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U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
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Regional Planning and Environment Division North

**FINDING OF NO SIGNIFICANT IMPACT**

In accordance with the National Environmental Policy Act, the U.S. Army Corps of Engineers, St. Paul District, has assessed the environmental impacts of the following project:

**NATIONAL LOON CENTER AT CROSS LAKE RECREATION AREA  
CROW WING COUNTY, MINNESOTA**

The Requester's Preferred Alternative (RPA) would involve approval to construct and operate a National Loon Center and associated facilities at the Cross Lake Recreation Area as described in this environmental assessment.\*

This Finding of No Significant Impact is based on the following factors: the RPA would result in minor adverse effects to noise levels, aesthetics, recreation, controversy, air quality, terrestrial habitat, and aquatic habitat, and minor beneficial effects to aesthetics, recreation, community cohesion, community growth and development, public facilities and services, employment, and business activity. The RPA would have substantial adverse effects to transportation and land use. There would likely be minor adverse effects to cultural resources, but any such effects would be addressed prior to the implementation of the RPA as outlined in the Programmatic Agreement. No significant effects to cultural resources would occur.

For the reasons above, the proposed action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

**30 APR '19**

Date

Samuel L. Calkins  
Colonel, Corps of Engineers  
District Commander

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\* Just prior to the date of this FONSI, the National Loon Center Foundation submitted a revised proposal that is reduced in scope from the original. The new proposal falls within the scope of the original RPA and the environmental effects of the new proposal are adequately addressed in the environmental assessment.

**FINAL ENVIRONMENTAL ASSESSMENT**

**NATIONAL LOON CENTER AT CROSS LAKE RECREATION AREA  
CROW WING COUNTY, MINNESOTA**



**U.S. ARMY CORPS OF ENGINEERS  
ST. PAUL DISTRICT**

**APRIL 2019**



**US Army Corps  
of Engineers  
St. Paul District**

**FINAL ENVIRONMENTAL ASSESSMENT**  
**National Loon Center at Cross Lake Recreation Area**

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# FINAL ENVIRONMENTAL ASSESSMENT

## National Loon Center at Cross Lake Recreation Area

### 1 Introduction

#### 1.1 Background

The U.S. Army Corps of Engineers, St. Paul District (Corps) Cross Lake Recreation Area and Pine River Dam is located in Crow Wing County, Minnesota, within the city of Cross Lake, 22 miles north of Brainerd.

Construction began on the Pine River Dam in 1884, and it was put into operation in 1886. It was reconstructed from timber to concrete between 1905 and 1907 and was last remodeled in 2002. The dam is situated on the Pine River at the outlet of Cross Lake, 15 river miles above the junction of the Pine and Mississippi rivers, and 199 river miles above St. Paul, Minnesota. The lakes that form Cross Lake Reservoir, which measures 13,660 acres, are commonly referred to as the Whitefish Chain of Lakes and are located completely within the boundary of Crow Wing County.

The Corps administers 432 acres of land held in fee title at the Cross Lake Recreation Area (formerly known as the Ronald Louis Cloutier Recreation Area) and a number of additional parcels scattered around the reservoir system. The Corps also holds an additional 21,718 acres in flowage easements.

The Cross Lake Recreation Area is best known for its highly-visited campground and two swimming areas. The Corps owns and/or operates six of the seven public boat accesses on the Whitefish Chain of Lakes. The recreation area has 122 campsites, three beaches, and two group picnic shelters. Annual visitation in 2012 was 498,156.

#### 1.2 Purpose, Need, and Authority

The Corps is evaluating an application submitted by the National Loon Center Foundation (NLCF) requesting authorization under 16 USC 460d, lease of lands<sup>1</sup>, to construct a National Loon Center (NLC) and associated facilities and utilities within the Corps' Cross Lake Recreation Area. Issuance of a lease under 16 USC 460d constitutes a federal action subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements, including Section 106 of the National Historic Preservation Act (NHPA).

The NLCF's project statement for the NLC, as stated in their application, is:

“To create the National Loon Center (NLC) dedicated to the survival of the iconic

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<sup>1</sup> Construction and operation of public parks and recreational facilities in water resource development projects; lease of lands; preference for use; penalty; application of section 3401 of title 18; citations and arrests with and without process; limitations; disposition of receipts.

Common Loon. The NLC will provide environmental recreation, educational tourism and citizen science research on loon migration, habitat and long-term protection establishing Crosslake, MN as the nation's destination to experience the freshwater ecosystem we share with our Minnesota state bird and with other native wildlife.”

The purpose of this environmental assessment is to assess the effects of a decision by the Corps to either approve or deny this request.

The Rivers and Harbors Acts of June 14, 1880 and August 2, 1882 authorized the construction of dams at each of the six Mississippi River Headwaters lakes for the purpose of forming reservoirs. The lakes affected by these acts include Winnibigoshish, Leech, Pokegama, Sandy, Cross, and Gull. The Flood Control Act of 1944 (Public Law 78-534) gave the Chief of Engineers the authority to create, operate, and provide continued maintenance of parks and recreation facilities in reservoir areas, such as the Cross Lake Recreation Area.

## **2 Alternatives**

### **2.1 Requestor's Preferred Alternative (RPA)**

The RPA is the approval to construct and operate the NLC and associated facilities. The 15,000 square foot NLC building would provide hands-on, experiential education that connects visitors with actions they can take for loon and wildlife conservation. The year round facility would include water quality and wildlife habitat educational exhibits, a loon and freshwater research center laboratory and classroom, and interactive technology to provide hands-on experiential education. In addition to the building, site related features would also include public docks, boardwalks and trails, and educational interpretive areas. Figure 1 is a rendering of the proposed NLC, as provided by the NLCF in a previous version of their application, though the dock system layout and walkway system depicted are outdated. Figure 2 shows the location of the proposed NLC on the Cross Lake Recreation Area map. The current draft plan set for the facility can be found in Appendix A. The draft plan for the dock system is found in Appendix B.

The NLC building would be constructed in what is currently the Cross Lake day use area. To accommodate construction, the existing comfort station would be removed along with walkways, landscaping, light poles, and 14 trees (Appendix A, Plan sheet C3.0). The NLC building would be constructed in that area, and a new comfort station would be built within the NLC and made available for public use. Additionally, two floating dock stations would be built to accommodate boat traffic to the area.

Construction of the NLC and facilities would likely occur over the course of up to two years, possibly affecting two summer recreation seasons. Construction would likely require excavation and fill activities for the NLC building.

## 2.2 No-Action Alternative

The No-Action Alternative would be the denial of the NLCF's request to construct and operate the NLC at the Cross Lake Recreation Area.

ATTACHMENT A



Figure 1. Rendering of the National Loon Center and Facilities



Figure 2. Cross Lake Recreation Area Map

### **3 Affected Environment and Environmental Consequences**

The affected environment under this evaluation of the RPA is generally limited to the Cross Lake Recreation Area and any adjacent areas that are directly or indirectly affected by the RPA. Most direct effects would occur within the day use area, which is located between the dam and the campground. Unless stated otherwise, the No-Action Alternative would have no effect on any of the resources discussed below. Effects are summarized in Table 1.

#### **3.1 Socioeconomic Resources**

##### ***3.1.1 Noise Levels***

The RPA would result in a temporary increase in noise levels during construction of the facility. It is likely the increase in noise levels would have the greatest effects during the summer construction months and impact recreational day-users and campers at the site. In the long-term, there may be a minor increase in noise levels around the day use area as a result of increased public use of the site.

##### ***3.1.2 Aesthetic Values***

The RPA would have minor adverse effects to aesthetics of the area during construction. After construction, the NLC is likely to be perceived by some as having a positive effect on the aesthetics of the recreation area. However, there would be others that do not perceive the construction of the NLC in an area that is currently predominantly lawn and trees as an improvement and would consider the effect to be adverse. Furthermore, the NLC building would obstruct the view of the lake; the day use area currently provides one of the few unobstructed views of the lake.

##### ***3.1.3 Recreational Opportunities***

The RPA would have a minor beneficial effect to the availability of recreational opportunities in the Cross Lake Recreation Area, to the extent that visiting the NLC is perceived as recreation. The construction of boat docks would also provide a recreational benefit for boaters visiting the recreation area. However, the reduction in green space and the increase in public visitation at this site would have minor adverse effects on the recreational users that are accustomed to using the day use area as it currently exists. There may also be some minor adverse impacts to campers as a result of the increase in public use of the recreation area.

##### ***3.1.4 Transportation***

The RPA would result in a substantial adverse effect on transportation. This would be caused by increased vehicular traffic and congestion around the site as a result of an increase in public use of the recreation area. The availability of parking at the recreation site currently is insufficient during busy time periods. The NLCF intends to create off-site parking for visitors to the NLC to help preserve availability of on-site parking for other members of the public. However, it is likely that additional users of the site visiting the NLC would still increase the frequency with which parking availability is exceeded.

This would result in a minor adverse effect on transportation.

### ***3.1.5 Community Cohesion***

The RPA would likely have a minor beneficial effect on community cohesion. The NLC would likely be a symbol of the area and focal point for community activities.

### ***3.1.6 Community Growth and Development***

The RPA would have a minor beneficial effect on community growth and development. If the NLC results in an increase in visitation to the Cross Lake area, there could be an increased demand for services to support those visitors. It is possible that there would then be a response of increased development to meet these demands.

### ***3.1.7 Existing/Potential Land Use***

The RPA would result in a change in land use of the portion of the day use area where the NLC building would be constructed. This change is considered to be a substantial adverse effect to the existing land use of the site because of the various impacts to the day use area. Similar to aesthetic values, many users would likely consider this change in land use at the site to be a positive effect, but many that use the site in its current state would perceive this as adverse.

### ***3.1.8 Controversy***

The implementation of the RPA would likely result in some minor controversy. Such controversy would likely stem from changes to the day use area and from increased public use of the recreation area that could lead to conflicts between existing and new users. There may also be some controversy related to the use of public funds for such a project. However, these effects are expected to be somewhat offset or reduced by the continued recreational use of the land, the new educational opportunity, and the benefits to the local community.

Selection of the No-Action Alternative could also result in some level of controversy resulting from the apparent expectation that this site would be available for a NLC. This expectation coupled with the apparent lack of an alternative site for a NLC would be a disappointment for NLC proponents, because it would delay and possibly halt the development of a NLC in the foreseeable future.

### ***3.1.9 Public Facilities and Services***

The RPA would result in a beneficial effect to the availability of public facilities and services. The NLC would provide an educational and recreational facility and service to the general public.

### ***3.1.10 Employment***

The RPA would result in a minor short-term and long-term beneficial effect to employment by employing workers during construction and those needed for the continued operation and maintenance of the NLC. In the long-term, it is projected that the NLC would employ six staff members.

### **3.1.11 *Business Activity***

The RPA could result in an increase in business activity in Cross Lake as a result of increased tourism in the area by those visiting the NLC.

### **3.1.12 *Environmental Justice***

Executive Order (EO) 12898 and the Department of Defense's Strategy on Environmental Justice of 1995, directs federal agencies to identify and address any disproportionately high adverse human health or environmental effects of federal actions to minority and/or low-income populations.

To identify low-income and minority populations in the project area, the Environmental Protection Agency's (EPA) mapping tool was used (<https://ejscreen.epa.gov/mapper/>). In the project area and surrounding area, the minority population constitutes 1 percent of the population, and those below the below poverty threshold constitute 21 percent, while the state averages are 19 percent and 26 percent, respectively (EPA EJ Viewer 2019).

No adverse economic or social effects would be anticipated under RPA or the No-Action Alternative. Neither alternative would disproportionately impact one group over another.

## **3.2 *Natural Resources***

### **3.2.1 *Air Quality***

The U.S. Environmental Protection Agency (EPA) is required by the Clean Air Act to establish air quality standards that primarily protect human health. These National Ambient Air Quality Standards (NAAQS) regulate six major air contaminants across the United States. These air contaminants include, ozone, particulate matter, sulfur dioxide, lead, carbon monoxide, and nitrogen dioxide. When an area meets criteria for each of the six contaminants, it is called an "attainment area" for that contaminant; those areas that do not meet the criteria are called "nonattainment areas." Crow Wing County is designated as an attainment area for the six contaminants based on the EPA's Green Book data (February 2019). This designation means that the project area has relatively few air pollution concerns.

The RPA would have a temporary adverse effect on air quality in the immediate area as a result of construction activities requiring the use of heavy equipment for excavation and fill. The operation of heavy construction equipment would result in some exhaust, and the ground disturbance may result in the release of some dust. Both effects are expected to be minor and not require any special mitigation measures beyond typical best management practices.

### **3.2.2 *Terrestrial Habitat***

Heavy development has disturbed most of the shoreline vegetation on Cross Lake and the Whitefish Chain of Lakes. The land along the water generally rises dramatically from the shoreline. Pine and hardwoods such as oak and birch are common, with much of the shoreline comprised of Norway, white, and Jack pine. The Cross Lake Recreation Area

is a combination of forested, manicured lawn and impervious surfaces such as buildings, parking lots, and roadways. Much of the site is a wooded campground. The NLC building would be constructed within the day use area, requiring the removal of some trees and the conversion of manicured lawn to impervious surface. Overall, the RPA would have minor adverse effects to terrestrial habitat.

### **3.2.3 *Wetlands and Aquatic Habitat***

Wetlands within the area potentially affected by the RPA are limited to the vegetated areas along the shoreline. No wetlands would be filled as a result of the construction of the NLC building. The proposed boat docks would be a floating design attached to the shore at two points each (see Appendix A). Boat dock construction is expected to have little or no adverse effect on wetlands along the shoreline, and no wetland fill is expected to be required. The docks would likely have a minor adverse effect to the aquatic habitat there by the simple presence of man-made structures and the disturbance caused by boat traffic. However, under current conditions boaters frequently beach their boats along the shoreline, having similar or possibly greater impacts to the vegetation there than boats using the dock system would have. Increased boat traffic to the area resulting from visitation to the NLC would have a minor adverse impact to aquatic habitat in the project area. Overall, effects to the aquatic habitat are expected to be adverse but minimal relative to ongoing effects under the No-Action Alternative.

### **3.2.4 *Threatened and Endangered Species***

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) website was consulted on March 4, 2019 to determine if any proposed, candidate, threatened, or endangered species occurred within the project area. The results indicated that two federally listed endangered species may occur within the area: the gray wolf (*Canis lupus*), and the northern long-eared bat (NLEB) (*Myotis septentrionalis*). No critical habitat for these species exists in the project area. Because of the developed nature of the project area and immediate surrounding area, it is highly unlikely that gray wolves would be found there. Therefore, the RPA would have no effect on the gray wolf.

However, the bat would potentially find suitable habitat in this area. The Corps has determined that the RPA may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule under the Endangered Species Act. This determination is based on the streamlined consultation framework published by the USFWS, which relies on the finding of a programmatic biological opinion that the USFWS prepared for the NLEB 4(d) rule. Specific considerations for the application of the streamlined framework are: (1) The preferred alternative would not purposefully take NLEB; (2) The alternative area is located in the white-nose syndrome area; (3) The alternative would not affect caves or mines where NLEB are known to hibernate or alter the environment near a known hibernaculum; (4) The alternative would involve tree removal but would not include removing a NLEB known occupied maternity roost tree, any tree within 150 feet of a known occupied maternity roost tree, or any tree within 0.25 miles of a known NLEB hibernaculum. Furthermore, the Corps would prohibit tree removal activities during the pupping season, which is from June 1 to July 31. The Corps coordinated the proposed activity with the USFWS using the streamlined consultation

form for the NLEB on March 14, 2019 (Appendix C), and did not receive comments from during the 30-day review period.

A search of Minnesota Natural Heritage Information System, conducted March 2019 revealed two state listed species as occurring within one mile of the Cross Lake Recreation Area<sup>2</sup>. There are records of occurrence of the northern sunfish (*Lepomis peltastes*) and least darter (*Etheostoma microperca*) in the Whitefish Chain of Lakes, including Cross Lake, and they are listed as a species of special concern in the state. There are scattered populations of the northern sunfish in north central Minnesota, and it seems to typically inhabit clear lakes with relatively unaltered shorelines with emergent vegetation and extensive shallow areas. The population in the Whitefish Chain of Lakes is listed as being most at risk (Porterfield and Ceas 2008) (Minnesota Department of Natural Resources (MNDNR) species profile:

<https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AFCQB11130>). There is limited information regarding the population status of the least darter, but there appear to be differing life history characteristic between the Mississippi River and Ottertail River basin populations. The darter seems to prefer clear low-velocity stream connected to lakes with dense submerged vegetation (MNDNR species profile: <https://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=AFCQC02450>). The dock system could have an effect on these fish species, though it is unknown if the effects of a dock system are greater or less than the current practice of beaching boats along the shoreline.

Although the Bald Eagle (*Haliaeetus leucocephalus*) is no longer protected under the Endangered Species Act, it remains protected under the Bald and Golden Eagle Protection Act. There are no known eagle nests within the Cross Lake Recreation Area, and construction activities under the RPA would have no effect on eagles. If in the future it is determined that construction activities under the RPA would occur within the 660-foot buffer zone (National Bald Eagle Management Guidelines) of an eagle nest, coordination with the USFWS would resume and measures would be taken to ensure no “take” of Bald Eagles would occur.

### **3.3 Cultural Resources**

Not all areas potentially affected by the RPA have been surveyed for cultural resources. The Corps has initially identified site 21CW0219, Pine River Dam compound, which is potentially eligible for listing in the National Register of Historic Places (NRHP), as being within the limits of the RPA and CW-CLC-002, Pine River Dam, a historic property determined to be eligible for listing in the NRHP, as being located immediately adjacent. All the necessary cultural resources investigations, evaluations, and coordination for full compliance under Section 106 of the National Historic Preservation Act (NHPA) cannot be completed prior to preparation of the final plans for the RPA. Therefore, a Programmatic Agreement (per 36 CFR 800.14(b)) has been drafted and

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<sup>2</sup> Copyright 2018, State of Minnesota, Department of Natural Resources (MNDNR). Rare Features Data included here were provided by the Division of Ecological and Water Resources, MNDNR, and were current as of July 27, 2018. These data are not based on an exhaustive inventory of the state. The lack of data for any geographic area shall not be construed to mean that no significant features are present.

executed. The Programmatic Agreement addresses the effects that cannot be fully determined at this time and ensure compliance with Section 106 of the NHPA.

### **3.4 Cumulative Effects**

The CEQ regulations that implement NEPA require assessment of cumulative impacts in the decision-making process for federal projects. Cumulative impacts are defined as impacts that result when the impact of the proposed alternative is added to the impacts of other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions (40 CFR 1508.7). The cumulative impacts associated with the RPA are described below. The No-Action Alternative would have no cumulative effects.

Past, present, and reasonably foreseeable future actions have contributed and continue to contribute to the cumulative impacts of activities in and around the Cross Lake Recreation Area. Past actions include the construction and operation of the reservoir, the recreation site, as well as residential, commercial, and industrial facilities throughout the area. All of these developments have had varying levels of adverse impacts on the physical and natural resources in the region. Many of these developments, however, have had beneficial impacts on the region's socioeconomic resources. In addition, many of these impacts have been lessened by the resource stewardship efforts of the Corps, MNDNR, and other management partners.

The construction of the reservoir also had an impact on cultural and tribal resources by flooding terrestrial areas. Since that time, the Corps, MNDNR, and other management partners have worked to preserve, protect, and document cultural and tribal resources.

Existing and future actions that may contribute to cumulative impacts include the operation of project facilities, upgrades and maintenance of the recreation site, as well as residential, commercial, and industrial development throughout the area. Continued project operations would result in the sustained maintenance and development of recreational facilities. These facilities would enhance the recreational offerings made by the Corps and other management partners. Such improvements would result in varying levels of impacts to the surrounding resources. Similarly, surrounding residential, commercial, and industrial development could result in varying levels of adverse impacts to many resources. Within the project boundary, adverse impacts would be offset through resource stewardship efforts.

The RPA would contribute to the impact of shoreline development around the Whitefish Chain of Lakes. Residential and commercial development of the lakeshore has left few remaining areas without structures. The RPA would therefore have an adverse cumulative effect by contributing to shoreline development. However, this effect would not be significant because the recreation area is already developed to some degree, and the length of shoreline there affected is small relative to that available on the lake.

Table 1. Environmental Assessment Matrix

## **4 Compliance With Environmental Regulations and Guidelines**

### **4.1 Clean Water Act**

No fill activities in waters of the United States are anticipated under the RPA. If this were to change as plans are developed further, Clean Water Act compliance would be ensured prior to project construction. Any potential changes would be expected to only result in minimal fill activities.

### **4.2 Fish and Wildlife Coordination Act**

In compliance with the Fish and Wildlife Coordination Act, project plans have been coordinated with the USFWS and the MNDNR. The MNDNR provided comments on the draft EA (Appendix C). No significant issues were raised and in general their comments were directed toward actions that would further reduce adverse environmental impacts in the event that the RPA were implemented. All of their comments have been taken into consideration, and most will be incorporated in future efforts if the RPA is implemented. The USFWS did not comment.

### **4.3 Endangered Species Act**

The St. Paul District has determined that the RPA would have no effect on the gray wolf, or any of its critical habitat. The RPA may affect the NLEB, however, any resulting incidental take of the bat is not prohibited by the final 4(d) rule.

### **4.4 State Permits**

Coordination with the MNDNR has been initiated regarding the need for a boat dock permit. If it is determined that one is required, a permit would be obtained prior to construction by the requester. The requestor would also need to comply with any other applicable laws and permitting requirements.

### **4.5 National Historic Preservation Act and Tribal Coordination**

The National Historic Preservation Act is the primary law establishing the historic preservation structure in the United States. It assigns preservation responsibilities to federal agencies and establishes the Advisory Council on Historic Preservation, the State Historic Preservation Offices (SHPO), and the Historic Tribal Preservation Offices (THPO). Section 106 of the act specifies that federal agencies shall take into account the effect of an undertaking on any property included in or determined eligible for the NRHP. Because the effects cannot be fully determined in advance of the RPA, a Programmatic Agreement (per 36 CFR 800.14(b)) has been drafted and executed.

The Corps initiated consultation with SHPO (signatory), the NLCF (invited signatory), and THPOs of 10 Tribes (invited concurring parties) to the Programmatic Agreement in respect to the RPA. No tribes have accepted the invitation to sign the Programmatic Agreement as a concurring party; however, the Corps will continue to consult with tribes that may attach religious and cultural significance to historic properties as stipulations are met. Four Tribes have

requested to be consulting parties in connection with the Section 106 process. This consultation is not limited to those tribes that may have participated in the development of this Programmatic Agreement.

Table 2. Compliance with Environmental Protection Statutes and Other Environmental Requirements

Environmental Requirement	Compliance <sup>1</sup>
<b><u>Federal Statutes</u></b>	
Archaeological and Historic Preservation Act	Full
Bald and Golden Eagle Protection Act of 1940, as amended	Full
Clean Air Act, as amended	Full
Clean Water Act, as amended	Full
Coastal Zone Management Act, as amended	N/A
Endangered Species Act of 1973, as amended	Full
Federal Water Project Recreation Act, as amended	Full
Fish and Wildlife Coordination Act, as amended	Full
Land and Water Conservation Fund Act of 1965, as amended	Full
Migratory Bird Treaty Act of 1918, as amended	Full
National Environmental Policy Act of 1969, as amended	Full
National Historic Preservation Act of 1966, as amended	Full
National Wildlife Refuge System Administration Act of 1966	N/A
Noise Pollution and Abatement Act of 1972	Full
Watershed Protection and Flood Prevention Act	N/A
Wild and Scenic Rivers Act of 1968, as amended	N/A
Farmland Protection Policy Act of 1981	N/A
<b><u>Executive Orders, Memoranda</u></b>	
Floodplain Management (EO 11988)	Full
Protection and Enhancement of Environmental Quality (EO 11514)	Full
Protection and Enhancement of the Cultural Environment (EO 11593)	Full
Protection of Wetlands (EO 11990)	Full
Analysis of Impacts on Prime and Unique Farmlands (CEQ Memorandum, 30 August 1976)	N/A

<sup>1</sup>The compliance categories used in this table were assigned according to the following definitions:

- Full – All requirements of the statute, EO, or other policy and related regulations have been met for the current stage of planning.
- Partial – Some requirements of the statute, EO, or other policy and related regulations remain to be met for the current stage of planning.
- Noncompliance (NC) – Violation of a requirement of the statute, EO, or other policy and related regulations.
- Not Applicable (N/A) – Statute, EO, or other policy and related regulations not applicable for the current stage of planning.

## **5 Coordination and Distribution of the Draft Environmental Assessment**

### **5.1 Public Review**

This environmental assessment was provided on the following website: <http://www.mvp.usace.army.mil/Home/Public-Notices/>. Written comments were requested by April 22, 2019. A notice of availability was sent to interested citizens and the following agencies:

#### **Federal**

Environmental Protection Agency  
U.S. Fish and Wildlife Service

#### **Tribes**

Bad River Band  
Fond du Lac Band  
Leech Lake Band  
Lower Sioux Indian Community  
Mille Lacs Band  
Red Lake Band  
Shakopee Mdewakanton Sioux Community  
Sisseton-Wahpeton Oyate  
Upper Sioux Indian Community  
White Earth Band

#### **State of Minnesota**

Department of Natural Resources  
Pollution Control Agency  
State Historic Preservation Office

#### **Others**

National Loon Center Foundation  
City of Cross Lake  
Crow Wing County

### **5.2 Summary of Comments Received During the Public Review**

During the public review of the draft environmental assessment about 44 responses were received from individuals, various groups, and agencies (Appendix C). In general, 21 commenters were in support of the RPA as described, 19 were opposed, and 4 commenters were neutral. Of those in favor, 11 cited the proposed location as a reason for their approval, and five cited environmental benefits. Of those opposed to the RPA, 15 cited concerns due to the location and impacts to the local community and/or the recreation area. Thirteen commenters opposed to the RPA cited concerns over traffic impacts, and 13 cited potential adverse impacts to natural resources.

#### **References:**

Porterfield, J., and P. Ceas. 2008. Distribution, abundance and genetic diversity of the longear sunfish (*Lepomis megalotis*) in Minnesota, with determination of important populations. Final report submitted to the State Wildlife Grants Program, Minnesota Department of Natural Resources. 86 pp.

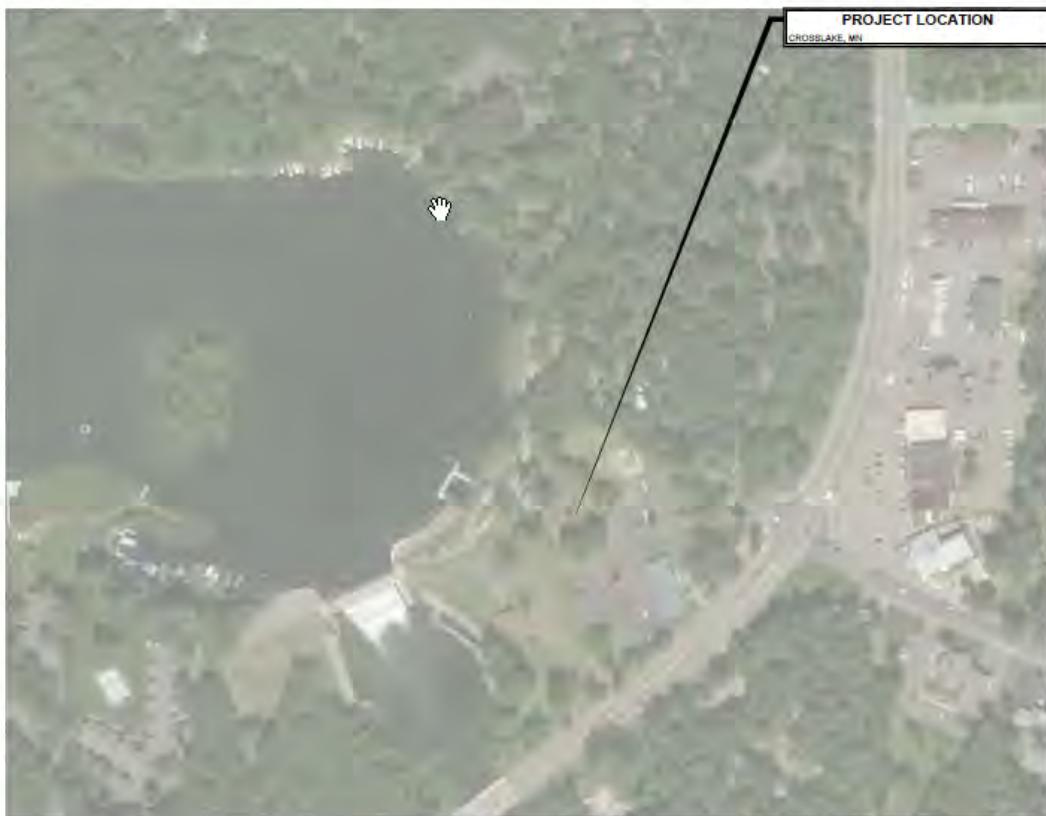
## Appendix A. Draft National Loon Center Plan

**NATIONAL LOON CENTER**  
CROSSLAKE, MINNESOTA

**GENERAL NOTES:**

- THE NATIONAL LOON CENTER PROJECT INTENDS TO UTILIZE THE EXISTING PARKING, TRAILS AND ROADS, AND DOES NOT PROPOSE TO INCREASE THESE IN ANY WAY WITH THIS PROJECT.
- THE NATIONAL LOON CENTER FOUNDATION WILL DEVELOP AN OVERFLOW PARKING PLAN TO PROVIDE PARKING OFF-SITE. POTENTIAL SITES INCLUDE THE US ACE PARKING LOT SOUTH OF THE DAM, CROSSLAKE COMMUNITY SCHOOL PARKING LOT AND STREET PARKING ALONG COUNTY ROAD 66.
- THE NATIONAL LOON CENTER FOUNDATION WILL CORRECT ANY NON-CONFORMING ACCESSIBLE PATHS WITHIN THE NATIONAL LOON CENTER PROJECT AREA.

**PROJECT LOCATION**  
CROSSLAKE, MN



**ATTACHMENT C**

**WIDSETH SMITH NOLTING**  
Engineers | Architects | Surveyors | Environmental

**SHEET INDEX**

SHEET NUMBER	SHEET TITLE
C1.0	TITLE SHEET
C2.0	LEGEND
C3.0	DEMOLITION & REMOVALS PLAN
C4.1	SITE PLAN LOON CENTER BUILDING
C5.0	UTILITY PLAN
C6.0	GRADING PLAN
C7.0	EROSION CONTROL PLAN
C8.0	UTILITY PLAN
C9.0	GRADING PLAN
C7.0	EROSION CONTROL PLAN

**PRELIMINARY 01-25-2019**

**PROJECT LOCATION**  
CROW WING COUNTY



**NATIONAL LOON CENTER**  
THE NATIONAL LOON CENTER FOUNDATION  
CROSSLAKE, MN

**C1.0**  
TITLE SHEET



#### GENERAL NOTES:

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES NOTED IN THE FIELD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL AND TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSIONS/PERMITS FOR ALL WORK LOCATED OUTSIDE THE PROPERTY LIMITS.
- EXISTING CONFORT STATION AMENITIES WILL BE INCORPORATED WITHIN THE NATIONAL LOON CENTER BUILDING AND OPEN TO THE PUBLIC YEAR ROUND.

#### DEMOLITION AND REMOVALS:

1. REMOVE BITUMINOUS (SHADED AREA)
2. REMOVE BUILDINGS, FOUNDATION, AND LANDSCAPING
3. REMOVE CONCRETE
4. REMOVE MISCELLANEOUS LANDSCAPING
5. REMOVE LIGHT POLE AND FOUNDATION
6. SAWCUT BITUMINOUS
7. REMOVE DIRT
8. REMOVE 14' HIGH CONCRETE BOLLARDS
9. PROTECT PUBLIC UTILITIES
10. APPROXIMATE CONSTRUCTION LIMITS
11. REMOVE SEPTIC TANK
12. REMOVE LIFT STATION
13. REMOVE SEWER SERVICE

**REMOVAL NOTES:**

- CONTRACTOR SHALL CALL GOPHER STATE ONE CALL PRIOR TO BEGINNING REMOVALS.
- PRIVATE UTILITY LOCATES ARE TO BE COORDINATED WITH THE ENGINEER. THE PRIVATE LOCATES WILL BE DONE BY GOPHER STATE ONE CALL.
- ALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION CONTROL PLAN ARE TO BE FOLLOWED.
- CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, CONCRETE PAVEMENT, BITUMINOUS PAVEMENT, BUILDINGS, LIGHT POLES & BASES, ETC. NOT NOTED FOR DEMOLITION & REMOVAL DURING REMOVALS. ANY DAMAGED STRUCTURES TO REMAIN SHALL BE REPAIRED OR REPLACED AT NO COST TO THE OWNER.
- ALL SAWCUT EDGES IN CONCRETE CURB & GUTTER, CONCRETE PAVEMENT AND BITUMINOUS PAVEMENT SHALL BE PROTECTED AFTER REMOVALS THROUGH THE DURATION OF THE PROJECT. PAYMENT FOR SAWCUTTING WILL BE MADE ONLY ONCE. ADDITIONAL SAWCUTTING TO MAINTAIN A CLEAN SAWCUT EDGE WILL BE AT THE EXPENSE OF THE CONTRACTOR.
- ALL MATERIALS IDENTIFIED FOR REMOVAL SHALL BE DISPOSED OFF SITE IN ACCORDANCE WITH LOCAL STATE & FEDERAL LAWS.

**SUBSURFACE UTILITY NOTE:**

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CNASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ELEVATION AND LOCATION OF ALL UTILITIES.

AMENDMENT #1  
03-11-2019

NATIONAL LOON CENTER  
THE NATIONAL LOON CENTER FOUNDATION  
CROSSLAKE, MN

SMITH NOLTING

1

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LLCOON CENTER  
LLCOON CENTER FOUNDATION  
IN

NATIONAL LOC  
THE NATIONAL  
CROSSLAKE, M  
SHEET NO  
C3.0



**GENERAL NOTES:**

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCRENCIES NOTED IN THE FIELD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL AND TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS FOR ALL WORK LOCATED OUTSIDE THE PROPERTY LIMITS.

**UTILITY NOTE:**

- THE ENGINEER HAS MADE AN ATTEMPT TO SHOW ALL PUBLIC UTILITIES WITHIN THE CONSTRUCTION LIMITS OF THIS PROJECT. PUBLIC UTILITIES SHOWN ON THIS PLAN WERE DRAWN USING FIELD SURVEY INFORMATION AND MAPS PROVIDED TO THE ENGINEER BY THE UTILITY COMPANIES AS A RESULT OF A COOPER STATE ONE CALL DESIGN LOCATE REQUEST. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THESE LOCATIONS PRIOR TO BIDDING AND CONSTRUCTING THE PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATION LOCATES AND SHALL NOTIFY ALL AFFECTED UTILITY COMPANIES AT LEAST 48-HOURS BEFORE CONSTRUCTION.
- UNLESS OTHERWISE NOTED, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 1991 EDITION (OR LATEST EDITION) OF THE "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILLING" AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND THE "STORM SEWER INSTALLATION" AS PUBLISHED BY THE CITY ENGINEERS' ASSOCIATION OF MINNESOTA AND TO THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION, 2005 EDITION. THE CONTRACTOR SHALL BE REQUIRED TO FOLLOW ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY AND THE MINNESOTA PLUMBING CODE.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS FOR ALL WORK OUTSIDE THE PROPERTY LIMITS.
- COORDINATE SERVICE LOCATION ENTRIES WITH THE MECHANICAL ENGINEER/PLUMBER.
- WATER SERVICE LINES SHALL BE INSTALLED WITH A MINIMUM OF 8.5 FEET OF COVER.

**SUBSURFACE UTILITY NOTE:**

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL D UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CISCE 3840, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ELEVATION AND LOCATION OF ALL UTILITIES.

FIRST FLOOR ELEV = 1235.00  
SECOND FLOOR ELEV = 1245.00

PROPOSED WELL LOCATION

8" WATER SERVICE

CONNECT TO LIFT STATION  
(E=1224.75)  
LIFT STATION &  
STRUCTURE DESIGN T80  
APPROX. I.E=1219.5  
EXTEND SANITARY SERVICE TO  
NEW SEPTIC TANK LOCATION  
(E=1224.75)

TRANSFORMER PAD

CONNECT FORCEMAIN TO  
EXISTING FORCEMAIN

AMENDMENT #1  
03-11-2019

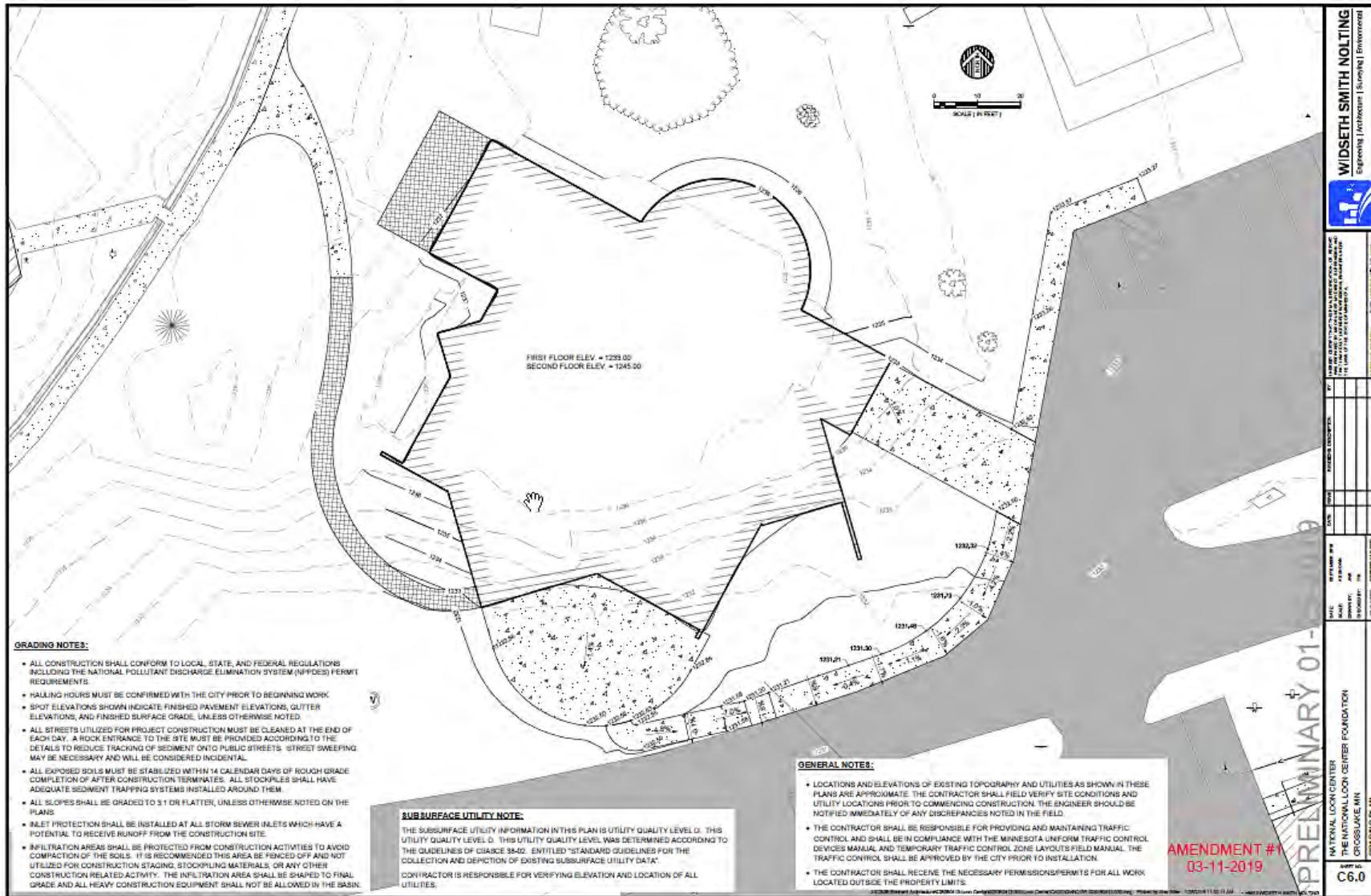
WIDSETH SMITH NOLTING  
Engineering | Architecture | Surveying | Environmental



01-25-2019

NATIONAL LOON CENTER  
THE NATIONAL LOON CENTER FOUNDATION  
CROSSVILLE, MN  
STUDY PLAN

APPROV'D  
C5.0



**GENERAL NOTES:**

- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN IN THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION. THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES NOTED IN THE FIELD.
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- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSIONS/PERMITS FOR ALL WORK LOCATED OUTSIDE THE PROPERTY LIMITS.

CROSS  
LAKE**EROSION CONTROL NOTES:**

- ALL EROSION CONTROL BMP'S ARE TO BE IN PLACE PRIOR TO BEGINNING GRADING OPERATIONS.
- 6" OF TOPSOIL ARE TO BE PLACED IN ALL AREAS TO BE SEEDED AND SODDED.
- ALL EXPOSED SOILS NOT BEING ACTIVELY WORKED FOR A PERIOD OF 7 DAYS MUST BE TEMPORARILY SEEDED AND WILCHED.
- TEMPORARY SEED AREAS AS NEEDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SWPPP AND NDDES PERMIT.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO AMEND THE SWPPP AS NEEDED AS CONDITIONS IN THE FIELD REQUIRE.
- CONTRACTOR IS TO REMOVE THE EXCESS TOPSOIL FROM THE SITE.
- ANY SEDIMENTATION OCCURRING AS A RESULT OF CONSTRUCTION IN THE STORMWATER POND OR STORM SEWER SYSTEM SHALL BE REMOVED PRIOR TO SUBSTANTIAL COMPLETION OF THE PROJECT.

**SUBSURFACE UTILITY NOTE:**

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL D UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF QUAKE 35-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ELEVATION AND LOCATION OF ALL UTILITIES.

AMENDMENT #1  
03-11-2019

WIDSETH SMITH NOLTING  
Engineering | Architecture | Surveying | Environmental

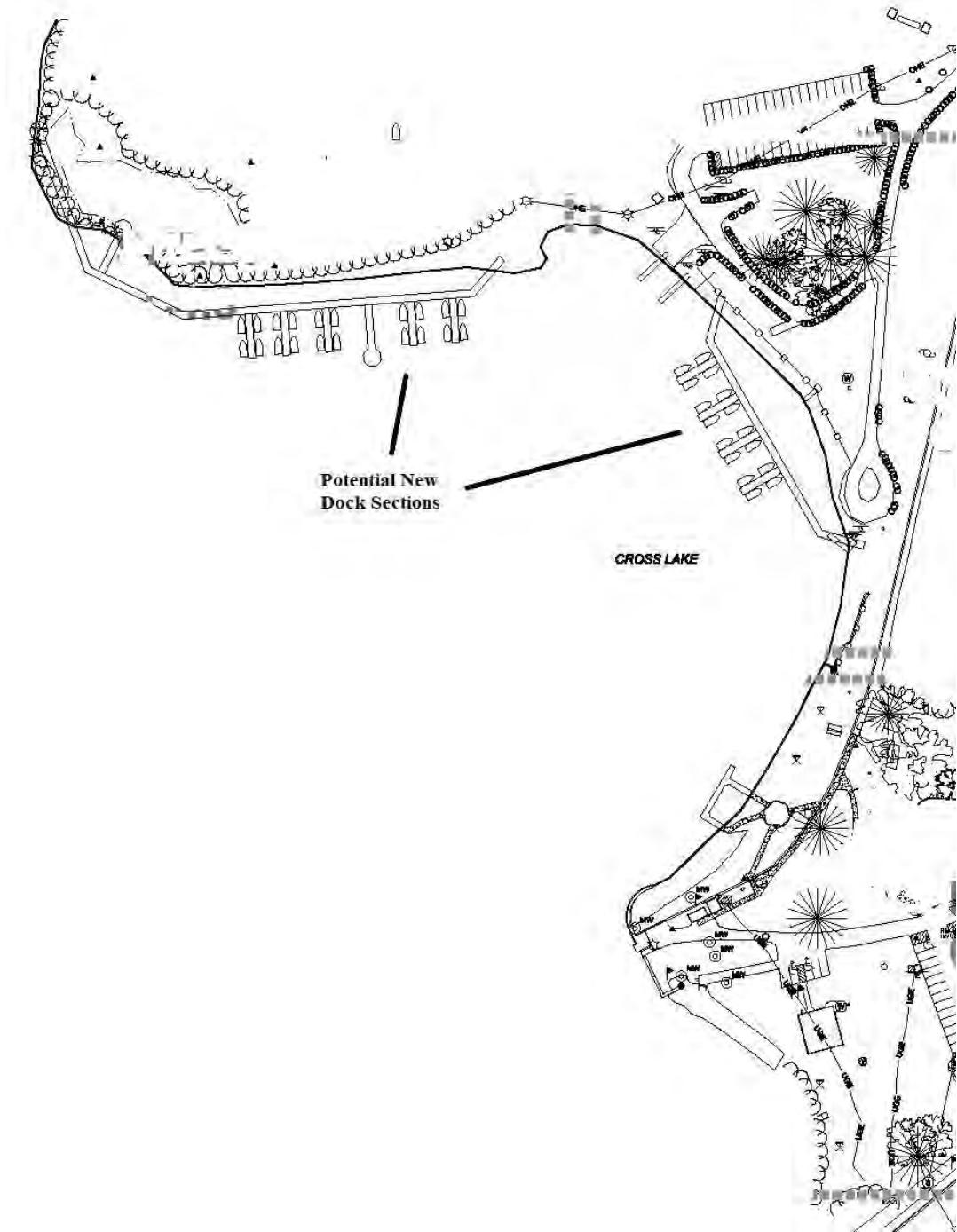


Engineering | Architecture | Surveying | Environmental

MINARY 01-25-  
NATIONAL LOON CENTER  
THE NATIONAL LOON CENTER FOUNDATION  
GROSSE ILE, MICHIGAN

EROSION CONTROL PLAN  
REV. NO. C7.0

## Appendix B. Draft Dock System Plan



## **Appendix C. Correspondence and Public Review Comments**

# **General Correspondence**

**From:** Clark, Steven J CIV USARMY CEMVP (US)  
**To:** [Heidi.Lindgren@state.mn.us](mailto:Heidi.Lindgren@state.mn.us); [marc.bacigalupi@state.mn.us](mailto:marc.bacigalupi@state.mn.us); [Randall.Doneen@state.mn.us](mailto:Randall.Doneen@state.mn.us); [Peter.Faspender@fws.gov](mailto:Peter.Faspender@fws.gov)  
**Subject:** National Loon Center proposal at Cross Lake  
**Date:** Wednesday, March 13, 2019 11:05:00 AM  
**Attachments:** [figures.docx](#)

---

Agency Partners,

The Corps is evaluating a request by the National Loon Center Foundation (NLCF) for a lease to construct a National Loon Center facility (NLC) within the Corps' Cross Lake Recreation Area. The 15,000 square foot NLC building would provide hands-on, experiential education that connects visitors with actions they can take for loon and wildlife conservation. The year-round facility would include water quality and wildlife habitat educational exhibits, a loon and freshwater research center laboratory and classroom, and interactive technology to provide hands-on experiential education. In addition to the building, site related features would also include public docks, boardwalks and trails, and educational interpretive areas. The attached figures show a rendering of the proposed NLC (though the newest set of plans is slightly different), and a draft of the proposed dock system.

The NLC building would be constructed in the day use area. To accommodate construction, the existing comfort station would be removed along with walkways, landscaping, light poles, and 14 trees. The NLC building would be constructed in that area, and a new comfort station would be built within the NLC. The responsible party(s) for construction, operation, and maintenance of the dock system has not yet been fully determined. A partnership between the NLCF and the Corps may be developed such that the NLCF would construct the docks and the Corps would operate and maintain them.

Construction of the NLC and facilities would likely occur over the course of about two years, affecting two summer recreation seasons. Construction would likely require excavation and fill activities for the NLC building. Excess excavated material would be hauled to an approved placement site where it would not impact wetlands, wooded areas or cultural resources. Similarly, borrow material would be acquired from a site where it would not impact wetlands, wooded areas or cultural resources.

At this time, we are working to prepare an Environmental Assessment for public review. Due to a very short deadline tied to a NLCF request for funding, we are attempting to release the EA for public review within the next couple weeks. At that time we will invite you to review the EA and provide comments on the proposed action. If you have any comments or concerns now that you would like to share, please do so.

We understand that the dock system may require a DNR permit and we will work through that process prior to construction. Likewise, we will work to address impacts to the northern long-eared bat prior to any tree cutting.

Feel free to forward this message on to anyone in your offices you feel should comment, and if you have any questions etc., feel free to email or call at the number below.

Thanks,  
Steve

Steven J. Clark  
Chief, Environmental Compliance Section  
Planning and Environment Division North  
Army Corps of Engineers, St. Paul District

180 5th Street East, Suite 700  
St. Paul, MN 55101-1678  
Office: (651) 290-5278  
Mobile: (651) 356-4016  
[steven.j.clark@usace.army.mil](mailto:steven.j.clark@usace.army.mil)

**From:** Clark, Steven J CIV USARMY CEMVP (US)  
**To:** ["andrew\\_horton@fws.gov"](mailto:andrew_horton@fws.gov)  
**Subject:** Northern long-eared bat 4(d) Consultation, Cross Lake, MN  
**Date:** Friday, March 15, 2019 8:58:00 AM  
**Attachments:** [BatConsultationForm Loon Center signed.pdf](#)

---

Andrew,

Please find the attached streamlined consultation form for your review. The project is request by the National Loon Center Foundation to construct a National Loon Center within our Cross Lake Recreation Area. Also, there are no records of eagle nests in the MN Heritage Database within a mile of the project area. If you have any questions, please let me know. Thanks.

Steve

Steven J. Clark  
Chief, Environmental Compliance Section  
Planning and Environment Division North  
Army Corps of Engineers, St. Paul District

180 5th Street East, Suite 700  
St. Paul, MN 55101-1678  
Office: (651) 290-5278  
Mobile: (651) 356-4016  
[steven.j.clark@usace.army.mil](mailto:steven.j.clark@usace.army.mil)

## **Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form**

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

<b>Information to Determine 4(d) Rule Compliance:</b>	<b>YES</b>	<b>NO</b>
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency:** U.S. Army Corps of Engineers, St. Paul District

**Primary Contact:** Steve Clark, Phone: 651-290-5278, Email: Steven.J.Clark@usace.army.mil

**Project Name:** Loon Center at Cross Lake Recreation Area

**Project Location** (include coordinates if known): Cross Lake, MN (Figure 1)

**Basic Project Description** (provide narrative below or attach additional information):

Draft plan set is attached. Tree removal is depicted on sheet C3.0.

The Corps is evaluating a request by the National Loon Center Foundation (NLCF) for a lease to construct a National Loon Center facility (NLC) within the Corps' Cross Lake Recreation Area. The 15,000 square foot NLC building would provide hands-on, experiential education that connects visitors with actions they can take for loon and wildlife conservation. The year-round facility would include

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

water quality and wildlife habitat educational exhibits, a loon and freshwater research center laboratory and classroom, and interactive technology to provide hands-on experiential education. In addition to the building, site related features would also include public docks, boardwalks and trails, and educational interpretive areas. The attached figures show a rendering of the proposed NLC (though the newest set of plans is slightly different), and a draft of the proposed dock system.

The NLC building would be constructed in the day use area. To accommodate construction, the existing comfort station would be removed along with walkways, landscaping, light poles, and 14 trees. The NLC building would be constructed in that area, and a new comfort station would be built within the NLC. The responsible party(s) for construction, operation, and maintenance of the dock system has not yet been fully determined. A partnership between the NLCF and the Corps may be developed such that the NLCF would construct the docks and the Corps would operate and maintain them.

Construction of the NLC and facilities would likely occur over the course of about two years, affecting two summer recreation seasons. Construction would likely require excavation and fill activities for the NLC building. Excess excavated material would be hauled to an approved placement site where it would not impact wetlands, wooded areas or cultural resources. Similarly, borrow material would be acquired from a site where it would not impact wetlands, wooded areas or cultural resources.

<b>General Project Information</b>	<b>YES</b>	<b>NO</b>
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>3</sup> ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	0.25	
If known, estimated acres <sup>4</sup> of forest conversion from April 1 to October 31	0.25	
If known, estimated acres of forest conversion from June 1 to July 31 <sup>5</sup>	0	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

<sup>3</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>4</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>5</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

**BIRKENSTOCK.TER**

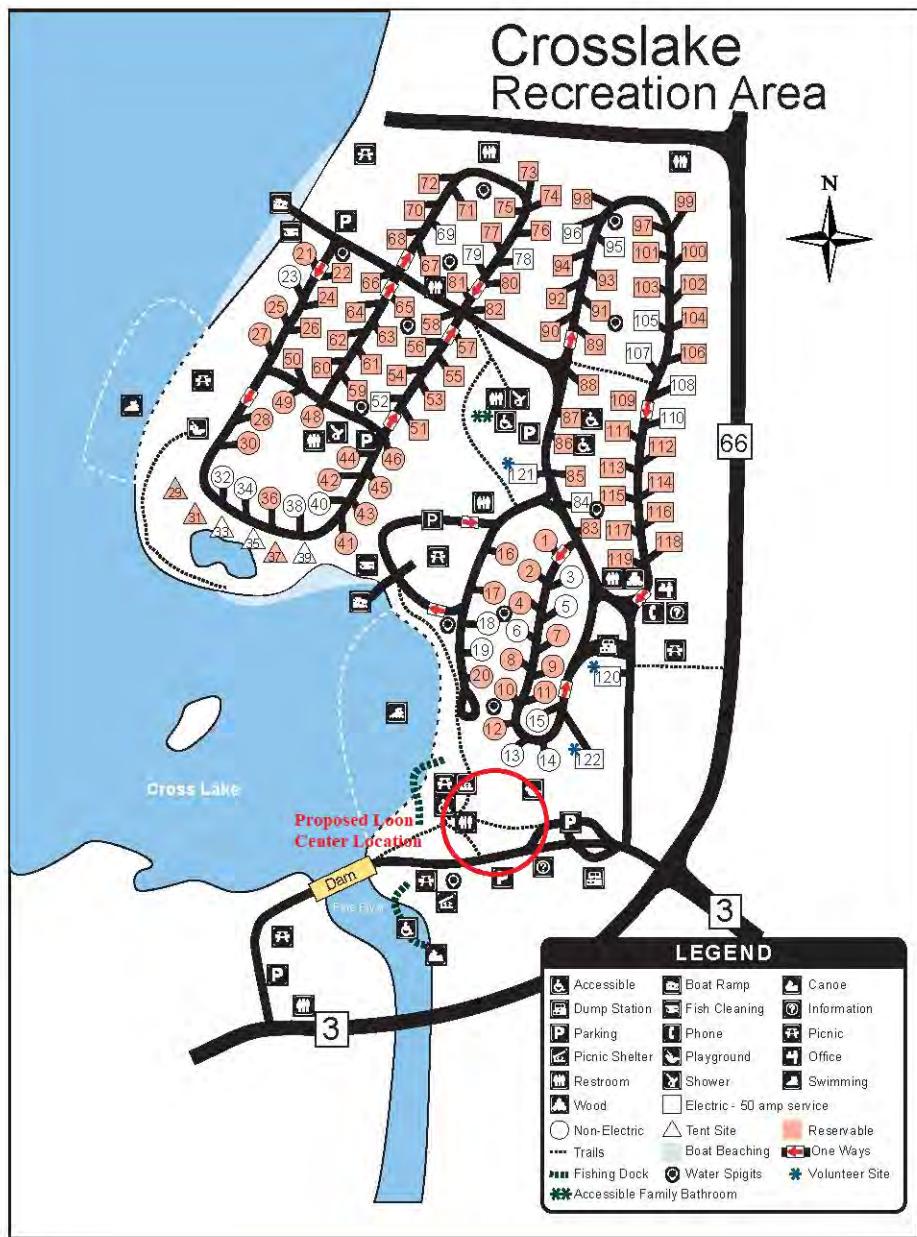
Signature: RY.J.1230543743

Digitally signed by  
BIRKENSTOCK.TERRY.J.1230543743  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=BIRKENSTOCK.TERRY.J.1230543743  
Date: 2019.03.15 08:39:32 -05'00'

Date Submitted: 14 March 2019  
*15*

Terry J. Birkenstock  
Acting Chief, Regional Planning and Environment Division North  
St. Paul District, Corps of Engineers

Figure 1 – Proposed National Loon Center Location



Draft Plan set was also included in correspondence with USFWS.

**From:** [Clark, Steven J CIV USARMY CEMVP \(US\)](#)  
**To:** ["Heidi.Lindgren@state.mn.us"](#); ["marc.bacigalupi@state.mn.us"](#); ["Randall.Doneen@state.mn.us"](#); ["Peter.Faspender@fws.gov"](#); ["westlake.kenneth@epa.gov"](#); ["scott.niemela@state.mn.us"](#)  
**Subject:** Proposed National Loon Center at Cross Lake; Draft EA Public Comment Period Ends April 22, 2019  
**Date:** Thursday, March 21, 2019 10:58:00 AM  
**Attachments:** [Draft\\_EA\\_LoonCenter\\_CrossLake\\_Mar2019.pdf](#)

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The U.S. Army Corps of Engineers, St. Paul District, released a draft Environmental Assessment, or EA, today, March 21, and is seeking public comments until April 22, on a request from the National Loon Center Foundation for a lease to construct, operate and maintain a National Loon Center within the Corps-owned and operated Cross Lake Recreation Area in Crosslake, Minnesota.

The Corps is currently evaluating the application submitted by the National Loon Center Foundation. The proposed 15,000 square foot National Loon Center building would provide experiential education that connects visitors with actions they can take for loon and wildlife conservation. The facility would be operated year-round and include water quality and wildlife habitat exhibits, a loon and freshwater research center laboratory and classroom and interactive technology to provide hands-on experiential education. Other site features would include public docks and educational interpretive areas.

The building would be constructed in the park's current day-use area. The existing comfort station would be replaced within the National Loon Center and available for public use.

A draft EA describing the proposal and the environmental impacts in detail is available to the public and can be viewed and downloaded from the St. Paul District website at: [www.mvp.usace.army.mil/Home/PublicNotices.aspx](http://www.mvp.usace.army.mil/Home/PublicNotices.aspx).

Questions on the project or comments on the EA can be directed to Steven Clark, project biologist, at 651-290-5278 or [Steven.J.Clark@usace.army.mil](mailto:Steven.J.Clark@usace.army.mil). Please address all formal written correspondence on this project to the St. Paul District, U.S. Army Corps of Engineers, ATTN: Regional Planning and Environment Division North, 180 5th St. E., Suite 700, St. Paul, MN 55101.

Steven J. Clark  
Chief, Environmental Compliance Section  
Planning and Environment Division North  
Army Corps of Engineers, St. Paul District

180 5th Street East, Suite 700  
St. Paul, MN 55101-1678  
Office: (651) 290-5278  
Mobile: (651) 356-4016  
[steven.j.clark@usace.army.mil](mailto:steven.j.clark@usace.army.mil)

## **Comments**

**Mailed or Electronic, and Scanned**

## Crosslake at a Crossroad

### Letter to the Editor:

Crosslake is at a Crossroads! Along with septic/sewer needs and facility expansion studies being done, an application for a 60 unit apartment building will come before the Planning and Zoning Commission Friday, March 22nd at 9 A.M. at city hall. In addition to the variances required for the three story 60 unit building, a separate 16 stall garage structure is planned with a paved parking lot for the remaining residents.

The proposed apartment complex will wipe out the treed buffer zone behind Andy's, as well as the office bldgs and shops along CR66. I wonder if there really is a need for a 60 unit "workforce housing" building in Crosslake. That needs to be closely examined by the city before granting the any variances.

In addition to this development, assuming the Army Corp of Engineers approves the project, the National Loon Center expects to begin construction in the fall of 2019 on shoreland near the COE campground with 40 additional docks, a boardwalk, and interpretive kiosks and then plans to build a 15,000 square foot building at the Army Corp of Engineer Pine River Dam Site and Campground.

And all of this would be happening at the corner of County Roads 66 and 3. So traffic at that corner is an issue that will need to be considered and solved,

probably with a round-about (traffic circle) that will wipe out ALL parking at that corner.

The Crosslake Comprehensive Plan that was updated and approved in May 2018 had extensive input from the community beginning with the Minnesota Design Team Visit in 2016. The many people from our community who participated were asked to choose what they considered to be Crosslake's greatest assets. The three most frequently selected groups were these.

1. Friendly people, recreational resources and Crosslake's history,
2. The lakes, US Army Corps Campground, the businesses
3. The Whitefish Chain, woods and nature, well maintained roads.

In Chapter 2 of the Comprehensive Plan, it talks about SMART GROWTH PRINCIPLES. They help us create a vision for the future. So instead of having to maybe react to potentially "not so good decisions" let's be proactive as citizens and work to define a vision for Crosslake's future that benefits everyone.

I urge you to call your City Councilmen and Planning and Zoning commission members and express your opinions, ideas and views. They will listen.

Patty Norgaard  
Crosslake Resident

Round-about for  
1. Motorhomes,  
Fifth Wheels, T-t  
Boats along with  
Pedestrian traffic  
is a terrible idea.  
2. Adding docks  
will bring boats  
in and could  
negatively impact  
the campground.  
People using docks  
in town late at  
bars could not  
be controlled by  
quiet time  
restriction.

also docks could  
impact vandalism

A COE -  
Don't be a  
party to those  
that would  
wreck the  
best ACOE  
campground in  
MN.

March 14, 2019

To U.S. Army Corps of Engineers

I am writing this letter to express my concerns regarding the National Loon Center and Fresh Water Institute proposed for the property owned and operated by the U.S Corps of Engineers in Crosslake, MN. A National Loon Center and Fresh Water Institute for the Crosslake area is a fine idea and would have many benefits. I believe the location and proposed size and appearance of the center has many drawbacks. There are also other factors which I believe may impose hardships and problems for citizens and loons.

Following are those concerns.

1. Traffic congestion will be a huge issue through our city and main crossroad of route 66 and the Corps of Engineers turn off. Semi trucks and other delivery vehicles will find movement inhibited. There are two new multiple dwellings projected to be built in the near future. These will increase population density and thus traffic issues at the crossroads of the Loon Center entrance. Pedestrian traffic and safety will be an issue as the traffic increases. This crossroad is also the main entrance to the very popular Camp Grounds run by the Corps.
2. The Corps of Engineers adjoining camp grounds may be affected and disturbed by a 15,000 square foot building (Loon Center). This is a very popular camping area for the State of Minnesota and the income for the Corps from the camper fees may be diminished, much of the standing pines and vegetation will be removed minimizing the naturalness and up North environment which now exists.
3. The City of Crosslake is currently dealing with the sewer system installation and possible new city hall issues and fire dept. housing and road improvements concomitant with increased infrastructures. Raising taxes to meet these needs is a huge concern at this time. A Loon Center may add to the financial needs.
4. The increase in boat docks and boat travel to this small bay of Crosslake near the federal dam will create wave action deterioration of shoreline and increased activity near nesting loons. Other loon nesting areas on these beautiful chain of lakes face the risk of further disturbance by boaters seeking their nesting areas, I question the helpfulness to the loon population with this economic endeavor.
5. The Whitefish chain of lakes already has experienced problems such as zebra mussels, and increased weed growth and reproduction which are related to increased human activity on the lakes.

In conclusion I believe the proposed Loon Center and Freshwater Institute be

located elsewhere. It appears to be economic and political pressures which are driving this Loon center concept without full regard to the possible downside and long term consequences for the Crosslake environment.

Sincerely,

St. Paul District, U.S. Army C.O.E.  
Attn: Regional Planning & Environmental Div. North  
180 Fifth St.E. Suite 700  
St.Paul, MN. 55101

March 28, 2019

Dear Sirs,

We are writing to comment on the National Loon Center proposed to be constructed in Crosslake at the present Cross Lake Recreation Area. We hope it never happens!

We have lived in Crosslake since 1948, have seen many changes and are happy with how Crosslake has grown and prospered in these past 70 years. The Recreation Area and camp ground, opened in the late 60's, has been a tremendous asset to our community. If the Loon Center is built, many of the camp sites will be lost and the building of the size they are planning will certainly contribute to more pollution to the environment. The added traffic will require a lot of changes to county roads 3 and 6 -they are talking about a round-a-bout! And how will it affect our Historic Log Village?

These are just a few of our concerns, but many of our friends feel as we do, but they will not take the time to write. Has anyone considered having the residents of Crosslake vote on the matter? If a majority of our residents are in favor, that will be final answer and we would of course, go along with the results.

St Paul District  
US Army Corp of Engineers  
Regional Planning and Environmental Division North  
180 5<sup>th</sup> St E  
Suite 700  
St Paul, MN 55101

Dear Sir:

I am writing to express my concerns about the plans for the Loon Center in Crosslake.

The scope of this project is too large for that location. If estimated numbers of visitors are close to realistic, traffic, both vehicular and boat, will increase dramatically.

The intersection of highways 3 and 66 can be quite busy and a bit dangerous now, particularly on the weekends. Camper traffic is entering and exiting the camp ground. Cars pulling boat trailers are regularly moving through the area. Plus, of course, there is all the general traffic including commercial heavy trucks that use those roads. The intersection is barely adequate now but does suffice. Adding thousands of other vehicles to this mix seems like accidents waiting to happen. *Modifying the intersection will only add unplanned expenses to the project. Those extra expenses will most likely have to be covered primarily by local tax payers.*

The lake is of further and perhaps greater concern. That section of Crosslake is already very busy, especially on the weekends. Existing boat traffic is greatly contributing to shoreline erosion and, in general, dangerous boating conditions. Adding public docks with the attendant additional traffic will only exacerbate the problem.

The plan also calls for loon nesting habitat. Are we really expected to believe that loons will nest in an area so heavily trafficked by boats and people?

More people on the site will almost certainly mean more people wanting to cross the highway to go to restaurants and stores. This could be very dangerous for the pedestrians. These are well traveled roads with little in the way of traffic control. Adding traffic controls will fall outside the scope of the project and place an additional unnecessary burden on the tax payer.

Crosslake was never really a town but rather a road junction by the Lake of the same name. Adding a significant size building, trying to create a town, modify roads and adding traffic controls does not seem sensible at this location. It can only detract from the “up north cabin country” feel of the area.

St. Paul district U.S. Army corps of Engineers

Attn: Mr. Steven Clark

180 5<sup>th</sup> Street

St. Paul, MN 55101-1678

April 6, 2019

Dear Mr. Clark,

I am writing to you to express my many concerns about the proposed Crosslake Loon Center. I have lived and worked in the Crosslake area for the past 18 years. I know from experience the beauty and peacefulness of the campground. I worry that the proposed large building to house the Loon Center would greatly disturb the current campground. To remove the majestic trees would have such a negative impact on the quiet beauty of this area.

The traffic would create such congestion to an otherwise smooth flowing road in this tourist town. There would be a round-about created to accommodate all the vehicle traffic and this would involve taking away property from the parking lot at the corner, removing the existing tourist info building and taking away valuable property from the Historical Village. All of this will be increasing taxes.

The proposed amount of docks and water traffic would add to all the current water issue concerns. We all want clean water to maintain the quality of life for the birds and fish. I worry that all the extra traffic could greatly affect the safety of the loons themselves.

While I am not against a Loon Center as a concept, I feel that it could be built outside of Crosslake in an area where parking and traffic flow would not change the charm for the tourists that come here each summer for a small town experience. Much like the Wolf Center is outside of Ely and does not impact the town itself perhaps a different location could be examined. There is a huge area in Manhattan Beach that may better serve as a possible location. Most of the visitors would probably be school children coming during the school calendar year. The loons

would be gone for the winter months so the argument to need the site to be on water isn't valid.

Thank you for taking the time to read my concerns. I hope the there will be more time for others to join in with their own concerns and perhaps re-think this proposal.



April 8, 2019

TO: US Army Corp of Engineers

FROM: Bill Brekken, District 2-Crow Wing County Commissioner

RE: Proposed National Loon Center-Cross Lake Recreation Area

The proposed National Loon Center in District 2 of Crow Wing County, located in the Cross Lake Recreation Area has my full support.

This proposed effort involves so much more than the "building", but it extends out into water quality and wildlife habitat and into a loon and freshwater research laboratory and classroom to provide invaluable education for visitors. This opportunity exists for all of the many visitors from near and far to learn and experience the natural resources of this unique and precious area.

While at the same time, the economic impact that the Center will contribute by increasing tourism will contribute to the benefit of the Cross Lake area and Crow Wing County.

It is my sincere belief that the proposed Loon Center is a win-win for the environment and for the vitality and enrichment of all lives!

If there is any way in which I can assist in making a positive decision in regard to the creating of the National Loon Center in the Cross Lake Recreation Area, please contact me.

Thank you for your time and consideration given to this proposal.

Bill Brekken

District 2

Crow Wing County Commissioner

**Our Vision:** Being Minnesota's favorite place.

**Our Mission:** Serve well. Deliver value. Drive results.

**Our Values:** Be responsible. Treat people right. Build a better future.

April 15, 2019

TO: St. Paul District  
U.S. Army Corps of Engineers  
ATTN: Mr. Steven Clark, CEMVP-PD-C  
180 5th Street East, Suite 700  
St. Paul, MN 55101-1678

FROM:

RE: Draft Environmental Assessment - National Loon Center

First, thanks for sending a paper copy of the Draft.

The March 27, 2019 Strib. indicated that though the public comment period on the National Loon Center (NLC) Draft Environmental Assessment would end April 22, "lease negotiations with the Army Corps could begin as soon as late April ...."

To me that suggests a "slam-dunk" that will merely change the title from "Draft" to "Final" without any modifications based on comments received.

For instance, I was hoping that the fuzzy "Rendering" of the NLC in the March 27 paper and the much sharper version that appears twice in the Envir. Assessment were merely "possible," not actually "fairly final." However, a closer examination of WSN's seven sheets C1.0 - C7.0 in Attachment C show how mistaken I was. They are the "Final Seven"!

Turning to Proposed Alternative Effects (Table 1, p. 11):

As presented I feel they were 1) not too hot/"beneficial", 2) not too cold/"adverse," but rather 3) lukewarm/"no effect." That's what the "no action alternative" would produce! Is lukewarm/"no effect" the "best" result the NLC can achieve as laid out in the Draft? I think not!

For instance, p.8 3.2.2 mentions "conversion of manicured lawn to impervious surface." That suggests to me, at least, that "manicured lawn" is not really good to begin with. I get the implication that converting it to "impervious surface" would be "OK" (i.e. because it's not that much "worse".)

For two-plus decades I've had twin "passions" of butterflies and dragonflies. Tapping into those twin passions I'll make several suggestions that could "nudge" the "effect needle" from lukewarm/"no effect" to more clearly "beneficial".

First suggestion: Convert manicured lawn to native plants and grasses. A whole host of positives should ensue, including but not limited to:

- o Pollinator habitat established from what was previously a "no-man's land."
- o Natural erosion prevention vastly improved for Cross Lake.
- o Reduced carbon footprint via fewer fossil fuel inputs needed for mowing, spraying, fertilizer activities.
- o Water conservation after the natives became established so that any needed supplemental watering would end.
- o Energy conservation.
- o Maintenance cost savings.
- o Educational enhancement for visitors who could see first-hand a viable alternative to manicured lawns. (A small exhibit inside the Center could magnify this educational experience.)

page two  
April 15, 2019

First suggestion concluded:

o Demonstrate "resource stewardship effort" (per p.10 3.4) is actually taking place.

Second suggestion: Establish a meaningful buffer strip of native vegetation along the water's edge. (I'm both baffled and troubled that the "Rendering" does not have one, which is a premiere BMP (best management practice) of shoreland stewardship! In fact, "Rendering" shows crowds of visitors walking/trampling very edge of the shoreland!!) Positives would include:

o Establishing a final barrier against runoff and sediment pollution into Cross Lake.

o Vegetation for dragonfly larva to emerge as flying adults from Cross Lake. (Provides another educational opportunity, especially if small exhibit inside Center. I'm sure an organization such as Minnesota Dragonfly Society could help develop such an exhibit.)

I think it is interesting on each of the seven WSN plan sheets in Attachment C below its name are sub-heads reading from left to right: "Engineering" (first) to "Environmental" (fourth). I'm left wondering: What NLC development scenario would have emerged if an "environmental" first company, consultants, etc. had done the proposal?

Draft page 7 states: "Heavy development has disturbed most of the shoreline vegetation on Cross Lake and the Whitefish Chain of Lakes." Reading the Draft leaves me with this overall impression: The heavily-engineered RPA will add more disturbance, but so what! Bottom line for me: It could have been so much more positive. But the die is cast in "concrete" (or should I say "manicured lawn" and "impervious surface?").

Nonetheless, thank you for considering these comments.

Sincerely,

April 16, 2019

St. Paul District  
US Army Corps of Engineers  
Attn: Mr. Steven Clark, CEMVP-PD-C  
180 5<sup>th</sup> Street East, Suite 700  
St. Paul, MN 55101-1678

I am writing this letter to comment on the Proposed Loon Center at the Crosslake Recreation Area.

After reviewing the draft of the Environmental Assessment dated March of 2019 I have some concerns, as do many people I spoke to in the immediate area.

The business community is very much in favor of the project as it would increase the number of people (potential customers) in the area. There has been talk of a roundabout or possible traffic lights at the intersection entrance to the camp ground (and loon center). If that is the case, more parking to the west would be used.

There are also some ecological aspects to this project which would be negative:

Increased impervious surface (mostly parking) in an area that is already stressed. I am referring to parking area, building sites, soil compaction. Resulting in increased runoff. Raingardens are great, but in the long run impractical for this area.

Campground docking and Loon Center docking. Other than the fishing dock, I can't recall any other docks at the corps campground. This area is mostly sugar sand. For years boaters have beached their watercraft on the shore and secured watercraft with a rope. Since there are no rocks, it has worked well. Appendix "B" shows 9 docks added with 4 slips per dock. I do not see the need for adding these docks. If aesthetics and natural beauty are a concern, this docking is unwarranted. Over the years, the Army Corps campground has always been busy. It is very hard to get a camping spot in the summer.

The loon center is a great idea, but the proposed location is too crowded in many aspects. A loon center would be better suited in a less congested area. The North American Bear Center and the International Wolf Center (both in Ely, MN) are on the fringes of the city of Ely – not in a congested area. Nature centers should be in a natural area. There is only so much pressure one can put on a lake or river before the water quality starts to decline. Crosslake water has declined over the years. With a loon center as proposed, it will hasten that decline.

To summarize, I am in favor of the loon center, but not at this location.

April 16, 2019

St. Paul District  
U.S. Army Corps of Engineers  
Attn: Mr. Steven Clark, CEMVP-PD-C  
180 5<sup>th</sup> Street East  
Suite 700  
St. Paul, Minnesota 55101-1678

Dear Mr. Clark,

As a Crosslake resident I am writing to express my opposition to the National Loon Center being built at the proposed site.

Sincerely,

**From:** [Matt Kilian](#)  
**To:** [Clark, Steven J CIV USARMY CEMVP \(US\)](#)  
**Subject:** [Non-DoD Source] National Loon Center  
**Date:** Wednesday, April 17, 2019 2:04:48 PM  
**Attachments:** [image001.jpg](#)  
**Importance:** High

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Dear Mr. Clark (Steve),

On behalf of our 1,000 business members in the Brainerd Lakes Area, please consider this letter as our Chamber's formal support for building a National Loon Center on the Army Corps of Engineers property in Crosslake, Minnesota. Our Board of Directors and Government Affairs Committee are actively supporting this project.

You have likely been made aware that Minnesota has a higher population of Common Loons of any state in the continental U.S., and that climate change may cause them to abandon their northern migratory habitat. Threats include aquatic invasive species like zebra mussels as well as human interactions in shoreline development, boating behavior and even lead poisoning from fishing tackle. Maintaining the health of our freshwater resources is the highest priority.

It would be a shame for Minnesota not to be a leader in protecting and preserving its official state bird. Through public affinity for the loon, which has become a symbol for our great outdoors, the National Loon Center holds the promise of creating awareness and changing behaviors in the many ways we interact with our environment. For all generations and political persuasions, the loon can become a rallying cry for many important initiatives.

Coupled with regional economic impacts, community support and sound management, we believe that these benefits are compelling. And with funding resources and volunteerism approaching near-perfect alignment, the time to act is now. For all of these reasons and many more, we respectfully request your expedited approval of a lease to construct, operate and maintain a National Loon Center at the Cross Lake Recreation Area in Crosslake, Minnesota.

Sincerely,

-MATT



**Matt Kilian, President**

Brainerd Lakes Chamber of Commerce

218-822-7111 | [Blockedwww.explorebrainerdlakes.com](http://www.explorebrainerdlakes.com)

April 17, 2019

St. Paul District  
U.S. Army Corps of Engineers  
Attn: Mr. Steven Clark, CEMVP-PD-C  
180 5<sup>th</sup> Street East  
Suite 700  
St. Paul, Minnesota 55101-1678

Dear Mr. Clark,

I am asking for your serious consideration regarding the request for a lease between the U.S. Army Corps of Engineers and the proposed National Loon Center in Crosslake, Minnesota.

It is our concern that the lease and construction of a National Loon Center (NLC) at the proposed site would be a detriment to the existing site and to the community for the following reasons:

1. The community has not been given an opportunity to express their opinions, ask questions or learn the facts surrounding the proposed site for the NLC. In earlier "community meetings", many in the audience were advocates invited by the proponents such that there would be the appearance of greater support for the NLC than there actually was. Also, the agenda was heavily weighted to entities such as the University of Minnesota who were there to support the NLC organization.
2. For those of us more familiar with the process, the information provided to you and to the residents of the Crosslake community has not been entirely accurate. For example, one of the earliest studies included the statement that other locations had been researched, however, that was not the case. Another thing would be the addition of public docks to the proposal that were not part of the initial conversations although I personally believe that the proponents had intended to have the docks as a part of the project from the beginning.
3. A 15,000 square foot facility is simply too large for the limited space being considered. For example, there would likely not be enough on-site public parking. To expect people to park on County Roads is ridiculous given our level of tourist traffic over the summer. And, we currently have limited sidewalks in Crosslake adding potential cost to the infrastructure that would be required and taxpayers would have to pay for. Furthermore, the entry to the site at County Roads 66 and 3 would be located at the busiest intersection in the city, county highway engineers have indicated that a "roundabout" would likely be needed, adding substantial cost for our taxpayers. And, if so, what will happen to the Linda Ulland Memorial Butterfly Garden also located at that corner of the Corps property?
4. A thoughtful analysis has not been completed. The community has not seen a detailed plan outlining maintenance, operation or the infrastructure needed to support this site. Taxpayers have not seen anything to indicate the potential cost to them that may occur to support the NLC.

5. The proposal does call for shore land restoration in conjunction with the dock installation. However, the shore is in better condition today than it was 5-10 years ago. And we have several local entities that already play an active role in keeping our shore land whole. Anyway, who would think a loon will want to be in the bay with 40 or more docks installed? Loons and boats are not compatible.
6. The Corps Campground is a major economic driver for Crosslake. Over the years the ACOE and the city have built a close working relationship that helps support our Tourism Economy. For example, Crosslake is known for the “Holiday at the Dam” weekend, sponsored by The Light Up the Dam committee, when more than 300 visitors typically come to enjoy hayrides and smores around the bonfire. And that is just one of many events through which the city and the ACOE work together to support our community. In particular, the Wounded Warrior weekend when we host veteran families who enjoy the opportunity to fish, sit by the lake, enjoy bonfires and eat pancakes and eggs served by the Crosslake Fire Department. On fishing opener weekend locals and guests enjoy the Light up the Dam “Drive by Brats” fundraiser, and the soup contest where soup is cooked in a big pot over an open fire for Winterfest. By the way, the ACOE is the reigning champions for their “Babe the Blue Ox Booya”
7. I do not believe the NLC proponents have been completely truthful or acted in the best interest of the community, but are politically motivated to see this project completed at the ACOE campground. Based on my conversations with community members, if the project, as proposed, were to be placed before the voters, it would be voted down.

Crosslake residents are highly protective of our native bird and understand the environment in which they can safely live, the proposed site is not compatible with those ideals.

Most important, Crosslake residents are very proud of the Pine River Federal Dam site and consider it to be the place maker in the heart of our community. I urge you to take careful consideration and due diligence so that the best decision can be made for everyone.

If you have not had the opportunity to visit our Dam and Campground, we would welcome the opportunity to visit with you and talk about the future of the Corps site and its relationship to the community.

Sincerely,

CC:

Senator Carrie Ruud  
Representative Josh Heintzman  
Representative Dale Lueck  
Representative Pete Stauber  
Matt Killian – Brainerd Lakes Chamber of Commerce  
City of Crosslake



***Whitefish Area Property Owners' Association***

April 18, 2019

St. Paul District, U.S. Army Corps of Engineers  
ATTN: Regional Planning and Environment Division North  
180 5th St. East, Suite 700  
St. Paul, MN 55101.

Re: Draft Environmental Assessment, National Loon Center at Cross Lake Recreation Area

Dear Corps:

On behalf of the 1150 members of the Whitefish Area Property Owners Association (WAPOA), we are offering comment on the Environmental Assessment (EA) completed by the Corps for the National Loon Center at the Cross Lake Recreation Area. WAPOA is one of the largest and oldest non-profit lake associations in Minnesota. We are committed to protecting and preserving the water quality of the Whitefish Chain of Lakes and the waters of the Pine River Watershed.

We believe there are important factors to consider in approving a lease with the National Loon Center at the Cross Lake Recreation Area. The educational and water quality focus of the NLC as noted in the EA are of potential benefit to WAPOA and those now and in the future who use the lakes and other natural resources. The factors addressed in the EA regarding the effects on the terrestrial and aquatic habitat of the area are of particular concern to WAPOA.

We offer the following comments:

Per the EA Section 2.1, "The 15,000 square foot NLC building would provide hands-on, experiential education that connects visitors with actions they can take for loon and wildlife conservation. The year-round facility would include water quality and wildlife habitat

*the WAPOA Mission: Stewardship of the natural world throughout the Whitefish Area and the Pine River Watershed. We shall lead and work with citizens, groups, associations, and government units to conserve and improve the quality of our waters, shoreland, fishery, wildlife resources, and general welfare for the benefit of present and future generations.*

Post Office Box 342 Crosslake, MN 56442

educational exhibits, a loon and freshwater research center laboratory and classroom, and interactive technology to provide hands-on experiential education. In addition to the building, site related features would also include public docks, boardwalks and trails, and educational interpretive areas."

Discussions with the directors of the National Loon Center Foundation, verify that their mission to protect the common loon and preserve loon habitat, is consistent with the mission of WAPOA to preserve and protect the water quality of the Cross Lake, Whitefish Chain area. Ongoing education regarding water quality is a primary task of WAPOA and education about loon habitat is a primary focus of the NLC. The physical presence of the NLC with hands-on educational exhibits is vital to both the NLC and WAPOA's goals of teaching the larger community the proper methods and ways of protecting water quality and loon habitat.

The major concerns of WAPOA are the effect of additional boat and vehicle traffic related to the NLC. Currently boaters beach their boats along the shoreline at the Cross Lake Recreation Area. The addition of floating docks for use by the Recreation Area campers and NLC visitors may have fewer negative impacts on shoreline vegetation and erosion.

There is already substantial boat traffic on the Whitefish Chain and Cross Lake particularly on summer weekends and Holidays creating concerns about safety and the effect on water quality. While there may be additional boaters coming to the area to visit the NLC, it can be suggested that visitors traveling to the area with boats would have done so even without the NLC presence.

Vehicle traffic in the City of Crosslake will likely increase substantially with the addition of the NLC. This increased traffic would likely have an economic benefit to the retail and service businesses in the local area. However, road runoff of harmful substances and increased air quality concerns from increased traffic could have negative effects on water quality.

As the Environmental Assessment notes, past actions of construction and development around the Chain, including the reservoir itself, have had varying levels of adverse impacts on the physical and natural resources in the region. However, these same actions have likely had a beneficial impact on the socioeconomic resources of the area. The development, construction

and maintenance of the National Loon Center facility will also have adverse as well as beneficial effects. Should the USACE decide to enter a lease with the NLC at the Cross Lake Recreation Area, WAPOA strongly recommends direct action by the Corps and provisions in the lease that ensure the protection of the environment and the viability of the campground.

For the Whitefish Area Property Owners Association, the potential educational benefits of the project are substantial. The NLC provides a physical, hands-on educational facility that helps us educate people of all ages, socioeconomic and cultural backgrounds in the value of good stewardship of our waters and wildlife – namely the common loon.

We appreciate the opportunity to provide comments on the proposed lease for the National Loon Center at the Cross Lake Recreation Area.

Regards,



Anthony E. Coffey  
President  
Whitefish Area Property Owners Association  
PO Box 342  
Crosslake, MN 56442  
612-599-3355  
[tcoffey@martfinancial.com](mailto:tcoffey@martfinancial.com)

cc: WAPOA Board of Directors



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 18 2019

Steven J. Clark  
U.S. Army Corps of Engineers, St. Paul District  
180 5th Street East, Suite 700  
St. Paul, MN 55101-1678

REPLY TO THE ATTENTION OF:

**RE: Draft Environmental Assessment, National Loon Center at the Cross Lake Recreation Area, Crow Wing County, Minnesota**

Dear Mr. Clark:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Assessment (EA) for the proposed National Loon Center at Cross Lake in Crow Wing County, Minnesota prepared by the U.S. Army Corps of Engineers (USACE). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

USACE is evaluating the application submitted by the National Loon Center Foundation for a 15,000-square-foot building would provide experiential education connecting visitors with actions they can take for loon and wildlife conservation. The facility would operate year-round and include water quality and wildlife habitat exhibits, a loon and freshwater research center laboratory and classroom, and interactive technology to provide hands-on experiential education. Other site features would include public docks and educational interpretive areas. Based on the provided Draft EA, EPA has the following comments.

### **Sustainable Infrastructure**

To reduce impacts of the Loon Center, EPA recommends the following be considered when designing the main building, auxiliary structures, and surrounding area.

- Consider Leadership in Energy and Environmental Design (LEED) and other green building certification programs, as well as designing for net-zero energy usage.
- Consider best practices for energy efficiency and sustainable building design. Examples include south-facing skylights and windows, motion-sensored lighting, use of Energy Star certified products, LED lighting, and siting renewable energy onsite.
- Commit to recycle construction debris.
- Consider replacing raw materials with recycled materials for infrastructure components. Some options include:
  - Use recycled materials to replace carbon-intensive Portland Cement in concrete as “supplementary cementitious material.”
  - Use tire-derived aggregate in lightweight embankment fill and retaining wall backfill, and
  - Use recycled materials in pavement applications, such as crushed recycled concrete, recycled asphalt pavement, and rubberized asphalt concrete. In some circumstances, on-site asphalt can be re-used (e.g., cold in-place recycling or full depth reclamation).
- Identify design measures to improve site infiltration, including but not limited to: permeable or porous pavement in parking lots, sidewalks, and other outdoor paved areas; increasing the vegetated areas on the site; and, use native vegetation rather than turf grass or unvegetated space.

- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

#### ***Occupational Health***

- Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.
- Position the exhaust pipe so that diesel fumes are directed away from the operator and nearby workers, reducing the fume concentration to which personnel are exposed.
- Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any incoming air is filtered first.
- Use respirators, which are only an interim measure to control exposure to diesel emissions. In most cases, an N95 respirator is adequate. Workers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. Personnel familiar with the selection, care, and use of respirators must perform the fit testing. Respirators must bear a NIOSH approval number.

#### **Recreational Opportunities**

EPA expects that day visitors and campground users in the area expect a degree of solitude and may not be aware of the proposed Loon Center when planning their recreational activities. The EA is unclear how USACE and the project sponsor plan to notify users to duration and extent of proposed impacts, even temporary ones. We recommend the FONSI clarify the procedures and requirements for notifying the public about potential construction and modification of the campgrounds. We recommend the project sponsor ensure visitors are made aware of potential impacts from construction, including noise and emissions. We recommend considering general information signs or markings directing users away from new vegetation and other sensitive areas and towards existing facilities, such as campsites and appropriate trails. EPA recommends any signs describe the different phases of construction and any maintenance activities. Information should be tailored to the different types of area users (day users, boaters, campers, etc.).

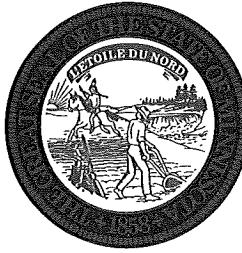
Thank you in advanced for your consideration of our comments. Please send us a copy of the FONSI once it is available. If you have any questions, please contact me or Elizabeth Poole of my staff at [poole.elizabeth@epa.gov](mailto:poole.elizabeth@epa.gov) or (312) 353-2087.

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

**Dale Lueck**  
State Representative  
District 10B  
Aitkin and Crow Wing Counties



# Minnesota House of Representatives

April 19, 2019

St. Paul District  
U.S. Army Corps of Engineers  
Attn: Mr. Steven Clark, CEMVP-PD-C  
180 5<sup>th</sup> Street East (Ste 700)  
St. Paul, Minnesota 55101-1678

Dear Mr. Clark,

The National Loon Center Foundation's request for a long term lease for the proposed National Loon Center at Crosslake, Minnesota has my strongest recommendation for approval.

This project is an excellent long term conservation based strategy for the utilization of this important US Army Corps property. It has strong community support and broad financial backing including by the State of Minnesota, private foundations and individual donors.

The proposed facility will provide a year around focus on water quality and wildlife habitat research in support of Minnesota's state bird the Loon. The Foundation in partnership with the University of Minnesota and Central Lakes College at Brainerd have developed a very clear and achievable business plan for construction of this project and its long term operation.

This project will provide a much needed focus on restoring and protecting loon habitat, enhancing environmental recreation, and the necessary research and education element to ensure this important migratory bird is well protected future generations.

Again this project and the lease request for the construction and operation of a National Loon Center has my strongest support. Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink that reads "Dale K. Lueck".

Dale K. Lueck  
Minnesota House of Representative District 10B

District Office: (218) 927-2495 Email: [rep.dale.lueck@house.mn](mailto:rep.dale.lueck@house.mn) Mailing Address (June- Dec.): 37489 295<sup>th</sup> Street, Aitkin, MN 56431

St. Paul Office: (651) 296-2365 Mailing Address (Jan.-May): 311 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul MN 55155-1298



To Whom It May Concern -

April 19-2018

- Comments concerning the National Loon Center  
in Crosslake Mn.

- As a year round resident for 30 years I've seen many changes to the Crosslake area. And as you may realize, the Crosslake lakes area and Corps of Engineers campground attract a large number of tourists.

Therefore I believe that the proposed "National Loon Center" (NLC) has too many negative features to justify it being built where and as proposed.

First of all, the artist's rendition of the proposed NLC is very misleading and does NOT accurately show the size of the structure, the actual location of any of the proposed development, or does it include the dam and flood retention wall, which would run through the middle of the buildings. Also it does NOT depict the existing rise in elevation where the NLC would be built.

Also I would encourage a No-Action Alternative for the following reasons -

① Removing the day use area would basically destroy the only open area for use at the campground/dam, and one of the only locations

(2)

remaining on the entire  
Whitefish Lakes area

(2)

More Pollution -

a) Auto & Boat emissions, runoff from the imperious parking lot and structures, which would enter directly into the lake and river

b) Noise Pollution - Increased traffic and boat noise. Constant noise from the building's air conditioners, transformers, air exchangers, exhausts, etc.

c) Light Pollution - Increased lighting from the building, parking lot, ~~street~~ street lights, signs, etc.

(3)

Destroying more lake habitat for the proposed large docking areas, destroying 100+ year old pine trees and other habitat.

(4)

Trails and Boardwalks - The proposed trails would remove more natural habitat, probably a number of campsights, and ruin even more shoreline and habitat. Not to mention even more trees and shoreline.

<sup>mention</sup>

You minimal noise, shoreline damage, air pollution and traffic effects. This town can't handle the traffic and added

Congestion now, or the extra sewage that would be generated. This NLC would only make things worse.

Your argument that they are all minimal effects and also that the lake is already "over developed", so destroying more natural beauty would be justified is completely a misguided view point. And as to the employment generated, it would probably be "outside" companies doing the work, and very few paid locals for the long term.

I believe that there are too many negatives about this development in a small town and a congested area with already diminishing natural areas. And the minimal advantages just DO NOT justify going ahead with this "Feel Good" proposal from mostly part time residents and a hand full of business's and realtors for their personal gains.

Therefore I would hope you would go with a NO-Action Alternative -

Thank You for your time -

St Paul District  
U.S. Army Corps of Engineers  
Attn: Mr. Steven Clark, CEMVP-PD-C  
180 5th Street East  
Suite 700  
St. Paul, MN 55101-1678

Re: National Loon Center at Crosslake MN, Draft EA

Dear Mr. Clark

First a little background: the "idea" of a National Loon Center (NLC) at Crosslake Minnesota originated in 2016 out of an initiative of the Crosslake Economic Development Authority. That project also involved the Minnesota Design Team (MDT) a volunteer organization of architects, engineers and other professionals who assist community's across the state in planning future development. Part of that effort included a number of events designed to generate input from the community and develop priorities and project ideas. One of these ideas that was adopted was for a "National Loon Center" to be modeled after the "National Wolf Center" located at Ely, MN.

The rationale for the center was that the loon, an ancient aquatic bird found in many parts of North America and Minnesota's state bird, according to the Dept. of Natural Resources (DNR) makes the Whitefish chain of lakes in North Central Minnesota their summer home and is known to have the largest concentration of loons in the United States during summer months. So, given that the city of Crosslake is located on one of those lakes, it seemed that this would be the appropriate site for such a project. Among other things, the economy and vitality of Crosslake as well as the entire region is dependent on the lakes in one way or another. Both in terms of business activity-- most of which is either directly or indirectly connected to the lakes in some way-- and Tax Base which is related to property values and provides nearly two-thirds of the annual revenue generated by the municipality. Therefore, the lakes and water quality are essential to the overall welfare of the community and is at the top of the list of our priorities.

As the concept was further developed, the relationship of the Loon to water quality became even more obvious. An aquatic creature, the loon relies on water for both it's habitat as well as its sustenance. They spend most of their lives on the water coming ashore only to hatch their young. Their diet consists mainly of small fish, amphibians, crustaceans and similar mid-sized aquatic fauna. It turns out the Loon is an exceptional diver capable of reaching depths of as much as 200 feet as they find their food. They prefer clear lakes because that enables them to easily see their prey through the water. To help with digestion, loons also swallow small pebbles from the bottoms of lakes. In so doing they can inadvertently ingest small lead pellets released by anglers and hunters that results in lead poisoning and eventual death. But, that is just one of many threats now facing the loon. The small fish the loon relies on are part of a long food chain that supports all life in our lakes. They consume plant life found in the water and in turn are eaten by larger fish, however certain Aquatic Invasive Species such as the zebra mussel also thrive on the plant life that the small fish rely on and as the mussel becomes more prolific, the plant life is diminished to the point that the entire food chain is threatened. So, the Loon in many ways serves as the proverbial "canary in the mineshaft" when it comes to water quality, Where you see loons, you can pretty much rest assured the water quality is also good. Therefore, the loon is a symbol for the cause of preserving water quality and an underlying purpose of the center.

And so, an integral part of the NLC concept became the inclusion of a 'Fresh Water Institute' to focus on the larger issue of preserving water quality and promoting the concept of good environmental stewardship. While the Fresh Water Institute had seemed to be such a logical and fundamental part of the project, as the planning progressed, that elemental concept has been diminished to where other than as a minor reference, it doesn't appear to be part of the submittal at all. To where now, instead of a fundamental research and educational element dedicated to the preservation of the ecology that supports the loon and other wildlife, the current submittal features an installation of 40 "Public Docks". Something that would have been thought of as antithetical to the idea of shoreline preservation and responsible environment stewardship has been substituted.

While it might be argued that the promised dedication of "half" the proposed docks to camper use could in some way be beneficial to the Corps mission, but, the question remains as to how the other 20 docks are intended to be used. One possibility that has been rumored is that they be made available for rent to non-camper visitors staying at local hotels and other properties in the area. Another is that as public docks they would be available to patrons of local business entities which would mean predominantly restaurants and Bars. Has the Corps been advised as to any such plan? And, if so, has the Corps looked into the operational and public safety aspects that would be involved as well as the liability risks. It would seem that if the Corps had determined a need for facilities such as this, it would have been a part of its long range planning. But, assuming it is, why such facilities would be open to the general public given that would require some level of staffing or supervision if for no other reason than liability issues. The draft Environment Assessment (EA) also doesn't address the question of what responsibilities might be expected from the Corps in that regard.

So, given that the proposed docks would be located on ACOE property adjacent to the existing campground and recreational area, what thought has been given to how these docks would be used or managed? Rather than rationalize the need for the proposed dock installation, perhaps the mission of the U.S. Army Corps of Engineers at Crosslake should be revisited. As I understand it, the mission consists of two primary parts-- 1) Operation of the Pine River dam. Which as part of the Mississippi headwaters system, helps provide both flood control and navigational support for the lower river as well as manage lake levels on the Whitefish Chain and 2) Management of the campground and recreational area adjacent to the dam. With 122 campsites, this facility is one of the most popular in the state and hosts a very large number of visitors each year. However, it just seems that neither the proposed docks nor the Loon Center are essential to these central missions. To the contrary, the Loon Center would displace what is now an activity area where campers enjoy a wide range of recreational activities and where many events are held during the year that involve both campers and community residents as well.

Which brings us to another anomaly in the Draft EA submittal. The assertion that the proposed site is the "only suitable location" for such a facility. This is simply not the case. While certain of the proponents may have economic interests in closer proximity to the proposed site and see it as beneficial for them because of increased visitor traffic, it is not true that there is no other suitable location or that an alternative site would be less beneficial to their interests than the proposed site. The fact is, there is an alternative site and it is more consistent with the intended purpose than the proposed site. But, the alternative site is not just 'suitable' it is also considerably larger and would put much less stress on city resources and infrastructure than the proposed site. It is also property that belongs to the Corps and is currently not being used for anything other than a wooded area with a walking path. The property is known as "South Bay Park" and is located on Cross Lake approximately two miles Southwest of the dam site. It consists of approximately 25 acres with

woods and shoreline habitat consistent with the nesting of loons. Something the proposed site is not.

The draft EA has also grossly understated the impact the proposed project would have on the city's operations during as well as after construction. For one thing, the entrance to the proposed site is at the main entrance to the campground and is located at the intersection of two county highways that constitute the most heavily trafficked intersection in the entire area. So, there would certainly be a major disruption of traffic in to and out of the city both during and continuing after construction. The City has been advised by County highway engineers that to address the increased traffic forecast for that intersection, a redesign and reconstruction of the intersection would be required and will likely involve a traffic circle/round about. Aside from the cost involved, a substantial portion of which would likely be born by the city, the resultant disruption of traffic that would be involved will undoubtedly be met with much consternation and opposition from our residents. But beyond that and the impact to the operation of the Corps Campground that the project as presently proposed would have, the current entrance to the campground and what would also be the entrance to the proposed Loon Center is where the vast majority of traffic entering and leaving the city passes on a daily basis. So, the disruption that would occur would seriously impact the city as well. And, to be clear, that would not be limited to the period of construction.

On the other hand, the city has already begun the process of designing and scheduling the reconstruction of the road that leads into the alternative South Bay site. While that decision was not related to this project, the fact is that the design of that roadway could easily be modified to adapt to the needs of the loon center and freshwater institute. So, while the proposed site would certainly cause the city to experience major disruption to its normal operations during and after construction, there wouldn't be any significant negative impact on traffic or property owners at the alternative site, or to any aspect of the Corps operations at the dam site or campground. This would include access to the pump-out station, use of the boat launch or loss of facilities at the day activity area.

So, while the concept of a National Loon Center and Fresh Water Institute at Crosslake could have substantial economic benefits for this community as well as have a material impact on the issues of preserving the natural environment and encouraging practices of good environmental stewardship, the development of such facilities at the dam site and recreational area intended for the use of campers, would most certainly be disruptive to the primary missions of the Corps in Crosslake and problematic for the community at large. Given this information and being made aware that an alternative and superior site does exist, I would hope that and strongly encourage the Corps to make a much closer examination of the entire situation and the issues surrounding the proposed project. While a delay in the process will no doubt result in loud protestations from certain proponents of the dam site location, it would be far better to err on the side of prudence than make a decision that might be regretted for generations to come. Let me just say that the staff at the Corps here in Crosslake has worked diligently and tirelessly to promote exceptionally good relations with the community. And, I continue to look forward to working with them and you.

Respectfully,

Patty Norgaard  
Former Mayor, City of Crosslake

## Clark, Steven J CIV USARMY CEMVP (US)

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**From:**   
**Sent:** Sunday, April 21, 2019 10:07 PM  
**To:** Clark, Steven J CIV USARMY CEMVP (US)  
**Subject:** [Non-DoD Source] Nat'l Loon Center

Mr Clark: My name is Tim Schalow and my wife Beth and I are co-chairs of Crosslake's Light Up the Dam Committee. I am writing to you this evening to voice my misgivings about the proposed location of the Loon Center. Don't get me wrong, my business revolves around tourism so naturally I would be thrilled with adding an attraction like this in my hometown, but this location gives me great pause. I have heard various stories around town that there are concerns with various parts of the proposed project, chief among them being parking, traffic flow (especially during construction) aesthetics, cost to taxpayers both up front and continuing and finally the projects effects on what is now one of the finest campgrounds in the state. I think these are all questions many residents would like to see answered before this effort gets too much further along.

I will specifically focus on the last topic on my lengthy list. As chair of this committee I lead a team of dedicated volunteers who put in literally hundreds of hours per year predominantly at the USACE site in conjunction with a lengthy list of local and regional sponsors and partners to create a holiday experience that brings in visitors to celebrate the holiday season utilizing Crosslake's best known landmark as a backdrop. We do this as a year-round group that hosts fundraisers at the Corps, puts on our annual outdoor movie series, hosts our annual Community Light Up the Dam Day with our Booya lunch as a recruitment tool and our seasonal finale giveback: Holiday at the Dam where hundreds of people come to our free event for wagon rides, Santa visits, s'mores, ornament making and many other activities. The USACE is our most important partner and frankly we are concerned about losing the ability to continue with our programs that we have worked so hard on.

Light Up is a group that brings together government agencies, service groups, businesses, individuals and families and has grown steadily over its five years of existence. We have one of Minnesota's finest blacksmiths in our organization who has created multiple lighted showpieces that have adorned the dam in many seasons with a giant 15' American flag as our latest addition which will be hung up for the Flag Day to Independence Day period. Not one to rest on our laurels, we are moving forward with a 12' 3-D lighted tree as our inclusion for the coming year. We will begin our fundraising drive next month and are planning to place the tree on the south side of the dam next fall giving visitors another attraction to see after traversing the structure under our well received light tunnel which we added this past December.

I am obviously concerned about what will happen to the space that we have used for our events, both during the construction phase this proposed project and more importantly going forward. We signed up to light the dam, not a 15,000 square foot building. What will happen to parking for our attendees? In short, Will we even have a home?

I know we are just a small part of the huge economic driver the USACE campground is to the community, but Beth and I do utilize the facility for camping frequently even though we are "locals" so we do feel a responsibility to do our part to make sure nothing happens to permanently change this fantastic place that is very dear to us. We really hope and trust that you folks who are looking carefully at this proposal do your due diligence and when you come to your conclusions you treat Crosslake well.

If you have any questions of us please feel free to reach out at this email address or you are welcome to call my cell at

Sincerely, Tim and Beth Schalow, Co-Chairs, Crosslake's Light Up the Dam Committee

## **Clark, Steven J CIV USARMY CEMVP (US)**

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**From:**   
**Sent:** Monday, April 22, 2019 5:42 PM  
**To:** Clark, Steven J CIV USARMY CEMVP (US)  
**Subject:** [Non-DoD Source] Loon Center

To whom it may concern,

As the State Representative in Crow Wing County I would like to voice my support for the Loon Center at the Cross Lake dam location.

Over the years I've seen many projects go to the wayside because of low public support, lots of talk at the bureaucratic level but not much more. The Crosslake Loon Center is exactly opposite. I describe myself as a grouchy conservative, slow to support a project like this, but the grassroots support and community buy-in is overwhelming. Additionally, partnerships with groups like the Chamber of commerce and others in the area are incredibly important as the years go by.

I look forward to seeing this project built and the national influence generated by this investment in education and awareness

Best Regards,

State Representative: Josh Heintzman  
Cell#  
353 State Office Building  
100 Rev Dr Martin Luther King Jr Blvd  
St. Paul, MN 55155-1298 <tel:55155-1298>



# Friends of Minnesota Scientific & Natural Areas

[www.snafriends.org](http://www.snafriends.org)

April 22, 2019

Mr. Steven J. Clark, Project Biologist  
St. Paul District, U.S. Army Corps of Engineers  
ATTN: Regional Planning and Environment Division North  
180 5th St. E., Suite 700  
St. Paul, MN 55101

Via E-mail and U.S. Mail  
[Steven.J.Clark@usace.army.mil](mailto:Steven.J.Clark@usace.army.mil)

RE: Proposed “**National Loon Center**” – Cross Lake Recreation Area, Crow Wing Co., MN  
Comments to Draft Environment Assessment

Dear Mr. Clark,

On behalf of Friends of Minnesota Scientific and Natural Areas (FMSNA), I thank the U.S. Army Corps of Engineers (COE) for the opportunity to comment on the Draft Environmental Assessment regarding an application submitted by the National Loon Center Foundation (NLCF) requesting authorization, under 16 U.S.C 460d, to lease COE land and construct a “National Loon Center”, associated facilities, and utilities within the COE’s Cross Lake Recreation Area.

The sole purpose of this letter is to correct an inaccuracy in the EA, page 6, which states in part:

### “3.1.8 Controversy

“The implementation of the RPA [Requestor’s Preferred Alternative] would be **unlikely to result in controversy**. Any potential controversy would likely stem from changes to the day use area and from increased public use of the recreation area that could lead to conflicts between existing and new users. It is unlikely, however, that these will be controversial issues due to the continued recreational use of the land, the new educational opportunity, and the benefits to the local community ....” [Emphasis added.]

In fact, the **National Loon Center**, if built with money from the Environmental and Natural Resources Trust Fund (ENRTF), will be highly controversial. The attached letter explains the details.

*U.S. Army Corps of Engineers*  
April 22, 2019

On behalf of the Friends of Minnesota Scientific and Natural Areas, I **thank you** for your reply. Please contact me any time if you have questions or comments.

Sincerely yours,

*Thomas E. Casey*

Thomas E. Casey, Chair  
Friends of Minnesota Scientific and Natural Areas

Please reply to:

Thomas E. Casey  
2854 Cambridge Lane  
Mound, MN 55364  
(952) 472-1099  
tcasey@frontiernet.net



# Friends of Minnesota Scientific & Natural Areas

April 14, 2019

Minnesota Senate and  
Minnesota House of Representatives

**RE: Please Delete “National Loon Center” from Environment and Natural Resources Trust Fund Appropriations - SF 2314 (pages 54-55); HF 2032 (pages 20-21)**

Dear Honorable Senate and Representatives,

A “National Loon Center” is proposed to be constructed in Cross Lake, MN, with **\$4 million** appropriated from the Environment and Natural Resources Trust Fund (ENRTF). [See SF 2314, page 54; and HF 2032, page 20.] **Please delete this ENRTF funding** from the bills, for the reasons explained below.

## No Benefit to Loons

These bills propose to spend **\$4 million** of Environment and Natural Resources Trust Fund (ENRTF) money to pay for, among other things:

1. “... an approximately 15,000 square foot National Loon Center ...”  
[Note: ENRTF ID 252-G, page 5, states that the center will house, among other offices “... Chamber of Commerce offices ... and multi-purpose rooms for the community ...”]
2. “boat docks”
3. “a fishing dock”;
4. “boardwalks”
5. “interpretative trails”

**Please note that we are not opposed to a “National Loon Center” – and can understand how it could be a tourist attraction. However, all of the above items are unnecessary for loon conservation, will adversely impact the shoreline area, and detract from loons migrating through or nesting in the area.**

## Feasible and Prudent Alternatives, Consistent with BP Oil Spill Plan

Instead, loon conservation is better advanced through measures such as: (1) acquisition and/or easements of lakeshore loon nesting habitat; (2) habitat restoration; (3) protecting and enhancing water quality; and (4) prohibiting the use of lead ammunition and lead fishing tackle and promoting non-toxic alternatives.

If ENRTF funds were appropriated for the activities listed in this paragraph, they would be consistent with, and will supplement funds for, the objectives contained in the BP oil spill restoration plan, formally known as the: “Open Ocean Trustee Implementation Group [OO TIG], Final Restoration Plan 1 and Environmental Assessment: Birds and Sturgeon, March, 2019”:

“... to reduce mortality and increase reproductive success of common loons at breeding, nesting, and migration staging locations in Minnesota by focusing on restoration activities that include: 1) acquisition and/or easements of lakeshore loon nesting habitat; 2) enhancing loon productivity by providing artificial nesting platforms in targeted lakes and engaging Minnesota lake associations in loon conservation activities; and 3) reducing loon exposure to lead-based fishing tackle.” The estimated cost of this alternative is \$7,520,000. **The primary emphasis of this project would be on habitat acquisition/easements.** The OO TIG will work with federal, state and local agencies and other organizations as appropriate to facilitate effective project implementation.”

(Pages 2-3. Emphasis added.)

## **No Requirement that Net Income Be Reinvested for Loon Conservation**

The bill contains surprising and troublesome language: “Net income generated from admissions, naming rights, and memberships in the National Loon Center as a result of trust fund contributions may be reinvested in the center’s loon-term loon conservation efforts ....”

In other words, there is **no legal requirement that the income must be used for loon conservation!** (See SF 2201, lines 20.17 to 20.21; HF 2032, lines 21.21 to 21.25.)

## **“National Loon Center” Is Inconsistent with ENRTF Laws**

A. The National Loon Center is inconsistent with Minn. Stat. 116P.08, which states:

### **“116P.08 TRUST FUND EXPENDITURES.**

Subdivision 1. **Expenditures.**(a) Money in the trust fund **may be spent only for:**

“(1) the reinvest in Minnesota program as provided in section 84.95, subdivision 2”;

**Comment: This section does not apply.**

“(2) research that contributes to increasing the effectiveness of protecting or managing the state's environment or natural resources”;

**Comment: This is a capital project, with no research paid by ENRTF funds;**

“(3) collection and analysis of information that assists in developing the state's environmental and natural resources policies;”

**Comment: This is a capital project, with no collection and analysis of information paid by ENRTF funds.**

**Minnesota Senate and House of Representatives**  
**April 14, 2019**

“(4) enhancement of public education, awareness, and understanding necessary for the protection, conservation, restoration, and enhancement of air, land, water, forests, fish, wildlife, and other natural resources;”

**Comment: The capital projects in the bill (building, docks, boardwalks, etc.) do not enhance public education necessary to protect loons.**

“(5) capital projects for the preservation and protection of unique natural resources;”

**Comment: These projects don’t protect or preserve loons; they are mere structures for human uses.**

“(6) activities that preserve or enhance fish, wildlife, land, air, water, and other natural resources that otherwise may be substantially impaired or destroyed in any area of the state;

**Comment: These are mere structures; no activities are financed with ENRTF funds.**

“(7) administrative and investment expenses incurred by the State Board of Investment in investing deposits to the trust fund;”

**Comment: Not applicable.**

“(8) administrative expenses subject to the limits in section 116P.09;”

**Comment: Not applicable.**

“(9) to pay principal and interest on special appropriation trust fund bonds issued pursuant to section 16A.969 and other law.”

**Comment: No applicable.**

“(b) In making recommendations for expenditures from the trust fund, the commission shall give priority to funding programs and projects under paragraph (a), clauses (1) and (6). Any requests for proposals issued by the commission shall clearly indicate these priorities.”

**Comment: The proposed project does not prioritize clauses (1) and (6)**

B. The “National Loon Center” is inconsistent with, Minnesota Statute 116P.08, Subd. 2, which states in part,

“Money from the trust fund may not be spent for:

**“... (6) projects or purposes inconsistent with the strategic plan.**

In fact, the “National Loon Center” is inconsistent with the LCCMR “Six-Year Strategic Plan for Minnesota’s Environment and Natural Resources Trust Fund” (December 10, 2013). The items proposed to be constructed with ENRTF money will not achieve any of the goals contained in pages 9-10, such as “protect and conserve land and water” or promoting “research, planning, or demonstrations projects.” A possible exception is “promoting fishing” by building the

**Minnesota Senate and House of Representatives**  
**April 14, 2019**

proposed fishing dock. (Plan, page 10.) Moreover, the National Loon Center would have been inconsistent with the 2015 funding recommendation:

**“... Environmental Education.** Proposals must address education, information dissemination, and training efforts that will increase the knowledge and skills of students or the public to cultivate a sustainable lifestyle, improve and maintain water quality, reduce and monitor energy and water consumption, or restore and maintain a healthy and biodiverse natural environment. **Funding for capital projects (e.g., buildings) will not be considered.**” [Plan, page 18; emphasis added.]

## **2<sup>nd</sup> Largest Project for ENRTF Funds**

The **\$4,000,000** proposed to build the “National Loon Center” is the **second highest** ENRTF appropriation in the entire bill! This large sum can be better used elsewhere to protect and enhance Minnesota’s precious natural resources.

On behalf of the Friends of Minnesota Scientific and Natural Areas and the organizations listed on the following page, I **thank you** for your kind attention. Please contact me any time if you have questions or comments.

Best Wishes,

*Thomas E. Casey*

Thomas E. Casey, Chair  
Friends of Minnesota Scientific and Natural Areas

Please reply to:

Thomas E. Casey  
2854 Cambridge Lane  
Mound, MN 55364  
(952) 472-1099  
tcasey@frontiernet.net



Friends of Minnesota  
Scientific & Natural Areas



Mankato  
Area  
Environmentalists



# Loon Museum Concerns

It was seven years old when I became interested in birds.

They are interesting and very smart.

Came from Iowa State

Bird is the Goldfinch

State Bird is the Fascinating bird

I have been with the D.W.R. go observing on Rush, I have become state bird.

The Minnesota I suggested a Loon, and the Crosslake with the idea.

My concern is thought and time this project.

The reason for was to bring more Crosslake especially which would be

There are approx. Loon observers in a to my knowledge - asked for our in

4/19/99

I wrote this article for Northland press in Crosslake. My concerns come from being a Loon observer for 30 yrs for the D.W.R. in Crosslake MN.

It explains my concerns for a Loon Center on the lake area



## Loon Museum Concerns

I was seven years old when I became interested in birds.

They are interesting and very smart.

I am from Iowa where our State Bird is the Gold Finch. Minnesota

State Bird is the Common Loon, a fascinating bird.

I have been a loon observer with the D.N.R. for over 25 years, observing on Rush Lake.

I have become very fond of your state bird.

The Minnesota Design Team suggested a Loon Museum for Crosslake and the Crosslakers decided to run with the idea.

My concern is that not enough thought and time was taken with this project.

The reason for the Museum was to bring more tourists to Crosslake especially in winter, which would bring cash flow.

There are approximately 25 loon observers in our lake area; to my knowledge no one was asked for our input on the project.

Was there anyone on the Committee  
that did research on Loons?

Was there a survey completed,  
Checking within a 100 mile radius  
to find out the winter and summer  
tourist numbers of other museums  
I heard there was a projection  
of 600 to 700 thousand tourists per  
year for the Crosslake Museum

Our merchants eat houses and Days  
during the winter because of low  
population.

Would tourists travel a long  
distance to visit the museum in winter?

In the past five years Loon  
chicks survival numbers on Rush Lake  
have been cut in half.

This is due to predators,  
boat traffic especially jet skis  
and surf boating.

The Loons do not need more  
stress from tourists and people  
wanting to get closer to the Loons.

I am not against a Loon Museum  
I think it is a great idea,  
but it should not be built  
in a lake area.

I suggest building it in Brainerd  
on the 371 corridor,

Where the heavy tourist traffic is.

If you are really concerned  
about the looks and educating  
the public, then build it in Brainerd.

Why not support our Crosslake  
Historical Museum?

Help Finance;

Repairs, lawn care  
Advertisement and a part time  
Curator.

Volunteer;

We are in need of many and  
more volunteers

We receive a 100% positive  
response from tourist on  
how interesting the museum is

Promote the museum  
for tourist trade



**NE Region 2 – Regional Environmental Assessment Ecologist**

**1201 East Highway 2,  
Grand Rapids, MN 55744**

April 22, 2019

St. Paul District  
U.S. Army Corps of Engineers  
ATTN: Mr. Steven Clark, CEMVP-PD-C  
180 5th Street East, Suite 700  
St. Paul, MN 55101-1678  
[Steven.J.Clark@usace.army.mil](mailto:Steven.J.Clark@usace.army.mil)

Correspondence # ERDB

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT: National Loon Center at Cross Lake Recreation Area**  
**MNDNR Agency Comments and Recommendations**

Dear Steven Clark,

The Minnesota Department of Natural Resources (MNDNR) has reviewed the Draft EA for the National Loon Center at Cross Lake Recreation Area. The MNDNR appreciates the opportunity to comment and would like to offer the following recommendations to help protect the state's natural resources.

**Specific**

***Page 1 Sect. 1.2 - The purpose and need section:*** Please include an estimate of how many visitors will come to the NLC and how much that increases the Recreation Area's current visitor rate. We ask this include both land and water arrivals. These numbers will help determine if other potential impacts need further assessment. In sections 3.1.1 and 3.1.4 "increased public use". Please expound on this and again provide estimates to include activities such as daily use and school field trips.

***Page 2 Sect. 2.1 – Page 8 Sect. 3.2.3*** Boardwalks, trails, and educational interpretive areas are not clearly labeled in the plans. More information is needed to fully assess the impact of these areas. (Docks are mentioned many times throughout the document please see below for additional comments.)

***Page 10 Sect. 3.4*** - Describe the stewardship efforts. The MNDNR recommends the use of shoreland and storm water best management practices to mitigate potential impacts to the lake.

***Page 11 Table 1*** - Parameter C. Natural Resource Effects Items 5-10 are not adequately addressed. Due to the increased impervious and potential shoreline disruption there is a risk of increasing runoff from the site leading to decreased water quality. The list in the table does not appear to adequately reflect the potential impacts. For

example the biological productivity could be impacted to a variable degree given the proposed shoreland alterations.

**Page 12 Sect. 4.4** - Aquatic Plant Management (APM) permit may also be needed from MNDNR Fisheries.

## Specific Comments by Topic

**Buoys** – The MNDNR recommends the placement of “No Wake Zone” buoys across the main entrance to the bay and “Loon Nesting Area” buoys in front of the island cove where the loons nest. These measures will help control boat traffic and limit potential disturbance to the nesting loons.

**Dock & Shoreland Development** - Some of our main concerns with the Loon Center proposal are shoreland dock development. We request the project use dock designs that are consistent with the MNDNR policy on dock configurations and suggest the following two points be addressed: 1) the proposed new docks (as well as the existing smaller dock nearer the dam) close off a portion of the lake from surface access, 2) connecting the docks to the shore at two points.

Location and timing of dock construction should consider avoiding critical habitat and disturbance to shoreland geology and vegetation. Maintaining shoreland form and function will enhance wildlife diversity and recreational opportunities in the area. A shoreline friendly dock design includes a single path from land to shore and sufficient space between the boat slips and shore; for aquatic plants, fish, and wildlife that use the water’s edge. We also want to allow sufficient space between the loon nesting island and the docks so boats can keep their distance from the nesting loons. Once docks are in place, boat beaching deterrents are recommended to redirect users to docks. Considering alternative locations and using a friendly dock design may help the Center to showcase healthy shorelines, nesting loons, and fish spawning habitat. Please work with the MNDNR staff when considering new dock placement to reduce: wave action in the bay; impacts to natural and potential sensitive shoreland, spawning and nesting habitat, other natural resource considerations; and any potential permitting requirements.

The MNDNR also recommends incorporating additional educational and recreational features as part of dock design. Please consider incorporating fishing locations as well as loon viewing areas. Educational signs or kiosk such as “get the lead out” would be nice additions to these recreational features.

**Impervious Surfaces** - The proposed project will increase impervious surface and stormwater runoff. The EA should identify the amount of increase to impervious surfaces, address the increased runoff, describe the potential impacts, and recommend measures to avoid, minimize, or mitigate the increased run-off from impervious surfaces. The removal of 14 trees and other shoreland vegetation can lead to water quality impacts and habitat loss. The EA should assess alternatives or other measures to avoid and minimize removal of shoreland vegetation and trees. If a buffer zone of native vegetation is present within the project boundary, we recommend that it be maintained and enhanced. If not, we recommend that one be established and the project include restoration into its plan. **Restoration of vegetation:** On areas of disturbed soil adjacent to Public Waters, final vegetation plans should include native species suitable to the local habitat. This may include trees, shrubs, grasses, and/or forbs. Also see MnDOTs “Native Seed Mix Design for Roadsides” (consider adding milkweed to these mixes).<http://www.dot.state.mn.us/environment/erosion/pdf/native-seed-mix-dm.pdf>.

For additional information on aquatic plants and lakeshore management, please refer to the links below. The MNDNR book, *Lakescaping for Wildlife and Water Quality*, also covers a wide array of topics associated with

managing lakeshore property and includes techniques to prevent shoreline erosion and to restore wildlife habitat, wildflowers, and water quality. Another reference, *Restore Your Shore*, is an online interactive multimedia program that guides users through the process of protecting a natural shoreline or restoring a degraded shore with a natural buffer zone.

Shoreland Management Guide: <https://www.dnr.state.mn.us/shorelandmgmt/guide/index.html>

Section 10: Best Management Practices for Achieving High Water Quality:

<https://www.MNDNR.state.mn.us/shorelandmgmt/guide/waterquality.html>

Lakescaping

<http://www.dnr.state.mn.us/lakescaping/index.html>

Natural Buffers and Lakescaping

[http://files.dnr.state.mn.us/publications/waters/shoreline\\_alterations\\_lakescaping.pdf](http://files.dnr.state.mn.us/publications/waters/shoreline_alterations_lakescaping.pdf)

Restore Your Shore

<http://www.dnr.state.mn.us/restoreyourshore/index.html>

Why Trees are important to shoreland:

<https://extension.umn.edu/shoreland-property-owners/importance-your-shoreland-trees>

**NHIS Regional Review (State)** - The Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area.

Cross Lake and much of the Whitefish Chain has intense shoreline development with high dock density in many areas. Cross Lake is a MNDNR Lake of Outstanding Biodiversity Significance (with sensitive shoreland) due to its diverse fish community including two Special Concern species: Northern Sunfish and Least Darter. The Fish community Index of Biological Integrity (FIBI) score based on 2018 survey was exceptionally high.

Northern Sunfish and the Least Darter are in the project area – please see above for dock and shoreland comments. Bald Eagles are nesting nearby and may be in the project area. Please check prior to any tree clearing and see the USFWS guidance regarding impacts in and around nesting Bald Eagles. There is a known Loon nest on the island (sensitive shoreland) in the bay.

## General Comments Construction and Operation

The following recommendations and resources can be used by planners and partners to ensure minimal impact to Minnesota's Natural Resources.

**MEPA** - During this review and depending on the final design, we noted this project entails work to the lake and shoreland that might meet or exceed the threshold for mandatory preparation of an Environmental Assessment Worksheet (EAW) under the Minnesota Environmental Policy Act. In our review, we do not see aspects that implicate the MNDNR as RGV for preparation of an EAW, however we defer to the Local Government Unit's (LGU) determination regarding this project.

## Project Placement

**Soils, Topography, & Water** - Soil erosion and compaction can occur during construction; interfering with water infiltration, vegetative growth, increasing erosion, creating gullies, decreasing soil /bank stability, and compromising aquatic ecosystems and species via turbidity. The soil characteristics determine the risk to erosion, rutting, and compaction. During storm events there is a possibility for increased sediment transport, soil

saturation, and surface runoff that may lead to a greater chance of rutting, erosion, and more impacts. In some cases these events may compromise temporary and permanent erosion prevention structures and measures, causing harm to vegetation and aquatic life. **Recommendations:** 1) Incorporate temporary and permanent Best Management Practices (BMPs) into the project design to minimize erosion. 2) Erosion prevention and sediment control along public waters: In all cases, erosion prevention and sediment control methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas as is in accordance to the public waters permits; work in conjunction with MNDNR fisheries and hydrology staff to obtain proper permits and appropriate measures. 3) During construction use of Category 3 or 4 erosion control is recommended to be limited to 'bio-netting' or 'naturalnetting' types (category 3N or 4N), and specifically not allow plastic mesh netting.

**Contamination/Hazardous Materials/Wastes** - There is a potential for hazardous material contamination of soils during construction and use. Sediment and pollutants can be transported via erosion to water sources, decreasing water quality and negatively impacting aquatic ecosystems. Extensive erosion can compromise vegetative buffers, transporting sediments and pollutants to water resources such as lakes, streams, wetlands, and aquifers. **Recommendation:** During construction, in the event a leak or spill occurs, the materials should be contained and cleaned up according to approved guidelines and standards. Although there is a small risk of spillage, it should be acknowledged some soils with high sand content or in wet areas will allow more rapid infiltration of petroleum products to the groundwater or impact surface waters. Additional caution is warranted when working in excessively drained areas. To ensure fuel spills do not contaminate waterways, construction- and maintenance-related refueling should occur several hundred feet away from streams, wetlands, and steeply sloping areas. Construction workers should be trained in emergency spill remediation measures and have spill kits on site.

### Other Sensitive Ecological Resources (Rare Features & Invasives)

**Nesting Birds** - Should active nests be encountered on the project (including swallow nests attached to bridges or culverts), contact MnDOT Office of Environmental Stewardship (Jason.Alcott@state.mn.us, ph: 651-366-3605), for specific guidance relating to Federal Threatened and Endangered Species and U.S. Fish and Wildlife Service coordination.

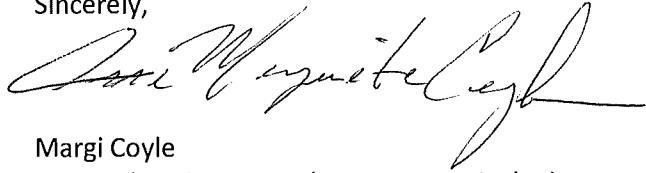
**Invasive Species** - Invasive species can thrive in disturbed habitats and outcompete endemic species, resulting in a decline of biodiversity and habitat quality. Soil disturbances, additional fill, and seed dispersal by human and animal activities along the corridor can increase abundance of the current plants, and create potential for new infestations. Water crossings can be a source for the introduction of aquatic invasive species and serve as a corridor for the spread of terrestrial invasives. **Recommendation:** Invasive species should be addressed for construction and operation of the entire proposed project. The proposer should commit to completion of an invasive species control plan that provides an inventory of current invasives on project sites, treatment for current and future infestations, monitoring, including measures to minimize impact on pollinators and species diversity. An invasive species control plan should be in place prior to any construction to prevent their spread, and provide for monitoring and control during operation. Parking areas should be signed for invasive species, boot brushes provided where possible and appropriate, and vehicle wash areas established to prevent new introductions or transport of existing invasives off-site. Invasive species control on routes that cross multiple ownerships and waterways can be challenging. MNDNR Invasives Information: <http://www.dnr.state.mn.us/invasives/index.html>; [http://www.dnr.state.mn.us/invasives/terrestrial/prevent\\_the\\_spread.html](http://www.dnr.state.mn.us/invasives/terrestrial/prevent_the_spread.html).

**Aquatic invasive species/Equipment decontamination** - All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and

placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The MNDNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). Contact your regional Invasive Species Specialist for assistance at [www.dnr.gov/invasives/contacts.html](http://www.dnr.gov/invasives/contacts.html).

**Temporary fill** - If approved, temporary fill shall be free of organic material or any material that may cause siltation, pollute the waterbody, or transfer invasive species.

Sincerely,



Margi Coyle  
Regional Environmental Assessment Ecologist

CC:

*Randall Doneen  
Kate Fairman  
Lisa Joyal  
Patty Thielén  
Mike Peloquin  
Darrell Schindler  
Heidi Lindgren*

*Equal Opportunity Employer*

**Email Comments**

**Comment Text Only**

## **Emailed comments, text only**

### **March 22**

I think the National Loon facility in the remote location in northern Minnesota is an excellent idea. I only have one question. Will the housing be large enough for D. Trump when he gets out of office?

### **March 27**

Dear Steven,

I think that the proposal as described in the STRIB article looks like a fantastic addition to Minnesota and I am very happy to see that a biologist is heading up the project as I have an idea for all of that lovely open space which should fit in with the concept completely.

I am sure you're well aware of the need to provide all of our insect populations which are diminishing so quickly with places to flourish, particularly all of our native pollinators. The areas represented by grass in the photo could be used for native flowers and grasses which would help meet a variety of goals and be a wonderful opportunity to educate the public and visiting students (young and old) regarding the need for more of us to provide in our home surroundings. If you stay away from honey bees, there should be no concern for undesirable stings as the native bees are far less inclined to sting as they have no colony to protect and, in many cases, no stingers at all.

There are many organizations who could help with such a project perhaps starting with the Bee Lab at the University of Minnesota.

Thank you for your consideration.

### **March 29**

Sounds like a terrific idea!

### **March 31**

Dear U. S. Army Corps of Engineers,

I would like to express my opinion on the Loon Center anticipated for Crosslake, MN.

Our home is on Cross Lake in the city of Crosslake, MN, and I feel individuals in our community should be allowed to express our opinions on the use of this land in our city.

The discussion on this project has brought great conversation from the people in the community and what I have heard has been very negative to the project.

The plan is to eliminate a great deal of one of the most used and enjoyed camp grounds in the state of MN. These campers bring a great deal of business to our area for a variety of services,

## **Emailed comments, text only**

and yet are only there to enjoy the beauty of the area without creating negative problems to the area. The city of Crosslake doesn't have the facilities to accommodate the numbers of people who are anticipated by the Loon Center, and I believe it would put a great deal of stress on a very small town. The anticipated numbers they estimate will come to the area is frightening.

The area of the Whitefish Chain is enjoyed by so many because of its beauty and escape from the hectic life of the Twin Cities. We do not want to bring that hectic life to our area. They have stated they would like to create a people mover of some sort. Has a study been done to predict the impact on our small town? I would hope everyone realizes this could be a disaster for our community. We can't even hold a flea market in town without creating terrible traffic problems.

The second side of the problem would be if it is built and fails as so many of us believe would happen. It's easy for them to build, fail, and walk away, but what is the impact to our community if it fails? They will have made changes to the lake shore of Crosslake and community that I would expect would be very difficult to recover. Who would be responsible for the expenses that would be incurred from such a problem, hopefully not the taxpayers of Crosslake.

Please consider that creating this Loon Center in our small town could destroy a very desirable vacation destination for many.

### **April 12**

I was all for this but when I saw the plan I changed my mind. Think the plan is way too big, 15,000 sq. ft. building? I first came to your campground as a 14 year old Boy Scout from Nebraska. My dad moved us to Minnesota a year later (1966), bought a lake lot and built a cabin on Rush lake in '68, which I now own.

The campground is wonderful and a large building would take away the experience the campers enjoy. Crosslake has way too much traffic on most summer weekend, many residents won't go to town on many weekends because of the traffic.

Where would every visitor park? Based on the number of visitors they expect, our town can't handle them. I understand they want to have 40 boat docks, do you have parking for 40 more trucks and boat trailers? Campers park on the beach so why give loon guests a dock.

### **April 12**

I'm excited about the National Loon Center in Crosslake. Lived here for 4 years now. Camped at the Corp. for 30 years. The proposal looks great except for one issue of taking so many of the massive beautiful pines that have been residents there for probably over 100 years. I know it's much easier to build in a clear area but could they work "around" some of the pines that might be saved?? My wife and I bike through your area almost every night and really are amazed by the old tall pines. Please consider. Thanks. Crosslake resident, year round.

## **Emailed comments, text only**

### **April 15**

We are in total agreement with the proposed National Loon Center to be constructed on US Army Corps of Engineers property in Crosslake, MN. The Crosslake Dam on the Pine River and the adjacent Crosslake area are prime nesting areas for the common loon, the state bird of Minnesota. The COE Campground is a wonderful addition to the total site and will bring interested people to explore not only the COE project, but share in the excitement of learning more about loons, their habitat, and how we all can maintain a healthy population of loons.

The existing building that the COE uses as its administrative structure is old, and in need of major upgrading. This project will provide not only a professional presence for the Corp and the campground, but also house the National Loon Center as a conservation partner for all things environmental, a leaning and teaching facility unlike any other in the area.

The project is well thought out and the planning has been done by professionals at a very high level. It will not only benefit the immediate area but will be a destination project for others in the surrounding area. The project has a positive cash flow impact, will be self-sustaining after completion and with the joint effort of the community, the county, state and other jurisdictions be a prime example of corporation between all that are engaged.

The project must be approved.

### **April 15**

Hello, I am writing to give some input on the National Loon Center. I believe this opportunity is tremendous. It is important to preserve, educate and protect our State Bird. Having such a world class facility right in the heart of Loon Country would be nothing but positive for our state and our community. People worldwide are passionate about birds in general. It would bring visitors from all over the globe (in time). It would also showcase the Army Corp of Engineers involvement and important role in our community and environment. I am hoping that no further delays are in order. Our state, and our community truly need this wonderful project. Thank you for listening. Sincerely,

### **April 15**

As a Minnesota resident I fully support the National Loon Center.

Lakes, loons, and wildlife are what make Minnesota special. We MUST protect these resources with this conservation center.

### **April 15**

We are very much in favor of, and excited about, the proposed National Loon Center!

### **April 16**

I support the National Loon Center locating in Crosslake, MN

## **Emailed comments, text only**

### **April 17**

Hi Steven,

I have attended multiple meetings about the National Loon Center and while I am sure there are some in this community that may have concerns, I believe it will be a HUGE asset and blessing to our community. We have been coming to Crosslake since 1989 and moved here permanently in 2014. I now serve as the Sr. Pastor of the Crosslake Evangelical Free Church otherwise known as the Log Church and we publicly supported the building of the charter school as we knew that would be good for our community as well. While I can't speak on behalf of our entire church I can say that as an active member of this community who serves as the Pastor of one of the largest churches in Crosslake I personally feel the Loon Center is nothing but a win for us. You have my full support and I will encourage you to not let the vocal few who object to this project outweigh the mass majority of us who are very excited that the National Loon Center is coming to Crosslake. If you ever need to do a presentation to the community about the Loon Center please know that we have the largest auditorium in Crosslake which has wonderful sound and video projection capabilities that we would gladly make available to you. We are hosting the upcoming Crosslake "Power of Aging" Expo for the community so our facility would also be available for you to utilize as well.

May the Lord continue to bless your work.

### **April 17**

Hello Steve....I wanted to comment on the EA...I have read the entire document and it covers so much! Nice job. It looks positive. I want to thank you and tell you I hope to work with you in the future.

### **April 18**

Hi Steven,

I'm writing to you in support of the National Loon Center project. This group's vision for impacting loon preservation, water conservation and being a positive influence in the surrounding community is inspiring and one I can't wait to see take shape. The location that is in discussion is perfect for community and recreation accessibility and would be a great investment. I wholeheartedly support this project.

### **April 18**

Hi Steven,

I am writing you in support of the development of the National Loon Center.

The currently considered location in Cross Lake is the perfect backdrop for public enjoyment of natural resources, and a significant nod to the continuing need for education and protection of our area recreational assets. I can't think of a more perfect steward of the land and shoreline.

## **Emailed comments, text only**

The center and its management will be a great addition to the recreation and experience offering as well.

### **April 18**

Mr. Clark,

I support the National Loon Center to be constructed within the Army Corps of Engineers Cross Lake Recreational Area for environmental, educational and recreational impact. It is a perfect location! Thank you.

### **April 18**

As a resident of Crosslake and a US citizen, I would like to whole-heartedly endorse the proposal to locate the National Loon Center at the recreational campgrounds on the US Army Corps of Engineers property in Crosslake adjacent to the Cross Lake Dam on the Pine River.

The concepts of the National Loon Center and the Freshwater Institute were simultaneously proposed and presented to the community of Crosslake in 2016 by the Minnesota Design Team. This initiative was the result of the local group, the Crosslakers, to initiate a community-wide effort to engage the full and part time residents in defining the future of Crosslake. The effort was meant to enable these residents to focus on a planned community rather than a random and unfocused development. In open community meetings, the overwhelming value the respondents chose was the protection and preservation of the lakes. The lakes are the past, present and the future of Crosslake.

The proposed idea of the National Loon Center and the Freshwater Institute is a brilliant concept. It supports the need to preserve and protect the lakes. They chose the Loon as the main attraction. The Loon is iconic. It is Minnesota's state bird. Its habitat is the lakes -- the Loon spends virtually its entire life in the water -- and primarily in the freshwaters of Minnesota where more live than any other state in the country.

But the genius of the concept is in the connection of the Loon to the Freshwater Institute. The Loon is the "canary in the coal mine". Like the canary that was taken into the underground mines to be an early warning signal of poisonous gases for the miners, so too is the Loon an early warning alert of the decline in the water quality of the lakes in Northern Minnesota. Loons need clean water, fresh water, clear water, and plentiful fish to eat (ciscos). Loons need breeding and nesting areas to flourish. Coincidentally, most of these conditions are what Man also wants.

The Freshwater Institute, part of the National Loon Center, is just getting started but the emphasis will be to engage, educate, inspire, and motivate visitors about preserving and protecting not only the Loons' habitat but the lakes we all love. The "call of the Loons" will attract visitors to the National Loon Center and then, not only will they find a great recreational attraction but they will also find that each of them has the power and ability to preserve and protect our lakes for Loons and Man --- a WIN/WIN.

By way of this letter, I would also like to point out that in the draft Environmental Statement, Table 1, Environmental Assessment Statement, Column 3- Proposed Alternative, C. Natural

## **Emailed comments, text only**

Resource Effects, #4 Aquatic Habitat, the rating is that the National Loon Center will have (Minor) Adverse Effects. I am concerned that this assessment did not understand or take into account the focus of the Freshwater Institute as described above. There will be hand-on demonstrations of testing and understanding water quality. There will be displays, signage, and exhibits educating the visitors about water quality -- for Loons and for Man. And, there will be a Floating Classroom that will take people out on the lake for first hand education about our waters, our lakes, and what they can do, should do, and should not do to preserve and protect our waters for the Loon and Man. I believe that this kind of experiential opportunity will be far more impactful than all the ads and signage that have been distributed over the last 30 years I've lived here.

I believe this opportunity will have great benefit not only to the Corps of Engineers but to the community of Crosslake, the Northern lake country region, and the State of Minnesota. I strongly urge the US Army Corps of Engineers to move forward with this project.

### **April 21**

We have become aware of the proposed National Loon Center in downtown Crosslake to be built within the Army Corps of Engineers campground near the intersection of county roads 3 and 66. We have been full time residents of Crosslake for five years and have had opportunities to experience much of what the city of Crosslake has to offer.

Regarding the proposed National Loon Center, we have the following comments:

1. We are very concerned about the added traffic, particularly impacting the intersection of county roads 3 and 66. During the summer months the vehicle traffic is already significant just with campers entering and exiting the current campground which, as it is currently configured, is a premier campground offering many amenities to campers who may or may not be supportive of the extra demands on the current property. This, in addition to the influx of summer visitors and cabin owners who occupy their cabins on a per-time basis.
2. We are also concerned about the potential negative impact on the environment. The proposed construction of the building(s), the parking areas and the boat docking appears to be too much for the site. The current site provides open green space, parking and many opportunities for recreation. The proposal, on appearance, would likely spoil the natural beauty and recreation opportunities currently in place in this location.

In conclusion, we are very opposed to the National Loon Center as it is proposed but would likely be supportive of a location that does not increase vehicle and pedestrian traffic right in the center of downtown Crosslake and negatively impact the proposed site. A location on the Whitefish chain of lakes in a more remote location, or another location within the area would appear to be much more appropriate.

## **Emailed comments, text only**

### **April 21**

I am writing to express my support for the development of the National Loon Center and Freshwater Initiative within the Corps-owned Cross Lake Recreation Area. In addition to being a boon to the Crosslake Community, the Loon Center would be an invaluable resource for our school next door! We have already been exploring loon-centered topics and the kids love it! The Freshwater Initiative ties in brilliantly to the school's emphasis on environmental stewardship and community engagement. I cannot think of a better partnership!

Finally, the need for increased education on loon habitat (and habitat loss) is urgent and relevant to our community and to the continued success and health of our State Bird. For that reason, I support the development of a Loon Center in any location. But I can't imagine a better home than the Cross Lake Recreation for a new National Loon Center! Please consider supporting this initiative!

### **April 22**

The Environmental Impact Statement doesn't state what the current water quality is of Cross Lake and if Loons actually nest on Cross Lake currently.

In looking at the images of the proposed design of the boat docks in front of the center, it would seem that this set of docks would actually prevent any hope for attracting wildlife to be viewable in the natural setting at the loon center. Perhaps the boat docks in the proposed design that are off to the right of the loon center image as one looks at the water from the may be OK and not intimidate wildlife from entering the area to seek nesting habitat. But it is questionable with the certain increase in boat traffic.

Having the "real" thing as in loons nesting in the natural setting at the loon center would be ideal. Having the actual shore land area surrounding the loon center demonstrate all the best management practices through the use of shore land buffers, rain gardens and native long rooted grasses / shrubs / trees and flora / fauna likely to survive readily with our climate changes would be an added benefit for education and help guests see / understand the value of native shore land to increase water quality and wildlife habitat for animals, invertebrate and fisheries. Demonstrating lakeshore best management practices would be ideal too. Something that folks can understand conceptually and put into use in their own yards when they get back home.

### **April 22**

Excited about the loon center but we have many reservations about the proposed site of the loon center. Traffic is the main concern, parking & loss of trees in that area. We have lost so many trees in downtown area with building of the apartments & more proposed to be built. We understand the businesses want this center to be built to draw in visitors for shopping & the land is being donated to the center but we think a better site could be selected with less pressure on our small town. We choose to move to Crosslake for that simple reason—a small town atmosphere. Please reconsider your location.

## **Emailed comments, text only**

### **April 22**

Mr. Clark – I am a Crosslake resident and also a user of the Crosslake Campground. Putting a round-about is a horrible idea. The town is full of traffic especially in the summer season and Campers, Motorhomes, 5th Wheels and boats as well as every truck that delivers goods and services to Crosslake goes thru that intersection. Having that much traffic in the circle as well as the summer pedestrian traffic is an accident waiting to happen. A four way stop or traffic lights are a much better option and are needed even without the loon center.

Additionally, the dock space the loon committee has requested is, in my opinion, more of a land grab to benefit the business community and would negatively affect the campground. Campers must adhere to quiet times but if folks boated to town and were walking thru the campground noisily after hours, who would enforce the quiet time. Should campers that have paid to be there and are required to follow rules be potentially disturbed by those who have no such mandate? Also, a large dock would make it easier for vandals to access the campground.

I do not know if any Loon Center plans will require less spaces for campers in order to make it a reality but we tried all winter to get reservations and could only do so before June and after August. This is a popular ACOE campground, the best we have stayed at in Minnesota. Don't let the Loon Committee ruin a good thing.

### **April 22**

Dear Steven Clark,

I am writing to comment on the request from the National Loon Center Foundation for a lease to construct a National Loon Center within the Corps-owned and operated Cross Lake Recreation Center in Crosslake. I have attended two meetings about the proposed loon center in Crosslake.

I am opposed to the current proposed site which is next to the Pine River Dam in the Cross Lake Recreational Area. At the design meeting I attended, I was surprised to learn that the loon center is proposing a multi-story building that includes office space, event space, and a kitchen. I think that locating this large structure at the recreation area will do more harm than good. The recreation area is, in my opinion, a town jewel. Aesthetically, the campground and park have a north woods feel to them. The recreation area gives visitors and residents alike a chance to simply enjoy the outdoors. Many families go to the park to walk the trails, take in the lake views and explore the wooded areas. The park offers the only unobstructed view of the lake. With the proposed building, that lake view would be gone. The building would deter from the natural, undeveloped beauty of the park and campground. I believe the recreation area should be left as "undeveloped" as possible so that people can continue to have these experiences and enjoy the outdoors for many years to come.

At one presentation by the loon center foundation at the Brainerd Arboretum, the presenters talked about the need for public docks to help decrease erosion in that area. I would think measures could be taken to decrease erosion regardless of the loon center. Their renderings of the

## **Emailed comments, text only**

proposed center showed walkways skirting the campground. They estimate there would be 80,000 additional visitors annually using these walkways which I feel would be disruptive to the campground. They also talked about the loons that nest in the bay of the recreation area and have been doing so for decades. They said the loons cannot be disturbed by people if they are to continue nesting successfully in that bay. So I do not see the need for this center to be near the bay where the loons nest. There was a mention of boat tours but again I do not see the need for this large building to manage boat tours

Lastly, the center comes with the need for costly changes to infrastructure. The plan includes clearing wooded land for parking, widening roads and adding a round-about, all of which will detract from the aesthetic beauty of the Pine River dam and Cross Lake Recreational Area.

I know there are many others in the community that feel the same as I do about the proposed loon center. I am hopeful that our voices will be heard when considering the request from the National Loon Center Foundation to construct a National Loon Center in the Corps-owned and operated Cross Lake Recreation Area in Crosslake.

## **Appendix D. Cultural Resources**



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

Regional Planning and Environment Division North

Sarah Beimers  
State Historic Preservation Office  
203 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155

Dear Ms. Beimers,

The U.S. Army Corps of Engineers, St. Paul District (Corps) is evaluating an application submitted by the National Loon Center Foundation requesting authorization under 16 U.S.C 460(d), lease of lands, to construct a National Loon Center and associated facilities and utilities within the Corps' Cross Lake Recreation Area (Figure 1). Issuance of a lease under 16 U.S.C 460(d) constitutes a Federal action requiring review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR 800.

The Cross Lake Recreation Area and associated dam is located at the outlet of Cross Lake, north of Brainerd, Minnesota. The dam was constructed between 1884 and 1886, reconstructed in 1905 and 1907, and remodeled in 2002. The Corps was authorized to develop a recreation area and associated campground in 1965. The Corps acknowledges the presence of one known site, the historic dam tenders site, within the limits of the loon center building footprint. No known archaeological resources have been identified within this same footprint; however, there would be additional surveys to verify site potential. In addition, associated facilities and utilities would be surveyed prior to any construction.

Funding for the National Loon Center and associated facilities and utilities is dependent upon the issuance of a lease by the Corps. As a result, the Corps is being requested to issue this lease by April 30. This would require a Programmatic Agreement (per 36 CFR 800.14(b)) to be executed prior to the lease approval to cover effects that cannot be fully determined in advance of the undertaking. Currently the plans and specifications of the design are being drafted. The Area of Potential Effect (APE) has not been determined at this time, however the attached map shows the extent of areas that could be directly affected by the issuance of a lease (Figure 2). Not all areas within the extent would be impacted.

Per 36 CFR 800.3(c) of the Advisory Council on Historic Preservation's regulation implementing Section 106 of the NHPA, the Corps is initiating consultation for Section 106 purposes. If you have any questions as we work through the review of this lease or development of the programmatic agreement, please contact Vanessa Alberto, at (651) 529-0982, [vanessa.j.alberto@usace.army.mil](mailto:vanessa.j.alberto@usace.army.mil).

Sincerely,

Elliott L. Stefanik  
Acting Deputy Chief, Regional Planning and  
Environment Division North

Copy Furnished:

Ms. Edith Leoso, THPO, Bad River Band of Lake Superior Chippewa  
Ms. Jill Hoppe, THPO, Fond du Lac Band of Lake Superior Chippewa  
Ms. Amy Burnette, THPO, Leech Lake Band of Ojibwe  
Ms. Cheyanne St. John, THPO, Lower Sioux Indian Community  
Ms. Natalie Weyaus, THPO, Mille Lacs Band of Ojibwe  
Mr. Kade Ferris, THPO, Red Lake Nation  
Mr. Leonard Wabasha, Cultural Resources Director, Shakopee Mdewakanton Sioux Community  
Ms. Dianne Desrosiers, THPO, Sisseton-Wahpeton Oyate  
Ms. Samantha Odegard, THPO, Upper Sioux Community  
Ms. Jaime Arssenault, THPO, White Earth Nation

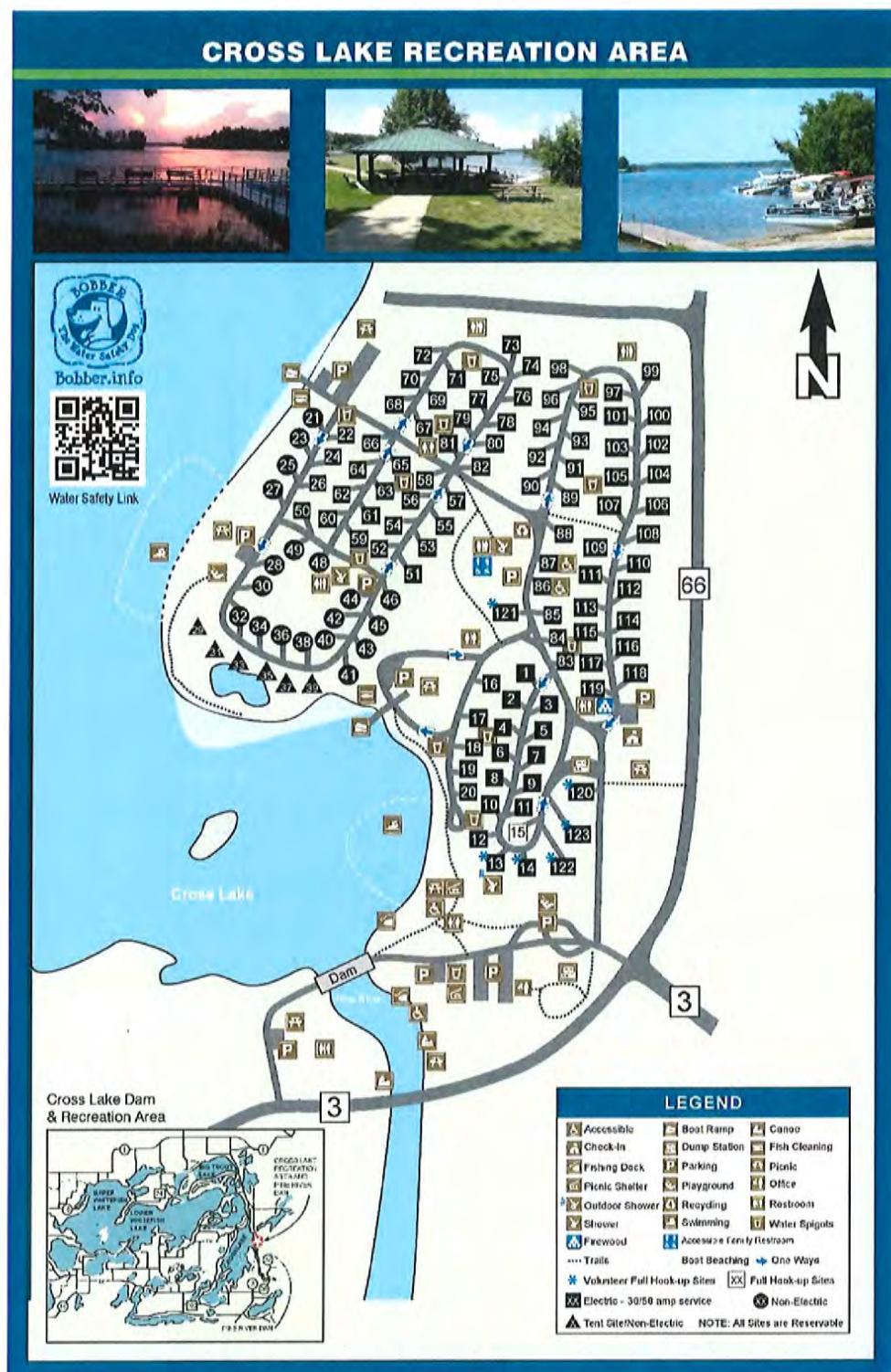


Figure 1: Cross Lake Recreation Area



Figure 2: Cross Lake Recreation Area (outlined in yellow) with extent of areas to be directly impacted by the issuance of a lease for the National Loon Center Foundation (outlined in red). The approximate footprint of the National Loon Center building is represented by the blue polygon.



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

Regional Planning and Environment Division North

FEB 19 2019

Ms. Jille Hoppe  
Fond du Lac Band  
Tribal Historic Preservation Officer  
1720 Big Lake Road  
Cloquet, Minnesota 55720

Dear Ms. Hoppe,

The U.S. Army Corps of Engineers, St. Paul District (Corps) is evaluating an application submitted by the National Loon Center Foundation requesting authorization under 16 U.S.C 460(d), lease of lands, to construct a National Loon Center and associated facilities and utilities within the Corps' Cross Lake Recreation Area (Figure 1). Issuance of a lease under 16 U.S.C 460(d) constitutes a Federal action requiring review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR 800.

The Cross Lake Recreation Area and associated dam is located at the outlet of Cross Lake, north of Brainerd, Minnesota. The dam was constructed between 1884 and 1886, reconstructed in 1905 and 1907, and remodeled in 2002. The Corps was authorized to develop a recreation area and associated campground in 1965. The Corps acknowledges the presence of one known site, the historic dam tenders site, within the limits of the loon center building footprint. No known archaeological resources have been identified within this same footprint; however, there would be additional surveys to verify site potential. In addition, associated facilities and utilities would be surveyed prior to any construction.

Funding for the National Loon Center and associated facilities and utilities is dependent upon the issuance of a lease by the Corps. As a result, the Corps is being requested to issue this lease by April 30. This would require a Programmatic Agreement (per 36 CFR 800.14(b)) to be executed prior to the lease approval to cover effects that cannot be fully determined in advance of the undertaking. Currently the plans and specifications of the design are being drafted. The Area of Potential Effect (APE) has not been determined at this time, however the attached map shows the extent of areas that could be directly affected by the issuance of a lease (Figure 2). Not all areas within the extent would be impacted.

The Corps has identified the Fond du Lac Band as having historical and cultural affiliation with the geographic location of the Cross Lake Recreation Area. Per 36 CFR 800.3(f)(2) of the Advisory Council on Historic Preservation's regulation implementing Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps is hereby inquiring if your tribe is interested in being a consulting party for Section 106 purposes and a signatory of the Programmatic Agreement.

If your tribe is interested in consulting on this project, please provide the Corps with a letter or email to that effect by March 1, 2019. We also request you provide the Corps with a point of contact for future consultation on the project. If you have any questions, please contact Vanessa Alberto, at (651) 529-0982, [vanessa.j.alberto@usace.army.mil](mailto:vanessa.j.alberto@usace.army.mil).

Sincerely,  


Elliott L. Stefanik  
Acting Deputy Chief, Regional Planning and  
Environment Division North

Copy Furnished:

Ms. Edith Leoso, THPO, Bad River Band of Lake Superior Chippewa  
Ms. Jill Hoppe, THPO, Fond du Lac Band of Lake Superior Chippewa  
Ms. Amy Burnette, THPO, Leech Lake Band of Ojibwe  
Ms. Cheyanne St. John, THPO, Lower Sioux Indian Community  
Ms. Natalie Weyaus, THPO, Mille Lacs Band of Ojibwe  
Mr. Kade Ferris, THPO, Red Lake Nation  
Mr. Leonard Wabasha, Cultural Resources Director, Shakopee Mdewakanton Sioux Community  
Ms. Dianne Desrosiers, THPO, Sisseton-Wahpeton Oyate  
Ms. Samantha Odegard, THPO, Upper Sioux Community  
Ms. Jaime Arssenault, THPO, White Earth Nation  
Ms. Sarah Beimers, Minnesota SHPO

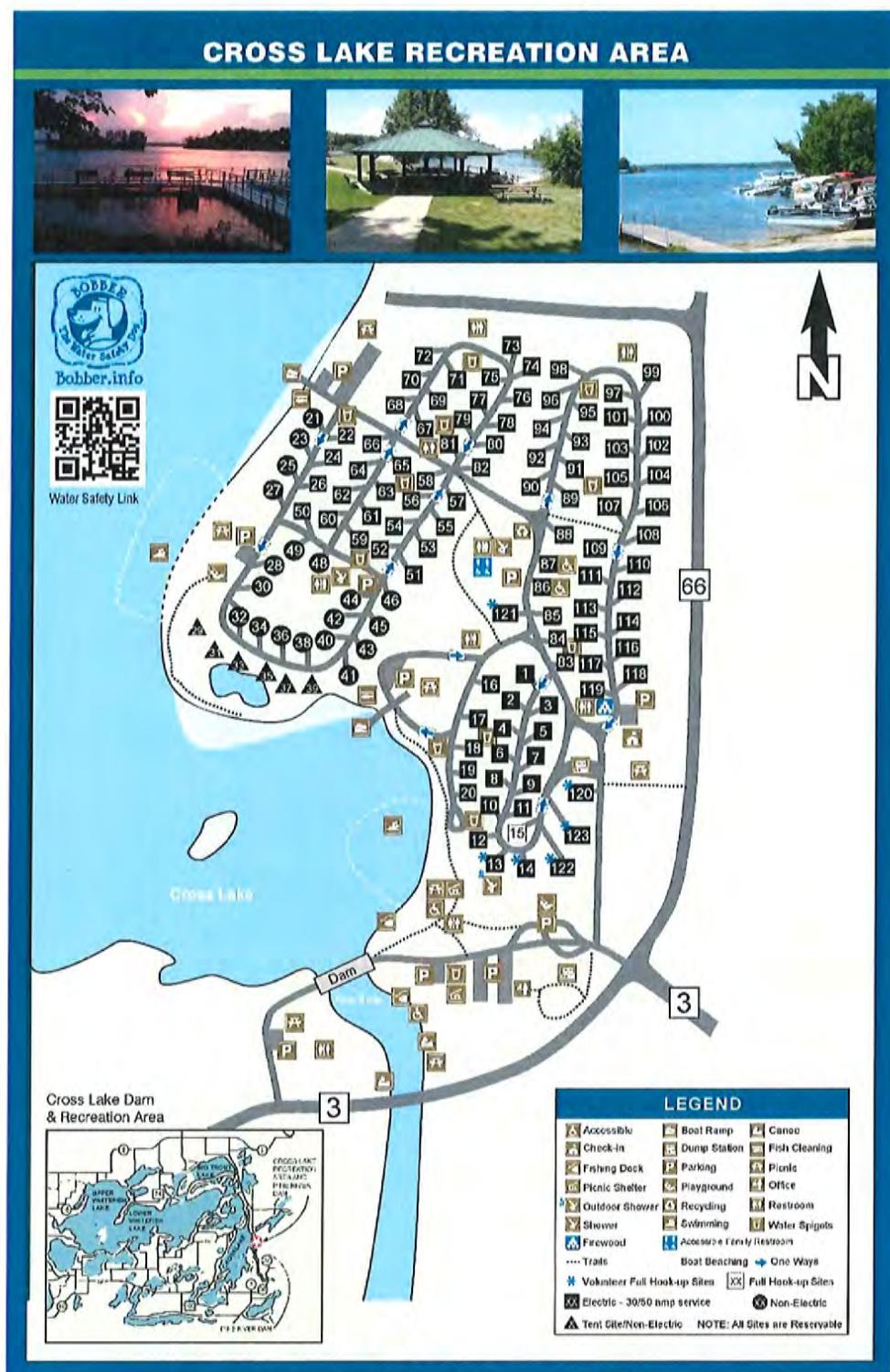


Figure 1: Cross Lake Recreation Area



Figure 2: Cross Lake Recreation Area (outlined in yellow) with extent of areas to be directly impacted by the issuance of a lease for the National Loon Center Foundation (outlined in red). The approximate footprint of the National Loon Center building is represented by the blue polygon.

Ms. Edith Leoso  
Bad River Band  
Tribal Historic Preservation Officer  
P.O. Box 39  
Odanah, WI 54861

Ms. Amy Burnette  
Leech Lake Band  
Tribal Historic Preservation Officer  
190 Sailstar Drive NW  
Cass Lake, MN 56633

Ms. Natalie Weyaus  
Mille Lacs Band of Ojibwe  
Tribal Historic Preservation Officer  
43408 Oodena Drive  
Onamia, MN 56359

Mr. Leonard Wabasha  
Shakopee Mdewakanton Sioux Community  
Cultural Resources Director  
2330 Sioux Trail NW  
Prior Lake, MN 55372

Ms. Samantha Odegard  
Upper Sioux Community  
Tribal Historic Preservation Officer  
P.O. Box 147  
Granite Falls, MN 56241

Ms. Sarah Beimers  
State Historic Preservation Office  
Environmental Review Program Manager  
203 Adminstration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

Ms. Jille Hoppe  
Fond du Lac Band  
Tribal Historic Preservation Officer  
1720 Big Lake Road  
Cloquet, MN 55720

Ms. Cheyanne St. John  
Lower Sioux Indian Community  
Tribal Historic Preservation Officer  
39527 Reservation Highway 1  
Morton, MN 56270

Mr. Kade Ferris  
Red Lake Nation  
Tribal Historic Preservation Officer  
P.O. Box 247, 24200 Council Street  
Red Lake, MN 56671

Ms. Dianne Desrosiers  
Sisseton-Wahpeton Oyate  
Tribal Historic Preservation Officer  
P.O. Box 907  
Sisseton, SD 57262

Ms. Jaime Arsenault  
White Earth Nation  
Tribal Historic Preservation Officer  
P.O. Box 418  
White Earth, MN 56591

March 28, 2019

Mr. Elliott Stefanik, Acting Deputy Chief  
Regional Planning and Environmental Division North  
US Army Corps of Engineers  
180 5<sup>th</sup> Street East, Suite 700  
St. Paul, MN 55101-1678

RE: Lease land for construction of a National Loon Center facility within the Cross Lake Recreation Area  
Crosslake, Crow Wing County  
SHPO Number: 2019-0932

Dear Mr. Stefanik,

Thank you for initiating consultation with our office regarding the above project. Information received in our office on February 21, 2019 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 have completed our review of your letter dated February 19, 2019, a submittal which included general location documentation pertaining to your agency's proposed issuance of a lease of lands to the National Loon Center Foundation (NLCF) for construction of a new building within the U.S. Army Corps of Engineers' (USACE) Cross Lake Recreation Area.

Your letter indicates that, in order for the proposed NLCF project to remain feasible, your agency will need to issue a lease of lands by April 30, 2019 which does not allow adequate time to complete the review and consultation process as required under Section 106 prior to federal approval. Therefore, in your February 19<sup>th</sup> letter, your agency has proposed to develop and execute a project-specific Section 106 Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b)(1)(ii) in consultation with our office and other consulting parties.

Taking into consideration this timing situation, we agree that it is appropriate to move forward with a PA for the proposed federal undertaking. Along with the standard preamble and administrative stipulations included in any Section 106 agreement, this PA will stipulate the required Section 106 review and consultation process steps that your agency must complete for this specific undertaking following the agreement's execution. These steps include the identification of historic properties, assessment of adverse effects, and resolution of adverse effects to historic properties, if any.

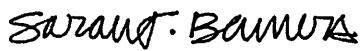
Concurrent with our review of your February 19<sup>th</sup> letter, which essentially initiates Section 106 consultation with our office for the proposed undertaking, we also participated in a consultation meeting on February 28, 2019 which was facilitated by USACE cultural resources staff and included a representative from the NLCF, which is a consulting party.

At the February 28th meeting we discussed the scope and nature of the proposed undertaking, which we understand has been defined by the USACE as the federal lease of lands to facilitate construction of the National Loon Center, and your agency's corresponding initial definition of an Area of Potential Effects (APE).

As of the date of this letter, we have completed a review and provided comments back to the USACE on the first draft of the PA (via email dated 3/13/2019) and are currently reviewing the revised, second draft PA (received by SHPO 3/15/2019).

We look forward to further consultation with your agency and others regarding this proposed undertaking. Please feel free to contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us) if you have any questions regarding this comment letter or the process moving forward.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

cc via email only:

Vanessa Alberto, Archaeologist and Tribal Liaison, USACE  
Chris Daniel, Advisory Council on Historic Preservation



Preserving America's Heritage

## ACHP Electronic Section 106 Documentation Submittal System

*Instructions for completing the ACHP e106 form (attached)*

**When to Use:** Use the *Electronic Section 106 Documentation Submittal System (e106) Form* (attached below) to meet the regulatory requirement (36 C.F.R. 800.6(a)(1)) to formally notify the ACHP when federal agencies:

- notify the ACHP of a finding that an undertaking may adversely affect historic properties, and/or
- invite the ACHP to participate in a Section 106 consultation, and/or
- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

The documentation required to accompany such a notification is listed at section 800.11(e) of the regulations implementing Section 106. Use of this form will help ensure that federal agencies provide the ACHP with the information needed to review agency adverse effect findings.

The form does not require any additional documentation beyond what is required in section 800.11(e). Rather, the ACHP is offering this as a tool to better assist agencies to meet their current responsibilities under the regulations, improve consistency and completeness in submissions, and expedite the compliance process. Use of this form and electronic submittal of project information is optional; agencies may continue to notify the ACHP of adverse effect findings via hard copy mailings if they so choose.

**How to Use:** The regulations (at 800.6(a)(1)) require the “federal agency official” to notify the ACHP. The email to the ACHP could come from this official or his/her office. The form should be filled out, saved as an MS Word document, and **sent as an email attachment to e106@achp.gov**. Federal agencies should copy the SHPO/THPO or other consulting parties when using this system to submit information. Reference additional attached material in the appropriate space on the form. Once the form is received, an automated receipt confirmation message will be sent to the e-mail address of the sender, and the 15-day clock for ACHP response begins.

### How to Fill Out the Form:

#### I. Basic Information

1. Indicate the federal agency carrying out the Section 106 review. (For some HUD projects this could be the “Responsible Entity” pursuant to 24 CFR Part 58.) If there are multiple federal agencies involved, please indicate whether the agencies have designated a lead agency for the Section 106 review process for this undertaking. If so, please note whether the non-lead agencies will continue to have any Section 106 responsibilities for the undertaking.

2. State the name of the undertaking. This is commonly the name on your NEPA document. If the agency also uses a permit, grant, or application number, please provide that.
3. Indicate the location of the undertaking—state(s), city(ies), county(ies) (or other locational information if relevant), and whether it will take place on, or affect historic properties located on federal and/or tribal and/or state and/or private lands. If the undertaking is on, or affects historic properties on tribal lands, list the relevant tribe(s).
4. Indicate the federal agency official (per section 800.2(a)) for this undertaking, along with the agency contact person(s) and their phone number and e-mail address, with whom we should correspond if we have questions about the undertaking, the documentation provided, and/or the status of the Section 106 review.
5. Indicate whether the submission of documentation is intended to notify the ACHP of the federal agency's finding of adverse effect (Section 800.6(a)(1)), whether the agency intends to invite the ACHP to participate in the consultation to resolve adverse effects (Section 800.6(a)(1)(i)), or the agency is proposing to develop a Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

## **II. Information on the Undertaking**

6. Briefly describe the undertaking subject to Section 106 review, and the nature of federal involvement. Explain whether this project will:
  - be funded in whole or in part by a federal agency or under the direct or indirect jurisdiction of a federal agency;
  - be carried out by or on behalf of a federal agency;
  - be carried out with federal financial assistance, or
  - require a federal permit, license, or approval.
7. Describe the area of potential effects (APE) for this undertaking. According to section 800.16(d), the APE is *“the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.”* Maps, photographs and/or drawings may be included to aid in describing the APE.
8. Describe the steps taken to identify historic properties within the APE, including who was consulted in developing the “reasonable and good faith” identification strategy.
9. Describe the historic property or properties that may be affected by the undertaking, including photographs, maps, and drawings as necessary. Are there any National Historic Landmarks (NHLs) within the APE? This description should include information on the applicable National Register criteria of significance (e.g., A-D), character-defining features, integrity, boundaries, and environmental setting and geographic location if they contribute to the property's significance. Please note that a more detailed description of the affected historic properties may be attached to the form. If this information is already on a current National Register or state register form, attach that form.
10. Describe the undertaking's effects to the historic property or properties. An effect is defined in section 800.16(i) as any *“alteration to the characteristics of a historic property qualifying it for*

*inclusion in or eligibility for the National Register.”*

11. Explain how this undertaking would adversely affect historic properties. State any currently known conditions or future actions to avoid, minimize, or mitigate adverse effects. As set forth in section 800.5(a)(1)) an adverse effect is found when “*an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*”

(Note that if NHLs may be adversely affected by the undertaking, the regulations (at section 800.10(c)) require the federal agency to notify the NPS and invite their participation to resolve adverse effects.)

12. Provide copies or summaries of the views provided to date by any consulting parties or the public, including any correspondence from the State Historic Preservation Officer(s) and/or the Tribal Historic Preservation Officer(s).

### **III. Optional Information**

13. Please indicate the status of any consultation that has occurred to date. Are there consulting parties other than the SHPO/THPO involved? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

14. Can the interested public find out about this project from your agency website or another website? If so, please provide the link.

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency tracking system? If so, please provide the link or reference.

Thank you for using the *e106* system. If you have any questions, you can email them to [e106@achp.gov](mailto:e106@achp.gov) or contact Najah Duvall-Gabriel or Tom McCulloch at (202) 517-0200.

**Advisory Council on Historic Preservation**  
**Electronic Section 106 Documentation Submittal System (e106) Form**  
***MS Word* format**

Send to: *e106@achp.gov*

**I. Basic information**

**1. Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

U.S. Army Corps of Engineers, St. Paul District

**2. Name of undertaking/project** (Include project/permit/application number if applicable):

National Loon Center Foundation Lease Application

**3. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

Project is located within the U.S. Army Corps of Engineers, St. Paul District's Cross Lake Recreation Area (fee-title lands) which is situated at the outlet of Cross Lake, approximately 22 miles north of Brainerd, Minnesota, Crow Wing County.

**4. Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

Federal Agency Official:

Elliott Stefanik

Acting Deputy, Regional Planning and  
Environment Division North

651-290-5260

[elliott.l.stefanik@usace.army.mil](mailto:elliott.l.stefanik@usace.army.mil)

Point of Contact:

Vanessa Alberto

Archaeologist

651-529-0982

[vanessa.j.alberto@usace.army.mil](mailto:vanessa.j.alberto@usace.army.mil)

**5. Purpose of notification.** Indicate whether this documentation is to:

- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

## **II. Information on the Undertaking\***

### **6. Describe the undertaking and nature of federal involvement** (if multiple federal agencies are involved, specify involvement of each):

The U.S. Army Corps of Engineers, St. Paul District (Corps) owns, operates, and manages the Cross Lake Recreation Area (CLRA) pursuant to the River and Harbor Acts of June 14, 1880, and August 2, 1882, Public Law 78-534, and the Federal Water Project Recreation Act of 1965 (U.S.C 460-12; Public Law 89-72). The Corps has received an application for the establishment of a lease from the National Loon Center Foundation (NLCF). The application requests approval of the Corps under the authority of 16 U.S.C 460(d), to construct a National Loon Center and associated facilities and utilities at the CLRA and issuance of approvals are Federal actions requiring compliance with the National Environmental Policy Act (NEPA), 42 U.S.C 4321 et seq., and preparation of an environmental document.

The Corps has also determined that issuance of approvals under 16 U.S.C 460(d) may have an adverse effect on historic properties eligible for or listed in the National Register of Historic Places (NRHP), and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR 800.

Funding for the National Loon Center and associated facilities and utilities is dependent upon the issuance of a lease by the Corps. As a result, the Corps is being requested to issue this lease by April 30. This would require a Programmatic Agreement (per 36 CFR 800.14(b)) to be executed prior to the lease approval to cover effects that cannot be fully determined in advance of the undertaking. Currently the plans and specifications of the design are being drafted.

### **7. Describe the Area of Potential Effects:**

The Area of Potential Effects (APE) has not been determined at this time, however the extent of the area that could be directly affected by the lease is known (Figure 1). Not all areas within the extent would be impacted. The direct and indirect APE would be determined in consultation during the development of the Programmatic Agreement (PA).

### **8. Describe steps taken to identify historic properties:**

A historic resources investigation of the Mississippi River Headwaters Reservoirs was completed in 1988. The Pine River Reservoir within which the Cross Lake Recreation Area resides, was included in this investigation. In addition, the investigation was to evaluate the National Register significance of the Pine River (Cross Lake) Dam, dwellings, associated structures, and potential historic archaeological sites. The dam is the only remaining above-ground property within the area due to extensive redevelopment of the recreation site. The Pine River (Cross Lake) Dam was determined eligible to the National Register of Historic Places and included in a multiple Property Documentation Form for the Mississippi River Headwaters Damsites. No below ground resources within the project extent were identified during this investigation. A re-evaluation of the dam would be completed for the project prior to any construction.

Phase I investigations were completed within the Cross Lake Recreation Area in 1996 and 1998 respectively for the Dam Safety Assurance Program. Site 21CW0219 (Pine River Dam Compound) was identified within the extent of the project during this investigation. Significant disturbance has occurred to site 21CW0219; however, there is potential for intact below-ground resources. Additional testing would be completed for the project prior to any construction.

### **9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):**

Two (2) sites have been identified within the project extent. The Pine River (Cross Lake) Dam was originally constructed in 1884 and 1886, reconstructed in 1905 and 1907, and remodeled in 2002. It was determined eligible to the NRHP in 1989. No evaluation has been complete on the dam since 1989.

Historic site 21CW0219 (Pine River Dam Compound) was identified in 1996 after phase I testing for the Dam Safety Assurance Program. The existing site boundary location has been inferred from historic documents. Sections of the site have been heavily disturbed and no remaining building remain of the compound, however, below ground resources associated with the compound may exist.

**10. Describe the undertaking's effects on historic properties:**

The necessary cultural resources investigations, evaluations, and coordination for compliance under Section 106 of the NHPA cannot be completed prior to the issuance of the lease. A PA would be executed prior to lease approval to cover effects that cannot be fully determined in advance of the undertaking.

**11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):**

The appropriate identification efforts have not been completed. A PA would be executed prior to the lease approval to cover effects that cannot be fully determined in advance of the undertaking.

**12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawaiian organizations, or the public, including any correspondence from the SHPO and/or THPO.**

The Corps met with SHPO to discuss the proposed lease and need for a PA. The Corps initiated consultation under Section 106 of the NHPA via letter to SHPO and ten (10) tribes who have historical and cultural affiliation to the geographic area (attached). This consultation is ongoing and no response has been received. As a THPO provides response, they would become a consulting party to the development of the PA.

Public involvement and an appropriate level of public notification for the lease, pursuant to 36 CFR 800.2(d), would be coordinated with the concurrent scoping, public review and comment, public meetings, and technical reviews as required under NEPA and its implementing regulations.

\* see *Instructions for Completing the ACHP e106 Form*

**III. Optional Information**

**13. Please indicate the status of any consultation that has occurred to date.** Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

No.

**14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments?** Please provide relevant links:

The Corps does not currently have a website for interested public; however, information would be made available as the review process moves forward.

**15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:**

Not Applicable.

**The following are attached to this form (check all that apply):**

Section 106 consultation correspondence

Maps, photographs, drawings, and/or plans

Additional historic property information

Other:



*Preserving America's Heritage*

March 1, 2019

Elliott L. Stefanik  
Acting Deputy Chief, RPEDN  
U.S. Army Corps of Engineers  
St. Paul District  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101-1678

Ref: *Proposed Construction of a National Loon Center at the Cross Lake Recreation Area  
Crow Wing County, Minnesota*

Dear Mr. Stefanik:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Minnesota State Historic Preservation Office's (SHPO's) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov).

Sincerely,

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
AND  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE ISSUANCE OF A LEASE TO ALLOW FOR  
THE CONSTRUCTION OF A NATIONAL LOON CENTER AT THE  
CROSS LAKE RECREATION AREA  
CROW WING COUNTY, MINNESOTA**

25 April 2019

**WHEREAS**, the U.S. Army Corps of Engineers, St. Paul District (Corps) owns, operates, and manages the Cross Lake Recreation Area (CLRA) pursuant to the Rivers and Harbors Acts of 1880 (21 Stat. 180) and 1882 (22 Stat. 191), the Flood Control Act of 1944 (Public Law 78-534), and the Federal Water Project Recreation Act of 1965 (16 U.S.C. § 460l-12, *et seq.*; Public Law 89-72); and

**WHEREAS**, the Corps is evaluating an application from the National Loon Center Foundation (NLCF) requesting issuance of a lease from the Corps under 16 U.S.C. § 460d, to construct a National Loon Center and associated facilities (Project) at the CLRA; and

**WHEREAS**, the Corps has determined that the issuance of a lease is a federal undertaking subject to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108, *et seq.*) (NHPA), and the Advisory Council on Historic Preservation's (AHP) implementing regulations, 36 CFR Part 800; and

**WHEREAS**, the Corps, in consultation with the Minnesota State Historic Preservation Office (SHPO), has defined the area of potential effect (APE) for the Project as documented in Attachment A. The APE includes all areas of potential direct effects in the Project area as well as areas where indirect effects may be caused by the Project. The APE as documented in Attachment A is based on the Project as proposed at the time of execution of this Programmatic Agreement (PA); and

**WHEREAS**, the APE for the Project may be further refined as a result of additional consultation and as plans for the Project are further developed; and

**WHEREAS**, the Corps has initially identified two potential historic properties within the APE. The Pine River Dam Compound (21CW0219) which has been identified by the Corps as potentially eligible for listing in the National Register of Historic Places (NRHP), and the Pine River Dam (CW-CLC-002) which has previously been determined eligible for listing in the NRHP. These previous property evaluations are considered by the Corps as being either outdated or incomplete and therefore the two properties warrant additional evaluation for NRHP eligibility under the terms of this PA. The Corps will continue to complete identification and evaluation efforts for these properties and any other currently unidentified properties as stipulated in this PA; and

**WHEREAS**, the Corps will not be able to complete consultation regarding the final identification of historic properties for the Project prior to the completion of the environmental document for compliance with the National Environmental Policy Act (NEPA), making execution of this PA for the Project appropriate pursuant to the NHPA and 36 CFR § 800.14(b)(1)(ii); and

**WHEREAS**, pursuant to 36 CFR § 800.2(c)(1) the Corps has consulted with the SHPO on the proposed Project plans and has determined that review and consultation pertaining to additional design development for the Project will be needed in order for the Corps to fully assess the potential effects to historic properties, including those identified through additional survey; and

**WHEREAS**, pursuant to 36 CFR § 800.2(c)(2) the Corps has invited the Bad River Band of Lake Superior Chippewa, Fond du Lac Band of Lake Superior Chippewa, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Red Lake Band of Chippewa Indians, Shakopee Mdewakanton Sioux Community, Sisseton-Wahpeton Oyate, Upper Sioux Community, and White Earth Band of Ojibwe to consult on the proposed Project and to sign this PA as a concurring party. No tribes have accepted the invitation to sign this PA as a concurring party; however, the Corps will continue to consult with tribes that may attach religious and cultural significance to historic properties as stipulations are met. This consultation is not limited to those tribes that may have participated in the development of this PA; and

**WHEREAS**, the NLCF, as the non-Federal sponsor for this Project, has participated in consultation; and has been invited to sign this PA as an “invited signatory” pursuant to 36 CFR § 800.6(c)(2) due to the fact that it will have responsibilities under this PA; and

**WHEREAS**, pursuant to 36 CFR § 800.2(d), public involvement and an appropriate level of public notification for the Project has been coordinated with the concurrent scoping, public review and comment, public meetings, and technical reviews as required under NEPA and its implementing regulations; and

**WHEREAS**, pursuant to 36 CFR § 800.6(a)(1), the Corps has notified the ACHP of its decision to enter into this PA, and has provided the documentation specified in 36 CFR § 800.6(a)(1), and the ACHP has chosen not to participate in this PA;

**NOW, THEREFORE**, the Corps and the SHPO agree that upon execution of this PA, the Corps shall ensure that any lease instrument that is issued for the proposed Project shall be conditioned to incorporate the following stipulations to account for the potential effects of the undertaking on historic properties.

## **STIPULATIONS**

The Corps shall ensure that the following measures are carried out.

### **STIPULATION 1. GENERAL RESPONSIBILITIES**

- A. The signatories to this PA are the Corps and the SHPO and the Invited Signatory to this PA is the NLCF. Collectively the Signatories and Invited Signatory are referred to in this PA as "Parties". The Signatories, Invited Signatory, and the Concurring Signatories have rights as defined under 36 CFR § 800.6.
- B. The Corps is responsible for oversight of performance under this PA and shall carry out compliance with Section 106 of the NHPA, including leading consultation as it pertains to identification of historic properties and findings of effect.
- C. The NLCF shall provide to the Corps completed cultural resource reports with fully documented eligibility determinations and recommendations.
- D. The NLCF shall provide to the Corps the plans and specifications for all proposed Project-related activities including proposed buildings, structures, paths, parking, landscaping, other features, staging areas, and utility locations.
- E. The NLCF shall ensure that any contractors or consultants hired to execute the work relevant to this PA shall be aware of and subject to the terms and stipulations of this PA.
- F. The NLCF may not proceed with construction of the Project until the Corps has determined that there are no unresolved issues pertaining to historic properties in those areas, and the Corps has issued a written notice to proceed.

### **STIPULATION II. COMPLETION OF THE IDENTIFICATION OF HISTORIC PROPERTIES**

- A. Following the execution of this PA and prior to the commencement of any construction activities, the NLCF shall have its consultants complete and document historic property identification efforts and NRHP eligibility recommendations in accordance with 36 CFR § 800.4. The NLCF shall ensure that any archaeologists, historians, or architectural historians who conduct cultural resource identification and evaluation efforts related to the Project meet the professional qualification standards in the appropriate field as defined in the Secretary of the Interior's (SOI) *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-01).
- B. All historic property identification, evaluation, and survey work carried out pursuant to this PA will meet the SOI *Standards for Archaeology and Historic Preservation*, applicable NRHP Bulletins, and applicable State of Minnesota guidelines.
- C. The NLCF shall ensure that, at a minimum, its consultants complete a literature search of the Project area which includes consulting Minnesota site files, previous survey reports, and other documents at the SHPO for information on previously recorded historic properties, site leads, and previously surveyed areas. The literature search shall be used to direct the scope of the research design, Phase I reconnaissance and Phase II intensive level surveys.

- D. An Archaeological Resources Protection Act (ARPA) permit request shall be submitted to and approved by the Corps' real estate division prior to initiating any Phase I or Phase II surveys.
- E. Any archaeological investigations conducted in association with the proposed Project shall follow the guidelines outlined in the *SHPO Manual for Archaeological Projects in Minnesota*.
- F. The Phase I/Phase II architecture/history investigations shall follow the guidelines outlined in the Heritage Preservation Department, *Historic and Architectural Survey Manual* and shall include survey and evaluation of all properties identified within the APE for direct and indirect effects for the Project.
- G. The NLCF and their consultants shall provide to the Corps their fully-documented historic property identification efforts, including NRHP-eligibility determinations and recommendations. The Corps shall review the provided documentation and shall provide its fully-documented eligibility determinations and recommendations to the SHPO and Tribes, who shall have thirty (30) calendar days from receipt of the documentation to provide their comments to the Corps.
- H. After receipt of comments from the SHPO and Tribes, the Corps shall provide all comments to the NLCF consultants and the NLCF consultants shall incorporate all changes requested in those comments within thirty (30) days of receipt.
- I. If the Corps chooses to not accept a comment by the SHPO or Tribes, the Corps shall provide a written explanation to the SHPO or Tribes and consult, as appropriate, to seek resolution. If resolution cannot be made, the Corps shall resolve the dispute pursuant to Administrative Provision VI.
- J. Following completion of review and consultation as required under Stipulation II (G-I), the NLCF and its consultants shall submit the final report and any associated historic property inventory forms to the Corps, and the Corps will submit these documents to SHPO for incorporation into the statewide historic property records inventory. Reports shall be considered final upon written notice from the Corps.

### **STIPULATION III. PROJECT PLAN REVIEW AND ASSESSMENT OF EFFECT**

- A. The NLCF shall provide the Corps with all Project plans, including plans for temporary construction-related work and any design modifications made prior to initiating Project construction. The Project design must effectively meet the Project purpose and need while avoiding, minimizing, and/or mitigating adverse effects to historic properties.
- B. The NLCF or its consultant shall review the Project plans and apply the criteria of adverse effect as established in 36 CFR § 800.5(a). Based on this review, the NLCF shall provide the Corps with a fully documented recommendation of effect for all historic properties in the APE pursuant to 36 CFR § 800.5. Following review and approval of the recommendation of effect, the Corps shall complete the findings of effect and continue to Stipulation III (C).
- C. If the Corps determines the Project will not adversely affect historic properties within the APE based upon the assessment and documentation provided under Stipulation III (B), then the Corps will make a No Adverse Effect finding in accordance with 36 CFR § 800.5(b) and submit this fully documented finding, in accordance with 36 CFR § 800.11(e), to the SHPO and Tribes, who shall have thirty (30) days to review and provide written comments to the Corps.

- D. If the Corps receives agreement from the SHPO and no written objections are issued by any party regarding the Corps' finding of No Adverse Effect within the 30-day review period, then the NLCF may proceed with development of subsequent Project designs in accordance with the No Adverse Effect finding, per 36 CFR § 800.5(c)(1).
- E. If the SHPO or a Tribe does not agree with the Corps' No Adverse Effect finding and specifies reasons for the disagreement in writing within the 30-day review period, the Corps shall notify the NLCF of the disagreement and the Corps will either consult further with the SHPO to resolve the disagreement or request ACHP review pursuant to 36 CFR § 800.5(c)(2).
- F. If the Corps determines the Project will have an Adverse Effect, the Corps shall resolve the adverse effect pursuant to Stipulation IV.

#### **STIPULATION IV. RESOLUTION OF ADVERSE EFFECTS**

- A. If the Corps determines, pursuant to review and consultation under Stipulation III of this PA, that the Project will have adverse effects on historic properties, the Corps shall consult with the Parties to this PA and consulting Tribes, as applicable, to resolve the Adverse Effect including first consideration of whether or not the Adverse Effect may be avoided through modification of Project design or other measures.
- B. If the Parties to this PA and consulting Tribes, if applicable, reach agreement in writing on modifications or measures to avoid adverse effects and essentially revise the finding to a No Adverse Effect finding, then the Corps shall document the agreement in the Corps' administrative record for the Project and share findings with the Parties to this PA and consulting Tribes, as applicable. The Project shall then be carried out according to the Corps' written agreement to avoid adverse effects.
- C. If the Parties to this PA, and consulting Tribes, if applicable, fail to reach agreement on appropriate avoidance measures pursuant to Stipulation IV (A) of this PA, then the Corps shall make a determination that the Adverse Effect cannot be avoided and will continue consultation with the Parties and consulting Tribes, as applicable, pursuant to Stipulations IV (D-E) to determine appropriate minimization and/or mitigation measures to resolve the Adverse Effect. Pursuant to the notice standards set in 36 CFR § 800.6(a)(1), the Corps shall notify the ACHP of the Adverse Effect determination by providing the documentation specified in 36 CFR § 800.11(e). The ACHP shall use the criteria in Appendix A of 36 CFR Part 800 to determine whether it will participate in consultation to resolve the adverse effect and inform the Corps of its decisions within fifteen (15) calendar days of receipt.
- D. The Corps shall consult with the Parties to this PA and consulting Tribes, as applicable, to determine appropriate minimization and/or mitigation measures to resolve the Adverse Effect. Once an agreement has been reached in writing, the NLCF or its consultants shall develop a Mitigation Plan (Plan) for review and approval by the Corps that is appropriate to the historic property and the nature and scale of the Adverse Effect. The Plan shall incorporate minimization and mitigation measures agreed upon during consultation. The Corps shall provide a final draft of the Plan to the Parties to this PA and consulting Tribes, as applicable, who will have thirty (30) calendar days from receipt to review and provide comments. The NLCF or its consultants will incorporate the comments into the final Plan.
- E. The final Plan shall be agreed to in writing by the Corps and the Parties to this PA and will be carried out according to its terms in order to resolve adverse effects. If the Corps and the SHPO cannot come to an agreement on the Plan, Administrative Provision VI will be followed to resolve the dispute.

F. If any agreed-upon mitigation included in the final Plan involves archaeological data recovery or some other historic property documentation, then Project construction activities may not begin until after the completion of the fieldwork for the data recovery or documentation and the Corps has provided written notification in this regard.

#### **STIPULATION V. POST-REVIEW DISCOVERIES**

A. If previously unidentified historic properties, including human remains, are discovered unexpectedly during construction of the Project, or previously known historic properties are affected, or have been affected in an unanticipated adverse manner, all ground-disturbing activities will cease in the area of the historic property, as well as within one hundred (100) feet of it, to avoid and/or minimize harm to the property. The NLCF or its contractor will immediately notify the Corps of the discovery and implement interim measures to protect the discovery from damage, looting, and vandalism, including but not limited to protective fencing and covering of the discovery with appropriate materials. Upon receipt of the notification, the Corps shall notify the SHPO and Tribes and may inspect the construction site to ensure that construction activities have halted. The SHPO and Tribes may jointly confer at the site to assess the property and potential impacts, and to determine the most appropriate avoidance measures.

B. Non-Human Remains

Within seventy-two (72) hours of the discovery of the remains, the NLCF shall have a qualified archaeologist, historian and/or architectural historian, as appropriate, who meets the *SOI's Professional Qualifications Standards* (36 CFR Part 61) for their respective field to record, document, and provide a recommendation to the Corps. The Corps will inform the SHPO and any tribes that may attach religious and cultural significance to the property, of the discovery.

C. Human Remains

If an unmarked human burial or skeletal remains are encountered during construction activities, all ground disturbing activities will cease. The NLCF or its contractor will immediately notify the Corps and local law enforcement and the NLCF will bring in a qualified consultant as appropriate who meets the SOI professional qualification standards for his or her respective field. The NLCF consultant will comply with federal laws as well as take into account the ACHP's Policy Statement on the Treatment of Burial Sites.

1. If it is immediately obvious that the skeletal remains found are non-human and are in association with cultural material, the procedures described in Stipulation V (A) and (B) shall be followed.
2. The Corps shall immediately notify the SHPO, and appropriate tribes within twenty-four (24) hours via email, fax, or telephone. The Corps will also notify the Office of the State Archaeologist (OSA) and Minnesota Indian Affairs Council (MIAC).
3. If it is not certain whether the remains are human, all work will immediately cease within a 100-foot radius from the point of discovery and the NLCF consultant will secure the area. The NLCF consultant will place pin flags in a 100-foot radius around the discovery and ensure that appropriate measures are taken to protect the discovery from further disturbance. All human remains, regardless of ancestry, will be treated with dignity and respect.
4. The police will investigate the human remains and contact the medical examiner. If the human remains are modern, the police and/or medical examiner will assume responsibility. If it is determined the remains are not modern or do not reflect a crime scene and/or the police relinquish their jurisdiction over the remains, the Corps will consult with the SHPO and appropriate tribes regarding additional steps to be followed.

5. If the human remains appear to be prehistoric or historic Native American, the Corps will meet the requirements of the Native American Graves Protection and Repatriation Act for all Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony on a case-by-case basis, in accordance with 43 CFR Part 10. An action plan will be written for each case by the Corps in consultation with appropriate consulting parties.
6. Measures to protect the human remains and any associated artifact(s) will remain in effect until the remains and associated artifacts have been fully evaluated and appropriate treatment of the discovery (if applicable) has been completed. The contractor will not resume work in the vicinity of the find until the Corps has granted clearance to do so.

## **ADMINISTRATIVE PROVISIONS**

### **VI. DISPUTE RESOLUTION**

Should any party to this PA object at any time to any actions proposed or the manner in which the terms of the PA are implemented, the Corps shall consult with such party (or parties) to resolve the objection. The parties shall work cooperatively to achieve a consensus to resolve any disagreement. If the Corps determines the objection(s) cannot be resolved, the Corps shall:

- A. Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the ACHP. The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatory Parties, and provide them and the ACHP with a copy of such written response.
- C. Any comment provided by the ACHP or Signatory Party in response to a dispute shall be taken into account by the Corps with reference only to the subject of the dispute; the Signatory Parties' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

### **VII. AMENDMENTS.**

This PA may be amended when such an amendment is agreed to in writing by the Signatory Parties. Any party to this PA may request that it is amended, whereupon the parties shall consult in accordance with Administrative Provision VI of this PA. The amendment will be effective on the date that a signed copy of the amendment is filed with the ACHP.

### **VIII. DURATION**

This PA will remain in effect for a period of five (5) years from the date of execution; at such time, if the terms of the PA have not been implemented, this PA will be null and void. If the Corps anticipates that the terms of this PA will not be completed within this timeframe it will notify the Signatory Parties in writing at least thirty (30) calendar days prior to the expiration date. This PA may be extended by the

written concurrence of the Signatory Parties. If this PA expires and the Corps elects to continue with the undertaking, then the Corps will reinitiate review of the Project in accordance with 36 CFR Part 800.

## **IX. TERMINATION**

- A. If any Signatory Party to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatory Parties to attempt to develop an amendment per Administrative Provision VII of this PA. If within thirty (30) days an amendment cannot be reached, any Signatory Party may terminate the PA upon written notification to other Signatory Parties.
- B. Once the PA is terminated, and prior to work continuing on the undertaking, the Corps must either (a) execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Corps shall notify the Signatory Parties as to the course of action it will pursue.

## **X. OTHER LAWS, RULES, AND REGULATIONS**

No provision of this PA, whether express or implied, is intended or designed to exempt any party from its respective obligations, duties, and responsibilities pursuant to any provisions of the NHPA, the ACHP's implementing regulations at 36 CFR Part 800, or the provisions of any other federal, state, or local law, regulation, rule or ordinance not specifically referenced herein.

## **XI. ANTI-DEFICIENCY PROVISION**

All obligations on the part of the Corps under this PA shall be subject to the appropriation, availability, and allocation of sufficient funds to the Corps for such purposes.

## **XII. EXECUTION OF THIS PA**

- A. By their signature hereon, the signatories to this PA certify that they have the authority to sign for the organization or agency they represent and to bind said organization or agency to the terms, conditions, and stipulations herein contained.
- B. This PA will become effective upon execution. The Corps will ensure each party is provided with a complete copy and that the final PA, updates to appendices, and any amendments are filed with the ACHP.
- C. Execution and implementation of this PA evidences that the Corps has taken into account the effects of the proposed Project on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the NHPA.

PROGRAMMATIC AGREEMENT  
BETWEEN  
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AND  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE ISSUANCE OF A LEASE TO ALLOW FOR  
THE CONSTRUCTION OF A NATIONAL LOON CENTER AT THE  
CROSS LAKE RECREATION AREA  
CROW WING COUNTY, MINNESOTA

**SIGNATORY:**

U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT

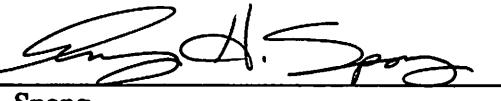
By: 

Samuel L. Calkins  
Colonel, Corps of Engineers  
District Commander

Date: 26 April 2019

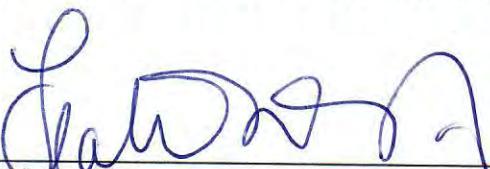
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**SIGNATORY:  
MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

By:  Date: 4/26/19  
Amy H. Spong  
Deputy State Historic Preservation Officer

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CROW WING COUNTY, MINNESOTA**

**INVITED SIGNATORY:  
NATIONAL LOON CENTER FOUNDATION**

By:  Date: 4 29 19  
Leah Nolan Heggerston  
Executive Director of National Loon Center &  
Vice President of Board of Directors National Loon Center Foundation

ATTACHMENT A: AREA OF POTENTIAL EFFECTS



The APE for architecture/historic properties includes construction limits for the National Loon Center building, the boat dock system, and the immediately adjacent properties that are not visually screened from the Project. The APE for archaeology includes the limits of the proposed construction for the National Loon Center building and dock system.

## **Appendix E. Finding of No Significant Impact (FONSI)**



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

Regional Planning and Environment Division North

**FINDING OF NO SIGNIFICANT IMPACT**

In accordance with the National Environmental Policy Act, the U.S. Army Corps of Engineers, St. Paul District, has assessed the environmental impacts of the following project:

**NATIONAL LOON CENTER AT CROSS LAKE RECREATION AREA  
CROW WING COUNTY, MINNESOTA**

The Requester's Preferred Alternative (RPA) would involve approval to construct and operate a National Loon Center and associated facilities at the Cross Lake Recreation Area as described in this environmental assessment.\*

This Finding of No Significant Impact is based on the following factors: the RPA would result in minor adverse effects to noise levels, aesthetics, recreation, controversy, air quality, terrestrial habitat, and aquatic habitat, and minor beneficial effects to aesthetics, recreation, community cohesion, community growth and development, public facilities and services, employment, and business activity. The RPA would have substantial adverse effects to transportation and land use. There would likely be minor adverse effects to cultural resources, but any such effects would be addressed prior to the implementation of the RPA as outlined in the Programmatic Agreement. No significant effects to cultural resources would occur.

For the reasons above, the proposed action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

**30 APR '19**

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Date

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Samuel L. Calkins  
Colonel, Corps of Engineers  
District Commander

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\* Just prior to the date of this FONSI, the National Loon Center Foundation submitted a revised proposal that is reduced in scope from the original. The new proposal falls within the scope of the original RPA and the environmental effects of the new proposal are adequately addressed in the environmental assessment.