

# **SUMMARY OF U.S. ARMY CORPS OF ENGINEERS CONSULTATION WITH NATIVE AMERICAN TRIBES REGARDING POTENTIAL IMPACTS TO TRADITIONAL CULTURAL PROPERTIES AND TRIBAL USE OF NATURAL RESOURCES FROM THE PROPOSED MINNESOTA STEEL PROJECT**

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## Background

The U.S. Army Corps of Engineers (USACE) invited the seven federally-recognized northern Minnesota Native American tribes to consult regarding the proposed Minnesota Steel project in the 1855 Treaty ceded territory near Nashwauk in Itasca County, Minnesota. Those seven tribes are:

- Bois Forte Band of Chippewa
- Fond du Lac Band of Lake Superior Chippewa
- Grand Portage Band of Chippewa
- Leech Lake Band of Ojibwe
- Mille Lacs Band of Ojibwe
- Red Lake Band of Chippewa Indians
- White Earth Band of Ojibwe

The following four tribes requested to consult with the USACE:

- Bois Forte Band of Chippewa
- Fond du Lac Band of Lake Superior Chippewa
- Grand Portage Band of Chippewa
- Red Lake Band of Chippewa Indians

In May of 2007, the USACE consulted via telephone with those four Native American tribes regarding the proposed Minnesota Steel project and its potential impacts to traditional cultural properties (TCP) and to tribal use of natural resources. The USACE communicated with the cultural resources representative for each of the tribes to discuss potential impacts to TCP and with the natural resources or environmental representative for each of the tribes to discuss potential impacts to tribal use (such as hunting, fishing, and gathering) of natural resources. A Memo for Record was prepared by the USACE for each of the telephone consultations.

## Traditional Cultural Properties Consultations

- Bois Forte Band of Chippewa – The Band has no known cultural resources on or near the proposed Minnesota Steel project site.
- Fond du Lac Band of Lake Superior Chippewa – The Band is not aware of any TCP on or near the proposed Minnesota Steel project site. The Band does believe, however, that it has TCP in the 1854 Treaty ceded territory, and the Band

expressed concern regarding air emissions (such as mercury and carbon dioxide) and their potential impacts to TCP in the 1854 Treaty ceded territory. The Band stated that it would like the Minnesota Steel project to be conducted in as clean a manner as possible in order to minimize environmental impacts.

- Grand Portage Band of Chippewa – The Band has no specific information regarding TCP on or near the proposed Minnesota Steel project site. The Band does, however, believe that it has TCP in the 1854 Treaty ceded territory, and the Band expressed concern regarding air quality issues (such as mercury emissions) and their potential impacts to TCP in the 1854 Treaty ceded territory.
- Red Lake Band of Chippewa Indians – The Band does not have any records of TCP in northeastern Minnesota; either in the 1855 Treaty ceded territory or in the 1854 Treaty ceded territory. The Band’s area of interest for TCP is a 10-county area in northwest Minnesota.

### Natural Resources Consultations

- Bois Forte Band of Chippewa – The Band does not have a lot of concerns regarding the proposed Minnesota Steel project because it is not located in the 1854 Treaty ceded territory, which is where the Band conducts its hunting, fishing, and gathering activities. No hunting, fishing, and gathering activities conducted by the Band were identified on or near the proposed Minnesota Steel project site. The Band is concerned, however, regarding air quality issues (such as mercury emissions) and their potential impacts to natural resources in the 1854 Treaty ceded territory.
- Fond du Lac Band of Lake Superior Chippewa – The Band did not identify any use of natural resources (hunting, fishing, or gathering) on or near the proposed Minnesota Steel project site. The Band is concerned, however, regarding mercury emissions from the project and mercury impacts on the fish, wildlife, and vegetation in the 1854 Treaty ceded territory where the Band does conduct its hunting, fishing, and gathering activities. The Band is also concerned about the cumulative effects of all of the northeastern Minnesota mining operations on the air quality and water quality of the area.
- Grand Portage Band of Chippewa – The Band does not use the footprint of the proposed Minnesota Steel project site for hunting, fishing, or gathering of natural resources. Some Band members do hunt, fish, and gather in the 1855 Treaty ceded territory, but no specific areas were identified. The Band is concerned about impacts to wildlife migration corridors, which could impact the movement of wildlife from the 1855 Treaty ceded territory into the 1854 Treaty ceded territory. The Band is also concerned about air emissions from the proposed project (such as NO<sub>x</sub>, SO<sub>x</sub>, and mercury) that could impact natural resources in the 1854 Treaty ceded territory.
- Red Lake Band of Chippewa Indians – The 1855 Treaty ceded territory and the 1854 Treaty ceded territory do not receive much usage by the Band for hunting, fishing, or gathering because of the large area available for tribal use in the 1863 Treaty ceded territory. The 1863 Treaty ceded territory is much closer to the Red Lake Reservation and is extensively used by the Band for hunting, fishing, and

gathering activities. The Band is concerned, however, regarding mercury emissions from the project and how the emissions may affect the population centers on the Red Lake Reservation and the natural resources in the 1863 Treaty ceded territory.

### Discussion

None of the consulting tribes identified any TCP on or near the proposed Minnesota Steel project site. However, there is a general concern among the tribes regarding air emissions (such as mercury) from the project and the impacts the emissions would have on tribal TCP away from the project site area. A Programmatic Agreement (PA) regarding the identification of historic properties that could be impacted by the project has been prepared by the USACE and submitted to the Minnesota State Historic Preservation Office (SHPO) for signature. When the SHPO signs the PA, the USACE will provide the PA to the four consulting tribes and to Minnesota Steel for their signatures. A requirement of the PA will be the conduct of a Phase I archaeological survey. The USACE will provide the Phase I Survey report to the consulting tribes, and other tribes as appropriate, for their review and comment.

None of the consulting tribes identified any uses of natural resources (such as hunting, fishing, or gathering) on or near the proposed Minnesota steel project site. However, there is a general concern among the tribes regarding air emissions (such as NO<sub>x</sub>, SO<sub>x</sub>, mercury and carbon dioxide) from the project and the impacts the emissions would have on natural resources (animals, fish, and plants) utilized by the tribes away from the project site area. In addition, one tribe expressed concern regarding impacts to wildlife migration corridors and the potential impact to wildlife migration from the 1855 Treaty ceded territory to the 1854 Treaty ceded territory.