

Attachment A: Comments received on the Perch Lake Habitat
Restoration Project

From: [William Sommerness](#)
To: [MN Review, Environmental \(DNR\)](#)
Cc: bill Sommerness@gmail.com
Subject: Perch Lake
Date: Friday, April 8, 2022 9:54:08 AM

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First, I applaud all the work that has been done to make this project viable!

Kudos to the professional staff. The materials are well done and most informative.

My comment is that it would be marvelous if as part of this project, you create a fishing pier that allows fishing Perch Lake. Yes, there is a wonderful pier that was moved from Boy Scout landing, just across #23, giving access to the river, but we need something similar to allow fishing on Perch Lake, for those of us who want to fish panfish. I think the parking lot on the river side might be used also for an access option to Perch Lake.

I am a "very" senior citizen, life-long fisherman in MN, and still eager to continue to do so. However, mobility/walking issues make that not possible. I lived for some years in central MN (Meeker and McLeod Counties) and believe there were in excess of a dozen DNR piers within 30 minutes of my home in Hutchinson.

One huge disappointment of residing in Duluth is the lack of fishing piers within even an hour from my residence. While there are three or four on the St. Louis River, other than Chubb Lake in Carlton County, there are none that I am aware of on any other lakes in southern St. Louis County within an hour of Duluth. That's not a positive acknowledgement or policy consideration for the disabled and elderly.

Therefore, I respectfully ask that you consider amending the proposal to include a fishing pier on Perch Lake, or, in some other fashion make it easily accessible to those of us with disabilities.

Thank you for your consideration, and, again, I am delighted that you are going to do this project at Perch Lake!

Sincerely,

William D. Sommerness

Sent from [Mail](#) for Windows

From: [Paul Stepan](#)
To: [MN Review, Environmental \(DNR\); Paul Stepan](#)
Subject: Perch lake Habitat restoration
Date: Thursday, April 14, 2022 9:28:23 PM

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Hello, I see that there are plans to rehabilitate Perch Lake near Fond du Lac.

I hope you are aware that there is a historic roadbed just south of highway 23. It is the remains of the 1870 Lake Superior and Mississippi Railroad. Please take that into consideration in your planning. It can be seen in aerial views, especially evident in the 1939 photo. <https://apps.lib.umn.edu/mhapo/>

I would hate to see this roadbed adversely affected.

Best regards,
Paul Stepan
281-770-7388

From: Amlouks@yahoo.com
To: [MN Review, Environmental \(DNR\)](#)
Subject: Perch Lake
Date: Tuesday, May 3, 2022 9:23:24 AM

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Hello,

Thank you for caring for and dredging Perch Lake! We have lived on our property next to Perch lake for 6 years. Sadly, in this short time we have witnessed the lake fill with sediment and choke out the once clear looking lake full of frogs, tadpoles and turtles. The homes for these critters are now filled with sediment from the hill.

Although the dredging is necessary, we are concerned the source of the erosion is not being properly addressed. Will we spend millions to dredge the lake just to see it fill up again in less than five years?

We have written and called the city and DNR multiple times about this issue over the past year.

Will all this hard work and money include plans to help minimize further destruction due to erosion of the very special ecological environment that is Perch Lake?

Sincerely,
Kerisa Holmes and Amy Louks

May 3, 2022

Sara Mielke
EAW Project Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

Re: Perch Lake Habitat Restoration Environmental Assessment Worksheet

Dear Sara Mielke:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Perch Lake Habitat Restoration project (Project) located in Duluth, St. Louis County, Minnesota. The Project consists of excavation of organic deposits and installation of box culverts. 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.

Water Resources (Item 12)

- The EAW states that there are multiple associated past and additional projects associated with the current Project, but that the current Project is not part of a Common Plan of Development because the projects are not in the same timeframe. Please note that the definition of a Common Plan of Development means “one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.” The Department of Natural Resources (DNR) may need to redefine whether the overall area restoration plan will disturb 50 or more acres above the Ordinary High Water Level (OHWL) of all surface waters involved in meeting this definition. If so, then the Stormwater Pollution Prevention Plan (SWPPP) for the current project will require submittal to the MPCA for review and approval prior to obtaining National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater permit coverage.
- The stormwater section of the EAW should describe the specific best management practices (BMPs) used to prevent the movement of sediment into the involved surface waters. These should include phasing the construction to limit the amount of area exposed at one time, sediment controls to prevent tracking of sediment by equipment entering the waterbodies, timelines required for temporarily stabilizing inactively worked soils, etc. This section should also describe BMPs DNR intends to utilize below the OHWL to prevent the movement of sediment downstream. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

We appreciate the opportunity to review this project. Please provide your specific responses to our comments and 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 by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

This document has been electronically signed.

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Jeff Udd, MPCA, Duluth

1111 Argyle St.
St. Paul, MN
May 4, 2022

Ms. Sara Mielke
EAW Project Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 25
St. Paul, Mn 55155-4025

Re: Perch Lake Habitat Restoration Project Comments

Dear Ms. Sara Mielke,

My comments concerning the proposed Perch Lake Habitat Restoration Project are in this letter. The project to help restore Perch Lake habitat is excellent, which I concur with. My comments are to help Perch Lake habitat restoration and preservation.

Recommendation – Access to Perch Lake should be closed off, during spring bird migration (Gulls & Pelicans), which use Perch Lake as a stopover. A light weight, moveable, fiberglass gate at the new 12’ by 16’ culvert could be installed; along with signage prohibiting Perch Lake access during bird migration is recommended.

Discussion – A culvert to allow boat access to Perch Lake is great. However, from April to early May, I watched Gulls and Pelicans using Perch Lake as a stopover, during their migration along the St. Louis River corridor. Several photos and a short video clip of the gulls and pelicans on Perch Lake are on a USB flash drive as documentation (Photos 12 to 15). It only takes one boater trying to get close to the birds to ‘Spook’ the birds into flying away. This project is to restore wildlife habitat, not to provide better photo and/or bird viewing opportunities. I have a home on Perch Lake with access to Perch Lake. So, I could easily go on the Lake with a kayak, canoe or boat, when the birds are on the lake to get closer, but I would not do this. As an Audubon member for many years, I know the importance of not scaring birds away, as it takes their energy and time to find another safe resting place.

Recommendation - Minnesota Statute 6106.00160 ‘Land Alteration and Storm Water Management Standards’, which governs Land Alteration, Retaining Walls, Erosion Control, Permit Conditions, Storm Water Management, Development on Steep Slopes, Compliance with other plans and programs must be strictly enforced by all State, St. Louis County and Duluth officials, to ensure long-term Perch Lake habitat restoration and preservation .

Discussion- Strict enforcement of Minnesota Statute 6106.00160 is required to protect Minnesota’s \$7 million investment and not wasted because of poor soil erosion control practices, unpermitted wetland alterations, improper logging, poor vegetation and/or poor development on steep slopes within the Perch Lake area.

Perch Lake is surrounded by steep hills and/or bluffs, which are known to prone to slope failure; thus, subsequent soil erosion into Perch Lake. Two slope failures occurred along Perch Lake Drive in 2012

during heavy rains. One of the slope failures caused a garage to be swept away, which was very close to the home. Slope failure and soil erosion into public Perch Lake waters is not any fantasy or speculation.

On my property, after the spring snow melt and rain, the four ponds and stream became very polluted, with the water turning a deep red brown. High resolution photos of the four ponds and stream discharging into Perch Lake are attached on the enclosed USB flash drive (See photos 1 thru 11). The ponds are numbered from 1 to 4, sequentially, with pond #1 having the highest elevation and furthest upstream of the lake. The polluted, sediment laden stream plume discharging in Perch Lake can easily be seen from the ground and aerial photos of the stream, ponds and Perch Lake. Minnesota owns the water in the stream and ponds, not me. The polluted stream and pond waters are a violation of Statute 6106.00160 Purpose, which states the following:

Subpart 1. Purpose.

The purpose of this part is to establish standards that:

- A. protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and
- B. maintain stability of bluffs, shorelines, and other areas prone to erosion.

Since the State is spending millions to dredge accumulated sediment from Perch Lake, the discharge of sediment laden, polluted water into the Lake must stop. Upstream of my property is a steep bluff, with an unprotected slope and a site of construction for a new home and roadway. On April 30, 2022 I wrote to Duluth city officials asking that a report be written to address project history, how State waters became polluted, soil erosion control measures, actions taken to stop the water pollution and discussion of the various requirements in Minnesota Statute 6106.0160. In my opinion, a soil/slope failure report needs to be certified by a registered, professional engineer. The City, County and State need to ensure that this water pollution into Perch Lake is stopped, as soon as possible, and does not happen again.

The State needs to be aware of current and future building projects on Perch Lake, to protect its investment of \$7 million. For example, there is a recent social media post by a landowner that it is intended to build a road to the top of the hill and a building at the top of the bluff. A road up the steep hillside would require large retaining walls, cutting down numerous large trees on a hillside that with two slope failures. A high potential for soil erosion and slope failure exists for new road to the top of the hillside. A Perch Lake road hillside project would need careful review by City and State officials, relating to Statute 6106.0160 Supb. 8 'Development on Steep Slopes' and related environmental impacts.

The existing Perch Lake wetland needs to be protected by existing Federal and State laws, as millions of dollars are being spent on improving Perch Lake wetlands. Perch Lake is surrounded on the West and North sides by beautiful wetlands, show in the EAW Attachment D - Figures 1a and 1b. The wetland delineation appears to limited to a distance of about 200 feet away from the Perch Lake shoreline. The reason for limiting distance of wetland delineation away from the Perch Lake shoreline was not given. As a property owner, I know that the wetland on my property extends past the 200 foot distance shown Attachment D - Figures 1a and 1b. I am concerned about current and future Perch Lake projects close to the wetlands. Last year, to the West of my property about a 12 foot wide road and path was installed from Perch Lake Drive to the shoreline. This road passed through the wetlands, as shown in Attachment D - Figures 1a and 1b. There was extensive tree cutting and grading for the installation of mobile home, swimming pole and miscellaneous equipment near or on the wetlands. My question is - Were appropriate

permits applied for and a wetland delineation done prior to work on or near the wetlands? If the appropriate permits were not applied for, I have to question if Perch Lake wetlands can be protected in the future. A recent social media post discussed developing land with multiple cabins/homes, which are close to or in the wetland and flood plain area at the site. Will the City and State officials ensure that wetland protections and permits be issued prior to construction? It makes no sense to spend millions on improving the wetlands on Perch Lake, if existing wetlands are not protected.

Perch Lake area is surrounded by many old, large trees on steep slopes that are subject to soil erosion. With the rise in timber prices, it is possible for a land owner to cut down a significant number of trees to make money. Question: How are the City and/or State going to regulate cutting of trees on the steep slopes surrounding Perch Lake, to control erosion and prevent loss of habitat?

Attachments - On USB Flash Drive:

List of Photos Aerial view – Stream discharge into Perch Lake

1. Aerial view – Ponds 3 & 4, plume in Perch Lake
2. Aerial view – Pond 4 and stream discharge into Perch Lake
3. Aerial view – Ponds 3 & 4
4. Aerial view – Ponds 1 & 2
5. Pond #1
6. Pond #2
7. Pond #3
8. Pond #4
9. Stream discharge into Perch Lake
10. Stream discharge into Perch Lake #2
11. Gulls on Perch Lake
12. Gulls on Perch Lake #2
13. Pelicans on Perch Lake
14. Group of Pelicans on Perch Lake

Video

1. Gulls on Perch Lake

I would like to express my gratitude for the efforts by the Minnesota Department of Natural Resources and others, in their efforts to restore and preserve Perch Lake habitat.

Sincerely,

Stephen Greenwood