

Environmental Assessment

Proposed Conversion of Land and Water Conservation Fund Lands
and Lower Sioux Agency History Center

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A. Summary

The Minnesota Department of Natural Resources (DNR) proposes to remove the Land and Water Conservation Fund (LWCF) from the Lower Sioux Agency History Center (The Lower Sioux Agency). The site is located along County State Aid Highway 2 (CSAH 2) in Redwood County, Minnesota (see Figure 1). After removal of LWCF, the Lower Sioux Indian Community (LSIC) intends to work with the Department of Interior and Bureau of Indian Affairs for the property to be placed into trust with the United States for the benefit of the LSIC (25 CFR 151). Once the land is in trust, it will be subject to Section 106 protections. LWCF status needs to be removed in order for LSIC to enroll the land in trust.

The proposed project would result in the conversion of 125.46 acres of property as shown in Figure 2, National Park Service (NPS) 6(f)(3) Boundary Map, and is not expected to have any environmental impacts. The area to be converted includes the loss of park land that would be offset with replacement lands. The replacement lands would provide nature-based, low intensity outdoor recreation opportunities such as hiking and nature observation, similar to those being lost at the Lower Sioux Agency.

B. Chapter 1 - Purpose, Need and Background

B.1. Purpose and Need

The purpose of the conversion is for the removal of LWCF so that the LSIC can enroll the land in the trust. Under the LWCF, the transfer of land to the LSIC could be completed; however, in order for the LSIC to enroll the property in trust, the federal restrictions need to be removed through the conversion process.

Since 2009, the Minnesota Historical Society (MNHS) and LSIC have had a partnership to manage the historic site. The LSIC, through this partnership, has greatly expanded the programming and attendance at the site - nearly doubling the attendance since the years preceding the agreement.

Converting the land from LWCF status would not equate to a loss of historical value or public engagement. It would be the next step in a robust partnership between the LSIC and MNHS that would create more opportunities for the public to engage the site and its history. The site will continue to be publicly accessible. MNHS would remain actively engaged with the LSIC in preservation, interpretation, and community outreach. The LSIC has plans for year-round programming and growing cultural reclamation efforts and intends to place the land in a trust with the United States for the benefit of the LSIC.

B.2. Background

The Lower Sioux Agency is a state historic site that serves all Minnesotans. The history of the Lower Sioux Agency connects to the U.S.-Dakota War of 1862 and other sites, historic markers and museums throughout the Minnesota River Valley. Lower Sioux Agency visitors can experience exhibits and

interpretive programs inside the visitor center, tour the historic warehouse that played a role in the war, and walk interpretive trails through restored prairie and floodplain forest. A majority of visitors to the site are from the Twin Cities metropolitan area.

DNR, MNHS and the LSIC have been in discussions since 2017 to remove LWCF designation from the Lower Sioux Agency, which will allow the LSIC to enroll the property in trust. The MNHS intends to convey portions of the Lower Sioux Agency to the LSIC. The transfer of the Lower Sioux Agency was authorized by the Minnesota Legislature and signed into law in 2017 (Minn. Law 2017, Ch. 54 § 23).

B.3. Decision Requirements

DNR is working to obtain NPS approval to remove the LWCF encumbrance on the 125.46 acres at the Lower Sioux Agency and transfer it to other state owned park land. As part of this process, an Environmental Assessment (EA) must be prepared in accordance with the National Environmental Policy Act (NEPA) and submitted to NPS. The NPS will need to make two decisions based on the facts and recommendations contained in this EA document:

- 1) select an alternative; and
- 2) determine if the selected alternative is a major federal action significantly affecting the quality of human environment, thus requiring the preparation of an Environmental Impact Statement.

B.4. Fair Market Value

MNHS will be conducting an appraisal to get a fair market value of the land.

C. Chapter 2 - Description of Alternatives

c.1. Alternative 1 – No-Action Alternative

The no-action alternative, under which the removal of the LWCF designation would not occur, would prevent the LSIC from placing the property in trust and the MNHS would continue to be responsible for the existing site facilities as they currently exist. The no-action alternative would not provide the opportunity for the LSIC to manage the site independently according to its own goals and plans for sharing the Dakota people's history with the public. For these reasons, the no-action alternative was rejected as not meeting the project purpose and need.

c.2. Alternative 2 – Location Alternative

An alternative site location was determined not to be a viable option. If the LSIC invested in a cultural center in another location, attendance and public engagement at the Lower Sioux Agency would decline substantially. The site preserves a physical location where significant historic events took place. Carrying out interpretive activities in an alternative location would eliminate the authenticity of place that visitors experience in the current location. It is very unlikely MNHS could operate a viable interpretive program without the LSIC's leadership and partnership. While public access at the Lower Sioux Agency could be preserved in this scenario, public engagement, active interpretation, and community outreach, would not.

The location alternative was determined impracticable for these reasons, and was removed from further consideration.

c.3. Alternative 3 – Preferred Alternative

The preferred alternative involves removal of LWCF from the 125.46 acres of park land to non-LWCF status. The area to be converted includes a visitor center, the Redwood Ferry site, the Stone Warehouse, other associated structures, several trails, woodland and restored prairie. Recreational opportunities are provided by the trails and interpretive educational features of the site. Removal of LWCF would enable the LSIC to enroll the land in trust and implement its plans and goals for a cultural center headquartered at the historic site. Since the use of the site is planned to remain the same as its current use after conversion, the recreational and educational opportunities would not be lost. MNHS would remain actively engaged at the Lower Sioux Agency in preservation, interpretation, and community outreach.

Under the preferred alternative, the process for delayed replacement is being followed, as allowed by NPS. The replacement land would provide nature-based, low intensity outdoor recreation opportunities such as hiking and nature observation similar to those being lost at the Lower Sioux Agency. Although the mitigation lands would not offer the historical interpretation opportunities provided by the Lower Sioux Agency, the historic site would continue to be open and available to the public, under management by the LSIC and MNHS and therefore there would be no adverse impact to public access associated with the conversion.

c.4. No Practical Alternative

The MNHS has reached the conclusion that there are no practical alternatives to removing LWCF restrictions and converting the Lower Sioux Agency property. A letter dated March 26, 2019 from MNHS to DNR provides the basis for the MNHS conclusion, with the basis summarized in the preceding sections C.1 through C.3. DNR submitted the letter to the NPS, and the NPS stated its concurrence in an email to DNR, dated April 10, 2019 (Attachment B).

D. Chapter 3 - Affected Environment

D.1. Physical and Biological Environment

Located along the bluff's edge of the Minnesota River in Redwood County, the Lower Sioux Agency was established in 1853 when the US government created an administrative center for the newly created Dakota reservation. Constructed out of the floodplain, the site is situated on an upland terrace overlooking the Minnesota River Valley to the north. The selected location, opposite the mouth of Birch Coulee Creek, was suitable for a ferry crossing to link the site with overland routes. The central core of the complex was constructed atop the bluff so that it was out of the floodplain but not too far removed from the Valley's resources including timber and water (Two Pines, 2019).

The site includes a visitor center, the Redwood Ferry site, the Stone Warehouse, other associated structures, several trails, woodland and restored prairie. As shown on Figure 3, two native plant

communities are identified at the site (Silver Maple – (Virginia Creeper) Floodplain Forest and Sugar Maple – Basswood – (Bitternut Hickory) Forest). A Minnesota Biological Survey (MBS) Site of Biodiversity Significance is also identified at the site. The MBS site is classified as having moderate biodiversity significance.

D.2. Geology and Soils

Like much of Redwood County, the site is underlain by a glacial till plain. About 11,000 years ago, the torrential waters of Glacial River Warren carved an impressive river valley through this plain. Within the valley, the glacial meltwaters exposed bedrock outcrops of gneiss, like those seen on the opposite side of the river at Morton, Minnesota. At 3.6 billion years old, these exposures are among some of the oldest known rocks in the world. The Lower Sioux Agency sits on an isolated ancient beach ridge laid down by Glacial River Warren within the wide valley that the river initially carved. Today, waters of the Minnesota River snake a much narrower and slower path through a geologically more recent valley to the north of the Lower Sioux Agency, but topographic clues indicate that at one time the river also ran to the south of the terrace upon which the Lower Sioux Agency would eventually be constructed. Marshes and small bodies of water are now present within the shallow southern valley, which is drained in part by Wabasha Creek and its tributaries. One former tributary of this valley is located within a half-mile of the Lower Sioux Agency (Two Pines 2019).

The Lower Sioux Agency's administrative complex is in an area of Dickinson and Dickman soils. Dickinson series soils consist of deep, well-drained soils formed in glacial or alluvial deposits that have been reworked by wind. These soils are on interfluvial or dissected till plains and on stream terraces in river valleys (USDA, 2019).

Beyond the central portion of the site, other areas historically occupied by Lower Sioux Agency structures include the west trader's complex, which is situated in an area of Estherville sandy loam, while the soils in the river bottoms, where the government service complex and ferry crossing were located, consist of Terril loam, Oshawa silt clay loam, and the loamy Millington-Zumbro complex. The slopes of the Minnesota River valley between the uplands and river bottom are covered in Terril-Swanlake loams (Two Pines, 2019).

D.3. Listed Species

Federally Listed Species

The U.S. Fish and Wildlife Service (USFWS) lists one animal species and one flowering plant species with potential to occur in the project area, the northern long-eared bat and the Prairie Bush-clover as threatened. USFWS defines a threatened species as a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range (iPaC 2019). An initial inquiry for listed species was completed using the USFWS iPaC website. The initial response indicates that the nature of the project does not pose a threat to the species listed in the report. DNR contacted the Minnesota/Wisconsin USFWS Field Office and was informed that a formal consultation is not required given the nature of the project.

Northern Long-eared Bat (Myotis septentrionalis)

The range of the northern long-eared bat stretches across much of the eastern and Midwestern United States. During summer, northern long-eared bats roost singly or in colonies under bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places such as caves and mines. This species is thought to be opportunistic in selecting roosts, utilizing tree species based on the tree's ability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures such as barns and sheds. In winter, northern long-eared bats utilize caves and mines as hibernacula.

Prairie Bush-clover (Lespedeza leptostachya)

Also known as slender-leaved bush clover, it has a clover-like leaf comprised of three leaflets about an inch long and a quarter inch wide. Flowering plants are generally between nine and eighteen inches tall with the flowers loosely arranged on an open spike.

The pale pink or cream colored flowers bloom in mid-July. The entire plant has a grayish-silver sheen. The showy pink flowers of prairie bush clover are less often seen than the silvery-green pods because of the plant's short blooming season and its ability to produce pods directly from flowers that never open. No critical habitat has been designated for this species.

Minnesota State Listed Species

The Minnesota Natural Heritage Information System (NHIS) database was reviewed by a DNR Natural Heritage Review Specialist to determine if there are any records of threatened and endangered species known to occur within or near the project area. NHIS identified two species of mussels within one mile of the project area (Attachment A). *Quadrula nodulata* – Threatened and *Alasmidonta marginata* – Threatened. Given the nature of the project, no negative effects to any known occurrences of rare features are anticipated.

D.4. Water Features

Waterbodies

As previously mentioned, the Minnesota River lies north of the project area. This river is designated as a state water trail, Minnesota Public Watercourse, and United States Army Corps of Engineers (USACE) Section 10 navigable waterbody.

Based on National Wetlands Inventory (NWI) data (Figure 4), wetlands within the project area generally occur in the northeast corner of the site and are associated with the Minnesota River; some wetlands not associated with the river system occur in the southeast corner. The NWI indicates that the wetlands are forested and emergent and seasonal in nature. Structures included in the project area are located outside of the wetland area.

Based on Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Map (FIRM) data, floodplains in the area of the project are generally associated with the Minnesota River (Figure 5). The 100-year floodplain associated with this river is generally in the northeast corner of the project area. Structures in the project area are located outside of the floodplain.

D.5. Land Use

Land uses at the park include a history center to learn about the Lower Sioux Agency's purpose, including period gardens and farm plots that compare the differences between traditional Dakota farming and those taught by agency employees. Visitors can hike along any of three trails through hardwood forests and along the Minnesota River, passing by sites with historic meaning from the US-Dakota War. Trails offer varying levels of difficulty and two are wheelchair accessible (Minnesota Historical Society).

Surrounding land uses include highway (CSAH 2), agricultural land, and natural areas of grassland, wooded land, wetlands, and the Minnesota River.

D.6. Cultural and Historic Resources

The traditional Dakota name for Lower Sioux is *Cansayapi* – “Where we paint the tree red.” *Cansayapi* is referenced on the newly installed welcome signs at the site and is recognized as a vibrant gathering place marking the historic corridor and adjacent river valley and landscape and its significance in the Dakota Language. The Lower Sioux Agency has and will continue to maintain the values and traditions of the LSIC through programming, interpretation, preservation and management of the Lower Sioux Agency.

The LWCF conversion is an administrative action that is necessary to enable the LSIC to put the land in trust. The LWCF conversion is a federal action that requires Section 106 consultation under that part of the National Historic Preservation Act of 1966 (NHPA), which requires federal agencies to consider the effects of their actions on historic properties. The NPS has authorized the DNR to act as its agent to assist in meeting the requirements of Section 106 of the NHPA. The Section 106 process is in progress. Consultation with the LSIC Tribal Historic Preservation Office (THPO) and the Minnesota State Historic Preservation Office (SHPO) is ongoing. Other consulting parties include The Redwood County Historical Society, Minnesota Office of State Archeologist, the Minnesota Indian Affairs Council and MNHS.

SHPO was consulted for a review of potential historic properties within the Lower Sioux Agency site. DNR initially contacted SHPO on March 20, 2018. SHPO's response, dated April 25, 2018, identified some concerns that will be addressed in DNR's pending response. DNR will continue to coordinate with SHPO through the on-going Section 106 process. SHPO correspondence is provided in Attachment C.

The Lower Sioux Agency History Center is listed in the National Register of Historic Places (NRHP) as of 1970. Its nomination form is being updated in association with Minnesota Department of Transportation (MnDOT) work on CSAH 2. The boundary of the proposed conversion is within the boundary of the NRHP-

listed historic property including the Redwood Ferry site, the Stone Warehouse, and other currently identified, above-ground, built and landscape features.

The area of potential effect (APE) for the proposed conversion is identified as the Lower Sioux Agency. Effects (direct or indirect) beyond the boundary of the Lower Sioux Agency are not likely to occur, as physical changes to the site are not planned and the site use would not change. Thus, the APE is limited to the site itself.

As identified previously, the LSIC has expressed its intention to continue use of the existing Center without any modification to the existing footprint of the building. This eliminates the possibility of an adverse effect in the form of physical damage or destruction of archaeological deposits or physical features that reflect the historic character of the site. Further, transferring the Interpretive Center from the MNHS to the LSIC will not change the historical significance of the site. The LSIC and MNHS have both committed to continue to maintain the interpretive and hiking trails located on the site. The trails will continue to remain accessible and open for public use through LSIC and MNHS's maintenance.

Following the transfer of the conversion lands to the LSIC, the extensive historic preservation statutes and policies enforced by the LSIC will apply to protect the site. The LSIC has passed a *Cultural Protection Ordinance* to protect historical resources at the site. They have prepared a *Tribal Historic Preservation Plan*, which was approved by the NPS in 2006. The LSIC also developed a *Baseline Plan and Guidance for the Lower Sioux Indian Reservation Comprehensive Survey*. The Tribe also maintains a Tribal Historic Preservation Office and employs a Tribal Historic Preservation Officer, who ensures compliance with the Tribe's historic preservation ordinances and policies as well as the NHPA.

The LSIC intends to work with the Department of Interior and Bureau of Indian Affairs for the property to be placed into trust with the United States for the benefit of the LSIC (25 CFR 151). This will result in federal ownership and an evaluation under Section 106 of any future undertakings. These laws and agreements, along with the updated nomination form, maintain adequate and enforceable protections as required under the NHPA.

For any lands remaining in State of Minnesota/MNHS ownership, MNHS will continue to administer the lands and protect historic and cultural resources on the site in a manner consistent with the requirements of the NHPA

As discussed previously, the delayed replacement process is being followed as allowed by NPS. Therefore, DNR will go through an additional separate process to evaluate this federal action or undertaking through the National Environmental Policy Act (NEPA) and the NHPA on the proposed replacement land.

E. Chapter 4 - Environmental Impacts

Based on the proposed conversion, DNR has evaluated the impacts associated with the affected environment, including physical and biological environment, geology and soils, listed species, water

resources, land use and cultural and historic resources and has not identified any potential environmental impacts associated directly, indirectly or cumulatively with the proposed removal of LWCF.

F. Chapter 5 - Coordination and Consultation

This Environmental Assessment was completed with the consultation and coordination of the following:

Agency	Agency Address	Contact
Minnesota Historical Society	345 Kellogg Blvd St. Paul, MN 55102	Ben Leonard ben.leonard@mnhs.org
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This Environmental Assessment was prepared by:

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A 30-day public comment period will be announced on the DNR website, the LSIC's online calendar, local newspapers and mailings to local legislators. The DNR will review the public comments. These comments, and the responses to all substantive comments, will be included in the proposal's submission to NPS.

G. Bibliography

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