December 22, 2016

City of Afton
3033 St. Croix Trail S
PO Box 219
Afton, MN 55001

Attn: Ron Moorse

RE: Addendum to Phase II Archaeological Assessment and Evaluation of 21WA10, Afton, Washington County, Minnesota, dated May 6, 2016
MnPPO Review and Compliance #2015-1403

Dear Mr. Moorse:

The Minnesota Pollution Control Agency (MPCA) and the U.S. Army Corp of Engineers (USACE) are currently conducting a Section 106 review of the proposed City of Afton Downtown Improvements Project (“the Project”) due to Federal funding provided for the Project by the MPCA and a Federal permit to be provided by the USACE. On August 2, 2016, the MPCA and the USACE issued Section 106 findings that determined the Project would have No Adverse Effect to Historic Properties within the proposed Project area. This determination was based in part on Blondo Consulting’s Phase II Archeological Assessment and Evaluation of 21WA10, dated May 2, 2016 (“Phase II Assessment and Evaluation”). The MPCA and the USACE provided copies of their Section 106 findings to the Minnesota State Historic Preservation Office (MnPPO) and the Tribal Consulting Parties pursuant to 36 CFR § 800.5(c), which allows consulting parties 30 days to review the findings. At the close of the 30-day comment period, MnHPO concurred with the MPCA and the USACE’s No Adverse Effect determinations, however certain members of the Tribal Consulting Parties objected to the determination that the Project would have No Adverse Effect on the National Register of Historic Places eligible Rattlesnake Mound. Thereafter, the parties began a period of consultation to resolve the objections, as allowed under 36 CFR § 800.5(c)(2).

The concerns raised by certain Tribal Consulting Parties in written comments in response to the No Adverse Effect determination and during subsequent consultation meetings, regard the Project as it pertains to site 21WA10, the Rattlesnake Mound Group. The City of Afton has revised the proposed Project plans in response to these concerns. The purpose of the enclosed Addendum to Phase II Archeological Assessment and Evaluation of 21WA10 is to update the adverse effect analysis included in the May 2, 2016 Phase II Assessment and Evaluation to apply the adverse effect criteria under 36 CFR § 800.5(a) to the revised Project plans.
Please feel free to contact our office if you have any questions concerning the enclosed addendum.

Sincerely,

Steven J. Blondo, MA

Blondo Consulting, LLC
Addendum to Phase II Archaeological Assessment and Evaluation of 21WA10
Afton, Washington County, Minnesota
by
Steven J. Blondo, MA and Kelly Wolf, MA, RPA Blondo Consulting, LLC
December 22, 2016

Introduction
Blondo Consulting, LLC (Blondo Consulting) was retained to conduct a Phase II Archaeological Assessment of a portion of Afton’s Downtown Improvements Project (“the Project”). Blondo Consulting completed its assessment as part of a Section 106 review currently being conducted by the Minnesota Pollution Control Agency (MPCA) and the U.S. Army Corp of Engineers (USACE). The MPCA and the USACE are conducting this review because the Project constitutes an “undertaking” under Section 106 due to Federal funding provided for the Project by the MPCA and a Federal permit to be provided by the USACE.

Blondo Consulting summarized the results of its assessment in a document entitled Phase II Archeological Assessment and Evaluation of 21WA10, dated May 2, 2016 (“Phase II Assessment and Evaluation”). Among other things, the Phase II Assessment and Evaluation evaluated the potential effects the Project would have on the National Register of Historic Places eligible Rattlesnake Effigy Mound (“the Mound”) and concluded the Project would have No Adverse Effect on the Mound. See Phase II Assessment and Evaluation, § 9.2.

On August 2, 2016, the MPCA and the USACE issued Section 106 findings that determined the Project would have No Adverse Effect to Historic Properties within the proposed Project area, including the Mound. This determination was based in part on the effects evaluation in Blondo Consulting’s Phase II Assessment and Evaluation. The MPCA and the USACE provided copies of their Section 106 findings to the Minnesota State Historic Preservation Office (“MnHPO”) and the Tribal Consulting Parties pursuant to 36 CFR § 800.5(c), which allows consulting parties 30 days to review the findings. At the close of the 30-day comment period, MnHPO concurred with the MPCA and the USACE’s No Adverse Effect determinations, but several of the Tribal Consulting Parties submitted written objections to the determination that the Project would have No Adverse Effect on the Rattlesnake Mound. Thereafter, the parties began a period of consultation to resolve the objections, as allowed under 36 CFR § 800.5(c)(2).

The MPCA hosted a Tribal consultation meeting to clarify and address the Tribal Consulting Parties’ objections on November 7, 2016. During that meeting and through the consultation process, the Tribal Consulting Parties raised a number of concerns regarding the Project as it was then proposed within the vicinity of site 21WA10 the Rattlesnake Mound Group, and specifically the Mound. Those concerns included:

1. Avoiding any further disturbance to the Mound
   a. Avoid any construction activities in the Mound, with the exception of abandoning the existing septic systems in-place
b. Reroute the sanitary sewer services to the west to avoid any construction activities in the Mound
c. Redesign the storm water system to eliminate the directional drilling of a storm water line through the area of the Mound
d. Minimize grading in the low area where stormwater/floodwater currently collects adjacent to the Mound
e. Protect the major trees in the low area adjacent to the Mound

2. Eliminate existing disturbances to the Mound
   a. Abandon the existing drain field in the head of the Mound
   b. Abandon the existing septic tanks and sewer lines in the Mound

To address these concerns, the City of Afton revised the proposed Project plans within the vicinity of site 21WA10, the Rattlesnake Mound Group, as shown in the attached maps. These revisions include:

1. In-place abandonment of all sanitary systems currently discharging into the Mound by filling the systems with sand
2. Elimination of all sanitary sewer line crossings through the Mound
3. Preservation of the major trees in the low area adjacent to the Mound
4. Elimination of all storm sewer crossings through the Rattlesnake Mound

In addition, the City of Afton has revised its pre-existing Unanticipated Discoveries Plan for use within the vicinity of site 21WA10 to include the presence of an archaeological monitor on site as well as a Tribal Monitor to be appointed by the Prairie Island Indian Community. The ongoing monitoring associated with this Plan will provide further protection against the possibility of an adverse effect occurring during construction in the vicinity of site 21WA10.

On December 8 and 9, 2016, the MPCA and representatives of the City of Afton met with the Prairie Island Tribal Council and MnHPO, respectively, to review the City’s proposed revisions. Both the Prairie Island Tribal Council and MnHPO reacted positively to the proposed revisions. The City of Afton provided the proposed Project revisions to the Minnesota Office of the State Archaeologist and the Minnesota Indian Affairs Council (MIAC) on December 12 and 13, 2016, respectively, which were again positively received. The MPCA hosted an additional Tribal consultation meeting on December 16, 2016, with seven Tribal Consulting Parties participating. During this meeting, representatives from each Tribe indicated that the proposed revisions to the Project plans would adequately address their concerns as expressed during the consultation process. During this meeting, it was also established that the City of Afton will write a letter of agreement with the Prairie Island Indian Community, who will serve as the lead Tribal entity for the duration of this Project.

Because the City has revised its Project plans in the vicinity of the Mound from those whose effects were analyzed in section 9.2 of the Phase II Assessment and Evaluation, the purpose of this Addendum is to provide an updated effects assessment under the Section 106 regulations, 36 CFR Part 800. In sum, it is Blondo Consulting’s conclusion that the revised Project maintains a No Adverse Effect to Historic Properties determination.
Blondo Consulting concluded that of site 21WA10, the Rattlesnake Mound Group, only the effigy Mound itself was eligible for inclusion on the National Register of Historic Places because it still possesses integrity of design, materials, workmanship, and association. (See Phase II Assessment and Evaluation, § 9.1 for a detailed assessment.) 36 CFR § 800.16(i) defines an “effect” for the purposes of Section 106 review as an “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.” Additionally, the revised Project plans—which, among other things, eliminates all of the proposed directional drilling for sewer and storm lines beneath the Mound, continues the previous plans to abandon in-place all existing sanitary sewer systems that currently discharge into the Mound, and preserves major trees in the low area adjacent to the Mound—have no effect on the Mound because the revised plans will not alter the Mound’s design, materials, workmanship or association, i.e., will not have an “effect” on the Mound.

Even if an “effect” on the Mound exists, however, that effect is not adverse. 36 CFR § 800.5(a) requires an agency official undertaking a Section 106 review to “apply the criteria of adverse effects” to historic properties within the Area of Potential Effects. 36 CFR § 800.5(a)(1) states that an adverse effect exists when “an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” The revised Project plans will not alter, even indirectly, the integrity of the Mound’s design, materials, workmanship or association, which are the elements that make it eligible for inclusion in the National Register. Indeed, the revised Project plans were specifically designed to avoid any alterations to the Mound. A comparison of the revised Project plans to the relevant examples of adverse effects included in 36 CFR § 800.5(a)(2) further bolsters a “No Adverse Effects” conclusion here, for example:

- **There will be no physical destruction of, or damage to, the Mound (36 CFR § 800.5(a)(2)(i)).** In fact, the complete avoidance of any alteration to the Mound, in conjunction with the cessation of the sewage discharges into the Mound that will only occur if the Project is completed, serves to preserve the physical characteristics of the Mound.

- **There will be no change in the character of the Mound’s use or its physical features that contribute to its historic significance (36 CFR § 800.5(a)(2)(iv)).** Again, the revised Project plans will preserve, not change, those aspects of the Mound that make it historically significant.

- **There will be no introduction of visual, atmospheric or audible elements that diminish the integrity of the Mound’s significant historic features (36 CFR § 800.5(a)(2)(v)).** Not only will the revised Project plans not introduce visual or other elements that diminish the Mound’s historic features, the City has voluntarily offered to work with the Tribes to establish informational signage, kiosks, or other appropriate educational tools near the Mound to highlight and help preserve the Mound’s historic significance.
In conclusion, Blondo Consulting believes the appropriate determination of a Section 106 effects analysis of the revised Project plans under 36 CFR § 800.4 and .5 is that even if the revised plans have an “effect” on the Mound, that effect is not adverse, under applicable Section 106 criteria. Blondo Consulting recommends the revised Project plans will have No Adverse Effect to Historic Properties.