

MEMORANDUM OF UNDERSTANDING

City of Duluth, MN, City of Superior, WI, Fond du Lac Band of Lake Superior Chippewa, Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency to establish the

THE LAKE SUPERIOR HEADWATERS SUSTAINABILITY PARTNERSHIP

A. Introduction

This Memorandum of Understanding (MOU) is entered into by and among City of Duluth, MN, City of Superior, WI, Fond du Lac Band of Lake Superior Chippewa, Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. The purpose of this MOU is to formalize the formation of the Lake Superior Headwaters Sustainability Partnership (Headwaters Partnership), a voluntary partnership of communities and agencies, established in 2022.

The Headwaters Partnership is designed as a partnership vehicle to facilitate the development and implementation of projects targeting the continued restoration and protection of the St. Louis River Estuary Landscape following delisting of the St. Louis River Area of Concern. The Headwaters Partnership is committed to working towards addressing ongoing and emerging threats and opportunities facing the Lake Superior Headwaters Region (Exhibit A) related to natural resources and the associated intersections with the economy and community health and well-being through strong partnerships and strategic coordination.

The vision and guiding principles of the Headwaters Partnership are:

The Lake Superior Headwaters Sustainability Partnership is an inclusive and intentional framework for how and where we work to achieve a thriving estuary landscape and community. The principles of sustainability, resiliency, and equity guide our approach to managing our natural resources by including economic development and community health and well-being considerations.

In order to achieve this vision, we need to:

- *Take a holistic approach to protecting and restoring the natural resources of the St. Louis River Estuary and surrounding watersheds that can be scaled up geographically over time.*
- *Build and improve the existing capacity and processes that enable us to work collaboratively.*

- *Work to improve ecological integrity and resiliency while furthering a sustainable relationship between humans and the environment.*
- *Incorporate human community needs and provide access to ecosystem services in an equitable manner.*
- *Develop trust and legitimacy in our efforts through knowledge sharing and effective facilitation, and*
- *Proactively identify emerging issues that may negatively impact achieving a healthy and thriving landscape.*

1. Authority and Partnership Tiers of Engagement

The Lake Superior Headwaters Partnership activities are structured around three tiers of engagement:

Tier 1: The Headwaters Partnership MOU signatories are the Tier 1 partners and represent agencies with regulatory jurisdiction within the Lake Superior Headwaters Region (Tier 1 Partners). These partners will play a leading role in making project funding requests and implementation of awarded projects. The Tier 1 Partners are:

- City of Duluth, MN
- City of Superior, WI
- Fond du Lac Band of Lake Superior Chippewa
- Wisconsin Department of Natural Resources
- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency

Tier 2: The second tier consists of partners and stakeholders who are active contributors in specific Headwaters Partnership-related activities, geographic areas, or interests (Tier 2 Partners). These partners will be actively engaged by the Tier 1 Partners and may be asked to sign letters of support as part of the overall effort and/or specific project work. Tier 2 Partners may also serve on the Headwaters Partnership Forum. Tier 2 Partners include, but are not limited to:

- 1854 Treaty Authority
- Duluth Seaway Port Authority
- Lake Superior National Estuarine Research Reserve
- Minnesota Land Trust
- University of Minnesota Duluth – Natural Resources Research Institute
- U.S. Environmental Protection Agency Great Lakes Toxicology and Ecology Division
- U.S. Fish and Wildlife Service Ecological Services and Coastal Programs

Tier 3: The third tier consists of community interest groups who might engage on a more specific project level or who wish to stay informed and follow the progress of the work in the Headwaters Partnership region (Tier 3 Partners). Tier 3 Partners will be identified on a project-by-project level.

B. Purpose

The Headwaters Partnership is a vehicle to address the following needs:

1. Establish shared goals and objectives for a set of Priority Concerns (Exhibit B) developed following a systems approach to achieve desired status for the Lake Superior Headwaters region (Exhibit A).
2. Identify information gaps and develop strategies to support integrated information management and data sharing.
3. Serve as an entry point for partners to connect and engage on topics described in the Lower St. Louis River Landscape Conservation Design Scoping Report (Exhibit B).
4. Identify the intersections of natural resource management needs with economic development and community health and wellbeing to allow for pro-active management of opportunities and potential competing interests.
5. Leverage funding by positioning the Headwaters Partnership as the primary coordination partnership for natural resources management within the Lake Superior Headwaters region.
6. Document and share State of the Lake Superior Headwaters progress and update the priorities and agenda (5-year cycle).
7. Develop and implement a process for sharing information with the community and gathering community input for the purposes of gaining greater public support for natural resources management efforts (see Community Engagement and Environmental Justice goals and objectives in Exhibit B).

C. Areas of Agreement for Tier 1 Partners

The Tier 1 Partners as signatories to this MOU agree to cooperate and pursue issues of mutual concern in the Lake Superior Headwaters region. The parties will:

1. Implement a systems-based natural resources management approach to achieve desired status for the Lake Superior Headwaters region that incorporates economic development and community health considerations.
2. Coordinate funding priorities and collaborate on funding proposals that focus on the implementation of projects aimed at addressing the Identified Priority Concerns (Exhibit B).
3. Actively work to connect partners and develop partnerships to support achievement of established goals and objectives for the Priority Concerns (Exhibit B).
4. Identify data needs and gaps for informed natural resources management.
5. Support data sharing for the purpose of informed natural resources management and progress monitoring, not including sharing of sensitive tribal data and information.
6. Monitor and document progress and share this with the broader stakeholder community.
7. Conduct meaningful community engagement to guide restoration and protection priorities.

D. Organization Structure

Tier 1 Partners shall designate at least one representative to the Headwaters Partnership Forum. Representatives shall provide input to the Headwaters Partnership and represent their agency in accordance with the areas of agreement above. The partnership is a voluntary partnership of communities and agencies, and any decision-making regarding the partnership shall be done by consensus. The Headwaters Partnership will strive to secure grant funding to pay for a coordinator position responsible for the facilitation and support of the Headwaters Partnership's activities.

The Tier 1 Partners agree to the following responsibilities:

- a. Attend meetings and provide Headwaters Partnership-related updates for their organization.
- b. Provide/share data, project updates, etc. as needed for maintaining decision support tools.
- c. Assist in advancing the projects prioritized as part of the Headwaters Partnership, including advocating for support within the organization/agency and assisting in the preparation of funding proposals for projects.

The Headwaters Partnership Forum shall include a chair and vice chair with the support of a coordinator. Each will have the following responsibilities:

The chair will:

- a. Provide leadership for two years.
- b. Oversee development of meeting agendas and goals for meeting outcomes.
- c. Act as point of contact for funding partners.

The vice chair will:

- a. Provide support to the Chair for two years.
- b. Become chair after two years.
- c. Be a second point of contact if Chair is unavailable.

The coordinator will:

- a. Prepare and facilitate meeting as described in F. Annual Meeting Schedule.
- b. Conduct meeting follow-up as needed.
- c. Organize the annual Headwaters Partnership meeting in conjunction with the annual St. Louis River Summit to discuss the state of Lake Superior Headwaters region.
- d. Act as first point of contact for partners and outside inquiries.
- e. Maintain an accurate partner email list.
- f. Support development of funding proposals through communication and coordination.
- g. Ensure the Headwaters Partnership Decision Support Tool is updated with new information.
- h. Manage subcontracts for the Decision Support Tool contractor, Level 2 Analyses, and other contracted support for the Headwaters Partnership work.

E. Meeting Schedule

The Headwaters Partnership Tier 1 Partners commit to a bi-monthly meeting schedule in support of the three primary meeting agenda topics described below, to further define shared goals and objectives for the Priority Concerns, and to complete Level 2 Analyses (funding dependent). Additional preparatory and coordinating meetings may be scheduled as needed.

1. Funding coordination – Tier 1 Partners

The objective is to coordinate funding strategies among partners. This includes identification of cost-sharing or leveraging opportunities of different funding sources (local-state-federal matching), coordination regarding timing of funding availability between different funding sources, aligning priorities within a particular funding source, and providing letters or other forms of support for funding requests of partners. This meeting should be held late summer/early fall in advance of most federal requests for proposals.

2. Activity Coordination – Tier 1 and 2 Partners

The objective of this meeting is to coordinate on a practical project basis. This involves discussion of timing and desired order of resource management work and coordination on data collection and monitoring activities. Meetings focused on this agenda topic should be held in February/March in advance of the field season.

3. The State of the Lake Superior Headwaters Region – Tier 1, 2 and 3 Partners

The main objective of this agenda topic is to bring together partners and stakeholders, share progress, and provide opportunities to effectively engage these stakeholders with the Headwaters Partnership work. The Partnership will serve to share, inform, and gain broad input in terms of priorities, community needs, and concerns; and identify and create opportunities for new projects and partnerships. This can take place in conjunction with the Annual St. Louis River Summit.

F. Changes to the Memorandum of Understanding

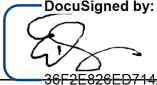
Amendments or additional appendices may be developed and implemented by mutual written agreement of the Tier 1 Partners at any time without renegotiating the entire MOU. A party may also terminate its participation in this MOU after providing 30 days written notice to the other parties.


G. Effective Date of Memorandum of Understanding

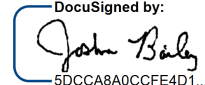
This MOU is effective on the date of the signature of the entity and will remain in effect for a period of 5 (five) years.

H. Signatures

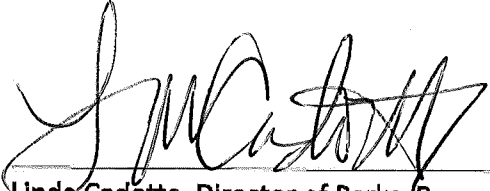
CITY OF DULUTH MINNESOTA

By:  DocuSigned by: 1/31/2023
36F2E826ED714A... _____
 Emily Larson, Mayor Date

Attest:  DocuSigned by: 2/1/2023
 By:  _____
EE9D2CA1AA9F42B... _____
 Ian B. Johnson, City Clerk Date

Countersigned:  DocuSigned by: _____
5DCCA8A0CCFE4D1... _____
 Josh Bailey, City Auditor


Approved as to form:  DocuSigned by: _____
F4C4D28DF08942A... _____
 Rebecca St. George, City Attorney



Linda Cadotte, Director of Parks, Recreation & Forestry
City of Superior, Wisconsin

12.20.22

Date



Kevin R. Dupuis, Sr.
Fond du Lac Band of Lake Superior Chippewa

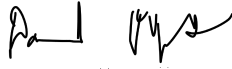
12/7/22
Date

Katie Smith

**Katie Smith, Director, Division of Ecological and Water Resources
Minnesota Department of Natural Resources**

12/22/2022

Date



**Dave Olfelt, Director, Division of Fish and Wildlife
Minnesota Department of Natural Resources**

12/22/22
Date

Glenn Skuta

**Glenn Skuta, Director, Watershed Division
Minnesota Pollution Control Agency**

**January 10, 2023
Date**

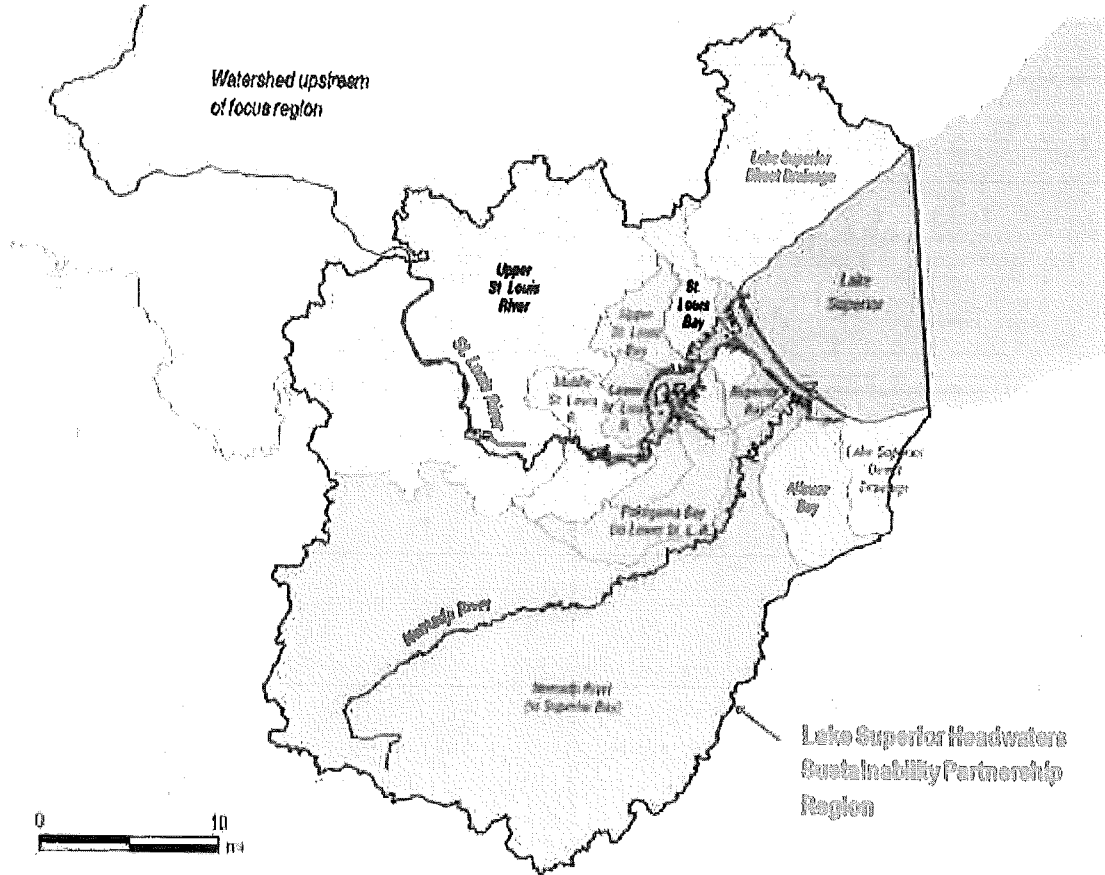
Cherie L. Hagen

Cherie Hagen, Lake Superior Supervisor, Office of Great Waters,
Environmental Management Division
Wisconsin Department of Natural Resources

01/26/2023

Date

EXHIBIT A Lake Superior Headwaters Sustainability Partnership Region





City of Duluth

411 West First Street
Duluth, Minnesota
55802

Certified Copy

Resolution: 22-1060R

File Number: 22-1060R

RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING TO FORMALIZE THE FORMATION OF THE LAKE SUPERIOR HEADWATERS SUSTAINABILITY PARTNERSHIP.

CITY PROPOSAL:

WHEREAS: the Lake Superior Headwaters Sustainability Partnership is intended to facilitate the continued restoration and protection of the St. Louis River Estuary Landscape; and

WHEREAS: On December 7, 2022, the Natural Resources Commission unanimously voted in support of the Lake Superior Headwaters Sustainability Partnership Memorandum of Understanding (MOU) and moved to recommend that Council authorize the MOU;

NOW, THEREFORE, BE IT RESOLVED, that the proper City officials are hereby authorized to execute a MOU, substantially in the form of the attached Exhibit A, with the City of Superior, WI, Fond du Lac Band of Lake Superior Chippewa, Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency to formalize the formation of the Lake Superior Headwaters Sustainability Partnership.

This Resolution was adopted unanimously.

I, Ian B. Johnson, City Clerk of the City of Duluth, Minnesota, do hereby certify that I have compared the foregoing passed by the city council on 12/19/2022, with the original approved and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth.

Ian B Johnson

12/21/2022
Date Certified