

APPENDIX C – HISTORIC RESOURCES



Rural Development

5/14/2021

Rural Utilities Service

1400 Independence
Ave SW, Room 4121
Stop 1548
Washington, DC
20250

Voice 202.690.2670

TO: Administrative Record File:
WI 64 Dairyland Power Cooperative, Nemadji Trail Energy Center
Project, Electric Program

FROM: Christopher A. McLean
Acting Administrator
Rural Utilities Service

SUBJECT: Section 106 Conclusion Memo due to Tribal Historic Preservation Office
Closures and Operational Limitation as a Result of the COVID-19
Pandemic (WI 64 Dairyland Power Cooperative, Nemadji Trail Energy
Center Project, Electric Program)

The purpose of this memorandum is to conclude the Section 106 review for the Nemadji Trail Energy Center Project in Douglas County, Wisconsin, of the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) Electric Program.

RUS is considering funding an application from Dairyland Power Cooperative (Dairyland). Dairyland is proposing to construct a new natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line (see Enclosure A).

Dairyland needs to add new generating capacity to the current resource mix to serve growing load within the service territories that the member cooperatives serve and to replace generation capability that was recently retired. The Project will also enable Dairyland to facilitate the addition of new renewable electricity sources to the power portfolio by complementing their intermittent nature.

The area of potential effect (APE) for the referenced project consists: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles/52.8 acres), (3) an electric transmission line (3.7 miles/56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (4.4 acres, 13.4 acres, 23.2 acres) as shown on the enclosed map (see Enclosure A). The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin. Additionally, The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). The APE of this project does not include federal lands.

RUS has determined that this critical infrastructure project is an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 300101 et seq., and its implementing regulations, 36 CFR Part § 800. RUS has determined that a

finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for this undertaking.

Due to the COVID-19 pandemic, many state, tribal, and native Hawaiian historic preservation offices have either closed or are unable to carry out their Section 106 duties. A variety of factors led to this result, including health conditions, lack of staff availability, furloughs, or the need to redeploy staff to conduct essential activities. Though some offices had internet email capability to allow for telework, some do not have this capacity. Some state and tribal laws require use of hard copy records, further restraining ability to work remotely. Due to the hardships that tribes are experiencing, the Advisory Council on Historic Preservation (ACHP) informed the Federal Preservation Officers in March 2020, that the ACHP paused the 30-day regulatory review period. The ACHP plans to resume the 30-day regulatory review period once COVID-19 conditions are no longer in effect. The ACHP notification was stated as follows:

“The deadlines in the Section 106 process as set forth in 36 C.F.R. Part 800 will remain the same, with one exception in certain extraordinary circumstances. The Section 106 deadlines for a State or Tribal Historic Preservation Officer (SHPO/THPOs) response will be considered tolled while, due to the coronavirus outbreak, an office is closed or work conditions are such that the SHPOs/THPOs are unable to carry out their Section 106 duties (e.g., staff unavailability due to health reasons or restricted access to records or communication capability)...The tolling will be lifted once the conditions are no longer in effect. We strongly encourage federal agencies to be flexible with Section 106 deadlines when they have reason to believe the relevant consulting parties may be facing challenges in meeting such deadlines due to the outbreak. Particular attention should be given to those parties such as Indian tribes and THPOs that may have limited capacity to participate even under normal conditions.”

The COVID-19 pandemic has impacted RUS' attempt to consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking, the nature of the undertaking, and its effects on historic properties.

The Wisconsin State Historic Preservation Office (SHPO) was notified of the project on February 4, 2018. The SHPO concurred with a finding of 'no historic properties affected' on March 14, 2019 (see Enclosure B).

In August of 2017, Dairyland hosted individual meetings with the following Tribes to discuss the project in detail: Fond du Lac Band of Lake Superior Chippewa, Red Cliff Band of Lake Superior Chippewa, and the Bad River Bands of Chippewa. The Fond du Lac Band of Lake Superior Chippewa THPO provided approximate location data on five traditional cultural properties (TCP) identified near the project area. Three of the resources were identified within the project area but all were located outside of the APE.

On June 11, 2019, Dairyland notified the following Tribes: St. Croix Chippewa Community, Lac Courte Oreilles Band of Lake Chippewa Community, Bad River Band of Lake Superior Chippewa, Forest County Potawatomi Community, and the Red Cliff Band of Lake Chippewa.

On August 5, 2019, the notification letter to the Fond du Lac Band of Lake Superior Chippewa was hand delivered as part of a previously scheduled meeting.

On March 16, 2020 (incorrectly dated March 16, 2019), at the direction of RUS, Dairyland expanded the consultation list and contacted the following tribes with interest in the project area: Fort Belknap Indian Community – Fort Belknap Reservation of Montana, White Earth Band of the Minnesota Chippewa Tribe, Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan, Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, Lac Courte Oreilles Band of Chippewa Indians, Menominee Indian Tribe of Wisconsin, Grand Portage Band of the Minnesota Chippewa Tribe, Keweenaw Bay Indian Community, St. Croix Chippewa Indians of Wisconsin, Minnesota Chippewa Tribe, Sokaogon Chippewa Community, Mille Lacs Band of Ojibwe, Leech Lake Band of the Minnesota Chippewa Tribe, Miami Tribe of Oklahoma, Ho-Chunk Nation, Stockbridge-Munsee Community Band of Mohican Indians, and the Oneida Nation of Wisconsin. RUS sent an additional letter to the non-responsive Tribes on April 21, 2021, requesting a response within 15 business days. (see Enclosure C). On May 7, 2021, the Miami Tribe of Oklahoma responded and confirmed that Douglas County, Wisconsin is outside of their area of interest and they do not wish to consult on the project. On May 9, 2021, the Stockbridge-Munsee Community also confirmed that Douglas County, Wisconsin is outside of their area of interest and thus, have no comment. The other tribes did not respond. In total, the non-responsive Tribes have had 424 days to review the project.

The enclosed survey report titled, *Phase I Cultural Resource Survey Report for the Nemadji Trail Energy Center, Douglas County, Wisconsin (October 2018)* describes the results of the archaeological investigation conducted within the project APE (see Enclosure D). The survey area was larger than the APE described above and resulted in discovery of four new historic-aged archaeological sites and RUS and the Wisconsin Historic Society determined that the four sites are not eligible for the National Register of Historic Places. Based on the findings of the *Phase I Cultural Resource Survey Report for the Nemadji Trail Energy Center, Douglas County, Wisconsin (October 2018)* and the comments from SHPO, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Based on review of the project documentation provided by Dairyland including the cultural resource survey dated October 2018 and Wisconsin SHPO, and the expiration of the comment period for the non-responsive Tribes; RUS believes the agency has made a reasonable and good faith effort to consult and has determined that Section 106 consultation is complete. Section 106 has concluded with a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and the *Addressing Delays in Concluding Section 106 due to Tribal Historic Preservation Office Closures and Operational Limitation as a Result of the COVID-19 Pandemic memo* that states, “if RUS is unable to reach unresponsive tribes after the additional 15-business day comment period and subsequent follow-up efforts to contact the tribes, RUS programs will request the RUS Administrator’s approval to conclude Section 106” (see Enclosure E).

RUS will include an inadvertent discovery provision, developed in accordance with 36 CFR § 800.13(b) and (c), as a condition of obligation, to address any historic properties, which might be inadvertently discovered or affected, during project construction.

Section 106 Conclusion Memo due to Tribal Historic Preservation Office 4

The point of contact for the Section 106 review is: Alexandria Anderson, RUS Anthropologist, at 202.401.9141 or alexandria.anderson@usda.gov.

Sincerely,

CHRISTOPHER MCLEAN Digitally signed by
CHRISTOPHER MCLEAN
Date: 2021.05.19 08:11:40
-04'00'

Christopher A. McLean
Acting Administrator
Rural Utilities Service

Enclosures:

Enclosure A: Project Maps

Enclosure B: SHPO Consultation

Enclosure C: Tribal Consultation

Enclosure D: *Phase I Cultural Resource Survey Report for the Nemadji Trail Energy Center, Douglas County, Wisconsin (October 2018)*

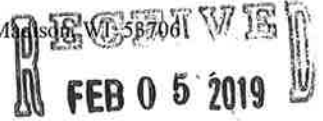
Enclosure E: Addressing Delays Decision Memo and Communication Log

Unit	Name	Signature/Date
EES/Cultural Resource Team	Erika Seibert, FPO	ERIKA MARTIN SEIBERT Digitally signed by ERIKA MARTIN SEIBERT Date: 2021.05.14 10:53:15 -04'00'
EES	Barbara Britton, Dir.	BARBARA BRITTON Digitally signed by BARBARA BRITTON Date: 2021.05.18 08:14:25 -05'00'
WEP	Scott Barringer, Acting Asst. Administrator	SCOTT BARRINGER Digitally signed by SCOTT BARRINGER Date: 2021.05.19 07:28:14 -04'00'

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706



Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

- Checkboxes for: This is a new submittal, This is supplemental information relating to Case #, This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is

BY:

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Rural Utilities Service
b. Federal Agency Contact Person: Lauren Cusick Phone: 202-720-1414
c. Project Contact Person: Andrew Gottsfield Phone: 816-349-6674
d. Return Address: 9300 Ward Parkway, Kansas City, Missouri Zip Code: 64114
e. Email Address: agottsfield@burnsmcd.com
f. Project Name: Nemadji Trail Energy Center Project
g. Project Street Address:
h. County: Douglas City: Superior Zip Code:
i. Project Location: Township T49 and T48, Range 13W and 14W, E/W (circle one), Section numerous, Quarter Sections
j. Project Narrative Description—Attach Information as Necessary.
k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

III. FINDINGS

- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: [Signature] Date: 2/4/19
Type or print name: Lauren Cusick / Erika Martin Seibert, FPO

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
Object to the finding for reasons indicated in attached letter.
Cannot review until information is sent as follows:

Authorized Signature: [Signature] Date: 3-14-19



June 6, 2019

Mr. Ned Daniels Jr., Chair
Forest County Potawatomi Community
PO Box 340
Crandon, WI 54520

Dear Tribal Chair:

I am writing today on behalf of Dairyland Power Cooperative, a generation and transmission cooperative based in La Crosse, Wisconsin, to request the opportunity to meet with you and other representatives of your Nation to discuss a project in Superior, Wisconsin. We previously sent a similar letter on December 28, 2017 and March 26, 2018.

Dairyland serves the electric needs of 24 distribution cooperatives in Wisconsin, Minnesota, Iowa and Illinois, including several local electric cooperatives in Northern Wisconsin. Our 1,284 MW capacity portfolio currently includes coal, landfill gas, wind, manure digesters, solar, natural gas and hydro power. Today, we have more solar projects than any other Wisconsin utility, and we recently opened a new wind project in southwest Wisconsin.

As part of our drive to diversify our resources, we are planning to develop a combined cycle natural gas plant which would have the benefit of supporting our expanded renewable opportunities. We have developed a partnership with Minnesota Power/ALLETE to build such a facility in Superior. The official permitting process of this project has now begun, with an expected decision at the end of this year or early in 2020.

Since the plant would be located near your historic 1854 ceded territory, we would like to meet with you so we can describe the project in detail and seek your opinions regarding the project. We have met with leaders of the Red Cliff Band of Lake Superior and the Bad River Band of Lake Superior and look forward to an opportunity to also meet with you and representatives of your Tribal Council.

In addition, we wanted to give you advance notice that in the next week or two, you will be receiving cultural resource information as part of the Federal approval process per the U.S. Department of Agriculture, Rural Utility Services Office, who is the lead Federal agency on this project. This information will afford your Nation the opportunity to outline any historic/cultural details related to this project as part of the Federal evaluation process.

Mr. Ned Daniels Jr., Chair

Page 2

June 6, 2019

Please contact me regarding your interest in a meeting, and indicate what is the best way for us to set up a time and date for a discussion at your Tribal Headquarters.

Sincerely,

A handwritten signature in black ink that reads "Brian Rude". The signature is written in a cursive style with a large initial "B" and "R".

Brian D. Rude

Vice President, External and Member Relations

BDR:rjk



June 6, 2019

Mr. Louis Taylor Sr., Chair
Lac Courte Oreilles Band of Lake
Superior Chippewa
13394 West Trepenia Road
Hayward, WI 54843

Dear Tribal Chair:

I am writing today on behalf of Dairyland Power Cooperative, a generation and transmission cooperative based in La Crosse, Wisconsin, to request the opportunity to meet with you and other representatives of your Nation to discuss a project in Superior, Wisconsin. We previously sent a similar letter on December 28, 2017 and March 26, 2018.

Dairyland serves the electric needs of 24 distribution cooperatives in Wisconsin, Minnesota, Iowa and Illinois, including several local electric cooperatives in Northern Wisconsin. Our 1,284 MW capacity portfolio currently includes coal, landfill gas, wind, manure digesters, solar, natural gas and hydro power. Today, we have more solar projects than any other Wisconsin utility, and we recently opened a new wind project in southwest Wisconsin.

As part of our drive to diversify our resources, we are planning to develop a combined cycle natural gas plant which would have the benefit of supporting our expanded renewable opportunities. We have developed a partnership with Minnesota Power/ALLETE to build such a facility in Superior. The official permitting process of this project has now begun, with an expected decision at the end of this year or early in 2020.

Since the plant would be located near your historic 1854 ceded territory, we would like to meet with you so we can describe the project in detail and seek your opinions regarding the project. We have met with leaders of the Red Cliff Band of Lake Superior and the Bad River Band of Lake Superior and look forward to an opportunity to also meet with you and representatives of your Tribal Council.

In addition, we wanted to give you advance notice that in the next week or two, you will be receiving cultural resource information as part of the Federal approval process per the U.S. Department of Agriculture, Rural Utility Services Office, who is the lead Federal agency on this project. This information will afford your Nation the opportunity to outline any historic/cultural details related to this project as part of the Federal evaluation process.

Mr. Louis Taylor Sr., Chair

Page 2

June 6, 2019

Please contact me regarding your interest in a meeting, and indicate what is the best way for us to set up a time and date for a discussion at your Tribal Headquarters.

Sincerely,

A handwritten signature in cursive script that reads "Brian Rude". The signature is written in black ink and is positioned below the word "Sincerely,".

Brian D. Rude

Vice President, External and Member Relations

BDR:rjk



June 6, 2019

Mr. Lewis Taylor, Chair
St. Croix Chippewa Community
24663 Angeline Avenue
Webster, WI 54893

Dear Tribal Chair:

I am writing today on behalf of Dairyland Power Cooperative, a generation and transmission cooperative based in La Crosse, Wisconsin, to request the opportunity to meet with you and other representatives of your Nation to discuss a project in Superior, Wisconsin. We previously sent a similar letter on December 28, 2017 and March 26, 2018.

Dairyland serves the electric needs of 24 distribution cooperatives in Wisconsin, Minnesota, Iowa and Illinois, including several local electric cooperatives in Northern Wisconsin. Our 1,284 MW capacity portfolio currently includes coal, landfill gas, wind, manure digesters, solar, natural gas and hydro power. Today, we have more solar projects than any other Wisconsin utility, and we recently opened a new wind project in southwest Wisconsin.

As part of our drive to diversify our resources, we are planning to develop a combined cycle natural gas plant which would have the benefit of supporting our expanded renewable opportunities. We have developed a partnership with Minnesota Power/ALLETE to build such a facility in Superior. The official permitting process of this project has now begun, with an expected decision at the end of this year or early in 2020.

Since the plant would be located near your historic 1854 ceded territory, we would like to meet with you so we can describe the project in detail and seek your opinions regarding the project. We have met with leaders of the Red Cliff Band of Lake Superior and the Bad River Band of Lake Superior and look forward to an opportunity to also meet with you and representatives of your Tribal Council.

In addition, we wanted to give you advance notice that in the next week or two, you will be receiving cultural resource information as part of the Federal approval process per the U.S. Department of Agriculture, Rural Utility Services Office, who is the lead Federal agency on this project. This information will afford your Nation the opportunity to outline any historic/cultural details related to this project as part of the Federal evaluation process.

Mr. Lewis Taylor, Chair

Page 2

June 6, 2019

Please contact me regarding your interest in a meeting, and indicate what is the best way for us to set up a time and date for a discussion at your Tribal Headquarters.

Sincerely,

A handwritten signature in black ink that reads "Brian Rude". The signature is written in a cursive style with a large, looping initial "B".

Brian D. Rude

Vice President, External and Member Relations

BDR:rjk



August 5, 2019

Jill Hoppe
Tribal Historic Preservation Officer
Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, MN 55720

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin

Dear Ms. Hoppe:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

Jill Hoppe
Page 2
August 5, 2019

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the Fond du Lac Band of Lake Superior Chippewa in Douglas County. Should the Fond du Lac Band of Lake Superior Chippewa elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Jill Hoppe
Page 3
August 5, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC 20250.

Please submit your response to me by September 3, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or brad.foss@dairylandpower.com

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



Rural Utilities Service
1400 Independence Ave SW, Room 2230
Stop 1570, Washington, DC, 20250
Voice 202.695.2540
Fax 202.690.0649

2/4/2018

Amy L. Rosebrough
Staff Archaeologist
State Historic Preservation Office
816 State Street
Madison, WI 53706

Subject: SHPO Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project
Douglas County, Wisconsin

Dear Ms. Rosebrough:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (an ALLETE Company) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 550 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new substation, and a new 345-kV electric transmission line. This report only evaluated the preferred generation facility site, the Preferred transmission line route, the Preferred Substation Site, and three laydown yards for the NTEC Project. The natural gas pipeline will be evaluated under a separate action. The four Project elements in this report total 113.7 acres and includes: (1) the Preferred Site for the Nemadji Trail Energy Center Plant (24.8 acres), (2) the Preferred Route for the electric transmission line (3.7 miles / 56.5 acres), (3) the Preferred Site for the new substation (13.6 acres), and (4) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Dairyland's objective is to provide safe and reliable power to

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

its members at a low reasonable cost. Dairyland needs to add new generating capacity to the current resource mix to serve growing load within the service territories that the member cooperatives serve and to replace generation that was recently retired. The addition of NTEC will also enable Dairyland to facilitate the addition of new renewable electricity sources to the power portfolio by complementing their intermittent nature.

USDA Rural Development defines the direct area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the four Project components evaluated. The direct APE for the referenced project consists of the aforementioned four Project elements.

The APE for the four Project components has been determined to consist of all proposed construction activities, existing and new ROW, workspaces, laydown yards, staging areas, and any potential ground-disturbing activities associated with the construction of the preferred Project elements that were previously described.

If RUS elects to fund the Project construction, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

At the direction of RUS, on August 11, 2017, Dairyland notified the following Native American tribes about the NTEC Project: Red Cliff Band of Chippewa, Bad River Bands of Chippewa, and the Fond du Lac Band of Lake Superior Chippewa. In addition to providing preliminary project details, the letters invited the tribes to participate with the Owners in the pre-filing process and requested feedback regarding cultural resources in the APE. The letters included an invitation to a public meeting held on September 7, 2017. Advertisements were run in the paper for the open house on September 1 and 5, 2017.

On August 16, 2017, the Owners meet with the Fond du Lac Band of Lake Superior Chippewa to discuss the Project. On August 21, 2017, the Owners met with Red Cliff and Bad River Bands of Chippewa (separately) to discuss the Project. Jill Hoppe, Tribal Historic Preservation Officer for the Fond du Lac Band of Lake Superior Chippewa, sent the Owners an image of approximate locations of some cultural sites from their cultural database. Three of the locations fall within the Project Study Area and two are adjacent to the APE but outside of it. These resources are discussed herein as Traditional Cultural Properties (TCPs).

The enclosed report titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin, dated December 2018, describes the results of the survey. The survey area was larger than the APE and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). These four sites are recommended not eligible for National Register of Historic Places (NRHP) listing. Based on the findings of the Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin, a finding of no **historic properties affected in accordance with 36 CFR § 800.4(d)(1)** is appropriate for the referenced project.

Accordingly, the RUS is submitting a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and supporting documentation for review and consideration by the Wisconsin Historical Society. Please provide your concurrence or objection, **electronically** within thirty days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov

Sincerely,



Kellie M Kubena
Director, Engineering and Environmental Staff
US Department of Agriculture, Rural Development

Enclosure(s)

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

RECEIVED
FEB 05 2019

Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

- This is a new submittal.
- This is supplemental information relating to Case #: _____ and title: _____
- This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is _____

BY:

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Rural Utilities Service
- b. Federal Agency Contact Person: Lauren Cusick Phone: 202-720-1414
- c. Project Contact Person: Andrew Gottsfield Phone: 816-349-6674
- d. Return Address: 9300 Ward Parkway, Kansas City, Missouri Zip Code: 64114
- e. Email Address: agottsfield@burnsmcd.com
- f. Project Name: Nemadji Trail Energy Center Project
- g. Project Street Address: _____
- h. County: Douglas City: Superior Zip Code: _____
- i. Project Location: Township T49 and T48, Range 13W and 14W, E (W) (circle one), Section numerous, Quarter Sections _____
- j. Project Narrative Description—Attach Information as Necessary.
- k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
- Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

III. FINDINGS

- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: *Enika Martin Seibert* Date: 2/4/19
 Type or print name: Lauren Cusick / Enika Martin Seibert, FPO

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
- Object to the finding for reasons indicated in attached letter.
- Cannot review until information is sent as follows: _____

Authorized Signature: *[Signature]* Date: 3-14-19



June 11, 2019

Lewis Taylor, Chair
St. Croix Chippewa Community
24663 Angeline Avenue
Webster, WI 54893

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin


Dear Lewis:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the St. Croix Chippewa Community in Douglas County. Should the St. Croix Chippewa Community elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Lewis Taylor, Chair
St. Croix Chippewa Community
Page 3
June 11, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC, 20250.

Please submit your response to me by July 10, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or by email at brad.foss@dairylandpower.com.

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



June 11, 2019

Louis Taylor, Sr., Chair
Lac Courte Oreilles Band of Lake Superior Chippewa
Tribal Governing Board
13394 West Trepenia Rd
Hayward, WI 54843

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin

Dear Louis:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

Louis Taylor, Sr., Chair
La Courte Oreilles Band of Lake Superior Chippewa
Page 2
June 11, 2019

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the Lac Courte Oreilles Band of Lake Superior Chippewa in Douglas County. Should the Lac Courte Oreilles Band of Lake Superior Chippewa elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Louis Taylor, Sr., Chair
La Courte Oreilles Band of Lake Superior Chippewa
Page 3
June 11, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC, 20250.

Please submit your response to me by July 10, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or by email at brad.foss@dairylandpower.com.

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



June 11, 2019

Mike Wiggins, Jr., Chair
Bad River Band of Lake Superior Chippewa
PO Box 39
Odanah, WI 54861

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin


Dear Mike:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

Mike Wiggins, Jr., Chair
Bad River Band of Lake Superior Chippewa
Page 2
June 11, 2019

direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the Bad River Band of Lake Superior Chippewa in Douglas County. Should the Bad River Band of Lake Superior Chippewa elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Mike Wiggins, Jr., Chair
Bad River Band of Lake Superior Chippewa
Page 3
June 11, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC, 20250.

Please submit your response to me by July 10, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or by email at brad.foss@dairylandpower.com.

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



June 11, 2019

Ned Daniels, Jr., Chair
Forest County Potawatomi Community
PO Box 340
Crandon, WI 54520

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin

Dear Ned:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

Ned Daniels, Jr., Chair
Forest County Potawatomi Community
Page 2
June 11, 2019

direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the Forest County Potawatomi Community in Douglas County. Should the Forest County Potawatomi Community elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Ned Daniels, Jr., Chair
Forest County Potawatomi Community
Page 3
June 11, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC, 20250.

Please submit your response to me by July 10, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or by email at brad.foss@dairylandpower.com.

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



June 11, 2019

Rick Peterson, Chair
Red Cliff Band of Lake Superior Chippewa
88455 Pike Rd, Hwy 13
Bayfield, WI 54814

Subject: Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project / SHPO Project Number: 19-0101 / DG
Douglas County, Wisconsin

Dear Rick:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (a subsidiary of ALLETE, Inc.) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 625 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new switching station, and a new 345-kV electric transmission line. Construction of the NTEC would allow Dairyland to continue to diversify its generation resources, with the benefit of supporting its expanded renewable opportunities.

Due to the potential RUS funding, this Project represents an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800. Pursuant to 7 CFR § 1970.5(b)(2) of the regulations, "Environmental Policies and Procedures" (7 CFR Part 1970). RUS has issued a blanket delegation to its applicants to initiate and proceed through Section 106 review. In accordance with this blanket delegation, Dairyland initiated Section 106 review on behalf of RUS.

In delegating this authority, RUS is advocating for the direct interaction between its Electric Loan Program applicants and Native American tribes. RUS believes this interaction, prior to

A Touchstone Energy® Cooperative 

3200 East Ave. S. • PO Box 817 • La Crosse, WI 54602-0817 • 608-788-4000 • 608-787-1420 fax • www.dairylandpower.com

Dairyland Power Cooperative is an equal opportunity provider and employer.

Rick Peterson, Chair
Red Cliff Band of Lake Superior
Page 2
June 11, 2019

direct agency involvement, will support and encourage the consideration of impacts to historic properties of importance to Native American tribes earlier in project planning.

Pursuant to 36 CFR § 800.4(a)(1), RUS determined that the area of potential effects (APE) for this undertaking includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the five Project components evaluated.

The direct APE for the referenced Project consists of the aforementioned five Project elements. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). Specifically, the APE totals 166.5 acres and includes: (1) the Nemadji Trail Energy Center Plant (24.8 acres), (2) a natural gas pipeline (6.7 miles / 52.8 acres), (3) an electric transmission line (3.7 miles / 56.5 acres), (4) a new switching station (13.6 acres), and (5) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Burns & McDonnell completed a cultural resources survey of the APE. A report detailing the survey results was submitted to RUS. The report is dated October 2018 and titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin. The survey area was larger than the APE as described above and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). RUS and the Wisconsin Historical Society (WHS) have reviewed the report and determined that the four sites are not eligible for National Register of Historic Places (NRHP) listing. Accordingly, RUS submitted a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and the report for review and consideration by the WHS (see attached). The WHS concurred with this finding (see attached). If you would like a copy of the report, please let us know and we will provide one.

Dairyland is notifying you about the referenced Project because of the possible interest of the Red Cliff Band of Lake Superior Chippewa in Douglas County. Should the Red Cliff Band of Lake Superior Chippewa elect to participate in Section 106 review of the referenced Project, please notify me in writing via letter or email as soon as possible at the following address:

3200 East Avenue South
PO Box 817
La Crosse, WI 54602-0817
brad.foss@dairylandpower.com

Rick Peterson, Chair
Red Cliff Band of Lake Superior
Page 3
June 11, 2019

Please include with your affirmative response, a description of any specific historic properties or important tribal resources in the APE and your recommendations about the level of effort needed to identify additional historic properties which might be affected by the referenced project. Dairyland will respect the confidentiality of the information which you provide to the fullest extent possible.

If at any time you wish to share your interests, recommendations and concerns directly with RUS, as the agency responsible for conducting Section 106 review, or to request that RUS participate directly in Section 106 review, please notify me at once, preferably via email. However, you may contact RUS directly. If you wish to do so, please submit your request to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov / Environmental Protection Specialist US Department of Agriculture, Rural Utilities Service, 1400 Independence Ave SW, Room 2230 Stop 1570, Washington, DC, 20250.

Please submit your response to me by July 10, 2019. During this time period, I will follow-up to ensure your receipt of this notification and to identify any constraints which might delay your timely response. Dairyland has been advised by RUS to proceed to the next step in Section 106 review if you do not provide a timely response. Should you have any questions or require additional information you may contact me at (608) 787-1492 or by email at brad.foss@dairylandpower.com.

Sincerely,



Brad Foss
Manager, Environmental Impact

Enclosures

cc: Lauren Cusick, RUS
Andrew L. Craft, PSCW



United States Department of Agriculture

Rural Utilities Service
1400 Independence Ave SW, Room 2230
Stop 1570, Washington, DC, 20250
Voice 202.695.2540
Fax 202.690.0649

2/4/2018

Amy L. Rosebrough
Staff Archaeologist
State Historic Preservation Office
816 State Street
Madison, WI 53706

Subject: SHPO Finding of No Historic Properties Affected
Nemadji Trail Energy Center Project
Douglas County, Wisconsin

Dear Ms. Rosebrough:

Dairyland Power Cooperative (Dairyland) plans to seek financial assistance from the Rural Utilities Service (RUS) under its Electric Loan Program for its share of the Nemadji Trail Energy Center (NTEC) Project. South Shore Energy (an ALLETE Company) and Dairyland Power Cooperative (collectively, the Owners) retained Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) to provide cultural resources services for the Project. The Project is located within the City of Superior and extends approximately 6.8 miles southeast of the city limits, crossing portions of the Town of Superior and the Town of Parkland in Douglas County, Wisconsin.

The NTEC Project involves the construction of a natural gas electric generating facility with a capacity of approximately 550 megawatts, a new natural gas line, the relocation of an existing 10-inch natural gas line, a new substation, and a new 345-kV electric transmission line. This report only evaluated the preferred generation facility site, the Preferred transmission line route, the Preferred Substation Site, and three laydown yards for the NTEC Project. The natural gas pipeline will be evaluated under a separate action. The four Project elements in this report total 113.7 acres and includes: (1) the Preferred Site for the Nemadji Trail Energy Center Plant (24.8 acres), (2) the Preferred Route for the electric transmission line (3.7 miles / 56.5 acres), (3) the Preferred Site for the new substation (13.6 acres), and (4) three laydown yards (1.2 acres, 5.4 acres, and 13.4 acres). Dairyland's objective is to provide safe and reliable power to

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

its members at a low reasonable cost. Dairyland needs to add new generating capacity to the current resource mix to serve growing load within the service territories that the member cooperatives serve and to replace generation that was recently retired. The addition of NTEC will also enable Dairyland to facilitate the addition of new renewable electricity sources to the power portfolio by complementing their intermittent nature.

USDA Rural Development defines the direct area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. There is no visual APE for the Project because the proposed Project includes installation of new permanent aboveground elements within or adjacent to an existing comparable electric transmission line. Additionally, there are no known historic (NRHP-listed or eligible) resources within or adjacent to the four Project components evaluated. The direct APE for the referenced project consists of the aforementioned four Project elements.

The APE for the four Project components has been determined to consist of all proposed construction activities, existing and new ROW, workspaces, laydown yards, staging areas, and any potential ground-disturbing activities associated with the construction of the preferred Project elements that were previously described.

If RUS elects to fund the Project construction, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

At the direction of RUS, on August 11, 2017, Dairyland notified the following Native American tribes about the NTEC Project: Red Cliff Band of Chippewa, Bad River Bands of Chippewa, and the Fond du Lac Band of Lake Superior Chippewa. In addition to providing preliminary project details, the letters invited the tribes to participate with the Owners in the pre-filing process and requested feedback regarding cultural resources in the APE. The letters included an invitation to a public meeting held on September 7, 2017. Advertisements were run in the paper for the open house on September 1 and 5, 2017.

On August 16, 2017, the Owners meet with the Fond du Lac Band of Lake Superior Chippewa to discuss the Project. On August 21, 2017, the Owners met with Red Cliff and Bad River Bands of Chippewa (separately) to discuss the Project. Jill Hoppe, Tribal Historic Preservation Officer for the Fond du Lac Band of Lake Superior Chippewa, sent the Owners an image of approximate locations of some cultural sites from their cultural database. Three of the locations fall within the Project Study Area and two are adjacent to the APE but outside of it. These resources are discussed herein as Traditional Cultural Properties (TCPs).

The enclosed report titled, Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin, dated December 2018, describes the results of the survey. The survey area was larger than the APE and resulted in the discovery of four new historic-aged archaeological sites (sites 47DG188, 47DG189, 47DG190, and 47DG192). These four sites are recommended not eligible for National Register of Historic Places (NRHP) listing. Based on the findings of the Phase I Cultural Resources Survey Report for the Nemadji Trail Energy Center Project, Douglas County, Wisconsin, a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** is appropriate for the referenced project.

Accordingly, the RUS is submitting a finding of **no historic properties affected in accordance with 36 CFR § 800.4(d)(1)** and supporting documentation for review and consideration by the Wisconsin Historical Society. Please provide your concurrence or objection, **electronically** within thirty days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Lauren Cusick (202) 720-1414 / lauren.cusick@wdc.usda.gov

Sincerely,



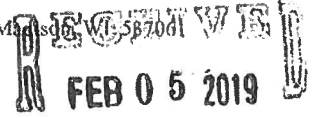
Kellie M Kubena
Director, Engineering and Environmental Staff
US Department of Agriculture, Rural Development

Enclosure(s)

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53701



Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

- Checkboxes for: This is a new submittal, This is supplemental information relating to Case #, This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Rural Utilities Service
b. Federal Agency Contact Person: Lauren Cusick Phone: 202-720-1414
c. Project Contact Person: Andrew Gottsfeld Phone: 816-349-6674
d. Return Address: 9300 Ward Parkway, Kansas City, Missouri Zip Code: 64114
e. Email Address: agottsfeld@burnsmcd.com
f. Project Name: Nemadji Trail Energy Center Project
g. Project Street Address:
h. County: Douglas City: Superior Zip Code:
i. Project Location: Township T49 and T48, Range 13W and 14W, E/W (circle one), Section numerous, Quarter Sections
j. Project Narrative Description—Attach Information as Necessary.
k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

III. FINDINGS

- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: [Signature] Date: 2/4/19
Type or print name: Lauren Cusick / Erika Martin Seibert, FPO

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
Object to the finding for reasons indicated in attached letter.
Cannot review until information is sent as follows:

Authorized Signature: [Signature] Date: 3-14-19

August 21, 2017 Red Cliff and Bad River Meeting Notes

Red Cliff Meeting 10:00 am 08/21/2017

Brian Rude and Ron Franz from Dairyland and Diane Berwerger, CEO of Bayfield Electric, and Bill Johnson, Operations Manager of Bayfield Electric met with Red Cliff Tribal Chair Richard “Rick” Peterson and Tribal Vice Chair Nathan Gordon. They said several times how pleased they were that we reached out early. The Red Cliff representatives seemed very supportive and informed on the move to natural gas as supporting renewables. While positive on Dairyland’s outreach overall, the representatives have some questions on the specifics of the plant. The vice chair indicated he had concerns about this plant occurring in the ceded territory and that he felt the other Chippewa bands should be consulted. He recommended a meeting down the road with more tribal bands. Both representatives talked about the desperate economic conditions facing their tribe and asked us to consider how we could assist their economic development efforts. Overall the meeting tone was positive with appreciation for the early outreach by the project.

Bad River Meeting 2:00 pm 08/21/2017

Brian Rude and Ron Franz from Dairyland and Diane Berwerger, CEO of Bayfield Electric, and Bill Johnson, Operations Manager of Bayfield Electric met with Tribal Chair Robert Blanchard, Vice Chair Michael Berlin, Treasurer Etta Burns and their attorney, Erick Arnold. Dairyland presented an overview of the plant and answered a few questions on material presented. The chair asked about the rate impacts of the new plant on the Bayfield Electric retail rate. Dairyland provided some rate discussion based on its 2017 financial forecast. The treasurer wanted to further discuss Bayfield rates in the tribal area and is concerned with their lack of options for heating, which can be very costly for tribal members. Since Dairyland is not the retail provider, it was left that Bayfield Electric would work with the tribe on retail rate concerns.

The representatives suggested a meeting with the 1854 Treaty Authority Group in Duluth, and their Executive Director Sonny Myers and suggested a meeting with the Great Lakes Indian Fish and Wildlife Commission, and their Executive Director Jim Zorn. In addition, they suggested meetings with both the LCO band in Hayward WI and the St. Croix Band in Turtle Lake. The representatives also raised the theme that the plant is proposed on ceded lands, which they feel provides a basis to talk with the other bands. Dairyland answered several specific questions on the project posed by tribal attorney Erik Arnold. The conclusion of the meeting was very positive and Erick Arnold stated that the representatives are very appreciative of the outreach effort far in advance of the public comment periods for the plant.

Dairyland provided both tribes with its Environmental contact information and provided the attached material along with a copy of the Dairyland Annual Report.