

CONSERVATION PARTNERS LEGACY GRANT PROGRAM

AMENDMENT ENCUMBRANCE WORKSHEET

City of Duluth/2017 Tributary 6.5 Protection and Restoration

State Accounting information:

SWIFT Contract Doc. Type: _____

SWIFT Contract #: **137529**

SWIFT Contract Line # (Annual Plans): _____

SWIFT Purchase Order #: **3-127261**

Agency: R2901	Submitted By: _____	Origin: _____	Vendor #: 0000197681	Category Code: 84101501
Total Amount of Contract for ALL years:	\$400,000	Total Amount of Contract:	\$300,250	For FY: 18
Total Amount of Contract:	For FY: _____	Total Amount of Contract:	\$99,750	For FY: 18

Contract Start Date: **03/01/2018**

Speedchart Name: _____

Contract Expiration Date: **June 30, 2021**

Speedchart Number: _____

Contractor Name and Address: **City of Duluth**

411 West 1st Street

Duluth, MN 55802

Did you remember to:

Check for debarred vendor? ☒ Yes ☐ No

Check for annual plan limit? ☒ Yes ☐ No

PO Reference: **JML-FY18 CPL 2017 Tributary 6.5 Protection and Restoration**

Description: FY2018 CPL 1; **City of Duluth, 2017 Tributary 6.5 Protection and Restoration**. The State is in need of the protection of lands to benefit habitat for fish, game, and wildlife and to improve public recreational opportunities. Amendment 1: Increase grant contract amount from \$300,250 to \$400,000.

Statewide/ Agency Reporting Funding String

Line	Budget/Bond Year	Amount	Fund	FinDeptID	AppropID	Account	Statewide Cost	Agency Cost 1	Agency Cost 2
1	2018	\$300,250	2300	R2936725	R296418	441352		2W205	
2	2018	\$99,750	2300	R2936725	R296418	441352		2W205	

Project/ Grant Reporting Funding String

Line	PC Business Unit	Project	Activity	Source Type	Category	Sub-Category

AMENDMENT NO. 1 TO P.O. #3-127261
City of Duluth/ 2017 Tributary 6.5 Protection and Restoration

Contract Start Date:	03/01/2018	Total Contract Amount:	\$400,000
Original Contract Expiration Date:	06/30/2021	Original Contract:	\$300,250
Current Contract Expiration Date:	06/30/2021	Previous Amendment(s) Total:	\$
Requested Contract Expiration Date:		This Amendment:	\$99,750

This amendment is by and between the State of Minnesota, through its Commissioner of Natural Resources ("State") and the City of Duluth, 411 West 1st Street, MN, 55802 ("Grantee").

Recitals

1. The State has a contract with the Grantee identified as Grant #137529 tied to PO #3-27261 ("Original Grant") to provide protection of lands to benefit habitat for fish, game, and wildlife.
2. This grant is being amended to add \$99,750 to the contract to improve habitat for fish, game, and wildlife and to improve public recreational opportunities.
3. The State and the Grantee are willing to amend the Original Grant as stated below.

Contract Amendment

REVISION 1. Clause 2.2 "**Grantees Duties**" is amended as follows:

2.2 Perform each of the duties outlined in Revised Attachment A, Work Plan, which is incorporated into this grant agreement. Any changes to the Work Plan must have prior written approval from the State's Authorized Representative.

REVISION 2. Clause 2.9 "**State's Duties**" is amended as follows:

2.9 To provide Grantee up to ~~\$300,250.~~ \$400,000 for the costs incurred for the completion of the Project.

REVISION 3. Clause 6.1 (a) "**Compensation**" is amended as follows:

(a) Compensation. The Grantee will be paid according to the breakdown of costs contained in Revised Attachment A, which is attached and incorporated into this agreement. Partial payments are allowed. Grantees may vary by 10% between budget categories without prior approval from the State's Authorized Representative. Reasonable amounts may be advanced to accommodate cash flow needs or to match federal share. The advances must be approved in the Work Plan.

REVISION 4. Clause 6.1 (c) "**Total Obligation**" is amended as follows:

(c) Total Obligation. The total obligation of the State for all compensation and reimbursements to the grantee under this grant agreement will not exceed ~~\$300,250.~~ \$400,000

**1. STATE ENCUMBRANCE
VERIFICATION**

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

By: 

Date: 4/2/18

State PO #30000127261

3. STATE AGENCY

Individual certifies the applicable provisions of Minn. Stat. §16C.08, subdivisions 2 and 3 are reaffirmed.

By: _____
with delegated authority

Name: James Leach

Title: Director, Division of Fish and Wildlife

Date: _____

2. GRANTEE

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

By: _____

Name: _____

Title: _____

Date: _____

Conservation Partners Legacy Grant Application

Printed 2017-11-21

Project Contact

Project name	2017 Tributary 6.5 Protection and Restoration	Project manager	Jim Shoberg
Organization name	City of Duluth	Title	Senior Project Manager
Organization type	Government	Phone	218-730-4316
Mailing address 1	411 West 1st Street	Email	jshoberg@duluthmn.gov
Mailing address 2			
City	Duluth		
State	MN		
Zip code	55802		

Project Overview**Sites / Location**

County name	St. Louis
Project site name	Tischer Tributary 6.5
Total project sites	1
Total project acres	16

Land Ownership

Primary land ownership	Local Government
Additional land ownerships	

Habitat

Primary habitat type	Fish, Game or Wildlife Habitat
Additional habitat types	

Activities

Primary activity	Acquisition
Additional activities	

Project Funding Summary

Grant type	Metro	
Grant request level	over \$25,000	
Total grant amount requested	\$300,250	<u>400,000</u>
Total match amount pledged	\$64,499	
Additional funding amount		
Total project cost	\$364,749	<u>\$464,499</u>

Project Summary

Have you ever received a CPL grant before? Yes

Project Location Summary

Primary county	St. Louis - Duluth	Primary land ownership	Local Government
Project site name	Tischer Tributary 6.5		

Habitat and Activity Summary

Primary habitat type	Fish, Game or Wildlife Habitat	Total project sites	1
Primary activity	Acquisition	Total project acres	16 23

Advance payment

Will you be requesting advance payment? No

Summary

TISCHER CREEK TRIBUTARY 6.5 Scope Tributary 6.5 Phase I: Acquisition. The City will acquire 23 acres adjoining Hartley Nature Preserve owned by ISD 709-Duluth Public Schools that are platted and marketed for development. An unnamed coldwater tributary, designated by DNR as Tributary 6.5, flows through these parcels with a stream length of approximately 0.4 miles (600 feet within the parcels). Tributary 6.5 Phase II: Restoration. Terrestrial restoration will control and/or remove glossy and common buckthorn, reed canary grass, and Tansy, opening space and canopy for existing natives. Water flow to adjacent wetlands will be restored by replacing a clogged culvert. Tributary 6.5 Phase III (future funding): An existing utility right-of-way will be replanted with native forbs and grasses. The upper reach of the stream that was straightened will be restored to its original meandering course. Connectivity and fish passage will be restored by removing a culvert and fill over the source, redirecting the flow to the restored channel, and reconnecting the new channel at the downstream end of Tributary 6.5.

Problem statement

Problem Approximately ¼ of Tributary 6.5 length is on ISD-709 property, including its source. If not acquired, the parcels are platted for residential development and will be sold. Acquisition and restoration will prevent additional detrimental impacts to water quality and channel stability in both Tributary 6.5 and the main stem of Tischer by preventing additional impervious surface produced by residential development. Tischer is above the watershed's 10% impact threshold for impervious surface. Habitat within the tributary has been impacted by both beaver impoundments on the channel (observed in historical aerial photos), as well as channelization of the upper reach and culverting/fill over the source that blocks flow to adjacent wetland. Importance Tischer Creek is one of three restoration priority areas for Brook Trout and other coldwater species by National Fish & Wildlife Foundation (NFWF). NFWF is a pass through organization for the Great Lakes Restoration Initiative. This coldwater tributary has significant flow, with a defined bed and banks, and is fed by small groundwater seeps as well as surface water runoff. Tributary 6.5 enters Tischer approximately 200 yards south of an artificial impoundment that warms Tischer Creek and significantly improves the water quality downstream. Tributary 6.5 is consistently colder than the main stem of Tischer. Further, acquisition will ensure that an adequate visual and sound barrier remains between Hartley and residential developments to preserve the "wilderness" experience felt by users. Hartley is a designated regional asset because it provides this experience in an undeveloped natural area within 2.5 hours of Mpls/St. Paul. How it was identified DNR Fisheries indicated that this is a critical coldwater base flow source to Tischer and habitat downstream. The Hartley Nature Center Master Planning process identified the ISD 709 parcels as a priority. Habitat affected The acquired parcels include a mix of wetlands, Tributary 6.5, and upland forests. The parcels are on the northern border of Hartley nature preserve and their health impacts the habitats within the preserve proper. Habitats include lowland grass, brush, and hardwoods, upland grass, hardwoods and conifers, vernal ponds, wetlands, a large pond, as well as Tischer and Tributary 6.5. Downstream flow is significantly warmed by the impoundment and impact downstream coldwater species including trout and benthic organisms.

Project objectives

Objective 1: Acquire 16 acres that surround Tischer Tributary 6.5. and annex to Hartley Park.

Objective 2: Eliminate invasive species on the entire 16 acres and restore flow to adjacent wetlands.

Habitats benefited: The acquired parcels include a mix of wetlands, Tributary 6.5, and upland forests. The parcels are on the northern border of Hartley nature preserve and their health impacts the habitats within the preserve proper. Habitats include lowland grass, brush, and hardwoods, upland grass, hardwoods and conifers, vernal ponds, wetlands, a large pond, as well as Tischer and Tributary 6.5. The project will eliminate invasive, exotic species, improve upland habitat, and protect water quality downstream by ensuring the coldwater flow. The land is adjacent and will be added to the Hartley nature preserve and the protection permanent. Outcomes listed by species removed may be found in the attached Conservation Plan

Methods

Phase I: Acquisition and annexation was approved via the Hartley Master Plan and Duluth City Council approval of same in 2014. Duluth is in negotiation with ISD 709 to acquire the parcels. Duluth's Properties and Facilities Management will retain a DNR approved appraiser to value the land before purchase. Upon closing, the City Council will approve annexation to Hartley Park. Phase II: Immediately after annexation, Community Action Duluth's Stream Corps will begin removal of invasives and will monitor and retreat as necessary for two years. Control methods listed by species controlled may be found in the attached Conservation Plan. Community Action Duluth partners with the City of Duluth to identify and eliminate invasive species on city-owned land. To date, invasives have been removed on 24 miles of riparian zones of the St. Louis River and in 146 acres in Hartley Park and estuary uplands. Stream Corps is under contract to remove a further 110 acres of invasives in Hartley. Stream Corps works with the Midwest Invasive Species Information Network (Network) to improve reporting and response. City of Duluth staff will replace the blocked culvert. Phase III: Successful restoration steps include: site assessment, project planning, site preparation, species selection, plant stock and planting, matching of species to habitats, monitoring, and maintenance. Practice has demonstrated restorations must be targeted, strategic and repeated to reduce invasive exotic species infestations (Vaughn et al 2010, Nat'l. Invasive Species Council 2005).

Experience / Abilities

The City relies on the MN Land Trust to guide on-the-ground restoration implementation. MLT conservation easements permanently protect more than 150 miles of shoreline and riparian areas in Minnesota and restore habitat for lake sturgeon, sheltered bays, and wild rice in the St. Louis River Corridor. The City and MN Land Trust will coordinate restoration activities with natural resource management agencies and organizations including DNR Stream Habitats and Fisheries, MNPCA, and the EPA. The City will align this project with the St. Louis River AOC Remedial Action Plan. These partners provide advice and expertise that guides all development and restoration actions. The City will complete this year an open CPL Metro project to remove invasives and restore native habitat in the St. Louis Corridor. The City retained Boreal Natives and Community Action Duluth Stream Corps to clear invasives and replant natives. The grant has restored 130 acres to date and will restore an additional 57 acres before the end of the project: 105 more acres than originally committed. Please see Methods for Stream Corps experience.

Project Timeline

Time Frame	Goal
July 2018	Acquisition complete
August 2018	Begin restoration, replace culvert
May 2019	Monitoring and retreat
May 2020	Monitoring and retreat
Estimated project completion date	2021-06-30

Budget Information

Organization's Fiscal Contact Information

Name	Wayne Parsons	Street address 1	411 West 1st Street
Title	Chief Financial Officer	Street address 2	
Email	wparsons@duluthmn.gov	City	Duluth
Phone	218-730-5450	State	MN
		Zip	55802
		Code	

Budget Details

Personnel

<u>Name</u>	<u>Title / work to be completed</u>	<u>Amount</u>	<u>Grant/Match</u>	<u>In-kind/Cash</u>
Henry Martinson	Acquisition & Title transfer	\$8,500	Match	In-kind
Wayne Parsons	Grant Administration	\$9,833	Match	In-kind
Jim Shoberg	Project Management	\$4,948	Match	In-kind
Will Roche	Overall oversight	\$6,218	Match	In-kind

Contracts

<u>Contractor Name</u>	<u>Contracted Work</u>	<u>Amount</u>	<u>Grant/Match</u>	<u>In-kind/Cash</u>
Community Action Duluth	Invasive Species Removal	\$29,000	Match	Cash

Fee Acquisition with PILT

<u>Parcel Name</u>	<u>Parcel Purchase Price</u>	<u>Amount</u>	<u>Grant/Match</u>	<u>In-kind/Cash</u>
010-2116-00650	249000	\$249,000	Grant	
010-2116-00350	13500	\$13,500	Grant	
010-2116-00290	1300	\$1,300	Grant	
010-2116-00300	1550	\$1,550	Grant	
010-2116-00310	1700	\$1,700	Grant	
010-2116-00320	1700	\$1,700	Grant	
010-2116-00330	1850	\$1,850	Grant	
010-2116-00340	2350	\$2,350	Grant	
010-2116-00190	1150	\$1,150	Grant	
010-2116-00200	1150	\$1,150	Grant	
010-2116-00210	1200	\$1,200	Grant	
010-2116-00280	1600	\$1,600	Grant	

010-2116-00270	1450	\$1,450	Grant
010-2116-00260	1400	\$1,400	Grant
010-2116-00250	1350	\$1,350	Grant
010-2116-00220	3100	\$3,100	Grant
010-2116-00230	2000	\$2,000	Grant
010-2116-00240	2900	\$2,900	Grant

Professional Services

<u>Professional Name</u>	<u>Description of Services</u>	<u>Amount</u>	<u>Grant/Match</u>	<u>In-kind/Cash</u>
Appraiser TBD	Appraisal	\$6,000	Match	Cash

Additional Budget Items

<u>Item</u>	<u>Description</u>	<u>Amount</u>	<u>Grant/Match</u>	<u>In-kind/Cash</u>
Culver	Replace blocked culvert	\$10,000	Grant	

Amendment: Additional 7 acres: \$99,750 Grant

Additional Funding

Additional funding
amount

Budget Overview

Item Type	Grant	Match	Total
Personnel		\$29,499	\$29,499
Contracts		\$29,000	\$29,000
Fee Acquisition with PILT	\$290,250		\$290,250
Fee Acquisition without PILT	<u>\$99,750</u>		
Easement Acquisition			
Travel (in-state)			
Professional Services		\$6,000	\$6,000
DNR Land Acquisition Cost			
Equipment/Tools/Supplies			
Additional Budget Items	\$10,000		\$10,000
Total:	\$300,250 <u>\$400,000</u>	\$64,499 <u>\$64,499</u>	\$364,749 <u>\$464,499</u>

Project Funding Summary

Grant type	Metro	
Grant request level	over \$25,000	
Total grant amount requested	\$300,250	<u>\$400,000</u>
Total match amount pledged	\$64,499	
Additional funding amount		
Total project cost	\$364,749	<u>\$464,499</u>

Project Information

1. Describe the degree of collaboration and local support for this project.

Duluth partners with many organizations and interest groups to meet its goals, ensure community buy-in, and leverage expertise and funds. Minnesota Land Trust (MLT) assists Duluth evaluate, plan, and implement protection and restoration projects (See Restoration Plan). MLT is a statewide non-profit working to protect and restore Minnesota's natural areas. This is a priority project for DNR fisheries and design of this project was overseen by DNR Fisheries, Two Harbors. The Arrowhead Fly Fishers and Izaak Walton League are especially supportive of this project for urban angling opportunities for youth. Acquisition of the DPS parcels was a priority in the Hartley Master Plan. Community Action Duluth's Stream Corps will implement the invasive species removal and monitor and retreat as necessary.

2. Describe any urgency associated with this project.

If not acquired, the parcels are platted for residential development and will be sold. Acquisition and restoration will prevent additional detrimental impacts to water quality and channel stability in both Tributary 6.5 and the main stem of Tischer by preventing the additional impervious surface produced by residential development. DNR Fisheries indicated that loss of this critical coldwater base flow source would negatively impact Tischer and habitat downstream. Acquisition ensures that an adequate visual and sound barrier remains between Hartley and residential developments to preserve the "wilderness" experience felt by users. Hartley is a designated regional asset because it provides this experience in an undeveloped natural area within 2.5 hours of Mpls/St. Paul.

3. Discuss if there is full funding secured for this project, the sources of that funding and if CPL Grant funds will supplement or supplant existing funding.

Funding to remove invasive species is secured: provided by Community Action Duluth Stream Corps and funded by EPA GLRI funds. However, the priority is to acquire the parcels and protect them from development and there are no funds available. Duluth requests \$300,250 to acquire the property and restore water flow to adjacent wetlands.

4. Describe public access at project site for hunting and fishing, identifying all open seasons.

Hartley Nature Preserve is a 640 acre natural site of biodiversity that includes a coldwater stream within a major urban area. The source that improves water quality downstream from the impoundment is a unique and eminently valuable resource to increase public access and exposure to trout fishing, bow hunting, and other outdoor recreation. Tischer Creek and other urban cold water streams in Duluth are critical to engage young people in fly fishing and resource conservation. The area is used for hiking, biking, skiing, bird watching, fishing, kayaking/canoeing, geocaching, and the like. Habitat restoration is expected to improve water and land based wildlife recreation by removing the invasive exotic species and preserving this cold water source.

5. Discuss use of native vegetation (if applicable).

Phase II removal of invasives will promote growth by existing natives. All planting in Phase III will follow DNR Restoration and Enhancement guidelines as well as Pollinator Best Management Practices . Locally sourced material will be used as much as possible to preserve potential local ecotypes that include low and high flood plains and terraced mesic upland forest. Verification of plant species and variety will be required when nursery obtained plants are used. Only native species included in MN DNR Field Guide to the Native Plant Communities of Minnesota will be used. Restoration uses a combination of seed, seedlings and cuttings for propagation.

6. **Discuss your budget and why it is cost effective.**

The budget for the land was determined by the asking price of ISD 709-Duluth Public Schools. The City will enter negotiations with the District after it has its own appraisal performed. Stream Corps utilizes a CC model to build marketable job skills for individuals with barriers to employment, while simultaneously enhancing habitat and biodiversity. The model leverages federal resources to provide employment as well as restore habitat and biodiversity.

7. **Provide information on how your organization encourages a local conservation culture. This includes your organization's history of promoting conservation in the local area, visibility of work to the public and any activities and outreach your organization has completed in the local area.**

Duluth residents insisted that a 'preservation" category that restricts use on lands of high natural resource or scenic value be incorporated into the Comprehensive Land Use Plan. Duluth boasts 128 parks covering over 11,000 acres of land: considerably more greenspace than comparable cities. Cycling, skiing, hiking, climbing and snowmobile clubs are on-going partners. Last year, 2,445 volunteers and 48 organizations donated over 11,000 hours to support conservation and recreation projects in the City! Extensive environmental education programs occur via collaborations with schools and non-profits and the west Duluth elementary school is environmentally themed. Stream Corps works with the Midwest Invasive Species Information Network (Network) to improve reporting and response and provides an early detection and rapid response resource for invasive species to assist in the detection and identification of invasive species and support successful management.

Site Information

Land Manager

Name	Erik Birkeland	Phone	218-730-4435
Organization	City of Duluth	Email	ebirkeland@duluthmn.gov
Title	Director -Properties & Facilites		
Review and approval form	Duluth_LM_Approval_Form.pdf		





Site Information

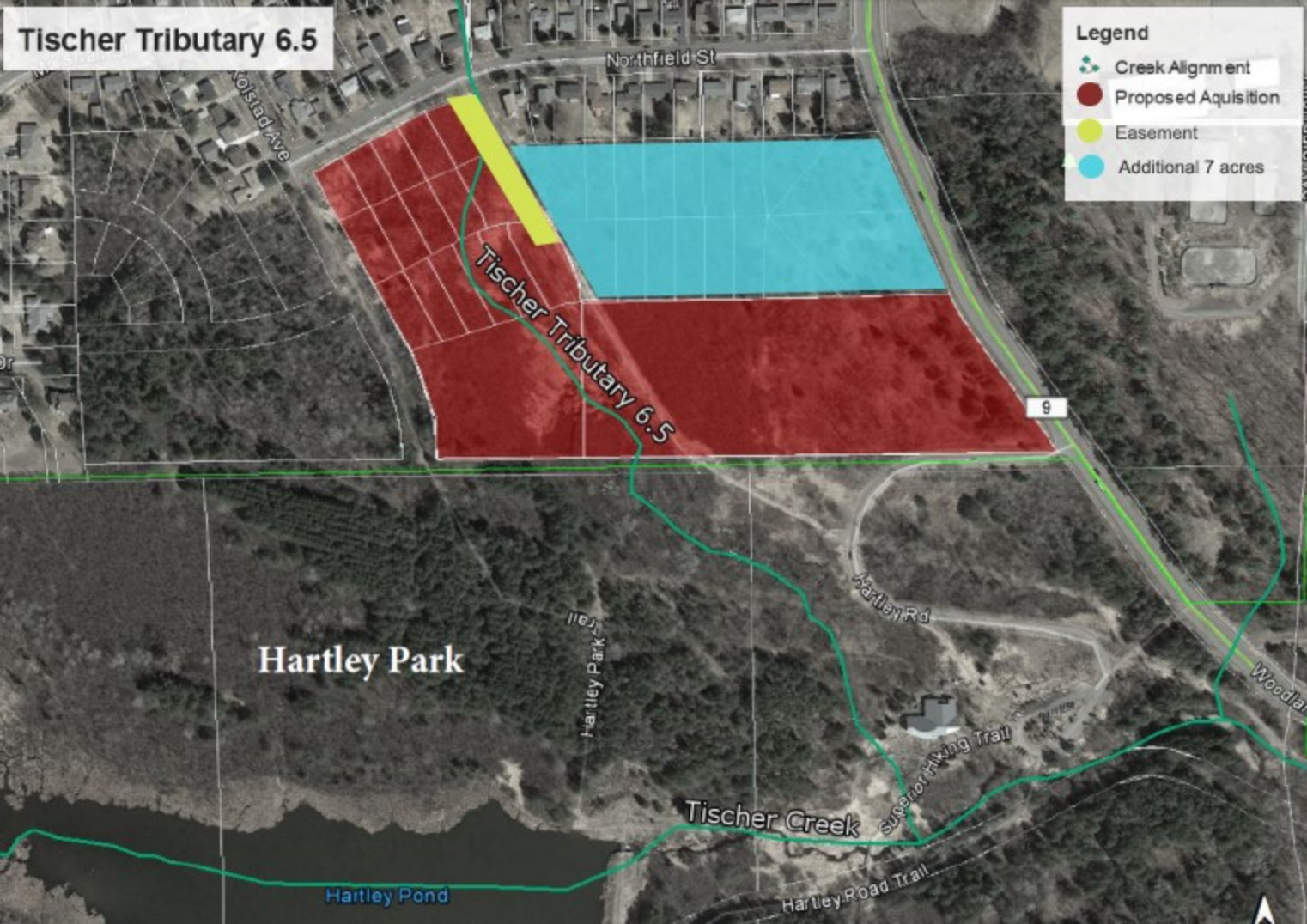
Site name	Tributary 6.5	Project acres	16
Habitat	Fish, Game or Wildlife Habitat	Open to public hunting?	Yes - some
Activity	Acquisition	Open to public fishing?	Yes - all
Land ownership	Local Government		



Tischer Tributary 6.5

Legend

-  Creek Alignment
-  Proposed Aquisition
-  Easement
-  Additional 7 acres



Natural Heritage Database Review

Answer the following questions

Natural Heritage elements were found within one mile of my project site(s) Yes

List all elements found within one mile of site(s) and discuss how you will mitigate or avoid impacts to these elements.

Many impacted species within a mile are within Hartley itself, rather than the proposed acquisition. Since this project addresses aquatic and riparian restoration the elimination of exotic species adjacent to the tributary will improve habitat for listed species. A list of species within the parcels will be included and addressed in the final restoration plan with recommended minimization strategies for each of the identified species. The City of Duluth will coordinate with partner agencies and organizations to address and implement aquatic and riparian minimization strategies in the final restoration plan.

Attachments

Additional Documentation

Attach additional documentation as applicable using the appropriate categories below. If you exceed the size limit while uploading, contact CPL staff to discuss your options.

Letters of Support

<u>File</u>	<u>Description</u>
City_of_Duluth_Support_Letters.pdf	Letters of Support

Partner Commitment Letters

Photos

<u>File</u>	<u>Description</u>
Tributary_6.5._Graphics.pdf	Photos & Graphics

Restoration Plans

<u>File</u>	<u>Description</u>
Tributary_6.5_Restoration_Plan.pdf	Restoration Plan

Engineering/Survey/Design Plans

Supplemental Documents

<u>File</u>	<u>Description</u>
2017_Hydrologist_Form.pdf	Hydrologist Form
2017_Duluth_Parcel_List.xlsx	

Final Application Submission

This completes your CPL Grant Application. Please take the time to revisit the previous sections and make sure you have entered everything completely and correctly. Once you hit the submit button below, you will not be able to return to this application to make changes.

☒ I certify that I have read the Conservation Partners Legacy Grants Program Request for Proposal, Program Manual and other program documents, and have discussed this project with the appropriate public land manager, or private landowner and easement holder.

☒ I certify I am authorized to apply for and manage these grant and match funds, and the project work by the organization or agency listed below. I certify this organization to have the financial capability to compete this project and that it will comply with all applicable laws and regulations.

☒ I certify that all of the information contained in the application is correct as of the time of the submission. If anything should change, I will contact CPL Grant Staff immediately to make corrections.

☒ I certify that if funded I will give consideration to and make timely written contact to Minnesota Conservation Corps or its successor for consideration of possible use of their services to contract for restoration and enhancement services. I will provide CPL staff a copy of that written contact within 10 days after the execution of my grant, should I be awarded.

☒ I certify that I am aware at least one Land Manager Review and Approval form is required for every application and at least one Public Waters Contact form is required for all public waters work. I am aware I must submit all completed forms by uploading them into this application. I have attached the required type and number of forms as necessary for this project.

☒ I am aware that by typing my name in the box below, I am applying my signature to this online document.

Signature: **Jim Fibly Williams**

Title: **Director of Public Administration**

Organization / Agency: **City of Duluth**

Date: **2017-09-12**