

Sweetwater Alliance



P.O. Box 3100

Duluth, MN 55803

218.728.5392

pumilios@aol.com

www.sweetwateralliance.org

May 13, 2005

Mayor Herb Bergson
4th Floor City Hall
Duluth, MN 55802

Dear Mayor Bergson:

Enclosed you will find Sweetwater Alliance's response to the Administration and Planning Department memo regarding our request for additional land for the Stormwater Garden along the east side of Slip 2.

We would like to summarize what we feel are important components of our response.

- Historically, the Stormwater Garden has been the one item in the Bayfront Master Plan that received unanimous support from the public, the Mayor's Bayfront Development Task Force, and the City Council. The half-acre of land that was designated by the City Council in 2002 was a strategy to allow Sweetwater Alliance to move forward on submitting the Coastal Program grant. We needed land in order to submit the grant. We knew there was consensus on this small parcel of land, however, we also were very straightforward with the Council that we would need more land for water treatment. What additional land we could use for this project needed further discussion. The request for more land, along with the rest of the Bayfront Plan was sent back to the Doty Administration for further discussion. With the completion of fundraising for the design component of the water garden, we now ask the City Council to reconsider Resolution 02-0875R which referred the Bayfront Master Plan back to the administration for further study along with "the possibility of expansion of the Living Water Garden space."
- We agree with the Administration's memo that this area is downtown's "front door" on the water, and that this area was envisioned as a destination for events, park use, and boating activity – we believe that this type of activity in Slip 2 works hand-in-glove with the Stormwater Garden, and that by working together we can create a beautiful, interactive, and educational "front door" for residents and visitors.
- The Department of Natural Resources stresses that a new location for the Stormwater Garden will in essence require many stages of the Coastal Program grant application process to be repeated and reevaluated.

- The deadline for the Coastal Program grant to be spent is June 30, 2006.
- Upon completion of the design process we will return to fundraising. There will be a few years between the completion of the design stage to the start of construction. We will remain flexible during this time period to accommodate other uses in the area that will bring more people into contact with the water garden.
- Cruise ship docking at Slip 2 is inappropriate due to Homeland Security requirements and related impacts on the Festival Grounds.
- Sweetwater Alliance's Board of Directors unanimously agreed that the Planning Department's proposed locations for the water garden are inconsistent with the goals and objectives of this project.
- Sweetwater Alliance has raised over \$116,000 for design and will not start over fundraising for design in the event that the Coastal Program grant is lost.

We ask for your support on our request for enlarging the Water Garden area along the east side of Slip 2. The Board of Directors and Executive Director are available to discuss this project with you in more detail.

Sincerely,



Ellen Lindgren, President/Treasurer



Wendy Sjoblom, Vice President



Trish Stinnett, Secretary



Jill Jacoby, Executive Director

Sweetwater Alliance's Responses to the Administration and Planning Department's
memo on the Stormwater Garden

Page 1, paragraph 5 "*A scaleable map...*" A map detailing ownership was completed as part of the Coastal Program grant application and a title search showing ownership was conducted by the City of Duluth. This search was done for the land we are requesting with the exception of the wedge between the festival grounds and the slip. (See attachment A).

Page 4 – "*Existing conditions*" –The Bayfront Festival Grounds already creates public uses near the eastern edge of the slip, however, notice the Administration's two pictures of the east side showing that a fence is in place to keep the public away from this hazardous edge. The Stormwater Garden along the wedge of land would act as an additional and more attractive barrier to this hazard.

Page 5, paragraph 1 – "*Sweetwater Alliance Proposal*" – states that the land allotted for the water garden under the URS plan is 1.5 acres. Based on the URS acreage and proposed land use map, the acreage for the water garden that is already approved is estimated at a 1/2 acre not 1.5 acres. Also based on the URS acreage and proposed land map, the amount of additional land we are requesting along the east side of Slip 2 is approximately 2 acres, not the 5-6 acres that is stated in the Administration's report. (See attachment B)

Page 5 – 1st bulleted paragraph "*To make new commitments for land in isolation from this charge to develop a new overall plan, would seriously compromise the opportunity to present contemporary thinking on the future of the entire Bayfront site*". We strongly disagree with this statement. The current Mayor, Herb Bergson, voted for the Water Garden when on the City Council and mentioned his support of the water garden in his acceptance speech and State of the City Address in 2004. There has been a tremendous amount of public participation in the water garden and the Bayfront planning process. There have been numerous public meetings (which developed the "Consensus Plan" of 2002) and a Mayor's Bayfront Development Task Force that met for over a year, all of whom have placed the water garden, in its current location, as a high priority. The Administration's report flies in the face of this public participation process.

We want to state that Sweetwater Alliance will remain flexible and open to adjusting the final design so that it is compatible with other plans for the site. We have heard the Council's concern that Slip 2 use and pedestrian access be maximized. It is our belief that the water garden is the perfect interface for accommodating boat passengers and providing a pedestrian link at the head of Slip 2 to access future Bayfront developments. Accommodating pedestrians is not a problem; in fact, this opportunity is in part what makes this the perfect location for the water garden.

Page 5 - 3rd bulleted entry – “*Slip 2 is about 900 feet long*” – We encourage the City Council to become familiar with the Homeland Security requirements and have attached some of our findings (attachment C). In part, these requirements include an 8 – 10 foot high fence topped with barbed wire in a 30 foot circumference around the ship; concrete barriers (highway construction type) in a 300 foot circumference (which would place them on the festival grounds stage); if Duluth is a starting point for cruise trips (as opposed to a port of call) then a building for screening passengers and luggage needs to be constructed.

On April 6th Jill Jacoby attended the Environmental Advisory Council’s meeting where Bob Bruce stated there are other locations being considered for cruise ship docking. We encourage the Council to explore Slip 3 and other options for cruise ships that will not impact the festival grounds and the water garden project.

Because of the necessary security measures required for cruise ship docking we do not believe that cruise ships are a viable option for Slip 2. However, we strongly agree with the Administration’s report on page 6 *Other Uses Being Researched* paragraph one “the connection between people and harbor activity has been a driving principle. Described as downtown’s “front door” on the water, this area was envisioned as a destination for events park use and boating activity – large and small, local and from away, water taxi to Barker’s Island, fishing charters, tug and pilot boat docking and similar uses for residents and visitors.” We believe that this type of small craft boating activity in Slip 2 works hand-in-glove with the water garden and that by working together we can create a beautiful, interactive, and educational “front door” for the people exiting small boats. We envision walkways connecting the edge of the slip and the festival grounds. Furthermore, we envision that people on those walkways will experience the water garden and that they will stop to learn how a beautiful wetland landscape can be utilized to clean the waters they had just exited moments before. To see first hand how water gardens can engage people we would like you to view Patricia Johanson’s (the lead designer we have chosen for this project), web page so that you can see how she has created gardens that are functional, interactive and educational for various other cities within the United States and abroad (www.patriciajohanson.com). We have also attached photos of Patricia’s work (Attachment D).

Page 5 – 4th bulleted paragraph “*disingenuous to describe this project as treating stormwater*”. *The proposal is to use a lift station to pump water out of the slip to be circulated through the gardens*”. Stormwater entering Slip 2 becomes stagnant between the slip walls. This has been proven by the water quality lab reports, which we have shared with the Council and the Administration (summary attachment E). Due to the necessity of having a constant flow of water for the garden it has been determined that water would need to be pumped from the slip and that with the use of interpretative signs the public will be able to view the stormwater pipe in the slip and will understand what water is being treated. With the addition of Remote Underwater Sampling Systems (RUSS) water quality data of (polluted) water entering the water garden and (cleaner) water leaving the water garden will be transmitted to a terminal

(housed with the pump) allowing the public to see how the water garden removes pollutants from the water.

Page 5 – 5th bulleted paragraph “*current level of available resources*” In regards to maintenance, we have estimated this cost to be between \$2,000 and \$5,000 per year. Tom Kasper the City Gardner met with members of Sweetwater Alliance on February 11, 2005, and informed us that there are already pumps in the Bay being used to water the festival grounds. The addition of another pump may add 4 hours per year to already existing pump maintenance. In our March 14, 2005 presentation to the Council we identified a number of maintenance funding options. We would encourage the use of revenues from DEDA developments (slip use, land developments), and/or a portion of the City’s Stormwater Education Fund to be used as funding sources for maintenance.

Page 5 – “*Sweetwater Alliance operates in isolation...*” We would welcome the Administration’s facilitation of a partnership with the City’s Stormwater Education Program and the Regional Stormwater Protection Team. We see this opportunity as a win-win and ask the Administration to help facilitate such a partnership.

Page 6 – The Administration’s report discusses that the DECC is no longer appropriate for docking of cruise ships because of the new Homeland Security rules. Attached is information from the Coast Guard’s web site on Homeland Security (Attachment C). We feel that that not only do these rules make it impossible for cruise ships to dock in front of the DECC, they also make it impossible for docking in Slip 2. We encourage the Council to invite the Coast Guard to make a presentation about these security requirements (Lt. Greg Schultz 720-5286 x 111).

Page 7 – 1st bulleted paragraph - “*From passenger survey’s*” – We caution the Council in taking information like this with out questioning survey data. Currently there is one cruise ship, the Columbus, which visits Duluth every other year and began this service in 1997. The Columbus holds 205 passengers. (Source: <http://greatlakescruising.com/>) This does not provide a random, large, or diverse sample for a survey and could be misleading information.

Page 7 – 3rd bulleted paragraph - “*Analysis of internal Lake Superior cruise routings...*” The Council should be advised that more stringent security is required for ship ports that are starting points than for port of call locations (see attachment C).

Page 8 – “*Alternatives for Living Water Garden*” – We are thrilled that already this project is encouraging government officials to think about where the water garden technology can be applied elsewhere. In fact, when the Mayors Bayfront Development Task Force (July, 2000) voted to approve the water garden, they did so stating that it would be a model demonstration project with high visibility. Our goal is that many people, from homeowners, to CEOs, to government officials, will take ideas from our project and incorporate them elsewhere. This is a replicable project with applicability to any region and location.

The Sweetwater Alliance Board of Directors met on May 3, 2005 and unanimously agreed to reject the alternative locations proposed by the Administration. Our stated goals for this project include treatment of polluted stormwater in an aesthetic manner that will educate the public. The three options provided do not allow us to meet all of our stated criteria as effectively as the current site with additional land.

In addition, the DNR has expressed numerous concerns (attachment F) with a potential site change for the Coastal Program grant. We feel the information provided by the DNR confirms our conclusions that we will lose the Coastal Program grant due to the June 2006 deadline. Sweetwater Alliance will not start over in fundraising for design if this grant is lost.

Upon completion of the design process we will return to fundraising. There will be a few years between the completion of the design stage to the start of construction. We will remain flexible during this time period to accommodate other uses in the area that will bring more people into contact with the water garden.

At this time we ask that the Council reconsider Resolution 02-0875R which referred the rest of the Bayfront Master Plan back to the administration for further study and "the possibility of expansion of the Living Water Garden space."



CITY OF DULUTH

Administrative Services
208 City Hall • Duluth Minnesota 55802
218-723-3855 • FAX 723-3787
E-mail: thoward@ci.duluth.mn.us

Tim Howard
Project Administrator

Attachment A
May 30, 2003 2 Pages

Tricia Ryan, Coordinator
Minnesota's Lake Superior Coastal Program
1568 Hwy 2
Two Harbors, MN 55616

Re: Living Water Garden Project - Title Opinion

Tricia:

Attached is the Title Opinion for the property proposed to be used for the Living Water Garden Project at Bayfront Park. I'm sorry for this required piece of the application to have taken this long to complete. Hopefully this now completes the application process for this project.

Please provide any information as to the status of this grant application as soon as such information becomes available. I know Jill from the Sweetwater Alliance is eager to seek out additional funding sources once final word is received from your office.

As always, if you have any questions or need any additional information, please let me know.

Sincerely,

Tim Howard
Project Administrator

CC: Jill Jacoby, Sweetwater Alliance

↳ VIA FAX

Minnesota's Lake Superior Coastal Program

TITLE OPINION
(FOR CONSTRUCTION/ACQUISITION PROJECTS)Date: May 30, 2003Re: LIVING WATER GARDEN

(Project Title for Project Application)

I hereby certify that I am a member in good standing of the State Bar of Minnesota and have been requested to determine record of ownership for the parcel(s) of property on which the above-mentioned project will be constructed.

Lots 4-16, Block 7, Bayfront Division of DuluthLots 32, 34, & 36, Block 8, Bayfront Division of Duluth

(Name of brief description of land)

After thoroughly examining the public land records or other appropriate records in accordance with the laws of Minnesota, I certify that the record title to the parcel is held by:

City of Duluth and Duluth Economic Development Authority

(Name of entity)

In (check one):

☒ Fee simple absolute☐ Other (specify) _____

I have determined that there are (check one):

☐ No easements, encumbrances, or other restrictive covenants on the property.☒ Easements, encumbrances, or other restrictive covenants on the property. There are:Portions of the property owned by DEDA are subject to restrictions on property owned by
EDAs as set forth in MN Stat. Chapter 469.

Other comments:

Signature

Name (printed or typed)

Robert E. Asleson

Address

411 W. First St. Rm 410

City

Duluth

State

MN

Zip

55802

Bar Number

0003347

Telephone Number

(218) 723-3368

MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM

Grant application - 2003

Page 1

2 Acres

Pedestrian Access

Pedestrian Access

3 Acres

2 Acres

1.7 Acres

1.7 Acres

1 Acre

5.8 Acres

8 Acres

1.5 Acres

1 Acre

10 Acres

Attachment B

Proposed Land Use



100'

500'

1000'

25mi

Enclosure (1) to Navigation and Vessel Inspection Circular No. 4 02

per the current threat. [REDACTED]

Unless there is a specific threat to a ship or terminal, the COTP shall not establish a universal definition for prohibited weapons. Rather, this information should be established by company policy.

Companies should establish policies that clearly identify prohibited weapons and the company procedures for securing the weapons.

The company's policy on prohibited weapons should be available to, and incorporated into the training for, security personnel who are responsible for screening personnel, baggage, and stores.

2.5.2 Screening Standards

Reserved.

2.5.3 Screening Procedures

The ship and/or terminal should set up appropriate restricted areas to conduct the screening. It is important that the screening areas be restricted, in order to minimize tampering with the items during and after screening. Note, while landside screening is generally preferred, the screening of smaller items (i.e.: personal effects, cabin baggage, individually packaged stores) need not take place outside the boundaries of the ship provided that screening area onboard the ship is adequately restricted and suspicious items can be removed prior to stowage.

[REDACTED]

[REDACTED]

Anyone refusing to submit to security screening at a point of access shall not be allowed to board a ship.




INFORMATION REDACTED UNDER 49 CFR PART 1520 AS SENSITIVE SECURITY INFORMATION

Each person denied entry for refusing to submit to security screening must be identified and reported to the appropriate authorities.

Security equipment should be kept in good working condition and checked/calibrated on a scheduled basis. Records of checks/calibrations should be maintained.

Table 2-3 outlines the recommended frequency of screening for different items commonly brought onboard passenger ships.

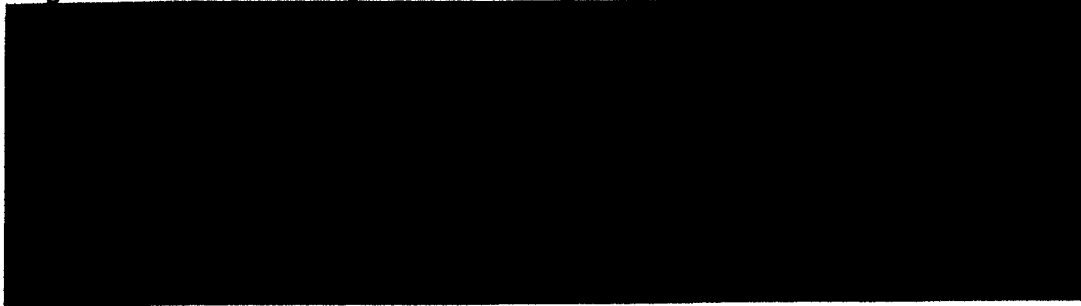
Table 2-3

MARSEC LEVEL	A	I	II	III
SCREENING FOR WEAPONS, INCENDIARIES, AND EXPLOSIVES				
Individual screenings for weapons (walk through or hand-held metal detectors)				
Screening of checked baggage				
Screening of carry-on items				
Screening of stores and provisions				
Verification of checked baggage against passenger list [or tickets]				
				
				

INFORMATION REDACTED UNDER 49 CFR PART 1520 AS SENSITIVE SECURITY INFORMATION

Designated restricted areas should be outlined in the security plan.

Passenger terminals should designate the following areas as restricted areas:



Restricted areas may be further subdivided depending on the degree of restriction or control required to prevent unauthorized access.

2.6.2.2 Barriers

Barriers and their boundaries, when used between restricted and unrestricted areas in the terminal area, should be clearly defined by walls, fences, environmental design, or other security barriers that are either permanent or temporary in nature.

Barriers should be designed, located, and constructed to –

- Delineate the area protected;
- Create a physical and psychological deterrent so as to prevent the introduction of dangerous substances or devices, and should be of sufficient height and durability to deter unauthorized passage;
- Delay intruders and enable security personnel to detect intruders and, if necessary, apprehend intruders;
- Have a minimum number of openings that provide readily identifiable places for the controlled entry of persons and vehicles into the restricted area;
- Be secure when not watched by security personnel;
- When near roadways, must be reinforced to deter penetration by motor vehicles;
- Be kept clear of trees, bushes, and other obstructions, and
- Barriers may be permanent or temporary in nature.



INFORMATION REDACTED UNDER 49 CFR PART 1520 AS SENSITIVE SECURITY INFORMATION

The effectiveness of a security fence or barrier against penetration depends to a large extent on the construction employed. The following detail guidelines should be considered when approving/inspecting security barriers:

- Security fence lines should be kept clear of all obstructions.
- The total height of the security fencing should be not less than 2.50 meters.
- Natural barriers such as water, ravines, etc., can sometimes be effectively utilized as part of the control boundary. However, they may require supporting safeguards (i.e.: fencing, security patrols, surveillance, anti-intrusion devices, lighting) especially during high threat periods.
- The roofs of buildings may also provide a possible route for unauthorized access to the restricted area. Safeguards should be taken to prevent such access by these routes.
- Restricted areas partly surrounded by water may require security barriers with sufficient illumination during night hours and, if on navigable waters, frequent and unscheduled patrols by boat or ashore on foot, or both. Illumination of these areas must be of a type and so placed that it does not interfere with safe navigation.

Table 2-5 outlines the required characteristics of physical barriers based on the given threat level.

Table 2-5

MARSEC LEVEL	A	I	II	III
PHYSICAL BARRIERS				
Temporary or permanent barriers should be used to maintain segregations between cleared and uncleared passenger and baggage				
Additional safeguards such as fences, walls, patrols, or surveillance should augment buildings and natural barriers.				
Increased manpower at appropriate access points as designated in the security plan.				
				

2.6.2.3 Lighting

Passenger terminal operators should provide security lighting between sunset and sunrise.

All external lighting should be located or shielded so that it will not be confused with an aid to navigation and will not interfere with safe navigation.

INFORMATION REDACTED UNDER 49 CFR PART 1520 AS SENSITIVE SECURITY INFORMATION

Illumination should light each exterior door, gate, fence, pier, wharf, or other point of access to the boarding area for passenger ships.

The following detail guidelines should be considered when approving/inspecting security lighting:

- Facilities should be illuminated to a minimum standard of at least one-foot candle at 1 meter above the ground and should be provided from sunset to sunrise. Dock work areas, waterfront, restricted areas and all access points should have 5 foot candle illumination.
- Updated lighting technology should be used, such as high-pressure sodium, mercury vapor, or metal halide lighting.
- Lighting should be directed downward, away from guards or offices, or navigable waterways and should produce high contrast with few shadows.
- Electrical distribution panels should have secure access or be located in a restricted area.
- The primary system should consist of a series of lights arranged to illuminate a specific area continuously during the hours of darkness or restricted visibility. In some circumstances, it may be preferable to use such lighting systems only in response to an alarm.
- Floodlights may be used to supplement the primary system and may be either portable or fixed.
- Floodlights when used should have sufficient flexibility to permit examination of the barrier under observation and adjacent unlighted areas.
- Controls and switches for security lighting should be located in designated restricted areas.
- Where fences and other barriers are to be illuminated, it is important to ensure that the intensity of illumination is adequate for the purpose.

2.6.2.4 Alarms

Alarms, when used, should activate an audible or visual alarm when an intrusion is detected. The alarm should sound in a place that is continuously staffed by personnel with security responsibilities.

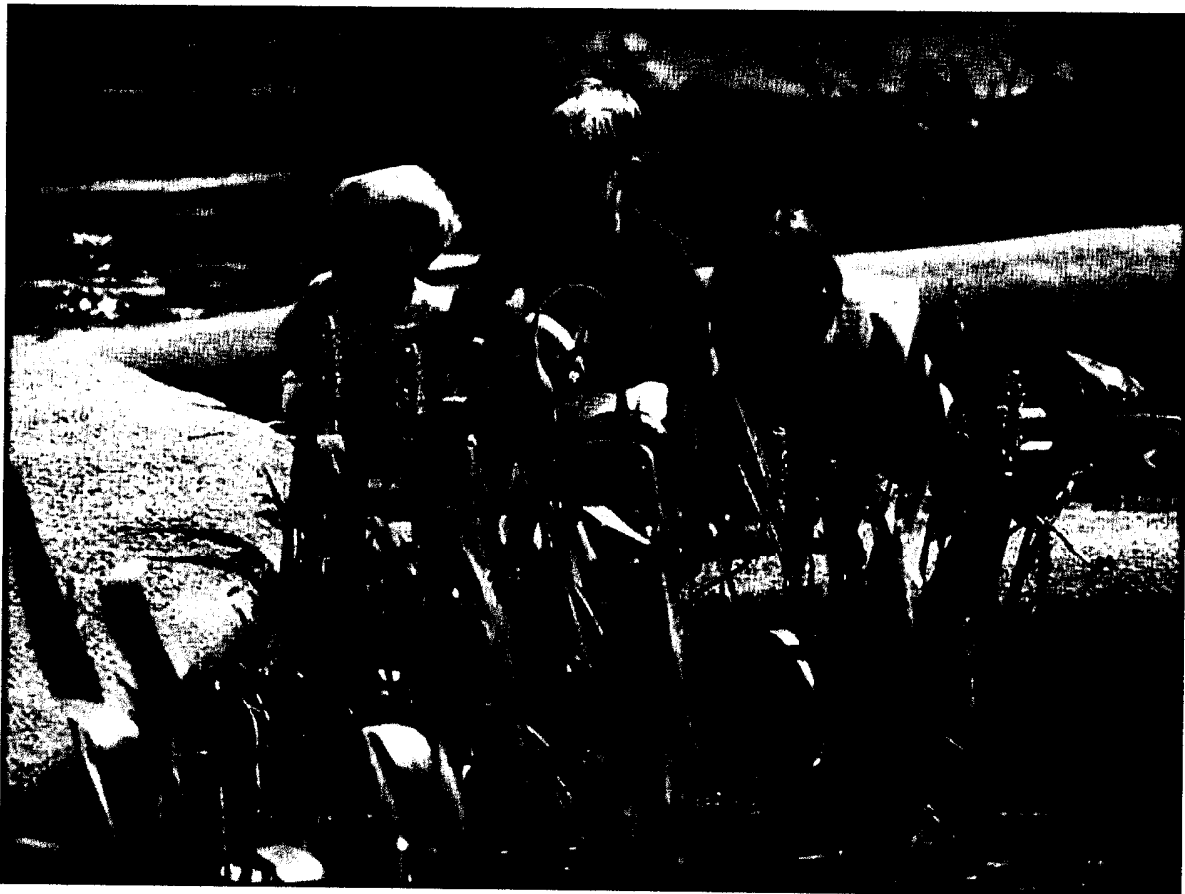
The following detail guidelines should be considered when approving/inspecting security alarms:

- Intrusion detection systems and alarm devices may be used as a stand-alone security measure. However, at higher MARSEC levels, additional guards and patrols may be necessary to provide greater intrusion protection during periods of increased threat.
- Immediate response capability by guards to an alarm from an intrusion detection system or device is important if its use is to be effective.

INFORMATION REDACTED UNDER 49 CFR PART 1520 AS SENSITIVE SECURITY INFORMATION

Attachment D - Patricia Johanson – 2 pages
Source: patriciajohanson.com

At Fair Park Lagoon in Dallas, sculpture is deployed to control shoreline erosion, create microhabitats, and enhance public access. Living ecosystems are restored by enlarging and balancing the food chain, and the lagoon, itself, acts as a flood basin.



Creating a nurturing, living world doesn't mean it can't be a popular and entertaining place. People love Fair Park Lagoon. Children play alongside the insects, reptiles, birds and mammals that live there. Fair Park Lagoon is really a swamp -- a raw functioning ecology that people are normally afraid of. The art project affords people access to this environment, so they find out how wonderful a swamp really is. It's popular, not because people are overwhelmed by my sculpture. They're discovering a marvelous new world

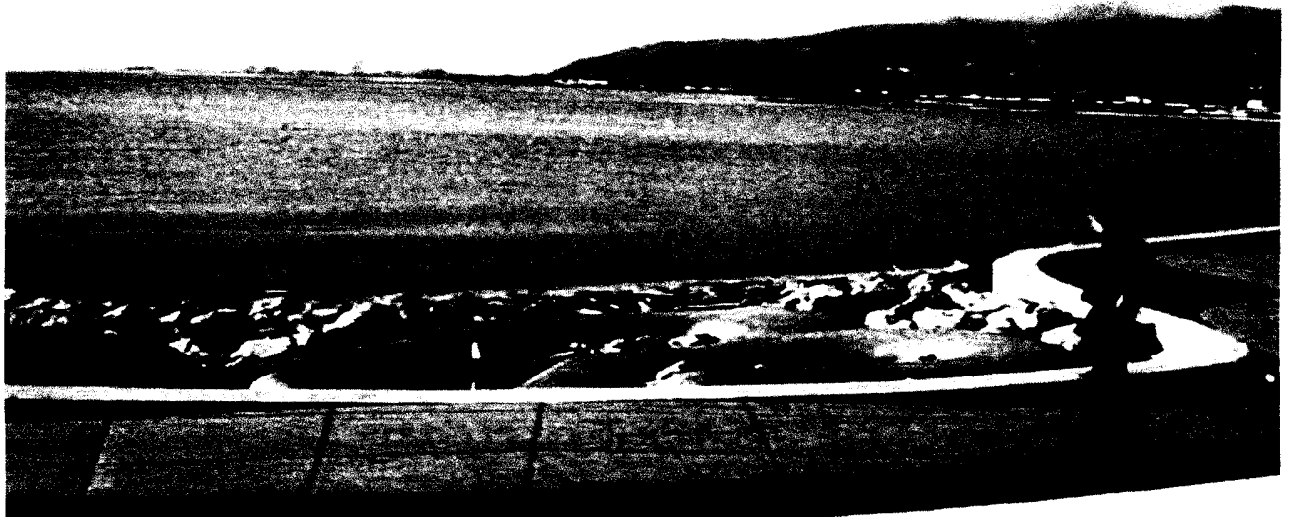
"Endangered Garden", a linear park along San Francisco Bay was commissioned in 1987 by the San Francisco Arts Commission. As co-designer of the thirty million dollar "Sunnydale Facilities", a pump station and holding tank for water and sewage, Patricia Johanson's intent was to present this functional structure as a work of art and a productive landscape. Other goals included increasing food and habitat for wildlife, and providing maximum public access to San Francisco Bay. Tidal sculpture, butterfly meadow, habitat restoration, seating, and overlook are all incorporated into the image of the endangered San Francisco Garter Snake, as is a public access baywalk, thirty feet wide and one-third of a mile long that coincides with the roof of the new transport/storage sewer.



"Ribbon Worm-Tide Pools", a small sculpture within the body of the snake, provides a path down to the marsh and mudflats of San Francisco Bay. It also echoes the monumental earth mounds of the snake's head, and forms a continuous ramp and stairway between baywalk and bay. The tiny worm itself can be found along the shore in tangled masses among mussels and barnacles. At high tide the worm's lower loops fill with water, creating habitat for vertically zoned inter-tidal communities. Eventually the sculpture will become encrusted with barnacles and marine growth and populated by shrimp, worms, crabs, hydrozoa, sponges, and algae. As it ages, the "Ribbon Worm" will become a living sculpture—simultaneously aesthetic, functional, and nurturing.

Paving along the baywalk mimics the red, yellow, and black of the San Francisco Garter Snake. The snake twists and turns to reveal its stripe, "mountain", and scale patterns as well

as the greenish-blue underbelly.



Parameter	Total Suspended solids mg/L	Nitrate/Nitrite mg/L	Chloride mg/L	Fecal Coliform CFU/100mL	Turbidity
Ecoregion Expectations*	6	.09	N/A	20	N/A
Box Culvert** 3/14/01	151	.43	970***	480****	230
Box Culvert 10/30/00	30	.46	13.3	5280	40
Slip 2 10/30/00	19	.36	17.4	3500	26
Hwy 23 Bridge (data taken from MPCA web site)	N/A	.05	N/A	32	6

Notes:

* Ecoregion expectation data taken from: Anderson, Jesse, Estabrooks, Tom, McDonnell, Julie.

Duluth Metropolitan Area Streams Snowmelt Runoff Study. March 2000. MPCA

**The slip 2 and box culvert data was collected on October 30, 2000 after a rain storm.

Data was also collected on 3/14/01 but only from the box culvert as the slip was still frozen. It is expected that data from the slip would show a similar ratio to data collected on 10/30/00.

***Minnesota's aquatic life chronic standard is 230 mg/L. Chloride is a result of road salt.

****The Minnesota Department of Health closes beaches when fecal coliform reaches 400 CFU/100 mL

- I've used the Highway 23 Bridge on the St. Louis River as a reference site that is relatively unimpacted from stormwater.



Pat Collins
Program Manager
Minnesota's Lake Superior Coastal Program
Minnesota Department of Natural Resources
1568 Hwy 2
Two Harbors, MN 55616

(218) 834-6612
Pat.Collins@dnr.state.mn.us

May 2, 2005

Attachment F
2 Pages

Jill Jacoby
Executive Director
Sweetwater Alliance
PO Box 3100
Duluth MN 55803

Dear Jill,

Thank you for your recent inquiry about the implications of a potential site change for the grant: 306A-01-05 Bayfront Living Water Garden – design. As we discussed, there are a variety of issues that need to be considered if a new project site is to be proposed. The grant agreement we have in development is for the Bayfront Park location and a new site could not be selected without the City of Duluth requesting and Minnesota's Lake Superior Coastal Program (and NOAA) approving a revised project and grant agreement. Specifically, the following items would need to be addressed in any request to consider an alternative project site:

1. 306A Checklist item 5. (Project Eligibility) part a. 306A Objectives would need to be reviewed and a determination would have to be made if an alternative project site would continue to meet either or both of the two identified objectives.
2. 306A Checklist item 6. (Project Description) would need to be revised and rationale for the alternative location would need to be provided.
3. 306A Checklist item 8. (Title opinion, Certificate, and appraisal) any proposed project site change would likely require a new title opinion if it is located outside of the property identified on the title opinion we have on file.
4. 306A Checklist item 9. (Site location map) – a new location map would be required.
5. 306A Checklist item 11. (SHPO clearance) – a new request for SHPO clearance would have to be submitted and clearance received before the project could begin.
6. Other 306A Checklist items will need to be reviewed to ensure that a proposed project site change did not require other changes.
7. Project Description in the application: The project description provides rationale for locating this project at the Bayfront site as shown. There was no mention of alternative sites in the application. Strong justification for a move would need to be provided in light of the results of the feasibility study and the Bayfront Master Plan cited in the project description.
8. The application stresses several reasons why the site identified for the project is a good location. The application was approved, in part, due to the

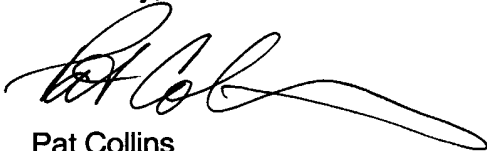
May 2, 2005

- convincing argument that the very large number of visitors to that site provides a unique education and outreach opportunity. Any proposal to consider alternative sites would need to be equally convincing.
9. Due to the nature of the application, project and history of this effort (i.e., the feasibility study funded in part by Minnesota's Lake Superior Coastal Program), changing the site for the design phase of this project is a significant change. Review of a proposed change of this nature could take a significant period of time.
 10. Funding for this project cannot be extended past June 30, 2006. The time for completing the work on this effort is already getting tight. A delay due to revising the requirements identified above may very well result in insufficient time to complete the work of the grant. This potential delay should be carefully considered before any proposal to change the project site is submitted.

As we have discussed, I am now working with the State Historic Preservation Office to determine how best to receive clearance from them. I trust that we will be able to accomplish that shortly, the grant agreement can be finalized and we can authorize you to begin work. Substantial changes, at this stage of the process however, will require us to begin again on several steps of the grant application review procedure and I cannot guarantee the outcome in light of the issues raised above.

We hope that you will be able to successfully complete the Bayfront Living Water Garden Design project. If you determine that changes are required or that changing circumstances prevent you from proceeding, please notify our office as soon as possible. As you know, the funding we have offered has a limited duration and we would like to re-allocate funds that applicants determine are not going to be used.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Collins', with a long, sweeping horizontal line extending to the right.

Pat Collins
Program Manager