



City of Duluth  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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## MEMORANDUM

**DATE:** October 6, 2014  
**TO:** Duluth City Planning Commission  
**FROM:** Charles Froseth, Land Use Supervisor  
**SUBJECT:** Environmental Assessment Worksheet (EAW) for Slip 2 (PL 14-127)

The purpose of this memo is to provide background information regarding Planning Commission action on the Slip 2 Capping and Shallowing project.

The 30-day public comment period for the EAW was from March 18, 2013 to April 17, 2013. As of the date of this memo, a total of **4 comments** were received during the public comment period: Minnesota Historical Society, State Historic Preservation Office (Sep 29, 2014), Minnesota Pollution Control Agency (October 1, 2014), Minnesota Department of Natural Resources (October 1, 2014), and a citizen email (September 15, 2014).

On the October 14, 2014, agenda, the Planning Commission, as the Responsible Governmental Unit (RGU), is to make a determination on the need for an Environmental Impact Statement (EIS).

### Summary:

The proposed project involves capping legacy contaminants with clean dredged material and the subsequently shallowing of Slip 2 from its current average depth of 20 feet to a new depth range of 5 to 10 feet. This action will provide a protective cap of clean dredged material over contaminated sediments, while also providing stability to the remaining dock walls associated with Pier B and the City of Duluth Bayfront Park.

### EAW:

The EAW was provided to the Commissioners as part of their September 9, 2014 Planning Commission packet, for the optional public hearing. 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;

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- 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 September 1, 2014 and ended October 1, 2014. 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

August 27, 2014	Press Release
August 27, 2014	Copies of the EAW distributed to EQB's Official List
September 1, 2014	Notice of EAW published in the EQB Monitor - start of the 30 day comment period
September 9, 2014	Planning Commission heard public comments (optional)
October 1, 2014	End of the 30 day comment period
October 14, 2014	Planning Commission makes a determination on the need for an EIS

# Comments Received

STATE HISTORIC PRESERVATION OFFICE

September 29, 2014

Charles Froseth  
Land Use Supervisor  
City of Duluth  
411 West First Street  
Duluth, MN 55802

RE: Slip 2 Capping and Shallowing; Pier B Development Project  
Duluth, Saint Louis County  
SHPO Number: 2014-1873

Dear Mr. Froseth:

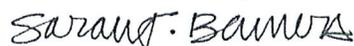
Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

Because activities associated with the Pier B Development Project, including the Slip 2 Capping and Shallowing, will require a Department of the Army Permit, we have consulted with the federal agency pursuant to Section 106 of the National Historic Preservation Act and 36 CFR 800 and have executed a Programmatic Agreement (PA) with the St. Paul District, Corps of Engineers (Corps). The PA outlines stipulations that the Corps must complete in order to fulfill requirements of Section 106, among them potential direct effects to the Slips 1, 2, and 3 Historic District which has previously been determined eligible for listing in the National Register of Historic Places.

Under Question #14 of the EAW, you have stated that the proposed project will not adversely affect the historic property. We are unable to offer our concurrence with this statement at this time because the assessment of effects will be undertaken at a later date, in consultation with the Corps, pursuant to the PA for the Pier B Development Project.

Please contact me at (651)259-3456 if you have any questions regarding our comments on this project.

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

cc: Brad Johnson, St. Paul District Corps of Engineers

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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

October 1, 2014

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

Re: Slip 2 Capping and Shallowing Environmental Assessment Worksheet

Dear Mr. Froseth:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Slip 2 Capping and Shallowing project (Project) located in the city of Duluth, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

- Item 8 – The Project may require a Section 401 Water Quality Certification determination from MPCA, depending upon the permitting mechanism provided by the U.S. Army Corps of Engineers.
- Regarding Item 20 of the EAW, the operation of heavy equipment in and near streams and wetlands obligates the Project proposers to develop a plan for managing fuels and lubricants, including a plan of action to implement in the event of spills. Project proposers and their contractors should be prepared to respond to spills and to recover and contain spilled material as quickly and thoroughly as possible. For petroleum spills that are five or more gallons, the Project proposers and/or their contractors are required to contact the State Duty Officer at 651-649-5451 or 800-422-0798. Information on reporting spills and leaks is available on the MPCA website at: <http://www.pca.state.mn.us/index.php/view-document.html?gid=2807>.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and 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 at 651-757-2482.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kain".

Kevin Kain  
Planner Principal  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Craig Affeldt, MPCA, St. Paul  
Tom Estabrooks, MPCA, Duluth

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# Minnesota Department of Natural Resources

Northeast Region • 1201 East Highway 2 • Grand Rapids MN • 55744



October 1, 2014

Charles Froseth  
Land Use Supervisor  
City of Duluth  
411 West 1<sup>st</sup> Street  
Duluth, MN 55802

ERDB # 20150048

## RE: Slip 2 Capping and Shallowing Environmental Assessment Worksheet (EAW)

Dear Mr. Froseth:

The Minnesota Department of Natural Resources Northeast Region has reviewed the Environmental Assessment Worksheet (EAW) for Slip 2 Capping and Shallowing. We recognize the project achieves multiple beneficial outcomes, including remediation aligned within goals of the Area of Concern (AOC) delisting for beneficial re-use of dredge material. The project also provides improved public access and recreational opportunities to Lake Superior. We have the following comments and questions for your consideration.

- It may be worthwhile to have an estimate of how much dredge material (in cubic yards) will be required to cap and bring the slip up to the planned bathymetry. Quantifying dredge material may help the U.S. Army Corp of Engineers (USACE) estimate needs of other AOC restoration projects.
- What is the thickness range of the cap and will there be an impermeable membrane between the cap and the contaminated sediments?
- The DNR would like to attempt to provide recreational shoreline fishing opportunities along the northeast shoreline and at the mouth of the slip. This may require bottom structure in the plan.
- Under item 11. Water Resources, iv. Surface Waters, part b  
A discussion of alternatives will be required by MN Rules for the Public Waters Work Permit, please see attached highlighted reference.

Thanks for the opportunity to comment, we look forward to cooperating with you on the upcoming permitting and implementation phases of this project. Please feel free to call or email me with any questions you have.

Sincerely,

A handwritten signature in black ink that reads "Rian Reed". The signature is written in a cursive style.

Rian Reed  
Northeast Regional Environmental Assessment Ecologist  
MNDNR, 1201 East Hwy 2  
Grand Rapids, MN 55744  
218-999-7826  
[rian.reed@state.mn.us](mailto:rian.reed@state.mn.us)

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## Steven Robertson

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**From:** Charles Froseth  
**Sent:** Monday, September 15, 2014 10:23 AM  
**To:** Steven Robertson  
**Subject:** FW: USACE 21st Avenue West Dredged Material Project Cross-section illustration

Steven

Unless you have an answer to Thom's question please forward to Brian Murdock so we can respond appropriately.

Thanks

Chuck

---

**From:** Thom Holden [<mailto:kamloops27@chartermi.net>]  
**Sent:** Monday, September 15, 2014 10:10 AM  
**To:** Charles Froseth  
**Subject:** USACE 21st Avenue West Dredged Material Project Cross-section illustration

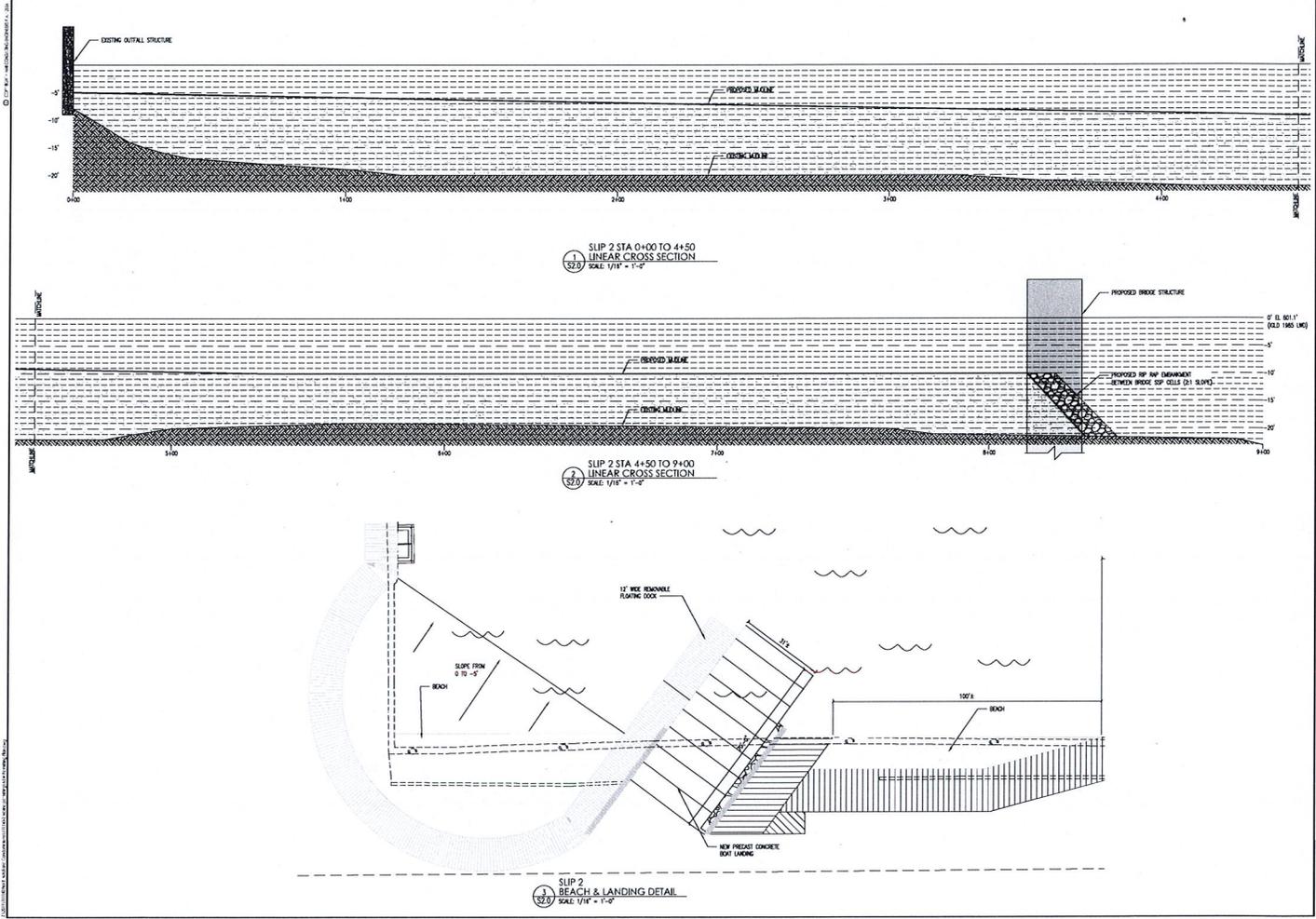
I am trying to find an illustration of this project. What I am looking for is a schematic cross section, not necessarily to scale, that would show the approximate intended depths when finished and the attendant plant life such as lily pads in the water and cattails along the shore type of thing. I think I have seen a black and white line drawing of this, but cannot seem to locate one. It is proposed to use in a temporary exhibit at the Corps of Engineers' marine museum.

Thom Holden  
[Kamloops27@chartermi.net](mailto:kamloops27@chartermi.net)

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# Responses

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**AMI**  
CONSULTING ENGINEERS P.A.  
DULUTH, MINNESOTA  
PH: 727.227.3300 FAX: 727.227.3399

PROJECT: PIER 8 HOTEL & CONDOMINIUMS DOCK REHABILITATION  
DATE: 8-28-14  
DRAWN BY: SGS/SAJ  
CHECKED BY: CES

PIER 8 HOTEL & CONDOMINIUMS  
DOCK REHABILITATION  
DULUTH, MINNESOTA  
CROSS SECTIONS & DETAILS

SHEET: S2.0

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# EQB Monitor

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# Environmental Quality Board

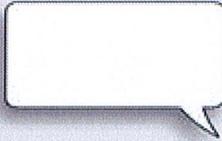
**Publication Date: September 1, 2014**

Vol. 38, No. 18

**Next Publication: September 15, 2014**

Submittal Deadline: September 8, 2014

Submit to [EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us)



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Check the [EQB Calendar](#) for Monitor deadlines and Board meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB website](#).

- [Environmental Assessment Worksheets](#)
- [EAW Need Decision](#)
- [EIS Need Decisions](#)
- [Notices](#)

## Environmental Assessment Worksheets

### Project Title: Long Lake Creek Corridor Improvement Project - Phase II

*Comment Deadline: October 1, 2014*

**Project Description:** The Minnehaha Creek Watershed District (MCWD) is proposing to restore the previously ditched channel of Long Lake Creek to an orientation similar to its historical meandering alignment, and restore a decommissioned wastewater treatment pond into a mixed type wetland. Implementation of the project will result in improvements to stream geomorphology, increased habitat, restored wetland and ecological functions, and increased floodplain storage. The creek restoration falls under criteria requiring a mandatory EAW.

**RGU:** Minnehaha Creek Watershed District

**Contact Person:** Michael Hayman, Planner  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345  
[mhayman@minnehahacreek.org](mailto:mhayman@minnehahacreek.org)  
952-471-8226

### Project Title: Elk River Wastewater Treatment Expansion and Improvements

**Project Description:** The city of Elk River (City) is proposing to expand and upgrade the City's existing municipal wastewater treatment facility (WWTF) to increase the design average wet weather design flow of the WWTF from 2.2 million gallons to 4.54 million gallons per day. The project will also increase treatment capability to meet discharge limits for 5-day carbonaceous biochemical demand, suspended solids and phosphorus. The WWTF will continue to

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discharge to the Mississippi River. That reach of the Mississippi River is a designated Outstanding Resource Value Water (ORVW), requiring that the mass effluent limits for 5-day carbonaceous biochemical oxygen demand and total suspended solids continue to be frozen at the level of mass limits in effect on the November 5, 1984, ORVW designation date. Proposed work includes construction of a new extended aeration tank, conversion of the existing primary clarifiers to anaerobic tanks for biological phosphorus removal, removal of existing trickling filters, and construction of a new extended aeration activated sludge basin to be operated in series or parallel. Other construction work includes removal of the existing final clarifier sludge wet well, construction of a new activated sludge/waste activated sludge lift station and building, and the addition of chlorination and dechlorination equipment. The existing anaerobic digesters and biosolid storage tanks will be converted to aerobic digesters and storage. The liquid biosolids at the WWTF will be run through a screw press to produce a cake product, then either applied to the City's existing permitted land application sites or disposed of at a landfill.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: <http://www.pca.state.mn.us/news/eaw/index.html>. Written comments on the EAW should be submitted to Nancy Drach. A copy of the EAW may also be obtained by contacting Beth Tegdesch at 651-757-2100.

In addition to the Environmental Assessment Worksheet (EAW), the Minnesota Pollution Control Agency's draft National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit will also be available for public comment beginning September 2, 2014. The contact person for the NPDES/SDS Permit is Robin Novotny at 218-316-3851.

**RGU:** Minnesota Pollution Control Agency

**Contact Person:** Nancy Drach, Planner Principal  
Environmental Review Unit – 4th Floor  
Resource Management and Assistance Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
651-757-2317  
[nancy.drach@state.mn.us](mailto:nancy.drach@state.mn.us)

## **Project Title: Slip 2 Capping and Shallowing**

**Project Description:** The proposed project involves capping legacy contaminants with clean dredged material and the subsequently shallowing of Slip 2 from its current average depth of 20 feet to a new depth range of 5 to 10 feet. This action will provide a protective cap of clean dredged material over contaminated sediments, while also providing stability to the remaining dock walls associated with Pier B and the City of Duluth Bayfront Park.

**RGU:** City of Duluth

**Contacts:** Charles Froseth  
Land Use Supervisor  
411 West First Street  
Duluth, MN 55802  
Phone: 218-730-5325  
[cfroseth@DuluthMN.gov](mailto:cfroseth@DuluthMN.gov)

## **Project Title: South Branch Cascade Creek Stream Restoration**

**Project Description:** Olmsted County, Rochester, and the MnDNR are proposing a stream restoration on 7,300 feet of the South Branch of Cascade Creek in Olmsted County to address

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concerns regarding the turbidity impairment, increased downstream sedimentation, marginal aquatic biological communities, and flood protection issues. The restoration will follow Natural Channel Design methodology.

**RGU:** City of Rochester

**Contact Person:** Barb Huberty  
Environmental and Regulatory Affairs Coordinator  
Rochester Public Works Dept  
201 Fourth Street SE, Room 108  
Rochester, MN 55904  
507-328-2425  
Fax 507-328-2401  
[bhuberty@rochestermn.gov](mailto:bhuberty@rochestermn.gov)

### **EAW Need Decision**

The noted responsible governmental unit has made a decision regarding the need for an EAW in response to a citizen's petition.

- CD Corp, Minnesota Pollution Control Agency (Positive Declaration)

### **EIS Need Decisions**

The noted responsible governmental unit has determined the following project does not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the EQB Monitor.

- Saint Peter Heritage Preservation Commission, Building Demotion (214 South Minnesota Avenue) August 7, 2014 (July 7, 2014)
- Minnesota Department of Administration, Minnesota Security Hospital Expansion and Renovation, July 8, 2014 (February 3, 2014)

### **Notices**

#### **Notice of Public Comment on Minnesota Forest Resources Council's Southeast Landscape Plan: A Regional Plan to Guide Sustainable Forest Management**

PLEASE TAKE NOTICE that the Minnesota Forest Resources Council (MFRC) is seeking comment on the draft Southeast Landscape Plan.

Electronic versions of the draft plan and other relevant documents are available on the MFRC website: <http://mn.gov/frc>. Please follow the link on the home page.

The draft Southeast Landscape Plan provides cross-ownership recommendations for long-term forest sustainability in the Southeast region which covers Dodge, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Steele, Wabasha, Waseca and Winona counties. Comments on the draft plan are due on Friday September 12, 2014.

If you have any questions about this document or would like more information, please contact Amanda Kueper, MFRC Landscape Forester: 500 Lafayette Rd, St. Paul, MN 55155; (651) 259-5281; [amanda.kueper@state.mn.us](mailto:amanda.kueper@state.mn.us).

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