

APPENDIX E4

Native American Tribal Consultation

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1854 Authority

4428 HAINES ROAD • DULUTH, MN 55811-1524
218.722.8907 • 800.775.8799 • FAX 218.722.7003
www.1854authority.org

October 31, 2005

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

RE: Mesabi Energy Project

Dear Mr. Hargis,

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

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

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

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

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

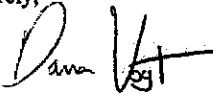
A consortium of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa

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

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

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

Sincerely,



Darren Vogt
Environmental Biologist

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

Leech Lake Band of Ojibwe



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

District I Representative
Robbie Howe

District II Representative
Lyman L. Losh

District III Representative
Donald "Mick" Finn

October 10, 2006

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

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

Dear Mr. Hargis:

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

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

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

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gina M. Papasodora".
Gina M. Papasodora
Tribal Historic Preservation Officer

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



THE MILLE LACS BAND OF
OJIBWE INDIANS

Executive Branch of Tribal Government

October 25, 2005

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

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

Dear Mr. Hargis,

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

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

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

Respectfully,

Natalie Weyaus
Natalie Weyaus
Tribal Historic Preservation Officer

Cc: Dennis Gimmestad, MN SHPO Review and Compliance

DISTRICT I

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

DISTRICT II

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

DISTRICT III

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

Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

Date: September 7, 2005

To: U.S. Department of Energy-NETL

From: Cultural Preservation Officers-Flandreau Santee Sioux Tribe

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

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

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



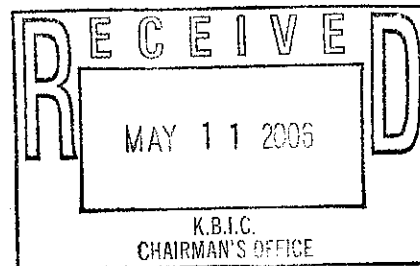
U.S. Department of Energy

National Energy Technology Laboratory



May 3, 2006

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



Copy to Todd W & Summer

Dear Ms. LaFernier:

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

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

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

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

THE KEWEENAW BAY INDIAN COMMUNITY HAS NO INTEREST IN:

Sincerely,

PROJECT #: Mesaba Project EIS

SUMMER COHEN/THPO/NAGPRA

Richard Hargis
NEPA Document Manager

May 19, 2006

DATE

Enclosure



U.S. Department of Energy

National Energy Technology Laboratory



September 1, 2005

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

Dear Mr. Williams:

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

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


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

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

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

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


Sincerely,

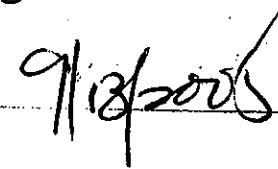

Richard A. Hargis
NEPA Document Manager

Enclosures: General Location Map

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

Project #: Clean Coal Power NETL


_____ Martin/THPO/NAGPRA



Mesaba Energy Project – Comment Sheet

DOE EIS Public Scoping Meeting

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

Name: James Merhar, Chairman Representing: Iron Range Area Council for Native Americans
Address: P.O. Box 373, Bovey, Mn. 55709 Email:

Comment:

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

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

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

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

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

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

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

Please submit comments to meeting moderator or send to:

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

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

