th, 1994, *Stage II St. Louis County Remedial Action Plan (RAP) Recommendation [H9 - Point]*, Patrick Collins, Lake Superior Habitat Coordinator for the Minnesota Department of Resources, addresses the broad issue of Fish and Wildlife Habitat Loss and the specific problem of the effects of "residential and commercial development, past management activities, and harbor maintenance activities (upon) the quality and quantity of plant and animal habitat on Minnesota and Wisconsin Points." While noting the detrimental effects of such activities, Mr. Collins encouragingly reminds readers that "portions of these two areas still contain high quality plant and animal communities."

This RAP was approved by the Habitat Preservation, Reclamation & Management Workgroup (Dec., 1993) and shortly thereafter reviewed independently by legal representatives of the cities of both Superior and Duluth. The document was subsequently approved by a joint Citizens Advisory Council representing both communities (April, 1994). The report stresses the significance of Minnesota and Wisconsin Points to birds traveling along the Mississippi corridor, especially during their springtime migration: "Without abundant, high quality habitat available to restore body fat reserves that were depleted during migration, these migrants likely suffer high mortality. Previous management of Minnesota and Wisconsin Points has...reduced habitat quality for migrating passerine birds." Mr. Collins further asserts that "habitat protection and restoration are critical to protecting the health of the natural ecosystem of Park Point." The report concludes:

The cities of Duluth and Superior and the States of Minnesota and Wisconsin should protect all of the undeveloped and natural areas of Minnesota (Park) and Wisconsin Points, and should restore natural plant communities to provide optimum habitat for breeding and migrating wildlife. The jurisdictions should also protect and maintain the conditions that sustain the natural geophysical dynamics associated with these by-mouth bar ecosystems. *[See Document #46, attached]*

On March 14th, 1978, the City of Duluth Planning Commission passes a resolution noting tax-forfeited lots on the St. Louis side of Park Point that are held in conservation, and makes the following assurances to the public:

- "adjacent land-owners...will have continued protection in terms of water access to the St. Louis Bay"

- *"protection of scenic vistas and (avoidance of) residential development which does not have adequate frontage on a developed and maintained street"*
- *"(that it will) strongly encourage the Board of County Commissioners of St. Louis County to file an easement for public water travel purposes over all tax-forfeited properties on the St. Louis Bay side of Park Point"*

[See Document #18, attached]

On January 3rd, 1978, Richard C. Loraas, Director of the City of Duluth Department of Planning and Development, writes to County Commissioner (later Mayor) Gary L. Doty regarding tax-forfeited properties on the St. Louis Bay side of Park Point. He notes that while an earlier, 1973 Planning Commission resolution "did allow consideration of the release of underwater lots when there is a strong statement of intent to purchase such lots...this policy has been superseded by actions retaining all tax-forfeited property on the St. Louis Bay side of Park Pt. in conservation..." Director Loraas agrees with Commissioner Doty that "Planning Commission and City Council Actions (have recently) defined a policy that all tax-forfeited property on the St. Louis Bay Side of Park Point shall remain in conservation."

[See Document 17, attached]

In a letter dated April 7th, 1977, Robert Beaudin, Mayor, City of Duluth, writes that if the apartment complex located on 18th Street, bay side, is built: "The City agrees to discourage use of the existing tax-forfeited lands lying south of Global Nursing Home (*currently Bayshore Health Care Center*) and north of the Naymark property (*currently Bayshore Apartment Complex*) for use other than open space..."

[See Document 6, attached]

In June, 1999, the Park Point Community Club begins the process of proving that land between 16th and 19th Streets and bordered by Minnesota Avenue and St. Louis Bay falls under the guidelines of federally-protected wetlands. Club members further decide that this parcel should be preserved and protected under the following name: *Thomas and Ella Pontlana Lake Superior Wetlands Preserve.*

[See Document 53, attached]

Appendix A – Source List

Document #	Date	Description
4	May, 2015	<i>Minutes from the City of Duluth Parks and Recreation Commission</i> supporting designation of The Thomas and Ella Pontlana Lake Superior Wetlands Preserve as a City of Duluth Public Park
5	April, 2015	The Park Point Breeze – <i>Minutes from the May, 2015 Park Point Community Club Meeting</i> . Club members support unanimously the establishment of Pontlana Woods as a Duluth City Park
22	Feb. 8, 2013	<i>Letter to Mark Weber, St. Louis County Land Dept., from Craig Engwall, Northeast Region Director, MN Dept. of Natural Resources.</i> Identifies the parcel as part of the St. Louis River Estuary, one element comprising a Great Lakes Area of Concern (AOC), stating that numerous requirements would have to be met in order to delist
24	Dec. 23, 1997	<i>U.S. Dept. of the Army – Letter from Ben A. Wopat, Chief, Regulatory Branch.</i> Discussion of vegetation types present that are representative of wetlands areas on Minnesota Point
33	April 18, 1994	<i>U.S. Dept of the Army – Letter from Timothy Peterson, Project Manager.</i> Determination of property as an Outstanding Resource Value: Water under Rule #7050, “based on soils, hydrology, and vegetation.”
48	Oct. 19 th , 1994	<i>Letter from Scott J. Smith, Urban Conservationist, St. Louis County Soil and Conservation District.</i> Determination that “...mandatory technical criteria for wetland identification as set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands...have been met.”

- 51 Sept. 15, 1994 *Letter from Patrick Collins, Habitat Coordinator, Minnesota Dept. of National Resources, Ecological Services Division.* Among other points, Collins states, "the remaining tracts of undeveloped land on the point have become increasingly important for wildlife habitat, as more and more lots become developed." He also highlights the area as a "critical stopover point as (passerine birds) near the end of their spring migration."
- 46 April 26, 1994 *Stage II St. Louis County Remedial Action Plan (RAP) Recommendation [H9 - Point],* Patrick Collins, Lake Superior Habitat Coordinator for the Minnesota Department of National Resources. Ecological Services Division, author. Report describing the critical role of both Minnesota and Wisconsin Points in the annual migration of passerine birds, and outlining the necessary steps for habitat protection and preservation
- 18 March 14, 1978 *Resolution of the City of Duluth Planning Commission* encouraging the St. Louis County Board of Commissioners to file an easement "for public water travel purposes over all tax-forfeited properties on the St. Louis Bay side of Park Point."
- 17 Jan. 3, 1978 *Letter from Richard C. Loraas, Director, Dept. of Planning and Development, City of Duluth,* to St. Louis Co. Commissioner Gary L. Doty confirming that department's agreement with the City of Duluth Planning Commission and the Duluth City Council; he points to recent actions that have defined a "policy that all tax-forfeited property on the St. Louis Bay Side of Park Point shall remain in conservation."
- 6 April 7, 1977 *Letter from City of Duluth Mayor Robert Beaudin* proposing, among other compromises in the matter of the construction of Global Nursing

Home (*currently Bayshore Health Care Center*) that the City "would agree to discourage use of the existing tax-forfeited lands lying south of Global Nursing Home and north of the subject Naymark (Bayshore Apartment) project for use other than open space..."

- 53 June, 1999 *Minnesota Point Time Line, Jan E. Olson, ed.,*
reprinted and included as one portion of the
Minnesota Point Environmental Management Plan
- Proposal by the members of the Park Point
Community Club to endorse a plan to establish
as a public wetland the area between 16th and
19th Streets on Park Point as The Thomas and
Ella Pontlana Lake Superior Wetlands Preserve



PARKS and RECREATION COMMISSION

Meeting Minutes of May 13, 2015

Central Hillside Center
12 E 4th St



Councilor Sipress stated the City Council changed the Unified Development Chapter (UDC) to establish a new process for cell towers, making park land a last resort after other options are eliminated. As the Council liaison to the Parks Commission, he will read the agreement very closely. He thinks this Commission should receive a copy of the agreement prior to Council voting on it (informational only).

President Hall stated he thinks the Commission should have the ability to review this decision and offer support, or not.

E. Renaming of Chester Park Chalet for Thom Storm (action requested)

Ms. Bergen gave an overview of the process to name park facilities/buildings and introduced the proposal to rename the Chester Park Chalet after Thom Storm.

Mr. Storm worked at Chester Park for 40 years, mainly as a City employee, and developed a lot of programs for youth. He worked the last 8 years for the Chester Bowl Improvement Club.

The ski chalet would be renamed the "Thom Storm Chalet" with an appropriate sign on the building. There are plans to have a ceremony at a concert this summer.

Motion made to rename the chalet at Chester Park the "Thom Storm Chalet". Moved by Commissioner Contardo; second by Commissioner Schmidt, motion carried 9 - 0.

F. Western Sports Corridor Mini-Master Plan Update - Kathy Bergen (informational)

Ms. Bergen gave an update on the process to develop the Western Sports Corridor Mini-Master Plan, including some feedback from the open house.

There was a lot of interest in an indoor facility for sports. A couple versions of the plan include the potential for this option. It's an expensive venture. A seasonal structure would cost between \$2-4 million. A year-round facility is closer to \$10 million. Most Duluthians want to be outside during the summer, so it's probably not feasible to build a year round facility. Ms. Bergen anticipates a final plan by August.

Major requests for the Wade Stadium area are to improve parking and circulation and add a section of the Cross City Trail. There was a lot of neighborhood support. A public meeting is scheduled at the end of May and another Open House in early June.

6. Commission Committees

- A. Parks and Facilities - meeting date: TBA
Chair - Michael Schraepfer - Jon Welles, Ed Hall, John Schmidt, [Dale Sellner]

The Committee met today (May 13, 2015) prior to the Commission meeting to discuss a piece of undeveloped, tax-forfeited land on Park Point known as Pontlana Woods. Two parcels are tax-forfeited and scheduled for sale in June. Commissioner Gardner convinced the St. Louis



PARKS and RECREATION COMMISSION

Meeting Minutes of May 13, 2015

Central Hillside Center
12 E 4th St



County Board to remove parcel 9 from the sale at this time, but was not successful on the other parcel. Park Point Community Club is resigned to the compromise of selling one parcel for development and retaining parcel 9 for conservation.

Councilor Sipress stated that if the Commission takes the stronger position of asking for both parcels to be put in conservation, we can add the caveat that at least Parcel 9 needs to be preserved.

John Ramos, a reporter from the Reader, stated he does not believe the County Board wants to preserve the land. If there isn't a plan by October to secure the land, they will auction it.

Councilor Gardner and the City believe there is potential to reach an agreeable compromise.

Motion: After review, the Parks and Facilities Committee recommends that the Parks Commission recommend the City Administration do whatever is necessary, including a conditional use request, if appropriate, to St. Louis County, to maintain and improve parcel 9, (Pontilana Woods Wetlands) for permanent public use. No second needed as motion came from committee. Motion carried 9 - 0.

- B. Administrative (E-Board) – meeting date: TBA
Chair – Ed Hall – Jon Welles, Erik Torch, [Kathy Bergen]

No update.

- C. Trails and Bikeways – meeting date: TBA
Chair – Tom Albright – Andy Holak, Tiersa Dodge, [Judy Gibbs]

No update.

- D. Recreation Programming (youth and adult) – meeting date: TBA
Chair – Jon Welles – Andy Holak, Erik Torch, Amanda Crosby, [Pamela Page]

No update.

7. Commissioner & Liaison Reports

Councilor Sipress reported the Lakewalk study has begun and should be completed by August.

Commissioner Torch reported that work on the Hartley Legacy Grant Committee has commenced.

Commissioner Schmidt reported the first Park Point Tier 2 meeting was held recently. They hope to have a recommendation by the end of the year. He reflected the need to stay vigilant on making a place for folks living in the St Louis River Corridor neighborhoods to ski for free (referencing the early discuss about charging for the GANC use). Commissioner Torch suggested

PPCC Meeting Minutes - 4/16/15

Meeting called to order at 7:02 p.m.

Rules suspended to allow report from DPD Officers Amber Peterson and Craig Lindberg: 70 calls last month, 62 of which were "self-initiated field-activities (SIFA), which means they were generated by officers already on the scene. Most speed-related; 1 attempt to locate a missing person; 2 Suspicious Activity alerts. Craig noted persisting problems with the "mud pit" within the Recreation Area; he's investigating several ways to address this, including the placement of large rocks in the area and increasing penalties from the current misdemeanor designation to Criminal Damage to Property, a difficult charge to prove in court. Officer Lindberg is also involved in Special Operations Training (our local "SWAT" team.)

Reading of last month's minutes: No corrections; motion to approve, accepted.

Treasurer's Report - Al Robins reported little change over past 2 mos.; recent Breeze bills have been higher than usual, due to length. Primary account currently contains \$39,590; Art Fair account stands at \$17,718. The latter will approach \$50K next month, as both MN Arts Board Grant monies and artist fees start coming in. Money in the Art Fair account goes up and down dramatically as expenses are paid. Motion to accept report approved unanimously.

Communications Received - 1) From Dennis Hoelscher: Fire and Medical Emergency Services Report - Motion made and seconded to include his letter in the May issue of the Breeze (2 votes against.) 2) From Jan Karon: Letter of concern regarding several items printed in the April Breeze; questions raised as to clear identification of study groups & committees, plus other issues of article authorship & protocol. Complete copies of both letters distributed by President Buck.

Environmental Committee - Dave Johnson discussed brochure describing potential designation of Pontlana Woods as public wetland; more copies of the brochure are widely available for distribution. Dave noted that by working thru the City Council & Mayor's office we can have more leverage w/ St. Louis County; also reported support for the project received from both UMD and the Sea Grant representatives. Dave & Gay Hooper are seeking the oldest photos of the area we can locate, preferably looking down on the parcel from the hillside prior to digging of the canal. Motion made and passed unanimously to accept the following resolution: "The Park Pt. Community Club formally endorses and will promote the plan set forth by the Environmental Committee to establish Pontlana Woods as a City of Duluth park. This plan shall be presented to the Duluth City Council and the Office of the Mayor. Expenses for promotional materials (flyers and photographs) shall be paid by the Club up to the amount of \$200.

Item 2: Dick Gould reported that the City still has yet to place trash cans at Tier 1 sites (12th St., La-Fayette, Recreation Area); clearly, according to Dick, the City has been unable to demonstrate ability to properly care for Tier 1 sites, much less an expanded listing of proposed "Tier 2" access points. Volunteer planters needed during the second week in May for the 400 trees on order.

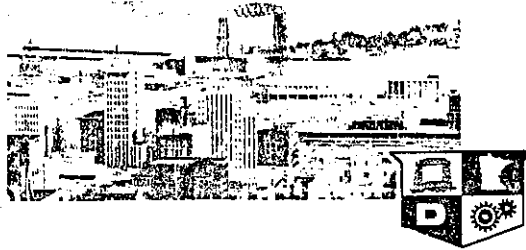
Youth Committee - Liz Mackay corrected Summer Youth Program participant ratio: 30 of last season's total of 47 participants came from Park Point; remaining 17 from throughout the city. Second vote sought to approve the \$10K budget; passed unanimously. Al Robins reported that last year's expenses came to \$14,812, \$9,900 of which came from fees paid by parents.

Sunshine - Pam Griggs sent three sympathy cards last month.

Hospitality - Thanks again to Diane Gould & Ted Buck for this month's brownies & coffee.

Watch Committee - Anything new? Nope!

Executive Board - "A pretty quiet month," according to our ironic Vice President, John Sargent. John also reported the resignation of Breeze Editor David Bacchus.



DULUTH

D U L U T H , M I N N E S O T A 5 5 8 0 2

OFFICE OF THE MAYOR

ROBERT BEAUDIN

MAYOR

April 7, 1977

3 PM
+ve.

Members of the Park Point Community Club Committee reviewing the 19th Street Apartment Proposal and Mr. Leonard Naymark.

Re: Proposed compromise-19th Street Apartments (Our F.N. 1-76252).

Dear Committee Members & Mr. Naymark:

During the recent several weeks the City has attempted to bring both the Park Point Community Club and Mr. Leonard Naymark to an agreement regarding the proposed apartment project located on Park Point at St. Louis Avenue and 19th Street. Although several issues have been agreed upon, disagreement still exists in the important matter of the number of units to be constructed. The purpose of this letter is to state a proposal which the City administration could support in the hopes that both parties could reach agreement. It should be stated that the development which we are proposing is based on existing knowledge of environmental impacts and lacking a detailed Environmental Impact Statement is rather conservative. Consequently, it is possible that a more detailed environmental analysis would justify a more dense development of the site.

The proposal is as follows:

1. A total number not to exceed 140 units. (this number is suggested on the basis of a density of 20 units per acre after careful review of existing apartment projects within the City of Duluth as well as on-site inspection of the "Greenbriar" development in Minnetonka which Mr. Naymark has suggested would be the building type utilized on the site. The City of Minnetonka indicates that the density of the Greenbriar development is 19.8 units per acre.
2. A building height of 3 stories plus underground parking. This is the height limit presently allowed by the Zoning Code. It should be noted that the Board of Zoning Appeals has recently denied a variance from this height limitation but that if the neighborhood representatives and the developer agree on one additional story, the Administration would agree to support such a variance if the total number of units does not exceed 140.
3. Submittal of a detailed site design and landscaping design which would maximize meaningful open spaces on the site, especially in regard to setback from the St. Louis Harbor Line and the publicly owned recreational peninsula south of 19th St.

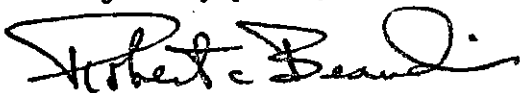
bird sanctuary

6-1

4. Submittal of exterior building elevations which would alter the former designs by changes in colors and materials which are more conducive to the informal natural character of Park Point.
5. The City would agree to discourage use of the existing tax-forfeited lands lying south of Global Nursing Home and north of the subject Naymark property for use other than open space or marina purposes if the Naymark project is constructed.
6. Owners of the Naymark land will agree by covenant to the stipulations of this proposal.
7. The Park Point Community Club would agree to support financing, acquisition of various permits including but not limited to boat docking, and other assistance in accomplishing construction of the project.
8. The City would agree that adjacent property owners would not be assessed for sewer construction or reconstruction which is necessitated solely because of this project.
9. The City would encourage the construction of St. Louis Avenue.

I would urge your immediate consideration of this proposal.

Very truly yours,



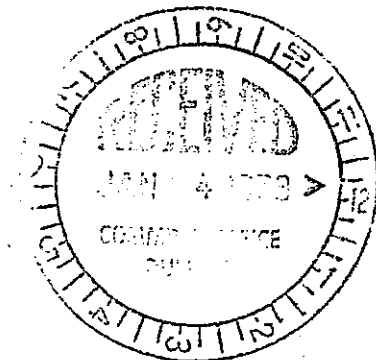
Robert Beaudin
Mayor

RB/bjb/gmk

DEPARTMENT OF PLANNING AND DEVELOPMENT

DULUTH

RICHARD C. LORAAS • DIRECTOR
January 3, 1978



Gary L. Doty, Commissioner
First District
St. Louis County
207 Court House
Duluth, Minn. 55802

Re: Tax Forfeited Properties on the St. Louis Bay Side of Park Point.

Dear Gary:

I have received your letter dated December 13, 1977, requesting that you be personally notified of any intent to remove properties on the St. Louis Bay Side of Park Point from the status of conservation. I assure you that the Dept. of Planning & Development will notify you of any such intent by the City Planning Commission.

Your indication that such property should be withheld in conservation is synonymous with the Dept. of Planning & Development's recommendation to the City Planning Commission. Recent Planning Commission and City Council Actions have defined a policy that all tax-forfeited property on the St. Louis Bay Side of Park Point shall remain in conservation.

A resolution approved by the Planning Commission in 1973 did allow consideration of the release of underwater lots when there is a strong statement of intent to purchase such lots by the adjacent owner of dry land. As this policy has been superseded by actions retaining all tax-forfeited property on the St. Louis Bay Side of Park Point in conservation and because of the request by the Park Point Community Club that all such lots be held in conservation, the Planning Commission will consider a modification of their present policy at their next regularly scheduled meeting.

Thank you for your interest in this matter.

Very truly yours,


Richard C. Loraas, Director
Planning & Development

RCL/bjb

PLANNING COMMISSION RESOLUTION ON TAX-FORFEITED PROPERTY ON THE ST. LOUIS BAY SIDE OF PARK POINT.

WHEREAS, there is a large number of tax-forfeited lots on the St. Louis Bay side of Park Point which are presently in the "conservation" category and withheld from sale; and

WHEREAS, there has been a considerable amount of concern expressed by Park Point residents regarding the long-term stability of the City's policy regarding the "conservation" status of these tax-forfeited lots; and

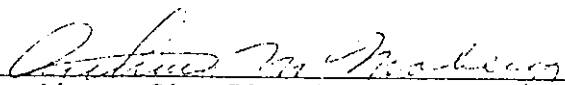
WHEREAS, the Planning Commission has received a petition signed by some thirty-eight residents of Park Point and requesting that all tax-forfeited lots on the St. Louis Bay side of Park Point, on St. Louis and Minnesota Avenues remain in conservation; and

WHEREAS, the Planning Commission wishes to assure adjacent land-owners that they will have continued protection in terms of water access to the St. Louis Bay; and

WHEREAS, the Planning Commission further wishes to assure the protection of scenic vistas and avoid residential development which does not have adequate frontage on a developed and maintained street.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby establishes the policy that all tax-forfeited property on the St. Louis Bay side of Park Point shall remain in the "conservation" category.

BE IT FURTHER RESOLVED, that the Planning Commission strongly encourages the the Board of County Commissioners of St. Louis County to file an easement for public water travel purposes over all tax-forfeited properties on the St. Louis Bay side of Park Point.


President, City Planning Commission


Secretary, City Planning Commission

MOTION PASSED BY CITY PLANNING COMMISSION ON March 14, 1978

Minnesota Department of Natural Resources
Northeast Region • 1201 East Highway 2 • Grand Rapids MN • 55744



February 5, 2013

Mark Weber
St. Louis County Land Department
320 West 2nd Street, Room 607
Duluth, MN 55802-1495

RE: 2013 St. Louis County Legislative Tax Forfeited List

Dear Mr. Weber:

Thank you for giving the Department an opportunity to review the tax forfeited parcels being considered for sale. The Department reviewed the parcels and our comments are below.

Parcel 1: Part of Lot 37, Block 4, GRANT PARK DIVISION OF DULUTH

The Department has no objection if legislation is sought to authorize the sale to resolve an occupancy trespass.

Parcel 2: Lots 377 thru 399 odd numbered lots, LOWER DULUTH MINNESOTA AVENUE

Parcel 3: Lots 32 thru 44 even numbered lots, LOWER DULUTH ST LOUIS AVE

→ Parcels 2 and 3 are located in the St. Louis River Estuary which has been identified as a Great Lakes Area of Concern (AOC) by the USEPA. There are nine Beneficial Use Impairments (BUI) that need to be removed during the process to delist the AOC, which will be accomplished by resource management agencies from Minnesota and Wisconsin. BUI #9, which is entitled "Loss of Fish and Wildlife Habitat", includes a measureable target for protecting available parcels along the shoreline of the estuary. There is an AOC Coordinators Forum for the estuary that has representation from MNDNR, MPCA, WDNR and Fond du Lac Band of Lake Superior Chippewa. Please consider having a discussion with the AOC Coordinators Forum about management plans for tax forfeited lands bordering the estuary and opportunities for input and coordination before making a sale decision. AOC coordinators may be able to assist with funding and acquisition if a decision is made to move a parcel into permanent protection.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Engwall".

Craig Engwall
Northeast Region Director

C: Kathy Lewis
Joe Rokala

SOUTHWORTH MARSH



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

December 23, 1997

REPLY TO
ATTENTION OF

Construction-Operations
Regulatory (98-02143-TWP)

Dave Johnson
2920 Minnesota Avenue
Duluth, Minnesota 55802

Dear Mr. Johnson:

This letter is in response to your request to Mr. Tim Peterson of my staff that a wetland determination be conducted at a site located on between Minnesota Avenue and St. Louis Bay of Lake Superior, between 41st and 43rd Streets on Park Point. The project site is in Sec. 12, T. 49N., R. 14W., St. Louis County, Minnesota.

Mr. Peterson visited the site on December 19, 1997. Due to the time of year, it was difficult to do a delineation of the site. However, he was able to collect data from half a dozen typical locations on the site. All of these areas are wetlands. His observations of the site indicate that the majority, if not all, of the area is wetland. The wetlands include a variety of wooded, scrub/shrub, and shallow marsh wetlands. Typical vegetation in the forested areas includes; balsam poplar, Bebbes willow, willow sp., red osier dogwood, and Canada bluejoint grass: in the scrub shrub areas; willow spp., red osier dogwood, balsam poplar saplings, and Canada bluejoint grass: in the shallow marsh areas; lake sedge and cattails, or lake sedge, cattails, and willow sp., or Canada bluejoint grass and sedges.

If you have any questions, contact Tim Peterson in our Two Harbors office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory reference number shown above.

Sincerely,

For Ben A. Wopat
Chief, Regulatory Branch

PONTIAC WOODS



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

180 FIFTH STREET EAST

ST. PAUL, MINNESOTA 55101-1838

April 18, 1994

REPLY TO
ATTENTION OF

Mr. Dave Johnson
Park Point Community Club
2920 Minnesota Avenue
Duluth, Minnesota 55802

Dear Mr. Johnson:

This letter is to confirm the findings of my inspection of an undeveloped area of land located on the west side of Minnesota Avenue at approximately 17 Street on Park Point. I had the opportunity to look at the area on December 8, 1993. Although conditions did not permit a detailed delineation of the site, I was able to determine that wetlands are present based on soils, hydrology, and vegetation. These wetlands are adjacent to Lake Superior, determined to be an Outstanding Resource Value Water as defined by Minnesota Rules 7050. A Department of the Army permit would be required for any excavation or discharge of fill material into these wetlands.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Peterson", is written over a horizontal line.

Timothy W. Peterson
Project Manager

Stage II RAP Recommendation
[H9 - POINT]
3-29-94

Written by Collins (MDNR)

Approved by Habitat Preservation, Reclamation & Management Workgroup
12/15/93

Reviewed by City of Superior (Morgan, Weems, Vito); City of Duluth (Kimball, Majewski); WDNR (Strand)

Approved by Citizens Advisory Committee 4/26/94

Impaired Use: Loss of Fish and Wildlife Habitat

Recommendation: *The cities of Duluth and Superior and the states of Minnesota and Wisconsin should protect all of the undeveloped and natural areas of Minnesota (Park) and Wisconsin Points, and should restore natural plant communities to provide optimum habitat for breeding and migrating wildlife. The jurisdictions should also protect and maintain the conditions that sustain the natural geophysical dynamics associated with these bay-mouth bar ecosystems.*

Problem: Residential and commercial development, past management activities, and harbor maintenance activities have affected the quality and quantity of plant and animal habitat on Minnesota and Wisconsin Points.

Past development and land management activities on both Minnesota and Wisconsin Points have altered the native plant communities. However, portions of these two areas still contain high quality plant and animal communities.

Spring migrant passerine birds moving north reach the southern shore of Lake Superior and are funneled westward to Minnesota (Park) Point and Wisconsin Point. These migrating birds often become grounded on Minnesota Point and Wisconsin Point during periods of poor visibility. Without abundant, high quality habitat available to restore body fat reserves that were depleted during migration, these migrants likely suffer high mortality. Previous management of Minnesota and Wisconsin Points has, in some instances, reduced habitat quality for migrating passerine birds. For example, removal of native shrubs and other plants to provide an open, park-like understory likely reduces habitat quality for breeding and migrating birds.

Sand dune communities in the Great Lakes are increasingly rare. Lake Beach (Lake Superior Section) Sand Subtype communities are classified as Critically Endangered in Minnesota (MN DNR 1993) for example. While the Minnesota-Wisconsin Point system is undoubtedly

critical to the health of the estuary, little is known about the ecosystem functions provided by these bay-mouth bars. On Minnesota Point, habitat alterations have occurred through residential and commercial development. Alterations on both Points have occurred due to the development and maintenance of the harbor. Development pressure is likely to increase. Wisconsin Point has had relatively little development since it is preserved under the city park system. However, the potential always exists for areas such as Wisconsin Point, to receive pressure for development in the future.

Goal: Restore and maintain native plant and animal communities on Minnesota and Wisconsin Point to provide migrating birds with abundant, high quality habitat for resting and recharging body reserves before crossing the open waters of Lake Superior and to provide native wildlife with abundant natural habitat for nesting and rearing young.

Recommended Actions:

1) The City of Superior should protect Wisconsin Point from possible future development by designating the area as a natural preserve, and educating the public about the area's unique ecosystem. Further encroachment on the natural areas of Wisconsin Point should be prohibited.

-The Superior Waterfront Plan recommends that Wisconsin Point be designated a Natural Sand Dune Ecosystem Preserve. In addition, the plan calls for consolidation of parking and construction of vehicle barriers to preserve habitat. The Waterfront Redevelopment Commission should explore additional existing special designation programs (e.g., State Natural Areas Program) that may be appropriate for providing long-term protection to the unique ecological resources of Wisconsin Point. They should also pursue the other actions called for in the Waterfront Plan.

-The Commission and the City of Superior should educate the users of Wisconsin Point and the public in general about the unique Wisconsin Point ecosystem.

2) The City of Superior, with assistance from the Wisconsin DNR, should initiate a habitat management program on Wisconsin Point that would enhance protection of native plants and plant communities, increase indigenous fruit bearing shrubs and herbs, promote the expansion of native plant communities, and reestablish native plant communities that have been lost.

3) The City of Duluth and all other landowners should provide permanent protection to the undeveloped portions of Minnesota Point and prohibit further encroachment on the Point's natural areas.

-Among the potential actions to achieve this are designating Minnesota Point a Sand Dune Ecosystem Preserve, selling or donating land to a land trust and selling or donating development rights to a conservancy group. The City of Duluth should



**SOUTH ST. LOUIS COUNTY SOIL AND
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Duluth, Minnesota 55811
Telephone: 218-720-5209

**MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS**

October 19, 1994

Dave Johnson
2920 Minnesota Avenue
Duluth, MN 55802

RE: PARK POINT WETLANDS

Dear Sir:

In the matter of the sites that Rich Harms and I visited at 17th and St. Louis Ave., and 41st and Minnesota Ave., it is our professional judgement that the mandatory technical criteria for wetland identification as set forth in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, 1989, have been met. These characteristics include hydrophytic vegetation, hydric soils, and wetland hydrology.

Please call if we may be of further help.

Sincerely:

Scott J. Smith
Urban Conservationist



STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
Ecological Services Section

Pat Collins
Lake Superior Habitat Coordinator
1604 South Highway 33
Cloquet, MN 55720-2982
(218) 879-0825
pcollins@ub.d.umn.edu

September 15, 1994

Timothy VanHeel
Park Point Long-range Planning Committee
1635 Minnesota Ave
Duluth, MN 55802

Dear Mr. VanHeel:

Thank you for taking the time to meet with me in July. I appreciated the tour of the site that the Park Point community has been fighting to preserve and enhance. It is encouraging to learn that you and other members of the community are working so hard to protect the important undeveloped areas of Park Point. I am also very impressed by the efforts you all have made to clean up the trash that seems to come from human use of any natural area. Keep up the good work!

As we discussed, the St. Louis River RAP recommendation that addresses management of Park Point stresses the need to maintain and enhance the natural areas on the Point. As you are aware, the remaining tracts of undeveloped land on the point have become increasingly important for wildlife habitat as more and more lots become developed. Migrant passerine birds in particular probably use the area as a critical stopover point as they near the end of their spring migration.

I will continue to look for ways in which we can cooperate to effectively maintain this and other critical Park Point habitats in the future. Meanwhile, I encourage you to continue to work on the long-range planning effort you described to me. Addressing the entire suite of Park Point planning issues, including habitat protection and restoration, will be critical to protecting the health of the natural and cultural ecosystem of Park Point. Please let me know if there is anything I can do to help you in this planning effort.



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Timothy VanHeel
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September 15, 1994

I am looking forward to the opportunity to discuss the Lake Superior Binational Program and other, local habitat restoration projects with the Park Point Community Club in October. Thank you for arranging a spot for me on the meeting agenda. If there are any specific topics of interest to the members of the group, please let me know and I would be happy to try to address them. My initial plan is to give a general introduction to the Lake Superior Binational Program and then talk, in a bit more detail, about habitat protection restoration projects that are ongoing in the St. Louis River estuary area.

Thanks again for your time and energy.

Sincerely,



Pat Collins
Lake Superior Habitat Coordinator

cc: Steve Colvin

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NATURAL HISTORY

1994

- Club votes against taking land out of conservation between 16th -19th <2, 18>
- Club prepares publication, "Waters Edge", containing public policy consideration for retaining special land in conservation <2>
- Club begins process of proving land between 16th -19th (Lots 8-2 and lots 32-44 both inclusive with riparian rights, and lots 11-39 inclusive, lot 45) falls under the guidelines of federal wetlands, identifying area as Thomas and Ella Pontilana Lake Superior Wetlands Preserve, named for couple that successfully gardened organically and taught others to do the same; Ella had been president of Garden Club; both had been active in Minnesota Horticulture Society; Tom first provided marigolds, then later tomato plants for all Point school children from the time Pontilana's son was a kindergartner until Park Point School was closed <2>
- St. Louis County Commissioners vote not to release land in conservation halting consolidation of land between 16th-19th to develop 40 townhouses; County asks Club to hold public meeting to discuss land issues <2>
- 17th Street Committee dissolves; members organize Long Range-Planning Committee to stave off loss of green space (April) <2>
- Club discloses original owner of lots 22-30 between 17th and 18th, Len Naymark, had signed a restrictive covenant guaranteeing these lots would not be developed; Naymark was president of Bay Point Corporation, developer of 19th street apartments; current owner Roger Noren, Bay Point Development Corporation <2>
- Correspondence to Dave Johnson, 17th Street Committee spokesperson, from Tim Peterson, Project Manager with St. Paul District Corps of Engineers regarding Peterson's findings in December, 1993; he determines that wetlands exist here based on soils, hydrology and vegetation (April) <2>

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reprinted from the Minnesota Point
Environmental Management Plan
June, 1999

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B-2



SCALE 800 FEET = 1 INCH

CAREFULLY COMPILED FROM THE
OFFICIAL RECORDS, & ACTUAL SURVEYS

W. DAVID PATTON,
CIVIL ENGINEER

CHAS. H. DREW,
DRAUGHTSMAN

1886

Drawn according to the Survey of the Harbor of Duluth, made by the U.S. Army, and the Survey of the Harbor of Duluth, made by the U.S. Army.

PONTIAC
WOODS





VIEW OF DULUTH, AT THE HEAD OF LAKE SUPERIOR

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