

March 9, 2020

Scott Magnuson
Brainerd Public Utilities
8027 Highland Scenic Road
PO Box 373
Brainerd MN 56401-0373

RE: Brainerd Hydroelectric Project (FERC Project No. 2533)
Crow Wing County
SHPO Number: 2017-2828 (Proposed Relicensing)

Dear Mr. Magnuson,

Thank you for the opportunity comment on the above project. Information received in our office on January 30, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR Part 800.

We last wrote to you on January 3, 2019 providing several comments and recommendations pertaining to Section 106 consultation following our review of the Revised Study Plan (RSP) for the proposed relicensing of the Brainerd Hydroelectric Project (Project) by the Federal Energy Regulatory Commission (FERC). Although the RSP is not a requirement of Section 106 consultation and we do not consider the information provided in the RSP regarding "Cultural Resource Study" a substitute for findings and determinations made as part of the Section 106 consultation process, it is our understanding that Brainerd Public Utilities (BPU) has intended to align the intent and information presented in the RSP with requirements of 36 CFR 800.

We have completed a review of your letter dated January 24, 2020, a submittal which provided responses to our January 2019 concerns and included the following documentation:

- Maps (Figures 1 & 1-1 through 1-5, n.d.) entitled "Cultural Survey Locations" delineating the FERC Project Boundary and Section 106 Area of Potential Effect (APE);
- Report entitled *Phase II Archaeological Evaluation Survey for Sites 21CW0152, 21CW0157, & 21CW0169, Crow Wing County, Brainerd, Minnesota* dated January 24, 2020 as prepared by Barr Engineering for Brainerd Public Utilities; and
- Report entitled *National Register Evaluation of Brainerd Hydroelectric Plant, Brainerd Public Utilities (FERC Project No. 2533/SHPO Number 2017-2828), Crow Wing County, Minnesota* as prepared by Hess, Roise and Company for Brainerd Public Utilities.

Our comments on this submittal are provided below.

Area of Potential Effect (APE)

Based upon information provided to our office in December 2018, we understand that the federal undertaking is the proposed relicensing of the Project, operating in continued run-of-river mode as further described in Section 3.0 of the Pre-Application Document (PAD) submitted to FERC.

Thank you for submitting a set of detailed FERC Project Boundary and APE aerial image and topographic maps. We had previously commented on the fact that, per the narrative description provided in the PAD, the proposed APE as defined by BPU is appropriate in order to take into account potential direct and indirect effects caused by the undertaking, as we currently understand the nature and extent of the undertaking.

Related to the map documentation, because we are aware of the fact that the FERC Project Boundary/APE is essentially congruent with a line two (2) feet above the ordinary high water mark, it appears by the APE maps submitted, specifically the aerial images, that this FERC Project Boundary/APE extends quite a distance onto land in several locations, and is in the reservoir and waterway in other locations. In order to clearly understand the actual Project Boundary/APE and, most importantly, inform the next step in the Section 106 review process which is identification of historic properties within the APE, it will be critical to rectify these maps so that they clearly align with the narrative description of the FERC Project Boundary and mark existing conditions.

Identification of Historic Properties

Archaeology

We have completed a review of the archaeological survey and evaluation report for sites 21CW0152, 21CW0157, and 21CW0169. We understand that landowner access was not provided to archaeological site 21CW0164. Based upon information provided to our office, we agree with the report's recommendations that the three (3) sites listed above remain eligible for listing in the NRHP.

As iterated in our January 2019 letter, we understood that BPU's intent to complete Phase II survey and evaluation for four (4) archaeological sites within the current APE (21CW0152, 21CW0157, 21CW0164, and 21CW0169) was per the terms of the 1992 PA and the CRMP for the current FERC license. Specifically, these sites were recommended for Phase II evaluation because previous 3-year monitoring per the CRMP had revealed extensive erosion at these locations.

While these Phase II evaluations inform the Section 106 review for the currently proposed relicensing, we reiterate, as we did in our January 2019 letter, that this survey and evaluation should not be considered the entirety of historic property, specifically archaeological property, identification efforts for this undertaking.

Identification efforts for the review of this undertaking will need to focus within the APE to determine whether previous surveys, including the nature and extent of archaeological survey and evaluations completed as part of the 1992 relicensing, are still valid. Review of this previous survey documentation will also need to confirm whether these earlier efforts meet current survey and evaluation standards or not. As delegated by FERC, once the APE has been defined and accurately documented, we recommend that BPU undertake and comprehensive literature reviews supplemented by additional field survey, if needed, within the APE. Once these comprehensive identification efforts for archaeology have been completed, BPU will need to present these to our office for review and comment.

Architecture/History

We have completed a review of the evaluation report for the **Brainerd Hydroelectric Plant (CW-BRC-064)**. Based upon information provided to our office at this time, we agree with the report's

recommendation that the Brainerd Hydroelectric Plant, which includes the powerhouse and dam, is not eligible for listing in the National Register of Historic Places (NRHP). As noted in the study, neither the dam nor powerhouse were deeply influential to the development of the community or region (NRHP Criterion A). Additionally, neither is associated with a prominent person (Criterion B). Finally, the dam and powerhouse do not reflect a rare form of hydroelectric engineering and did not introduce significant innovation to hydroelectric engineering in the state (Criterion C).

Additionally, we note that the consultant evaluated the integrity and recommends continued NRHP eligibility consideration for the **Northwest Paper Company Crow Wing Mill Grinder Room**, which includes the building and the two (2) turbine-grinder-generator units (Nos. 4 and 5). We agree with this assessment.

In future submittals, as delegated by FERC, we recommend that BPU make formal determinations of eligibility for each property surveyed, based upon consultant's recommendations, and request our review and comment per 36 CFR 800.4(c)(2).

Assessment of Adverse Effects

Following clarification of the APE as requested above, and further consultation regarding a reasonable and good faith effort to complete historic property identification efforts within the APE, we will then be able to consult regarding the proposed undertaking's potential to affect historic properties.

We look forward to continuing consultation on this project. Please feel free to contact me if you have any questions regarding our review. I can be reached at (651) 201-3290 or by e-mail at sarah.beimers@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager