
From: Floyd, Kathryn K. <KKFloyd@Venable.com>
Sent: Thursday, December 2, 2021 10:49 AM
To: Wayland, Joshua; Joe Van Humbeck
Cc: Alan Summerville; Tabachnick, Alan; Glen Wilson; Johnson, Jay C.
Subject: RE: Brownsville Siding
Attachments: 2014-03609-DAS_LOP-05-MN Letter with Special Conditions_KAH signed 20180910Final.pdf

Hi Josh,

Per your request, attached please find the materials for the Brownsville siding.

Please let us know if you have any questions.

Best, Kathryn

Kathryn K. Floyd, Esq. | Venable LLP
t 202.344.4696 | f 202.344.8300 | m 202.247.5050
600 Massachusetts Avenue, NW, Washington, DC 20001

KKFloyd@Venable.com | www.Venable.com

From: Wayland, Joshua <Joshua.Wayland@stb.gov>
Sent: Wednesday, December 1, 2021 10:48 AM
To: Joe Van Humbeck <Joe_VanHumbeck@cpr.ca>
Cc: Alan Summerville <asummerville@vhb.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Glen Wilson <Glen_Wilson@cpr.ca>; Floyd, Kathryn K. <KKFloyd@Venable.com>
Subject: RE: Brownsville Siding

Caution: External Email

Joe,

Thank you for this update. It would be very helpful to have those materials for the Brownsville siding, if you are able to share them. We would especially be interested in reviewing the Corps permit and Archeology Report in advance of our upcoming meeting with the Minnesota SHPO, as these materials would allow us to have a better understanding of the potential for encountering cultural resources at the site.

Best,
Josh

Joshua Wayland, PhD
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
202.245.0330

From: Joe Van Humbeck <Joe_VanHumbeck@cpr.ca>
Sent: Wednesday, December 1, 2021 7:35 AM
To: Wayland, Joshua <Joshua.Wayland@stb.gov>
Cc: Alan Summerville <asummerville@vhb.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Glen Wilson <Glen_Wilson@cpr.ca>; Floyd, Kathryn K. <KKFloyd@Venable.com>
Subject: Brownsville Siding

Good morning Josh, hope you are well.

I am writing to provide a quick update on the proposed Brownsville Siding as I know your meeting with the MN SHPO is at the end of the week. In discussion with our engineering team and design firm yesterday we realized that this project was fully designed and permitted ca 2017. It just never got built as the expected traffic didn't materialize. We have roll plots, our USACE Permit, Archaeology Reports, Houston County Floodplain Permit and have already purchased the wetland offsetting credits.

Let me know if any of these would assist you in your discussions and I will email them to you.

Joe



Joe Van Humbeck

Director, Impact Assessment & Natural
Environment

C 403-809-2530

7550 Ogden Dale Road SE
Calgary AB T2C 4X9

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REPLY TO ATTENTION OF
REGULATORY BRANCH

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

September 10, 2018

Regulatory File No. MVP-2014-03609-DAS

Canadian Pacific Railway
c/o Tim Havlicek
120 South Sixth Street, Suite 900
Minneapolis, Minnesota 55402

Dear Mr. Havlicek:

Authority is hereby granted for Canadian Pacific Railway to discharge dredged and fill material into 1.85 acres of wetland adjacent to the Mississippi River and into 130 square feet of an unnamed tributary to the Mississippi River for the construction of a new 12,000 foot railroad siding track on the Marquette Subdivision. The project site is in Sections 2, 11, 12, and 13, Township 103 North, Range 4 West, Houston County, Minnesota.

The authorized work is shown on the enclosed drawings labeled MVP-2014-03609-DAS, Page 1 of 15 through Page 15 of 15, which are hereby incorporated as part of this Letter of Permission. This authorization is issued under the provisions of LOP-05-MN.

The authorized work includes:

1. the discharge of dredged and fill material into 0.62 acre of fresh (wet) meadow wetland (Wetland 1) for the construction of the rail siding and permanent impacts along the east side of the existing mainline for the placement of riprap outfalls at 15 locations (54 square feet per outfall)
2. the discharge of dredged and fill material into 0.07 acre of fresh (wet) meadow wetland (Wetland 2) for the construction of the access road on the north end
3. the discharge of dredged and fill material into 0.66 acre of fresh (wet) meadow wetland (Wetland 3) for the construction of the rail siding
4. the discharge of dredged and fill material into 0.42 acre of fresh (wet) meadow wetland (Wetland 4) for the construction of the rail siding
5. the discharge of dredged and fill material into 0.06 acres of shallow marsh wetland (Wetland 5) for the construction of the rail siding
6. the discharge of dredged and fill material into 0.02 acres of fresh (wet) meadow wetland (Wetland 6) for the construction of the rail siding
7. the discharge of dredged and fill material into 130 square feet of an unnamed tributary to the Mississippi River for the construction of a box culvert crossing

The authorization is subject to the enclosed General and Standard Conditions and the following special conditions:

1. In order to satisfy standard condition 3, the stipulations of the enclosed Memorandum of Agreement Between the U.S. Army Corps of Engineers and the Minnesota State Historic Preservation Office Regarding a Proposed Brownsville Rail Siding Along the Marquette Subdivision, Houston County, Minnesota must be satisfied.
2. The permittee is responsible for insuring that whoever performs, supervises or oversees any portion the physical work associated with the construction of the project has a copy of, is familiar with, and complies with all the terms and conditions of this permit.
3. At least one week prior to the commencement of any work authorized by this permit, the permittee shall advise David Studenski in writing at: St. Paul District, Army Corps of Engineers, Regulatory Branch, 1114 South Oak Street, La Crescent, MN 55947, of the time the authorized activity will commence and the name and telephone number of all contractors or other persons performing the work. A copy of this permit and drawings shall be provided to the contractor and made available to any Corps representative during inspections of the project site.
4. As compensatory mitigation for the authorized activities, a minimum of 3.70 fresh (wet) meadow wetland credits shall be debited from Minnesota Wetland Bank account # 1475 (Ruby Bank), serving Bank Service Area 8.
 - a. Prior to undertaking the activities authorized by this permit, the permittee shall ensure that the Corps receives the "Notice of Withdrawal of Wetland Credits from the Minnesota Wetland Bank", specifying the mitigation bank used, and the amount and type of credits withdrawn.
 - b. All documentation submitted shall include the file number MVP-2014-03609-DAS, and be submitted to the U.S. Army Corps of Engineers, 1114 South Oak Street, La Crescent, MN 55947 Attention: David Studenski.
5. Refer to the enclosed Standard Conditions.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This federal authorization is issued under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). It does not obviate the need to obtain other Federal, state or local authorizations required by law. The time limit for completing the authorized work ends three years from the date of this letter.

This letter constitutes an initial proffered permit and contains a signed copy of the preliminary jurisdictional determination (JD) for your project. Also enclosed is a Notification of Administrative Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form which provide information regarding your right to object to these determinations.

If you object to the terms and/or conditions of this initial proffered permit, please see Section I-A and complete Section II of the RFA and submit it to the **District Engineer** in accordance with 33 CFR 331. Your objections to the initial proffered permit must be received by the **St. Paul District Office** within 60 days of the date of the NAP or you will forfeit your right to challenge the terms or conditions of the permit.

Before accepting the RFA, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the District or Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Corps District or Division Office if you do not object to the initial proffered permit.

The preliminary JD prepared for the site described above is not appealable. The preliminary JD is a written indication that there may be waters or wetlands subject to federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. If you wish to receive an approved jurisdictional determination, please see Section I-E of the NAP.

If you have any questions, please contact Mr. David Studenski in our La Crescent office at (651) 290-5902 or david.a.studenski@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Hafer", written in a cursive style.

Kristen Hafer
Chief, Southwest Section

Enclosures

cf:

Mr. Rick Frank (Houston County Environmental Services)

Mr. Michael Swenson (HDR Engineering)

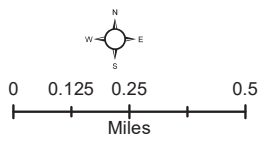


Brownsville Siding
Ammended Joint
Permit Application

Figure 1

Legend

 General Project Area



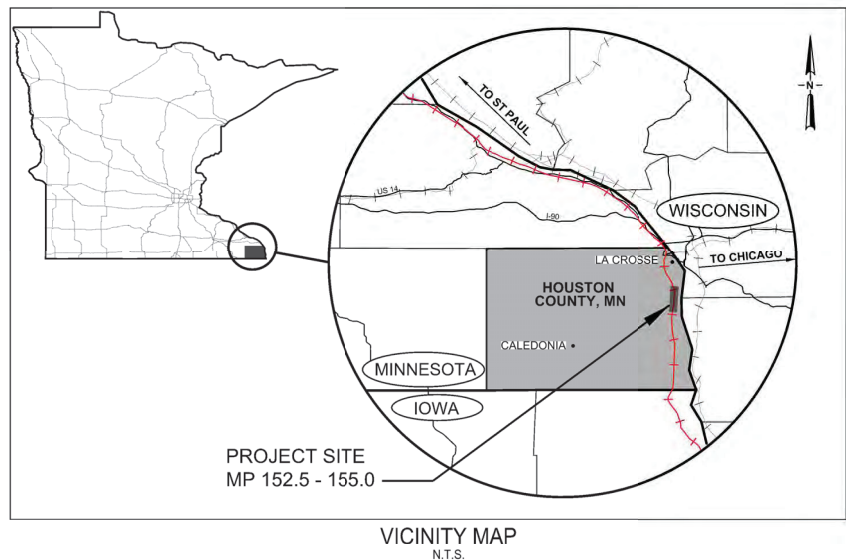
BROWNSVILLE SIDING MP 111.0 MARQUETTE SUBDIVISION 2014 NETWORK CAPACITY PROGRAM

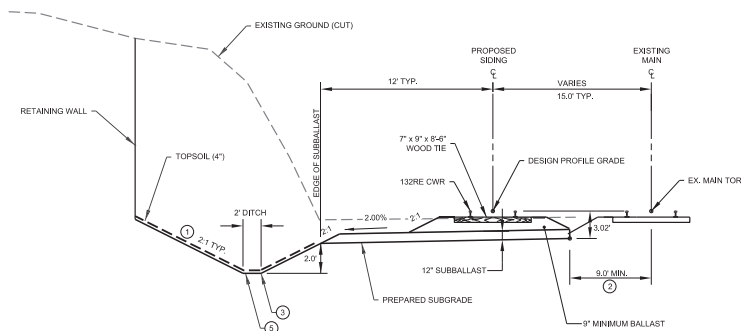
PERMITTING SUBMITTAL
MAY 1, 2015

**CANADIAN
PACIFIC**

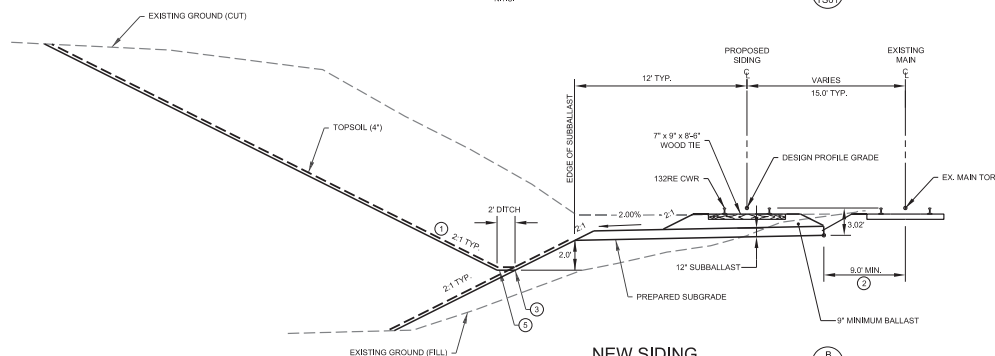
PROJECT SERVICES - US NETWORK CAPACITY
ENGINEERING SERVICES

LIST OF PROJECT DRAWINGS		
SHEET #	SHEET TITLE	SHEET DESCRIPTION
1	CS-01	COVER SHEET
2	TS-01	TYPICAL SECTIONS
3	PP-01	PLAN AND PROFILE: STA 5884+00 TO STA 5907+00
4	PP-02	PLAN AND PROFILE: STA 5880+00 TO STA 5884+00
5	PP-03	PLAN AND PROFILE: STA 5856+00 TO STA 5880+00
6	PP-04	PLAN AND PROFILE: STA 5852+00 TO STA 5866+00
7	PP-05	PLAN AND PROFILE: STA 5838+00 TO STA 5852+00
8	PP-06	PLAN AND PROFILE: STA 5830+00 TO STA 5838+00
9	PP-07	PLAN AND PROFILE: STA 5816+00 TO STA 5830+00
10	PP-08	PLAN AND PROFILE: STA 5802+00 TO STA 5816+00
11	PP-09	PLAN AND PROFILE: STA 5788+00 TO STA 5802+00
12	PP-10	PLAN AND PROFILE: STA 5774+00 TO STA 5788+00
13	GR01	CULVERT DETAILS
14-60	X501-X547	CROSS SECTIONS





NEW SIDING WITH RETAINING WALL
N.T.S.



NEW SIDING
N.T.S.

GENERAL NOTES

- ① IF THE BACK SLOPE IS LESS THAN 1 FOOT HIGH, CONTRACTOR SHALL SLOPE EMBANKMENT AWAY FROM TRACK.
- ② CONTRACTOR SHALL PERFORM NO WORK WITHIN 9' OF THE CENTERLINE OF THE MAIN TRACK. PLACE FIBER ROLL DITCH CHECKS AT APPROPRIATE INTERVALS.
- ③ PLACE FIBER ROLL DITCH CHECKS AT APPROPRIATE INTERVALS ACROSS DITCH OR AT EDGE OF CONSTRUCTION LIMITS.
- ④ HYDRO MULCH ALL SLOPES GREATER THAN 3:1.
- ⑤ PLACE EROSION CONTROL BLANKET ON DITCH BOTTOM. TYPE OF BLANKET TO BE DETERMINED.
- ⑥ ACTUAL TOP OF RAIL DIFFERENCES VARIES.
- ⑦ DITCH DEPTH VARIES. SEE PROFILE FOR SPECIAL DITCHES.
- ⑧ SIDING PROFILE APPROXIMATE TO MAIN. SEE PROFILE FOR FURTHER INFORMATION.

NOTE :



DSN BY: P.J.L. HSR Project No. CP136
DRN BY: MMQ CHK BY: NKS

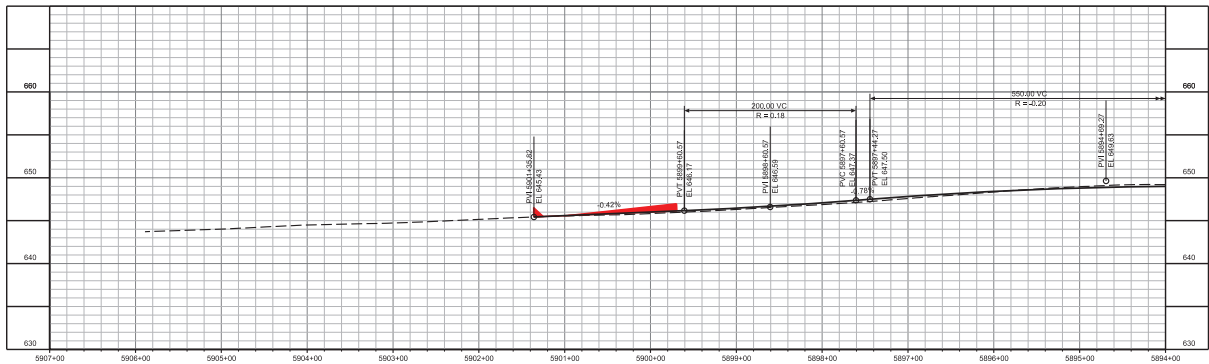
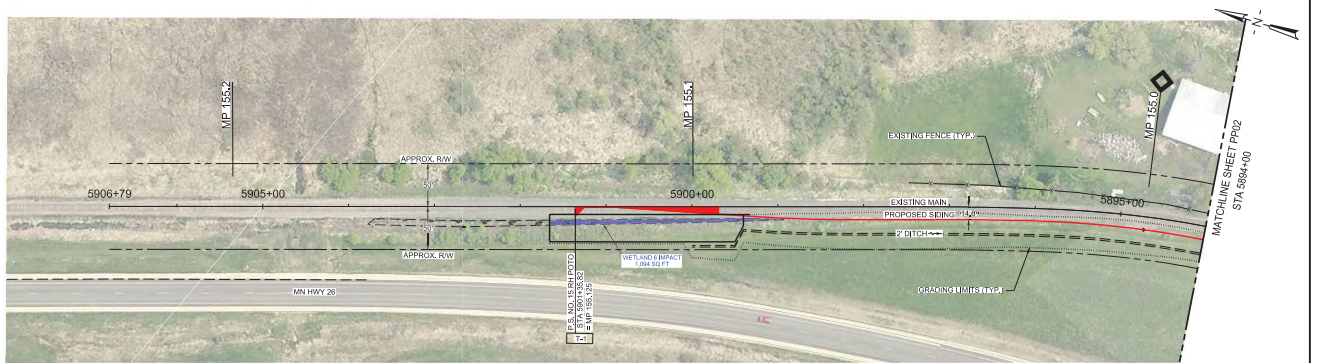
No.	DATE	REVISION			BY

**CANADIAN
PACIFIC**

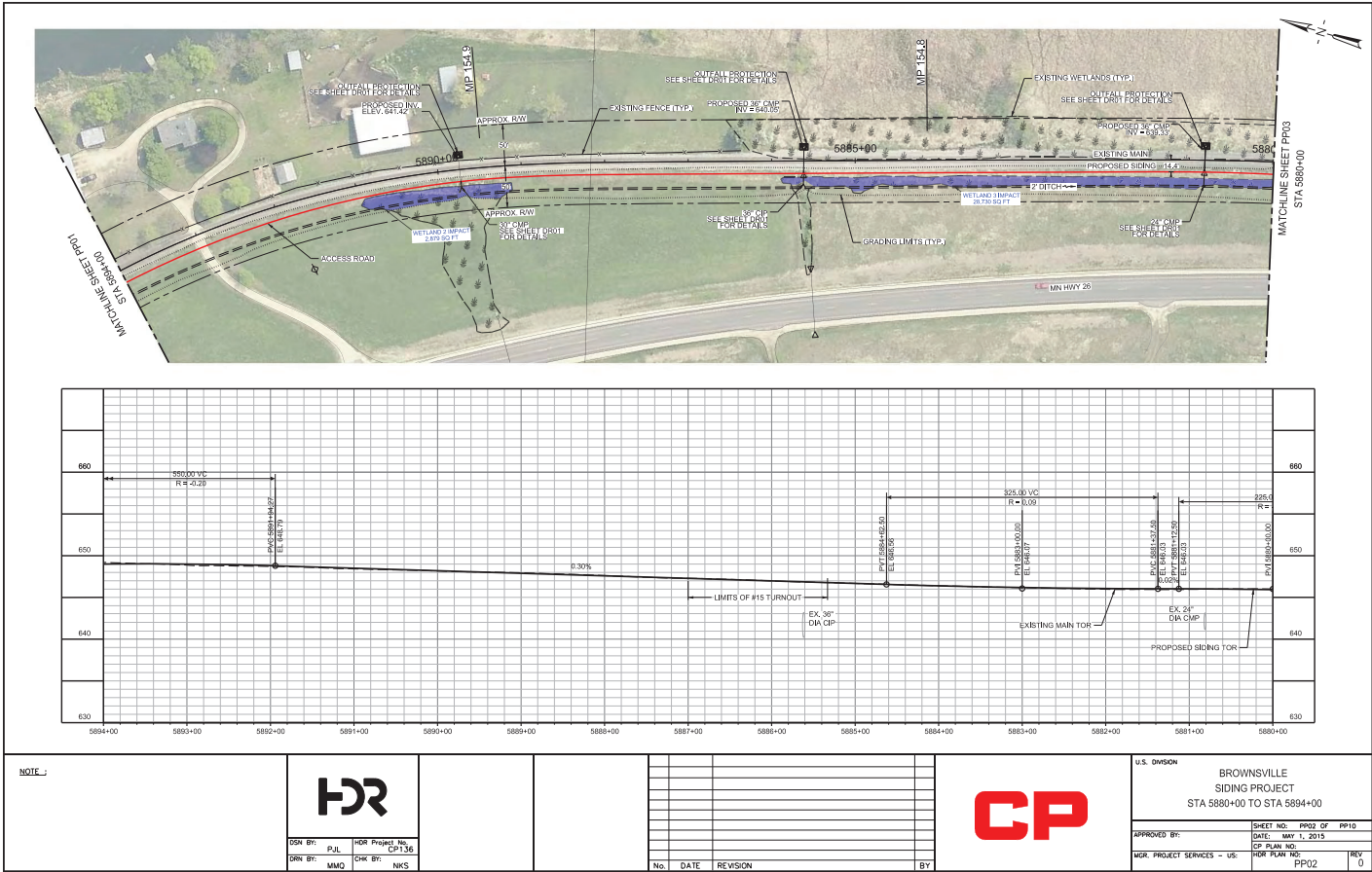
PROJECT SERVICES - US NETWORK CAPACITY
ENGINEERING SERVICES

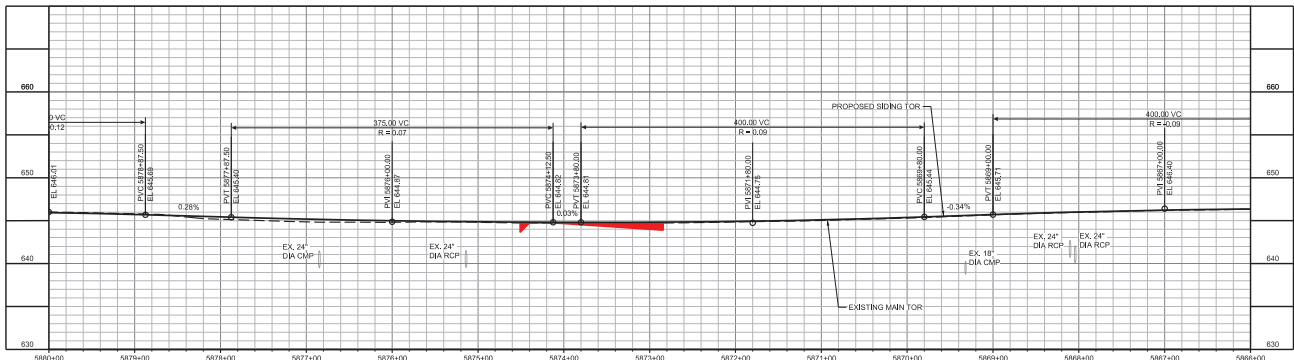
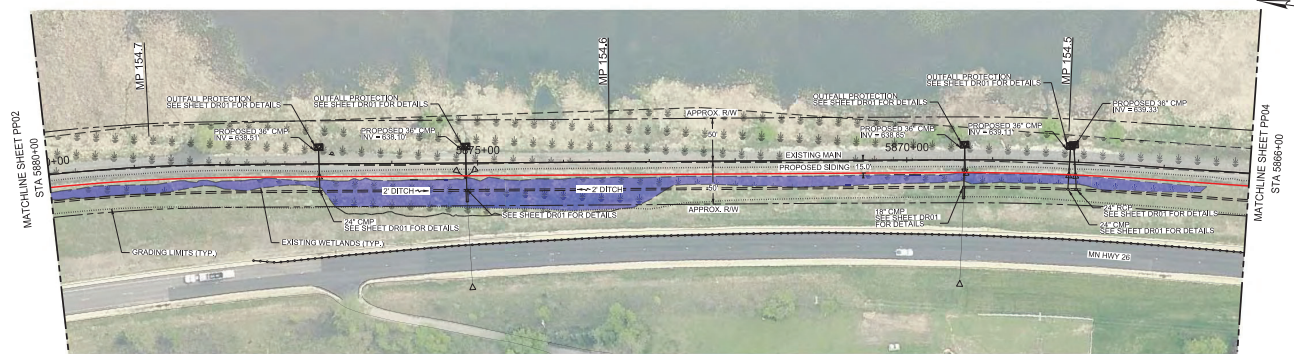
U.S. DIVISION
BROWNSVILLE
SIDING PROJECT
TYPICAL SECTIONS

APPROVED BY:		SHEET NO. TS01 OF TS01
DATE:		MAY 1, 2015
CP PLAN NO.		
HSR PLAN NO.		TS01
REV		0

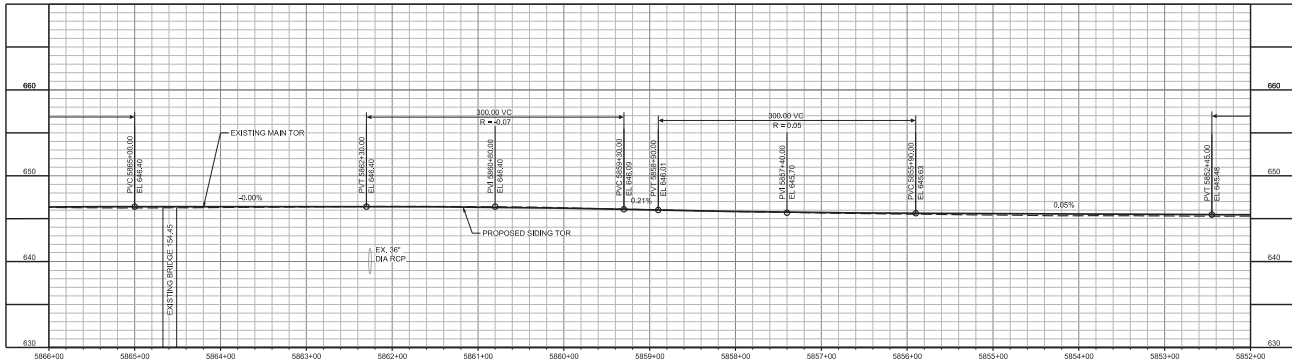
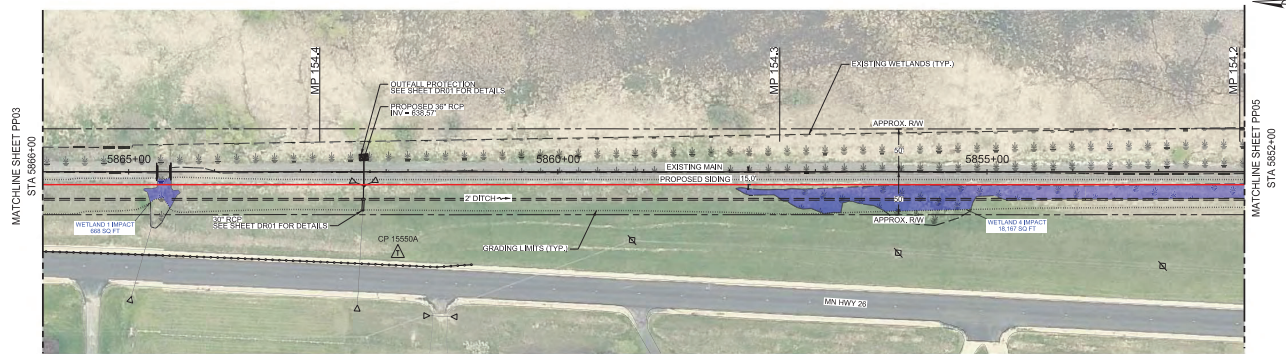


NOTE :			U.S. DIVISION BROWNSVILLE SIDING PROJECT STA 5894+00 TO STA 5907+00
DSN BY: P.J.L. DRN BY: M.M.Q.	HDR Project No. CP-136 CHK BY: H.K.S.	No. DATE REVISION BY	

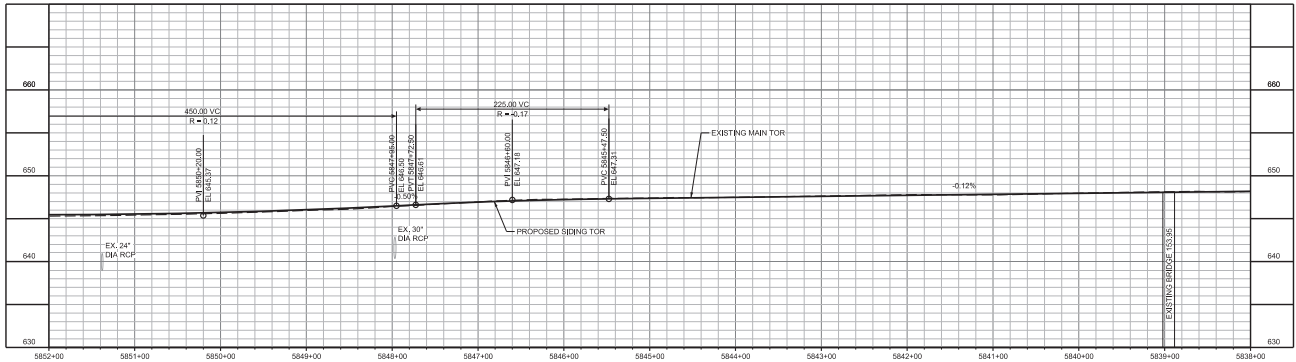
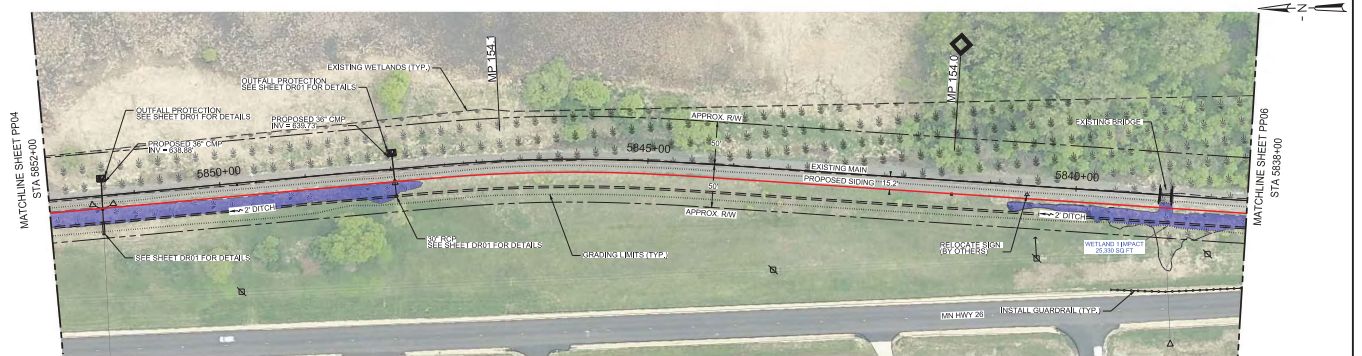




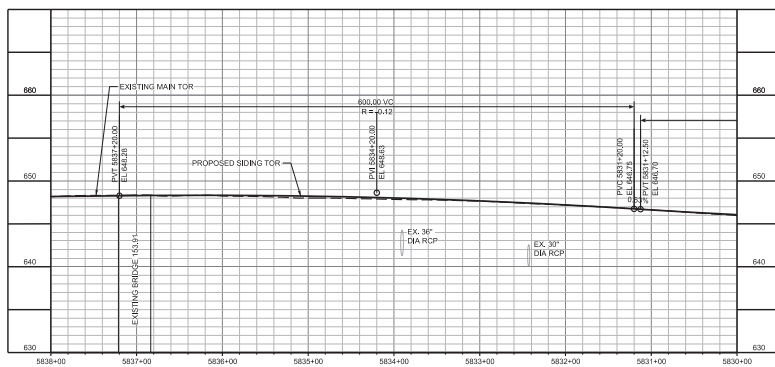
NOTE :			U.S. DIVISION	
			BROWNSVILLE SIDING PROJECT	
			STA 5866+00 TO STA 5886+00	
			SHEET NO. PP03 OF PP10	
APPROVED BY:		DATE: MAY 1, 2015		
MGR. PROJECT SERVICES - US:		CP PLAN NO. PP03		
DRN BY: P.J.L.		BY:		
CHK BY: M.M.Q.		BY:		
HDR Project No. CP-136		BY:		
CHK BY: NKS		BY:		
NO.		DATE		
REVISION		BY		



NOTE :	DRN BY: P.J.L. DRN BY: M.M.Q. HDR Project No. CP-136 CHK BY: N.K.S.							U.S. DIVISION BROWNSVILLE SIDING PROJECT STA 5852+00 TO STA 5866+00 APPROVED BY: DATE: MAY 1, 2015 MGR. PROJECT SERVICES - US: HDR PLAN NO. PP104 SHEET NO. PP03 OF PP10 REV 0
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NOTE :	DRN BY: P.J.L. CHK BY: M.M.Q. HDR Project No. CP-136 CHK BY: NKS							U.S. DIVISION BROWNSVILLE SIDING PROJECT STA 5838+00 TO STA 5852+00 APPROVED BY: DATE: MAY 1, 2015 MGR. PROJECT SERVICES - US: HDR PLAN NO. PP05 SHEET NO. PP05 OF PP10 REV 0
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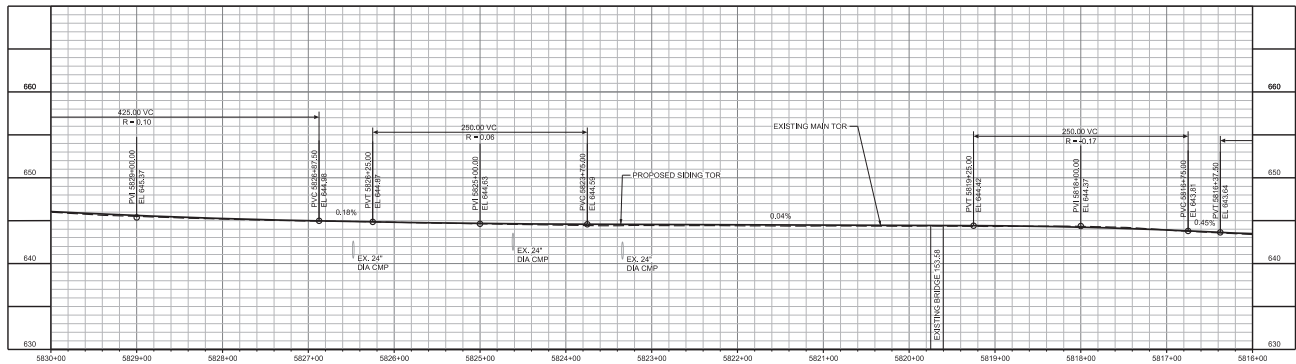
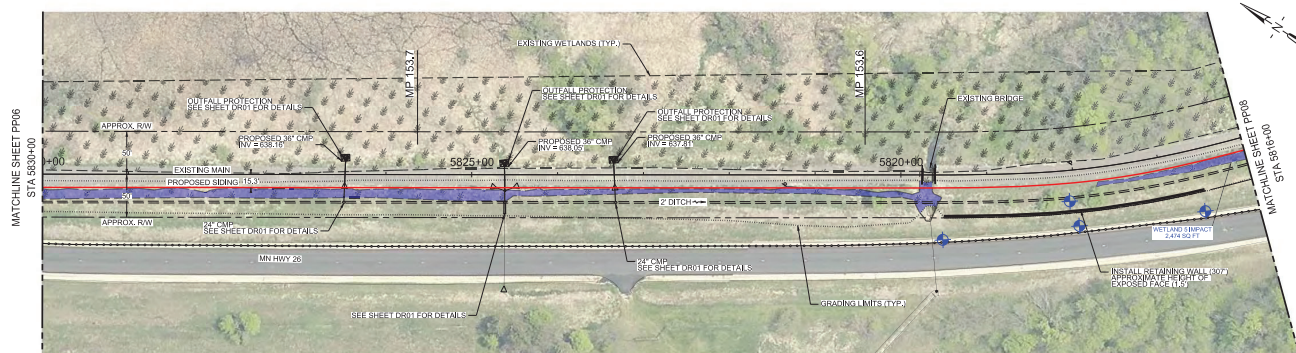


HDR

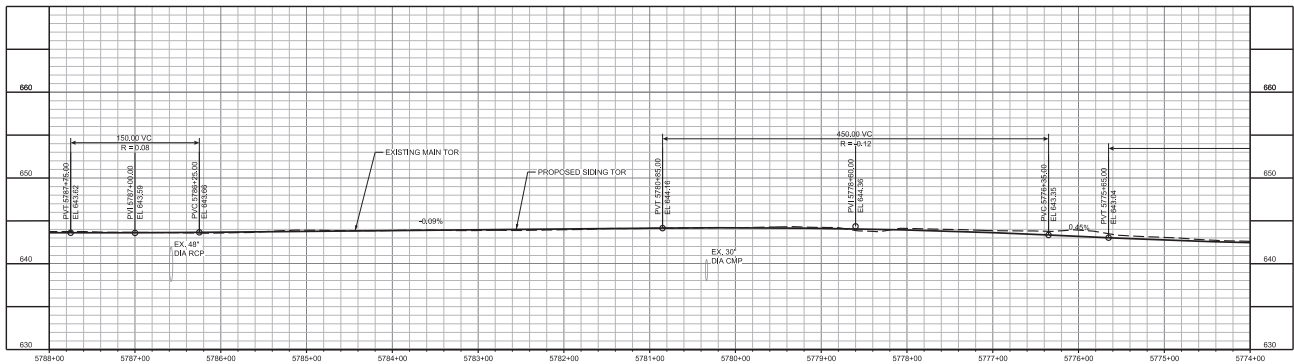
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	SHEET NO: PP06 OF PP10
APPROVED BY:	DATE: MAY 1, 2015
	CP PLAN NO:
MGR. PROJECT SERVICES - US:	HDR PLAN NO: PP06

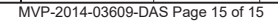


NOTE : 	DSN BY: P.J.L. DRN BY: M.M.Q. HDR Project No. CP-136 CHK BY: N.K.S.							U.S. DIVISION BROWNSVILLE SIDEWALK PROJECT STA 5816+00 TO STA 5830+00 APPROVED BY: DATE: MAY 1, 2015 MGR. PROJECT SERVICES - US: PP07 SHEET NO. PP07 OF PP10 CP PLAN NO. REV 0
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NOTE :			U.S. DIVISION BROWNSVILLE SIDING PROJECT STA 5774+00 TO STA 5788+00
DRN BY: PUL CHK BY: MMS	HDR Project No. CP-136	SHEET NO. PP10 OF PP10 DATE: MAY 1, 2015 CP PLAN NO.	APPROVED BY: MGR. PROJECT SERVICES - US:
NO. DATE REVISION BY	NO. DATE REVISION BY	PP10	REV 0





LOP-05-MN

CLEAN WATER ACT SECTION 404 LOP TERMS, AND CONDITIONS FOR THE STATE OF MINNESOTA

Project proponents should carefully read all of the information below, with special attention to the General Conditions section. These provisions and conditions apply to all LOP authorizations in those portions of Minnesota outside the external boundaries of Federally recognized Indian Reservations. The St. Paul District web page: www.mvp.usace.army.mil/regulatory also contains helpful information.

GENERAL CONDITIONS

1. The time limit for completing work authorized by an LOP ends three years after the date of the Corps' authorization letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the Corps for consideration at least three months before the expiration date is reached.
2. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to the LOP-05-MN authorization. A copy of the certification will be attached to the LOP-05-MN authorization if it contains such conditions.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of LOP-05-MN.

STANDARD CONDITIONS

1. **Suitable fill material.** No dredged or fill material discharged under this authorization may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.,) and material discharged must be free from toxic pollutants in other than trace quantities.

2. **Erosion control.** Appropriate erosion control measures must be used and maintained in effective operating condition during construction and upon completion of operations all exposed slopes, fills, and disturbed areas, as well as any work below the ordinary high water mark must be given sufficient protection by appropriate means to prevent subsequent erosion. Work should be done in accordance with state-approved, published practices, such as defined in the Minnesota Pollution Control Agency Document, **PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR MINNESOTA.**

3. **Historic Properties and Cultural Resources** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

4. **Endangered Species** No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species, except as noted in Section b below. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

Authorization of an activity does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

If it becomes apparent that a Federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

5. Diversions of Water. A LOP may not be used to authorize all or any portion of a project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.

6. State Section 401 Certification. The Minnesota Pollution Control Agency (MPCA) has waived water quality certification for authorizations under LOP-05-MN. The MPCA has not waived your responsibility to comply with the water quality standards contained in Minn. R. 7050 and other applicable MPCA statutes and rules.

7. Coastal Zone Management consistency determination. The State of Minnesota has determined that LOP-05-MN is consistent with the Minnesota CZM program.

Further Information.

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This LOP does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This LOP does not grant any property rights or exclusive privileges.
 - c. This LOP does not authorize any injury to the property or rights of others.
 - d. This LOP does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to

the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

7. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

8. Extensions. General condition 1., above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

**MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
A PROPOSED BROWNSVILLE RAIL SIDING ALONG THE MARQUETTE
SUBDIVISION, HOUSTON COUNTY, MINNESOTA**

WHEREAS, the St. Paul District, U. S. Army Corps of Engineers (Corps) is evaluating an application submitted by Canadian Pacific Railway (CP) requesting authorization under a Department of the Army permit (Permit) to discharge dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344) in connection with construction of a rail siding along its Marquette Subdivision (Project), which runs along the Mississippi River between La Crescent, Minnesota, and Marquette, Iowa (see Attachment A); and

WHEREAS, the issuance of a Permit is an undertaking subject to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and is subject to review under the Advisory Council on Historic Preservation's (Council) implementing regulations found at 36 CFR Part 800 and the Corps' regulation found at 33 CFR Part 325 Appendix C; and

WHEREAS, survey for architectural properties was completed in June 2015 and the Chicago, Clinton, Dubuque and Minnesota Railroad (Milwaukee Road), which has been determined eligible for listing in the National Register of Historic Places (NRHP), was identified within the area of potential effects (APE) for the project and the Corps and the Minnesota State Historic Preservation Office (SHPO) agree that the project will have no adverse effect on the Milwaukee Road historic property; and

WHEREAS, archaeological survey was completed in June and August 2015 and five (5) archaeological sites: 21HU0189, 21HU0190, 21HU0191, 21HU0192, and 21HU0193 were identified within the APE for the project and the Corps and the SHPO agree that site 21HU0192 is the only site identified as part of the 2015 survey which is a historic property eligible for listing in the NRHP; and

WHEREAS, the Corps and the SHPO agree that the Project will have an adverse effect on archaeological site 21HU0192 and that no further identification of historic properties is warranted; and

WHEREAS, the Corps and the SHPO agree that there is no practicable alternative to the proposed siding that would avoid adverse effects to site 21HU0192; and

WHEREAS, the Corps invited the Sac and Fox Tribe of the Mississippi in Iowa, the Sac and

Fox Nation in Kansas and Nebraska, Sac and Fox Nation of Oklahoma, Winnebago Tribe of Nebraska, the Ho-Chunk Nation, Shakopee Mdewakanton Sioux Community, the Prairie Island Indian Community, the Upper Sioux Community, the Lower Sioux Indian Community, the Santee Sioux Nation, the Flandreau-Santee Sioux Tribe, the Sisseton-Wahpeton Oyate, the Crow Creek Tribe, the Spirit Lake Tribe of Fort Totten, Otoe-Missouria Tribe of Indians of Oklahoma, the Iowa Tribe of Oklahoma, the Iowa Tribe of Kansas and Nebraska, Omaha Tribe of Nebraska, and the Fort Peck Assiniboine and Sioux Tribe to consult on the potential effects to historic properties; and

WHEREAS, the Sac and Fox Tribe of the Mississippi in Iowa, the Ho-Chunk Nation, Shakopee Mdewakanton Sioux Community, the Prairie Island Indian Community, the Upper Sioux Community, the Sisseton-Wahpeton Oyate, the Spirit Lake Tribe of Fort Totten, the Iowa Tribe of Kansas and Nebraska expressed an interest in consultation; and

WHEREAS, the Corps involved the interested tribes in the identification of historic properties including determinations of eligibility and development of a data recovery plan and received one (1) formal comment from the Prairie Island Indian Community and verbal comment from the Iowa Tribe of Kansas and Nebraska in support of the Prairie Island Indian Community's formal comment which recommended other potential mitigation measures; and

WHEREAS, the Corps subsequently determined the mitigation proposed by the Prairie Island Indian Community to be inappropriate mitigation for effects to 21HU0192, and the Corps has provided that determination and the rationale for that decision to all consulting parties for comment and has received no comment on that determination; and

WHEREAS, the Corps provided interested Tribes another opportunity to comment on the *Data Recovery Plan for Site 21HU0192* or provide further comment concerning the resolution of adverse effects and only the Prairie Island Indian Community provided comment; and

WHEREAS, the *Data Recovery Plan for Site 21HU0192* was revised to provide the Prairie Island Indian Community an active role in the data recovery and the Prairie Island Indian Community is an invited signatory to this Memorandum of Agreement (Agreement) because site 21HU0192 is culturally significant to the Tribe; and

WHEREAS, the Corps, the SHPO, and the Prairie Island Indian Community concur that the *Data Recovery Plan for Site 21HU0192* (January 2018) is appropriate and the document is incorporated by reference in Stipulation I of this Agreement; and

WHEREAS, the Corps has notified the Advisory on Historic Preservation (Council) of this adverse effect determination in accordance with 36 CFR 800.6(a)(1), and has provided the documentation specified in 36 CFR 800.11(e) and the Council has chosen not to participate in the resolution of adverse effects; and

WHEREAS, CP has assigned responsibilities under this Agreement and is an invited signatory to this Agreement; and

NOW THEREFORE, the Corps and the SHPO agree that the following stipulations will take into account the effects of the undertaking on archaeological site 21HU0192.

STIPULATIONS

The Corps will condition any Permit issued in connection with the Project to require satisfaction of the following stipulations.

I. MITIGATION

A. As mitigation for the adverse effect on archaeological site 21HU0192, CP shall complete Phase III Data Recovery according to the provisions outlined below. All work shall be completed by an archaeologist meeting the *Professional Qualification Standards* in the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (36 CFR Part 61).

1. Fieldwork and Interim Reporting

Prior to construction of the Project, CP shall complete data recovery of archaeological site 21HU0192 consistent with the *Data Recovery Plan for Site 21HU0192* (January 2018) (see Attachment B).

a. At the conclusion of all fieldwork, CP shall submit digital copies and two (2) complete printed copies of the interim field report to the Corps for review and coordination with the SHPO and the Prairie Island Indian Community. Three (3) additional printed copies will be made available upon request.

b. The Corps shall submit the interim field report to the SHPO and the Prairie Island Indian Community for review and comment. Within thirty (30) days of receiving the interim field report the SHPO and the Prairie Island Indian Community shall provide comments to the Corps.

c. The Corps shall notify CP in writing within ten (10) business days after receipt of comment from the SHPO and the Prairie Island Indian Community that the fieldwork requirements for the data recovery conducted at site 21HU0192 have been satisfied or outline any additional fieldwork needed per the *Data Recovery Plan for Site 21HU0192* (January 2018).

d. CP shall not proceed with any work affecting site 21HU0192 until the Corps has determined that there are no unresolved issues pertaining to the fieldwork and interim reporting requirements and the Corps has issued a written notice to proceed.

2. Data Recovery Technical Report

- a. CP shall complete a technical data recovery report of site 21HU0192 (Report) as stated in the *Data Recovery Plan Research Design for Site 21HU0192* (January 2018).
- b. CP shall submit two (2) complete, printed copies of the Report to the Corps for review and coordination with the SHPO and the Prairie Island Indian Community.
- c. The Corps shall submit the Report to the SHPO and the Prairie Island Indian Community for review and comment. The SHPO and the Prairie Island Indian Community shall provide the Corps with their comments on the Report within thirty (30) days of receiving it and outline any additional revisions needed to finalize the report.
- d. The Corps shall notify CP, within thirty (30) days, in writing that the Report has been accepted or outline any additional revisions needed to complete the Report.
- e. CP shall revise the Report based on the comments received and provide four (4) complete, printed copies and five (5) digital versions of the final Report to the Corps.

II. INADVERTENT DISCOVERIES

- A. If previously unidentified historic properties (including archaeological sites) or unanticipated effects to previously identified historic properties are discovered during Project activities, CP shall immediately halt all Project activities within a fifty (50) foot radius of the discovery, notify the Corps of the discovery and implement interim measures to protect the discovery from looting and vandalism.
- B. Immediately upon receipt of the notification required in Stipulation II.A above, CP and the Corps shall inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted, clearly mark the area of discovery, and implement additional measures, as appropriate, to protect the discovery from looting and vandalism, and notify the SHPO.
- C. The Corps in consultation with the SHPO and tribes, as appropriate, will design a plan for avoiding, minimizing or mitigating any adverse effects prior to resuming Project activities in the area of discovery.
- D. Treatment of Human Remains
 1. If an inadvertent discovery contains human remains, CP shall immediately notify the Houston County Sheriff, the Office of the State Archaeologist (OSA) and the Corps to comply with provisions of Stipulation II.A above and Minnesota Statute 307.08.
 2. Suspected human remains shall not be further disturbed or removed until disposition has been determined by the OSA consistent with the *Procedures for Implementing Minnesota's Private Cemeteries Act* (Anfinson 2008).

3. At all times the human remains must be treated with the utmost dignity and respect, and in a manner consistent with the Council's *Policy Statement on the Treatment of Human Remains, Burial Sites and Funerary Objects* (February 23, 2007).

E. CP shall ensure that the requirements established in Stipulation II are incorporated into all appropriate construction contracts.

III. DISPUTE RESOLUTION

A. Should any party to this Agreement object to or be unable to complete the execution of any provisions of this Agreement, the Corps shall take the objection into account and consult as needed with the objecting party to resolve the objection.

B. If the Corps determines that the objection cannot be resolved, the Corps shall request comment from the Council pursuant to 36 CFR 800.7.

C. Any Council comment provided in response to such a request will be taken into account by the Corps in accordance with 36 CFR 800.7(c)(4) with reference only to the subject of the dispute; the responsibility of the parties to this Agreement to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

IV. REVIEW OF PUBLIC OBJECTIONS

At any time during the implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the Corps shall take the objection into account and consult as needed with the objecting party, the SHPO, or the Council to resolve the objection.

V. AMENDMENTS

Any party to this Agreement may propose that the Agreement be amended, whereupon the parties to this Agreement shall consider such an amendment.

VI. TERMINATION

Pursuant to 36 C.F.R. § 800.6(c) (8), if any Signatory or Invited Signatory to this Agreement determines that the terms of the Agreement cannot be or are not being carried out, then such party must provide written notice to the Corps and the other Signatories and Invited Signatories stating the reasons for the determination and requesting consultation to resolve the stated concerns through amendment of the Agreement. The Signatories and Invited Signatories shall consult regarding potential amendments to the Agreement to resolve the stated concerns within thirty (30) calendar days of the written request. If the Signatories and Invited Signatories are unable to amend the Agreement or agree on other actions to resolve the concerns, the objecting party may terminate the Agreement by providing written notice to the Signatories and Invited Signatories.

VII. DURATION

If the terms of this Agreement have not been implemented within five (5) years after its execution, this Agreement will be null and void. In such an event, the Corps shall notify the parties of this Agreement of its expiration, and if appropriate, shall re-initiate review of the undertaking in accordance with 36CFR 800.

Execution of this Agreement by the Corps and the SHPO, and satisfaction of its terms, evidence that the Corps has taken into account the effects of the undertaking on historic properties and provided the Council a reasonable opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

SIGNATORIES

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

By:  Date: 4/22/18

Mr. Chad Konickson, Chief, Regulatory Branch

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By:  Date: 5.2.18

Ms. Amy Spong, Deputy State Historic Preservation Officer

INVITED SIGNATORIES

CANADIAN PACIFIC RAILWAY

By: _____ Date: _____

PRAIRIE ISLAND INDIAN COMMUNITY

By: _____ Date: _____

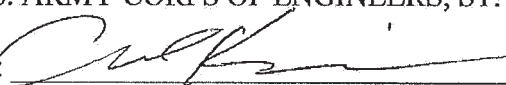
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U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT

By:  Date: 4/22/18

Mr. Chad Konickson, Chief, Regulatory Branch

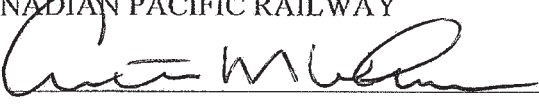
MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

Ms. Amy Spong, Deputy State Historic Preservation Officer

INVITED SIGNATORIES

CANADIAN PACIFIC RAILWAY

By:  Date: 6/6/2018

CURT WHELAN
DIRECTOR - PROJECTS

PRAIRIE ISLAND INDIAN COMMUNITY

By: _____ Date: _____

ATTACHMENT A
PROJECT LOCATION



Memorandum of Agreement
CP Rail Brownsville Siding
Corps 2014-3609-DAS
SHPO 2016-1129

ATTACHMENT B
DATA RECOVERY PLAN FOR SITE 21HU0192

HR



Data Recovery Plan for Site 21HU0192

CP Brownsville Siding Project

Houston County, Minnesota
January 2018

Data Recovery Plan for Site 21HU0192

CP Brownsville Siding Project

Houston County, Minnesota

Township 103 North, Range 4 West, Section 2,

January 2018

PREPARED FOR:



Canadian Pacific Railway Company

Canadian Pacific Plaza

120 South 6th Street

Minneapolis, MN 55402

PREPARED BY:



HDR Engineering, Inc.

701 Xenia Avenue South, Suite 600

Minneapolis, Minnesota 55416

PRINCIPLE INVESTIGATOR:

Michael Justin, MS, RPA

AUTHORS:

James G. Parker, MA, RPA

Michael Justin, MS

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Abbreviations and Acronyms

APE	Area of Potential Effects
CFR	Code of Federal Regulations
CP	Canadian Pacific Railway Company
MAS	Minnesota Archaeological Society
MHS	Minnesota Historical Society
MnHPO	Minnesota Historic Preservation Office
MPDF	Multiple Property Documentation Form
NRHP	National Register of Historic Places
OSA	Office of the State Archaeologist
ROW	Right-of-way
SAA	Society for American Archaeology
SHPO	State Historic Preservation Office
USACE	US Army Corps of Engineers

1 Introduction

Canadian Pacific Railway Company (CP) contracted with HDR to assist with environmental permitting for a proposed new siding infrastructure along its Marquette Subdivision, which runs through southeastern Minnesota and northeastern Iowa along the Mississippi River between the cities of La Crescent, Minnesota, and Marquette, Iowa. The Project would involve the construction of a 10,000 foot capacity siding within the existing CP right-of-way (ROW) between the existing CP mainline and Minnesota State Highway 26, and would involve subgrade excavation to accommodate building a new railroad embankment directly adjacent to and west of the existing CP mainline track in Houston County, Minnesota. Ballast material along with new rail and ties would be placed on the new embankment. Railroad switching equipment and associated access locations would be constructed at both the north and south end of the project. The complete footprint of the Project would be 11.07 acres.

Since the Project would impact wetlands, a permit is required under Section 404 of the Clean Water Act (40 Code of Federal Regulations [CFR] Part 230: Section 404(b)(1)) from the US Army Corps of Engineers (USACE). For this project, the USACE is the lead federal agency responsible for all consultation relating to Section 106 of the National Historic Preservation Act of 1966, as amended, and implementation of regulations found at 36 CFR 800. Per 36CFR 800, as the lead federal agency, the USACE has defined the project's Area of Potential Effects (APE) to coincide with the Permit Area, preliminarily identified here as the construction limits of the proposed siding for Direct Effects and one-half-mile from the proposed siding center line for Indirect (Visual) Effects.

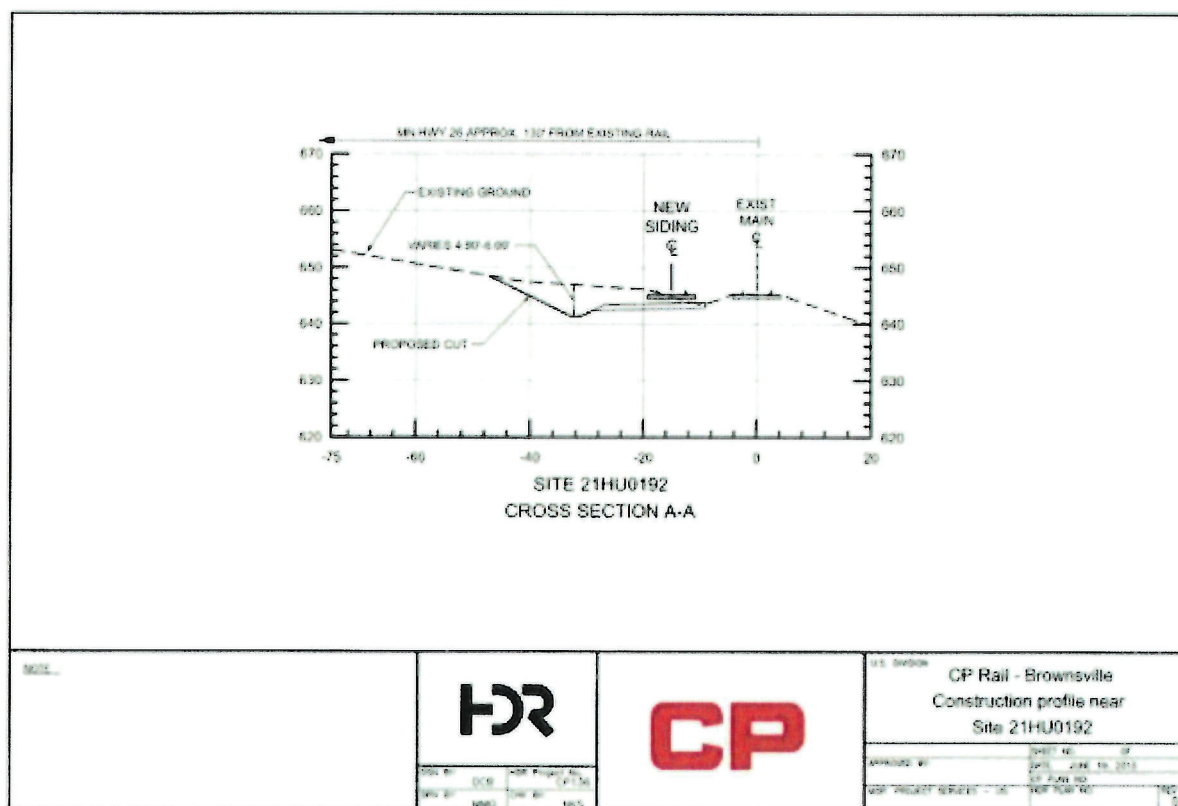
As part of the Section 106 consultation process for the CP Siding Project located in Section 2 of Township 103, Range 4 in Houston County, Minnesota, Site 21HU0192 (Figure 1-1) was recommended eligible for listing in the National Register of Historic Places (NRHP; Porwoll and Justin 2015). CP proposes the construction of a new railroad siding, including the clearing and grading of the 50-foot ROW, and cutting into existing slopes, construction of retaining walls and filling. In general, the area near Site 21HU0192 will require cutting into the existing soils to depths of about 4 feet to create a new ditch to the west of the track (Figure 1-2), which will therefore have an adverse effect on the site.

The following Data Recovery Plan addresses the approach that will be used in the mitigation of archaeological Site 21HU0192. Data recovery investigations will be conducted to gather information about any significant archaeological resources that may be affected by the proposed CP Brownsville Siding Project. This plan presents the results of previous research relevant to the project, theoretical orientation, and identifies field and analytical methods that will be used to evaluate cultural deposits.

Figure 1-1. Project Area.



Figure 1-2. Construction Profile near Site 21HU0192.



2 Background

This section provides a brief background of the environmental and geological conditions of the project area and surrounding region, followed by a summary of previous work conducted at Site 21HU0192.

2.1 Landform and Soils

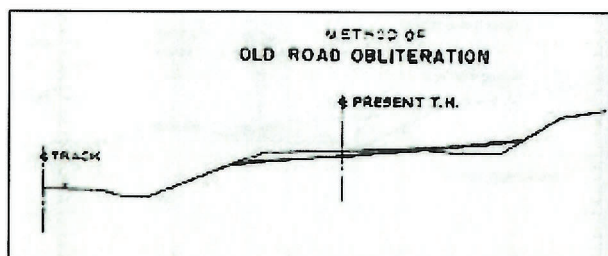
The project area lies within the western Mississippi River Valley, about one mile south of the Root River. It is in the Blufflands and Coulees Level 4 ecoregion within the Driftless Area (level 3) ecoregion. The Driftless Area is so called because it escaped being covered by glacial drift, a mixture of silt, clay, sand, gravel, and boulders that was deposited during the last glacial period, which peaked at about 20,000 to 25,000 years ago, and receded by about 11,000 years ago. The Upper Mississippi River Valley represents at this point an eroded plateau carved out by glacial meltwaters, likely from glacial lake outburst floods.

Bedrock in the area consists of Paleozoic rock from the Middle and Upper Cambrian era, consisting of sandstone, siltstone, and shale (Jirsa et al. 2011).

The project area consists of relatively flat to sloping topography with soils that are mapped as loamy Udorthents, young soils formed in fill. The presence of these soils is an indication of recent ground surface disturbance (USDA NRCS 2015). The information provided by the Web Soil Survey accounts for surface soils, and may not be reflective of underlying or buried soils that might be extant beneath the fill. The fill within the area is primarily related to several episodes of highway and railway construction and it is apparent in some areas that the current TH 26 raised roadbed was built over existing natural

soils. Records indicate that TH 26 was moved away from the railroad tracks to the west, and that road removal may not have extensively altered the underlying soils (Figure 2-1). A geomorphological assessment of the area (see HDR 2015, Appendix A) indicated that soils with the potential for containing cultural material could be quite deeply buried.

Figure 2-1. Road Obliteration Plan, 1956



2.2 Flora and Fauna

Presettlement vegetation consisted of Prairie at the north end of the project corridor and River Bottom Forest for the remaining (Marschner 1930). Review of the notes from the 1854 original land survey indicate that tree cover in the area generally consisted of ash, oak, elm, maple, willow and birch (<http://www.glorerecords.blm.gov/details/fieldnote>). Currently, the project corridor borders marshland to the east, and contains numerous wetlands concentrated in the railway ditches on both sides of the track. The flat to gently sloping areas between TH 26 and the railroad are generally groomed or mowed grasses and clover. Steeper areas found mostly at the south end of the siding project are treed. Runoff from rains collects in several ravines that drain the bluffs and uplands, and is indicated by the many culverts in place under the current rail bed.

In presettlement times, there would have been a preponderance of deer and other mammalian species available for subsistence hunting. Bear, elk, and bison from the upland prairies would have been desirable species. Also, the river and marshes would have provided an abundance of avian and piscine species suitable for subsistence purposes. Several archaeological sites excavated in the area of Prairie du Chien, Wisconsin, have yielded shell middens indicating clam consumption during Woodland period times (Stoltman 1990).

2.3 Geomorphological Assessment

The Mississippi River Valley has seen dynamic changes over the millennia, and is known to be an area where archaeological sites may be deeply buried (e.g., King Coulee, 21WB56; Perkl 1998). In order to assess the likelihood that such sites might exist in the project area, a geomorphologist was consulted during the Phase I portion of the project. Strata Morph Geoexplorations provided a desktop analysis of the environment. The desktop assessment was included as an Appendix to the earlier Phase I report (HDR 2015), and concluded that the entire corridor has the potential to contain deeply buried former topsoils that could contain cultural materials. Indeed, as reported in Winchell (1911), the Geological Report on Houston County indicated that artifacts were found while grading for the railroad near La Crescent at a depth of 18 feet below the ground surface. While deeply buried soils may occur along the project corridor, at least some of the initial Phase I shovel tests met what was interpreted as sandstone bedrock at depths of less than 1 meter.

2.4 Previous Archaeological Investigations

HDR first identified Site 21HU0192 during the spring 2015 Phase I investigation for the current CP Brownsville Siding Project (HDR 2015). The Phase I investigation consisted of pedestrian survey and subsurface testing in selected areas within the project corridor and resulted in the discovery of five precontact archaeological sites. Of the five recorded sites, two (21HU191 & 21HU192) required additional Phase II investigation to characterize the sites and document integrity.

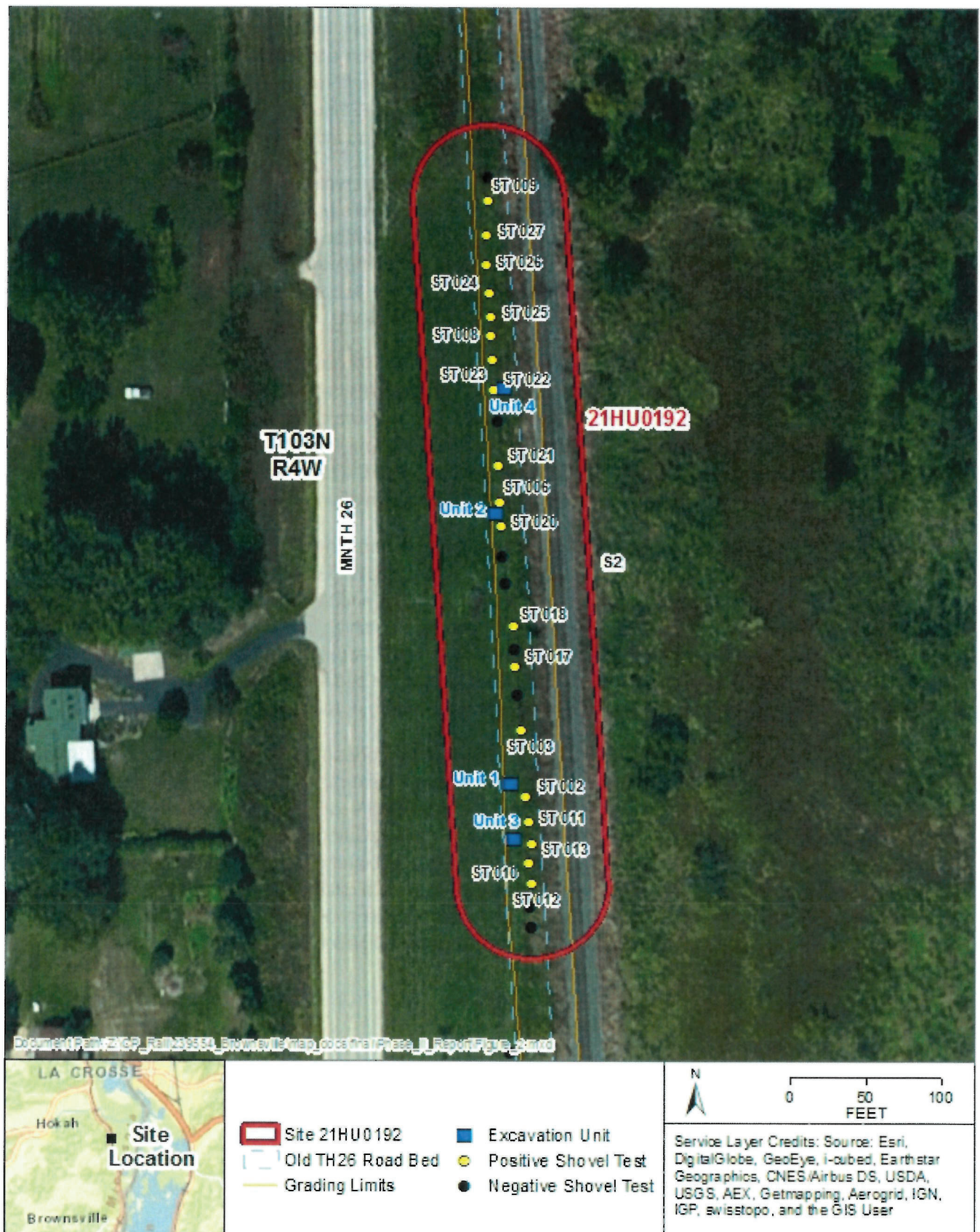
During the Phase I survey, nine shovel tests spaced at 15 m intervals were excavated within the 21HU0192 site area. Of the nine tests excavated, five (55%) were positive yielding lithic artifacts and aboriginal ceramics. In all, the shovel tests yielded 6 thin, grit tempered, cordmarked pottery fragments and three lithic flakes. Close-interval shovel testing was not completed during the Phase I testing at the site. Based on the pottery fragments, it appeared likely that the site could be attributed to the Southeastern Minnesota Late Woodland Complex cultural context.

HDR conducted Phase II testing of sites 21HU191 and 21HU192 during the summer of 2015 (Porwoll and Justin 2015). During the investigation of 21HU0192, 19 additional shovel tests were placed at 5 m intervals from the previous positive tests within 21HU1092 to more completely define site boundaries and areas of relative artifact density (Figure 2-2). In addition, four formal 1 m x 1 m excavation units were placed at the site to determine the eligibility for the NRHP. A total of 163 artifacts were recovered from the investigation, 42 from shovel tests and 121 from excavation units.

Regarding site boundaries, the Phase II investigation determined the site is bounded on the north by a disturbed area where a culvert has been placed across the ROW. The east boundary is the current in place rail bed, and the western boundary is the current TH 26 and bluff. The southern boundary is marked by a decrease in artifacts and there is no real distinguishing landform characteristic that differentiates it from 21HU0191. The estimated site size is 1.2 acres based on a 50 foot buffer around positive tests within the railroad ROW. It is anticipated that the site limits extend outside the railroad property and outside of the proposed limits of the project site (i.e. towards the existing highway).

The Phase II results indicated Site 21HU0192 is a single component Late Woodland habitation site, based on the presence of both lithic and ceramic artifacts. There may be internal site patterning as the ceramic assemblage appears to be confined to the central and southern half of the site. HDR recommended Site 21HU0192 as eligible for the NRHP under Criterion D because it has the potential to yield information relevant to lithic tool production, subsistence, and ceramic tradition chronology. Because the proposed new CP Brownsville siding will require a ditch cut to the west of the new track, up to approximately 4 feet deep that will encroach onto the site and adversely affect the integrity of the property, HDR suggested archaeological data recovery as mitigation to comply with Section 106 regulations.

Figure 2-2. Site 21HU0192.



3 Archaeological Data Recovery

This section describes the objectives, methods, and expectations for the Phase III archeological investigation for the proposed CP Brownsville Siding Project, Houston County, Minnesota. The Project Manager and Field Director who will be conducting this investigation will meet the Secretary of the Interior's Professional Qualifications Standards (Federal Register Notice, Vol. 48, No. 190, pp. 44738-44739, 19830). The investigation will adhere to the standards and methods set forth in the *State Archaeologist's Manual for Archaeological Projects in Minnesota* (OSA 2011) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (ACHP 1999).

The objective of this data recovery plan is to retrieve the important information from the site that makes it eligible, with particular emphasis on chronological and functional information at site 21HU192.

3.1 Research Objectives

The study area is within Houston County and in the Southeast Riverine Archaeological Region of Minnesota. Several historic contexts produced by the SHPO provide useful information in the analysis of known and expected resources in this region. Most relevant are precontact contexts for Minnesota including the Southeast Minnesota Late Woodland complex. This complex has been described in the *Minnesota Statewide Multiple Property Documentation Form for the Woodland Tradition*, submitted by the Mississippi Valley Archaeology Center at the University of Wisconsin-La Crosse and authored by Constance Arzigian (Arzigian 2008). The Multiple Property Documentation Form (MPDF) states that there has been very little recent research on this complex and it is not well understood. There has been little descriptive research on the complex, but it is summarized by Arzigian (2008) below:

The Southeast Minnesota Late Woodland complex spans a time from approximately A.D. 500 to 1150. As originally defined (Dobbs and Anfinson 1990:162), this context included Late Woodland sites that came after Havana-related complexes and before Oneota. It was based in the deciduous forests of southeastern Minnesota and included effigy and other mounds and the related cultures marked by cord impressed Madison ware-like ceramics. However, the distribution of cord-impressed ceramics stretches across the southern part of the state, often as a small part of the ceramic assemblage, suggesting a need to clarify the nature of the context and the role of ceramics in its definition.

There has been little recent research in Minnesota to expand our understanding of this context, though work in Wisconsin, Iowa, and Illinois suggests that it represents Late Woodland populations of hunters, gatherers, fishers, and, at least by the end, horticulturalists growing corn and squash as well as native cultigens such as sunflower, goosefoot, and knotweed. These Late Woodland peoples buried their dead in mounds, some of them effigy mounds. Their ceramics are part of a broad horizon of cord-impressed ceramics grouped within Madison ware, and their lithics include the first triangular bow-and-arrow projectile points. Their population levels were probably increasing, and, at least in some places such as southwestern Wisconsin, might have reached high population densities.

Site 21HU0192 is interpreted to be a single component Late Woodland habitation site, based on the presence of both lithic and ceramic artifacts. The following research questions proposed for this undertaking include:

- What is the nature of spatial patterning within habitation sites during the Southeastern Minnesota Late Woodland complex? How does spatial patterning differ between a hunter/gatherer/fisher-centered habitation site and a later horticulturalist-centered one,
- What is the nature of lithic tool production—raw materials used (local verse exotic) and manufacturing techniques—during the Southeastern Minnesota Late Woodland complex as represented at this site?
- What is the role of cord impressed Madison ware-like ceramics during the Southeastern Minnesota Late Woodland complex and where does this ware type fit within the ceramic tradition chronology of the complex? What is the nature and extent of its association with other ware types at this site?

Results of the Phase II indicate there may be internal site patterning as the ceramic assemblage appears to be confined to the central and southern half of the site. Previous work did not discover any intact subsurface cultural features. It is possible further excavation may reveal preserved pit features or fire hearths beneath the old road fill within the railroad ROW.

Macrobotanical and faunal remains obtained from features and intact subsurface strata, and possible food residue samples from ceramic surfaces, will indicate the types of resources being utilized, which will reveal subsistence practices. The internal spatial patterning at the site may then be linked to a specific subsistence strategy— hunter/gatherer/fisher or horticulturalist.

The lithic assemblage was the largest share of artifacts found at Site 21HU0192 during the Phase II investigation. Nearly all the lithic material is the result of stone tool manufacturing consisting of secondary and tertiary flakes and shatter. Raw materials represented include five types of chert and an unknown stone type. It is likely further excavation will recover diagnostic stone tools, as well as revealing additional information regarding raw materials used and manufacturing techniques during this period.

The site can also aid in further defining/refining the Late Woodland ceramic chronology for the area. Representative pot sherds from 21HU0192 share characteristics with several named types, none of which have been extensively researched in Minnesota. The cordmarking patterns on pottery from 21HU0192 resemble those of Nininger Cordwrapped Stick Impressed, which perhaps should more accurately be called Madison Cord Impressed ware, and with Lane Farm Cord Impressed and Linn ceramics that have been identified mainly in Iowa and southwestern Wisconsin (Stoltman and Christianson 2000). Madison-like ceramics have been associated with effigy mounds in the Driftless area, and the occurrence of effigy mounds near Le Center, Minnesota suggests that Site 21HU0192 may be affiliated with this Late Woodland tradition. Additionally, radiocarbon dating of possible food residues that appear to be on some ceramic surfaces could provide further information on ceramic tradition chronology for the area.

3.2 Field Investigation

A Phase III data recovery excavation will be conducted at Site 21HU0192. Since previous testing has documented that the upper 40 or so cm of soils consists of recent fill associated with the obliteration of old roadbed and rebuilding of TH 26, the upper 40 cm of soil will be removed as a single level of overburden. To expedite the data recovery process, this overburden will be removed mechanically across a 1.2-acre area of the site falling within the APE. Any features revealed following the stripping will be documented. In addition to feature documentation, limited block excavations (minimum of 2m x2m) will be undertaken. If no features are uncovered during the stripping, block excavations will cover a larger area. In the event no important information is encountered, i.e., no features or definable cultural layers are present, after a 1 percent sample of the site has been excavated or roughly 48 square

meters, the Principal Investigator and field director will inform the USACE of the results thus far, so that the USACE in consultation with MnHPO may reassess the utility of continuing the excavation.

Standard feature documentation will include plan view and profile mapping, retaining half of the feature for flotation and analysis, and excavating and screening the remaining half. All soil removed during feature excavation will be screened using ¼-inch wire mesh to aid artifact recovery.

Photodocumentation will occur before, during, and after feature excavation.

Block excavations will be placed in select locations based upon presence and location of features. Artifacts recovered from block excavations will be collected by 1 by 1 meter units within the larger block excavations in order to record the horizontal distribution of artifacts across the block excavations. Excavation units will be excavated in 10-cm arbitrary levels within natural or cultural strata. Soil samples (approximately 10 cm³) will be collected from a sample of 10-cm levels containing cultural deposits. Because previous work at the site revealed the potential for deeply buried cultural deposits, the depth of investigations will exceed the depth of anticipated disturbance by the project if culturally sterile deposits have not been reached. If culturally sterile deposits are reached within the anticipated depth of disturbance of the project, excavations will not exceed the depth of disturbance. All soil removed from the excavation units will be screened using ¼-inch wire mesh to aid artifact recovery. Artifacts recovered during excavation will be grouped by type, level, and stratum. Pre- and post-excavation photographs will be taken of each unit. Post-excavation soil profiles will be drawn and photographed for at minimum two sides of the block excavations.

A standardized unit excavation form will be completed for each level within a stratum (see Appendix A). Form information will include soil texture and color, level opening and closing elevations, and artifact or ecofact content within the level. Cultural or natural features will be drawn in plan view and described on each form.

A site map detailing the location of features and block excavations will be prepared as a component of field work. The location of features and block excavations will also be mapped using a Trimble GPS handheld unit having an accuracy of less than 1 meter.

The field director will maintain a field journal in order to record daily progress of the survey. Examples include but are not limited to: excavation findings, weather observations, vegetation type, surface disturbance, ground visibility, and health and safety conditions.

Provisions will be made to accommodate one tribal monitor from the Prairie Island Indian Community who will actively participate in the data recovery effort.

3.3 Laboratory Processing, Analysis, and Cataloging

All artifacts recovered during the archaeological excavations will be returned to an HDR office for cleaning, processing, and cataloging. Artifacts will be processed in accordance with professional standards per 36 CFR Part 79.

Materials will be gently brushed using warm water to remove dirt. Charcoal will not be cleaned, and precontact ceramics will be gently dry-brushed. Artifacts will be sorted into categories used in standard professional practice, first by general material type, then by function and other attributes.

Soil samples will be processed to assess the macrobotanical and faunal remains associated with features and intact subsurface strata. Faunal remains provide insight into types of animals present in the area as well as those used as subsistence resources. Macrobotanical remains provide insight into

the vegetation of the area, potentially targeted resources, and/or cultigens. Charcoal recovered from features will be submitted for radiocarbon dating to aid in refining the dating of the site.

Precontact ceramics will be analyzed for food residue samples, as well as for traits such as paste, slip, paint, and form. The objective of the analysis will be to identify the role of cord impressed Madison ware-like ceramics during the Southeastern Minnesota Late Woodland complex and determine where this ware type fits within the ceramic tradition chronology of the complex. Ceramic sherds may be undergo thermoluminescence testing, and food residue samples obtained from ceramic surfaces will be submitted for radiocarbon dating, as well as phytolith analysis, which will also aid in dating the ceramics and possibly in establishing a chronology.

Prehistoric lithic artifacts will be analyzed for a number of traits, which will further understanding of lithic tool production during the Southeastern Minnesota Late Woodland complex. All lithic artifacts, including diagnostic tools if recovered, will be analyzed for raw material type, weight, and maximum dimension. The raw materials selected and used by a prehistoric group can inform on a number of issues of interest, including mobility, exchange, and site function. Another important attribute that can be measured for all lithic artifacts is size. Maximum length, mass, and complete flake length distributions provide information about the type of reduction that produced the assemblage.

Lithic debitage will be analyzed for a number of additional attributes, including flake completeness (based on Sullivan and Rozen 1985), flake length, percent dorsal cortex, and platform type. Two types of debitage analyses will be conducted to further elucidate the type of reduction that produced the lithic assemblage at the site. The first involves the application of a flake completeness typology based on the one developed by Sullivan and Rozen (1985). Sullivan and Rozen's (1985:758–760) method utilizes three attributes to divide specimens into four types: complete flakes, broken flakes, flake fragments, and debris. The second type of debitage analysis is an attribute analysis. Size, amount of dorsal cortex, and platform type are thought to provide information concerning the type of reduction that produced a lithic assemblage. Size is an alternative measure to weight. The amount of cortex on debitage is known to be a useful attribute for determining the stage or stages of reduction that produced a lithic assemblage. In general, flakes produced during early stages of reduction contain a lot of cortex, whereas those produced during the middle stages contain a decreasing amount of cortex as it is progressively removed from the core. Late stage flakes usually do not contain any cortex, as all the cortex has been removed from the core during earlier stages. Platform type is another useful attribute for determining the type of reduction that produced a lithic assemblage. This attribute can be recorded for any flake in which the platform is present (i.e., complete flakes, proximal flake fragments, and sometimes lateral flake fragments).

All materials will be cataloged using Microsoft® Access 2000® as per requirements of the Minnesota Historical Society's (MHS) repository agreement with HDR. Catalogs include but are not limited to, the artifact provenience, count, type, material, manufacturing technique, function, along with decoration and dimensions.

3.4 Draft Report

A draft cultural resources report will be produced in accordance with the *State Archaeologist's Manual for Archaeological Projects in Minnesota* (OSA 2011). The report will include an overview of information gathered during the pre-field research, the research design and data-recovery plan, the field survey/testing methods and results, and an updated site form. The Draft Report will include a copy of the updated site record as well as all drawings and maps made during the course of the fieldwork. The Draft Report will include at a minimum the following:

- Title Page
- Abstract
- Table of Contents
- Introduction/Description of Undertaking
- Historic Context
- Research Design/Data-Recovery Plan
- Description of Investigation
- Analyses
- Findings and Results
- Recommendations
- Bibliography
- Appendices (site records, photos, maps, updated site form)

3.5 Final Report

After addressing the comments of CP, USACE, and SHPO to the Draft Report, HDR will submit a Final Report.

3.6 Curation

All recovered artifacts will be curated at MHS under repository agreement 664 unless an agreement can be reached for donation to the Prairie Island Indian Community, which holds an agreement to house collections at Mankato State University. The artifact collection to date has been prepared for curation according to MHS's general processing and curation policy statement (Standards for Processing Archaeology Collections 2007, available online at <http://www.mnhs.org/collections/archaeology/reports/MHSReposAppx.pdf>).

3.7 Public Dissemination

HDR understands the importance of communicating research findings to professional peers and the interested public in a timely manner. Such communication fosters more robust archaeological discourse and public awareness. Following the completion of the project, HDR aims to present relevant research findings at professional archaeological conferences such as those held by Society for American Archaeology (SAA), the Minnesota Archaeological Society (MAS), and the Midwest Archaeological Conference. In order to facilitate the communication of findings to the general public, HDR in consultation with USACE and the Minnesota Historic Preservation Office (MnHPO) will identify appropriate outreach programs.

3.8 Inadvertent Discovery of Human Remains

Although there is no current indication that human remains are present at the site, if the Project Field Director or Principal Investigator suspects or confirms the presence of human remains, the Project Field Director or Principal Investigator will notify the county sheriff, USACE, the Minnesota Office of the State Archaeologist (OSA), CP, and SHPO. The remains will be left in situ and covered with original soil until further determinations are made. If the human remains are determined to be modern, the sheriff or

coroner assumes responsibility. If the human remains are determined to be prehistoric or historic (more than 50 years old), and the sheriff relinquishes responsibility to OSA, OSA, in consultation with USACE, and SHPO will follow procedures for implementing Minnesota's Private Cemeteries Act as defined in Minnesota Statutes 307.8. OSA, or the Minnesota Indian Affairs Council will provide USACE, the Prairie Island Indian Community and CP with specifications of the appropriate course of action. CP will ensure the action is completed.

4 Key Project Personnel

Biographical sketches in Appendix B present the Principal Investigator and Field Director's experience. The cultural resource professionals proposed for this project meet or exceed the Secretary of the Interior's Professional Qualification Standards pursuant to 36 CFR 61 for archaeology.

5 References Cited

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HDR

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Sullivan, Alan P., and Kenneth C. Rozen

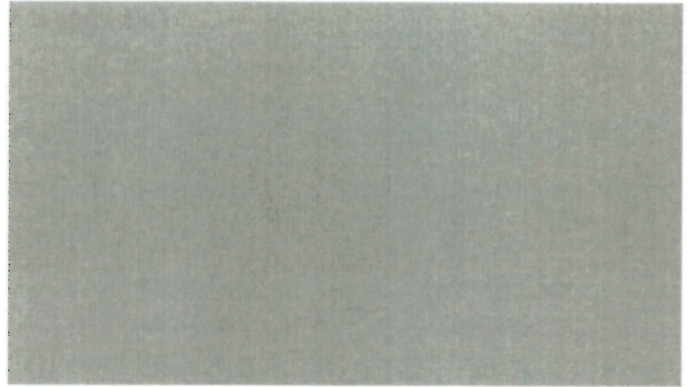
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<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

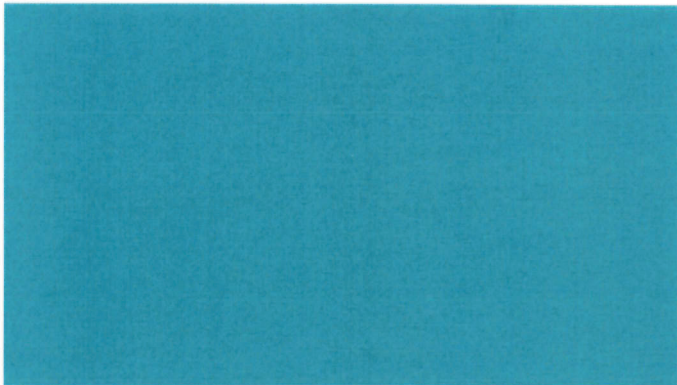
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<http://purl.umn.edu/56589>



A

Appendix A. Project Field Forms



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HDR Unit Level Form

Project: _____ Date: _____

Site #: _____

Unit: _____ Dimensions: _____

Unit Datum: _____ Unit Datum Elevation: _____

Level: _____ Arbitrary / Natural

Start Depth (below surface or datum): NW _____ NE _____ SE _____ SW _____

End Depth (below surface or datum): NW _____ NE _____ SE _____ SW _____

Associated Units: Y / N Location: _____

Features (see feature summary form) _____

Methods: Skim Shovel / Trowel / Other _____

Screened: Y / N Mesh Size 1/4" / 1/8" / Other _____

Soil Sample Taken: Y / N Vol. _____ Bag Number(s) _____

Photos: _____

Soil Description (stratum, munsell, description, gravel content, moisture, compactness, rodent runs, etc.):

Artifacts (type, count, materials not collected):

Lot/Bag Numbers: _____

Notes: _____

Excavators _____ Form Recorded By _____

HDR Unit Summary Form

Project: _____ Date Opened: _____
 Site #: _____ Date Closed: _____
 Unit: _____ Dimensions: _____
 Unit Datum: _____ Unit Datum Elevation: _____
 Final Depth: _____
 Photos: _____
 Wall Profiles: _____
 Associated Features: _____
 Recorder(s): _____

Unit Summary

[illegible]

Feature Summary

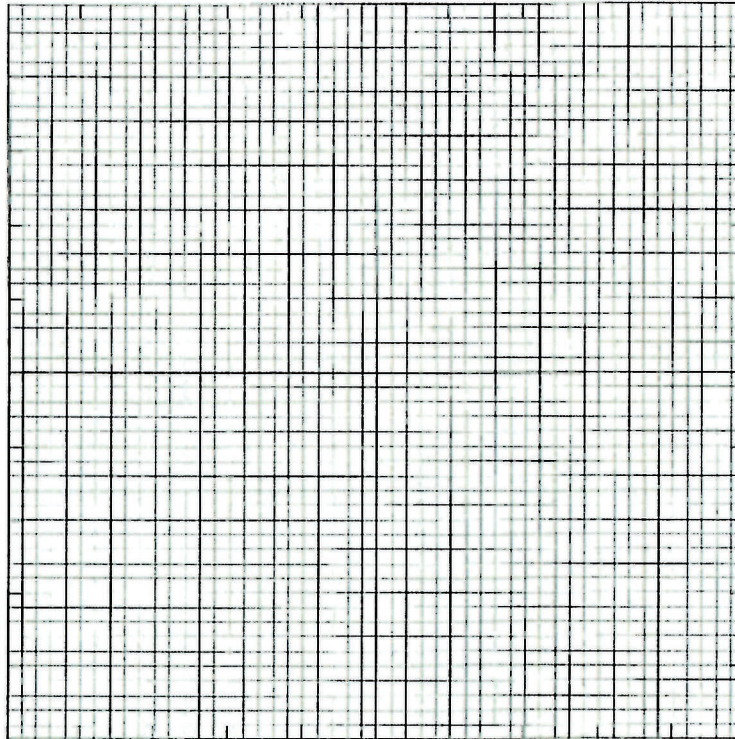
Feature #	Level(s)	Feature Type	Lot/Bag #	Photos



FEATURE # _____ PROJECT: _____
 UNIT # _____ SITE NUMBER: _____
 PLAN _____ or PROFILE _____ SITE NAME: _____
 STRATUM: _____; LEVEL: No _____ Depth _____ - _____ cm below datum
 PROFILE WALL: _____

meters bd

meters bd



meters bd

meters bd
Center of Unit

meters bd

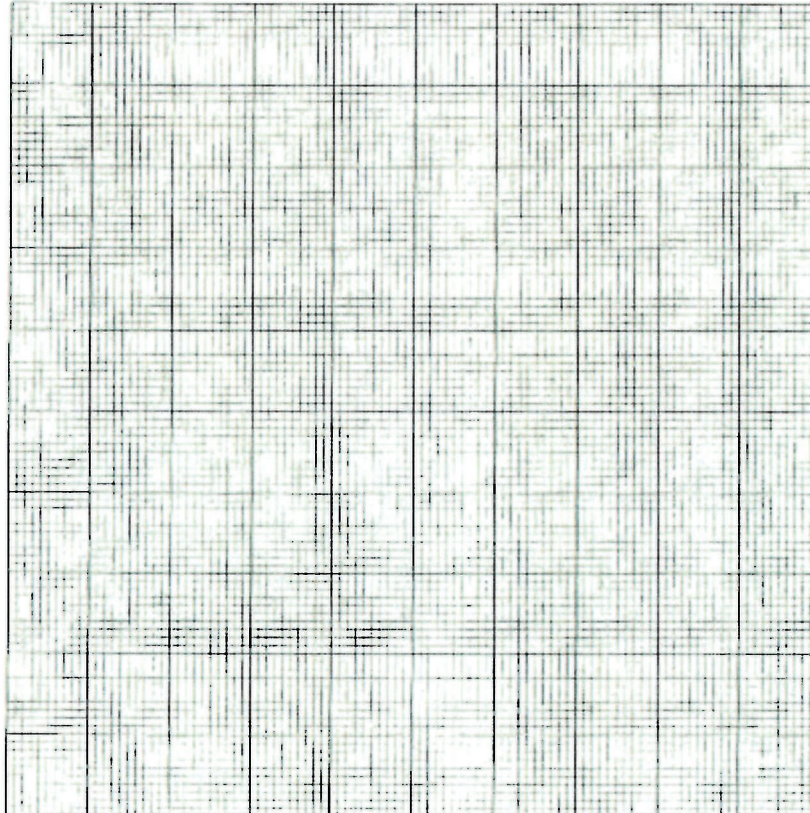


Unit Datum / Elev.: _____ Excavator(s): _____ Date: _____

NOTES / KEY TO SYMBOLS:

Continued on

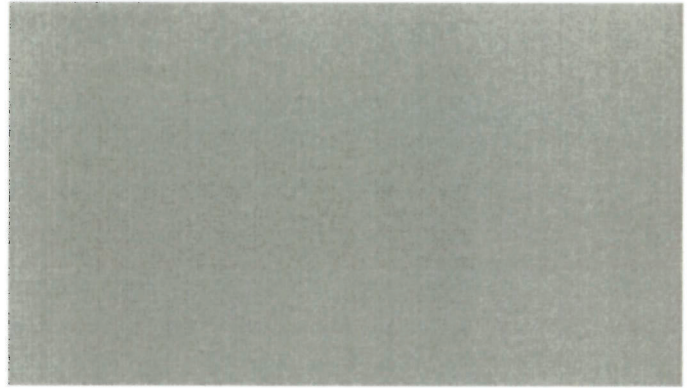
Project Name / #: _____ Site Name / #: _____
Unit #: _____ Unit Dimensions: _____ x _____ meter(s)
Level #: _____ Level Depth: _____ cm Arbitrary / Natural
Stratum: _____ Plan / Profile Profile Wall: _____
NW Top _____ cm NE Top _____ cm
NW Bottom _____ cm NE Bottom _____ cm



SW Top _____ cm Center Top _____ cm SE Top _____ cm
SW Bottom _____ cm Center Bottom _____ cm SE Bottom _____ cm
Unit Datum Corner: _____ Unit Datum Elevation: _____

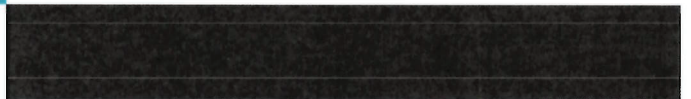
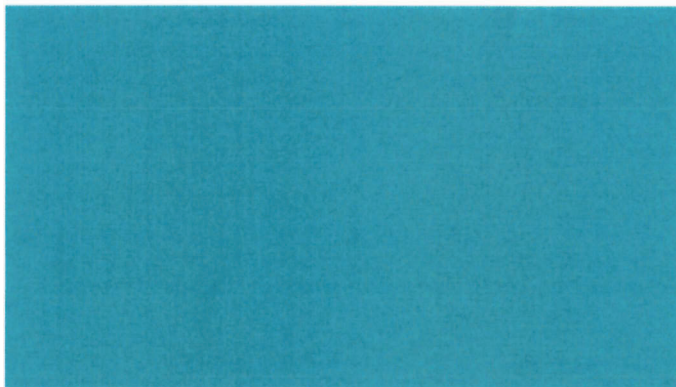
Notes / Key _____
To Symbols: _____

Excavators: _____ Date: _____



B

Appendix B. Key Project Personnel



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Michael Justin

Archaeology Project Manager

Mr. Justin has extensive professional experience in the field of cultural resources management, archaeology, and historic preservation issues. He has worked as a professional archaeologist since 1983, and has been employed by two public agencies, one state and one federal. Mr. Justin's cultural resource experience includes working in museum settings, on transportation projects and in response to national flood emergencies. Mr. Justin specializes in Section 106 compliance issues, and precontact cultures of the Upper Midwest, but has participated in projects located throughout the country including Minnesota, Wisconsin, Iowa, North Dakota, Illinois, Michigan, Arizona, Kansas, New York, Pennsylvania, Ohio, Tennessee, and Georgia, providing cultural resource experience to a variety of federal, state, county, and municipal agencies. Since January of 2012, Mr. Justin has retained a volunteer position on the Saint Paul Heritage Preservation Commission, an advisory body to the Mayor and the City Council on municipal heritage preservation matters. Mr. Justin is also a member in good standing of the Register of Professional Archaeologists, and the Society for American Archaeology.

EDUCATION

M.S., Anthropology, University of WI Milwaukee, 1983

B.S., Anthropology, University of Saint Thomas, 1979

REGISTRATIONS

Registered Professional Archaeologist, United States National Registration, No. 15214, Issued 12/31/2003

MN Office State Archaeologist Minnesota, No. 16-032, Issued 03/17/2016 Expires 12/31/2016

PROFESSIONAL MEMBERSHIPS

Society for American Archaeology, Member

Midwest Archaeological Conference, 2013-Present

INDUSTRY TENURE

31 years

HDR TENURE

9 years

OFFICE LOCATION

Minneapolis, MN

PUBLICATIONS/PRESENTATIONS

Michael A. Justin, Michael J. Madson, "Cultural Resources outside the Federal Regulatory Environment", Environmental Concerns in Rights-of-Way Management, 9th International Symposium, Portland, Oregon, 9/27/2009

AWARDS

Local Pathfinder Team, Minneapolis Cultural Resource Team (2014)

Local Pathfinder Team, CSX STB SUBMITTALS T (2011)

Local Pathfinder Team, Bemidji to

RELEVANT EXPERIENCE

Anoka County, Riverfront Park, MN, 09/2015-12/2015. Project Manager. HDR completed a Phase I archaeological resources survey for Anoka County Parks and Recreation department for proposed developments within an approximately 32-acre irregularly shaped parcel within the current boundaries of the Anoka County Riverfront Regional Park. After completing the survey, HDR's report concluded that no historic properties would be affected as research and testing proved the area to have been extensively landscaped and filled.

BWBR Architects Inc., MSOP Expansion, MN. Mike was responsible for designing and implementing a Phase I archaeological survey for a new addition to the Minnesota Department of Correction's Sex Offenders Program facility. He also managed a subcontractor who provided an Impact Assessment of the new facility on the Moose Lake State Hospital Historic District. Mike served as project manager and principal investigator.

Canadian Pacific Railway, Lake City Bridge. Mike worked with the US Army Corps of Engineers and state officials, and was responsible for managing subcontractors who provided a geomorphological assessment and archival documentation of a railroad bridge that is eligible for the National Register of Historic Places that required replacement. Mike served as project manager and principal investigator.

Canadian Pacific Railway, Brownsville Siding, Houston County, MN. Cultural Resources Compliance Lead. HDR performed Phase I cultural resources inventory and Phase II archaeological evaluation on CP's proposed 11,000-foot long siding infrastructure which runs through south eastern Minnesota along the Mississippi River south of the city of La

Grand Rap (2010)
Gold Pathfinder Team, Chicago to
Iowa City (2010)
Professional Associate (2009)
Local Pathfinder Team, Clinton
Wastewater I (2009)
Gold Pathfinder Team, CapX 2020
Brookings (2008)
Local Pathfinder Team,
PPMEnergyWindPrjcts (2007)
Local Pathfinder Team,
QuestarPipeliEnvPrmt (2006)
Local Pathfinder Int Clnt Serv (2006)
Local Pathfinder Team, Sturgeon
Lake Rd (2005)

Crescent, Minnesota. The Project Area is located within the existing CP right-of-way (ROW) between the existing CP mainline and Minnesota State Highway 26. The survey and evaluation studies were completed to assist the US Army Corps of Engineers (USACE) in their responsibilities to comply with Section 106 of the National Historic Preservation Act and regulations found at 36 CFR 800, as the project would impact wetlands and require a Section 404 Permit under the Clean Water Act. Phase I survey identified five archaeological sites and one historic property, the RR line itself. Phase II studies were completed for the RR line and for two of the five archaeological sites. No adverse effects were expected to the RR line, and one site, was determined eligible for the National Register of Historic Places and would be adversely affected by the project. HDR participated in consultation and preparation of mitigation strategies.

Canadian Pacific Railway, Brooks Siding, Red Lake County, MN. Cultural Resources Compliance Lead. HDR assisted with environmental permitting and cultural resources issues related to the construction of an 11,000 ft. siding facility directly adjacent to the existing CP mainline. Phase Ia research report produced.

Canadian Pacific Railway, Callaway Siding, Becker County, MN. 05/15-Present. Cultural Resources Compliance Lead. HDR assisted with environmental permitting and cultural resources issues related to the construction of an 11,000 ft. siding facility directly adjacent to the existing CP mainline. Phase Ia research report produced.

EA Engineering, Science, and Technology, Inc. PBC. Spirit Lake Project Phase Ia Cultural Resources Survey, St. Louis County, MN. 12/2014-04/2015. Principal Investigator. The Project plans to address sediment contamination in and adjacent to Spirit Lake, which is part of the Saint Louis River Area of Concern. HDR was contacted by EA to conduct a Phase Ia Cultural Resources Survey in the form of a desk-top literature review and provide recommendations for future project-specific cultural resource identification strategies.

Eastern Gulf Crude Access, LLC, Patoka to Johnsonville Pipeline Project, IL, 05/13-08/13. On behalf of Eastern Gulf Crude Access, LLC (EGCA), HDR performed a Phase I archaeological reconnaissance survey for the EGCA Patoka Extension Project in Clay, Marion, and Wayne Counties, Illinois (Project). The Project entails the construction of a 34-mile long pipeline, including access roads and additional temporary work space areas. EGCA contracted HDR to initiate early identification and inventory surveys for the Project area to identify and inventory archaeological resources located in the proposed project area. HDR conducted both a literature search and Phase I archaeological reconnaissance survey in the project area. Mike acted as Principal Investigator for the survey.

EOG Resources, Inc. Stanley Wayzetta Permanent EOG Communications Tower, ND. 04/2015-06/2015. Principal Investigator. Proposes construction of the VSO Stanley Wayzetta 150-foot self-supporting lattice communication tower in Mountrail County, North Dakota. Mr. Justin provided oversight for research at the North Dakota State Historic Preservation Office to search for previously-recorded cultural resources within the project area and within a one-half mile buffer surrounding the project area in advance of proposed installation activities; conducted an on-site examination of the proposed tower location to determine the presence of

MICHAEL JUSTIN



any previously unrecorded archaeological or architectural resources that may be affected by the tower construction; and documented the results in a report to the client.

Geronimo Energy, Rosemount Community Solar Gardens, LLC., Rosemount, MN. 04/15-06/15. Principal Investigator. Rosemount Community Solar Gardens is an up to 20 megawatt (MW) AC solar energy project located within the City of Rosemount, Dakota County, Minnesota, covering approximately 455 acres. Under contract to Geronimo Energy, HDR conducted a Phase Ia background investigation and a Phase I field investigation for the proposed Solar Gardens Project. The purpose of this investigation was to identify all previously known archaeological and historical resources within the overall development parcel. HDR staff conducted background research using resources at the Minnesota State Historical Society and State Historic Preservation Office and included Historic Resources Survey Files, National Register Files, and Identified Site Files. Research encompassed previous cultural resource surveys, previously identified archaeological sites, and previously identified historic properties. HDR also completed a pedestrian survey of the Project parcel to visually inspect the area for surface cultural materials. No recordable resources were found.

Minneapolis Community Development Agency, Parcel D Archaeology, Minneapolis, MN. Mike was responsible for archaeological monitoring at the site of the former Minnesota Central Rail Road Car Shop and Machine Shop. Mike worked directly with excavators, soil remediation contractors and the City of Minneapolis to document the archaeological remnants of the mid-nineteenth century structures. Mike served as project manager and principal investigator.

Minnesota Dept. of Natural Resources, Trail Re-Route Survey, Moose Lake, MN. The Minnesota Department of Natural Resources (DNR) is expanding its correctional facility in Moose Lake, Minnesota. The DNR requested that HDR complete a survey for a reroute required by the expansion of a 1/4 mile section of bike trail to be located within Moose Lake State Park. Mr. Justin designed and implemented an archaeological survey in compliance with Federal Land, Water Conservation Fund, and Section 106 of the National Historic Preservation Act regulatory requirements.

Minnesota Power, Great Northern Transmission Line Project, MN, 08/13-Present. Cultural Resources Compliance Lead. Mike was responsible for providing guidance and language for the siting analysis and environmental report section provided by HDR supporting the filings under the Public Utility Commission State Plan Certification Process. The filing is required for Minnesota Power's proposed project, which includes a 500 kilovolt (kV) alternating current (AC) transmission line between the Minnesota-Manitoba border (border crossing) and the existing Blackberry Substation near Grand Rapids, Minnesota.

MnDOT, Butterfield Lake Trail, MN. Mike designed and conducted survey for archaeological and historic properties for a proposed recreational trail around Butterfield Lake. One previously unrecorded precontact lithic scatter was discovered (21WW15), and recommended as not eligible for the National Register of Historic Places.

MnDOT, Highway 169 Phase I Archeological Investigation #92377, MN.

Mn/DOT contracted HDR to complete a cultural resource survey of a project along Trunk Highway 169 near Elk River and Zimmerman, Minnesota. Using FWA funding, Mn/DOT proposes the completion of Phase I archeological investigations on state project 7106-71, which will replace six at-grade intersections along Highway 169 with new grade-separated interchanges. Mike acted as the principal investigator, directing all aspects of the archeological investigation through completion of a final report.

MnDOT, Lake City Bridge Replacement Archaeological Investigation, Goodhue, MN. HDR was retained to complete an archaeological investigation for the proposed S.P. 2513-70 (Bridge 6773 Replacement) Trunk Highway 61, Goodhue County, Minnesota. Mike provided cultural resource services.

MnDOT, Lake Rebecca Sustainable Trails, Hennepin County, MN (06/2015-Present), Project Manager. The Three Rivers Park District proposes the construction of additional horse and mountain bike trails in the Lake Rebecca Park Reserve. HDR was contracted by the Minnesota Department of Transportation to provide an archaeological inventory for the project with National Register eligibility recommendations. Mr. Justin managed staff for the Phase I survey, documentation of archaeological properties, and cultural resources report.

MnDOT, Lincoln County Phase 1 Arch. Mike designed and conducted survey for archaeological and historic properties for a proposed upgrade to Lincoln County State Aid Highway (CSAH) 9. Survey resulted in the recording and evaluation of one American Indian heritage site.

MnDOT, Phase I Archaeological Investigation, Clay County, MN. Mike designed and conducted archaeological survey for a proposed road realignment and replacement of Brdn No 90856, which carries County Road 11 over the Buffalo River in Clay County. The survey resulted in the discovery of one new archaeological property, 21CY75, a historic farmstead that was recommended as not eligible for the National Register of Historic Places.

MnDOT, TH 12 Archaeological Investigation, Delano, MN. Mike provided Mn/DOT with Phase I archaeological survey of a proposed roadway expansion, sediment pond, and trail in Delano, Minnesota. Mike served as project manager and principal investigator.

MnDOT, TH 12 Preconstruction Archeological Monitoring. HDR Engineering, Inc. was contracted by the Minnesota Department of Transportation to conduct archaeological monitoring of preconstruction grading activities for the proposed Trunk Highway 12 road realignment expansion and trail.

Otter Tail Power Co., Bemidji to Grand Rapids 230 kV Transmission Line Project, MN. Mike provided subcontractor oversight and agency coordination. Otter Tail, Minnesota, and Minnesota Power proposed to permit and build approximately 80 miles of 230 kV transmission line from Bemidji to Grand Rapids. This project will provide increased voltage support not only to the Bemidji area, but also throughout the Red River Valley and North Central Minnesota. Mike served as a cultural resources compliance lead.

Prairie Island Indian Community, Sturgeon Lake Road Railroad Overpass, Welch, MN. Mike designed and implemented an archaeological

survey for a proposed overpass. Recommendations were made on two newly recorded American Indian heritage sites. HDR prepared the concept and preliminary design of horizontal and vertical realignment of a 4 lane urban roadway. The project replaces an existing at-grade railroad crossing with an overpass. Three build options were developed and analyzed. The project involved extensive public involvement with the local Native American population. Mike served as project manager and principal investigator.

Pro-West & Associates, Inc. MnDOT, Office of the State Archaeologist's Electronic Statewide Archaeological Database, 12/13-2015. Project Manager. MnDOT hired Pro-West to develop a database that will help integrate state archaeological databases into a single web-based application. HDR, hired as a sub-consultant to Pro-West, provided quality control for mapping sites and surveys.

Stonebrooke Engineering, Inc. Fort Snelling County Roads, MN. 10/2015-Ongoing. Cultural Resources Compliance Lead. HDR has been tasked with completing a Phase Ia Archaeological Literature Review for a county roadway reconstruction project within Fort Snelling, a National Historic Landmark, and National Register of Historic Places listed property.

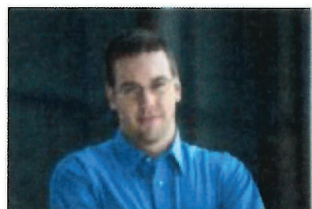
Summit Envirosolutions, Inc. Unanticipated Finds Plan, Monitoring and a Letter Report Related to the Construction of Greenwood Street, Thief River Falls, Pennington County, Minnesota; S.P. 170-115-012, 07/13-02/14. MnDOT, using Federal Highway Administration (FHWA) funds, constructed a new segment of Greenwood Street and a new bridge over the Canadian Pacific Railroad in Thief River Falls, Pennington County, Minnesota. MnDOT contracted Summit Envirosolutions, Inc. to complete an Unanticipated Finds Plan, and to monitor construction as it was adjacent to the Greenwood Cemetery. Summit subcontracted HDR to provide archaeological oversight. Mr. Justin served as Principal Investigator for archaeology.

Xcel Energy, Blackdog to Southtown Structure Replacement Cultural Resources, Fort Snelling, MN, 10/06-04/10. Xcel Energy plans to replace two transmission towers that carry electrical lines across the Mississippi River at Fort Snelling State Park, Minnesota. HDR provided culture resources services for this project, including archeological surveys. Mike acted as the principal investigator for designing and implementing an archeological testing program that included deep site testing on Pike and Picnic Islands and a formal evaluation of Site # 21DK0060.

ACTIVITIES & ACHIEVEMENTS

Community & Civic Involvement

Saint Paul Historic Preservation Commission, City of Saint Paul. The Heritage Preservation Commission (HPC) serves as an advisory body to the Mayor and the City Council on municipal heritage preservation matters. It was created by city ordinance in 1976 to protect and promote the heritage of the City of Saint Paul. The Commission consists of thirteen voting members who are residents of Saint Paul and are appointed by the Mayor with the advice and consent of the City Council. Saint Paul Historic Preservation Commission (2012-Present)



James Parker

Archaeology Project Director

Mr. Parker has 16 years of archaeological experience, the majority of which have involved cultural resource management projects throughout the Northeast, Mid-Atlantic, Southeast, and Midwest. Mr. Parker has over seven years of experience at the supervisory level, overseeing Phase I and Phase II archaeological investigations. Mr. Parker holds a master's degree in anthropology with a concentration in historical archaeology, and has extensive experience conducting research for and excavating eighteenth through mid twentieth-century sites. He also possesses considerable experience in all phases of lab work, including artifact processing, conservation, cataloging, analysis, and curation preparation. Mr. Parker's varied work experiences as well as academic archaeological projects have provided him numerous opportunities to become proficient in many aspects of the National Historic Preservation Act (NHPA) Section 106 process, including research, testing and assessment.

EDUCATION

Master of Arts, Anthropology, East Carolina University, 2008

Bachelor of Science, Anthropology, Mercyhurst College, 2002

REGISTRATIONS

Register of Professional Archaeologists, 2014-Present

PROFESSIONAL MEMBERSHIPS

Society for Historical Archaeology, Member, 2011-Present

Association for Gravestone Studies, Member, 2011-Present

Middle Atlantic Archaeological Conference, Member, 2015-Present

Council for Northeast Historical Archaeology, Member, 2016-Present

INDUSTRY TENURE

10+ years

HDR TENURE

5+ years

OFFICE LOCATION

Columbus, OH

RELEVANT EXPERIENCE

Phase I Archaeological Survey for the NICTD Double Track NWI Project, Lake, Porter, and La Porte Counties, Indiana (August 2016-Current). Archaeology Project Director. Conducted background research, lead the field survey, lead author of the survey report.

Phase I Cultural Resource Survey of the Approximate 45-Mile Ameren Spoon River Transmission Line, Knox and Peoria Counties, Illinois (02/16-Current). Archaeology Field Director/Historical Archaeologist. Conducted background research, co-lead the field survey, analyzed the historic assemblage, and co-authoring the survey report.

Phase I Archaeological Survey for the Proposed Columbia Gas Transmission, LLC Line 3878/2400 Relocation Project, Aleppo Township, Greene County, Pennsylvania (01/16-04/16). Archaeology Project Director. Conducted the background research, field survey, and authored the survey report.

Phase I Archaeological Investigation for the Columbia Pipeline Group Line 10173 Relocation, Clay District, West Virginia (01/16-04/16). Archaeology Project Director. Conducted the background research, field survey, and authored the survey report.

Phase I Archaeological Investigation for the Tri-State Tollway Bridge Rehabilitation/Reconstruction Mile-Long Bridge, Chicago, Illinois (10/15-Current). Archaeology Project Director. Conducted the background research, field survey, and co-authoring the survey report.

Phase I Archaeological Investigation for the Metro Park West Phase II Soil Borrow and Sedimentation Basin Area, Boone and Dallas County, Iowa (07/15-Current). Archaeology Project Director. Conducted a Phase I



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survey for expansion of the Metro Park West Landfill. Wrote the survey report.

Class III Intensive Cultural Resource Inventory for the Dickinson Bypass Project Additional Study Area, Stark County, North Dakota (06/15). Archaeology Project Director. Lead author of the cultural resource inventory report.

Phase I Archaeological Investigation for the Forevergreen Road Project Extension, Iowa City, Iowa (06/15). Field Archaeologist. Assisted with the fieldwork.

Archaeological Investigation for the CP-Brownsville Project, Brownsville, Minnesota (05/15). Field Archaeologist. Assisted with the fieldwork.

Phase I Archaeological Survey for the Proposed Columbia Gas Transmission, LLC Line 134 Section 20700 and 20414 Replacement Project, Concord Township, Butler County, Pennsylvania (04/15-05/15). Archaeology Project Director. Conducted the 20414 part of the investigation and co-authored and compiled the survey report form.

Phase II Archaeological Evaluation of Site TNC-E-203 (CRS N05079) for the HISP NCC, SR 71, Old Porter Road to SR 7, Red Lion, New Castle County, Delaware (2/15-Current). Archaeology Project Director/Historical Archaeologist. Conducted a Phase II evaluation of a nineteenth- to mid twentieth-century site.

Archaeological Salvage Excavation in Advance of the Guemsey Crossing Development Project, Chillicothe, Ohio (2/15). Archaeology Volunteer. Participated in an archaeological salvage excavation of the remnants of an approximately 2000 year old mound site. Excavated features, produced plan and profile drawings, screened soils, and collected float samples.

Phase II Archaeological Evaluation of the Potter Estate Tenant Farmstead Site (7K-F-205) for the SR 1, Northeast Front Street Grade Separated Intersection Project in Milford Hundred, Kent County, Delaware (12/14-5/15). Archaeology Project Director/Historical Archaeologist. Conducted a Phase II evaluation of a mid/late nineteenth to mid twentieth-century farmstead.

Phase Ia Archaeological Investigation for the Monument Place Bridge Project, Elm Grove (10/14-Current). Archaeology Project Director. Conducted a Phase Ia archaeological background investigation and field reconnaissance for the project. Authored the report.

Phase I Archaeological Investigation for the Forevergreen Road Project, Iowa City, Iowa (10/14). Historical Archaeologist. Assisted with the fieldwork and offered expertise when historic resources were encountered during the fieldwork. Conducted background research.

Phase I Archaeological Investigation, Union Pacific Railroad Bridge Over I-29 Improvements Project—Supplement to Segment 2 Phase I Archaeological Investigation, Council Bluffs, Iowa (8/14-9/14). Historical

Archaeologist. Assisted with the fieldwork and offered expertise when historic resources were encountered during the fieldwork. Conducted background research and co-authored the report.

Supplemental Phase I Archaeological Survey at Blossom Point Training Facility, Welcome, Maryland (7/14). Archaeology Project Director. Conducted a supplemental Phase I archaeological survey of 1.3 acres at the installation, authored the addendum report.

Archaeological Testing Next to the Bellwood House/Building 42 for Proposed Improvements to the House Drainage System, Defense Supply Center Richmond, Chesterfield County, Virginia (5/14-9/14). Archaeology Project Director. Conducted archaeological testing next to the Bellwood House to determine whether intact cultural deposits related to the construction and early occupation of Bellwood were present. Analyzed the historic assemblage and lead author of the report.

Phase I Archaeological Survey for HISP NCC, SR 71, Old Porter Road to SR 7, Red Lion, New Castle County, Delaware (2/14-8/14). Archaeology Project Director. Conducted a Phase I archaeological survey for the Delaware Department of Transportation. Conducted the SHPO and background/historical research. Analyzed the historic assemblage and lead author of the report.

Phase I Archaeological Survey for HISP US 9 and SR 5 Intersection Improvements, Sussex County, Delaware (2/14-Current). Archaeology Project Director. Conducted a Phase I archaeological survey for the Delaware Department of Transportation. Conducted the SHPO and background/historical research. Analyzed the historic assemblage and lead author of the report.

Phase I Archaeological Survey at Blossom Point Training Facility, Welcome, Maryland (12/13-4/14). Archaeology Project Director. Conducted a Phase I archaeological survey at the installation, lead author of the final report, and wrote the cultural resource section of the Environmental Assessment report.

Sea Girt Phase III Archaeological Survey and Evaluation at Sea Girt Army National Guard Installation, Sea Girt, New Jersey (10/13-1/14). Archaeology Project Director. Conducted a Phase I survey at the NJ Army National Guard Installation in Sea Girt. Identified a late nineteenth to mid twentieth-century site during the Phase I, and evaluated the site during the Phase II. Processed and analyzed the historic assemblage recovered from the site, and lead author of the final report.

Burlington Northern Santa Fe (BNSF) Positive Train Control Tower Compliance, Nationwide (08/13-Current). Archaeologist. HDR is responsible for providing environmental and Section 106 services to BNSF for the PTC Program. Responsibilities include background research, authoring final reports, providing management recommendations, and performing field surveys and visual effects analyses when necessary.

CSX Positive Train Control Tower Compliance / CSX Transportation / Nationwide (08/13-Current). Archaeologist. HDR is responsible for providing environmental and Section 106 services to CSX for the PTC program. Responsibilities include background research, authoring final

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reports, providing management recommendations, and performing field surveys and visual effects analyses when necessary.

Phase I Archaeological Survey at the Rhode Island Air National Guard Station (ANGS), North Smithfield, Providence County, Rhode Island (4/13-6/13). Archaeologist. Conducted a Phase I archaeological survey to identify surface and subsurface cultural resources on the RI ANGS. Conducted the SHPO and background/historical research. Wrote the historic context section of the final report.

Phase I Archaeological Survey, Gulfport CRTC, Gulfport, Mississippi (1/13-4/13). Archaeology Project Director. Conducted a Phase I archaeological investigation of the installation and wrote the archaeology section of the report.

Sea Girt Phase II Archaeological Evaluation at Sea Girt Army National Guard Installation, Sea Girt, New Jersey (12/12-4/15). Archaeologist. Conducted a Phase II evaluation of a eighteenth to mid-nineteenth-century domestic site for the NJ Army National Guard in Sea Girt. Processed and analyzed the artifact assemblage recovered from the site, and lead author of the final report.

East Ship Island Phase I Archaeological Survey, Mississippi (11/12). Archaeology Crew Chief. Conducted a Phase I archaeological investigation along the southern shoreline of East Ship Island. Co-authored the final report.

Phase I Archaeological Survey at Friendship Hill National Historic Site (FRHI), Pennsylvania (10/12-2/13). Archaeologist. Conducted a Phase I archaeological investigation at FRHI for the National Park Service. Processed and analyzed the historic assemblage recovered from the site, wrote the management summary, and lead author of the final report.

Phase I Archaeological Survey at Edison Mission Energy Homer City Generation L.P. for Proposed Wetland Mitigations, Pennsylvania (9/12). Archaeology Crew Chief. Conducted Phase I archaeological investigations of two proposed wetland mitigation areas at the Homer City Generation L.P. Lead author of the final report.

Xcel Project, Colorado (6/12-7/12). Archaeology Monitor and Field Archaeologist. Surveyed power line structures along a corridor running from Hopkins to Hagerman Pass. Monitor construction of improvements being made to the power line structures.

Phase II Archaeological Evaluations at Defense Supply Center Richmond / Defense Logistics Agency Enterprise Support (DES) Richmond (5/12-6/12). Field Archaeologist. Participated in the Phase II evaluation of sites 44CF616, 44CF648, and 44CF650 in Chesterfield County, Virginia. Analyzed the historic assemblages from sites 44CF648 and 44CF650. Co-authored the final report.

Phase I Archaeological Survey at Charlotte International Airport (IAP) Air National Guard Base (ANGB) and Stanly County Airport Air National Guard Station (ANGS), North Carolina (4/12). Field Archaeologist. Participated in Phase I surveys conducted at the ANGB located at the Charlotte-Douglas International Airport and at the ANGS located at the Stanly County Airport.

Natural Resource Damage Assessment (NRDA) for the MC 252 Oil Spill / NOAA, LA/MS/AL/FL (11/11-5/14) Archaeology Monitor. Monitor biologists conducting biota and intertidal oyster sampling.

MC 252 Response Cultural Resources Assessment Program / BP Exploration & Production, Inc., LA/MS/AL/FL (10/11-5/14) Field Archaeologist/Archaeology Monitor/Historical Archaeologist. Monitor oil clean-up crews, participate in Phase I archaeological surveys, and site delineations, in addition to conducting historic artifact analysis.

Jamestown Island, VA – Complete Transportation Infrastructure Project, National Park Service, Jamestown, Virginia (9/11-7/12). Archaeology Monitor. Monitored construction activities in the vicinity of the reconstructed Glasshouse demonstration building and Glasshouse ruins. Wrote the final monitoring report.

ON Line Project, Nevada (9/11). Archaeology Monitor. Monitored construction activities for the installation of a power line running from Ely to Las Vegas, Nevada.

Hardwood Air National Guard Range, Juneau County, Wisconsin (7/11). Field Archaeologist. Participated in a Phase I survey and a Phase II evaluation of a Woodland period site.

Proposed PPV Utilities Project, Naval Support Facility, New Orleans, Louisiana (7/11-8/11). Field Archaeologist. Participated in a Phase I survey of the installation. Co-authored the management summary and was the lead author of the final report.

Phase II Archaeological Evaluations at Defense Supply Center Richmond / Defense Logistics Agency Enterprise Support (DES) Richmond (5/11-6/11). Field Archaeologist. Participated in the Phase II evaluation of sites 44CF647 and 44CF649 in Chesterfield County, Virginia. Analyzed the historic assemblages recovered from both sites and lead author of the report.

Phase III Data Recovery at Pointville Town Site, Joint Base McGuire-Dix-Lakehurst, Burlington County, New Jersey (4/11). Field Archaeologist. Participated in a Phase III data recovery of a nineteenth to early twentieth-century town site.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Canadian Pacific Railway		File No.: MVP-2014-03609-DAS	Date: September 10, 2018
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. David Studenski
U.S. Army Corps of Engineers, St. Paul District
1114 South Oak Street
La Crescent, MN 55947
651-290-5902

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM**BACKGROUND INFORMATION****A. REPORT COMPLETION DATE FOR PJD:** 07 Jun 18**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Canadian Pacific
Railway, c/o Tim Havlicek, 120 South 6th Street, Suite 900, Minneapolis, MN 55402**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** CEMVP-OP-R, Brownsville
Siding, MVP-2014-03609-DAS**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**
**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES
AND/OR AT DIFFERENT SITES)**State: Minnesota County: Houston City: *City*

Center coordinates of site (lat/long in degree decimal format):

Latitude: 43.741723 °, Longitude: -91.276201°

Universal Transverse Mercator: Zone 15, X Coordinate: 638803.149482, Y
Coordinate: 4844631.161998

Name of nearest waterbody: Mississippi River

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination.
☐ Field Determination.

Date: 07 Jun 18
Date(s): *Date***TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT
TO REGULATORY JURISDICTION.**

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimate amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1	43.74173	-91.27611	22.26 acres	wetland	Section 404
W2	43.76140	-91.28233	0.26 acre	wetland	Section 404
W3	43.75685	-91.28103	0.74 acre	wetland	Section 404
W4	43.75068	-91.28057	0.44 acre	wetland	Section 404
W5	43.73140	-91.27189	0.12 acre	wetland	Section 404
W6	43.76325	-91.28461	0.05 acre	wetland	Section 404
Tributary 1	43.74708	-91.28081	65 linear feet	Non-wetland	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: application package received June 29, 2015
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report. Rationale:
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
 - ☐ USGS NHD data
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Quad La Crescent
- ☐ Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: US FWS
- ☐ State/local wetland inventory map(s):
- ☐ FEMA/FIRM map(s):
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs ☒ Aerial (Name & Date): Mapbox Aerial
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 2018.09.10
08:08:22 -05'00'

Signature and date of Regulatory
staff member completing PJD

Signature and date of person requesting
PJD (REQUIRED, unless
obtaining the signature is impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.