

# APPENDIX E

## Consultation

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## E.1 LIST OF CORRESPONDENCE

In the course of preparing this EIS, interaction efforts among state and Federal agencies were necessary to discuss issues of concern or other interests that could be affected by the Proposed Action, obtain information pertinent to the environmental impact analysis of the Proposed Action, and initiate consultations or permit processes. The following consultation letters regarding the Mesaba Energy Project are included:

- Concurrence letters from cooperating agencies for the EIS (Minnesota Department of Commerce; U. S. Army Corps of Engineers, St. Paul District; and U.S. Department of Agriculture, Forest Service, Superior National Forest)
- Formal consultation between the U.S. Department of Energy and the U.S. Fish and Wildlife Service
- Tribal response letters (1854 Authority, Leech Lake Band of Ojibwe, the Mille Lacs Band of Ojibwe Indians, Flandreau Santee Sioux Tribe, U.S. Department of Energy)
- Correspondence between the U.S. Department of Energy and the Minnesota Historical Society



Energy Facility Permitting  
85 7th Place East, Ste 500  
Saint Paul, MN 55155-2198  
Minnesota Department of Commerce

June 8, 2007

Richard Hargis  
U.S. Department of Energy  
National Energy Technology Laboratory  
PO Box 10940  
Pittsburgh, PA 15236-0940

RE: Release of the Draft Environmental Impact Statement  
Minnesota Department of Commerce Energy Facility Permitting Staff  
**PUC Docket No. E6472/GS-06-668**

Dear Mr. Hargis,

I am in receipt of your request concerning the Minnesota Department of Commerce, Energy Facility Permitting staff's concurrence with the release of the DEIS for the Mesaba Energy Project (MPUC Docket No. E6472/GS-06-668)

The MDOC EFP staff concurs with the DOE decision to release the DEIS.

If you have any question or need further information, please do not hesitate to contact me.

As always, MDOC appreciates the assistance and cooperation of the DOE with these issues.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Cole Storm', written over a horizontal line.

William Cole Storm,  
State Planning Director  
Department of Commerce  
Energy Planning & Advocacy  
Routing & Siting Unit  
85 7th Place East  
Suite 500  
St. Paul, MN 55101-2198



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
ARMY CORPS OF ENGINEERS CENTRE  
190 FIFTH STREET EAST  
ST. PAUL MN 55101-1638

June 5, 2007

REPLY TO  
ATTENTION

Operations  
Regulatory (2005-5527-WAB)

Mr. Richard Hargis  
NEPA Document Manager  
U.S. Department of Energy  
National Energy Technical Laboratory  
PO Box 10940  
Pittsburgh, PA 15236

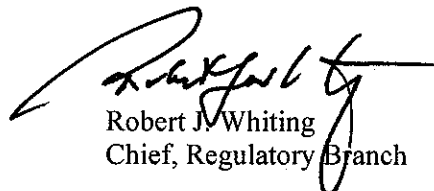
Dear Mr. Hargis:

On December 27, 2006, the St. Paul District Corps of Engineers (Corps) provided comments on a preliminary version of the draft Environmental Impact Statement (DEIS) for Excelsior Energy's IGCC power plant proposal. In that letter, we raised concerns that the DEIS did not adequately document the consideration of a range of alternatives as required under both NEPA and the Clean Water Act Section 404(b)(1) guidelines.

As requested by the Department of Energy (DOE), we have worked with Excelsior Energy to develop a purpose and need statement that is acceptable to the Corps. Excelsior Energy has also responded to our request and provided us with a narrative of the process and criteria they used to identify and analyze the practicability of various power plant sites. We have reviewed the project purpose and need and the alternatives analysis with Excelsior Energy on several occasions. We understand this information has been forwarded to DOE for inclusion in the DEIS. While we believe the latest version of this narrative describes the process and rationale used by Excelsior Energy to select their preferred alternative, we have not endorsed its conclusions and have some question as to whether Excelsior Energy's preferred alternative is the least damaging practicable alternative as required under the 404(b)(1) guidelines.

However, we believe the purpose and need statement is satisfactory for our purposes; and the alternatives analysis in the DEIS, as supplemented by Excelsior Energy's latest input, provides sufficient documentation for review and comment. Although we have not resolved all of our concerns with the analysis necessary for the CWA Section 404 review process, the Corps is in agreement with DOE's release of the draft EIS for public comment. If you have any questions contact Kelly Urbanek at 218-444-6381.

Sincerely,



Robert J. Whiting  
Chief, Regulatory Branch

Copy furnished:  
Minnesota Department of Commerce  
Minnesota Public Utilities Commission



United States  
Department of  
Agriculture

Forest  
Service

Superior  
National  
Forest

8901 Grand Ave. Place  
Duluth, MN 55808-1122  
Phone: (218) 626-4300  
Fax: (218) 626-4398

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File Code: 2580-3

Date: June 13, 2007

Mr. Richard Hargis  
NEPA Document Manager, Office of Major  
Demonstration Projects  
National Energy Technology Laboratory, US  
Department of Energy  
3610 Collins Ferry Road  
PO Box 880  
Morgantown, WV 26507-0880

Dear Mr. Hargis:

Thank you for providing responses to our concerns. For the purposes of the EIS we feel you have addressed our concerns for most of the issues we raised. As you state, most of these issues will be resolved through the Federal Prevention of Significant Deterioration (PSD) air permitting process. We have a couple of responses to information we read in the document you sent that we'd like to share with you.

We do not agree with the following statement by the project proposer:

***The MPCA has stated publicly that the reasonable progress improvements they have charted to date do not reflect such CAIR-related reductions. Further, the MPCA does not appear to have allowed for any benefit that would be derived from the CAIR-related provision requiring new EGUs (of which Mesaba One and Mesaba Two would be considered) to purchase sulfur dioxide allowances each year in an amount equal to the annual sulfur dioxide emissions that they release. Excelsior believes that the purchase of such allowances provides an unparalleled offset compared to new non-EGU sources that are not directly required to do so.***

The modeling projections done to determine progress in 2018 for regional haze have always included the affect of CAIR as one of the programs that are "on-the-books." The timing and distribution of emission reductions under CAIR are unknown so a model (IPM) has been used to predict that information.

Purchasing of CAIR-related allowances in an amount equal to the emissions of the Excelsior facility would likely not offset the air quality impacts from the facility at the BWCAW. The location and timing of the emissions reductions that may eventually be caused by the purchase of the allowances by Excelsior on the open market are unknown. They may take place at sources hundreds of miles away from northern Minnesota, at some undetermined time in the future, while Excelsior will be emitting every year at a location near the BWCAW.

Lastly we would like to convey that in previous PSD projects we have not accepted the BART modeling approach used by Excelsior. We will need to discuss this issue (along with the



emission inventories used) further with Excelsior and the MPCA during the PSD permitting process.

If you have any questions, please contact Trent Wickman at (218) 626-4372.

Sincerely,

*/s/ James W. Sanders*  
JAMES W. SANDERS  
Forest Supervisor



U.S. Department of Energy

National Energy Technology Laboratory



December 18, 2006

Mr. Paul Burke  
U.S. Fish & Wildlife Service  
4101 East 80th Street  
Bloomington, MN 55425

Re: Section 7 Consultation – Mesaba Energy Project

Dear Mr. Burke:

This letter is to initiate formal consultation under Section 7 of the Endangered Species Act for a proposed action by the U.S. Department of Energy (DOE). As you know, DOE has entered into a cooperative agreement with Excelsior Energy to provide a total of \$36 million in cost-shared funding for the Mesaba Energy Project. A description of the proposed project, the specific area affected by the proposed action, the listed species or critical habitat that may be affected and other relevant information is enclosed. Additional information is available in the Joint Permit Application and Environmental Supplement submitted by Excelsior Energy to the Minnesota Department of Commerce. The URL for this documentation is as follows:

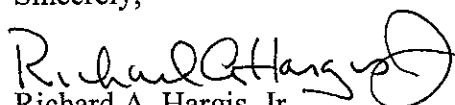
<http://energyfacilities.puc.state.mn.us/Docket.html?Id=16573>

Note that the Minnesota Department of Commerce is a joint lead agency for the preparation of the Environmental Impact Statement for this project.

During the informal consultation process which began in September 2005, you and other representatives of your office indicated that the three species of concern were the bald eagle, grey wolf and Canada lynx. A summary of the record of communications between DOE and the U.S. Fish & Wildlife Service (FWS) was provided to you in an e-mail on September 7, 2006, as well as a report prepared by one of the contractors to Excelsior Energy regarding ecological habitat surrounding the preferred and alternative sites being considered by Excelsior Energy for the project. Based on the informal consultation process, DOE has made a determination that the proposed action may affect, but is not likely to adversely affect, the bald eagle and that the proposed action may affect the grey wolf and Canada lynx. Therefore, DOE is requesting a biological opinion from FWS regarding the potential effects on these two species.

Please let me know if I can provide any additional information. Thank you.

Sincerely,

  
Richard A. Hargis, Jr.  
NEPA Document Manager





IN REPLY REFER TO:  
FWS/AFWE-TCFO

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Twin Cities Field Office  
4101 East 80th Street  
Bloomington, Minnesota 55425-1665



MAR - 6 2007

Richard A. Hargis, Jr.  
NEPA Document Manager  
U.S. Department of Energy  
626 Cochrans Mill Road  
P.O. Box 10940  
Pittsburgh, Pennsylvania 15236

Dear Mr. Hargis:

This responds to your December 18, 2006, letter regarding consultation under section 7 of the Endangered Species Act of 1973, as amended, for the proposed construction of the Mesaba Energy Project (applicant), in Itasca and St. Louis Counties, Minnesota. There are two sites under consideration for plant construction. The West Site is located in Itasca County, near the Town of Taconite, and the East Site is located about 60 miles to the northeast, in St. Louis County, near the Town of Hoyt Lakes, Minnesota. The West Site has been identified as the preferred alternative. The final project site will be selected at the close of the planning process.

By your letter, the U.S. Department of Energy (DOE) is requesting concurrence with the determination that the proposed action may affect but is not likely to adversely affect the federally-listed species the bald eagle (*Haliaeetus leucocephalus*). Further, the DOE has requested the initiation of formal consultation for the gray wolf (*Canis lupus*) and the Canada lynx (*Lynx canadensis*). The Service will consult with the DOE on the project as proposed for the preferred alternative, the West Site. The U.S. Fish and Wildlife Service (Service) has reviewed the information included with your letter and provides the following comments for your consideration

Since 2005, the DOE and the applicant staff have provided comprehensive coordination with the Service on this project, including direct communication through telephone and electronic mail contacts throughout the planning phases for this project. Both the DOE and the applicant are to be commended for this consultation effort.

The Service, in working closely with project staff, has assessed the proposed project's impact on the bald eagle. The bald eagle is broadly distributed across the greater project area, and eagle sightings in the immediate vicinity of the project action area (West Site) are common. The forest canopy provides diurnal roosts, and the neighboring streams and lakes provide forage habitat for the bald eagle. However, the nature of the proposed

project is such that roost and forage habitats are not likely to be reduced or diminished for eagles in the action area because only a small proportion of the project site has not already been substantially altered by historic mining activities. Further, there are no known eagle nests within the project site, or within 1,320 feet of the project site boundary. Thus, we concur the DOE determination that the proposed project is not likely to adversely affect the bald eagle.

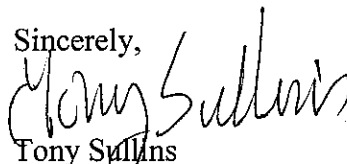
The Service also concurs with the DOE determination that the proposed action may affect the Canada lynx and the gray wolf. The gray wolf and the Canada lynx are now found in the vicinity of the West Site. The greater challenge is in the apparent vulnerability of lynx and wolf to vehicle collisions when crossing roads. Specifically, any project that results in new roads, new road alignments, widened rights-of-way, or increased vehicle speeds, in habitat occupied by the Canada lynx and the gray wolf may affect these species.

By initiating formal consultation under section 7 of the Act, the Service will be required to prepare a biological opinion, which documents the specific elements of the proposed action and their impact on the listed species. Along with a determination as to whether the project would jeopardize the continued existence of the listed species, the biological opinion may also provide conservation recommendations, an incidental take statement, with reasonable and prudent measures and the terms and conditions of that statement.

The Service is limited to a time period of 135 days in which to provide your office with a final biological opinion for the project. This time period works to ensure a prompt response and a more predictable consultation environment for the project managers. This time period is supposed to begin upon the date of the letter requesting the initiation of formal consultation. However, the Service understands that the DOE and the applicant need to adhere to a project time line that requires a final biological opinion within 60 days. Due primarily to the efforts of the DOE and the applicant in project coordination to date, the Service believes that we can meet this deadline. Therefore, we will make every effort to provide a biological opinion dated on or before April 30, 2007, to be provided to the DOE, with copies to the applicant and other appropriate agencies.

We appreciate this opportunity to work with the DOE and the applicant in the conservation and recovery of federally-listed species. If you have any questions, or if we can be of further assistance, please contact Mr. Paul Burke, of this office, by calling (612) 725-3548, and at extension 205.

Sincerely,



Tony Sullins  
Field Supervisor

CC:

David Holmbeck

Mn/DNR – Grand Rapids



## 1854 Authority

4428 HAINES ROAD • DULUTH, MN 55811-1524  
218.722.8907 • 800.775.8799 • FAX 218.722.7003  
[www.1854authority.org](http://www.1854authority.org)

October 31, 2005

Richard Hargis  
U.S. Department of Energy  
National Energy Technology Laboratory  
P.O. Box 10940  
Pittsburgh, PA 15236-0940

RE: Mesabi Energy Project

Dear Mr. Hargis,

The purpose of this letter is to provide comment on the scoping for the Environmental Impact Statement (EIS) for the Mesabi Energy Project.

The 1854 Authority is an inter-tribal natural resource management organization governed by the Bois Forte Band and Grand Portage Band of Lake Superior Chippewa, both federally recognized tribes. The organization manages the off-reservation treaty rights of these bands in the 1854 Ceded Territory of northeastern Minnesota. The 1854 Ceded Territory encompasses all of Lake and Cook counties, most of St. Louis and Carlton counties, and portions of Pine and Aitkin counties.

Band members continue to exercise rights to hunt, fish, and gather guaranteed under treaty with the United States. Resources must be available and safe to utilize for the exercise of these rights. While we are not opposed to pursuing energy and economic development opportunities, we believe that such development should only proceed when all safeguards to protect the environment are ensured. Industrial operations should avoid or minimize negative impacts to the natural resources and utilization of these resources.

The 1854 Authority supports the environmental issues identified for analysis in the EIS. We are particularly concerned with the following issues:

- Atmospheric resources: Potential air emissions should be identified, including the effects on human health and the environment from releases of mercury and other air pollutants. Fish continue to be an important component of the diet of many band members, and mercury contamination is of high concern. Consumption advisories are not the appropriate solution to address mercury in fish. Fish must be made safe to eat through reductions of mercury in the environment. The 1854 Authority questions how additional mercury emissions will be handled with goal of reducing mercury releases in Minnesota.

*A consortium of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa*

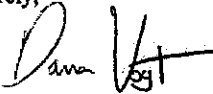
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- **Water resources:** Impacts to adjacent and downstream water resources should be identified and properly addressed. Issues include effects to water quality, fisheries, and wild rice.  
**Cultural resources:** Any effects on the exercise of Treaty rights (hunting, fishing, gathering) and the quality of associated resources should be addressed. Appropriate consultation and surveys should be completed to properly identify cultural resources. Impact to any historic or archaeological resources should be avoided.
- **Ecological resources:** The effects on wildlife populations and associated habitat should be addressed. Game species such as moose, deer, and grouse should be specifically discussed.
- **Floodplains and wetlands:** Discussion of impacts to wetlands should be included.
- **Cumulative effects:** Cumulative impacts from this project and other current or proposed industrial activities in the region should be a consideration. Specifically in regards to the East Range Site, other projects (Mesabi Nugget, Polymet) are currently proposed near Hoyt Lakes.

Finally, the federal government has the responsibility to work with Indian bands on a government-to-government basis. Notification and consultation activities must be completed directly with all tribes potentially affected by the proposed project. The planning process and project implementation must recognize the sovereign status of bands and the rights retained by treaty with the United States.

The 1854 Authority would like to remain informed on this project as the process moves forward. Thank you.

Sincerely,



Darren Vogt  
Environmental Biologist

cc: Corey Strong, Bois Forte Department of Natural Resources  
Curtis Gagnon, Grand Portage Trust Lands and Resources

---

# Leech Lake Band of Ojibwe



*George Goggeye, Chairman*  
*Arthur "Archie" LaRose, Secretary/Treasurer*

District I Representative  
*Robbie Howe*

District II Representative  
*Lyman L. Losh*

District III Representative  
*Donald "Mick" Finn*

October 10, 2006

U. S. Department of Energy  
National Energy Technology Laboratory  
Attn: Richard Hargis, NEPA Document Manager  
626 Cochrans Mill Road  
P. O. Box 10940  
Pittsburgh, PA 15236

RE: **Proposed Integrated Coal Gasification Combined Cycle electric  
generating facility on one of two sites**  
Taconite, Itasca County, Minnesota  
Hoyt Lakes, St. Louis County, Minnesota  
LLBO Land Claim Area  
**LL-THPO Number: 06-223-NCRI**

Dear Mr. Hargis:

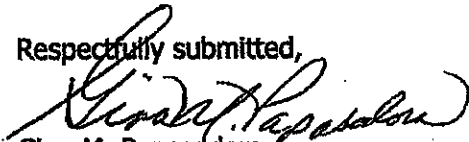
Thank you for the opportunity to comment on the above-referenced project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Officer (THPO) by the National Historic Preservation Act of 1966, as amended in 1992 and the Procedures of the Advisory Council on Historic Preservation (38CFR800).

**I have reviewed the documentation; after careful consideration of our records, I have determined that the Leech Lake Band of Ojibwe does not have any concerns regarding sites of religious or cultural importance in this area. We are not interested in being a part of an agreement at this time.**

*Should any human remains or suspected human remains be encountered, all work shall cease and the following personnel should be notified immediately in this order: County Sheriff's Office and Office of the State Archaeologist. If any human remains or culturally affiliated objects be inadvertently discovered this will prompt the process to which the Band will become informed.*

You may contact me at (218) 335-2940 if you have questions regarding our review of this project. Please refer to the LL-THPO Number as stated above in all correspondence with this project.

Respectfully submitted,

  
Gina M. Papasodora  
Tribal Historic Preservation Officer

---

Leech Lake Tribal Historic Preservation Office \* Established in 1996  
115 Sixth Street NW, Suite E \* Cass Lake, Minnesota 56633  
(218) 335-2940 \* FAX (218) 335-2974  
llthpo@hotmail.com



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Executive Branch of Tribal Government*

October 25, 2005

Richard A Hargis, NEPA Document Manager  
U.S. Department of Energy, National Energy Technology Laboratory  
3610 Collins Ferry Road, P.O. Box 880  
Morgan Town, WV 26507-0880

Re: Section 106 Consultation and Tribal Review NHPA: Proposed Intergated Coal Gasification Combined Cycle electric generating facility, MN Iron Range, Itasca and St. Louis Counties

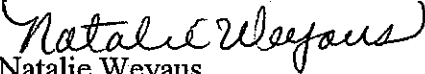
Dear Mr. Hargis,

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Office by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council of Historic Preservation (36CFR800).

Based on available information we conclude there is no cultural significance to the Mille Lacs Band of Ojibwe within the area described.

Please contact Natalie Weyaus at 320-532-4181 extension 7450 if you have any questions regarding our review of this project.

Respectfully,

  
Natalie Weyaus  
Tribal Historic Preservation Officer

Cc: Dennis Gimmestad, MN SHPO Review and Compliance

**DISTRICT I**

43408 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

**DISTRICT II**

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT III**

Route 2 • Box 233-N • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

# ***Flandreau Santee Sioux Tribe***

***P.O. Box 283 Flandreau, SD 57028***

***Ph. 605-997-3891***

***Fax 605-997-3878***

**Date:** September 7, 2005

**To:** U.S. Department of Energy-NETL

**From:** Cultural Preservation Officers-Flandreau Santee Sioux Tribe

**RE:** DOE and NETL notification dated September 1, 2005  
Attachment - Your correspondence

No objections, however, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the appropriate persons from our Tribe. Sam Allen and Ray Redwing of our staff are our Cultural Preservation Officers, and NAGPRA Representatives. They can be contacted at the above address and phone number. Thank you.

Cultural Preservation Officers - Flandreau Santee Sioux Tribe  
Flandreau, SD 57028





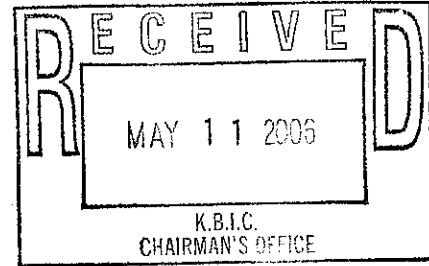
U.S. Department of Energy

National Energy Technology Laboratory



May 3, 2006

Ms. Susan J. LaFernier, President  
Keweenaw Bay Indian Community  
107 Beartown Road  
Barage, MI 49908



*Copy to  
Todd W & Summer*

Dear Ms. LaFernier:

In September of 2005, the Department of Energy (DOE) sent correspondence (see copy enclosed) indicating that the National Energy Technology Laboratory is in the process of preparing an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for our participation in the Mesaba Energy project under the Clean Coal Power Initiative Program. Excelsior Energy, Inc., an independent energy development company based in Minnetonka, MN, would build, own, and oversee operation of the Project, which would be an Integrated Coal Gasification Combined Cycle electric generating facility to be located on one of two sites in Minnesota's Iron Range. The western site is located just north of the city of Taconite in Itasca County; the eastern site is located about one and one-half miles north of the city of Hoyt Lakes in St. Louis County.

Should you have any concerns that you have not yet submitted, we would be interested in hearing those concerns. In addition, you will have another opportunity to comment once DOE issues the draft EIS to the public for comment. DOE intends to use the decision making process, which is ongoing under NEPA, in order to satisfy requirements it may have to provide for notification and consultation to tribes in order to insure that all of their concerns are addressed in the draft and that any comments they have on the draft EIS are addressed in the final EIS.

If at any point you have questions, and at your convenience, I would be pleased to discuss the Project and the EIS process with you. Please call me at 412-386-6065 or email me at richard.hargis@netl.doe.gov with any questions you have, as your active participation in this ongoing NEPA process is important to the Department.

Thank you for your assistance and I look forward to hearing from you.

**THE KEWEENAW BAY INDIAN COMMUNITY  
HAS NO INTEREST IN:**

Sincerely,

**PROJECT #:** ~~Mesaba Project EIS~~

~~Summer Cohen~~  
**SUMMER COHEN/THPO/NAGPRA**

Richard Hargis  
NEPA Document Manager

~~May 19, 2006~~

**DATE**

Enclosure



*U.S. Department of Energy*

*National Energy Technology Laboratory*



September 1, 2005

Mr. James Williams , Jr., Chairperson  
Lac Vieux Desert Band of Lake Superior  
Chippewa Indians  
P.O. Box 249, Choate Road  
Watersmeet, MI 49969

Dear Mr. Williams:

The U. S. Department of Energy (DOE), National Energy Technology Laboratory (NETL) is beginning the process of preparing an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for our participation in the Mesaba Energy Project (the "Project") under the Clean Coal Power Initiative (CCPI) Program. NETL intends to publish a Notice of Intent in September to prepare the EIS. Excelsior Energy, Inc., an independent energy development company based in Minnetonka, MN, will build, own, and oversee operation of the Project, which is an Integrated Coal Gasification Combined Cycle (IGCC) electric generating facility to be located on one of two sites in Minnesota's Iron Range (please see attachment). Excelsior plans to construct the Project in two phases nominally generating up to 600 megawatts (net) each. The commercial in-service date of the first phase is scheduled for 2011; the second phase is scheduled for 2013.

As the lead Federal Agency, NETL is required to comply with Sections 106 and 110 of the National Historic Preservation Act (NHPA) for this undertaking as well as with NEPA. Therefore, this letter is intended to initiate consultation with your tribal government.

In compliance with the requirements of Minnesota Statutes 116C (Sections 116C.51 to 116C.69, known as the Minnesota Power Plant Siting Act) and Minnesota Rules Chapter 4400, Excelsior is considering two sites for the proposed facility. The western site is located just north of the city of Taconite in Itasca County; the eastern site is located about one and one-half miles north of the city of Hoyt Lakes in St. Louis County (please see attachment). In the case of the western site, the Project's generating facilities would connect to the power grid via new and existing high voltage transmission line (HVTL) corridors to a substation near the unincorporated community of Blackberry; in the case of the eastern site, the generating facilities would connect to the grid via existing HVTL corridors that lead to a substation near the unincorporated community of Forbes. Excelsior would reconstruct and/or reinforce the HVTL infrastructure within the final corridor(s) selected. In conjunction with both phases of the Project, Excelsior anticipates that network reinforcements would be required in other existing HVTL corridors and/or at substations down-network of the existing substations identified. In addition, the project would include intakes from and discharges to surface waters, connections to natural gas pipelines, and connections to various existing transit corridors (rail and road) in the region.

I would like to request any comments from your tribal government regarding the potential significance of, and potential effects to, any traditional cultural properties, cultural landscapes, or archaeological sites within the two alternative sites for the facility. In addition, I respectfully invite your tribal government to participate in any agreement that may be entered between the NETL, the State Historic Preservation Office (SHPO), and Excelsior.

After you have had the opportunity to review this information, and at your convenience, I would be pleased to discuss the Project and the EIS with you. Please do not hesitate to call me at 412-386-6065 or email me at richard.hargis@netl.doe.gov if you have further questions. Your active participation in this ongoing consultation process will be facilitated if we receive a written response on behalf of your tribal government.

Thank you for your assistance and I look forward to hearing from you.

Sincerely,

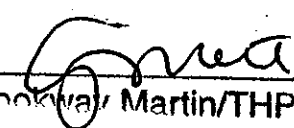


Richard A. Hargis  
NEPA Document Manager

Enclosures: General Location Map

The Lac Vieux Desert Band of Lake Superior  
Chippewa Indians have no interest in

Project #: Clean Coal Power NETL

  
\_\_\_\_\_ Martin/THPO/NAGPRA

DATE: 9/12/2005

# Mesaba Energy Project – Comment Sheet

## DOE EIS Public Scoping Meeting

Please Check:  10/25/05 Taconite, MN or  10/26/05 Hoyt Lakes, MN

Name: James Merhar, Chairman Representing: Iron Range Area Council for Native Americans

Address: P.O. Box 373, Bovey, Mn. 55709 Email:

### Comment:

The Council in meeting has made the following comments regarding the Mesaba Energy Project projected construction.

The Council demands that an archeological study be made of the area before any construction commences, due to the fact that this area was once in the path of the migrations of our ancestors.

The Council demands a written guarantee that our rights under the Treaty of 1855 will be protected as to water purity, fishing, hunting and gathering rights. This Treaty is still in effect and we want a written guarantee that your project will not interfere with any rights of ours.

Since our Tribal land is across the road from the proposed site of your plant, the Council wants a written guarantee that there will be no pollution from coal dust or from heavy metals with a ten mile radius. Our Tribal land will be the site for a senior housing in the near future and we want our residents to be free from pollutants - not only our residents but we are concerned for our neighbors.

The Council wants a written guarantee that water used in your plant will not be recycled and dumped or fed back into our rivers and lakes to pollute them.

The Council believes that a green site should NOT have been selected for this construction but that an already used site, such as an abandoned mine, should be used so as not to further desecrate the land. Has there been a feasibility study done on other sites such as mentioned.

The Council has grave concerns that this plant will not employ local labor to any great extent so as to improve the economy of the area, but that the employees will be high tech personnel imported from other areas. We would like some assurance that such is not the case and local labor will be the majority hired.

Please submit comments to meeting moderator or send to:

Mr. Richard A. Hargis  
National Energy Technology Laboratory  
U.S. Department of Energy  
626 Cochran's Mill Road  
P.O. Box 10940  
Pittsburgh, PA 15236-0940

Email: Richard.Hargis@NETL.DOE.GOV  
Voice: 412-386-6065  
Fax: 412-386-4775  
Toll-free: 888-322-7436, ext. 6065



MINNESOTA HISTORICAL SOCIETY

State Historic Preservation Office

January 10, 2006

Mr. Richard Hargis  
NEPA Document Manager  
U.S. Dept. of Energy  
626 Cochrans Mill Road  
PO Box 10940  
Pittsburgh, PA 15236-0940

Re: Mesaba Energy Project  
SHPO Number: 2005-3002

Dear Mr. Hargis:

Last August, your agency initiated Section 106 consultation with our office regarding the above referenced federal undertaking. You provided us with cultural resource reports on the two project sites, both of which included a strategy for completion of identification and evaluation surveys for each site. Later last fall, you also provided us with information about public scoping meetings for the project.

As you continue the NEPA process for the project, we would recommend that you include specific information about the Section 106 process in your documents and meetings. This will help to integrate NEPA and Section 106 and assure that the public participation requirements of Section 106 can be addressed in concert with other public involvement.

We look forward to working with you as this planning process proceeds. Contact me at 651-205-4205 with questions or concerns.

Sincerely,

Dennis A. Gimmestad  
Government Programs & Compliance Officer

cc: Anne Ketzi, The 106 Group



U.S. Department of Energy

National Energy Technology Laboratory



May 2, 2006

Dennis A. Gimmestad  
Government Programs & Compliance Officer  
State Historic Preservation Office  
345 Kellogg Boulevard West  
Saint Paul, Minnesota 55102-1906

Re: Mesaba Energy Project  
SHPO Number: 2005-3002

Dear Mr. Gimmestad,

Last August, our agency initiated Section 106 consultation with your office regarding the above referenced federal undertaking. At that time, our agency provided you with two cultural resources reports, one for the east range project site and one for the west range project site. We also provided you with information about public scoping meetings for the project.

Enclosed please find two additional documents for your review, one for each of the two project sites. One report is titled, "Archaeological Sampling of the Mesaba Energy Project West Range Site, Itasca County, Minnesota." The other report is titled, "Cultural Resources Preliminary Report for Section 106 of the National Historic Preservation Act of 1966 (as revised) and Cultural Resources Requirements for the National Environmental Policy Act." Please treat these documents as draft and do not quote, cite, or distribute outside your office.

We would appreciate any comments that you may have and please let us know if there is any additional information needed to satisfy the Section 106 consultation requirements for this project. We look forward to working with you and we will be contacting you for your comments.

Sincerely,

George W. Pukanic  
Project Engineer

2 Enclosures

cc: Richard Hargis



*U.S. Department of Energy*

*National Energy Technology Laboratory*



November 2, 2006

Dennis A. Gimmestad  
Government Programs & Compliance Officer  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
ST. Paul, MN 55102-1903

Re: Mesaba Energy Project  
SHPO Number: 2005-3002

Dear Mr. Gimmestaad:

Last year and early this year we sent you several cultural assessment reports for the east and west range potential plant sites for the Mesaba Energy Project. The reports presented an inventory of NHRP listed and eligible properties within the area of potential effect. A limited archaeological survey was conducted with a focus on areas considered to have the highest potential within the most likely areas of impact. As presented in the reports, no archaeological resources were encountered in either the high or moderate potential areas so identified that underwent testing.

On June 28, 2006, during a conference call with you, I indicated that DOE has made the determination that the proposed project at either the east or west range site would have no adverse effect on any historical or archaeological site. However, you expressed a concern for potential adverse impacts upon the Longyear historic site and the Longyear trail and its maintenance.

On September 5, 2006, you indicated through voice mail that you determined that the City of Hoyt Lakes is the responsible party for the historic Longyear site and trail. You mentioned that you spoke with Richard Bradford, the city administrator, who indicated that he was not aware of any adverse affects. On September 20, 2006, I emailed you a summary of the conversation I had with Richard Bradford. Mr. Bradford informed me that he did not see traffic impacts as a detriment, but on the contrary, he felt that an increase in traffic would bring more awareness to the site and contribute to the attractiveness of visiting the site. There has been a history of high volume traffic to the site when the LTV plant was in operation. However, when the plant closed, traffic was minimal and without word of mouth, visits to the site decreased considerably. He felt that more traffic in the area would bring more awareness to the site and hence would be a positive asset. Also, he did not believe that there would be any visual impacts to the site and certainly not on the maintenance of the site, which you were concerned with. Therefore, DOE has made the determination that there would be no adverse access or

visual impact to the historic Longyear site based on discussions with the city administrator of Hoyt Lakes.

We request your response to our determination of no adverse effect in accordance with Section 106 of the National Historic Preservation Act. Please let me know if you need any additional information. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "George W. Pukanic". The signature is written in a cursive style with a large, prominent loop at the end of the last name.

George W. Pukanic  
Project Engineer

cc: Richard A. Hargis  
Jason T. Lewis





MINNESOTA HISTORICAL SOCIETY

November 22, 2006

Mr. George W. Pukanic  
Project Engineer  
National Energy Technology Laboratory  
U.S. Department of Energy  
626 Cochrans Mill Road  
PO Box 10940  
Pittsburgh, PA 15236

RE: Mesaba Energy Project  
SHPO Number: 2005-3002

Thank you for your letter of 2 November 2006 regarding the above referenced undertaking.

We appreciate your efforts at considering any potential effects of the project on the E.J. Longyear First Diamond Drill Site, a property listed on the National Register of Historic Places. Based on your assessment and consultation with the City of Hoyt Lakes, it would not appear that the project will have any adverse effects on this property.

However, the status of the completion of the cultural resource surveys for the project areas is not clear to us. You have previously submitted to us several reports completed by The 106 Group, which outlined a strategy for the completion of surveys for both proposed project sites. However, it does not appear that we have yet reviewed the results of the surveys.

We look forward to working with you to complete this review. Contact us at 651-296-5462 with questions or concerns.

Sincerely,

Dennis A. Gimmestad  
Compliance Officer

cc: Anne Ketz, The 106 Group

