



# Bois Forte

TRIBAL GOVERNMENT

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Dear Ms. Fey, Mr. Brunner and Mr. Jimenez;

The Bois Forte THPO submits the following comments in connection with the NorthMet Project November 2013 Supplemental Draft Environmental Impact Statement ("SDEIS"). These statements relate to specific portions of the cultural resource section of the SDEIS and complement comments on the 2008 PDEIS, the 2009 CPDEIS and the 2009 DEIS, statements in the Cumulative Effects Analysis submitted by the Co-Lead Agencies in September 2013, and discussions at numerous meetings with the Corps and Superior National Forest staff. By no means should the comments below be seen as superseding those made earlier in the process.

## Cultural Resources

The Area of Potential Effect (APE) for cultural resources divided the project into two separate sections surrounding the proposed mine site and the proposed plant site should be revised. "Figure 4.2.9-1, Cultural Resource Analysis-Area of

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Potential Effect” needs only to have the two areas joined to compose an APE that reflects an undertaking as defined in Section 106 of the National Historic Preservation Act of 1966. Section 106 defines undertaking as a “project, activity or program funded in whole or part under the direct or indirect jurisdiction of a Federal Agency, including . . . requiring a Federal permit, license or approval” (36 CFR 800.16[y]).” An APE that encompasses the Mine and Plant sites and surrounding area affected by operations would better describe the undertaking for cultural resource investigations.

The remaining comments concern the properties of spiritual and cultural significance to the Bands, Mesabe Widjiu, Beaver Bay to Lake Vermilion Trail and Spring Lake Mine Sugarbush. Mesabe Widjiu is correctly identified as a sacred landform, but needs to be considered in its entirety (see attached map as an example). The segment encountered within the project area is small, but integral to the property. Adverse affects to any portion impact the entire feature.

The Beaver Bay to Lake Vermilion Trail requires further clarification. The trail is one of many within a system of water and overland routes that crisscrossed northeastern Minnesota and extended to the border lakes long before the fur trade and continued to be used through the early 20<sup>th</sup> century. To date, the BBLVT has not been fully researched or field verified within the project area. The trail needs to be better documented. There has been no rigorous attempt to research the BBLVT by the Bands or Lead Agencies, although the Superior National Forest Heritage Program reviewed the GLO plats and conducted field investigations on SNF land. Additional fieldwork should be conducted in the spring or fall when ephemeral features such as foot trails are less easily concealed by vegetation and more easily discerned.

The Bois Forte THPO is skeptical of the co-leads claim that there will be no effect to the Spring Lake Mine Sugarbush from the proposed NorthMet Project. Indirect effects through dust deposition and unauthorized collection are anticipated since the Sugarbush is situated immediately adjacent to the proposed plant site. While the lead agencies dismiss particulate accumulation as a problem, based on visual effects analysis conducted for the project and a site visit in 2010, their lack of concern seems speculative. The proximity of the plant site to the Sugarbush and the cumulative effects of dust on leaves, trees and understory flora have not been examined in detail and their long term effects may well be detrimental to vegetation, other than maples, that comprise the Sugarbush. Furthermore, the potential for artifact collection is quite real. When the land containing the site was owned by Cleveland Cliffs, persons employed by the mine removed artifacts associated with Band member use of the Sugarbush. This assertion is based on a donation made to the Bois Forte Heritage Museum by an individual who conducted logging operations on LTV property in the 1970's. When asked where he had found the items, a ladle, bowl, birch bark sap baskets and cedar spiles, he described the location of the Spring Lake Mine Sugarbush and the wooden structure remnants noted by Michael Loftus (1977). Remnants of the structure still exist (see SDEIS 4.2.9.2.4). Loftus also removed artifacts when he visited the Sugarbush in the 1960's.

To summarize, the three properties would benefit from additional investigation; the sugarbush has not been formally recorded, the trail has been adequately documented within the SNF proposed land exchange, but requires additional survey in the upland sections of the project area and Mesabe Widjiu should be considered in its entirety. Finally, all three must be formally nominated to the National Register of Historic Places.

A 216,300 acre area bounded by the St Louis River, Lake Superior, Lake Vermilion and the Beaver Bay to Vermilion Trail better describes cultural resources to be effected by the NorthMet project (Tribal Cooperating Agencies' Cumulative Effects Analysis 2013). In addition to the St Louis River, the area supports three major drainage systems, the Cloquet, Embarrass and Pike Rivers. Trygg maps (1966), historic documents (Brownell 1967, Carey 1936, Chester 1902, Jenks 1901, Lancaster 2009, Moyle 1941 Trygg 1969, Van Brunt 1922,) and information contained in site files located at the Bois Forte Tribal Historic Preservation Office were used to determine the extent of the district. Additional information on historic places and properties is available at SHPO, Superior National Forest Headquarters and Duluth Archaeology

Center. Included within the proposed historic district are the headwaters of the St. Louis River, the site of ongoing mineral exploration.

Ancestors of present day Band members resided in this area for centuries and followed traditional practices extensively until about two generations ago when the effects of mining devastated the rice beds in the Embarrass and St. Louis River watersheds and closed access to large tracts of public (USFS) land where traditional harvest and collection areas occurred. The proposed Tribal Historic District encompasses complex trail systems, Indian villages, trading posts, encampments for fishing, hunting, wild rice harvest and processing, sugar bush, and other traditional subsistence practices. It includes what was essentially a 'water highway' used by the Ojibwe at the time of European contact, and subsequently by Voyageurs during the era of heavy fur trading. In addition, numerous medicinal plant gathering sites, Midewewin lodges, vision quest locales and other sacred places can be found.

### Wildlife

The SDEIS notes that wildlife species will be affected by noise, dust, and other human interaction in the NorthMet Project area. Acknowledgement by the SDEIS authors that adjacent habitat is available signifies a lack of analytical rigor in effects assessment of wholesale population displacement in response to mining activity. For example, while the co-leads observe that displaced wildlife will face increased competition for resources, the authors do not mention that the dislodged animals may cause populations in adjoining territory to approach or exceed carrying capacity. In short, the SDEIS fails to assess cumulative effects to wildlife population changes, not only in the project area, but the entire region.

The co-lead agencies should document how habitat destruction and concomitant wildlife migration will affect local and regional ecology.

Clearly, additional work is necessary before the NorthMet project can move forward. Cooperating agencies' concerns with cumulative effects remain valid and germane, but have yet to be addressed by the Lead Agencies.

Sincerely;

*Bill Latady*

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Bois Forte Band of Ojibwe

## References

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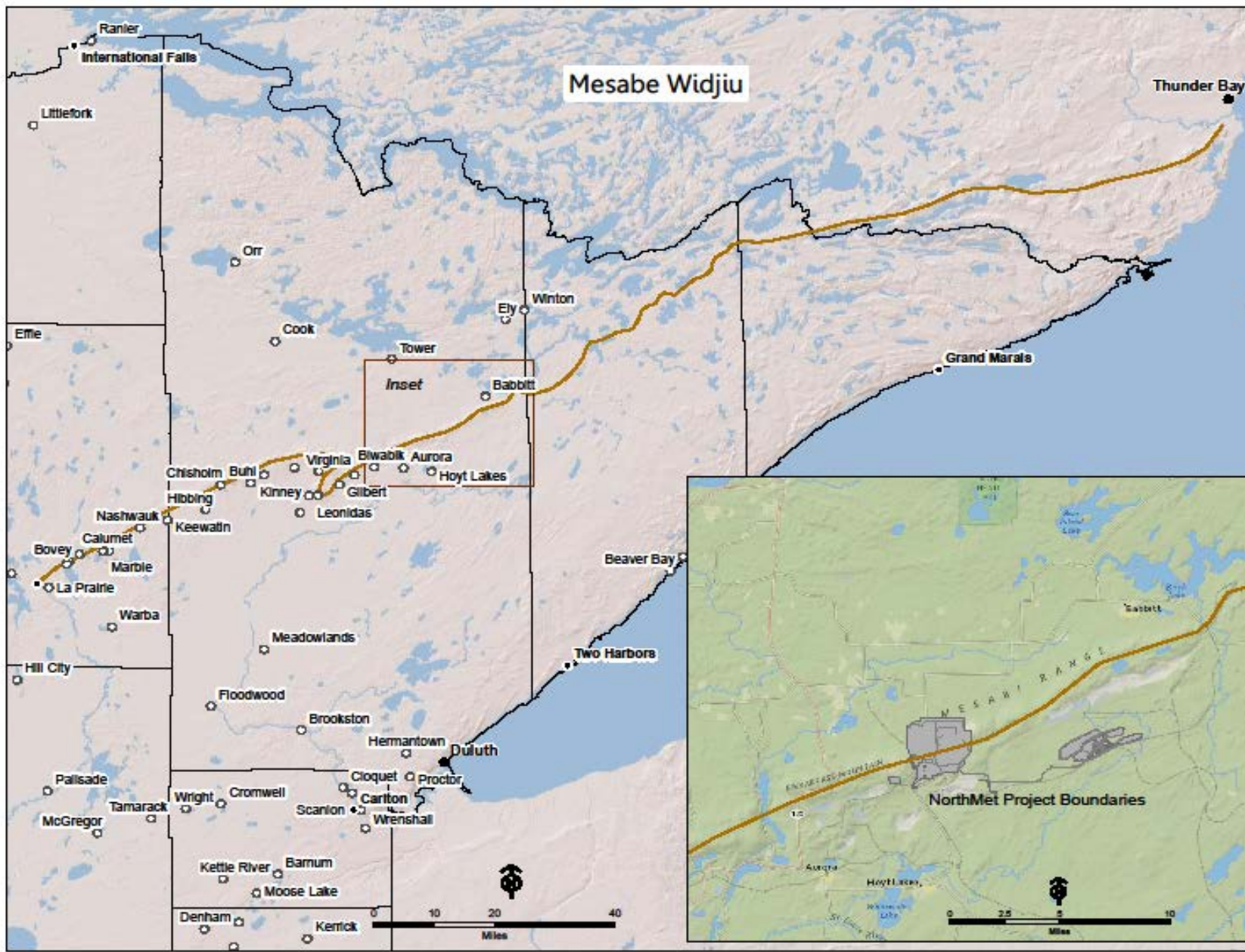
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Location of Mesabe Widji in northeastern Minnesota and Ontario, Canada