

May 3, 2022

VIA E-MAIL

Leah Medley  
Great Lakes National Program Office  
U.S. Environmental Protection Agency  
77 West Jackson Blvd  
Chicago, IL 60604-3590

RE: Sediment Remediation at Perch Lake  
S9 T48N R15W  
Duluth, Saint Louis County  
SHPO Number: 2022-0790

Dear Ms. Medley,

Thank you for initiating consultation regarding the above-referenced project. Information received in our office via e-mail on February 9 and April 12, 2022 has been reviewed pursuant to the responsibilities given the State Historic Preservation Office under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800).

We have completed a review of your letter (n.d.) which was received by our office via email on February 9, 2022. Your letter included the following documentation in support of a preliminary No Historic Properties Affected finding:

- Attachment 1:
  - Figure 1: Area of Potential Effects Map (dated 1/13/2022);
  - Figure 2: Map of Placement and Stockpile Sites (dated 1/14/2022);
  - Figure 3: Map of Areas Subject to Phase I Archaeological Surveys in 2015 and 2021 (dated 1/13/2022);
- Attachment 2: 95% Design Plans for Perch Lake Habitat Restoration (9 sheets, dated 11/12/2021);
- Attachment 3: Report titled *Phase I Archaeological Survey of Perch Lake, Duluth-Superior Harbor, St. Louis County, Minnesota* (AECOM, September 2015); and
- Attachment 4: Letter report titled *Phase I Perch Lake Archaeological Survey, Duluth, Minnesota* (USACE, dated 1/6/2022).

Subsequent to the February 9<sup>th</sup> submission, on March 30, 2022, our office requested additional information regarding the results of historic property identification efforts specifically as it relates to a segment of the Lake Superior & Mississippi Railroad. On April 12, 2022 we received a response from Amanda Holdeman, Archaeologist with the Detroit District, Corps of Engineers.

Our comments are provided below.

#### **Define Undertaking and Area of Potential Effect**

Based upon information provided in your February submission, we understand that the U.S. Environmental Protection Agency (EPA) is proposing to dredge contaminated sediments from Perch Lake and surrounding areas

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MINNESOTA STATE HISTORIC PRESERVATION OFFICE

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to provide fish habitat areas. The undertaking also involves construction of two, new culverts under Trunk Highway 23 and existing trail, between Perch Lake and the St. Louis River. Your agency has determined that the proposed project – including the dredging activities, site access/staging, and the storage/dewatering of dredged material – is an undertaking subject to review under Section 106 of the National Historic Preservation Act.

We have completed our review of the updated documentation provided in regards to your agency's definition of the Area of Potential Effect (APE) for the federal undertaking. We agree that the APE definition, as it is described in narrative and documented on corresponding maps (Attachment 1) included with your February 9<sup>th</sup> submission, is generally appropriate to take into account the potential direct and indirect effects of the proposed undertaking as we currently understand it.

### **Identification of Historic Properties**

#### *Archaeology*

We appreciate the Attachment 1 – Figure 3 map which clearly shows the areas subject to each of the field surveys. Based on the results of the investigations, we concur with your agency's determination that there were no archaeological properties identified which would warrant recordation or further survey and evaluation to determine eligibility for listing in the National Register of Historic Places (NRHP). We agree that no further archaeological survey is warranted for the project as it is currently proposed.

#### *Historic/Architectural Properties*

Your February 9<sup>th</sup> letter does not specifically mention of the results of efforts to identify historic/architectural properties – standing structures – within the APE. During initial review of your submission, we identified what appears to be a previously unevaluated segment of the former Lake Superior and Mississippi Railroad located within the APE. This former railroad corridor exists today as a gravel path between TH 23 and the bank of the St. Louis River. As your agency is aware, through consultation on other St. Louis River remediation projects, as well as the Spirit Lake Remediation Project at the former U.S. Steel site, other intact segments of the historically significant Lake Superior and Mississippi Railroad have been determined eligible for listing in the National Register of Historic Places (NRHP).

Absent a formal survey and evaluation of the segment within this undertaking's APE we agree to treat the property as NRHP-eligible for purposes of completing the Section 106 review of this undertaking only.

Our records also indicate that the full extent of Trunk Highway 23 [XX-ROD-152] has been previously evaluated and determined ineligible for listing in the NRHP through a statewide trunk highway survey by the Minnesota Department of Transportation.

In summary, the Lake Superior and Mississippi Railroad Corridor is the only historic property identified within the APE for this undertaking.

### **Assessment and Finding of Effect**

Based upon information provided to our office regarding the proposed sediment remediation project, including the fact that the installation of a new culvert under the abandoned railroad will only require removal of soils and regrading 2' higher than existing grade along a 16' portion of the corridor, we concur with your agency's finding that the project, as it is currently proposed, will have **no adverse effect** on the Lake Superior and Mississippi Railroad due to the fact that the width and alignment of the existing corridor will not be altered as a result of the federal undertaking.

Implementation of the undertaking in accordance with this finding, as documented, fulfills your agency's responsibilities under Section 106. If your agency receives written objection to the finding of effect from an interested party, or other concerns resulting from tribal consultation following issuance of this comment letter, then your agency will need to notify our office of the disagreement pursuant to 36 CFR § 800.5 (c)(2)(i).

If your agency does not carry out 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, then your agency will need to reopen Section 106 consultation with our office and others pursuant to 36 CFR § 800.5(d)(1).

Please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us) if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

Cc via email:

Amanda Holdeman, Archaeologist, USACE Detroit District  
Caitlin Nigrelli, EPA