

**FOCUSED FEASIBILITY STUDY REPORT  
FOR  
40TH AVENUE PROJECT AREA  
IN THE ST. LOUIS RIVER AREA OF CONCERN**

**August 28, 2015**

**APPENDIX I. LANDOWNER OUTREACH EXHIBITS AND SUBSTANTIAL  
CORRESPONDENCE**

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## **Identified 40<sup>th</sup> Avenue Stakeholders with Landholdings**

<u>Name</u>	<u>Title</u>	<u>Affiliation</u>
Diane Gobin	Environmental Manager	NewPage - Duluth Mills
Roberta P. Dwyer	District Land Management Engineer	Minnesota Department of Transportation
Brian Kamnikar	Environmental Investigation Unit Supervisor	Minnesota Department of Transportation
Charles H VonRueden	Roadmaster	BNSF Railway Duluth Trans Railway Northern Pacific Railway Company
Mark Erickson	Port Manager	Canadian National Railroad Duluth Winnipeg & Pacific Railroad Wisconsin Central
William Sawyer	Hibbard Plant Manager	Minnesota Power - ALLETE
Kurt Anderson	Environmental and Land Department	Minnesota Power – ALLETE
Tom Castle	Real Estate Supervisor	Minnesota Power - ALLETE
Brett Ballavance, PE	Environmental Risk Manager	Minnesota Power - ALLETE
Chris Eng	Executive Director	Duluth Economic Development Authority
Mike McCoshen	President and COO	Hallett Dock Company*

\*Presently adjacent to the Project Area

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The information gathered during the development of the EDR is shown in italics and cited. Additional stakeholder questions or comments from the development of this FFS are included as well.

General questions or concerns that arose during the EDR Public and Small Business stakeholder meeting include:

- *“Public entities are interested in participating in planning and engineering of the conceptual plans – particularly in the re-use of dredge materials*
- *Concerns about the ownership of the bed by private entities; how jurisdiction (permissions and authority) are going to be addressed*
- *Design team suggested that the State of Minnesota needs to look into ownership of bed and jurisdiction issues “(NRRI, 2012).*

**New Page** (now Verso Corporation)

#### EDR comments

*“Diane Gobin, Environmental Supervisor; Matt Christenson, Communications Coordinator*

- *New Page has a water intake along Berwind slip used to make snow to pile on logs. Restoration designs should ensure adequate intake capacity for this operation.*
- *New Page offered that they would like to maintain the option of using the deep-water slip along the pier where they now store logs. This pier, the Berwind Dock, is owned by Minnesota Power and leased to New Page.*
- *New Page has a ground water monitoring well system used to monitors for contaminants from Well 7, a superfund site.” (NRRI, 2012).*

#### FFS comments

Diane Gobin, Environmental Supervisor of Verso Corporation (formerly New Page), attended a landowner meeting at the MPCA offices in Duluth on June 3, 2015. The purpose of the meeting was to present the progress of the work in the Project Area and to solicit questions and comments from these stakeholders. Gobin was told the slip owned by Minnesota Power used by Verso for material storage would not be altered. The water intakes for snowmaking equipment were discussed. Gobin stated the intakes were essentially dry hydrants that are visible extending from the dock. Gobin offered no other comments on the project.

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**Shoreline Photo of Water Intake at Verso Paper Utilized Dock**

### **Hallet Dock**

#### EDR comments

*Mike McCoshen, President; Jerry Fryberger, Chairman*

- *Hallett does not expect that the project would impact their operations as their operations are on the other side of the dock.*
- *Hallett uses some of the railroad tracks but does not own them.*
- *Hallett mentioned that much of the wetlands and creek outfall south of Hallett are all growing on wood waste.” (NRRI, 2012).*

#### FFS comments

Hallet Dock offered no additional comments during the development of the FFS. Mike McCoshen of Hallet Dock Company did participate in some project meetings and presentations. Once the area around Hallett Dock property was removed from the concept designs, Mr. McMoshen was given the option to attend project meetings or otherwise MPCA would keep him abreast of changes affecting his property.

### **BNSF Railroad**

#### EDR comments

*“Chuck VonRueden, Roadmaster*

- *Questions about the accuracy of the map of land ownership – BNSF suggested the team communicate with BNSF property management company to determine legal ownership and property boundaries.*
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- *BNSF raised a concern, though not related to the 40th Avenue West Complex restoration project, about wood and other debris washing down Kingsbury Creek, affecting their culverts, bridges, and rail lines. It seems that there may be people clearing brush or trees along the creek and not removing the cut material from the floodplain.*
- *BNSF worked with the Hog Island project and experienced addressing the needs and issues related to access and property use during the restoration process.” (NRRI, 2012).*

#### FFS comments

BNSF did not respond to outreach efforts soliciting additional comments from landowners.

#### **CN Railroad**

#### EDR comments

*“Mark Erickson, Port Manager*

- *CN expressed no concerns at this time; would like to be informed as the project progresses.” (NRRI, 2012).*

#### FFS comments

CN railroad did not respond to outreach efforts soliciting additional comments from landowners.

#### **Minnesota DOT**

Roberta P. Dwyer, District Land Management Engineer

- At a December 2014 Team Meeting, Roberta Dwyer approached the FFS authors with concerns regarding the status of the project. She was concerned construction had not been coordinated and permits were not in place. Ed Lilla from Jewell explained the point of the FFS was to point out the needs for further coordination and permitting and to document the concerns of the affected stakeholders. The AOC team will need to secure permitting and provide further coordination efforts as plans develop.

#### **Duluth Seaway Port Authority**

Jim Sharrow, Facilities Manager; Deborah DeLuca, Government & Environmental Affairs Director.

- The Port expressed concerns to MPCA regarding shoreline softening along the facility. It would prefer not to add fill at this time. It can be stated as a future option in the FFS.
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## Minnesota Power – ALLETE

### EDR comments

*“Dave Pessenda, Renewable Business Operations Manager; Blake Francis, Supervisor, Water Quality & Waste Management*

- *MN Power has concerns regarding potential impacts to intake and outfall water-cooling system. Restoration design alternatives need to provide enough water depth and flow for the cooling system to operate.*
- *MN Power also stated the federal rules on entrainment are being updated and any changes may affect their current –or any future- intake entrainment protocol*
- *MN Power mentioned that they had evaluated the potential for expanding the footprint of the peninsula with Army Corps of Engineers by using dredge material, but decided against it at the time.*
- *Ownership question – MN Power owns the Berwind Dock but are not sure if they own the deepwater slip. Legal ownership needs to be determined.*
- *MN Power would consider utilizing removed wood waste as a renewable fuel.*
- *MN Power owns the Berwind Dock which is being used by New Page. MN Power suggested that the other half of the dock could potentially be considered for stockpiling removed waste from the project.” (NRRI, 2012).*

### FFS comments

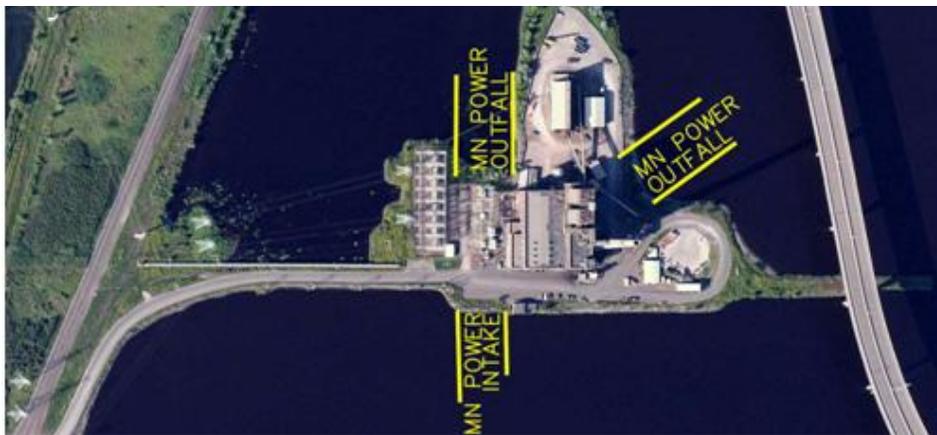
Brett A. Ballavance, P.E., Environmental Risk Manager

- The USACE had previously listed the “back bay” of MN Power as a potential dredge disposal site in their harbor dredging management plan. Brett thought it was far down the list of potential sites.
  - The intake and outfall locations for the plant are not quite in the appropriate locations. A more accurate map was provided (See Figure 2).
  - Suggested the need to update the land ownership map because they claim Hibbard (MN Power) actually owns a portion of the land underwater in that back bay (See Map Below). Areas the concept shows as filling or dredging are possibly owned by Minnesota Power. They would like to get this clarified and addressed as the plans move forward.
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William J. Sawyer, Renewable Business Operations Manager  
Crystal Tokarczyk, Environmental Coordinator, Environmental Services

William J. Sawyer and Crystal Tokarczyk of Minnesota Power/Allete attended a landowner meeting at the MPCA offices in Duluth on June 3, 2015. The purpose of the meeting was to present the progress of the work in the Project Area and to solicit questions and comments from these stakeholders. The following questions and concerns were discussed.

- The intake and outfall are now depicted in the correct location on the concept map presented at the meeting. There is a second outfall not shown. Bill Sawyer indicated the outfall was on the northeast side of the plant and pointed to it on a map. The outfall is in an area where no work is proposed.



### **Minnesota Power Intake and Outfalls**

- Crystal Tokarczyk said there are temperature probes around the peninsula installed as a part of their discharge permitting. Probes are located near the intake and outfalls as well as at the regulatory location of the end of the mixing zone, which is off the east end of the peninsula, under the Bong Bridge.
  - The dock utilized by Verso Paper along the south limits of the Project Area was a concern. Allete was shown how the project would not affect the dock or alter the associated deepwater slip. Maintaining industrial uses is a design goal for the project.
  - If shoreline softening is considered by Minnesota Power, they would like it limited to the causeway at the western end of the peninsula. They would like the riprap around the peninsula to stay in place.
  - Stirring of sediments is a concern as it may affect the intake of the power plant. Martha Minchak of MNDNR stated the contractor would be required to install measures such as silt curtains, to inhibit migration of disturbed sediments.
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- There was a considerable amount of discussion regarding the bay on the northwest side of the power plant. William Sawyer said that his belief was the bay northwest of the power plant was identified as a navigational dredge placement site. He saw this as a win-win for both groups as Minnesota Power would gain additional usable land out of the arrangement. The Project Area plans show dredging in this area for fish overwintering. Martha Minchak and Diane Desotelle explained that they did not believe this area was a current dredge placement alternative considering all the AOC projects that will require dredge materials for habitat placement. Minnesota Power was told they may need to seek the permitting for this fill on their own and mitigation of the habitat loss may be required. Sawyer said that there were no immediate plans to fill the site; however, they may want the option available in the future. Diane Desotelle stated perhaps the habitat dredge limits could be moved north so as not to impact future plans. Crystal Tokarczyk thought that with the dredging only being a couple feet in most areas it may not affect any future plans significantly.
- Minnesota Power needs to be notified in advance of any project activities that would impact the bay northwest of the power plant. Currently, no known actions are planned for this area.

Minnesota Power planned to meet internally to discuss the project after the June 3rd landowner meeting and to provide project comments. Those comments are found at the end of this Appendix.

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**From:** Brett Ballavance (ALLETE) [mailto:bballavance@allete.com]  
**Sent:** Wednesday, May 13, 2015 2:35 PM  
**To:** Lilla, Ed  
**Subject:** RE: Hibbard Intake Pipe and Outlet Pipe Location

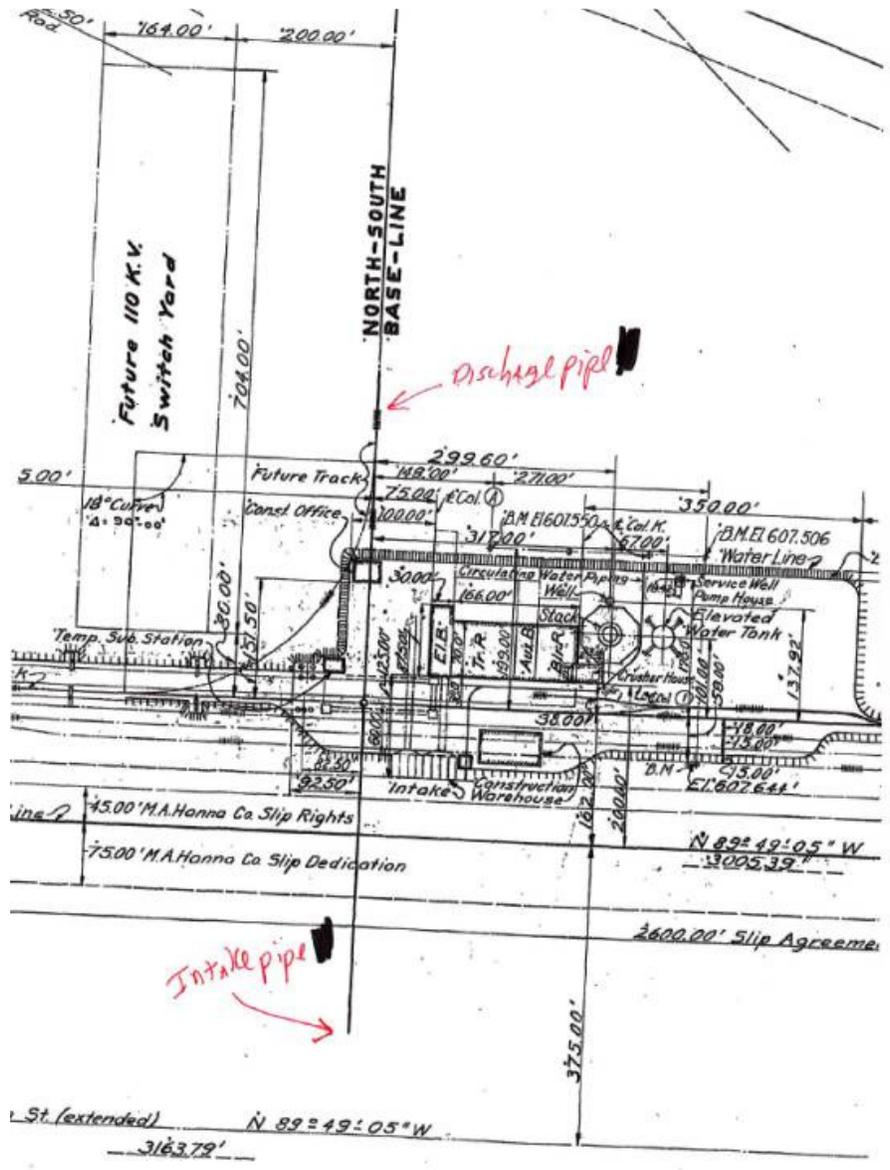
Here is a better picture of what Minnesota Power owns. So the back bay proposed dredging area is actually land underwater that we own.

### Minnesota Power Ownership



**From:** Brett Ballavance (ALLETE)  
**Sent:** Wednesday, May 13, 2015 12:37 PM  
**To:** 'Ed.Lilla@JewellAssoc.com'  
**Subject:** Hibbard Intake Pipe and Outlet Pipe Location

Ed share this drawing with others as need be. Here is a better location for where the Hibbard Renewable Energy Center non-contact cooling water inlet pipe is located along with the discharge pipe. We can get more specifics later. We also need to update the land ownership map because Hibbard actually owns a portion of the land underwater in that back bay. So potentially areas the plan would look at filling or dredging are actually owned by Minnesota Power. Let's get these updates in place before the plan moves much more forward. Thanks.



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Brett A. Ballavance, P.E.  
Environmental Risk Manager  
Minnesota Power - ALLETE  
Environmental and Land Management Services  
30 West Superior Street  
Duluth, MN 55802-2093  
Office: 218/355- 3423  
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Fax: 218/723-3916

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June 22, 2015

Diane Desotelle  
Minnesota Pollution Control Agency  
525 Lake Avenue South, Suite 400  
Duluth, MN 55802

Re: **Minnesota Power Comments on 40<sup>th</sup> Ave West Restoration Project**

Diane:

Per our discussion at the 40<sup>th</sup> Avenue West Restoration Project stakeholder meeting held at MPCA offices on June 3, 2015 Minnesota Power would like to submit the following comments regarding the project:

- Portions of the restoration project are located on property owned by Minnesota Power. Property lines are delineated on the attached map. A copy of the Certificate of Title from 5-15-1930 is also attached for reference. In 1988 MnDot purchased an easement from Minnesota Power for construction of the Bong Bridge; further indication the state recognizes Minnesota Power's ownership.
- Islands are proposed along the edge of and within Hibbard's permitted mixing zone, Minnesota Power has concerns that blocking wind and wave action could impact the designated mixing zone and flow rate to the intake structure. Hibbard's NPDES Wastewater Permit requires temperature monitoring at the edge of the mixing zone to demonstrate permit compliance. The edge of the mixing zone is a line that extends from the southern corner of the Erie Pier to the center point of the Grassy Point Bridge.
- Minnesota Power has completed costly fish impingement studies to comply with federal 316(b) requirements. Placement of new fish habitat near the facility intake structure may render the studies invalid and additional controls may be required if this project increases fish counts in the area. If this should be the outcome of the restoration project, the restoration project should cover the cost of any additional controls and ongoing operation and maintenance, which are not currently required.
- The current project proposal includes areas of fill along the shoreline near Minnesota Power's cooling water intake structure. Water depth and flow in this area needs to be maintained to operate the cooling water system. Two thermal monitors located along this area need to remain mid-stream and mid-depth in accordance with the facility NPDES permit.



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If you have any question regarding MP's comments please feel free to contact me at 218.355.3461 or via email at [ctokarczyk@allete.com](mailto:ctokarczyk@allete.com)

Sincerely,

A handwritten signature in cursive script that reads "Crystal Tokarczyk".

Crystal Tokarczyk  
Environmental Compliance Specialist II  
ALLETE/Minnesota Power

Attachments:   Hibbard Property Certificate of Title  
                      Hibbard Property Map  
                      Hibbard Intake and Outfall Location Map

# C O P Y

District Court 1443, 1746, 1819

**Certificate 68991.0**

File No. 106856 Registered 5/15/1930

LINC Number 3445

Volume 220

Transfer from Certificate Number(s): all of 18077.0, all of 18078.0, all of 31861.0

Page 191

Originally registered December 2, 1912 Volume 52 Page 227.0 and May 1, 1913 Volume 54 Page 293.0 and July 20, 1912 Volume 48 Page 288.0

## REGISTRATION

STATE OF MINNESOTA }  
COUNTY OF ST. LOUIS } ss.

### This is to certify

MINNESOTA POWER & LIGHT COMPANY  
COUNTY OF ST LOUIS, STATE OF MN

**is now the owner of an estate, to-wit, IN FEE SIMPLE**

of and in the following described land situated in the County of St. Louis and State of Minnesota, to-wit:

**All that piece or parcel of land or land covered with water situate, lying and being in part on Lot 2, in Section 7, and in part on Lot 1, in Section 18, Township 49 North, Range 14 West, in the City of Duluth, St Louis County, Minnesota, described as follows: Beginning at a point in the dock or harbor line established by the United States Government on the Minnesota side of St Louis Bay, and approved by the Secretary of War on November 17, 1899, where said dock line is intersected by a certain line hereinafter called the "Agreement Line" which was established by agreement between West Duluth Land Company, a Minnesota corporation, party of the first part, and Luther Mendenhall and Ellen R Mendenhall, his wife, George L Raymond and Mary E Raymond, his wife, Abigail E Little, a widow, and Phillip M Graff, a widower, parties of the second part, as the boundary line dividing the unplatted lands covered by the waters of the Bay of St Louis of the parties thereto, the said agreement being recorded in the office of the Register of Deeds, in Book "Q" of Agreements on page 172; thence Northwesterly along the aforesaid "Agreement Line" to its intersection with the produced center line of 48th Avenue West, formerly called Minnesota Avenue, in the plat of Oneota, according to the recorded plat thereof, on file and of record in the office of said Register of Deeds; thence Northwesterly along said produced center line of 48th Avenue West to a point which is 75 feet Northeasterly measured at right angles from the prolongation in a straight line of the aforesaid "Agreement Line"; thence Northwesterly on a line parallel with and 75 feet northeasterly measured at right angles from the prolongation of said "Agreement Line" to a point which is 15 feet southeasterly measured at right angles from the southeasterly line of Front Street, as dedicated by West Duluth Land Company; thence southwesterly parallel with and 15 feet southeasterly measured at right angles from the southeasterly line of said Front Street, to a point which is 375 feet northerly measured at right angles from the center line of Main Street in the Altered Plat of West Duluth, Third Division, according to the recorded plat thereof, extended Easterly in a straight line; thence Easterly along a line parallel with and 375 feet northerly measured at right angles from the produced center line of Main Street aforesaid, to a point in the said established dock line; thence Northerly along said dock line to the place of beginning. Also any and all riparian rights**

# C O P Y

**and privileges, if any, which may now or hereafter exist East of said dock or harbor line.**

SUBJECT to the right, if any, which the State of Minnesota in its Sovereign capacity, may have in and to said submerged land and the waters thereof, for the purposes of navigation, or in aid thereof, or for any other beneficial public purpose.

SUBJECT also to the terms of that certain agreement entered into between West Duluth Land Company and Duluth, Winnipeg & Pacific Railroad Company, dated July 11, 1912, and recorded in the office of the Register of Deeds of St Louis County, Minnesota, on November 21, 1912, in Book "K" of Plats, on page 385.

SUBJECT also, to a certain contract for the dedication of a slip dated November 27, 1909, between West Duluth Land Company and M A Hanna Dock Company, recorded in the office of the Register of Deeds, in Book 10 of Agreements on page 201.

Subject to encumbrances, liens, and interest noted by memorial underwritten or endorsed hereon: and subject to the following rights or encumbrances subsisting,

as provided in laws 1905, chapter 305, section 24, namely:

- (1) Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
- (2) Any real property tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;
- (3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
- (4) All rights in public highways upon the land;
- (5) Such right of appeal or right to appear and contest the application as is allowed by law;
- (6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
- (7) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this May 15, 1930

CHAS CALLIGAN

Registrar of Titles

in and for the County of St. Louis and State of Minnesota

By THOS C CHALMERS, Deputy

# C O P Y

## MEMORIAL

**of Estates, Easements or Charges on the Land described in the Certificate of Title hereto attached.**

DOCUMENT NUMBER	KIND OF INSTRUMENT	DATE AND TIME OF REGISTRATION	INSTRUMENT DATE AND AMOUNT	SIGNATURE OF
111268.0	NOTICE OF LIEN	04/13/1931 3: 45PM	4/13/1931 75.00	CHAS CALLIGAN by ESTHER SAAF Deputy
RUNNING IN FAVOR OF: RAY G NOYES LIEN				
112010.0	SATISFACTION OF LIEN	06/05/1931 4PM	6/4/1931	CHAS CALLIGAN by ESTHER SAAF Deputy
RUNNING IN FAVOR OF: GOGEBIC STEAM BOILER WORKS ET AL SATISFIES DOC NO 111268				
176257.0	MORTGAGE	09/25/194502: 00 PM	9/1/1945 26000000.00	CHAS CALLIGAN by E PETERSON Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY A NEW YORK CORPORATION AND RICHARD H WEST AS TRUSTEES MTG & TRUST DEED AFFECTS OTHER PROPERTY ALSO				
199356.0	MORTGAGE	03/15/194904: 00 PM	3/1/1949 4000000.00	CHAS CALLIGAN by E WILMOT Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY A NEW YORK CORPORATION & RICHARD H WEST AS TRUSTEES SUPPLEMENTAL MTG AFFECTS OTHER PROPERTY ALSO				
214394.0	MORTGAGE	07/17/195111: 45 AM	7/1/1951 10000000.00	CHAS CALLIGAN by C J HEGLAND Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY A NEW YORK CORPORATION & RICHARD H WEST AS TRUSTEES SECOND SUPPLEMENTAL MTG AFFECTS OTHER PROPERTY ALSO				
255557.0	SUPP. INDENTURE-UTILITY	03/15/1957 2: 30 PM	3/1/1957 12000000.00	CHAS CALLIGAN by LUCILLE FERGUSON Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY, A NEW YORK CORPORATION, AND RICHARD H WEST AS TRUSTEES THIRD SUPPLEMENTAL INDENTURE AFFECTS OTHER PROPERTY ALSO				
261872.0	APPOINTMENT	12/04/1957 11 AM	10/16/1957	CHAS CALLIGAN by LUCILLE FERGUSON Deputy
RUNNING IN FAVOR OF: J A AUSTIN J A AUSTIN APPOINTED AS SUCCESSOR TRUSTEE OF RICHARD H WEST. SEE DOC. NO. 261872 FOR DETAILS. AFFECTS OTHER PROPERTY ALSO.				
326099.0	APPOINTMENT	04/21/1967 3: 00 PM	4/4/1967	CHAS A SLOWINSKI by MILDRED KINDBERG Deputy
RUNNING IN FAVOR OF: E J MCCABE E J MCCABE APPOINTED AS SUCCESSOR TRUSTEE OF J A AUSTIN SEE DOC NO 326099 FOR DETAILS AFFECTS OTHER REGISTERED PROPERTY ALSO				

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331996.0	SUPP. INDENTURE-UTILITY	01/25/1968	11AM	1/1/1968	1.00	CHAS A SLOWINSKI by D V BURZYNSKI Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY A NY CORP & E J MCCABE AS TRUSTEES FOURTH SUPPLEMENTAL INDENTURE AFFECTS OTHER REG PROP ALSO						
335897.0	REVISED LAND DESCRIPTION	08/22/1968	8AM	8/7/1968		CHAS A SLOWINSKI by DV BURZYNSKI Deputy
RUNNING IN FAVOR OF: PUBLIC AUDITOR'S DESCRIP #450 FOR DESCRIPTION & FURTHER DETAILS SEE DOC NO 335897						
352718.0	SUPP. INDENTURE-UTILITY	04/30/1971	1 PM	4/1/1971	23000000.00	CLARK A ILSE by H A SUMMERS Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY A NEW YORK CORP AND E. J. MCCABE, AS TRUSTEES FIFTH SUPPLEMENTAL INDENTURE AFFECTS OTHER REGISTERED PROPERTY ALSO						
386237.0	SUPP. INDENTURE-UTILITY	08/29/1975	10: 00 AM	8/1/1975		CLARK A ILSE by J LEVINSKI Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY, A NEW YORK CORP, AND E J MCCABE AS TRUSTEES SIXTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC. NO. 386237. AFFECTS OTHER REGISTERED PROPERTY ALSO.						
395565.0	SUPP. INDENTURE-UTILITY	10/12/1976	1 PM	9/1/1976	35000000.00	CLARK A ILSE by J LEVINSKI Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY AND D W MAY, AS TRUSTEES SEVENTH SUPPLEMENTAL INDENTURE AFFECTS OTHER REGISTERED PROPERTY ALSO						
406016.0	SUPP. INDENTURE-UTILITY	10/20/1977	11: 00 AM	9/1/1977		CLARK A ILSE by J LEVINSKI Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY AND D W MAY SUCCESSOR TO RICHARD H WEST, J A AUSTIN AND E J MCCABE EIGHTH SUPPLEMENTAL INDENTURE AFFECTS OTHER REGISTERED PROPERTY ALSO FOR DETAILS SEE DOC NO 406016						
411251.0	SUPP. INDENTURE-UTILITY	05/02/1978	10: 00 AM	4/1/1978		CLARK A ILSE by J LEVINSKI Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY AND D W MAY AS TRUSTEES NINTH SUPPLEMENTAL INDENTURE AFFECTS OTHER REGISTERED PROPERTY ALSO						
414174.0	SUPP. INDENTURE-UTILITY	08/08/1978	11: 00 AM	8/1/1978		CLARK A ILSE by D GILBERG Deputy
RUNNING IN FAVOR OF: IRVING TRUST COMPANY & D W MAY AS TRUSTEES TENTH SUPPLEMENTAL INDENTURE AFFECTS OTHER PROPERTY ALSO FOR DETAILS SEE DOC NO 414174						
428204.0	LIS PENDENS	01/22/1980	11: 00 AM	12/4/1979		CLARK A ILSE by D ANDERSON Deputy
RUNNING IN FAVOR OF: STATE OF MN PET VS THERESA M LINDLEY ET AL RESP PROCEEDINGS BEGUN TO CONDENM PART OF PROPERTY HEREIN FOR TRUNK HIGHWAY PURPOSES. AFFECTS OTHER PROPERTY ALSO.						

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448632.0	SUPP. INDENTURE-UTILITY	12/21/1982 11: 30 AM	12/1/1982	24550000.00	CLARK A ILSE by D IDE Deputy
RUNNING IN FAVOR OF: IRVING TRUST CO AND D W MAY AS TRUSTEES ELEVENTH SUPPLEMENTAL INDENTURE AFFECTS OTHER PROPERTY ALSO					
460267.0	APPOINTMENT	07/06/1984 12: 00 PM	6/25/1984		CLARK A ILSE by D K HILDEN Deputy
RUNNING IN FAVOR OF: J A VAUGHAN APPOINTMENT AND ACCEPTANCE J A VAUGHAN APPOINTED AS SUCCESSOR CO-TRUSTEE OF D W MAY FOR DETAILS SEE DOC NO 460267 AFFECTS OTHER REGISTERED PROPERTY ALSO					
463837.0	FINAL CERTIFICATE	12/03/1984 3: 30 PM	10/29/1984		CLARK A ILSE by D K HILDEN Deputy
RUNNING IN FAVOR OF: STATE OF MINNESOTA PET VS THERESA M LINDLEY ET AL RESPON PARTIAL FINAL CERTIFICATE IN THE MATTER OF THE CONDEMNATION OF CERTAIN LANDS FOR TRUNK HIGHWAY PURPOSE. AFFECTS OTHER PROPERTY ALSO.					
475156.0	PARTIAL RELEASE OF MTG.	04/01/1986 4PM	3/20/1986		CLARK A ILSE by D VANDERPORT Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT CO PAR RELEASE OF MTGE & DEED OF TRUST FOR DETAILS SEE DOC NO 475156 AFFECTS OTHER REGISTERED PROPERTY ALSO					
477810.0	EASEMENT	06/27/1986 1PM	12/2/1985		CLARK A ILSE by J IVANOVICH Deputy
RUNNING IN FAVOR OF: CITY OF DULUTH INDENTURE OF SALE EASEMENT & AGREEMENT FOR DETAILS SEE DOC NO 477810 AFFECTS OTHER REGISTERED PROPERTY ALSO					
477969.0	MORTGAGE	07/02/1986 10AM	7/1/1986		CLARK A ILSE by J IVANOVICH Deputy
RUNNING IN FAVOR OF: FIRST NATIONAL BANK OF CHICAGO AND NATIONAL AUSTRALIA BANK LIMITED STAT MTG, SECURITY AGMT & FIX FIN STMT FOR DETAILS SEE DOC NO 477969 AFFECTS OTHER REG PROP ALSO					
482679.0	PARTIAL RELEASE OF MTG.	11/17/1986 12PM	9/23/1986		CLARK A ILSE by J IVANOVICH Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT CO IRVING TRUST CO & J A VAUGHAN RELEASE MTGE & DEED OF TRUST BEARING DOC NO 176257 AS SUPPLEMENTED AFFECTS OTHER REGISTERED PROPERTY ALSO					
486911.0	SUPP. INDENTURE-UTILITY	04/08/1987 12: 00 PM	4/1/1987		MARK A MONACELLI by D IDE Deputy
RUNNING IN FAVOR OF: IRVING TRUST CO & J. A. VAUGHAN, AS TRUSTEE TWELFTH SUPP IND FOR DETAILS SEE DOC NO 486911 AFFECTS OTHER PROPERTY ALSO					
488197.0	MORTGAGE	05/19/1987 9AM	5/1/1987		MARK A MONACELLI by J IVANOVICH Deputy
RUNNING IN FAVOR OF: THE PRUDENTIAL INSURANCE CO OF AMERICA, A NEW JERSEY CORP STAT MTG, SECURITY AGMT & FIX FIN STMT					

# C O P Y

488575.0	MECHANICS LIEN	05/29/1987	11AM	5/28/1987	10837.77	MARK A MONACELLI by J IVANOVICH Deputy
RUNNING IN FAVOR OF: SEAWAY ENGINEERING COMPANY AFFECTS OTHER REGISTERED PROPERTY ALSO						
489136.0	MECHANICS LIEN	06/15/1987	1PM	6/12/1987	19761.00	MARK A MONACELLI by D IDE Deputy
RUNNING IN FAVOR OF: L L LEJEUNE COMPANY, A MN CORP						
495620.0	SAT. MECHANICS LIEN	12/14/1987	1PM	11/25/1987		MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: MN POWER SATISFIES DOC NO 488575						
496039.0	MECHANICS LIEN	12/28/1987	2: 30PM	12/22/1987	245000.00	MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: VAN ERT ELECTRIC CO INC, A WI CORP						
497034.0	SATISFACTION OF LIEN	01/29/1988	4PM	1/7/1988		MARK A MONACELLI by J LEVINSKI Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT CO SATISFIES DOC NO 489136						
497304.0	AFFIDAVIT	02/10/1988	10AM	1/28/1988		MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: VAN ERT ELECTRIC COMPANY THIS AFFIDAVIT GIVEN FOR THE PURPOSE OF ESTABLISHING THE MECH LIEN BEARING DOC NO 496039 IS NOW REDUCED TO THE AMOUNT OF 57000						
498819.0	MECHANICS LIEN	04/07/1988	4: 30PM	4/6/1988	7340.23	MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: GREAT LAKES EQUIPMENT CO INC, A WI CORP						
499095.0	MECHANICS LIEN	04/14/1988	2PM	4/11/1988	96018.63	MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: AYCO ELECTRIC LTD, A WI CORP						
499096.0	MECHANICS LIEN	04/14/1988	2PM	4/11/1988	1040627.00	MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: AYCO ELECTRIC LTD, A WI CORP						
503126.0	APPOINTMENT	08/23/1988	2: 00 PM	7/27/1988		MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: W T CUNNINGHAM APPOINTMENT & ACCEPTANCE W T CUNNINGHAM APPOINTED AS SUCCESSOR CO-TRUSTEE TO J A VAUGHAN SEE DOC NO 503126 AFFECTS OTHER PROPERTY ALSO						
506970.0	SAT. MECHANICS LIEN	12/21/1988	3PM	12/14/1988		MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT CO SATISFIES DOC NO 499095						
506971.0	SAT. MECHANICS LIEN	12/21/1988	3PM	12/14/1988		MARK A MONACELLI by R PORTNER Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT CO SATISFIES DOC NO 499096						

**C O P Y**

513443.0	SAT. MECHANICS LIEN	08/04/1989	1PM	7/28/1989		MARK A MONACELLI by DK HILDEN Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER & LIGHT COMPANY SATISFIES DOC NO 496039						
513444.0	SAT. MECHANICS LIEN	08/04/1989	1PM	7/28/1989		MARK A MONACELLI by DK HILDEN Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER SATISFIES DOC NO 499095						
513445.0	SAT. MECHANICS LIEN	08/04/1989	1PM	7/28/1989		MARK A MONACELLI by DK HILDEN Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER SATISFIES DOC NO 499096						
516035.0	SAT. MECHANICS LIEN	10/19/1989	2PM	10/12/1989		MARK A MONACELLI by R RATZER Deputy
RUNNING IN FAVOR OF: MN POWER & LIGHT CO & CITY OF DULUTH SATISFIES DOC ON 498819						
518737.0	MECHANICS LIEN	01/18/1990	8: 30AM	1/16/1990	14808.00	MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: VILBERG-VICTOR CO INC AFFECTS OTHER REGISTERED PROPERTY ALSO						
522351.0	SAT. MECHANICS LIEN	05/15/1990	11AM	5/14/1990		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: MN POWER-CITY OF DULUTH, MUNICIPAL CORP SATISFIES DOC NO 518737						
522461.0	EASEMENT	05/17/1990	9AM	5/14/1990		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: CITY OF DULUTH, A MN MUNICIPAL CORP & POLITICAL SUBDIVISION OF STATE OF MN A PERPETUAL STEAMLINE EASEMENT FOR FURTHER DETAILS SEE DOC NO 522461 AFFECTS OTHER REGISTERED PROPERTY ALSO						
526795.0	NAME CHANGE	09/11/1990	2: 00 PM	11/8/1989		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK IRVING TRUST COMPANY NAME IS CHANGED TO THE BANK OF NEW YORK FOR DETAILS SEE DOC NO 526795						
546196.0	SUPP. INDENTURE-UTILITY	03/27/1992	2: 00 PM	3/1/1992		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK FORMERLY IRVING TRUST CO & W T CUNNINGHAM AS TRUSTEE THIRTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 546196 AFFECTS OTHER PROPERTY ALSO						
549520.0	SUPP. INDENTURE-UTILITY	06/09/1992	11: 30 AM	6/1/1992		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK F/K/A IRVING TRUST COMPANY & W T CUNNINGHAM AS TRUSTEE FOURTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 549520 AFFECTS OTHER PROPERTY ALSO						

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552994.0	SUPP. INDENTURE-UTILITY	08/20/1992 1: 00 PM	7/1/1992		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK AND W T CUNNINGHAM AS TRUSTEES FIFTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 552994 AFFECTS OTHER PROPERTY ALSO					
552995.0	SUPP. INDENTURE-UTILITY	08/20/1992 1: 00 PM	7/1/1992		MARK A MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK AND W T CUNNINGHAM AS TRUSTEES SIXTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 552995 AFFECTS OTHER PROPERTY ALSO					
561536.0	SUPP. INDENTURE-UTILITY	03/10/1993 2: 00 PM	2/1/1993		MARK A MONACELLI by M THENO Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK AND W T CUNNINGHAM AS TRUSTEES SEVENTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 561536 AFFECTS OTHER PROP ALSO					
568173.0	SUPP. INDENTURE-UTILITY	07/29/1993 2: 00 PM	7/1/1993		MARK A MONACELLI by M THENO Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK AND W T CUNNINGHAM AS TRUSTEES EIGHTEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 568173 AFFECTS OTHER PROP ALSO					
617525.0	ASSIGNMENT OF MORTGAGE	08/15/1996 11AM	8/15/1996		MARK A MONACELLI by M THENO Deputy
RUNNING IN FAVOR OF: WACHOVIA BANK OF GEORGIA, NA ASSGT OF MTG, SEC AGRMT & FIX FIN STATEMT ASSIGNS DOC NO 477969 AFFECTS OTHER REG PROP ALSO					
617526.0	AMENDMENT	08/15/1996 11AM	8/15/1996		MARK A MONACELLI by M THENO Deputy
RUNNING IN FAVOR OF: WACHOVIA BANK OF GEORGIA NA AND FIRST NATL BANK OF CHICAGO AS TRUSTEE 1ST AMENDMENT TO MTG, SEC AGRMT & FIX FIN STATEMENT AMENDS MTG BEARING DOC NO 477969 FOR DETAILS SEE DOC NO 617526 AFFECTS OTHER REG PROP ALSO					
638554.0	SUPP. INDENTURE-UTILITY	12/31/1997 9: 23 AM	2/1/1997		MARK A MONACELLI by K KONECZNY Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK & W T CUNNINGHAM AS TRUSTEES NINETEENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 638554 AFFECTS OTHER PROPERTY ALSO					
638555.0	SUPP. INDENTURE-UTILITY	12/31/1997 9: 23 AM	11/1/1997		MARK A MONCELLI by K KONECZNY Deputy
RUNNING IN FAVOR OF: THE BANK OF NEW YORK & W T CUNNINGHAM AS TRUSTEES TWENTIETH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 638555 AFFECTS OTHER PROPERTY ALSO					

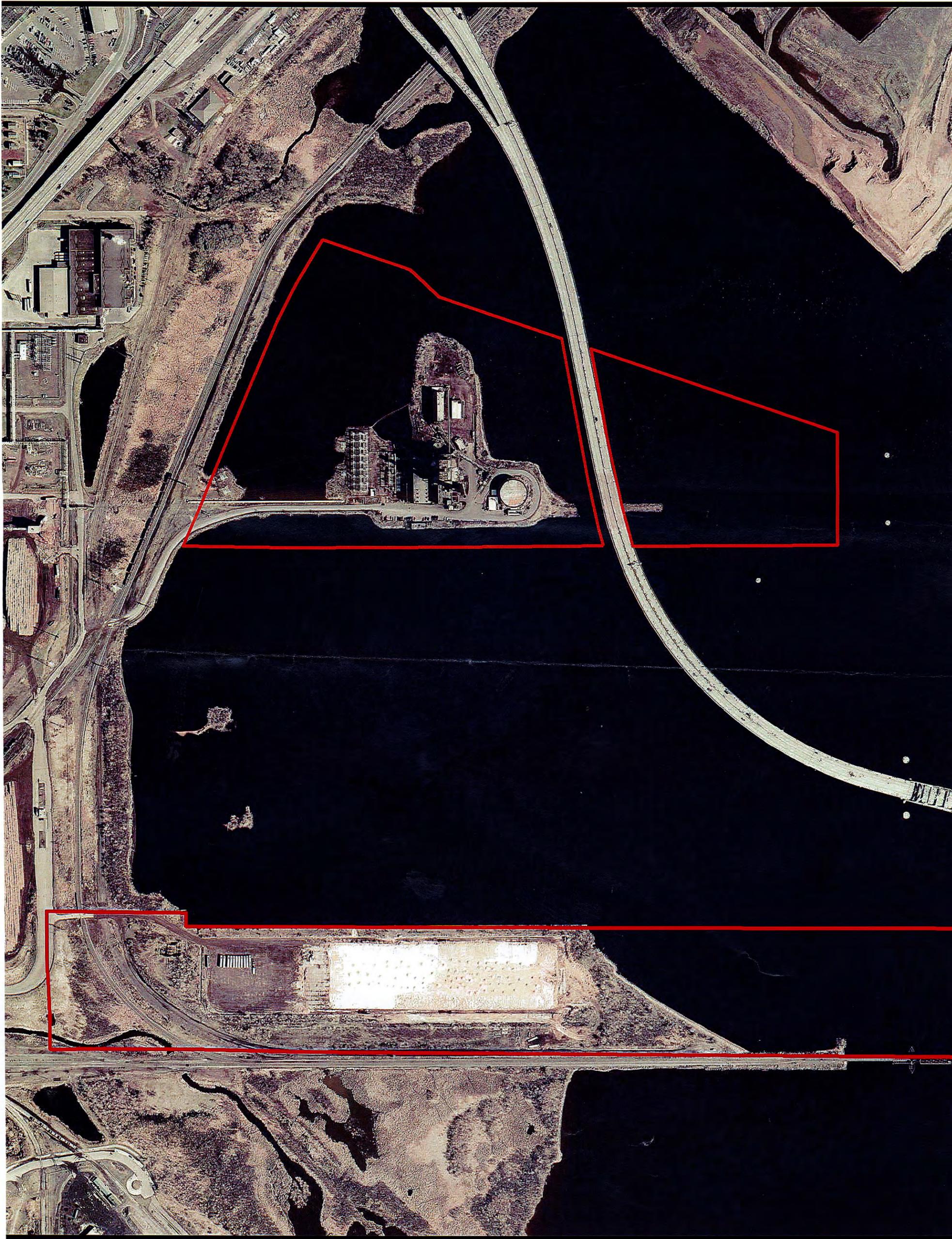
# C O P Y

656886.0	ARTICLES OF INC/AMEND ARTICLES	12/07/1998 10: 11AM	5/27/1998		MARK A MONACELLI by S JORDAN Deputy
RUNNING IN FAVOR OF: MINNESOTA POWER INC MN POWER & LIGHT CO NAME CHANGED TO MN POWER INC AFFECTS OTHER PROP ALSO					
693733.0	SUPP. INDENTURE-UTILITY	12/07/2000 01: 13PM	10/1/2000		MARK A MONACELLI by M RAIC Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK AND DOUGLAS J MACINNES AS TRUSTEES TWENTY-FIRST SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 693733 AFFECTS OTHER PROP ALSO					
704777.0	ARTICLES OF INC/AMEND ARTICLES	07/31/2001 01: 48PM	5/8/2001		MARK A MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: ALLETE INC MN POWER INC NAME CHANGED TO ALLETE INC AFFECTS OTHER PROP ALSO					
727975.0	APPOINTMENT	08/05/2002 10: 00AM	4/15/1999		MARK A MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: MACINNES DOUGLAS J W T CUNNINGHAM RESIGNS AS CO-TRUSTEE UNDER MTG AND DEED OF TRUST BEARING DOC NO 176257 AND DOUGLAS J MACINNES APPOINTED SUCCESSOR CO-TRUSTEE FOR DETAILS SEE DOC NO 727975. AFFECTS OTHER PROP ALSO.					
733907.0	ASSIGNMENT OF MORTGAGE	10/25/2002 2: 35 PM	6/18/2002		MARK A MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: WELLS FARGO BANK MN NA AND BANK ONE TRUST CO NA TRUSTEE SECOND AMENDMENT TO STATUTORY MTG, SECURITY AGRMT & FIXTURE FINANCING STATEMENT AMENDS MTG BEARING DOC NO 477969. AFFECTS OTHER REG PROP ALSO					
733908.0	AMENDMENT	10/25/2002 2: 35 PM	8/5/2002		MARK A MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: WELLS FARGO BANK MN NA WACHOVIA BANK NA ASSIGNS THEIR INTEREST IN MTG BEARING DOC NO 477969 AFFECTS OTHER REG PROP ALSO					
733909.0	FINANCING STATEMENT	10/25/2002 2: 35 PM			MARK A MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: WELLS FARGO MN NORTH NA AFFECTS OTHER REG PROP ALSO					
760415.0	SUPP. INDENTURE-UTILITY	09/19/2003 12: 07PM	7/1/2003	250000000.00	MARK A. MONACELLI by E EDWARDSON Deputy
RUNNING IN FAVOR OF: BANK OF NY AND DOUGLAS J MACINNES AS TRUSTEES TWENTY-SECOND SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 760415 AFFECTS OTHER PROP ALSO					
786135.0	SUPP. INDENTURE-UTILITY	10/18/2004 2: 47 PM	8/1/2004		MARK A. MONACELLI by K HAYES Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK & DOUGLAS J MACINNES AS TRUSTEES TWENTY-THIRD SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 786135 AFFECTS OTHER PROP ALSO					

**C O P Y**

802003.0	SUPP. INDENTURE-UTILITY	08/01/2005 9: 49 AM	3/1/2005	35000000.00	MARK A. MONACELLI by K HAYES Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK & DOUGLAS J MACINNES TRUSTEES TWENTY-FOURTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 802003 AFFECTS OTHER PROP ALSO					
813803.0	SUPP. INDENTURE-UTILITY	03/01/2006 11: 02AM	12/1/2005		MARK A. MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK A NY CORP & MACINNES DOUGLAS J TRUSTEES TWENTY-FIFTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 813803. AFFECTS OTHER PROP ALSO.					
831623.0	SUPP. INDENTURE-UTILITY	02/01/2007 11: 59AM	10/1/2006		MARK A. MONACELLI by R GRIFFITH Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK & DOUGLAS J MACINNES TRUSTEES TWENTY-SIXTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 831623. AFFECTS OTHER PROP ALSO.					
848563.0	SUPP. INDENTURE-UTILITY	02/01/2008 10: 54AM	2/1/2008		MARK A. MONACELLI by M RAIC Deputy
RUNNING IN FAVOR OF: BANK OF NEW YORK & DOUGLAS J MACINNES TRUSTEES TWENTY-SEVENTH SUPPLEMENTAL INDENTURE FOR DETAILS SEE DOC NO 848563 AFFECTS OTHER PROP ALSO					
*****					

# Minnesota Power Ownership



600

1,200 Feet



= MP ownership

W





**SD-003**  
77.8 MGD  
20ft deep

**SD-010**  
0.145 MGD  
20ft deep

**Temp Transmitter**

**SD-001 (intake)**  
127,650 GPM  
25ft deep

**Temp Transmitter**

**RTD Probe**  
8ft off shore, 4ft deep

**RTD Probe**  
10ft off shore, 4ft deep

- RTD Probe
- Temp Transmitter
- Surface Water Discharge
- Edge of Mixing Zone

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

