

**CITY OF DULUTH, MINNESOTA**  
**DULUTH CITY PLANNING COMMISSION**

**FINDINGS OF FACT AND RECORD OF DECISION**

**Date:** August 12, 2016  
**RE:** Decision on the Need for an Environmental Impact Statement  
**Project:** Spirit Mountain Recreation Area 2016-2017 Improvements

**RESPONSIBLE GOVERNMENTAL UNIT**

Duluth City Planning Commission  
Keith Hamre, Director of Planning  
and Construction Services  
(Planning Commission Secretary)  
411 West First Street, Room 208  
Duluth, MN 55802  
218-730-5580  
[khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

**PROJECT PROPOSER**

City of Duluth Parks and Recreation Division  
Lindsay Dean, Manager of Parks and Recreation  
Ground Floor, City Hall  
411 West First Street  
Duluth, MN 55802  
218-730-4300  
[ldean@duluthmn.gov](mailto:ldean@duluthmn.gov)

**FINAL ACTION**

Based on the Environmental Assessment Worksheet and related documentation for the above Project, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, concluded the following at their August 9, 2016 regular meeting:

1. The Environmental Assessment Worksheet and related documentation for Spirit Mountain Recreation Area 2016-2017 Improvements were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement (EIS) for this Project.

**FINDINGS OF FACT AND RECORD OF DECISION**

The Duluth City Planning Commission is the Responsible Governmental Unit (RGU) for environmental review of the proposed improvements at Spirit Mountain Recreation Area in 2016-2017, such as Nordic cross country ski trails, mountain bike trails, Superior Hiking Trail extensions, Rail-to-Trail conversion, and an 18-hole disc golf course. The preparation of the Environmental Assessment Worksheet (EAW) was in accordance with the Environmental Review Rules of the Minnesota Environmental Quality Board

(EQB) for a mandatory EAW due to the construction of more than 10 miles of trails on forested land within the Spirit Mountain Recreation Area (Minn. Rules 4410.4300 Subp. 37A. Recreation Trails).

The EAW was reviewed by the Duluth City Planning Commission and found to be complete for distribution at their May 24, 2016 special meeting. The EAW was filed with the EQB and circulated for review and comment to the EQB's EAW Distribution List. The notice was published in the EQB Monitor on June 13, 2016 announcing a 30-day comment period that ended on July 13, 2016. A news release was issued June 10, 2016 informing the public that the EAW was available on the City of Duluth's web page, at the Duluth Public Library and at the offices of the City of Duluth Community Planning Division. The news release directed people wishing to make comments to file them with the Community Planning Division or attend a public hearing on the matter. Exhibit D includes the public notification record.

The Duluth City Planning Commission held a public hearing on Tuesday, July 12, 2016, at 5:00 p.m. and received no public comments. At its August 9, 2016 regular meeting the Duluth City Planning Commission reviewed the EAW document and considered written comments and responses to comments before making a negative declaration on the need for an EIS. The decision was made within the required time constraints of between three working days and 30 days after the comment period closes; therefore the deadline for decision was August 12, 2016.

#### **BRIEF PROJECT DESCRIPTION**

The proposed recreational improvements include five main components within or directly adjacent to the Spirit Mountain Recreation Area: 1) Nordic cross country ski trails (5.8 kilometers/3.6 miles), 2) mountain bike trails (10.0 miles), 3) Superior Hiking Trail extensions (1.5 miles), 4) Rail-to-Trail conversion (0.8 miles), and 5) a disc golf course (18 holes, approximately 1.5 miles). Several project components have multiple trail types or locations within the project site (Exhibit A).

The Spirit Mountain Recreation Area is a regional destination for alpine skiing, snowboarding, Nordic skiing, mountain biking, hiking, bird watching as well as a local destination for wedding receptions, and other large meeting events. Spirit Mountain primarily serves the Duluth-Superior and surrounding communities, and regularly receives visitors from Minnesota and Wisconsin.

#### **COMMENTS RECEIVED, RESPONSES, AND OTHER DOCUMENTS REVIEWED**

During the 30-day comment period from June 13, 2016 to July 13, 2016, a total of 7 written comments letters were received from the public and two agency letters; one each from the MN Pollution Control Agency and the MN Department of Natural Resources:

1. David Arvold MD, resident (7/13/2016)
2. Mary Beth Nevers, Realtor, Real Living Messina and Associates (7/13/2016)
3. Chad Salmela, Duluth XC Board Member, Cross Country and Track & Field Coach, The College of Saint Scholastica (7/13/2016)
4. Nils Arvold MD, resident (7/13/2016)
5. Louise Levy, Levy Tree Care, LLC (7/13/2016)
6. Ronald Wieland, MN Department of Natural Resources (7/13/2016)
7. Karen Kromar, MN Pollution Control Agency (7/19/2016)

The RGU held a public hearing on Tuesday, July 12, 2016, 5:00 p.m. No comments were received.

Comments number 1 through 4 were made by supporters of the project and are not substantive to the environmental review of the project. Therefore, no responses are necessary. Several comments by Louise Levy and the MN Department of Resources are substantive and the following section provides a summary of the comments and responses to them. MN Pollution Control Agency sent a letter stating they have no comment at this time.

The following section provides a summary of these comments and responses to them. Specific comment letters can be found in Exhibit B.

1. Public Comment – Louise Levy – 7/13/2016

Comment: There is, in general, insufficient language regarding tree preservation and protection. This is, I suspect, due to trail construction and other similar activities not being covered in the UDC preservation language.

Response: That is correct. Spirit Mountain is exempt from the City of Duluth UDC tree replacement requirements; therefore, the issue of tree preservation and protection is not addressed in the EAW document. Nevertheless, tree loss will be minimized to the greatest extent practicable in the implementation of proposed projects.

2. Public Comment – Louise Levy – 7/13/2016

Comment: There is insufficient attention paid to protecting water and soil quality by erosion potentials and erosion prevention measures in the trail construction plans. It is evident that, to date, Spirit Mountain's attention to erosion prevention is inadequate. As demonstration of this I refer you to examination of the deposits of non-local soil in the forested area to the west of the GANC (Grand Avenue Nordic Center) and to the south (towards the St. Louis River) of the abandoned rail line (consult Jim Shoberg). I also refer you to photographs taken by Jim Shoberg between 4 and 5 pm on Monday, June 11, which document substantial erosion from the maintenance road adjacent to the Mtb chair lift.

Response: The EAW discusses the use of sustainable trail design and construction practices in order to minimize erosion issues as well as maintenance requirements of the proposed trails. Specifically the trails will be designed and constructed according to the International Mountain Bike Association (IMBA) sustainable trail guidelines and/or the Minnesota DNR's trail planning, design, and development guidelines. Appendix B of the EAW document provides typical trail design references. The City/Spirit Mountain will be required to prepare Storm Water Pollution Prevention Plan as part of the MPCA-issued NPDES/SDS Construction Stormwater General Permit and City of Duluth permitting process when construction activities trigger such a permit. The National Pollutant Discharge Elimination System (NPDES) is the program for issuing, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345. Spirit Mountain is in the process of improving storm water pollution sedimentation on an on-going basis that were part of inherited legacy conditions. Attached as (Exhibit C) is Spirit Mountain's Draft Water Quality Management Plan that addresses storm water pollution prevention at the facility.

3. MN-DNR Comment – Ronald Wieland – 7-13-2016

Comment: Recommend minimizing tree and brush clearing for the disc golf course basket sites, tee pads, and course paths. Past use on SMRA had areas of informal trail development and scramble areas ('wildcat' trails) on steep slopes that were prone to erosion.

Response: The project proposer agrees with this recommendation. This topic is discussed in the EAW, Section 6.b.v. Disc golf course on page 9 ("The course will be constructed by mowing existing vegetation and trails will be cleared and leveled between holes. Trees and brush will be selectively removed. Stumps will be cut flush with the ground; no grubbing of stumps or roots will take place.") The City will work with disc golf group in the sustainable design, development and construction of their course and associated trails. Specifically, recommendations for sustainable trail connections between holes and removal of vegetation on erodible steep slopes will be designed around or avoided using industry best practices.

4. MN-DNR Comment – Ronald Wieland – 7-13-2016

Comment: Avoid the development and fragmentation of forested areas containing White Cedar or Yellow Birch trees, if possible, since these trees are rare in the project vicinity.

Response: The City recognizes that these trees are rare in quantity on the project site. The project construction will minimize tree loss to the greatest extent practicable. There will be daily on-site construction oversight by qualified City staff or its agent such as a forester, landscape architect or certified arborist. That individual will be responsible for working with contractors on specific tree removal. All removal of trees must be approved by that individual.

5. MN-DNR Comment – Ronald Wieland – 7-13-2016

Comment: Limit the area and frequency of mowing on winter ski trails/slopes and to improve habitat for pollinators and provide cover for small animals. Use native wildflower seed, potentially collectable on site, to enhance native plant diversity.

Response: This topic is discussed in the EAW, Section 6.b.i. Nordic cross country ski trails on page 5 ("Summer maintenance activities, such as mowing will keep woody plant growth under control.") Regular mowing will be limited to locations necessary for regular maintenance and summer operations. Mowing of the greater ski trails and slopes happens just prior to the snow season in the late-autumn to facilitate skiing in low snow conditions and reduce impacts to pollinators, small animals and grassland nesting birds.

6. MN-DNR Comment – Ronald Wieland – 7-13-2016

Comment: Establish a forest management plan to conserve the quality of least disturbed forest habitats. This may include removing exotic species, monitoring forest condition, such as tree succession in canopy gaps (wind throw areas). Discourage visitor encroachment into undisturbed areas and provide explore areas that can tolerate heavier recreation use.



Response: The City of Duluth and Spirit Mountain are committed to preserving the environment for future generations while operating Spirit Mountain's business sustainably. The City understands that operating a year-round, land-based recreational area impacts our environment in varying degrees. While the City cannot eliminate every impact, we can develop and follow best practices to minimize and mitigate our environmental influence. Preparation of a forest management plan will be considered in the future as resources allow.

7. MN-DNR Comment – Ronald Wieland – 7-13-2016

Comment: The northern long-eared bat. The EAW should address whether the proposed project has the potential to adversely affect the NLEB and proposed avoidance measures.

Response: The potential impact to the northern long-ear bat will be addressed during the permitting process with the US Army Corps of Engineers Section 404 permit. The project will comply with the interim 4(d) rule under the Endangered Species Act for the protection of the northern long-eared bat, including limitations on cutting trees between June 1 and July 31.

## **ENVIRONMENTAL ISSUES SUMMARY**

Based upon the information contained in the EAW and provided in written comments received and in response to those comments, the City of Duluth has considered the following the most significant environmental issues identified for the Spirit Mountain Recreation Area Project:

### 1. Project Summary

The proposed recreational improvements include five main components within or directly adjacent to the Spirit Mountain Recreation Area: 1) Nordic cross country ski trails, 2) mountain bike trails, 3) Superior Hiking Trail extensions, 4) Rail-to-Trail conversion, and 5) a disc golf course.

The proposed trail alignments and associated impacts are based on preliminary site evaluations; final locations will be field fit and confirmed as each project component goes into the final design and construction phase. Boardwalks, bridges, and/or culverts will be used in locations where the proposed trails cross waterways or wetland areas.

The proposed trails will be built to International Mountain Bike Association (IMBA) sustainable trail guidelines and/or the Minnesota Department of Natural Resources (MNDNR) trail planning, design, and development guidelines, as appropriate. Sustainable trails are based on incorporating three principals into the design:

- Trails which are designed to retain their form over years of use and natural forces acting on them;
- Trails which are designed to minimize ecological impacts, especially in sensitive areas; and
- Trails which are designed to foster a sense of individual responsibility for stewardship.

The City of Duluth will hire design consultants and construction contractors that build trails to these guidelines to minimize ecological impacts, reduce maintenance and prevent erosion problems. The

proposed recreational improvements will be completed in phases based on funding availability and sources.

The extent of each of the project components is shown in the table R-1 below.

**Table R-1. Magnitude of Project Components**

Project Component	Anticipated Total Length and Area
<b>Nordic cross country ski trails</b>	Lower trails: approx. 3.2 kilometers (2.0 miles, 7.2 acres) Upper trails: approx. 0.6 kilometers (0.4 miles, 1.0 acres) Connector trail: approx. 1.9 kilometers (1.2 miles, 3.3 acres) <i>Total: approx. 5.8 kilometers (3.6 miles, 11.5 acres)</i>
<b>Mountain bike trails</b>	Natural surface trails: approx. 3.0 miles (1.8 acres) Downhill trails: approx. 4.6 miles (2.2 acres) All-weather trails: approx. 2.4 miles (1.1 acres) <i>Total: approx. 10.0 miles (4.8 acres)</i>
<b>Superior Hiking Trail extensions</b>	Upper spur: approx. 0.9miles (0.2 acres) Lower spur: approx. 0.6 miles (0.2 acres) <i>Total: approx. 1.5 miles (0.4 acres)</i>
<b>Rail-to-Trail conversion</b>	Approx. 0.8 miles (1.0 acres)
<b>Disc golf course</b>	Approx. 1.5 miles (12.5 acres)

## 2. Land Cover Changes

Approximately 31.6 total acres (1.8% of the total park area) will be disturbed for construction of the five proposed project components.

With the exception of the lower Nordic ski trails, trails will be constructed according to the IMBA sustainable trail building and/or the MNDNR trail planning, design, and development guidelines. The 20.2 acres (1.8% of the total forest area) of permanent forest cover type conversion represents primarily the clearing of understory vegetation to establish a trail corridor suitable to the corresponding recreational use. Specimen overstory trees will be maintained. The actual trail width for the majority of mountain biking trails will narrow from an initial width of 4 feet to 1.5 to 3 feet with an 8 foot high ceiling; this zone will be cleared of brush and small saplings for trail construction. The lower Nordic ski trails may remove canopy trees to achieve the needed trail width and the estimated 0.6 acres (0.3% of the total wetland area) of permanent wetland cover type conversion for the lower Nordic ski trails may require compensatory mitigation.

**Table R-2. Cover Types for Project Components (acres)**

Cover Type	Before	After
<b>Wetlands</b>	208.7	208.0
<b>Deep water/streams</b>	2.7	2.7
<b>Wooded Forest</b>	1130.6	1110.5
<b>Brush/grassland</b>	203.7	196.0
<b>Cropland</b>	0.0	0.0
<b>Lawn/landscaping</b>	190.7	190.7
<b>Impervious surface</b>	0.0	1.0
<b>Stormwater Pond</b>	0.0	0.0
<b>Other (Trails)</b>	42.3	69.9
<b>Total Area</b>	1778.7	1778.7

3. Impacts to Surface Water, Wetlands and Stormwater

Within the project area, there are six waterways that will be crossed using new or existing bridges by the proposed mountain bike and Nordic ski trails (Table R-3); several drainage ways will also be crossed with new culverts for existing and proposed Nordic ski trails.

**Table R-3. Number of Existing and Proposed Waterway Crossings**

Waterbody	Existing Bridge	Proposed Bridge	Existing Culvert	Proposed Culvert
82 <sup>nd</sup> Ave W Creek	2	1	1	0
Knowlton Creek	4	1	2	0
84 <sup>th</sup> Ave W Creek	1	0	0	2
85 <sup>th</sup> Ave W Creek	0	1	1	5
Gogebic Creek	3	10	2	3
Lenroot Creek	0	1	2	1
Drainage ways	0	0	0	5

Due to the presence of special waters (Knowlton Creek, Stewart Creek, and Kingsbury Creek) and two impaired waters within 1 mile of the proposed trail alignments, all disturbed areas that drain to and are within 1 mile of the special and/or impaired waters will be stabilized immediately and within 7 days of final shaping of the project elements.

The additional snow required for the proposed lower Nordic ski trail will increase the surface water runoff into the downstream waterways, including 85<sup>th</sup> Ave W Creek, 84<sup>th</sup> Ave W Creek, and ultimately the St. Louis River.

The proposed mountain bike and hiking trail alignments will cross wetlands using elevated boardwalks approximately two feet wide to span the wetland on piers. No excavation or fill is proposed to construct these structures over wetlands. The proposed crossings will not involve the hydrologic alternation of wetlands, nor will it adversely affect the wetland functions.

Wetland impacts are anticipated for the construction and maintenance of the proposed lower Nordic ski trails and for culvert installations in the upper Nordic ski trails. The proposed alignment avoided wetland impacts where possible and identified the shortest crossing route where impacts were unavoidable. The final trail alignment will minimize wetland alternations to the maximum extent practicable. Compensatory mitigation may be required for any permanent wetland impacts in this area.

Although wetlands were identified when assessing land cover types, wetland impacts will be avoided during the disc golf course expansion by rerouting the course as necessary. No wetland impacts are anticipated for the Rail-to-Trail conversion.

#### 4. Impacts to Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Habitat)

All proposed construction activity will temporarily disturb the surrounding wildlife habitat and plant communities. The project may affect fish populations in the streams if erosion and sediment loss are not properly controlled and managed. The additional 3.9 million gallons of water for snowmaking for the lower Nordic ski trails represents a 6 percent increase from the existing 65 million gallons of water that have been appropriated for snowmaking for the alpine runs. This additional volume of water is not anticipated to impact the wet mesic habitat present in this low lying area of Spirit Mountain.

Although the ski hill at Spirit Mountain has been in existence for a little more than 40 years, most of the disturbance to the forest ecosystems has occurred with its development. Most of the trail system and ski slopes already exist, and area neighbors and visitors continue to observe wildlife such as whitetail deer and black bear in their natural habitat as reported at meetings with area residents.

The proposed project was surveyed and proposed trail alignments and the disk golf course were located away from known threatened and endangered species populations in the area.

#### 5. Lower Nordic Ski Center and Trail

Measures have been taken to minimize visual effects of the proposed lighting along the lower Nordic ski trails to the nearby residential community by designing down-cast lighting infrastructure that is dark-sky compliant on shorter pole heights that will be 4 to 6 feet in height. In addition, the City has proposed house side shields on the light poles to prevent light trespass onto Bessemer Neighborhood properties. The edge of the Nordic ski trails shall not be closer than 200 feet to any dwelling in the Bessemer Neighborhood. Conifer Trees shall be planted to provide visual screening to those residents whose views have been compromised.

Additionally, an analysis of the additional expected runoff from snowmaking for the lower Nordic ski trails determined that the additional snow made will increase the snowpack by less than 2 percent. The amount of snow being made (and associated runoff) were determined to be dependent on annual snowfall. Only during years with low snowfall will the lower Nordic ski trail require the full amount of additional snow making. A swale will be constructed to enhance the capture the runoff in the area of the residents.

Measures will also be taken to limit noise from activities associated with construction, snow making, and snow grooming of the lower Nordic ski trails to minimize disturbances and maintain noise standards for nearby residential communities.

## COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA UNDER MN RULES:

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the RGU (in this case, the Duluth City Planning Commission) must compare the impacts that may be reasonably expected to occur from the project with the four criteria by which potential impacts must be evaluated (Minn. Rules, Part 4410.1700, Subp. 7.A through 7.D)

**A. Type, extent, and reversibility of environmental impacts:**

Based upon information provided in the EAW and the Responses to Comments, including the comments and responses received by MN-DNR and MN-PCA, the City of Duluth concludes that the potential environmental effects of the project will be limited in extent, temporary, or reversible.

**B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project:**

This project is not dependent on any other projects. The proposed project components will be in close proximity to other existing recreational trails. Given the relatively narrow corridors and footprint, all of these trails are not expected to present significant cumulative adverse effects to the environment.

At this time, there are no known future projects that may interact with the environmental effects of the proposed project within the Spirit Mountain Recreation Area. The Spirit Mountain Master Plan identifies additional projects that may be implemented in the future; however, there is currently no known timeframe or design work for implementing any additional projects that have not been outlined in this environmental review.

The proposed new trail segments will have a very small cumulative effect with the overall number of trails increasing. The new trail segments will temporarily remove brush and saplings in order to construct the project; however, the vegetation will grow back following the completion of trail construction. This will provide an edge effect of nesting and hiding cover for many species of birds and mammals. The overall disturbance is not expected to cause significant adverse environmental effects since the area of impact is less than two percent of the project area.

**C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project:**

Mitigation of any impacts from the project will be achieved through design and inclusion of best management practices (BMPs) and through regulations currently in place, including permit approvals, enforcement of regulations or other programs as listed here:

<b>City of Duluth</b>	
<b>Shoreland Permit</b>	Shoreland permits from the City for vegetation loss within 300' of streams in order to restrict vegetation loss to the minimum necessary to complete the project and to govern mitigation measures used to attenuate the vegetation loss.
<b>Wetland Conservation Act (WCA)</b>	WCA permits from City for wetland impacts associated with culvert installation for the Nordic ski trails.
<b>Erosion Control Permit, Fill Permit and Stormwater General Construction Permit</b>	City Storm Water Construction Permits, SWPPP, erosion control permits to control and treat storm water.
<b>MN State Historical Preservation Office (SHPO)</b>	Received No Properties Determination
<b>Minnesota Pollution Control Agency Stormwater General Construction Permit</b>	Storm Water Construction Permits, SWPPP, erosion control permits to control and treat storm water.
<b>Minnesota DNR Work in Public Waters Permit</b>	Permits for trail crossings of streams, wetland boardwalk crossings, and culvert installations.
<b>U.S. Army Corps of Engineers (USACE) Section 404 Permit</b>	Permits for wetland impacts associated with culvert installations for the Nordic ski trails.
<b>Minnesota Department of Transportation (MN DOT) Right of Way Permit</b>	

***D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer including other EIS's:***

No other environmental effects are anticipated. Environmental effects related to trail design, construction and management, forestry management, stormwater management, and invasive species control can be anticipated and controlled as the results of the following studies:

MN Department of Natural Resources. 2007. *Trail Planning, Design and Development Guidelines*. MN Department of Natural Resources, St. Paul, MN.

Minnesota Pollution Control Agency. 2005. *State of Minnesota Stormwater Manual*. Minnesota Pollution Control Agency, St. Paul, MN.

Minnesota Pollution Control Agency. 2013. *Minnesota NPDES/SDS Construction Stormwater Permit*. Permit Number: MN R 100001, issued on August 1, 2013. St. Paul, MN.

## **DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT**

Minnesota Rules 4410.0300 Subp. 3. Purpose states (in part)

*Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.*

Minnesota Rules 4410.0300 Subp. 4. Objectives further sets forth:

*The process created by parts 4410.0200 to 4410.6500 is designed to:*

- A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;*
- B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;*
- C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;*
- D. reduce delay and uncertainty in the environmental review process; and*
- E. eliminate duplication.*

Based on the Environmental Assessment Worksheet and related documentation for this Project, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU) for this environmental review, concluded the following at their August 9, 2016 regular meeting:

1. The Environmental Assessment Worksheet and related documentation for Spirit Mountain Recreation Area 2017-2017 Improvements were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The record demonstrates that implementation of this Project does not have the potential for significant environmental effects. Therefore, the Duluth City Planning Commission makes a Negative Declaration and does not require the preparation of an environmental impact statement (EIS) for this Project.

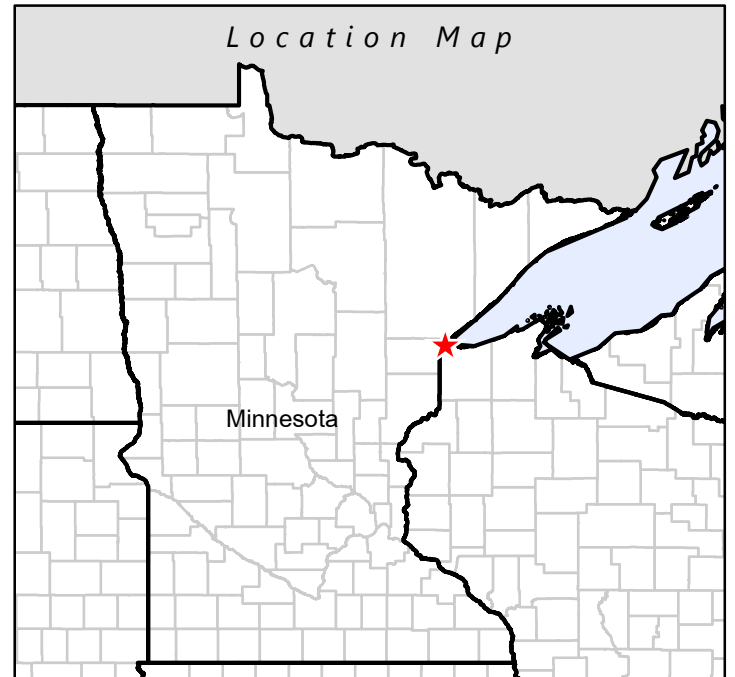
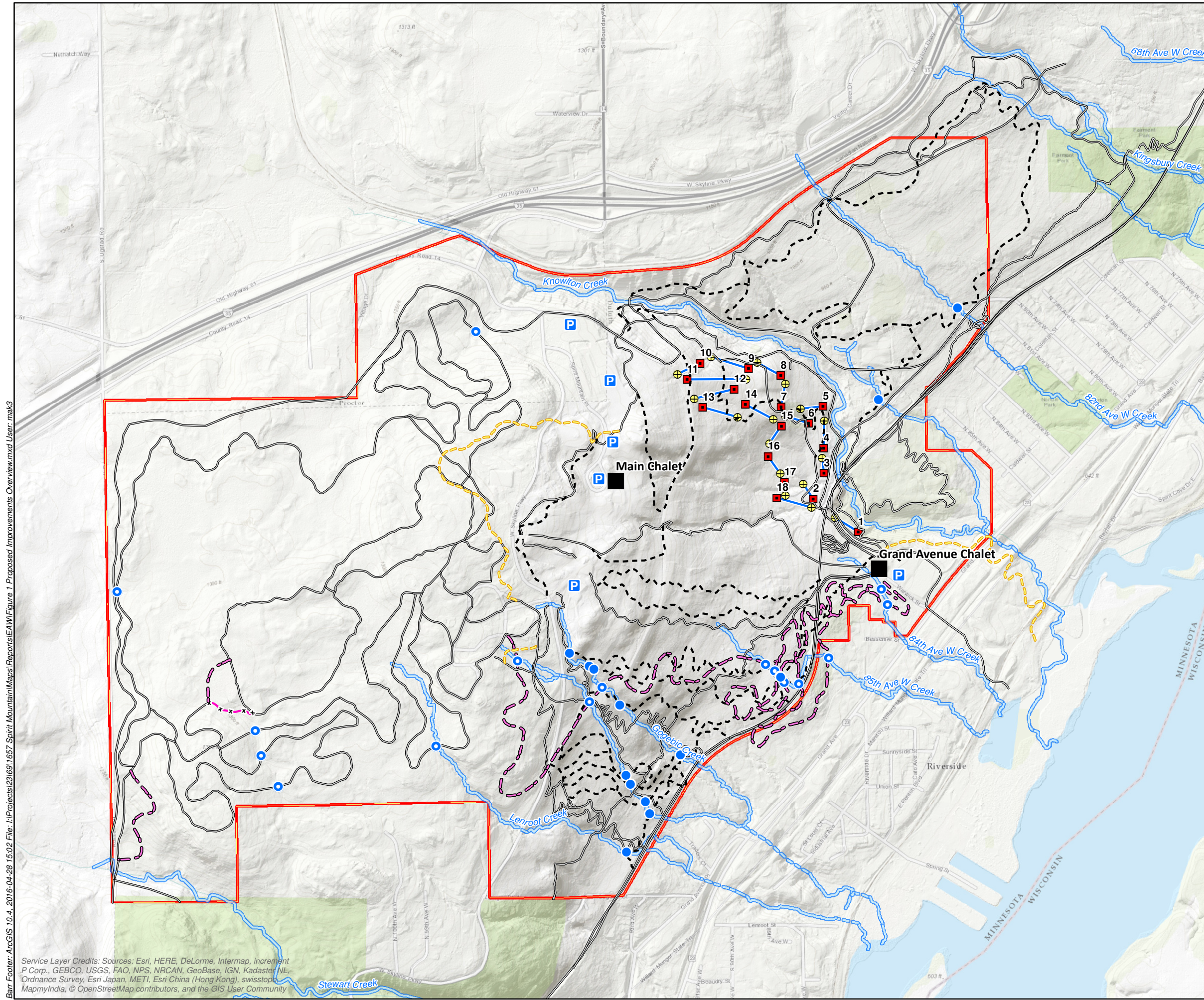
### **ATTACHED EXHIBITS:**

- A. Figure R-1: Project Overview Map
- B. Public comments
- C. Draft Spirit Mountain Water Quality Management Best Practices
- D. Public notification process

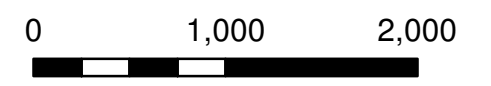
## EXHIBIT A

Figure R-1: Project Overview Map





- Chalet
- Parking Area
- Spirit Mountain Boundary
- Existing Trails
- Proposed Bridge
- Proposed Culvert
- Disc Golf Course
- Basket
- Tee Pad
- Course Path
- Proposed Trails
- Mountain Bike
- Hiking
- Nordic Ski
- Trail to be Removed



Feet  
1 Inch = 1,000 Feet

Figure 1

**SITE LOCATION**  
 Proposed Improvements Overview  
 Spirit Mountain Recreation Area EAW  
 City of Duluth  
 St. Louis County, Minnesota



Barr Footer: ArcGIS 10.4, 2016-04-28 15:02 File: I:\Projects\231691657 Spirit Mountain\Maps\Reports\EAW\Figure 1 Proposed Improvements Overview.mxd User: mak3

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



**EXHIBIT B**

**Public Comments**

## Kyle Deming

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**From:** Keith Hamre  
**Sent:** Wednesday, July 13, 2016 9:04 AM  
**To:** Kyle Deming  
**Subject:** FW: Spirit Mountain EAW

-----Original Message-----

**From:** Keith Hamre  
**Sent:** Wednesday, July 13, 2016 9:04 AM  
**To:** 'Judith and David'  
**Cc:** Cory Salmela; Chad Salmela  
**Subject:** RE: Spirit Mountain EAW

David,  
Thank you for the comments. We will enter these in to the public record.

Keith Hamre  
Director of Planning & Construction Services Room 208 City Hall  
218.730.5297

-----Original Message-----

**From:** Judith and David [mailto:jdavold@gmail.com]  
**Sent:** Tuesday, July 12, 2016 7:12 PM  
**To:** Keith Hamre  
**Cc:** Cory Salmela; Chad Salmela  
**Subject:** Spirit Mountain EAW

I attended the public hearing today on the EAW at City Hall at 5 PM. "KD", author of the EAW said we could email general support comments to you. ( I don't have the technical expertise to comment on the EAW)

I, like the 10-12 other citizens that attended today's hearing, am a strong supporter of the Grand Avenue Nordic Center project. It will be a great asset to our city, providing a reliable venue for XC ski exercise in the late fall and winter months for our community. Our youth will be more likely to participate in school sponsored XC skiing, ski shops will be helped in selling XC ski equipment, and the chalet will provide a great meeting place for XC skiers and their families. I am a primary care physician, and strongly support staying active and exercising during our long winter months!

Sincerely,

David Arvold MD  
1314 Denney Drive  
Duluth, MN 55805

## Kyle Deming

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**From:** MaryBeth Nevers <mbnevers@gmail.com>  
**Sent:** Wednesday, July 13, 2016 9:05 AM  
**To:** Kyle Deming  
**Subject:** Spirit Mountain EAW comments

Kyle,

I support the Grand Avenue Development plan and specifically the development of the Grand Avenue Nordic ski trail system with the addition of machine made snow. After thoroughly reviewing the EAW, it is clear that it addresses the major environmental concerns for this development and this project should move forward in a timely manner.

Thank you.

MaryBeth Nevers, Realtor, BA, MS

Real Living Messina and Associates  
1512 E Superior Street  
Duluth, MN 55812  
[mbnevers@gmail.com](mailto:mbnevers@gmail.com)  
218-349-0702

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MaryBeth Nevers  
218-349-0702

## **Kyle Deming**

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**From:** Nils Arvold <narvold@gmail.com>  
**Sent:** Wednesday, July 13, 2016 1:21 PM  
**To:** Kyle Deming  
**Subject:** Spirit Mountain EAW / Grand Avenue Nordic project -- public comment

Hello,

I have reviewed the Spirit Mountain EAW currently open for public comment by the Planning Commission. I feel that in balancing the environmental risks presented in the EAW, alongside the community benefits of the proposed work, that the benefits outweigh the potential risks. I therefore strongly support the project and am hopeful the Commission will come to a similar conclusion. The benefits of additional community-accessible trails in the western portion of Duluth, with lighting and snowmaking for early-season cross country skiing, would be highly beneficial for thousands of members of our community.

Sincerely,

Nils Arvold

**Nils Arvold, MD**

Radiation Oncology

St. Luke's Regional Cancer Center

1001 E. Superior St., Lakeview Building, Suite L101

Duluth, MN 55802

Direct: 218-834-7721

[Nils.Arvold@slhduluth.com](mailto:Nils.Arvold@slhduluth.com)

## Kyle Deming

---

**From:** Keith Hamre  
**Sent:** Thursday, July 14, 2016 10:18 AM  
**To:** Kyle Deming  
**Subject:** Fwd: Submitted: Spirit Mountain EAW comments  
**Attachments:** Levy\_mark\_green.pdf; ATT00001.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Email Follow-up

Sent from my iPhone

Begin forwarded message:

**From:** Louise Levy <[info@levytreecare.com](mailto:info@levytreecare.com)>  
**Date:** July 13, 2016 at 4:15:10 PM CDT  
**To:** Keith Hamre <[khamre@DuluthMN.gov](mailto:khamre@DuluthMN.gov)>  
**Subject:** Submitted: Spirit Mountain EAW comments

Keith,

Thank you for your time. My comments on the Spirit Mtn EAW are as follows:

- There is, in general, insufficient language regarding tree preservation and protection. This is, I suspect, due to trail construction and other similar activities not being covered in the UDC tree preservation language.

- There is insufficient attention paid to protecting water and soil quality by erosion potentials and erosion prevention measures in the trail construction plans. It is evident that, to date, Spirit Mountain's attention to erosion prevention is inadequate. As demonstration of this I refer you to examination of the deposits of non-local soil in the forested area to the west of the GANC and to the south (towards the St Louis River) of the abandoned rail line (consult Jim Shoberg). I also refer you to photographs taken by Jim Shoberg between 4pm and 5pm on Monday, July 11, which document substantial erosion from the maintenance road adjacent to the Mtb chair lift.

- After several walkthroughs of the proposed Grand Avenue Nordic Chalet nordic trail system, I am confident that sufficient tree preservation and protection measures will eventually be incorporated into trail layout by DXC (Gary Larson) and the City of Duluth (Jim Shoberg). On 11 July the three of us spent 90 minutes in the late afternoon walking the trail proposed trail system. We discussed high value trees (using UDC tree preservation language as a reference), how to protect trunks, structural roots, absorbing roots, and soil and water.

- The EAW sections on historic forest cover are adequate / sufficient to convey the important of preserving conifer tree species where present and point to inclusion of directed tree planting as part of all new trail construction projects.

I am not familiar enough with the EAW and EIS processes to know if these points suggest supporting an EIS for this collection of projects at Spirit Mountain. I leave that to those more familiar with EAWs and EISs.

Thank you for the opportunity to comment on this document.

Sincerely,  
Louise

Louise Levy  
Levy Tree Care, LLC  
[levytrecare.com](http://levytrecare.com)  
[facebook.com/LevyTreeCare](https://www.facebook.com/LevyTreeCare)  
W: 218-724-5464  
C: 218-393-4847

ISA Certified Arborist #MN-4406A  
MNLA Certified Professional, Grower specialty  
MN & WI Certified Pesticide Applicator  
TCIA Certified Treecare Safety Professional #1557



MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
NORTHEAST REGION  
1201 E HWY 2  
GRAND RAPIDS, MN 55744  
218-327-4455

July 13, 2016

Jim Shoberg  
Project Coordinator  
411 West First Street – Ground Floor  
Duluth, Minnesota 55802  
[jshoberg@duluthmn.gov](mailto:jshoberg@duluthmn.gov)

Re: 2016-2017 Spirit Mountain Recreation Area Improvements, Duluth, Minnesota Environmental Assessment Worksheet (EAW)

Dear Mr. Shoberg:

The Environmental Assessment Worksheet (EAW) for the proposed 2016-2017 Spirit Mountain Recreation Area (SMRA) Improvements, Duluth, Minnesota project describes proposed trail development and its potential environmental effects. The project identifies a variety of trail systems proposed: mountain bike, Nordic cross country ski trail, hiking trails, and disc golf course trails. The Minnesota Department of Natural Resources (DNR) offers the following comments for your consideration. The EAW is accurate and complete and does not indicate the need for completion of an Environmental Impact Statement.

Disc golf course. We recommend that the Proposer minimize tree and brush clearing for the disc golf course basket sites, tee pads, and course paths. Past use on SMRA had areas of informal trail development and scramble areas ('wildcat' trails) on steep slopes that were prone to erosion.

Avoid the development and fragmentation of forested areas containing White Cedar or Yellow Birch trees, if possible, since these trees are rare in the project vicinity.

Limit the area and frequency of mowing on winter ski trails/slopes and to improve habitat for pollinators and provide cover for small animals. Use native wildflower seed, potentially collectable on site, to enhance native plant diversity.

Establish a forest management plan to conserve the quality of least disturbed forest habitats. This may include removing exotic species, monitoring forest condition, such as tree succession in canopy gaps (wind throw areas). Discourage visitor encroachment into undisturbed areas and provide explore areas that can tolerate heavier recreation use.

[mndnr.gov](http://mndnr.gov)



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AN EQUAL OPPORTUNITY EMPLOYER.





MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
NORTHEAST REGION  
1201 E HWY 2  
GRAND RAPIDS, MN 55744  
218-327-4455

The northern long - eared bat (*Myotis septentrionalis*), a state - listed species of special concern, is found throughout Minnesota. Effective May 4, 2015, the U.S. Fish and Wildlife Service (USFWS) listed the northern long-eared bat as threatened under the Endangered Species Act (ESA) and implemented an interim 4(d) rule. The US Fish and Wildlife Service provides a key on its web site to determine if your planned non-federal activity may cause prohibited take of northern long-eared bats as defined in the 4(d) rule under the Endangered Species Act and if a permit is necessary. The Environmental Assessment Worksheet should address whether the proposed project has the potential to adversely affect the NLEB and proposed avoidance measures. Potential disturbances include tree removal if a hibernaculum is in the vicinity of the project site. Refer to <https://www.fws.gov/midwest/endangered/mammals/nleb/>.

Thank you for your consideration of these matters and we look forward to receiving the record of decision on the determination of a need for an Environmental Impact Statement.

Sincerely,

Ronald Wieland  
Environmental Review Planner  
Minnesota Department of Natural Resources  
651-259-5157

[mndnr.gov](http://mndnr.gov)



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# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

July 19, 2016

Mr. Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
411 West First Street, Room 208  
Duluth, MN 55802

Re: Spirit Mountain Recreation Area Environmental Assessment Worksheet

Dear Mr. Hamre:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Spirit Mountain Recreation Area project (Project) located in the city of Duluth, St. Louis County, Minnesota. The Project consists of the construction of various recreational trails and a disc golf course. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this Project. Please provide the notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me via email at [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us) or via telephone at 651-757-2508.

Sincerely,

A handwritten signature in black ink that reads "Karen Kromar".

Karen Kromar  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul  
Patrick Carey, MPCA, St. Paul

## EXHIBIT C

### Draft Spirit Mountain Water Quality Management Best Practices

## Introduction

Spirit Mountain Recreation Area Mission Statement: To develop a wide range of quality, year-round recreational activities that encourage regional economic growth while conserving our environment.

Spirit Mountain is committed to preserving our environment for future generations while operating our business sustainably. We understand that operating a year-round, land-based recreational area impacts our environment in varying degrees. While we cannot eliminate every impact, we can develop and follow best practices to minimize and mitigate our environmental influence.

## Importance of Water Quality

1. Fresh, high-quality water is one of our most important natural resources. Lake Superior, the St. Louis River and regional lakes and streams are incredibly vital sources of fresh water.
2. Clean water is critical for:
  - a. Drinking water
  - b. Municipal needs
  - c. Natural filtration and bio-systems regulation
  - d. Health and quality of life
  - e. Preservation of fish/wildlife habitats and riparian and wetland areas
  - f. Diverse terrestrial and aquatic bio-systems
  - g. Agriculture
  - h. Recreational activities

## Potential Sources of Environmental Impacts at Ski Areas

1. Construction of roads, buildings and chairlifts and associated utilities necessary for the operation of the facility
2. Trail development
3. Disc Golf Course
4. Special permitted events
5. Business operations
6. Humans usage of the landscape
7. Weather events

8. Seasonal weather
9. Natural disasters

#### Methods for Minimizing and Mitigating Environmental Impacts

1. Sustainable construction and development following best practices for stormwater mitigation and pollution prevention.
2. Partner with agencies such as the City of Duluth, DNR, Army Corps of Engineers, the MPCA and EPA.
3. Work with contractors who follow and are certified in the installation of stormwater pollution prevention best management practices and sustainable construction methods.
4. Develop and follow best practices for water quality and environmental conservation.
5. Follow best practices for water control management as outlined by the U.S. Forest Service, National Ski Areas Association, EPA and PCA.

#### Guidelines for Effective Environmental and Water Management Include (but are not limited to):

1. Follow stormwater pollution best practices for any construction activity and implement a National Pollution Eliminations Systems Discharge (NPDES) Stormwater Pollutions Prevention Plan Permit (SWPPP) for any construction actives that trigger such a permit.
2. Maintain buffers away from streams and wetlands.
3. Tuck mountain buildings in hillsides where/when possible.
4. Provide staging areas for construction projects where stormwater can be managed.
5. Develop drainage plans for parking areas, roads and trails.
6. Contain foundation excavation materials within sediment trapping barriers.
7. Control erosion with silt fences, straw bales, vegetation buffers, and other stormwater pollution prevention best management practices
8. Combine construction projects where applicable to reduce building footprints and ground disturbances.
9. Locate access roads in previously disturbed areas.
10. Pre-construct utilities in the same corridor during the same construction season.
11. Locate utility lines under roads or in previously disturbed areas.
12. Reuse foundation excavation material.
13. Use silt fence and straw bales between construction sites and streams or wetlands
14. Follow ski runs when installing snowmaking equipment such as water lines, power supply, etc.

15. Utilize snowmaking infrastructure (containment ponds, grit chambers, water lines, etc.) to control erosion and runoff.
16. Use water bars, ditches, check dams and containment areas to control runoff.
17. Revitalization, restoration and revegetation of disturbed areas.
18. Properly maintain roads, trails and parking areas.
19. Limit bare soils exposure to rainfall and snowmelt.

#### Monitoring Damage to Roads, Trails, Parking Areas, Construction Sites, etc.

1. From time to time Spirit Mountain experiences significant weather events that spawn unusually large amounts of rainfall and/or water runoff.
2. When this occurs, Spirit Mountain staff will monitor and inspect water drainage areas, trails, roads, parking lots and water diversion/containment areas.
3. If areas are found to be damaged by water runoff, the areas will be repaired and restored.

#### Mountain Bike Trails

1. Spirit Mountain's mountain bike trails are specifically designed and built by professional mountain bike trail developers/contractors to minimize environmental impacts.
2. Best practices for bike trail development and construction include (but are not limited to):
  - a. Follow guidelines for sustainable mountain bike trail management as set forth by IMBA, MnDNR and the U.S. Forest Service.
  - b. Develop well-designed trails that create good experiences for diverse users.
  - c. Locate trails to minimize environmental impacts.
  - d. Route trails to avoid, boardwalk or bridge over riparian or wetland areas.
  - e. Perform regular and appropriate maintenance on trails.
  - f. Restrict access during sensitive times (heavy moisture saturation, mud, etc.)
  - g. Encourage Leave No Trace practices.
  - h. Educate riders, staff and guests.

#### More Information

For more information on Spirit Mountain's Water Quality Management Best Practices, please contact:

Spirit Mountain Recreation Area  
9500 Spirit Mountain Place  
Duluth, MN 55810  
218-628-2891

## EXHIBIT D

### Public Notification Process



## Minnesota Environmental Quality Board

**Publication Date: June 13, 2016**  
Vol. 40, No. 24

**Next Publication (8:00 AM): June 20, 2016**  
Submittal Deadline (4:00 PM): June 13, 2016  
Use the [EQB Monitor Submission Form](#)  
View the [2016 EQB Monitor Schedule](#)



You can manage your subscription to the EQB *Monitor* [here](#). Be sure to add [MNEQB@public.govdelivery.com](mailto:MNEQB@public.govdelivery.com) to your address book or safe sender list.

Check the [EQB Calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).

## EQB Environmental Review Survey

Starting July 1, 2016, the Environmental Quality Board (EQB) will be distributing online surveys to responsible governmental units (RGU) upon completion of the environmental review process. RGUs that have completed environmental review since the beginning of 2016 will also be invited to complete the environmental review survey. This ongoing survey will replace the year end survey distributed in 2015. Survey responses will be used to assess our customer service and identify opportunities to improve the EQB Environmental Review Program.

- [Environmental Assessment Worksheet](#)
- [Environmental Impact Statement Need Decisions](#)
- [Alternative Urban Areawide Review Update Adoption](#)
- [Notices](#)

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### Environmental Assessment Worksheet

The following EAW has a comment deadline of July 13, 2016

## Project Title: 2016-2017 Spirit Mountain Recreation Area Improvements – Duluth, MN

**Project Description:** The Spirit Mountain recreational improvements include construction and maintenance of Nordic cross country ski trails (5.8 kilometers/3.6 miles), construction of mountain bike trails (10.0 miles), Superior Hiking Trail extensions (1.5 miles), Rail-to-Trail conversion (0.8 miles), and a disc golf course (18 holes, approximately 1.5 miles).

The EAW is available on the City of Duluth Community Planning Division's web site under



“Environmental” (<http://www.duluthmn.gov/community-planning/eaw/>) or from the reference section of the Duluth Public Library. Copies of the document are also available in printed or CD-ROM format from the City of Duluth Community Planning Division, Room 208 City Hall.

A public hearing with the City Planning Commission will be held on Tuesday, July 12, 2016, 5:00 p.m., in the 3rd Floor Council Chambers of Duluth City Hall, 411 West First Street.

The comment period for this EAW ends at 4:30 p.m., July 13, 2016.

**Responsible Governmental Unit (RGU):** City of Duluth Planning Commission

**RGU Contact Person:**

Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
411 West First Street, Room 208  
Duluth, Minnesota 55802  
218-730-5580  
[khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

---

## Environmental Impact Statement Need Decisions

The noted responsible governmental units have determined the following projects do not require the preparation of an Environmental Impact Statement. The dates given are, respectively, the date of the determination and the date the Environmental Assessment Worksheet notice was published in the EQB *Monitor*.

- Minnesota Pollution Control Agency, Boerboom Ag Resources - Redwood, 6-3-16 (4-18-16)
- City of Minneapolis, 600 Washington Avenue SE, 5-31-16 (4-4-16)

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## Alternative Urban Areawide Review Update Adoption

# Project Title: Final Country Manor Senior Living Campus (Formerly Arcon St. Joseph AUAR)

The City of St. Joseph adopted the Update to the Arcon St. Joseph AUAR on June 1, 2016.

**Responsible Governmental Unit (RGU):** City of St. Joseph

**RGU Contact Person:**

Judy Weyrens  
Administrator  
PO Box 668  
St. Joseph, MN 56374  
320-363-7201  
[jweyrens@cityofstjoseph.com](mailto:jweyrens@cityofstjoseph.com)

---



City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
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## MEMORANDUM

**TO:** EAW Distribution List

**FROM:** Keith Hamre, Director of Planning and Construction Services *AF*

**DATE:** June 9, 2016

**RE:** EAW for Spirit Mountain Recreation Area 2016-2017 Improvements

Enclosed, please find the Environmental Assessment Worksheet (EAW) for Spirit Mountain Recreation Area 2016-2017 Improvements proposed by the City of Duluth Parks and Recreation Department.

The City of Duluth Planning Commission, as the Responsible Government Unit (RGU), will receive public comments on the EAW during their regular meeting at 5:00 p.m. on Tuesday, July 12, 2016, Council Chambers, Third Floor of Duluth City Hall, 411 West First Street.

Written comments will be accepted during the 30-day public comment period, which begins on Monday, June 13, 2016, and ends at 4:30 p.m. on Wednesday, July 13, 2016.

Written comments should be directed to:

Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
411 West First Street, Room 208  
Duluth, Minnesota 55802

Telephone: 218-730-5580  
Email: [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

Encl. Spirit Mountain Recreation Area EAW

**ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DISTRIBUTION LIST  
(Minn. R. 4410.1500)**

CDs or electronic copies may be submitted in lieu of paper copies, unless a paper copy is specifically noted. Confirmation of receipt is advised when submitting electronic copies to an email address provided below.

**STATE AGENCIES**

**Department of Agriculture** (1 copy)  
Becky Balk  
625 N. Robert St.  
St. Paul, MN 55155  
[Becky.Balk@state.mn.us](mailto:Becky.Balk@state.mn.us)

**Department of Commerce** (1 copy)  
Ray Kirsch  
85 Seventh Place East, Suite 500  
St. Paul, MN 55101

**Environmental Quality Board** (1 copy, prefer  
Environmental Review Program electronic)  
520 Lafayette Road North – 4<sup>th</sup> Floor  
St. Paul, MN 55155-4194  
[EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us)

**Department of Health** (1 copy, prefer electronic)  
Environmental Health Division  
625 N. Robert St.  
St. Paul, MN 55155  
[Health.Review@state.mn.us](mailto:Health.Review@state.mn.us)

**Department of Natural Resources** (3 copies, paper  
or electronic)  
Randall Doneen  
Environmental Review Unit  
500 Lafayette Road  
St. Paul, MN 55155-4025  
[Randall.Doneen@state.mn.us](mailto:Randall.Doneen@state.mn.us)

**Pollution Control Agency** (1 paper copy and 1 CD)  
Dan Card  
Environmental Review Unit – 4<sup>th</sup> Floor  
520 Lafayette Road North  
St. Paul, MN 55155

**Department of Transportation** (1 paper copy)  
Debra Moynihan  
Mn/DOT Office of Environmental Stewardship  
Stewardship Team Manager  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

**Board of Water and Soil Resources** (1 copy)  
Travis Germundson  
520 Lafayette Rd.  
St. Paul, MN 55155  
[Travis.Germundson@state.mn.us](mailto:Travis.Germundson@state.mn.us)

**LIBRARIES**

**Technology and Science** (2 copies)  
Hennepin County Library – Minneapolis Central  
Attn: Helen Burke  
Government Documents, 2nd Floor  
300 Nicollet Mall  
Minneapolis, MN 55401-1992

**FEDERAL**

**U.S. Army Corps of Engineers** (1 copy)  
Tamara Cameron  
Regulatory Functions Branch  
180 Fifth Street East, Suite #700  
St. Paul, MN 55101-1678

**U.S. Environmental Protection Agency** (1 paper copy  
and 1 copy on CD. NOTE: Send only IF project is a joint  
state MEPA and federal NEPA document)  
Kenneth Westlake  
Phone: 312-886-2910  
US EPA, Region 5  
Office of Enforcement and Compliance Assurance  
77 W. Jackson Blvd. (mail code: E-19J)  
Chicago, Illinois 60604-3590

**U.S. Fish and Wildlife Service** (1 copy)  
Twin Cities Field Office E.S.  
Project Leader  
4101 American Blvd. East  
Bloomington, MN 55425-1665

**National Park Service** (1 copy)  
Stewardship Team Manager  
111 E Kellogg Blvd., Suite 105  
St. Paul, MN 55101-1288  
(If project is located within, or could have a direct  
impact upon, the Mississippi River Critical  
Area/Mississippi National River and Recreation Area -  
A 72-mile stretch of river from the mouth of the Crow  
River at Dayton/Ramsey to the Goodhue County border.)

**REGIONAL**

**Metropolitan Council** (NOTE: 1 copy, send only IF the  
project is in the seven-county metro area)  
Review Coordinator, Local Planning Assistance  
Metropolitan Council  
390 Robert Street North  
St. Paul, MN 55101-1805  
[raya.esmaeji@metc.state.mn.us](mailto:raya.esmaeji@metc.state.mn.us)

**OTHER**

**State Archaeologist** (1 copy)  
Fort Snelling History Center  
St. Paul, MN 55111-4061

**Minnesota Historical Society** (1 paper copy)  
State Historic Preservation Office  
Review and Compliance  
345 Kellogg Blvd. W.  
St. Paul, MN 55102

**Indian Affairs Council** (1 copy)  
Indian Affairs Council  
Melissa Cerda  
161 St. Anthony Ave. Suite 919  
St. Paul, MN 55103  
[Melissa.Cerda@state.mn.us](mailto:Melissa.Cerda@state.mn.us)

**Copies of the EAW must be sent to:**

- Project proposer *Jim - email link to doc.*
- Local unit of government corresponding to project jurisdiction, such as the county planning and zoning office, township, watershed district, soil and water conservation districts, water management organizations
- Regional Development Commission, where applicable (see Regional Development Commission Distribution List, page 5) *ARDC - CD*
- Regional Development Library for the region in which the project site falls (see Regional Development Libraries Distribution List and Map, pages 6-7) *Duluth Public Library - Paper & CD*
- ~~Representatives of petitioners if the review was initiated by a citizen petition~~
- Any other person who has submitted a written request for notification

*Planning office  
2 paper, 1 CD*

**Press Release:**

A press release must be provided to at least one newspaper of general circulation or an official website for notices in the project area within **five working days** of the date of submission of the EAW to EQB Staff. The release must include the name, location, and a brief description of the project; location(s) where the EAW can be reviewed; the comment period deadline and to whom comments should be submitted.

## REGIONAL DEVELOPMENT LIBRARIES DISTRIBUTION LIST

### Region 1

Crookston Public Library  
110 No. Ash St.  
Crookston, MN 56716  
[crookston@larl.org](mailto:crookston@larl.org)

### Region 2

Bemidji Public Library  
509 American Ave. NW  
Bemidji, MN 56601  
[bemidji@krls.org](mailto:bemidji@krls.org)

### Region 3

Duluth Public Library  
520 W Superior St.  
Duluth, MN 55802  
[webmail@duluth.lib.mn.us](mailto:webmail@duluth.lib.mn.us)

### Region 4

Fergus Falls Public Library  
205 E Hampden  
Fergus Falls, MN 56537  
[library@fergusfals.lib.mn.us](mailto:library@fergusfals.lib.mn.us)

### Region 5

Kitchigami Regional Library  
212 Park Ave., PO Box 14  
Pine River, MN 56474  
[info@krls.org](mailto:info@krls.org)

### Region 6

Willmar Public Library  
410 Fifth St. SW  
Willmar, MN 56201-3298  
[willmar@willmar.lib.mn.us](mailto:willmar@willmar.lib.mn.us)

### Region 6W

Montevideo/Chippewa County Library  
224 So. First St.  
Montevideo, MN 56265  
[davidl@montevideo.lib.mn.us](mailto:davidl@montevideo.lib.mn.us)

### Region 7E

East Central Regional Library  
244 So. Birch St.  
Cambridge, MN 55008  
[ecregion@ecrl.lib.mn.us](mailto:ecregion@ecrl.lib.mn.us)

### Region 7W

Great River Regional Library  
1300W St. Germain  
St. Cloud, MN 56301-3667

### Region 8

Marshall-Lyon County Library  
201 C Street  
Marshall, MN 56258  
[library@marshalllyonlibrary.org](mailto:library@marshalllyonlibrary.org)

### Region 9

Blue Earth County Library  
100 E. Main  
Mankato, MN 56002

### Region 10

Rochester Public Library, Reference Dept.  
101 Second St. SE  
Rochester, MN 55904  
[reference@rochester.lib.mn.us](mailto:reference@rochester.lib.mn.us)

### Region 11 Metropolitan Council

Hennepin County Library – Minneapolis Central  
Attn: Helen Burke  
Government Documents - 2<sup>nd</sup> Floor  
300 Nicollet Mall  
Minneapolis, MN 54401-1992  
[hburke@hclib.org](mailto:hburke@hclib.org)

**REGIONAL DEVELOPMENT COMMISSION DISTRIBUTION LIST**

**Northwest RDC**  
115 So. Main Ave.  
Warren, MN 56762

**Headwaters RDC**  
PO Box 906  
Bemidji, MN 56609-0906

**Arrowhead RDC**  
Pat Henderson, Executive Director  
221 W First St.  
Duluth, MN 55802

**Region Five RDC**  
403 Prairie Ave NE  
Staples, MN 56479

**West Central Initiative**  
P.O. Box 318  
Fergus Falls, MN 56538-0318

**Upper Minnesota Valley RDC**  
323 W. Schlieman Ave.  
Appleton, MN 56208

**East Central RDC**  
100 Park St. So.  
Mora, MN 55051

**Southwest RDC**  
2401 Broadway Ave., Suite 1  
Slayton, MN 56172

**Region Nine RDC**  
10 Civic Center Plaza Suite 3  
P.O. Box 3367  
Mankato, MN 56002-3367

**Mid-Minnesota RDC**  
333 W Sixth St., SW, Suite 2  
Willmar, MN 56201-5615



**FOR IMMEDIATE RELEASE**  
**City of Duluth - Parks and Recreation Division**

---

411 West First Street, Duluth, Minnesota 55802  
218-730-4309 | [www.duluthmn.gov](http://www.duluthmn.gov) | Lindsay Dean, Parks and Recreation Division Mgr.

For more information contact Pakou Ly, Public Information Coordinator 218-730-5309

**DATE: 6/10/2016**

**SUBJECT: Public Comment Needed on Environmental Assessment Worksheet for Spirit Mountain Recreation Area Improvements**

**BY: Pakou Ly, Communications Office**

---

**Public Comment Needed on Environmental Assessment Worksheet for Spirit Mountain Recreation Area Improvements**

[Duluth, MN] - The City of Duluth is accepting public comments during a 30-day public review period running from June 13 to July 13, 2016, on an Environmental Assessment Worksheet (EAW) that was prepared for proposed improvements at Spirit Mountain Recreation Area in 2016-2017, such as Nordic cross country ski trails, mountain bike trails, Superior Hiking Trail extensions, Rail-to-Trail conversion, and an 18-hole disc golf course. The proposed projects would initiate when all permits and approvals are received. These improvements are part of the St. Louis River Corridor Initiative aimed at revitalizing and enhancing recreational opportunities and appropriate development in the western corridor of Duluth.

The EAW will provide information on the environmental impacts of this project. A copy of the EAW is available online at <http://www.duluthmn.gov/community-planning/eaw/>. Additional hard copies of the EAW are available for public review at:

- Duluth Public Library (Reference Department), 520 West Superior Street, Duluth
- Duluth Community Planning Office, 411 West First Street, Room 208, Duluth

Notice of the EAW will be published in the June 13, 2016 EQB Monitor. Written comments must be submitted no later than 4:30 p.m. on July 13, 2016, to the attention of Keith Hamre, Director of Planning and Construction Services, 411 West First Street, Room 208, Duluth, MN 55802.

The Planning Commission will hold a Public Hearing to receive comments on the EAW on Tuesday, July 12, 2016, 5:00 p.m., in the 3rd Floor Council Chambers of Duluth City Hall, 411 West First Street.

The Planning Commission will review the written comments and make a determination on the EAW at their regular meeting on Tuesday, August 9, 2016, 5:00 p.m., in the 3rd Floor Council Chambers of Duluth City Hall, 411 West First Street.

Electronic comments may be sent to [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov) with "Spirit Mountain EAW comments" in the subject line. If submitting comments electronically, please include your full name and postal mailing address.

###



City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
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Planning Commission Agenda  
Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
**Tuesday, May 24, 2016 5:00 PM**  
**Special Meeting**

- I. Call to Order and Roll Call
- II. Public Hearings
  - A. PL 16-038 UDC Rezoning for Quarry Park from I-G and RR-1, to P-1, Parks and Open Space by the City of Duluth **JK**
  - B. PL 16-022 Vacation of Utility Easement at 9512 Congdon Boulevard by Elizabeth Jeronimus Estate and David Jeronimus **CL**
  - C. PL 16-033 Variance from Shoreland Rules by Kevin Cornwell and Mary Ziegler at 414 Maryland Avenue **CL**
  - D. PL 16-036 Mixed Use Commercial (MU-C) Planning Review for Commercial Development at 1734 Mall Drive by NCD Duluth SC, LLC **JRM**
  - E. PL 16-037 Minor Subdivision at 1734 Mall Drive by NCD Duluth SC, LLC **JRM**
  - F. ~~PL 16-013 Special Use Permit for a High School in an Residential Rural 1 (RR-1) Zone District at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski~~ **SR As of 5/23/16, applicant has withdrawn applications PL 16-013, -014, 015, and 029. Applicant may submit new applications in the future.**
  - G. ~~PL 16-014 Variance from Maximum Off Space Parking Requirements Per UDC 50-24.2 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski~~ **SR**
  - H. ~~PL 16-015 Variance from Front Yard Parking Per UDC 50-24.6 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski~~ **SR**
  - I. ~~PL 16-029 Variance from Height Limit in Residential Rural1 (RR-1) Zone at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski~~ **SR**
  - J. PL 16-031 UDC Text Amendments (Tabled from April 12 For Additional Discussion) **SR**
    - 50-15.2, -15.3, and -15.5 MU-N, MU-C, and MU-B Zoning Districts
    - 50-18.1.D Shoreland
    - 50-20.3 Commercial Uses



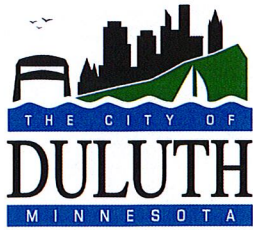
- 50-20.7 Adaptive Reuse of a Local Historic Landmark
- 50-21.3 Exceptions and Encroachments
- 50-22.4 Cap Type
- 50-23.2 Connectivity
- 50-24.2 Required Parking Spaces
- 50-25.2 Landscaping
- 50-27.3 and -27.7 Signs
- 50-29 Sustainability
- 50-32 International Property Maintenance Code
- 50-37.9 Variance Standards

III. Other Business

- A. Determination of Completeness of Draft Spirit Mountain Recreation Area Environmental Assessment Worksheet
- B. Update on Tax Forfeit Committee Meeting and Tax Forfeit Parcels (List Printed Dec 2, 2015)

IV. Communications

- A. Manager's Report
- B. Consideration of Minutes
- C. Reports of Officers and Committees
  - Heritage Preservation Commission Representative
- D. Adjournment



# CITY OF DULUTH

COMMUNITY PLANNING & CONSTRUCTION SERVICES  
Community Planning Division  
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197  
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## ACTIONS OF THE PLANNING COMMISSION SPECIAL MEETING MAY 24, 2016

### Roll Call:

Members Present: Marc Beeman, Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer, Luke Sydow, and Zandra Zwiebel  
Members Absent: N/A

- A. PL 16-038 UDC Rezoning for Quarry Park from I-G and RR-1, to P-1, Parks and Open Space by the City of Duluth  
**Recommend Approval**  
**VOTE: 8-0**
  
- B. PL 16-022 Vacation of Utility Easement at 9512 Congdon Boulevard by Elizabeth Jeronimus Estate and David Jeronimus  
**Recommend Approval**  
**VOTE: 8-0**
  
- C. PL 16-033 Variance from Shoreland Rules by Kevin Cornwell and Mary Ziegler at 414 Maryland Avenue  
**Approved**  
**VOTE: 8-0**
  
- D. PL 16-036 Mixed Use Commercial (MU-C) Planning Review for Commercial Development at 1734 Mall Drive by NCD Duluth SC, LLC  
**Approved**  
**VOTE: 7-0, Sydow Abstained**
  
- E. PL 16-037 Minor Subdivision at 1734 Mall Drive by NCD Duluth SC, LLC  
**Approved**  
**VOTE: 7-0, Sydow Abstained**
  
- F. PL 16-013 Special Use Permit for a High School in an Residential-Rural 1 (RR-1) Zone District at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski  
**As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, -015 and -029. The Applicant may submit new applications in the future.**
  
- G. PL 16-014 Variance from Maximum Off-Space Parking Requirements Per UDC 50-24.2 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski  
**As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, -015 and -029. The Applicant may submit new applications in the future.**

- H. PL 16-015 Variance from Front Yard Parking Per UDC 50-24.6 at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski  
**As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, -015 and -029. The Applicant may submit new applications in the future.**
- I. PL 16-029 Variance from Height Limit in Residential-Rural1 (RR-1) Zone at 4300 Rice Lake Road by Pacific Education Partners (Duluth Edison Charter School) and David Chmielewski  
**As of 5/23/16, the applicant has withdrawn applications PL 16-013, -014, -015 and -029. The Applicant may submit new applications in the future.**
- J. PL 16-031 UDC Text Amendments (Tabled from April 12 For Additional Discussion)  
 -50-15.2, -15.3, and -15.5 MU-N, MU-C, and MU-B Zoning Districts  
 -50-18.1.D Shoreland  
 -50-20.3 Commercial Uses  
 -50-20.7 Adaptive Reuse of a Local Historic Landmark  
 -50-21.3 Exceptions and Encroachments  
 -50-22.4 Cap Type  
 -50-23.2 Connectivity  
 -50-24.2 Required Parking Spaces  
 -50-25.2 Landscaping  
 -50-27.3 and -27.7 Signs  
 -50-29 Sustainability  
 -50-32 International Property Maintenance Code  
 -50-37.9 Variance Standards  
**Tabled until next regular meeting for additional research**  
**VOTE: 8-0**
- Determination of Completeness of Draft Spirit Mountain Recreation Area Environmental Assessment Worksheet  
**EAW is accepted as complete (with a few minor changes) and can be released to the public for a 30-day comment period**  
**VOTE: 8-0**
- Tax Forfeit Parcels  
**Agree with recommendations of Director of Community Planning and Construction Services - Keith Hamre**  
**VOTE: 8-0**

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Keith Hamre - Director  
 Community Planning and Construction Services



**Public Administration Department  
Parks and Recreation Division**

City Hall - Ground Floor • 411 West First Street • Duluth, Minnesota • 55802  
218-730-4300 • [www.duluthmn.gov/parks/index.cfm](http://www.duluthmn.gov/parks/index.cfm)



June 21, 2016

Dear Spirit Mountain Neighbor,

Attached for your review and comment is a copy of the (EAW) Environmental Assessment Worksheet for the Spirit Mountain Recreational Area. This EAW includes the proposed development of Nordic Ski trails behind your homes.

The EAW will provide information on the environmental effects of this project. A copy of the EAW is enclosed or available online at:

<http://www.duluthmn.gov/community-planning/eaw/>

Additional hard copies of the EAW are available for public review at the Duluth Public Library reference department and the Duluth Community Planning Office in room 208 of Duluth City Hall. Notice of the EAW will be published in the June 13 EQB Monitor, the weekly publication of the Minnesota Environment Quality Board.

This process accepts written or email comments only and must be submitted no later than 4:30 p.m. on July 13 to the attention of Keith Hamre, director of planning and construction services, 411 W. First St., Room 208, Duluth MN 55802.

The Planning Commission will hold a public hearing to receive comments on the EAW on Tuesday, July 12, 5 p.m., in the third floor Council Chambers of Duluth City Hall. The Planning Commission will review the written comments and make a determination on the EAW at its regular meeting on Tuesday, Aug. 9, 5 p.m., also in the council chambers.

Electronic comments may be sent to [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov) with "Spirit Mountain EAW comments" in the subject line. If submitting comments electronically, include your full name and postal mailing address.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Slade".

Andrew Slade  
Assistant Manager, Parks and Recreation  
[aslade@duluthmn.ov](mailto:aslade@duluthmn.ov)  
218-730-4301



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## LOCAL HISTORY SERVICES

# TRIBAL HISTORIC PRESERVATION OFFICES

- MN Historical Organizations
- E-Newsletter
- Workshops
- Professional Networks
- Blog
- Job Postings
- Grant Deadlines
- Conferences & Continuing Education
- Interpreter Newsletter
- TechTalk
- Resources
- Contact Staff

*Cindy,*  
 Please prepare 3-5x7" envelopes with these addresses and a CD of the EAW for each.

*Thanks - Kyle*

*✓ Done  
 Will mail  
 6-30-16 CS*

**Bois Forte Band of Chippewa Indians**  
 1500 Bois Forte Road  
 Tower, MN 55790  
 Contact: Bill Latady, THPO  
 218-753-6017  
 Fax: 218-753-6026  
[blatady@boiseforte-nsn.gov](mailto:blatady@boiseforte-nsn.gov)

**Fond du Lac Band of Lake Superior Chippewa**  
 1720 Big Lake Road  
 Cloquet, MN 55720  
 Contact: Leah R. Savage, THPO  
 218-878-7129  
 Fax: 218-878-7130  
[leroydefoe@fdlrez.com](mailto:leroydefoe@fdlrez.com)

**Grand Portage Band of Lake Superior Chippewa**  
 PO Box 428  
 Grand Portage, MN 55605  
 Contact: Mary Ann Gagnon, THPO  
 218-475-0111  
 Fax: 218-475-2292  
[gpmuseum@boreal.org](mailto:gpmuseum@boreal.org)




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Planning Division

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## MEMORANDUM

**TO:** Tribal Historic Preservation Office  
Bois Forte Band of Chippewa Indians

**FROM:** Keith Hamre, Director of Planning and Construction Services 

**DATE:** June 29, 2016

**RE:** EAW for Spirit Mountain Recreation Area 2016-2017 Improvements

Enclosed, please find the Environmental Assessment Worksheet (EAW) for Spirit Mountain Recreation Area 2016-2017 Improvements proposed by the City of Duluth Parks and Recreation Department.

The City of Duluth Planning Commission, as the Responsible Government Unit (RGU), will receive public comments on the EAW during their regular meeting at 5:00 p.m. on Tuesday, July 12, 2016, Council Chambers, Third Floor of Duluth City Hall, 411 West First Street.

Written comments will be accepted during the 30-day public comment period, which begins on Monday, June 13, 2016, and ends at 4:30 p.m. on Wednesday, July 13, 2016.

Written comments should be directed to:

Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
411 West First Street, Room 208  
Duluth, Minnesota 55802

Telephone: 218-730-5580  
Email: [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

It was recently suggested to us by the Minnesota Indian Affairs Council that we forward the EAW to you for comment. If you will need additional time to review and comment before the July 13, 2016 deadline for comments or if you would like the document in a paper format, please let me know as soon as possible.

Encl. Spirit Mountain Recreation Area EAW




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Planning Division

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## MEMORANDUM

**TO:** Tribal Historic Preservation Office  
Fond du Lac Band of Lake Superior Chippewa

**FROM:** Keith Hamre, Director of Planning and Construction Services 

**DATE:** June 29, 2016

**RE:** EAW for Spirit Mountain Recreation Area 2016-2017 Improvements

Enclosed, please find the Environmental Assessment Worksheet (EAW) for Spirit Mountain Recreation Area 2016-2017 Improvements proposed by the City of Duluth Parks and Recreation Department.

The City of Duluth Planning Commission, as the Responsible Government Unit (RGU), will receive public comments on the EAW during their regular meeting at 5:00 p.m. on Tuesday, July 12, 2016, Council Chambers, Third Floor of Duluth City Hall, 411 West First Street.

Written comments will be accepted during the 30-day public comment period, which begins on Monday, June 13, 2016, and ends at 4:30 p.m. on Wednesday, July 13, 2016.

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Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
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Duluth, Minnesota 55802

Telephone: 218-730-5580  
Email: [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

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Encl. Spirit Mountain Recreation Area EAW






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## MEMORANDUM

**TO:** Tribal Historic Preservation Office  
Grand Portage Band of Lake Superior Chippewa

**FROM:** Keith Hamre, Director of Planning and Construction Services 

**DATE:** June 29, 2016

**RE:** EAW for Spirit Mountain Recreation Area 2016-2017 Improvements

Enclosed, please find the Environmental Assessment Worksheet (EAW) for Spirit Mountain Recreation Area 2016-2017 Improvements proposed by the City of Duluth Parks and Recreation Department.

The City of Duluth Planning Commission, as the Responsible Government Unit (RGU), will receive public comments on the EAW during their regular meeting at 5:00 p.m. on Tuesday, July 12, 2016, Council Chambers, Third Floor of Duluth City Hall, 411 West First Street.

Written comments will be accepted during the 30-day public comment period, which begins on Monday, June 13, 2016, and ends at 4:30 p.m. on Wednesday, July 13, 2016.

Written comments should be directed to:

Keith Hamre  
Director of Planning and Construction Services  
City of Duluth  
411 West First Street, Room 208  
Duluth, Minnesota 55802

Telephone: 218-730-5580  
Email: [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

It was recently suggested to us by the Minnesota Indian Affairs Council that we forward the EAW to you for comment. If you will need additional time to review and comment before the July 13, 2016 deadline for comments or if you would like the document in a paper format, please let me know as soon as possible.

Encl. Spirit Mountain Recreation Area EAW






## MEMORANDUM

**DATE:** July 5, 2016

**TO:** Planning Commission

**FROM:** Kyle Deming, Planner 

**RE:** Spirit Mountain Recreation Area EAW public hearing (PL 16-041)

At your regular meeting on July 12 you will be holding a public hearing to gather oral comments from the public on the Environmental Assessment Worksheet (EAW) for Spirit Mountain Improvements 2016-2017. The State rules for EAWs suggest that comments address the accuracy and completeness of the information, potential impacts that may warrant further investigation before the project is commenced and the need for an EIS on the project. You need not respond to any of the comments at the July 12 meeting except to ask for clarification of the comment. Responses to all substantive comments will be drafted by the Community Planning Division at the end of the 30-day comment period. Comment responses will be provided to you and those making comments prior to your next regular meeting on August 9.

For your information, here is the timeline for the rest of the EAW process:

July 12, 2016	Planning Commission meeting – opportunity for oral comments
July 13, 2016	30-day comment period ends
August 9, 2016	Planning Commission meeting – review responses to comments and make a decision on the need for an EIS
August 13, 2016	Deadline for Planning Commission to make a decision on the need for an EIS



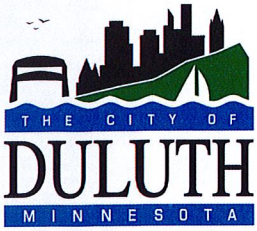
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Planning Division

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Planning Commission Agenda  
Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, July 12, 2016 - 5:00 PM

- I. Call to Order and Roll Call
- II. Public Hearings
  - A. PL 16-041 Public Hearing to Receive Comments on Spirit Mountain Recreation Area Environmental Assessment Worksheet **KD**
  - B. PL 16-071 Concurrent Use Permit for Use of Public Easement by Waste Management at 3101 West Superior Street **CL**
  - C. PL 16-045 Vacation of Public Right of Way at 101 S 54<sup>th</sup> Avenue West by Luke Schmitz **JM**
  - D. PL 16-065 Interim Use Permit for a Vacation Dwelling Unit at 559 Boulder Drive by BRD6, LLC and Patrick Sheahan **CL**
  - E. PL 16-066 Interim Use Permit for a Vacation Dwelling Unit at 601 Boulder Drive by BRD6, LLC and Patrick Sheahan **CL**
  - F. PL 16-069 Interim Use Permit for a Vacation Dwelling Unit at 1002 Martha Street by Joseph and Susan Byers **KV**
  - G. PL 16-070 Variance from Shoreland Setback to Build a Garage at 3241 Commonwealth by John and Patricia Langlee **KV**
- III. Appeal Public Hearing
  - A. PL 16-072 Appeal of Wetland Replacement Plan Denial for Pacific Education Partners/Duluth Public Schools Academy, Gary Lestico of Rinke Noonan
- IV. Communications
  - A. Manager's Report
  - B. Consideration of Minutes – June 14, 2016
  - C. Reports of Officers and Committees
    - Heritage Preservation Commission Representative
    - Update on Imagine Duluth 2035
  - D. Adjournment



# CITY OF DULUTH

PLANNING & CONSTRUCTION SERVICES

Community Planning Division

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## ACTIONS OF THE PLANNING COMMISSION

JULY 12, 2016

### Roll Call:

Members Present: Terry Guggenbuehl, Janet Kennedy, Garner Moffat, Mike Schraepfer, and Zandra Zwiebel

Members Absent: Marc Beeman, Tim Meyer and Luke Sydow

- A. PL 16-041 Public Hearing to Receive Comments on Spirit Mountain Recreation Area Environmental Assessment Worksheet  
**Decision on the Need for an EIS will be Made at the 8/9/16 Meeting**
- B. PL 16-071 Concurrent Use Permit for Use of Public Easement by Waste Management at 3101 West Superior Street  
**Recommend Approval**  
**VOTE: 5-0**
- C. PL 16-045 Vacation of Public Right of Way at 101 S 54<sup>th</sup> Avenue East by Luke Schmitz  
**Recommend Approval**  
**VOTE: 5-0**
- D. PL 16-065 Interim Use Permit for a Vacation Dwelling Unit at 559 Boulder Drive by BRD6, LLC and Patrick Sheahan  
**Recommend Approval**  
**VOTE: 5-0**
- E. PL 16-066 Interim Use Permit for a Vacation Dwelling Unit at 601 Boulder Drive by BRD6, LLC and Patrick Sheahan  
**Recommend Approval**  
**VOTE: 5-0**
- F. PL 16-069 Interim Use Permit for a Vacation Dwelling Unit at 1002 Martha Street by Joseph and Susan Byers  
**Recommend Approval**  
**VOTE: 5-0**
- G. PL 16-070 Variance from Shoreland Setback to Build a Garage at 3241 Commonwealth Avenue by Jon and Patricia Langlee  
**Denied**  
**VOTE: 5-0**
- PL 16-072 Appeal of Wetland Replacement Plan Denial for Pacific Education Partners/Duluth Public Schools Academy, Gary Lestico of Rinke Noonan  
**Agree with the Land Use Supervisor's Denial of the Wetland Replacement Plan**  
**VOTE: 4-1, Schraepfer Opposed**

  
\_\_\_\_\_  
Keith Hamre - Director  
Planning and Construction Services





City of Duluth  
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**DATE:** August 1, 2016

**RE:** Decision on Spirit Mountain Recreation Area 2016-2017 Improvements EAW (PL16-041)

Thank you for commenting on the Spirit Mountain Recreation Area 2016-2017 Improvements Environmental Assessment Worksheet (EAW). We have carefully considered your comments in our review of the EAW. Attached you will find a summary and response to each substantive comment received.

The final step in the EAW review will be taken at the regular meeting of the Planning Commission on **Tuesday, August 9, 2016 at 5:00 p.m.** in City Council Chambers. At the meeting, the Duluth City Planning Commission, as the Responsible Government Unit (RGU), will decide whether an Environmental Impact Statement (EIS) needs to be prepared for this project. Please note that the public comment period has ended and the Planning Commission will not be taking additional comments at this meeting.

The RGU must base its decision regarding the need for an EIS on the information gathered during the EAW process and the comments received on the EAW. In deciding whether a project has the potential for significant environmental effects, the RGU must compare the impacts that may be reasonably expected to occur from the project, considering the following factors:

- a) Type, extent and reversibility of environmental effects;
- b) Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- c) The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d) The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

The decision of the RGU on the EAW can be appealed in county district court. The appeal must be filed within 30 days of the date on which the RGU makes its decision. There is no administrative appeal of an RGU; the Environmental Quality Board has no jurisdiction to review an RGU's decision.

If you have any questions, please feel free to call me at 730-5297 or e-mail me at [khamre@duluthmn.gov](mailto:khamre@duluthmn.gov).

Sincerely,

Keith Hamre  
Director of Planning and Construction Services



City of Duluth  
Planning Division

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## MEMORANDUM

**DATE:** August 1, 2016

**TO:** Duluth City Planning Commission

**FROM:** Kyle Deming, Planner II 

**RE:** Decision on Spirit Mountain 2016-2017 Improvements EAW (PL16-041)

At your August 9, 2016 regular meeting, the Duluth City Planning Commission, as the Responsible Governmental Unit (RGU), will make a decision on whether an Environmental Impact Statement (EIS) is required for 2016-2017 Improvements to be made at Spirit Mountain Recreation Area. An EIS shall be ordered for projects that have the potential for significant environmental effects (Minn. Rules, Part 4410.1700, Subp. 1).

According to the Rule, the RGU (Planning Commission) shall base its decision regarding the need for an EIS on the information gathered during the Environmental Assessment Worksheet (EAW) process and the comments received on the EAW (Minn. Rules, Part 4410.1700, Subp. 3). In deciding whether a project has the potential for significant environmental effects, the RGU shall compare the impacts that may be reasonably expected to occur from the project with the following criteria (Minn. Rules, Part 4410.1700, Subp. 6 & 7):

- a) Type, extent and reversibility of environmental effects;
- b) Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- c) The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d) The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Please find attached the EAW, draft Findings of Fact and Record of Decision prepared by staff for the Planning Commission to consider in making its decision on the need for an EIS. A decision on the EAW needs to be made by August 13, 2016, which is 30 days after the close of the 30-day comment period (Minn. Rules, Part 4410.1700, Subp. 2.A).



City of Duluth  
Planning Division

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Planning Commission Agenda  
Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, August 9, 2016 - 5:00 PM

- I. Call to Order and Roll Call
- II. Unfinished Business
  - A. PL 16-041 Decision on Spirit Mountain Recreation Area Environmental Assessment Worksheet **KD**
- III. Public Hearings
  - A. PL 16-087 UDC Map Amendment to Rezone to 5103 Ramsey Street in the Ramsey Village TND to Allow for Building Type VIII Joe Kovich and Mike Poupore **SR**
  - B. PL 16-081 UDC Map Amendment to Rezone 3727 West Arrowhead Road from Rural Residential 1 (RR-1) to Urban Residential (R-2) by Eastridge Church **CL**
  - C. PL 16-054 Vacation of Public Right of Way and Dedication of Pedestrian Easement at 4501 Norwood Street by Brian Blatnik **CL**
  - D. PL 16-075 Vacation of Unimproved Alley/Public Right of Way at 1505 North 28<sup>th</sup> Avenue West by Renee Borson **GK**
  - E. PL 16-080 Interim Use Permit for Accessory Vacation Dwelling at 130 Charlotte Place by Daniel Frank **JK**
  - F. PL 16-085 Special Use Permit for 5 Unit Townhome and Accessory Off-Street Parking at 1726 East Fifth Street by Michael Schraepfer **JK**
  - G. PL 16-086 Variance from Coldwater Stream Shoreland Structure Setback at 5327 Kingston Street by Janes and Janice Larson **KVD/CL**
  - H. PL 16-067 Special Use Permit for 3 New Small Wireless Telecommunication Sites at 1200 Kenwood Avenue by St. Scholastica and Verizon Wireless **SR**
- IV. Communications
  - A. Manager's Report
  - B. Consideration of Minutes – July 12, 2016
  - C. Reports of Officers and Committees
    - Heritage Preservation Commission Representative
    - Update on Imagine Duluth 2035
  - D. Adjournment





# CITY OF DULUTH

PLANNING & CONSTRUCTION SERVICES  
Community Planning Division  
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197  
218-730-5580 – An Equal Opportunity Employer

## ACTIONS OF THE PLANNING COMMISSION AUGUST 9, 2016

### Roll Call:

Members Present: Terry Guggenbuehl, Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer, Luke Sydow, Heather Wright Wendel, and Zandra Zwiebel

Members Absent: Marc Beeman

- PL 16-041 Decision on Spirit Mountain Recreation Area Environmental Assessment Worksheet  
**An Environmental Impact Statement (EIS) is Not Necessary**  
**VOTE: 7-0, Wright Wendel Abstained**
  
- A. PL 16-087 UDC Map Amendment to Rezone to 5103 Ramsey Street in the Ramsey Village TND to Allow for Building Type VIII Joe Kovich and Mike Poupore  
**Recommend Approval**  
**VOTE: 8-0**
  
- B. PL 16-081 UDC Map Amendment to Rezone 3727 West Arrowhead Road from Rural Residential 1 (RR-1) to Urban Residential (R-2) by Eastridge Church  
**Recommend Approval**  
**VOTE: 8-0**
  
- C. PL 16-054 Vacation of Public Right of Way and Dedication of Pedestrian Easement at 4501 Norwood Street by Brian Blatnik  
**Recommend Approval**  
**VOTE: 8-0**
  
- D. PL 16-075 Vacation of Unimproved Alley/Public Right of Way at 1505 North 28<sup>th</sup> Avenue West by Renee Borson  
**Recommend Approval**  
**VOTE: 8-0**
  
- E. PL 16-080 Interim Use Permit for Accessory Vacation Dwelling at 130 Charlotte Place by Daniel Frank  
**Recommend Approval**  
**VOTE: 8-0**
  
- F. PL 16-085 Special Use Permit for 5 Unit Townhome and Accessory Off-Street Parking at 1726 East Fifth Street by Michael Schraepfer  
**Tabled for More Information**  
**VOTE: 6-0 (Schraepfer and Moffat Abstained)**

- G. PL 16-086 Variance from Coldwater Stream Shoreland Structure Setback at 5327 Kingston Street by James and Janice Larson  
**Tabled for More Information**  
**VOTE: 6-2, Moffat and Sydow Opposed**
- H. PL 16-067 Special Use Permit for 3 New Small Wireless Telecommunication Sites at 1200 Kenwood Avenue by St. Scholastica and Verizon Wireless  
**Approved with Added Condition that if the Property Owner Assumes Ownership it will Relieve the Applicant of the Necessity for a Removal Bond**  
**VOTE: 8-0**



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Keith Hamre - Director  
Planning and Construction Services