



City of Duluth
Planning Division

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

DATE: March 18, 2013
TO: Duluth City Planning Commission
FROM: Charles Froseth, Land Use Supervisor
SUBJECT: Environmental Assessment Worksheet (EAW) for Duluth Traverse (PL 13-005)

The purpose of this memo is to provide background and a recommendation regarding Planning Commission action on the Duluth Traverse Trail EAW.

The 30-day public comment period for the EAW was from February 4, 2013 to March 6, 2013. As of the date of this memo, a total of **five comments** were received during the public comment period; three comments from a public agencies and two from the public. On the March 26, 2013 agenda, the Planning Commission, as the Responsible Governmental Unit (RGU), is to make a determination on the need for an Environmental Impact Statement (EIS). Please reference the attached document titled "Findings of Fact"

Summary:

The Duluth Traverse is a planned sustainable multi-use natural-surface single-track trail system that will be constructed across the City of Duluth from Jay Cooke State Park to Lester Park. The Duluth Traverse will interconnect several existing trail systems and span the 25-mile length of Duluth with approximately 100 miles of trail in the system. The purpose of the Duluth Traverse trail, although designed and purpose built for mountain biking, will be multi-use and suitable for a variety of other human-powered trail uses such as trail running, hiking, snowshoeing, dog-walking, and bird watching. The Duluth traverse is being built as a partnership between the City of Duluth, Minnesota, and COGGS (Cyclists of the Gitchee Gumees Shores). The Duluth Traverse meets the recreation need to inter-connect trails and provide a multi-use network of trails as outlined in the City of Duluth's Comprehensive Land Use Plan.

EAW:

The EAW was provided to the Commissioners as part of their February 12, 2013 Planning Commission packet. The EQB document, "Preparing Environmental Assessment Worksheets," provides guidance in the Commission's determination as to whether an EIS is needed. It notes "The purpose of the EAW, comments and comment responses is to provide the record on which the RGU can base a decision about whether an EIS needs to be prepared for a project. EIS need is described in the rules: An EIS shall be ordered for projects that have the potential for significant environmental effects." The attached also notes four criteria which state;

"In deciding whether a project has the potential for significant environmental effects, the RGU shall compare the impacts that may reasonably be expected to occur from the project with the criteria in this rule, considering the following factors (part 4410.1700, subparts 6 and 7):

A. Type, extent, and reversibility of environmental effects;

- B. Cumulative potential effects of related or anticipated future projects;
- C. The extent to which 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 Environmental Impact Statements.”

Timeline:

The public comment period for this EAW started on February 4, 2013 and will end March 6, 2013. The RGU has 3 to 30 working days to decide if the project needs an Environmental Impact Statement (EIS), prepare the findings of fact and respond to comments.

Timeline

January 31, 2013	Copies of the EAW distributed to EQB’s Official List
February 1, 2013	News Release submitted to the Duluth News Tribune and city’s web page.
February 4, 2013	Notice of EAW published in the EQB Monitor - start of the 30 day comment period
March 6, 2013	End of the 30 day comment period
March 12, 2013	Planning Commission heard public comments (optional)
March 26, 2013	Planning Commission makes a determination on the need for an EIS

Recommendation:

Based on the Environmental Assessment Worksheet, the Findings of Fact and Record of Decision, and related documentation for this project, Staff recommends that the Planning Commission makes a Negative Declaration and does not require the development of an Environmental Impact Statement (EIS) for this project.

DRAFT FINDINGS OF FACT AND RECORD OF DECISION
ENVIRONMENTAL ASSESSMENT WORKSHEET

For the Duluth Traverse Mountain Bike Trail System

Responsible Governmental Unit: City of Duluth

Contact Person:

Charles Froseth, Land Use Supervisor
Planning Division
411 West First Street, Room 208
Duluth, MN 55802-1198

Phone: 218-730-5325

Email: cfroseth@duluthmn.gov

Proposer: City of Duluth

Contact Person:

Kathleen Bergen, Manager of Parks and Recreation
411 West First Street, Ground Floor
Duluth, MN 55802-1198

Phone: 218-730-4309

Email: kbergen@duluthmn.gov

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Duluth prepared a mandatory Environmental Assessment Worksheet (EAW) according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300.

The Duluth Traverse is a planned sustainable multi-use natural-surface single-track trail system that will be constructed across the City of Duluth from Jay Cooke State Park to Lester Park. The Duluth Traverse will interconnect several existing trail systems and span the 25-mile length of Duluth with approximately 100 miles of trail in the system. The purpose of the Duluth Traverse trail, although designed and purpose built for mountain biking, will be multi-use and suitable for a variety of other human-powered trail uses such as trail running, hiking, snowshoeing, dog-walking, and bird watching. The Duluth traverse is being built as a partnership between the City of Duluth, Minnesota, and COGGS (Cyclists of the Gitchee Gumees Shores). The Duluth Traverse meets the recreation need to inter-connect trails and provide a multi-use network of trails as outlined in the City of Duluth's Comprehensive Land Use Plan.

II. EAW NOTIFICATION AND DISTRIBUTION

On January 31, 2013, the City distributed the EAW to the official EQB mailing list. The comment period started February 4 and ended at 4:30 PM on March 6, 2013.

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III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The Planning Commission of the Duluth City Council considered the EAW during its March 26, 2013, regular meeting. Notification of this public meeting was distributed via cover letter dated February 2, 2013, along with the EAW mailing to the EAW Distribution List.

IV. SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

A total of five comments were received (in order of date of receipt)

1. Public Comment (February 1)
2. U.S. Army Corps of Engineers (February 4)
3. Public Comment (March 1)
4. Minnesota Department of Natural Resources (March 4)
5. Minnesota Pollution Control Agency (March 6)

The following section provides a summary of these comments and responses to them. Comment letters are available for review in Enclosure B.

1. Public Comment – email dated February 1, 2013 from John Newell

Comment: Taking care of our depleted roadways would be more beneficial than bike trails. Roads are more important so please consider fixing them rather than bandaid fixes.

Response: No response needed.

2. U.S. Army Corps of Engineers (USACE or COE) – email from Josh Fitzpatrick, Chief, Regulatory Branch, dated February 4, 2013

Comment: If there are wetland or stream impacts from the project, a wetland permit application to the Army Corps of Engineers is required.

Response: Paraphrasing email correspondence between Josh Fitzpatrick and Tom Tri of Barr Engineering (on Behalf of the City's Park and Recreation Division): according to an earlier determination, the Corps does not consider pilings for a boardwalk 'fill' of wetlands. The work in wetlands (as described) meets the description of non-reporting activities authorized in a Department of the Army General Permit (RGP-003-MN). Any waters of the U.S. due to the work that are described are authorized by the RGP-003-MN. This determination covers only the

project as described. If the design, location, or purpose of the project changes, City should verify that the project remains eligible for authorization under the non-reporting categories of the RGP-003-MN.

3. Public Comment – email dated March 1, 2013 from John C. Green

Comment: 13 questions/comments. See attached email in Exhibit A

Response: See attached email in Exhibit B from

4. Minnesota Department of Natural Resources – letter from Craig Engwall, Northeast Regional Director, dated March 4, 2013

Comment: 9 questions/comments. See attached email in Exhibit A

Response: See attached email in Exhibit B from

5. Minnesota Pollution Control Agency – letter from Karen Kromar, Planner Principal, dated March 6, 2013

Comment: Acknowledgement of receipt and review of EAW

Response: No response needed.

V. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the Environmental Assessment Worksheet, comments received during the comment period, and responses to the questions raised and issue identified, the Planning Division recommend that the Duluth City Planning Commission, the responsible governmental unit (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the Duluth Traverse Mountain Bike Trail project that were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700.
2. The Environmental Assessment Worksheet, this “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects.
 - Cumulative effects of related or anticipated future projects.

- Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of environmental reviews previously prepared on similar projects.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal by the City and cannot be relied upon as an indication of such approval.

Consequently, the City makes a Negative Declaration and does not require the development of an Environmental Impact Statement (EIS) for this project.

VI. ATTACHMENTS

- A Comments Received
- B Responses

Steven Robertson

From: john newell <newelljohn2000@gmail.com>
Sent: Friday, February 01, 2013 10:37 PM
To: Charles Froseth
Subject: Mountain bike trails

As a Life long Duluth resident i believe we have many wonderful areas to enjoy the outdoors which many of us do. With that being said I think taking care of our depleted roadways would be more needed than bike trails, although I am a mountain biker myself I think for tourism and people coming to Duluth for mountain biking the roads getting to those trails I feel is more important. Think about it roads are more important we use them everyday so please consider fixing them rather than bandaid fixes. Thank you sincerely John Newell

Steven Robertson

From: Fitzpatrick, Joshua MVP <Joshua.T.Fitzpatrick@usace.army.mil>
Sent: Monday, February 04, 2013 1:08 PM
To: Charles Froseth
Subject: "Duluth Traverse" Mountain Bike Trail System (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Mr. Froseth,

I noticed the City of Duluth's sustainable multi-use natural-surface single-track trail system for mountain biking listed in the EQB Monitor. I would just send a caution that if there are wetland or stream impacts from the project you would have to submit an wetland permit application to the Army Corps of Engineers.

If there are wetland impacts from the project I would be the reviewer of the application. If you have any questions for me please let me know.

Thank you,

Josh Fitzpatrick
Regulatory Project Manager
U.S. Army Corps of Engineers
St. Paul District-Two Harbors Field Office
651-290-5694
Joshua.T.Fitzpatrick@usace.army.mil

Classification: UNCLASSIFIED
Caveats: NONE

Comments on the Duluth Traverse Environmental Assessment Worksheet
By
John C. Green

The following Comments are referenced to the section number and page number of the EAW.

1.2.6.b, Description, p. 6, nr bottom: “small trees . . .” It’s a bit unclear from this paragraph whether all “large” trees (no criteria given) will be avoided. The use of “normally” and “except in special circumstances” lead to ambiguity.

Same, bottom: who will close the trail if conditions dictate? City Parks & Rec?

1.2.6.d, p. 8: Since this EAW is entitled “Duluth Traverse’ Mountain Bike Trail System”, it should cover the whole anticipated system, not just Phase 1 of construction. If this system rises to anywhere near the level of popularity and use advertised by COGGS, there are sure to be increased demands on parking facilities at trailheads, which are not identified or evaluated in this EAW. The last sentence suggests that “future development” will escape environmental review if it happens incrementally.

1.2.7, Project magnitude, Phase 1, p. 8. What is a “linear acre”? A self-contradiction?

1.2.8, Permits required, p. 9: Which of these involve(s) Hawk Ridge Nature Reserve, as a special dedicated use of city property?

1.2.9, Land use, p. 9: Last sentence: there may be “significant issues” with the Hawk Ridge Nature Reserve, which should be addressed. How are the proposers coordinating with the managing entity, Hawk Ridge Bird Observatory?

The Traverse is shown as sharing use of a section of the Superior Hiking Trail (SHT’s Hawk Ridge Spur), but this definitely involves “significant issues” of trail alignment, design, and user right-of-way which should be discussed.

1.2.11.a, Fish, wildlife, etc., p. 10. Paragraph 1 might include hares, voles, and frogs.

Paragraph 2: How can “construction effects” be scheduled so as to avoid interfering with bird migration (spring and fall) and nesting (the rest of the season)? This seems an unlikely claim.

1.2.11.b, Paragraph 2 of answer, p. 10. A search for the two identified threatened and endangered plant species was conducted on only the Hawk Ridge area of the proposed trail, a small portion that is not well indicated on any map. As far as I can tell, neither is in the Phase 1 portion. What is the basis for the last sentence, “No endangered or threatened species were identified in the proposed Phase 1 construction segments”? To say nothing of the whole rest of the proposed Duluth Traverse system, which this EAW is claimed to cover.

I see no evaluation of the anticipated impact of invasive exotic species that are likely to be introduced by mountain bike use.

1.2.16, Erosion . . . , top of P. 12: BMP for erosion control should require revegetation with native species only.

1.2.21, Traffic, p. 13-14: Are there no trailheads with no parking areas? Certainly all users will not use their bikes from home to access this trail. As this is apparently the EAW for the whole Traverse, there are sure to be access points or trailheads where riders will park. And especially with the tourism-promoting advocacy, nonresidents are encouraged to use the trail system, thus needing parking spaces.

1.2.25, Nearby resources, p. 15: Other unique resources? I don't believe a rare plant survey has been done for the Duluth Traverse as a whole (only a partial one for the Hawk Ridge area). This should be done and reported before any construction begins.

Also, the trail goes through the Hawk Ridge Nature Reserve, a specially established area managed by the Hawk Ridge Bird Observatory. Use of this trail should not interfere with this primary use of this area, especially during the fall migration season.

The SHPO letter on their Technical Report should be made available.

Finally, the Traverse shares part of its route with the pre-existing Superior Hiking Trail (west of Hawk Ridge). Riders must be made aware of the right-of-way priority of hikers on this section.

1.2.29, Cumulative potential effects, p. 16: Future projects, "those that are actually planned or for which a basis of expectation has been laid." This would include all the miles of trails shown on the maps (Figs 1,2,4,5). All of these should have rare-plant surveys done before constructions starts.

2.1, Summary of issues, p. 17-18 :

Fish, Wildlife, Sensitive Resources: need plant surveys to avoid impacts. Care taken to avoid disturbance to migrating raptors and programs of the Hawk Ridge Bird Observatory.

Odors, Noise, Dust. There will be considerable noise from power equipment locally during trail construction.

Designated Parks. The project will not just link city parks, it will cut through them.

Mitigation Measures. Answer states that Phase 1 will require a crossing of a DNR Protected Water. Which one? Where? This is too vague.

3.1, RGU Certification, p. 19: This statement declares that this EAW describes the complete project, not just Phase 1, but much of it seems to relate mostly to Phase 1, and the rest is described only very sketchily if at all – just shown as lines on a small-scale map. This is a major problem.

John C. Green, Ph.D
1754 Old North Shore Road
Duluth, MN 55804





March 4, 2013

Keith Hamre
Director of Planning and Construction Services
411 West 1st Street Room 208
Duluth, MN 55802-1191

RE: DULUTH TRAVERSE MOUNTAIN BIKE TRAIL SYSTEM EAW

Dear Mr. Hamre:

The Minnesota Department of Natural Resources (DNR) Northeast Region has reviewed the Duluth Traverse Mountain Bike Trail System Environmental Assessment Worksheet (EAW). We offer the following for your consideration.

1. The EAW should include lists of terrestrial invasive plants and locations in and near the trail locations, as well as, species in the vicinity that could be a threat. Buckthorn and garlic mustard are of particular concern. DNR maintains a GIS dataset for terrestrial invasive plant species available at: http://deli.dnr.state.mn.us/data_catalog.html. See Environmental Quality, Invasive Species – Terrestrial Observations.
2. Section 1.2.6d.
In regard to potential for future parking areas, the EAW speculates that new parking areas might be needed. Determining potential locations would be relevant to this review as opposed to waiting for the trail construction to be completed and then possibly finding out that parking areas cannot be found in appropriate areas.
3. Section 1.2.11a.
Please add more discussion of bird species and Species of Greatest Conservation Need (SGCN). Refer to the the State Wildlife Action Plan at: <http://www.dnr.state.mn.us/cwcs/index.html>) and as discussed in the attached "Mission Creek Ecological Evaluation (MN DNR Biological Report No. 104)". Refer to page 5 and Appendix A.
4. Section 1.2.11b.
Please change the no response to yes. There are rare Native Plant Communities (NPCs) and other sensitive ecological resources on or near the site outlined below. GIS datasets are available on the DNR Data Deli at: http://deli.dnr.state.mn.us/data_catalog.html. Review MCBS Native Plant Communities and MCBS Sites of Biodiversity Significance. The EAW should include a map of the MBS Sites that the trail falls within.
 - a. the S2 NPC, MHn44b (White Pine – White Spruce – Paper Birch Forest), is mapped by MBS in numerous locations within the Mission Creek site;
 - b. the S1 NPC, CTn11e (Dry Sandstone Cliff), is mapped in a few areas within the Mission Creek site. In particular, the area of trail south of State Hwy 210 may intersect this NPC.

- c. The S2 NPC, RVx54a (Slumping Clay/Mud River Slope), is mapped in a few areas within the Mission Creek site in the vicinity of the trail on the slopes to Mission Creek. These would be areas where soil conditions would likely prohibit sustainable trail construction and maintenance and should be avoided.
- d. We recommend that trail alignment should be shown to first avoid these areas. If avoidance isn't possible, then efforts should be made to minimize trail impacts in these areas (e.g. taking the shortest path possible given slope, etc.).

In addition to determining potential impacts to rare species, this section should also include a review of potential impacts to any Minnesota Biological Survey (MBS) Sites of Biodiversity Significance and MBS Native Plant Communities.

This section also states that the NHIS was reviewed for species within a threshold range; however, the range is never specified. It is typical to use a one-mile radius from the proposed project and to assess whether there is any potential habitat for the identified rare species within the project footprint. Using an approximate one-mile radius, it looks like pale sedge (*Carex pallescens*), a state-listed endangered plant, and the Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened turtle, have also been found in the vicinity of the proposed trail. Will any potential habitat for these species be impacted? It is also unclear if any state-listed plant species of special concern have been documented in the immediate vicinity of the proposed trail. If so, will there be any efforts to avoid these plants? The DNR recommends that licensees submit their review of ecologically-sensitive resources to the DNR Endangered Species Review Coordinator for concurrence prior to publishing an EAW.

There was no consultation with the DNR Endangered Species Review Coordinator regarding the rare species survey. The Division of Ecological and Water Resources makes every effort to coordinate closely with project proposers or their consultants in order to establish appropriate survey protocol. We request that survey proposals be submitted to us for review prior to any rare species survey work. The proposals are reviewed for appropriate target species, appropriate time of year, and appropriate survey areas. We also review the qualifications of the botanical consultants performing the surveys. This process is an attempt to avoid any potential problems or project delays due to miscommunication, inappropriate survey protocol, or erroneously identified threatened or endangered species.

In this particular case, please note the following concerns:

- It is unclear whether the survey included all of the appropriate target species or whether it covered all potential habitats. It would be useful if the survey results included a map of the area that was surveyed.
- One of the target species was triangle moonwort (*Botrychium lanceolatum*). Given the difficulty of identifying species within the genus *Botrychium*, this survey work must be conducted by a botanist with demonstrated experience identifying *Botrychium* species. It is unclear from the documentation provided whether Suzanne Sanders and her personnel have this experience.
- The June 2 survey date is not ideal for the two species being surveyed. The best time to survey for auricled twayblade (*Listera auriculata*) is when it is in peak flower,

typically around the 4th of July. The best time to survey for triangle moonwort is from early June to mid-August.

Please contact the DNR Endangered Species Review Coordinator, Lisa Joyal, at 651-259-5109, or lisa.joyal@state.mn.us. More information is needed before the DNR can make a determination regarding impacts to state-listed species.

5. 1.216.
Mission Creek is dominated by highly erodible clay soils that are prone to slumping on slopes. Seeps also occur in these soil types on slopes. Please understand the potential severity of these conditions.
6. 1.2.19b
NRCS soil classifications are available for this area and would provide a better understanding of soil conditions and limitations.
7. 1.2.21.
Potential volume of use and need for parking areas is not addressed adequately if Duluth truly becomes a destination for mountain biking, parking areas, current and future, should be more specifically addressed in the EAW.
8. 1.2.25.
Other unique resources could be answered yes for trout streams, old growth forest in Magney Snively and Jay Cooke State Park (SP), and the large generally intact landscape-level forest condition in and around Mission Creek, Jay Cooke SP, and Magney-Snively. Hemlock Ravine Scientific & Natural Area is within the Mission Creek/Jay Cooke SP area. Magney Snively has been considered for Scientific & Natural Area designation repeatedly since at least the 1980s. Although it is not technically a SNA, it is of outstanding quality and easily qualifies for SNA designation. Mission Creek is classified by MBS as a Site of High Biodiversity Significance and is described in detail in the attached ecological evaluation, "Mission Creek Forest".
9. Figure 4 shows campsites. Are these parts of the Duluth Traverse and new construction, or existing campsites? This is not mentioned in the text of the EAW.

Thank you for the opportunity to comment on the Duluth Traverse Mountain Bike Trail System EAW. Please feel free to contact me or Rian Reed (218) 999-7826 with any questions you may have.

Sincerely,



Craig L. Engwall
Northeast Regional Director
(218) 999-7913
craig.engwall@state.mn.us



Minnesota Pollution Control Agency

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800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

March 6, 2013

Mr. Charles Froseth
Land Use Supervisor
City of Duluth
411 West First Street, Room 208
Duluth, MN 55802

Re: Duluth Traverse – Phase I Environmental Assessment Worksheet

Dear Mr. Froseth:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Duluth Traverse – Phase I project (Project) in Duluth, Minnesota. The Project consists of construction of a multi-use recreational trail system. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

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 at 651-757-2508.

Sincerely,

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

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

KK:bt

cc: Craig Affeldt, MPCA, St. Paul
Patrick Carey, MPCA, Duluth

March 12, 2013

Memo to: Kathy Bergen, Judy Gibbs, Chuck Froseth, Steven Robertson
From: Tom Tri, Steve Klein, Daniel Jones
Re: Response to Duluth Traverse EAW Comments from John Green

The following is a response to Mr. Green's comments.

1.2.6.b, Description, p. 6, nr bottom: "small trees . . ." It's a bit unclear from this paragraph whether all "large" trees (no criteria given) will be avoided. The use of "normally" and "except in special circumstances" lead to ambiguity.

All trees greater than 4 inches in diameter will be avoided at all times. If a tree is needed to be removed it will be marked for review with city and COGGS officials. All possible options will be exhausted before a large tree is removed.

Same, bottom: who will close the trail if conditions dictate? City Parks & Rec?

COGGS members maintain the trails that it builds. Trail stewards and trail coordinators will determine if the multiuse trails will be closed and signs posted. They will be in contact with city parks officials when trails are opened or closed.

1.2.6.d, p. 8: Since this EAW is entitled "'Duluth Traverse' Mountain Bike Trail System", it should cover the whole anticipated system, not just Phase 1 of construction. If this system rises to anywhere near the level of popularity and use advertised by COGGS, there are sure to be increased demands on parking facilities at trailheads, which are not identified or evaluated in this EAW. The last sentence suggests that "future development" will escape environmental review if it happens incrementally.

At this point in time COGGS and the City of Duluth cannot determine when the next phase will have sufficient funding for construction. The EAW was written to cover the entire project as could be foreseen and practically evaluated; and to specifically address the impacts of Phase 1 for which the grant funding covered. For Phase 1 COGGS planned to use existing trailheads where possible to address parking in order to minimize impacts and disturbance.

1.2.7, Project magnitude, Phase 1, p. 8. What is a "linear acre"? A self-contradiction?

This is a linear project. Linear is meant to be an adjective. The total magnitude is measured in acres.

To: City of Duluth
From: Tom Tri
Subject: Duluth Traverse Memo on John Green Comments
Date: March 30, 2012
Page: 2
Project: Duluth Traverse

1.2.8, Permits required, p. 9: Which of these involve(s) Hawk Ridge Nature Reserve, as a special dedicated use of city property?

The permits/reviews covered for this area include:

Construction Stormwater Permit

City Land Permit

MN DNR EAS – This includes T & E review

1.2.9, Land use, p. 9: Last sentence: there may be “significant issues” with the Hawk Ridge Nature Reserve, which should be addressed. How are the proposers coordinating with the managing entity, Hawk Ridge Bird Observatory?

The Traverse is shown as sharing use of a section of the Superior Hiking Trail (SHT’s Hawk Ridge Spur), but this definitely involves “significant issues” of trail alignment, design, and user right-of-way which should be discussed.

COGGS members met with the Hawk Ridge Bird Observatory committee and received an email of support for the project which is attached to this response.

A portion of the trail shares same path as the Superior Hiking Trail. The Traverse shares a portion of the Superior Hiking Trail for a short stretch. COGGS plans to design the trail to slow down bikers in advance of the merge zone. In addition, the trail will be signed to advise bikers that hikers have the right of way.

1.2.11.a, Fish, wildlife, etc., p. 10. Paragraph 1 might include hares, voles, and frogs.

Paragraph 2: How can “construction effects” be scheduled so as to avoid interfering with bird migration (spring and fall) and nesting (the rest of the season)? This seems an unlikely claim.

Paragraph 1 - Comment noted.

Paragraph two – During nesting and migration times the City of Duluth and COGGS will limit the areas that construction crews can work and time of day that they are able to run mechanized equipment. Noise, dust, and removal of underbrush will be closely monitored to minimize the effect on any animals in the area.

1.2.11.b, Paragraph 2 of answer, p. 10. A search for the two identified threatened and endangered plant species was conducted on only the Hawk Ridge area of the proposed trail, a small portion that is not well indicated on any map. As far as I can tell, neither is in the Phase 1 portion. What is the basis for the last sentence, “No endangered or threatened species were identified in the proposed Phase 1 construction segments”? To say nothing of the whole rest of the proposed Duluth Traverse system, which this EAW is claimed to cover.

To: City of Duluth
From: Tom Tri
Subject: Duluth Traverse Memo on John Green Comments
Date: March 30, 2012
Page: 3
Project: Duluth Traverse

I see no evaluation of the anticipated impact of invasive exotic species that are likely to be introduced by mountain bike use.

Barr Engineering is licensed to review the DNR Heritage Electronic Database. The entire project was reviewed for potential impacts within 1 mile radius of all trail segments in accordance with standard DNR procedures. This cursory review only identified one threatened and one endangered species within one mile of any proposed trail segment. A field survey was then conducted to determine if there were any of these two species along proposed trail sections in the area that they were identified. Neither of these species was found along the proposed trail corridor during the field survey.

Invasive species are a concern with any trail and user group. Bikers, Hikers, dog walkers, and bird watchers are all capable of introducing invasive species. The City of Duluth and COGGS will post signage at trail heads educating users of the potential harm of invasive species.

1.2.16, Erosion . . . , top of P. 12: BMP for erosion control should require revegetation with native species only.

The City agrees. Native species have been included in the proposed seed mix for erosion control in the Stormwater Pollution Prevention Plan.

1.2.21, Traffic, p. 13-14: Are there no trailheads with no parking areas? Certainly all users will not use their bikes from home to access this trail. As this is apparently the EAW for the whole Traverse, there are sure to be access points or trailheads where riders will park. And especially with the tourism-promoting advocacy, nonresidents are encouraged to use the trail system, thus needing parking spaces.

The majority of the trailheads will utilize existing parking areas. If additional trail head parking areas are necessary, an environmental review will be conducted at that point in time as future trail segments are funded.

1.2.25, Nearby resources, p. 15: Other unique resources? I don't believe a rare plant survey has been done for the Duluth Traverse as a whole (only a partial one for the Hawk Ridge area). This should be done and reported before any construction begins.

Also, the trail goes through the Hawk Ridge Nature Reserve, a specially established area managed by the Hawk Ridge Bird Observatory. Use of this trail should not interfere with this primary use of this area, especially during the fall migration season.

The SHPO letter on their Technical Report should be made available.

Finally, the Traverse shares part of its route with the pre-existing Superior Hiking Trail (west of Hawk Ridge). Riders must be made aware of the right-of-way priority of hikers on this section.

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From: Tom Tri
Subject: Duluth Traverse Memo on John Green Comments
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A rare plant survey was performed; response to this comment is given in 1.2.11.b.

The estimated use of the trail is 50 visits per trail head per day. This is not expected to generate a significant conflict with other users in this area. The project has been reviewed by Hawk Ridge Bird Observatory.

Comment on SHPO is noted. A letter of No Effect was not issued until the EAW was out for review.

Comment on user's priority is noted. All of the COGGS trails are multi use, at trail head signs/reminders are going to be posted for all user groups and right of ways. Trails will be designed and maintained to have "pinch points" to slow bikers down to avoid high speed blind areas.

1.2.29, Cumulative potential effects, p. 16: Future projects, "those that are actually planned or for which a basis of expectation has been laid." This would include all the miles of trails shown on the maps (Figs 1,2,4,5). All of these should have rare-plant surveys done before constructions starts.

This EAW list the potential effects if all of the miles of the Duluth Traverse were constructed. Plant surveys have been conducted.

2.1, Summary of issues, p. 17-18:

Fish, Wildlife, Sensitive Resources: need plant surveys to avoid impacts. Care taken to avoid disturbance to migrating raptors and programs of the Hawk Ridge Bird Observatory.

Odors, Noise, Dust. There will be considerable noise from power equipment locally during trail construction.

Designated Parks. The project will not just link city parks, it will cut through them.

Mitigation Measures. Answer states that Phase 1 will require a crossing of a DNR Protected Water. Which one? Where? This is too vague.

Comments noted. The pieces of equipment are small and noise will be limited to normal daytime working hours only to minimize disturbance to animals.

Phase 1 will cross an unnamed tributary to Mission Creek. All of the other Phase 1 stream crossings will use existing bridges.

3.1, RGU Certification, p. 19: This statement declares that this EAW describes the complete project, not just Phase 1, but much of it seems to relate mostly to Phase 1, and the rest is described only very sketchily if at all – just shown as lines on a small-scale map. This is a major problem.

The EAW is required for Phase 1 and for the entire trail. As the Traverse receives additional funding, additional environmental reviews and updates are anticipated.

Tom Tri

From: Grayson, Kit (MPCA) <Kit.Grayson@state.mn.us>
Sent: Tuesday, March 12, 2013 7:27 AM
To: Tom Tri
Subject: FW: Hawk Ridge meeting minutes
Attachments: Hawk Ridge - EAW background COGGS options.jpg

Tom,

Here is the understanding for Hawks Ridge. They support this project. You can see from the attachment that John Green was included from the very start.

Thanks

Kit

From: Adam Sundberg [<mailto:adamsundbergdc@gmail.com>]
Sent: Monday, March 11, 2013 7:19 PM
To: Grayson, Kit (MPCA)
Subject: Fwd: Hawk Ridge meeting minutes

Kit, this I an email from janelle long of hawk ridge about their stance on the Duluth traverse. It shows that we have communicated with them and they support what we are doing.

----- Forwarded message -----

From: **Janelle Long**
Date: Monday, March 11, 2013
Subject: Hawk Ridge meeting minutes
To: Adam Sundberg <adamsundbergdc@gmail.com>

Hi Adam,

Sorry, for the delayed response. We needed to look back at notes/details from that previous meeting with COGGS. I also consulted with the board members that were involved. Here is what we found and hope this proves to be helpful:

- 1) We didn't have a further discussion or a vote at a HRBO board meeting about the Duluth Traverse trail, thus no record in minutes. However, there was discussion at the Stewardship Committee and at the informal meeting with COGGS on November 29, 2011.
- 2) From those discussions there was a general understanding that the bikeway through Hawk Ridge would be confined to the Skyline Parkway right of way, but not on the roadway surface (blue flagging has been put there by COGGS) and would not impact Hawk Ridge Nature Reserve except at the Maple Woods and the rocky area below the main overlook. In response to those concerns, COGGS investigated two options and chose one as their primary option. The few (maybe 4) board members who commented about that option agreed that it was the best way to skirt the overlook and not impact hiking/birding trails in the maple woods. This is the first

option as you outlined in the attachment (email from 12/11).

3) With that understanding about the alignment of the bikeway within the Skyline Parkway right-of-way and assurances about going below the rocky knob (Old Baldy) and not using Hawk Ridge hiking trails, HRBO supports the concept of the Duluth Traverse trail through the Hawk Ridge area. HRBO reserves further comments until the precise route within the Skyline Parkway right-of-way and construction details are final when that phase of the Duluth Traverse trail begins.

Please let me know if you have further questions. Best wishes in the process.

Thanks,

Janelle

Janelle Long

Executive Director

Hawk Ridge Bird Observatory

P.O. Box 3006

Duluth, MN 55803

(218) 428-6209

jlong@hawkridge.org

www.hawkridge.org

From: Adam Sundberg [mailto:adamsundbergdc@gmail.com]

Sent: Monday, March 04, 2013 12:51 PM

To: Janelle Long

Subject: Hawk Ridge meeting minutes

Janelle,

I was hoping to locate the meeting minutes for the board meeting I attend last year where our proposed alignment for the Duluth Traverse through Hawk Ridge was voted on and approved. Can you direct me to where I can find those? Our EAW is under review and the Green's have submitted an argument against it. I'm not sure John knows that the board approved our alignment.

To the best of my knowledge the board meeting attended in the fall/spring of 2012.

Adam

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.2897 / Virus Database: 2641/6140 - Release Date: 03/01/13

March 12, 2013

Memo to: Kathy Bergen, Judy Gibbs, Chuck Froseth, Steven Robertson
From: Tom Tri, Steve Klein, and Daniel Jones
Re: Response to Duluth Traverse EAW Comments from MN DNR

Barr staff prepared a draft response to MN DNR comments on the EAW. Telephone conference calls were conducted this morning with Lisa Joyal (MN DNR Central Office) regarding species review comments and with Rian Reed (MN DNR Region 2, in Grand Rapids) on other comments.

**Duluth Traverse Mountain Bike Trail EAW
Responses/Suggested Actions for DNR comments**

1. We have included the suggested invasive species GIS data on a new figure 11 (attached). It appears that the greatest concentrations of invasive species are just south of and adjacent to the Mission Creek segment. Construction specifications for the bike trail can include language for limiting the spread of invasive species by construction equipment and personnel. The EAW can be revised to include text on the potential for the transport of invasive species by trail users. It should be noted that portions of the existing Mission Creek and Lester River segments currently have buckthorn and garlic mustard present.
2. Parking. There are existing trail heads/ parking areas in place for winter ski trails. The proposed bike trail has been located nearby and will use these existing facilities in order to minimize disturbance and new impacts.
3. SGCN species – The EAW can be revised if needed to include text on the documented presence of SGCN species in the area. Please note that SGCN species have no regulatory protections. Moreover, the Project in general will be designed to avoid or minimize impacts to wildlife habitat, since one of the purposes of the Duluth Traverse Bike Trail is to enhance public appreciation of natural resources present in the Duluth urban area.
4. Rare Plant Communities – The suggested Native Plant Community data will be incorporated into a new figure 13 (attached). Based on this figure, it is clear that the trail alignment will approach but avoid Dry Sandstone Cliff (S1 NPC, CTn11e) communities, and will entirely avoid Slumping Clay/Mud River Slope (S2 NPC, RVx54a) communities. A short segment of the trail alignment will pass through a White Pine-White Spruce-Paper Birch Forest (S2 NPC, MHn44b) community, but impacts will be minimal, and the trail alignment will be adjusted to avoid or minimize removal of trees. Overall, we agree with and will endeavor to implement the MDNR

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recommendation that the trail alignment should avoid and/or minimize impacts to unique native plant community types.

There will be no impacts to individuals or populations of pale sedge (*Carex pallescens*) or Blanding's turtle (*Emydoidea blandingii*). The proposed trail alignment follows upland areas that typically do not support Blanding's turtle. Nevertheless, the trail construction contractor will be provided with the MDNR flyer on identification and avoidance measures for Blanding's turtle. The alignment also avoids fire-dependent (FDn) native community types, passing primarily through mesic-hardwood (MHn) forest. Pale sedge typically is found at the margin of fire-dependent forests. The trail alignment will also avoid Special Concern species to the extent practicable.

The sensitive plant species survey was conducted by Suzanne Sanders, a terrestrial ecologist and botanist working with the National Park Service (NPS), Great Lakes Network. Dr. Sanders has conducted biological inventories for the NPS since 2004. She is not on the MDNR list of "Botanical Surveyors For Hire", or on the MDNR list of *Botrychium* specialists. However, she is a Ph.D. in Biology with the academic and professional credentials to conduct scientifically-valid, credible surveys for sensitive plant species. No Work Plan was submitted to DNR by Dr. Sanders prior to conducting her survey. However, the survey report, including methods and results, was peer-reviewed by Daniel Jones at Barr Engineering. Mr. Jones is on the MDNR list of qualified botanical surveyors, and is also on the MDNR list of approved *Botrychium* surveyors. Mr. Jones concurred with the methods and findings of Dr. Sanders' survey, including the timing of the work. In a normal year, the timing of the survey could potentially be considered too early to yield valid results. However, 2012 was an unusually warm year, starting with the warmest March on record. The growing season in Duluth and across much of the state was approximately three weeks ahead of schedule. Therefore, the timing of Dr. Sanders' field survey most likely took place at an appropriate time.

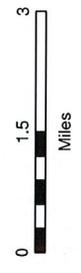
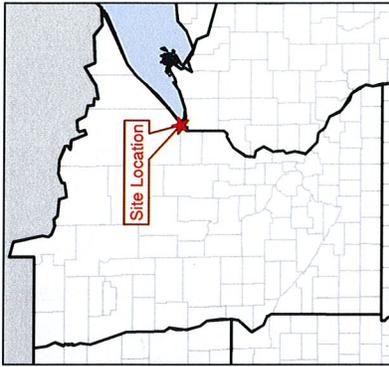
5. The trail alignment will avoid seeps and highly erodible soils. From safety, maintenance and engineering perspectives, it is not feasible to route the bike trail through seeps or erodible soils. The alignment will be designed to avoid these sensitive landforms. Steep slopes are a part of Duluth's topography. The Duluth Traverse Mountain Bike Trail has been designed according to International Mountain Bike Association (IMBA) standards with reasonable grades and turns when climbing or descending slopes. Trail bridges or boardwalks have been planned when seeps or erodible soils could not be avoided and needed to be crossed. Existing bridges were used wherever possible.
6. NRCS soil classifications have been consulted as part of determining the preliminary alignment of the bike trail. Again, the engineering principles employed for the determination of the bike trail

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alignment would by necessity preclude routing the bike trail through wet, erodible or unstable soil types.

7. See response in Comment #2. Existing parking facilities will be used by users of the bike trail. There are no new parking facilities proposed.
8. The EAW can be revised to mention the resources listed in the DNR comments. However, please be aware of the following:
 - a. The trail alignment is not within Jay Cooke State Park or the Hemlock Ravine SNA. Moreover, no eastern hemlocks will be removed as part of the project.
 - b. The City is aware of the high quality natural attributes of Mission Creek and the Magney Snively areas. The Duluth Traverse Bike Trail is being designed to avoid or minimize impacts to unique and sensitive landforms and plant communities. It is not the intent of the City to degrade the natural attributes that are anticipated to be the principal attraction of the bike trail.
9. There are no proposed campsites as part of this project. Campsites have been removed from the map at the request of the City.

Overall, the City of Duluth shares the DNR concerns over protection of unique and sensitive natural features. The Duluth Traverse Bike Trail will be designed and routed to avoid sensitive natural elements to the extent practicable, and will minimize impacts where they are unavoidable. Endangered and threatened species, with statutory protection, will absolutely be avoided. The trail alignment will avoid and/or minimize impacts to special concern species, unique native plant communities and other sensitive natural features. The Duluth Traverse Bike Trail is intended to provide the people of Duluth and its visitors with a unique interface with nature. For this reason, it is not in the interest of the City or the trail designers to degrade these features. In order to avoid impacts to sensitive natural features, a pre-construction meeting will be held with the construction contractor to emphasize the need to avoid sensitive resources.



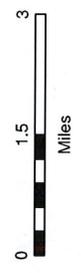
1 Inch = 1.5 Miles
Figure 11

TERRESTRIAL INVASIVE PLANT SPECIES
Duluth Traverse
Duluth, Minnesota





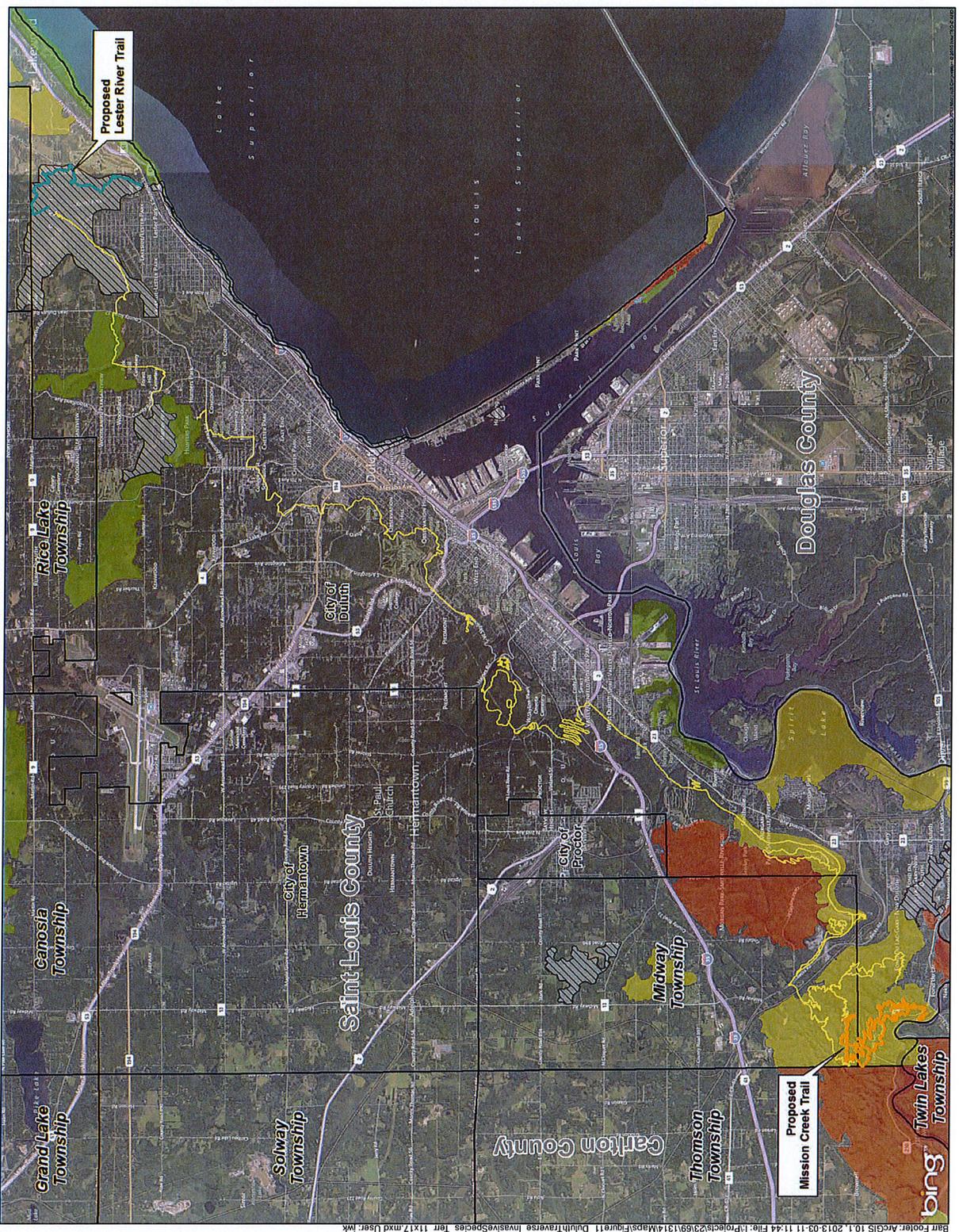
- Proposed Lester River Trail - Phase 1
- Proposed Mission Creek Trail - Phase 1
- Other Duluth Traverse Trails
- Minor Civil Divisions
- MCBS Biodiversity Significance
 - Outstanding
 - High
 - Moderate
 - Below

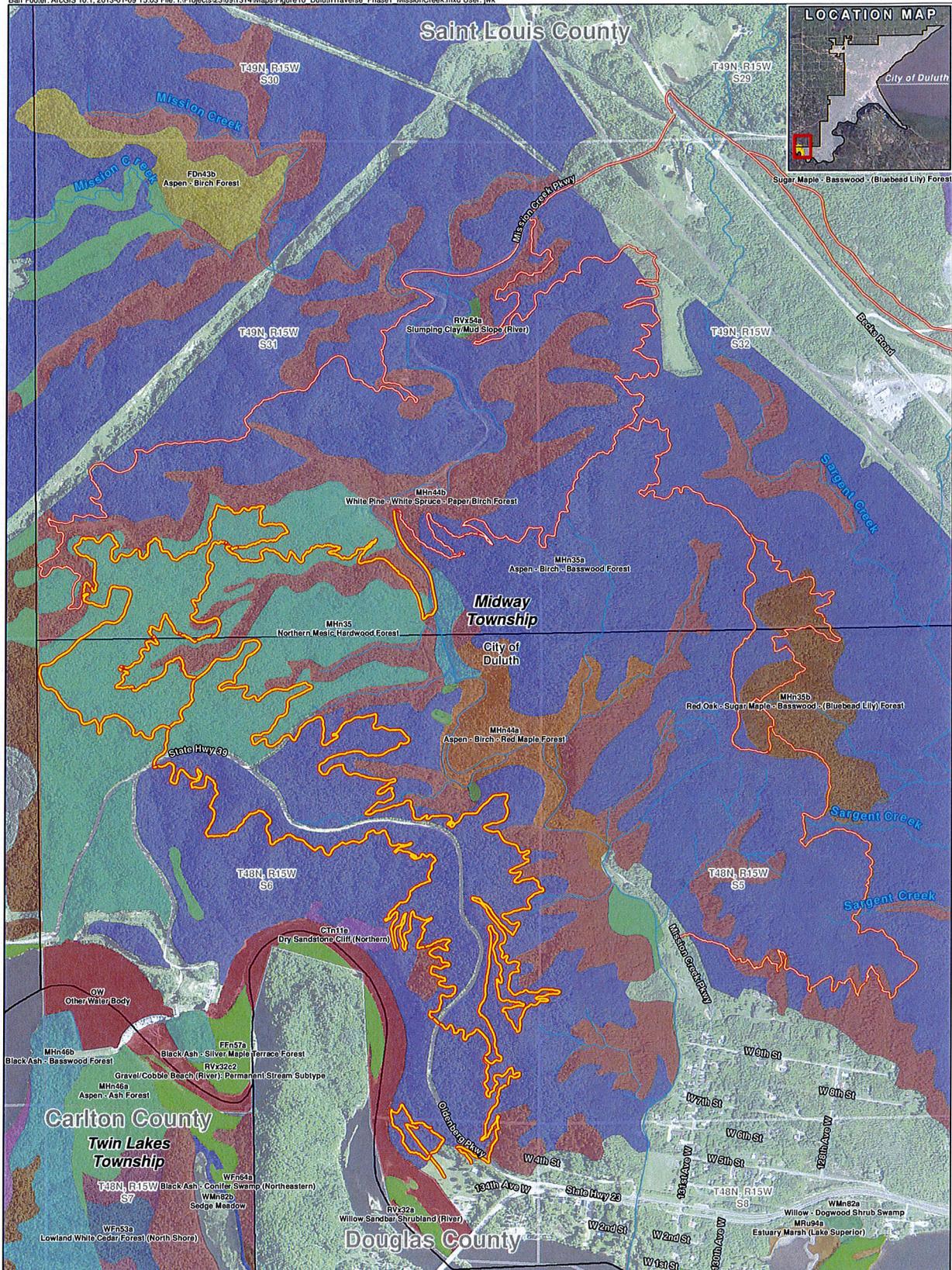


1 Inch = 1.5 Miles

Figure 12

MCBS BIODIVERSITY SIGNIFICANCE
 Duluth Traverse
 Duluth, Minnesota





- Mission Creek Proposed Trails
- Duluth Traverse Proposed Trails
- Duluth Streams
- MCBS Native Plant Communities**
- Aspen - Ash Forest
- Aspen - Birch - Basswood Forest
- Aspen - Birch - Red Maple Forest
- Aspen - Birch Forest
- Black Ash - Basswood Forest
- Black Ash - Conifer Swamp (Northeastern)
- Black Ash - Silver Maple Terrace Forest
- Dry Sandstone Cliff (Northern)
- Estuary Marsh (Lake Superior)
- Gravel/Cobble Beach (River): Permanent Stream Subtype
- Lowland White Cedar Forest (North Shore)
- Northern Mesic Hardwood Forest
- Other Water Body
- Red Oak - Sugar Maple - Basswood - (Bluebead Lily) Forest
- Sedge Meadow
- Slumping Clay/Mud Slope (River)
- Sugar Maple - Basswood - (Bluebead Lily) Forest
- Upland White Cedar Forest
- White Pine - White Spruce - Paper Birch Forest
- Willow - Dogwood Shrub Swamp
- Willow Sandbar Shrubland (River)



Figure 13

**MISSION CREEK PROPOSED TRAIL
PHASE 1
MCBS NATIVE PLANT COMMUNITIES**
Duluth Traverse
Duluth, Minnesota

