

Council Agenda Item 26-0068R



MEETING DATE: January 26, 2026

SUBJECT/TITLE: RESOLUTION AUTHORIZING AMENDMENT NUMBER 1 TO THE LOCAL COOPERATION AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF ARMY AND THE DULUTH SEAWAY PORT AUTHORITY RELATING TO THE ERIE PIER CONTAINED DISPOSAL FACILITY, TOGETHER WITH A TERMINATION OF RIGHT-OF-ENTRY AGREEMENTS.

SUBMITTED BY: Danielle Erjavec, Senior Property Services Specialist

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

PREVIOUS COUNCIL ACTION: The purchase agreement governing terms and conditions of the conveyance to DSPA (defined below) was approved under Resolution No. 22-0920. The disposition of the City's real estate interest was authorized via Ordinance No. 22-035.

BACKGROUND: This resolution authorizes an Amendment to the Local Cooperation Agreement with the United States of America, Department of Army ("USACE") and the Duluth Seaway Port Authority ("DSPA") regarding the Erie Pier Contained Disposal Facility (the "Amendment"), as well as a Termination of the Right-of-Entry Agreements (the "Termination"). The Amendment and Termination relieve the City of obligations from agreements enacted in the 1970s regarding the operation of the Erie Pier Contained Disposal Facility (the "Original Agreements").

The City conveyed its interest in the Erie Pier Contained Disposal Facility to DSPA in 2022 and the parties executed an Assignment and Assumption of Rights and Obligations regarding the Original Agreements (the "Assignment and Assumption"). However, USACE determined that it would not recognize the Assignment and Assumption and required the City to participate in negotiations and documents to relieve the City of its obligations under the Original Agreements. The documents to be approved under this resolution accomplish this objective. However, as to between the City and DSPA, the Assignment and Assumption executed in 2022 controls.

The Erie Pier Contained Disposal Facility manages dredged material from the federal navigation channel, a part of the Great Lakes/St. Lawrence Seaway System deep-draft waterway. It was constructed in the late 1970s to serve both the Wisconsin and Minnesota portions of the Harbor. The Erie Pier Contained Disposal Facility has switched from operating as a confined disposal facility to a processing and reuse facility. The dredged material processed at the site is used for habitat restoration, construction projects, mine-land reclamation, and other uses.

BUDGET/FISCAL IMPACT: None

OPTIONS: Approve documents or USACE will not relieve the City of its obligations from the Original Agreements

NECESSARY ACTION: Approve resolution

ATTACHMENTS: Exhibit 1, Amendment Number 1 to the Local Cooperation Agreement; Exhibit 2, Termination of the Right-of Entry Agreements