

1 **5.3.9 Cultural Resources**

2 This section describes the environmental consequences of the Land Exchange Proposed Action
3 on historic properties that are present on the federal and non-federal lands. Under the Land
4 Exchange Proposed Action and alternatives, the Superior National Forest would retain its
5 ongoing responsibility for managing cultural resources on Superior National Forest lands in
6 accordance with the Forest Plan. At this time, environmental consequences on historic properties
7 have not been completed. Results will be added to this document when received from the federal
8 Co-lead Agencies.

9 **5.3.9.1 Methodology and Evaluation Criteria**

10 Effects associated with the Land Exchange Proposed Action would be the potential destruction
11 of historic properties and the loss of the historic information and cultural significance that these
12 properties could represent. An additional effect would be the loss of federal protection for any
13 unknown historic properties, such as those provided under the NHPA, the Archaeological
14 Resource Protection Act, and the Native American Graves and Repatriation Act. The
15 methodology and evaluation criteria used to determine potential effects on cultural resources
16 from the Land Exchange Proposed Action are similar to those used for the NorthMet Project
17 Proposed Action (Section 5.2.9).

18 The analysis of cultural resources was performed based on readily available information, and no
19 additional field work was performed. Intensive analysis is only needed for the federal parcel
20 leaving federal ownership. The non-federal lands that would be going into federal ownership
21 would not be of primary concern since future management of these lands would be per Forest
22 Plan direction for heritage resources.

23 The spatial area of analysis for Land Exchange Proposed Action effects on cultural resources
24 included the boundaries of the federal tracts proposed for the exchange, while the temporal area
25 of analysis was the point in time at which the change in ownership would occur. The geographic
26 extent is appropriate because it includes all cultural resources that would be affected by a change
27 in site protection. In a temporal sense, the change in ownership is appropriate because this is
28 when there would be a gain or loss of legal protections.

29 The analysis of the cultural resources affected by the Land Exchange Proposed Action was
30 guided by effects criteria that were developed by the USFS and the USACE. The analysis
31 included a review of known and recorded heritage resources (i.e., historic structures, artifacts,
32 TCPs) within or immediately adjacent to the federal and non-federal lands and a qualitative
33 assessment to determine if there were portions of the federal and non-federal lands that have not
34 been surveyed previously and would have a high probability to yield heritage resources.

35 **5.3.9.2 Land Exchange Proposed Action**

36 **5.3.9.2.1 Federal Lands**

37 The cultural resources analysis has not been completed at this time; however, the federal Co-lead
38 Agencies are currently working with the SHPO and the Bands to make final determinations and
39 will present the results of the effects and appropriate mitigation in the FEIS.

40 Cultural resources located on private lands being transferred to federal ownership would not be
41 considered as adversely affected, but would be considered to have greater preservation protection
42 under federal law.

43 The 1854 Treaty resources located within the Land Exchange Proposed Action would be similar
44 to the Mine Site portion of the NorthMet Project area previously discussed in Section 4.2.9.
45 Section 4.2.9 provides further discussion of the existing conditions on the Mine Site and
46 associated federal lands. The Land Exchange Proposed Action represents an exchange of private
47 and federal land, but it is also represents an exchange of access to natural resources expressed in
48 treaties made between the United States and Bands of Ojibwe Indians in the 19th Century. Due to
49 the nature of a land exchange, therefore, the effects would be limited to access to such resources
50 versus direct or indirect effects, as would be the case with the Land Exchange Proposed Action.

51 An analysis of effects to 1854 Treaty resources, as described and discussed in Section 4.2.9, is
52 limited by the lack of available information concerning the use of such resources. Determining
53 how the Bands have traditionally conducted their usufructuary rights on or near the Land
54 Exchange Proposed Action area would only be available through a detailed ethnographic study
55 of individual Band members and their families. The cultural resources investigations included
56 Band member interviews with Bois Forte, Fond du Lac, and Grand Portage, although only Bois
57 Forte's results were made available. The results of the interviews and the cultural resources
58 investigation did not find any natural resources that would be considered a TCP or other
59 traditional cultural place.

60 There is also no quantitative analysis of current use of treaty resources in or near the Land
61 Exchange Proposed Action area. This lack of data also precludes the analysis of how Band
62 members would be quantitatively affected socioeconomically by effects on 1854 Treaty
63 resources, further discussed in Section 5.2.10. The primary source of data for assessing effects on
64 treaty resources is from the analysis of the environment in other chapters of this SDEIS as
65 discussed in Section 4.2.9.4 and 5.2.9.2.2.

66 As discussed above, the Land Exchange Proposed Action could have effects on 1854 Treaty
67 resources—i.e., lack of access to those areas and species that are traditionally or culturally
68 important to the Bands. Band members' use of the Land Exchange Proposed Action area is not
69 well-defined through research at this time and did not emerge through interviews. A good faith
70 effort was made on the part of the federal Co-lead Agencies to identify use areas in or adjacent to
71 the Land Exchange Proposed Action area; however, those efforts resulted in little specific
72 information concerning historic subsistence use and no information regarding recent subsistence
73 activity within the Land Exchange Proposed Action area. As such, cultural effects on the Bands
74 would be difficult to quantify in regards to such incremental increases below standards or effects
75 to species where appropriate mitigation is used.

76 **5.3.9.2.2 Non-federal Lands**

77 There are no known cultural resources on the non-federal lands. Cultural resources located on
78 private lands being transferred to federal ownership would not be considered adversely affected,
79 but would be considered to have greater preservation protection under federal law.

80 The Land Exchange Proposed Action represents an exchange of private and federal land, but it
81 also represents an exchange of access to natural resources expressed in treaties made between the
82 United States and Bands of Ojibwe Indians in the 19th Century. Due to the nature of a land

83 exchange, therefore, the 1854 Treaty resources would be available for resource gathering and
84 subsistence use by the Bands and would receive greater protection under federal law than they
85 are currently receiving.

86 **5.3.9.3 ~~Land Exchange No Action Alternative~~**

87 ~~There would be no effects to cultural resources or 1854 treaty resources within the Land~~
88 ~~Exchange No Action Alternative.~~

89 **5.3.9.4 Land Exchange Alternative B**

90 **5.3.9.4.1 Federal Lands**

91 All of the cultural resources and 1854 Treaty resources identified and discussed in Section 5.3.9
92 are located within the Land Exchange Alternative B. Effects to these resources would be the
93 same as discussed in Section 5.3.9.

94 **5.3.9.4.2 Non-federal Lands**

95 There are no known cultural resources on the non-federal lands. Cultural resources located on
96 private lands being transferred to federal ownership would not be considered adversely affected,
97 but would be considered to have greater preservation protection under federal law.

98 The Land Exchange Alternative B represents an exchange of private and federal land, but it also
99 represents an exchange of access to natural resources expressed in treaties made between the
100 United States and Bands of Ojibwe Indians in the 19th Century. Due to the nature of a land
101 exchange, therefore, the 1854 Treaty resources would be available for resource gathering and
102 subsistence use by the Bands and would receive greater protection under federal law than they
103 are currently receiving.

104 **5.3.9.5 Land Exchange No Action Alternative**

105 There would be no effects to cultural resources or 1854 treaty resources within the Land
106 Exchange No Action Alternative.

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