

**Appendix K**  
**Cultural Resources Draft Plan of Action**

**Plan of Action for NHPA Compliance and Tribal Consultation  
Proposed Minnkota Transmission Line, Bemidji to Grand Rapids, MN**

1. **ISSUE:** The proposed construction of a 230 Kilovolt (kV) electric transmission line from Bemidji to Grand Rapids, Minnesota involves three federal agencies and requires an evaluation of potentially affected historic and cultural properties in accordance with the National Historic Preservation Act (NHPA). The project is proposed by three public utilities, referred to collectively as the applicant.

2. **PURPOSE:** Preliminarily lay out the steps that will be taken for government-to-government consultation with Native American Tribes on the proposed project and to ultimately comply with NHPA requirements. Input on this preliminary plan of action would then be solicited from Tribal representatives, the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer (THPO) and the Minnesota State Historic Preservation Officer (MnSHPO). These steps include determining the Area of Potential Effect (APE), identification of potentially affected historic properties, including Traditional Cultural Properties, and assessment of effects.

3. **BACKGROUND:** The applicant has proposed a corridor<sup>1</sup> within the boundaries of the Leech Lake Indian Reservation and National Forest System (NFS) lands (Chippewa National Forest). The applicant is requesting financial assistance to construct the proposed transmission line from the USDA Rural Utilities Service (RUS). The proposal would impact waters of the U.S., including wetlands, and is subject to the St. Paul District Army Corps of Engineers (Corps) jurisdiction under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The RUS is the lead federal agency for NHPA compliance, and has asked that the Corps initiate consultation on behalf of the RUS and the USDA Forest Service, Chippewa National Forest (CNF).

The applicant has retained HDR Engineering and Leech Lake Heritage Sites, to obtain information and conduct field work as necessary to satisfy National Historic Preservation Act requirements.

The applicant's proposed corridor would follow U.S. Highway 2, passing within the boundaries of the Leech Lake Indian Reservation and the Chippewa National Forest. The RUS has preliminarily determined the APE, for visual impacts, as a 2-mile corridor centered on the proposed transmission line corridor. The applicant has identified two alternative corridors that would bypass the majority of the Reservation; one along a northern route and one along a southern route.

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<sup>1</sup> At this time, no decision has been made regarding the transmission line corridor. The central corridor has been brought forward solely by the applicant as their preferred location.

#### 4. RECOMMENDED ACTIONS:

- a. Corps will send out an initial invitation to Native American Tribes to consult on the proposed project. The THPO and MnSHPO will also be directly notified of the proposed project<sup>2</sup>.
  - 1) The appropriate Tribes to notify will be determined using the Department of Interior's online Native American consultation database (<http://home.nps.gov/nacd/>), which lists federally recognized Tribes with historic ties to areas of the U.S. by county and state. Information will be pulled for all counties crossed by the applicant's proposed line and its alternative corridors.
  - 2) A layout of the applicant's proposed Central corridor and alternative corridors will be provided, showing a preliminary visual APE of a 2-mile corridor for the applicant's proposed corridor.
  - 3) The letter will identify the applicant's consultant that has been retained to undertake activities to comply with the NHPA.
  - 4) Input will be requested regarding interest in consultation, the APE, RUS' decision regarding the corridor alternatives, and the selected consultant.
  - 5) Responses will be requested in a 30-day time frame<sup>3</sup>, regarding interest in consulting and other requested information.
- b. Corps staff will follow-up with Tribes by phone to ensure receipt of information and to inquire as to their interest in consultation. All responses obtained will be shared with the THPO, RUS, and CNF.
  - 1) Corps will inform the THPO, RUS, and CNF of Tribes that accepted the invitation to consult.
- c. RUS will examine macro-corridor analysis and Alternatives Evaluation Study provided by the consultant, and make a preliminary decision and supporting documentation regarding the feasibility of the alternative northern and southern corridors for the proposed project, and provide a copy to the Corps, CNF, THPO, and MnSHPO.
- d. After obtaining input from consulting Tribes, THPOs, and the MnSHPO, RUS will finalize the APE and decision regarding corridor alternatives and provide a

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<sup>2</sup> Initial letters were sent to Tribes and MnSHPO in July and August, 2007. A second letter is being sent out addressed specifically to the LLBO THPO.

<sup>3</sup> Due to an administrative error, the initial consultation letters requested a response date that was less than 30 days from the date that the letter was signed. A second letter will be sent out to those that have not responded to date, providing additional response time.

- copy to the Leech Lake Band of Ojibwe (LLBO), the THPO, MnSHPO, consulting Tribes, the Corps and CNF.
- e. RUS will then request the following actions, to be conducted by the applicant's consultant.
- 1) Conduct a review of records and files at the MnSHPO and THPO offices as well as seek information from the CNF, MnSHPO, THPO, and consulting Tribes to identify known historic and cultural properties within the APE.
  - 2) Identify previous survey work within the APE and assess the need for additional surveys.
  - 3) Provide a summary report to the RUS, Corps, THPO, and CNF, including maps showing the proposed corridor, the APE, all properties identified, and the portions of the APE that have been previously surveyed. The report will also include recommendations for further work to determine the proposal's affect on historic properties.
- f. RUS shall determine, in consultation with the Corps, the CNF, THPO, and MnSHPO, the potential for historic properties and the need for investigations. It is expected that some investigation will be necessary to identify previously unknown properties and determine if they are eligible for listing on the National Register of Historic Places.
- 1) Further work on NFS land and Reservation land may require the consultant to obtain authorization from the CNF and LLBO under the Archeological Resources Protection Act and Leech Lake Cultural Resource Protection ordinance, respectively.
  - 2) RUS, Corps, and CNF will determine the most effective means for continued consultation with Tribes and local Indian councils within the Reservation, from this point forward.
  - 3) RUS shall share these preliminary determinations with the THPO, MnSHPO, and consulting Tribes and request input.
- g. RUS shall ensure the completion of consultation activities as determined above.
- h. In consultation with the MnSHPO, THPO, consulting Tribes, Corps, and CNF, RUS will determine the effects of the proposal on historic properties, including Traditional Cultural Properties.

5. SUBMITTED BY: Tamara Cameron, Lead Project Manager, Army Corps of Engineers, St. Paul District, Regulatory Branch

6. VIEWS OF OTHERS: Brad Johnson, Corps archeologist, Kelly Urbanek, Regulatory Project Manager, Andrea LeVasseur, CNF archeologist, Catherine Thompson, CNF Realty Specialist, Mark Plank, RUS, HDR staff, and Ms. Gina Lemon, LLBO THPO, provided comments to date on this plan.

7. FOR REVIEW/CONCURRENCE BY:

- a. Bob Whiting, Corps Regulatory Branch Chief
- b. Mark Plank, RUS Project Manager
- c. Catherine Thompson, CNF, Chippewa National Forest
- d. Gina Lemon, Leech Lake Band of Ojibwe THPO



## DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS  
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190 FIFTH STREET EAST, SUITE 401  
ST. PAUL, MN 55101-1638

REPLY TO

Operations-Regulatory  
(2006-7078-KJU)

Ms. Gina Lemon  
Tribal Historic Preservation Officer  
Leech Lake Band of Ojibwe  
115 6<sup>th</sup> Street NW, Suite E  
Cass Lake, Minnesota 56633

Dear Ms. Lemon:

The St. Paul District, Corps of Engineers would like to continue to consult with you regarding the potential effects to historic properties resulting from a proposal to construct a 230 Kilovolt (kV) electric transmission line between Bemidji and Grand Rapids in northern Minnesota. The possible transmission line corridors are shown in Attachment 1.

The purpose of this letter is to recognize your role, as the Tribal Historic Preservation Officer, in consultation concerning potential effects to historic properties within the exterior boundaries of the Leech Lake Indian Reservation. As discussed with you at your office on September 10, 2007 our consultation with you and your staff regarding potential effects to historic properties is a distinct and separate process from the government-to-government consultation that we will undertake with the Leech Lake Band and other federally recognized Tribes that wish to consult. Provided at attachment 2 are copies of letters we have sent to other federally recognized Tribes and the Minnesota State Historic Preservation Officer. We have received no written responses to date.

Provided at Attachment 3 is an updated plan for meeting the requirements of the National Historic Preservation Act. This plan has been updated based upon the information you provided at our recent meeting. I would appreciate any additional comments you may have on this proposed plan of action and other information provided with this letter.

This request for continuing consultation and coordination is on behalf of the Corps, U.S. Department of Agriculture Rural Utilities Service (RUS), and the Forest Service. At the time of this writing, the RUS, as the lead federal agency, has not made any determinations regarding the corridor alternatives shown in attachment 1. It is our understanding that RUS will consult with you when a preliminary corridor selection is made.

If you have any questions or comments, our point of contact is Ms. Kelly Urbanek, in the Corps Regulatory Branch's Bemidji Field Office. She can be reached at (218) 238-4495 or via email at [kelly.j.urbanek@usace.army.mil](mailto:kelly.j.urbanek@usace.army.mil). We look forward to continued consultation on the proposed project.

Sincerely,

Robert J. Whiting  
Chief, Regulatory Branch

Enclosures

Copy furnished:

Catherine Thompson, Chippewa National Forest  
Mark Plank, USDA RUS