



**FEMA**

March 30, 2017

***Mound Creek Restoration  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
DR-4182-MN, PW 1043***

***Consulting Parties***

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***Federal Emergency Management Agency***

Nicholas Mueller, Regional Environmental Officer	312-408-5438	nicholas.mueller@fema.dhs.gov
Nicholas Dorochoff, Deputy REO	312-408-4424	nicholas.dorochoff@fema.dhs.gov
Jennie Grobe, Senior Grants Management Specialist	312-408-5390	jennifer.grobe@fema.dhs.gov

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***Member of the Public***

Benjamin Vander Kooi, Jr.	507-283-9546	lawkooi@gmail.com
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***Minnesota Department of Natural Resources***

Steve Hennessy, Development Coordinator, Parks and Trails	651-259-5633	steve.hennessy@state.mn.us
David Radford, Program Manager, CRM Program	651-259-5604	dave.radford@state.mn.us
Miranda VanVleet, Parks and Trails Historian	612-725-2747	miranda.vanvleet@state.mn.us

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***Minnesota Division of Homeland Security and Emergency Management***

Wayne Lamoreaux, Deputy State Public Assistance Officer	651-201-7495	wayne.lamoreaux@state.mn.us
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***Minnesota State Historic Preservation Office***

Sarah Beimers, Manager, Government Programs & Compliance	651-259-3456	sarah.beimers@mnhs.org
Kelly Gragg-Johnson, Review and Compliance Specialist	651-259-3455	kelly.graggjohnson@mnhs.org

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***Office of the State Archaeologist***

Amanda Gronhovd, State Archaeologist	612-725-2411	amanda.gronhovd@state.mn.us
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**FEMA**

November 9, 2016

Sarah Beimers, Manager  
Government Programs & Compliance  
Minnesota State Historic Preservation Office  
Minnesota State Historical Society  
345 West Kellogg Boulevard  
St. Paul, MN 55102-1906

Re: Background and Damage Assessment, Lower Dam and Lower Mound Lake  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
DR-4182-MN, PW 1043

Dear Ms. Beimers:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to initiate consultation regarding a proposed Public Assistance grant project affecting the captioned resources.

The Lower Dam of Blue Mounds State Park sustained damage during storms and flooding that occurred June 11, 2014 through July 11, 2014. Not only was the Lower Dam affected, but damage to the dam has also resulted in loss of Lower Mound Lake. The Lower Dam and Lower Mound Lake are two of five contributing resources in the National Register Listed Blue Mounds State Park WPA/Rustic Style Historic Resources Historic District (Blue Mounds District).

The Minnesota DNR has proposed using FEMA funding for an alternate project. Rather than reconstruct the Lower Dam, the DNR proposes to restore Mounds Creek. Preliminary plans for this restoration project have been made available and are enclosed here.

FEMA has worked with the DNR to prepare a narrative providing background on these two resources and an assessment of damages to support FEMA's efforts to work with the SHPO to determine the scope of identification efforts as required by 36 CFR 800.4(a). Enclosed find documentation including a narrative, photos, site plans, and maps documenting the Blue Mounds District's history, current condition, and inventoried resources in the vicinity of the Blue Mounds District. The narrative also provides recommendations for moving the consultation forward, which

includes a conference call with representatives from your office, FEMA, MN DNR and HSEM to address any questions about the resource's current conditions and to discuss next steps for meeting FEMA's responsibilities under Section 106 of the National Historic Preservation Act.

In the next week or so I will contact you by phone or email to answer any questions you may have and determine availability for a conference call. If you have questions or comments in the meanwhile, please contact me at 312-408-5438 or at [nicholas.mueller@fema.dhs.gov](mailto:nicholas.mueller@fema.dhs.gov).

Sincerely,



Nicholas Mueller  
Regional Environmental Officer  
FEMA Region V

enclosures

cc: Amanda Ratliff, FEMA RV Public Assistance Branch Chief  
Bill Hirte, Public Assistance Program Coordinator, Minnesota Department of Homeland Security  
and Emergency Management  
Steve Hennessy, Acquisition and Development Coordinator, Parks and Trails Division,  
Minnesota Department of Natural Resources

**MINNESOTA HISTORIC PRESERVATION OFFICE**

December 20, 2016

Nicholas Mueller  
Regional Environmental Officer  
FEMA, Region V  
U.S. Dept. of Homeland Security  
536 South Clark Street, Floor 6  
Chicago, IL 60605

RE: FEMA DR-4182-MN, PW 1043  
Background and Damage Assessment, Lower Dam and Lower Mound Lake  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne County  
MnHPO Number: 2017-0444

Dear Mr. Mueller,

Information received in our office on 14 November 2016 pertaining to the above referenced project has been reviewed pursuant to the responsibilities given the Minnesota State Historic Preservation Officer by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800 and per the terms of the 2014 Programmatic Agreement among the Federal Emergency Management Agency, the Minnesota State Historic Preservation Office, the Minnesota Division of Homeland Security and Emergency Management and Participating Tribes.

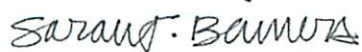
We have completed our review of your letter and documentation dated 9 November 2016. Thank you for formally initiating Section 106 consultation with our office as it pertains to your agency's consideration of a Public Assistance grant project at Blue Mounds State Park in Rock County, Minnesota.

It is our understanding that the **Lower Dam and Lower Mound Lake**, contributing elements within the National Register of Historic Places-listed **Blue Mounds State Park WPA/Rustic Style Historic Resources**, sustained significant damage during storms and flooding in June and July 2014. You have indicated that the Minnesota Department of Natural Resources (MnDNR) has proposed a creek restoration project as an alternative to reconstruction of the Lower Dam and restoration of the Lower Mound Lake impoundment.

We look forward to continuing consultation with your agency, the MnDNR, other consulting parties, and the public, as the Section 106 review process moves forward.

Please contact me if you wish to set up an initial consultation conference call. I can be reached at 651-259-3456 or [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



**FEMA**

June 16, 2017

Sarah J. Beimers, Manager  
Government Programs & Compliance  
Minnesota State Historic Preservation Office  
Minnesota State Historical Society  
345 West Kellogg Boulevard  
St. Paul, MN 55102-1906

Re: Mound Creek Restoration  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
MnHPO No. 2017-0444  
DR-4182-MN, PW 1043

Dear Ms. Beimers:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to continue consultation regarding the captioned Public Assistance grant project.

At the last meeting of the consulting parties on May 10, there were no substantive comments on the draft documentation presented except your office's concerns regarding the definition of the Area of Potential Effects (APE). Per the outcome of that meeting, FEMA met with the DNR on Friday, May 12, and with you and Kelly Gragg-Johnson on Monday May 15 to solicit additional information. Subsequent exchanges over email provided further clarification regarding definition of the APE and suggestions for the scope of identification efforts. The results of those discussions provided FEMA the information necessary to reassess the APE and move forward with identification efforts.

The two documents attached reflect the outcomes of those discussions. The first is a review of the project scope and definition of the APE. The APE has increased somewhat in size, taking into account potential effects on the character and use of the area subject to changes due to the undertaking. The second document provides the scope and design of identification efforts. That document has been adjusted to address concerns regarding identification activities, specifically with regards to the question of resources that may contribute to a cultural landscape within Blue Mounds State Park and the current state of the listed historic district.



With this information in hand, FEMA is moving forward with the identification activities required under 36 CFR 800.4, and expects to submit the Agency's findings in accord with 36 CFR § 800.5, Assessment of Adverse Effects, to the SHPO and consulting parties in a few weeks.

If you have questions or comments in the meanwhile, please contact me at 312-408-5438 or at [nicholas.mueller@fema.dhs.gov](mailto:nicholas.mueller@fema.dhs.gov).

Sincerely,



Nicholas Mueller  
Regional Environmental Officer  
FEMA Region V

enclosures

cc: Jennie Grobe, FEMA Senior Grants Management Specialist  
Amanda Gronhovd, Minnesota State Archaeologist  
Steve Hennessy, MDNR, Development Coordinator, Parks and Trails  
Wayne Lamoreaux, Deputy State Public Assistance Officer, HSEM  
Benjamin Vander Kooi, Jr.

## STATE HISTORIC PRESERVATION OFFICE

July 21, 2017

Nicholas Mueller  
Regional Environmental Officer  
FEMA, Region V  
U.S. Dept. of Homeland Security  
536 South Clark Street, Floor 6  
Chicago, IL 60605

RE: FEMA DR-4182-MN, PW 1043  
Background and Damage Assessment, Lower Dam and Lower Mound Lake  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Rock County  
SHPO Number: 2017-0444

Dear Mr. Mueller,

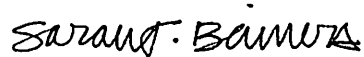
Thank you for continuing consultation with our office regarding the above project. Information received in our office on 19 June 2017 pertaining to the above referenced project has been reviewed pursuant to the responsibilities given the Minnesota State Historic Preservation Officer by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800 and per the terms of the 2014 Programmatic Agreement among the Federal Emergency Management Agency, the Minnesota State Historic Preservation Office, the Minnesota Division of Homeland Security and Emergency Management and Participating Tribes.

We have completed our review of your letter and documentation dated 16 June 2017 along with the documentation provided in regards to your agency's determination of the area of potential effect (APE) for the Federal undertaking. It is our understanding that this documentation was prepared and submitted to our office pursuant to 36 CFR 800.4 as follow up to a consultation conference call your agency hosted on May 10th and a follow up consultation phone call between FEMA and our office on May 15<sup>th</sup>.

We agree that your agency's APE determination is generally appropriate to take into account the potential direct and indirect effects of the proposed undertaking as we currently understand it. As the project's scope of work is further defined, or if it is significantly altered from the current scope, additional consultation with our office may be necessary in order to revise the current APE.

We look forward to continuing consultation with your agency and consulting parties as you move into the next review step, the identification of historic properties. Please contact me if you wish to discuss this comment letter or next steps in the consultation process. I can be reached at 651-259-3456 or [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,

A handwritten signature in black ink that reads "Sarah J. Beimers". The signature is written in a cursive, slightly stylized font.

Sarah J. Beimers, Manager  
Government Programs and Compliance

*cc via email only:*

Ben Vander Kooi

Steve Hennessy, Minnesota Department of Natural Resources (MnDNR), Parks and Trails

Dave Radford and Miranda Van Vleet, MnDNR, Parks and Trails

Wayne Lamoreaux, Minnesota Division of Homeland Security and Emergency Management

Amanda Gronhovd, Office of the State Archaeologist





**FEMA**

July 24, 2017

Sarah J. Beimers, Manager  
Government Programs & Compliance  
Minnesota State Historic Preservation Office  
Minnesota State Historical Society  
345 West Kellogg Boulevard  
St. Paul, MN 55102-1906

Re: Mound Creek Restoration  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
MnHPO No. 2017-0444  
DR-4182-MN, PW 1043

Dear Ms. Beimers:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to continue consultation regarding the captioned Public Assistance grant project.

Thank you for your letter of Friday, July 21, indicating agreement with FEMA's determination of the APE based on the currently-defined scope of the undertaking, which FEMA provided to the consulting parties along with a description of the proposed scope of identification efforts in a mailing dated June 16, 2017. To date we have received no other comments on these documents.

Since then, FEMA worked with the DNR to finalize the third and final set of documentation, which reflects the agency's completion of identification efforts and application of the criteria of adverse effect. That documentation is enclosed. Along with documentation previously submitted, these materials meet the requirements of 36 CFR § 800.11(e) and provide the justification for FEMA's finding of no adverse effects on historic properties; the purpose of this communication is to seek concurrence in that finding. In accord with 36 CFR § 800.5(c), we will copy all other consulting parties on this submission by email, providing them opportunity to comment as well. Archaeological security information on that distribution will be redacted as required by the Minnesota Government Data Practices Act as reflected in Minnesota Statutes, Chapter 13.

We look forward to the SHPO's response to FEMA's finding. If your office concurs with FEMA's finding and would like to submit concurrence by mail or email, please copy all consulting parties. If you object to FEMA's finding for any reason, please contact me directly by phone or email so we can review those concerns and together determine next steps for consultation. Pursuant to 36 CFR 800.5(c)(1), if we receive no response from your office within thirty (30) days, we will consider the lack of response agreement with FEMA's finding and, absent comments from any other consulting party, will move forward with this undertaking.

Note that any consulting party is free to contact me at any time with questions or comments at [nicholas.mueller@fema.dhs.gov](mailto:nicholas.mueller@fema.dhs.gov) or at 312-408-5438.

Sincerely,



Nicholas Mueller  
Regional Environmental Officer  
FEMA Region V

enclosures

cc: Jennie Grobe, FEMA Senior Grants Management Specialist  
Amanda Gronhovd, Minnesota State Archaeologist  
Steve Hennessy, MDNR, Development Coordinator, Parks and Trails  
Wayne Lamoreaux, Deputy State Public Assistance Officer, HSEM  
Benjamin Vander Kooi, Jr.



**STATE HISTORIC PRESERVATION OFFICE**

Using the Power of History to Transform Lives  
PRESERVING > SHARING > CONNECTING

August 25, 2017

Nicholas Mueller  
Regional Environmental Officer  
FEMA, Region V  
U.S. Dept. of Homeland Security  
536 South Clark Street, Floor 6  
Chicago, IL 60605

RE: FEMA DR-4182-MN, PW 1043  
Background and Damage Assessment, Lower Dam and Lower Mound Lake  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Rock County  
SHPO Number: 2017-0444

Dear Mr. Mueller,

Thank you for continuing consultation with our office regarding the above project. Information received in our office on 27 July 2017 pertaining to the above-referenced project has been reviewed pursuant to the responsibilities given the Minnesota State Historic Preservation Officer by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800 and per the terms of the 2014 Programmatic Agreement among the Federal Emergency Management Agency, the Minnesota State Historic Preservation Office, the Minnesota Division of Homeland Security and Emergency Management and Participating Tribes.

We have completed our review of your letter dated 24 July 2017, a submittal which included documentation in support of your agency's efforts to identify historic properties within the area of potential effect (APE) and "no adverse effect" determination for the proposed undertaking. We do not agree with the determination that the documentation submitted in support of your agency's identification of historic properties and finding of "no adverse effect" meets the requirements of 36 CFR § 800.11(e). Therefore, we are unable to provide formal concurrence with the "no adverse effect" finding based upon information submitted at this time. Our comments and recommendations are provided below.

### Identification of Historic Properties

We have been provided sufficient information and documentation in support of the following determinations regarding historic properties identified within the APE for this undertaking:

The **Blue Mounds State Park WPA/Rustic Style Historic Resources Historic District** (Historic District), a historic property which is listed in the National Register of Historic Places (NRHP), is significant under Criterion A for the property's association with the social, political, and economic impact of the Great Depression and the subsequent development of Federal Relief Programs such as the Works Progress Administration (WPA) which was responsible for the park's construction. The park is also historically significant as an important link in the state park system which provided recreational facilities to the extreme southwestern corner of the state. The historic district is also significant under NRHP Criterion C as an outstanding example of Rustic Style construction utilizing locally sourced Sioux quartzite.

Regarding your agency's efforts to identify and evaluate a larger cultural landscape historic district associated with the state park, we agree with the determination that a comprehensive effort to identify a larger cultural landscape, beyond the current NRHP boundary for the Historic District, may not be appropriate in relation to the scope and nature of the proposed federal undertaking. Based upon information presented in your July 24<sup>th</sup> submittal we do, however, believe that there are identified cultural landscape features within the current NRHP boundary and the established Period of Significance for the Historic District which may likely be character-defining and contribute to the significance of this historic property, specifically the significance related to public recreation as we agree that these features may not have been fully designed and realized as examples of the Rustic Style. While there are brief narrative descriptions and statements of integrity provided for these cultural landscape features with your recent submittal, we have not been provided a clear indication of their location within the existing NRHP boundaries. This information is typically submitted in narrative and graphic form utilizing the *Minnesota Multiple Property Inventory Form* (2017) for historic and architectural properties identified within a historic district. While we understand by your documentation that these forms will be submitted to our office at a later date, we believe that this historic property documentation will need to be submitted to our office for review in support of your agency's effect determination (see below).

Based upon archaeological survey information provided to our office, we concur with your agency's finding that site **21RK78 (A.D. LaDue Farmstead)** is **not eligible** for listing in the NRHP.

We also concur with your agency's determination that site **21RK77 (Cadwallader J. Lynch Homestead)** is *potentially eligible* for listing in the NRHP, but that further archaeological survey and evaluation would be necessary in order to fully determine NRHP eligibility. Your July 24<sup>th</sup> submittal finds and provides documentation in support of the fact that construction limits for the proposed undertaking were modified to exclude this site from the APE for direct effects.



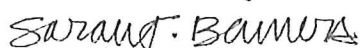
### Determination of Effect

While the effects analysis provided on page 22 of your agency's July 24<sup>th</sup> project document provides a written narrative of the proposed work to be completed as part of the federal undertaking and justification for why it will not result in an adverse effect to the Historic District and we generally agree with the analysis as described, we have not been provided sufficient project design documents in support of these findings. Typically, in order for our office to concur with an agency's "no adverse effect" determination for a proposed undertaking which involves alteration to features (both contributing and noncontributing) within a Historic District, the proposed work must be designed in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Standards), and, for this specific Historic District, the associated *Guidelines for the Treatment of Cultural Landscapes*. For proposed projects involving alteration to and new construction within an existing historic property the Standards for Rehabilitation are appropriate.

Therefore, in order for our office to provide concurrence with your agency's "no adverse effect" determination, we request that your agency provide our office with the opportunity to review additional documentation pertaining to 1) the identified cultural landscape features which may contribute to the significance of the Historic District, and 2) architectural and engineering plans for the proposed undertaking which will document that the work has been designed in accordance with the Standards, including consideration for potential effects to character-defining architectural and historic landscape features, both NRHP-listed and potentially contributing, within the APE.

We look forward to continuing consultation on this proposed undertaking. Please feel free to contact me at 651-259-3456 or [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org) if you wish to discuss this comment letter.

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

*cc via email only:*

Ben Vander Kooi

Steve Hennessy, Minnesota Department of Natural Resources (MnDNR), Parks and Trails

Dave Radford and Miranda Van Vleet, MnDNR, Parks and Trails

Wayne Lamoreaux, Minnesota Division of Homeland Security and Emergency Management

Amanda Gronhovd, Office of the State Archaeologist





**FEMA**

October 24, 2017

Sarah J. Beimers, Manager  
Government Programs & Compliance  
Minnesota State Historic Preservation Office  
Minnesota State Historical Society  
345 West Kellogg Boulevard  
St. Paul, MN 55102-1906

Re: Mound Creek Restoration  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
MnHPO No. 2017-0444  
DR-4182-MN, PW 1043

Dear Ms. Beimers:

Pursuant to the Section 106 of the National Historic Preservation Act, I am writing this letter to conclude consultation regarding the captioned Public Assistance grant project.

Thank you for your letter of Friday, August 25, in response to FEMA's assessment of adverse effects for the captioned undertaking, which FEMA provided to the consulting parties in a mailing dated July 24, 2017. Your letter requested additional information be submitted to complete documentation meeting the requirements of 36 CFR 800.11(e), specifically:

- Updated and new property inventory forms, using the 2017 Minnesota Multiple Property Inventory Form, for identified resources within the boundaries of the current the Blue Mounds State Park WPA/Rustic Style Historic Resources National Register Historic District (Blue Mounds District) that merit consideration under Criterion A for Entertainment / Recreation.
- Construction diagrams detailing the work proposed to restore Mound Creek.
- Revision to the assessment of the proposed work, demonstrating more clearly that it meets the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the associated Guidelines for the Treatment of Cultural Landscapes.

Included in this mailing are the following materials:

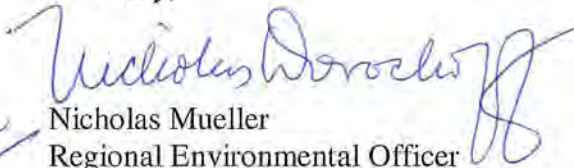
- All updated and new property inventory forms documenting resources identified within the Area of Potential Effects.
- Construction diagrams detailing the work proposed to restore Mound Creek.
- An addendum to Part III of the documentation previously submitted, which includes recommendations for future assessment of the existing historic district and a potential cultural landscape.

These materials, along with documentation previously submitted, meet the requirements of 36 CFR § 800.11(e) and provide the justification for FEMA's finding of no adverse effects on historic properties; the purpose of this communication is to seek concurrence in that finding. In accord with 36 CFR § 800.5(c), we will copy all other consulting parties on this submission by email, providing them opportunity to comment as well. Due to file size, copies sent by email will not include electronic versions of the inventory forms, though we will be happy to send electronic versions of the forms by email separately to any consulting party upon request.

We look forward to your response to FEMA's finding, as well as any comments from the other consulting parties within 30 days. Pursuant to 36 CFR 800.5(c)(1), if we receive no response from your office within thirty (30) days, we will consider the lack of response agreement with FEMA's finding and, absent comments from any other consulting party, will move forward with this undertaking.

Note that any consulting party may contact Deputy Regional Environmental Officer Nick Dorochoff at any time with questions or comments at [nicholas.dorochoff@fema.dhs.gov](mailto:nicholas.dorochoff@fema.dhs.gov) or at 312-408-4424.

Sincerely,

  
for  
Nicholas Mueller  
Regional Environmental Officer  
FEMA Region V

enclosures

email cc: Jennie Grobe, FEMA Senior Grants Management Specialist  
Amanda Gronhovd, Minnesota State Archaeologist  
Steve Hennessy, MDNR, Development Coordinator, Parks and Trails  
Wayne Lamoreaux, Deputy State Public Assistance Officer, HSEM  
Benjamin Vander Kooi, Jr.



**FEMA**

October 24, 2016

—Addendum—

***III. Mound Creek Restoration Identification of Historic Properties and  
Assessment of Adverse Effects  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Luverne, Rock County  
MnHPO No. 2017-0444  
DR-4182-MN, PW 1043  
43.715109, -96.180051 / T 103N, R 45W, S 13 & S 24***

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**Introduction:**

In response to FEMA's submission of July 24, 2017, SHPO requested additional information be submitted to complete documentation meeting the requirements of 36 CFR 800.11(e), specifically:

- Updated and new property inventory forms, using the 2017 Minnesota Multiple Property Inventory Form, for identified resources within the boundaries of the current the Blue Mounds State Park WPA/Rustic Style Historic Resources National Register Historic District (Blue Mounds District) that merit consideration under Criterion A for Entertainment / Recreation.
- Construction plans detailing the work proposed to restore Mound Creek.
- Revision to the assessment of the proposed work, demonstrating more clearly that it meets the Secretary of the Interior's *Standards for Rehabilitation of Historic Properties* and the associated *Guidelines for the Treatment of Cultural Landscapes*.

Construction plans are enclosed,<sup>1</sup> as are the updated and new inventory forms. In addition, enclosed are the few updated and new inventory forms for resources

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<sup>1</sup> The plans enclosed present the overall scope and character of the undertaking. Major changes to the plans are not anticipated; however, further refinement of plan details could result in minor adjustments, such as modifications to the final location of specific meanders or oxbows of the restored creek, or adjustments to the alignment of the proposed new trails.

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within the Area of Potential Effect (APE) that stand outside of the Blue Mounds District boundaries.

In the submission of July 24, 2017, FEMA indicated that the agency would deliver the inventory forms along with the following:

- Report detailing recommendations for a future reassessment of the Blue Mounds State Park WPA/Rustic Style Historic Resources National Register Historic District
- Report detailing recommendations for future assessment of resources comprising a potential cultural landscape within or related to Blue Mounds State Park

As the enclosed inventory forms, along with information previously provided, include all information necessary to develop these proposals, recommendations for both will be included here, providing for the conclusion of this consultation upon receipt of SHPO concurrence with FEMA's finding.

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**Identification of  
Historic  
Properties:**

In addition to the narrative previously submitted, FEMA notes the following:

***Archaeological Resources***

On page 2 of the SHPO's August 25, 2017 response to documentation previously submitted, SHPO concurs with FEMA's finding regarding the following resources.

<i>Site No.</i>	<i>Name</i>
21RK77	Cadwallader J. Lynch Homestead
21RK78	A. D. LaDue Farmstead

***Other Resources***

Previous documentation categorized the remaining resources based on whether they were located within the APE for direct effects or the APE for indirect effects. The SHPO subsequently requested identification of features within the boundaries of the Blue Mounds District that may contribute to the district's significance under Criterion A for Entertainment / Recreation during the district's period of significance. That assessment is reflected here, and in the inventory forms, including form RK-MND-023, the *District Multiple Property Form: Blue Mounds State Park WPA/Rustic Style Historic Resources*, with the period of significance being 1937-1942, as noted on the district nomination form.

The assessment of these resources, based on the information in the previous submission and as recorded on the inventory forms, is summarized in the table below.

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<i>Inventory No.</i>	<i>Name</i>	<i>Integrity</i>	<i>Contributing to Historic District</i>
RK-MND-002	Picnic Shelter	Fair	N
RK-MND-003	Upper Dam	Good	Y
RK-MND-004	Latrine 4-77	Good	Y
RK-MND-005	Lower Dam	Poor	N
RK-MND-021	Upper Mound Lake	Excellent	Y
RK-MND-022	Lower Mound Lake	N/A	N
RK-MND-028	Trail Along Earthen Dike	Poor	N
RK-MND-029	Gravel Parking Loops	Fair	N
RK-MND-032	Paved East-West Southern Road	Good	N
RK-MND-033	Unpaved East-West Southern Trail	Good	Y
RK-MND-036	Paved East-West Pedestrian Trail	Poor	N

The remaining identified resources are noted in the narrative of the Multiple Property Inventory Form RK-MND-023, but their level of significance does not merit them roles as contributing features to the existing historic district. Features noted here with sufficient integrity may be found to serve as contributing resources to a broader cultural landscape.

<i>Name</i>	<i>Integrity</i>
Two Clusters of Trees Northeast of Earthen Dike	Excellent
Group of Trees Southeast of Upper Mound Dam	Good
Lower Cliffline Trail	Good
Mound Trail	Good
Quartzite Outcrop North of Lower Dam	Good
Mound Creek	Poor

### ***Recommendations for Further Assessment of Blue Mounds Historic District***

The results of the assessment of features within the APE for this undertaking may be summarized as follows:

- Two of the five contributing features no longer contribute, having been lost or seriously damaged.
- Assessment of one previously recorded non-contributing resource, the Picnic Shelter, continues as non-contributing.



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- The three previously identified contributing resources have retained their significance and integrity.
  - One new contributing feature has been identified: the Unpaved East-West Southern Trail (RK-MND-033).
  - Five other surveyed features within the existing boundaries have been identified as non-contributing.

The identification of the Unpaved East-West Southern Trail as contributing suggests that the existing boundary of the Blue Mounds District could be extended to include the eastern terminus of that trail (see Appendix I, Map of Potential Boundary Extension for the Blue Mounds State Park WPA/Rustic Style Historic Resources Historic District). The revised boundary would follow the Paved East-West Pedestrian Trail from the terminus of the Paved East-West Southern Road to the southern terminus of the Trail Along Earthen Dike. This would add approximately three acres to the district.

The contributing resources originally included in the Blue Mounds District were significant under both Criteria A and C, notably under Criterion C for the design of the Rustic Resources funded in part by the Works Progress Administration (WPA). If the park's significance is to be assessed primarily for its function as a recreational facility, future assessments of park resources might examine resources within the current park boundaries, which are for the most part the same as existed 45 years ago.<sup>2</sup>

It is possible that such an analysis could result in identifying additional contributing properties. However, the current analysis addressed resources within an APE covering approximately one-third of the current park lands and resulted in the identification of only one resource that had sufficient integrity and significance to contribute to the Blue Mounds District under Criterion A alone. Additionally, this area includes all of the land belonging to the park during its period of significance, 1937 to 1942. If an effort is to be made to reassess the Blue Mounds District to include a larger portion of the park, an adjustment to the period of significance to cover active and significant development in the park may be considered, to appropriately identify additional contributing resources.

### ***Recommendations for Future Assessment of a Potential Cultural Landscape***

A more fruitful investigation would likely be to continue the assessment and documentation of features within the current park boundaries with a view towards identifying a potential Blue Mounds State Park Cultural Landscape. This investigation would allow many of the features already identified in the APE for this undertaking, such as the Earthen Dike and other existing paved and unpaved trails as contributing to the broader landscape. In addition, natural features, such as the stands of trees, stone outcroppings, and the Mound itself would be appropriately recognized as important features of the landscape.

Such a study would require the development of a historic context based on the processes that shaped the land, as well as the physical components of the landscape.

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The context would provide a system for defining, identifying, and evaluating significant resources or properties within the landscape, based the landscape's unique qualities.<sup>3</sup> The resources newly identified within the APE for this undertaking, with few exceptions, are likely to have significance in contributing to the landscape as a whole, and the resulting inventory could assist in guiding future park development.

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**Determination of Eligibility:**

For clarity, FEMA's determinations of eligibility for all properties affected by this undertaking are presented here. Based on the information provided here and presented in previously submitted documentation, FEMA has made the following determinations of eligibility:

FEMA has determined that, given the extensive demolition disturbance and limited artifact recovery with ambiguous dating within its disturbed contexts, the *A. D. LaDue Farmstead* no longer retains integrity and therefore is ***not eligible for listing on the NRHP***.

FEMA has determined that the above-ground properties within the APE for direct effects, namely the remains of the *Lower Dam and the bed of the Lower Lake*, are ***not eligible for listing on the NRHP*** individually, nor do they maintain sufficient integrity to serve as contributing features to the Blue Mounds District.

The determination of eligibility for the Lower Dam and Lower Lake notwithstanding, FEMA has determined that the other contributing resources in the Blue Mounds District, namely the *Upper Dam, Upper Lake*, and *Latrine 4-77*, retain sufficient integrity to be ***eligible for continued listing as contributing resources*** to the historic district as currently defined, and that one additional resource, the *Unpaved East-West Southern Trail*, has sufficient integrity to contribute to the district under Criterion A for Entertainment / Recreation.

FEMA has determined that the ***remaining resources identified within the APE*** lack the significance or integrity required for individual listing on the NRHP, and do not together possess a significant concentration, linkage, or continuity united historically or aesthetically, to serve as contributing elements to either the Blue Mounds District or to another historic district and are therefore ***not eligible for listing on the NRHP***.

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**Effects of the Undertaking on**

One of the areas of significance for which the Blue Mounds District was listed on the National Register of Historic Places (NRHP) is recreation. The restoration of Mound Creek and removal of the remains of the lower dam will not directly affect

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<sup>2</sup> The map on page 11 of Part I of the previously-submitted documentation shows that the current boundaries are identical to those in force in 1971, with the exception of two areas subsequently removed from the park in 1985 and 1999.

<sup>3</sup> *National Register Bulletin 30: Guidelines for Evaluating and Documenting Rural Historic Landscapes* (Washington, D.C.: National Park Service, 1999), pages 3-4.

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**Historic  
Properties:**

contributing resources of the Blue Mounds District, and it will improve the overall character of the property as a recreational site, as compared to its current condition. These actions meet the first two of the Secretary of the Interior's *Guidelines for Rehabilitation of Cultural Landscapes: Standards for Rehabilitation* (Standards), which call for maintaining a property's historic use and retaining and preserving the historic character of the property.<sup>4</sup>

In assessing the effects of the undertaking on historic properties, this narrative will address each major scope item as presented in Part I of the documentation previously submitted and illustrated on the enclosed plans.

***Demolish the Existing Dam***

This non-contributing feature will be mostly removed, specifically the primary and secondary spillways and diversion channel. The quartzite will be salvaged for re-use, and the earthen dike will be repaired and maintained in its original form.

The current condition of the remains of the dam and the topography of the former lake bed has been caused by flood damage. The lake bed is neither naturally-occurring nor planned in either design or appearance, and the dam has lost the emergency spillway and diversion channel, comprising approximately one-third of the dam's historic fabric. Neither feature in its current condition contribute to the recreational goals of the park.

The remaining element of the dam, the earthen dike, lacks sufficient integrity to serve as a contributing feature, but will be retained and repaired, as will the trail which runs along the top of the dike. Although the dike and the trail are not contributing elements to the Blue Mounds District, their treatment is in keeping with Standards 5 and 6, which address maintaining existing features and conducting repairs using materials and construction methods that match the existing.<sup>5</sup>

***Construct a Pedestrian Bridge***

The bridge proposed to span the restored creek at the earthen dike, as illustrated on sheet B-100 of the enclosed plans, clearly presents a contemporary design, promoting the goals of outdoor recreation while differentiating the bridge from other structures in the district, thereby avoiding providing a false sense of history. In connecting the two segments of an existing trail, the bridge will help restore circulation as it historically existed, allowing the earthen dike to again serve as the location for the main north/south trail on the east side of the park. The design of the proposed bridge is such that its potential removal would not negatively impact the surrounding environment beyond the interruption of the Trail Along Earthen Dike, which would be the case with any bridge constructed at this location. These effects of the treatment of the earthen dike and construction of a pedestrian bridge are

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<sup>4</sup> National Park Service, *Guidelines for Rehabilitating Cultural Landscapes: Standards for Rehabilitation* <<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/rehab/index.htm>>, accessed October 18, 2017.

<sup>5</sup> Ibid.

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consistent with Standards 9 and 10, regarding the need to design additions and alterations in a way that does not destroy historic materials, features, and spatial relationships that characterize the property while respecting the property's essential form and integrity.<sup>6</sup>

### ***Restore Mound Creek***

As noted previously, the lake bed as it exists today does not contribute to the historic purpose of the park as a whole, whereas the restoration of the stream would do so by enhancing the park's naturally occurring vistas, one reason for selecting the area near the Mound for recreational use in the 1930s. The restoration of the creek provides a new feature in the location of the dry bed of the former lake. While the proposed restored creek will not completely fill the lake bed, its meanders, riffles, and oxbows will provide prominent water features in an area formerly dominated visually by the lake, which today simply presents an expanse of scrub. The creek restoration, then, meets the first Standard for Rehabilitation, as it turns a non-contributing area of the park, the former lake bed, to "a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships" of the park as a whole.<sup>7</sup> This is consistent with the *Guidelines for Rehabilitating Cultural Landscapes: Spatial Organization + Land Patterns*, which recommend both "removing non significant features which detract from or have altered the spatial organization and land patterns."<sup>8</sup>

### ***Restoration of Vegetation***

Scope as recorded in previously submitted documentation indicates that vegetation which has become established in the former lake bed includes non-native and undesirable species, as well as native desirable species, like the sandbar willow. The planned, multi-year effort to establish native plant species throughout the former reservoir is consistent with *Guidelines for Rehabilitating Cultural Landscapes: Vegetation*, in terms of providing compatible new vegetation features to preserve the historic character of the landscape.<sup>9</sup>

### ***Construct Pedestrian Trails***

As with other work associated with the creek restoration, the proposed new trails to the north and south of the proposed creek restoration are new circulation features compatible with existing features. The engineering plans include ten sheets

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> National Park Service, *Guidelines for Rehabilitating Cultural Landscapes: Spatial Organization + Land Patterns* <<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/rehab/spatial.htm>>, accessed October 19, 2017.

<sup>9</sup> National Park Service, *Guidelines for Rehabilitating Cultural Landscapes: Vegetation* <<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/rehab/vegetation.htm>>, accessed October 18, 2017.

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detailing the construction or repair of unpaved trails, and these show simple paths of approximately 4 to 6 feet in width which either restore previously-existing circulation features, or add new features to provide access to the restored creek. The uniformity of repair and construction specifications in the plans indicate the proposed repairs and new construction are consistent with existing trails throughout the district, therefore meeting the *Guidelines for Rehabilitating Cultural Landscapes: Circulation*, as they use existing materials and methods for repair and provide additions for new uses that are compatible with existing features and uses.<sup>10</sup> In the case of this undertaking, the proposed trails will connect existing paths with the restored stream, including one trail compliant with the Americans with Disabilities Act (ADA) on the south side of the restored creek, and one new unpaved trail on the north side.

Effects on features which are not character-defining or exist outside the boundary of the Blue Mounds District are addressed in detail in the previously submitted documentation, which demonstrates that these features are not adversely affected by the proposed undertaking. It is worth repeating here, however, that the proposed undertaking will result in a positive change in the character and use of the surrounding parkland by providing a new recreational destination within the park and new views from adjacent areas which reflect and amplify the natural features of the park. Each improvement proposed enhances the park's natural and built features, contributing to the park's character as a major recreational venue in Rock County. These actions, therefore, support the park's historic function and use by providing additional recreational opportunities while preserving the elements that contribute to the historic character of Blue Mounds State Park WPA/Rustic Style Historic Resources Historic District.

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**Finding:** FEMA finds that this undertaking will result in *no adverse effects on historic properties*.

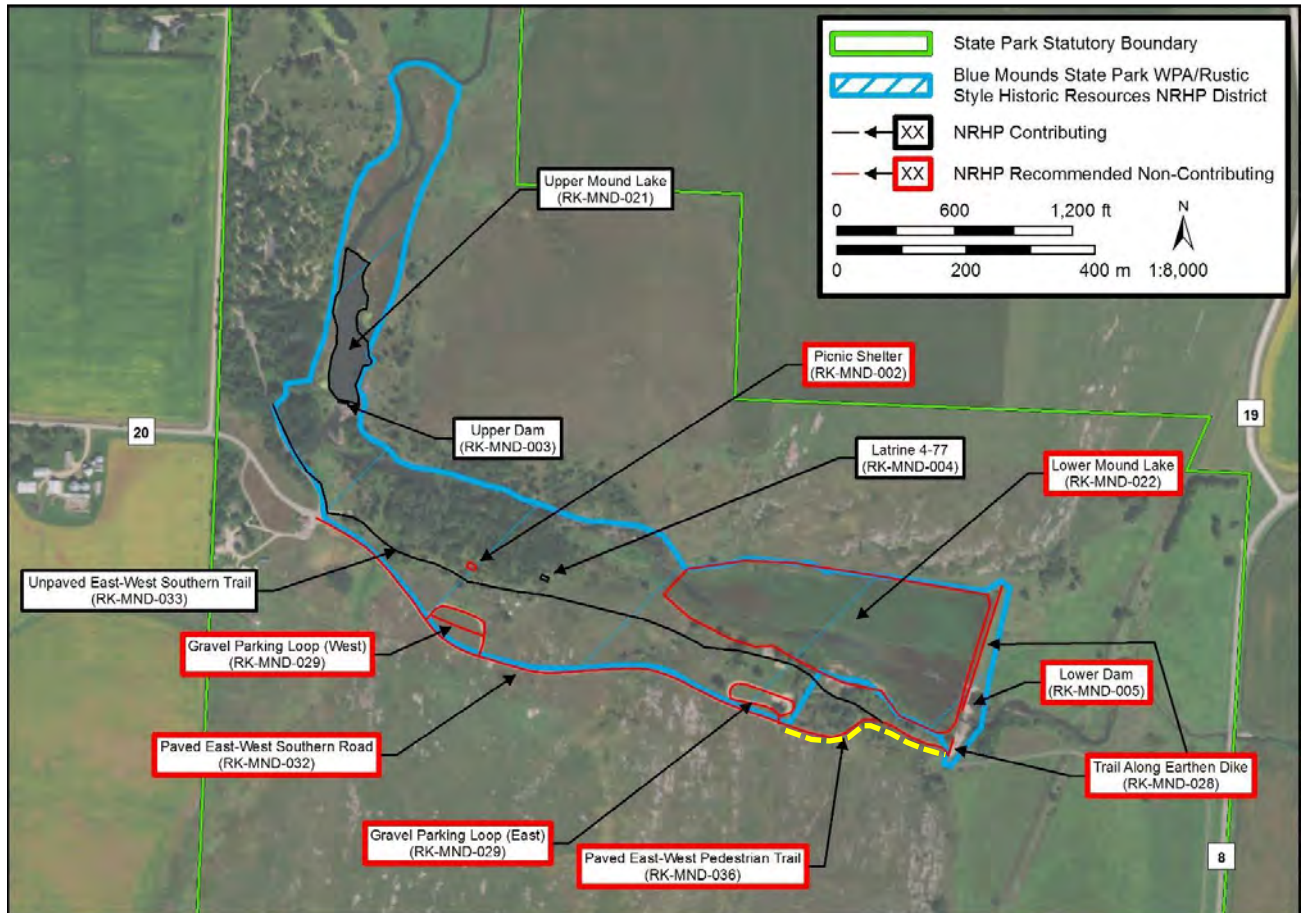
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<sup>10</sup> National Park Service, *Guidelines for Rehabilitating Cultural Landscapes: Circulation* <<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/rehab/circulation.htm>>, accessed October 18, 2017.



**Appendix I**  
**Map of Potential Boundary Extension**  
**Blue Mounds State Park WPA/Rustic Style Historic Resources Historic District**

*Potential boundary extension in yellow, enclosing approximately 3 acres (DNR Map, 2017).*



**Construction plans and other supporting documentation  
submitted as part of this review  
are available for review along with the full set of consultation documentation.  
See Section 3.5 of the Environmental Assessment for details.**

## STATE HISTORIC PRESERVATION OFFICE

November 27, 2017

Nicholas Mueller  
Regional Environmental Officer  
FEMA, Region V  
U.S. Dept. of Homeland Security  
536 South Clark Street, Floor 6  
Chicago, IL 60605

RE: FEMA DR-4182-MN, PW 1043  
Background and Damage Assessment, Lower Dam and Lower Mound Lake  
Blue Mounds State Park WPA/Rustic Style Historic Resources  
Blue Mounds State Park, Rock County  
SHPO Number: 2017-0444

Dear Mr. Mueller,

Thank you for continuing consultation with our office regarding the above referenced project. Information received on 28 October 2017 has been reviewed pursuant to the responsibilities given the Minnesota State Historic Preservation Officer by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800 and per the terms of the 2014 Programmatic Agreement among the Federal Emergency Management Agency, the Minnesota State Historic Preservation Office, the Minnesota Division of Homeland Security and Emergency Management and Participating Tribes.

We have completed our review of your letter dated 24 October 2017, a submittal which included, as requested in our 25 August 2017 comment letter, the following additional documentation in support of your agency's efforts to identify historic properties within the area of potential effect (APE) for this project and your agency's "no adverse effect" determination for the proposed undertaking:

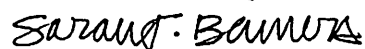
- Updated and new historic-architectural inventory forms for properties identified within the area of potential effect (APE) for this undertaking;
- Construction drawings for the proposed *Lower Mound Lake Basin Restoration* (dated 9/7/2017); and
- An addendum to FEMA's narrative Part III Section 106 documentation which was previously submitted and reviewed by our office.

Based upon information and documentation provided to our office as it pertains to your agency's efforts to identify historic properties and assess adverse effects to historic properties for the Mound Creek stream restoration project, we concur with your agency's determination that the undertaking, as currently proposed, will have **no adverse effect** on the Blue Mounds State Park WPA/Rustic Style Historic Resources, which is the only historic property identified within the APE for this undertaking.

Implementation of the undertaking in accordance with this finding, as documented, fulfills the agency's responsibilities under Section 106. If the agency does not construct the undertaking as proposed, including, but not limited to, a situation where design changes to the currently proposed project diverts substantially from what was presented at the time of this review, or design changes involving undisturbed ground are made for the undertaking following completion of this review, the agency will need to reopen Section 106 consultation with our office pursuant to 36 CFR 800.5(d)(1).

Please feel free to contact me at 651-259-3456 or [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org) if you wish to discuss this comment letter.

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

*cc via email only:*

Ben Vander Kooi

Steve Hennessy, Minnesota Department of Natural Resources (MnDNR), Parks and Trails

Dave Radford and Miranda Van Vleet, MnDNR, Parks and Trails

Wayne Lamoreaux, Minnesota Division of Homeland Security and Emergency Management

Amanda Gronhovd, Office of the State Archaeologist



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Twin Cities Field Office  
4101 American Blvd E.  
Bloomington, Minnesota 55425-1665

February 14, 2017

Mr. Steve Hennessy  
Minnesota Department of Natural Resources  
Division of Parks and Trails  
500 Lafayette Road  
St. Paul, Minnesota 55155

Re: Restoration of Blue Mounds State Park in Southwest Minnesota, near habitat for the Endangered Topeka Shiner (*Notropis topeka*), Threatened Prairie Bush Clover (*Lespedeza leptostachya*), and Threatened Western Prairie Fringed Orchid (*Platanthera praeclara*).  
Rock County, Minnesota

Dear Mr. Hennessy:

This letter is in response to your request for our concurrence with your determination that the Restoration of Blue Mounds State Park, and associated activities, near the City of Luverne, Minnesota, **may affect, but is not likely to adversely affect Topeka Shiner (*Notropis topeka*), Prairie Bush Clover (*Lespedeza leptostachya*), and Western Prairie Fringed Orchid (*Platanthera praeclara*).**

We concur with your determination that the proposed activities may affect, but are not likely to adversely affect Topeka Shiner, Prairie Brush Clover, and Western Prairie Fringed Orchid in the action area indicated in the materials provided by you. Our concurrence is based on the fact that the majority of activities will occur off-channel and any potential impacts would be minimized per the project elements described in the materials provided (i.e., Biological Assessment).

If you have further questions regarding this consultation, please contact Mr. Nick Utrup at 952-252-0092, extension 204.

Sincerely,

Peter Fasbender  
Field Supervisor

**Received**

FEB 17 2017

**DNR Parks and Trails  
Central Office**



## Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:	YES	NO
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency and Applicant<sup>3</sup>** (Name, Email, Phone No.):

Minnesota Department of Natural Resources, Division of Parks and Trails

Project Manager: Steve Hennessy, [steve.hennessy@state.mn.us](mailto:steve.hennessy@state.mn.us), 651-259-5633

**Project Name:** Blue Mounds State Park Lower Mound Lake Basin Restoration

**Project Location** (include coordinates if known): The project is located in Section 24, Twp 103N, Rng 45W within Blue Mounds State Park in Rock County Minnesota. Latitude 43.71506, Longitude - 96.17900.

**Basic Project Description** (provide narrative below or attach additional information): The storm and flood events in June of 2014 resulted in a breach to South Mound Lake Dam (South Dam) on Mound

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

Creek. The breach led to a complete draining of the former impoundment and also caused a breach in a park trail that crossed Mound Creek on the dam. Rather than reconstruct the flood damaged dam, the MN DNR proposes to restore Lower Mound Lake Basin. The restoration of the basin includes the elements shown in the preliminary plan (attached). The total footprint of the proposed action will encompass the entire drained basin along with what remains of the dam and immediately adjacent areas, approximately 30 acres in all.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of forest conversion		
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31		
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>		
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31	40	
If known, estimated acres of prescribed fire from June 1 to July 31	0	
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

#### Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: Steve Hennings

Date Submitted: 2/1/17

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.