

Memorandum of Understanding

Between the St. Louis County Land and Minerals Department (hereafter as “SLCLM”), and the City of Duluth (hereafter as “COD”).

Background

In July 2016, two severe windstorms caused extensive damage in Duluth and surrounding areas. Much of the damage consisted of wind-thrown trees. In August 2016, the SLCLM was notified by the City of Duluth of such an area on state tax-forfeited property adjacent to Hartley Park located in section 3 of Township 50 Range 14. Assessments, including an aerial assessment by the City and ground assessment by the SLCLM, revealed that impacts east of Howard Gnesen Road actually consist of 14.5 acres of tax forfeited land, 14.9 acres of Ridgeview Country Club (hereafter as “RCC”) land and 2.3 acres of City of Duluth land within Hartley Park.

This storm damage presents potential risks for each landowner. The primary concern is wildfire. City fire officials have maintained that fuel loads created by the wind storms pose a risk of wild fire in a forested area surrounded by private residences. In order to mitigate this risk, fuel loads need to be reduced.

It is recognized that Hartley Park is a regionally significant, nature-based visitor destination that is heavily used and of which visitors have a great attachment to. It is also recognized that the City of Duluth manages Hartley Park as a nature-based park whose primary purposes are to restore, preserve, and foster connections to the natural world. As a result of the increased sensitivity of the lands within and immediately adjacent to Hartley Park, the treatment prescription for block 3 will call for a limited harvest focused solely on wildfire mitigation, environmental protection, and forest regeneration.

The St. Louis County Land and Minerals Department is responsible for managing state tax-forfeited lands, including managing for healthy and productive forests. The primary way of ensuring this is employing management strategies to secure full regeneration of forests after natural or human-caused disturbances. To most effectively address these concerns, contiguous areas of storm damage, regardless of ownership, need to be treated.

SLCLM administered lands are certified through the Sustainable Forestry Initiative (SFI) and International Standards Organization (ISO 14001). SLCLM applies the Minnesota Forest Management Guidelines to its land management activities. SLCLM has a professional forestry staff and a framework in which to prepare timber harvests, sell timber harvests via public auction, and administer timber contracts and silvicultural projects on the lands they administer.

Objective

The principle objective in this Memorandum of Understanding (MOU) is for the SLCLM to formulate a salvage treatment plan that is intended to be applied to RCC land, SLCLM land and City of Duluth land to address concerns stated above. This MOU applies to land east of Howard Gnesen Road, or Block 3 of the timber harvesting contract. Furthermore, SLCLM will carry out the salvage treatment plan by preparing a limited salvage timber harvest focused upon wildfire mitigation, environmental protection, and forest regeneration, advertise the harvest on public auction and administer the contract.

Prescription Details for Block Three of Contract

- Harvest only wind damaged trees. This includes all trees partially or completely tipped and those that have broken or damaged main stems.
- Reserve from cutting all undamaged trees and dead standing trees not caused by the windstorm (some additional trees may have to be removed to facilitate operation).
- Restrict harvesting to frozen ground conditions.
- Tops of harvested trees must be utilized to reduce fuel loads.
- Harvest will be limited in the vicinity of wetlands, vernal pools, and Riparian Management Zones.

Riparian Management Zones (RMZ) along trout streams.

Reserving all standing trees in the RMZ will provide protections to the trout stream riparian area. Standing trees were left in the non RMZ areas in an effort to lessen the immediate visual impacts of the treatment and retain a legacy that will diversify the appearance of the park into the future.

Objective Details

SLCLM agrees to:

Prepare a salvage treatment plan focused primarily upon wildfire mitigation and forest regeneration. This will entail ground surveys of the land. COD has been provided an opportunity to review the plan before it will be advertised for sale.

Prepare the salvage timber harvest according to the treatment plan.

Award a contract via sealed bid public auction.

Execute a contract with the winning bidder.

Collect all payments for the timber harvesting contract.

Funds will be distributed based on the final scaled value of Block 3. SLCLM will retain 45.7%, transfer 47% to Ridgeview Country Club, and transfer 7.3% to COD. It is acknowledged and agreed that SLCLM will retain sufficient funds from dispersed monies in order to reimburse the County for costs incurred from preparing RCC and COD portions of the treatment. Funds transfer for Block 3 will take place at the closure of Block 3. Funds collected for the COD portion will be used entirely for restoration of the landing area and access road in the portion of the sale within the COD and tax forfeit portions of Block 3. Restoration will include obliteration and restoration of the access road and seeding with native pollinator species in the landing area and access road.

Administer the salvage contract when active.

Provide professional information about site regeneration for treated sites to COD.

COD agrees to:

Allow SLCLM personnel to access COD lands for the purpose of executing the salvage treatment plan activities.

Allow SLCLM to receive payment for the salvage harvest contract.

Salvage Treatment/Contract Details (refer to FINAL Salvage Treatment Plan dated August 2017 from the Saint Louis County Land and Minerals Department)

The salvage treatment on COD land will be prepared under the same environmental principles used on SLCLM regular salvage treatments by considering the Minnesota Forest Management Guidelines and SFI objectives. It is acknowledged that COD lands are not certified under SFI and cannot be advertised as so.

Prepared salvage treatment will be offered on a sealed bid auction. Only operators in “good” standing on the SLCLM Responsible Operators List will be allowed to bid on this sale.

SLCLM will collect 15% of the appraised contract value at the contract signing as a down payment which will be retained until contract closure.

Contractors will be allowed to prepare roads and landing before further payment, but must submit entire payment of cutting unit (block) before salvage treatment activities begin.

Before salvage treatment activities begin, SLCLM personnel will verify receipt of payment and that the operator is still in “good” standing on SLCLM Responsible Operators List including having current logger training and current liability insurance.

SLCLM personnel will administer the salvage treatment contract and provide site visits to COD land during salvage treatment activities.

Modification and Termination

This MOU can be modified by mutual written agreement between COD and SLCLM and will be terminated at the closure of the contract.

Liability

Each Party shall be responsible for its own actions. Neither party shall be responsible for the actions of the other party.

Approved:

Mark Weber
St. Louis County Land and Minerals Department Director

Date

Approved:

Frank Jewell
St. Louis County Board Chair

Date

Approved: _____
Donald Dicklich
St. Louis County Auditor
Date

Approved: _____
Emily Larson
Mayor of City of Duluth
Date

Attest: _____
Jeff Cox
Clerk of City of Duluth
Date

Approved: _____
Joan M. Christensen
Assistant City of Duluth Attorney
Date

Countersigned: _____
Josh Bailey
City of Duluth Auditor
Date

APPROVED AS TO FORM AND EXECUTION

By: _____
Tim Tysdal
Assistant St. Louis County Attorney
Date