



Legislation Details (With Text)

File #: 20-0274R **Name:**
Type: Resolution **Status:** Passed
File created: 3/13/2020 **In control:** Recreation, Libraries and Authorities
On agenda: 3/23/2020 **Final action:** 3/23/2020
Enactment date: **Enactment #:**
Title: RESOLUTION AUTHORIZING THE DESIGNATION OF THE HARTLEY NATURAL AREA TO THE DULUTH NATURAL AREAS PROGRAM.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Exhibit B, 3. Exhibit C, 4. Hyperlink

Date	Ver.	Action By	Action	Result
3/23/2020	1	City Council	adopted	

RESOLUTION AUTHORIZING THE DESIGNATION OF THE HARTLEY NATURAL AREA TO THE DULUTH NATURAL AREAS PROGRAM.

CITY PROPOSAL:

RESOLVED, that the Duluth City Council hereby makes the following findings of fact pertaining to the project areas shown on Exhibit A on file in the office of the city clerk and denominated thereon as the Hartley Natural Area.

- (a) The property within the Hartley Natural Area consists of parcels which are one of the best remaining viable examples of areas of special or unique ecological or environmental significance to the city of Duluth because it meets all four of the five science criteria defined in Article IV of the Duluth Natural Area Program guidelines:
- (1) Significant Native Plant Communities Area - Plant surveys for the nomination identified 23 native plant communities in accordance with the Minnesota Department of Natural Resources' (MNDNR's) 2005 Field Guide to Native Plant Communities of Minnesota in 124 distinct polygons.
 - (2) Special Species Area - A state-listed endangered species, butternut (*Juglans cinerea*) was identified during the plant survey which was completed as part of the management plan.
 - (3) Natural Water Features Area - Hartley Natural Area forms the wet meadow/shrub swamp headwaters of two branches of Tischer Creek, a state designated cold-water trout stream as well as numerous vernal pools.
 - (4) Geologic Landform Area - The geologic formations of Duluth represented by landforms in Hartley are related in particular to the Tettegouche Till Plain, a band of rolling topography at the crest of the slope overlooking Lake Superior and the St. Louis River forming the backbone of Duluth and the Midcontinent Rift which exemplifies the Duluth Gabbro Complex from 1.1 billion years ago.
- (b) The documentation demonstrates that the various properties listed on Exhibit B meet or exceed the requirements of **the Natural Areas ordinance and are on file WHERE?.**
- (c) Those properties within the Hartley Natural Area listed on Exhibit B are owned by the city and are therefore eligible to be designated as included in the Hartley Natural Area.

(d) The property within the Hartley Natural listed on Exhibit C meet the criteria set forth in Subparagraph a above, but are owned by another public entity and the owner has not yet provided consent to the designation of the property as a Natural Area under the program and to the imposition of controls in the form of a management plan thereon is not included in the Hartley Natural Area at this time but may be included if and when the parcels are acquired by amendment;

(e) That the designated area is in compliance with all applicable state and federal laws, rules and regulations.

FURTHER RESOLVED, that pursuant to Section 2-155 (b) of the Duluth City Code, 1959, as amended, that portion of the Hartley Natural Area described on Exhibit B is hereby designated as a Duluth Natural Area.

RESOLVED FURTHER, that the Management Plan for the Hartley Natural Area, attached hereto as Exhibit D is hereby approved and the appropriate city officials are authorized to take all necessary action to implement the management plan

RESOLVED FURTHER, that pursuant to Section 2-255(b) of the Code, the follow protections and controls are hereby imposed on those properties designated as part of the Hartley Natural Area pursuant to the resolution:

a. Shall be held in perpetuity as a permanently protected natural properties for the benefit of the city's residents

b. Any development or use of such lands shall be consistent with the management plan for the Hartley Natural Area

This resolution authorizes city officials to approve the designation of the Hartley Natural Area for the Duluth Natural Areas Program. The Duluth Natural Areas Program was established in city code to preserve Duluth's natural heritage for the public good by protecting lands of special environmental significance. City code outlines a two-step process to designate a specific place as a Duluth Natural Area. This resolution completes step two, the development and approval of a land protection and management plan. Step one was approval of the nomination which established a new Duluth Natural Area on a provisional basis. Step two, is for the approval of the management plan which makes the designation permanent. The designation was unanimously approved by the Natural Resource Commission and Planning Commission. Though not required by city code, Parks Commission was also informed of the management plan content.