



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Ms. Melinda Young
Tribal Historic Preservation Officer
Lac du Flambeau Tribal Historic Preservation Office
P.O. Box 67
Lac du Flambeau, Wisconsin 54538

Re: Request for Concurrence on Proposed Finding of No Historic Properties Affected for Proposed Air Sparge/Soil Vapor Extraction (AS/SVE) Pilot Test and Potential Full-Scale Implementation at Parcel 10-1987 Associated with the Tower Standard Leaking Underground Storage Tank site, Lac du Flambeau, Wisconsin.

Dear Ms. Young:

As you are aware, the U.S. Environmental Protection Agency (EPA) is proposing to expend federal funds on the pilot test and potential full scale implementation of an AS/SVE system to address petroleum contamination believed to have been released from previously removed leaking underground storage tanks at the former Tower Standard gasoline service station located on lands within the Lac du Flambeau reservation (undertaking, as defined at 36 C.F.R. § 800.16(y)). Pursuant to 36 C.F.R. §§ 800.5(b), (c), this letter seeks your concurrence on our proposed finding that no historic properties will be adversely affected by this proposed work within the meaning of the National Historic Preservation Act (NHPA) and the consultation requirements set forth at Section 106 of the NHPA.

In accordance with 36 C.F.R. § 800.5(c), please respond to this proposed finding with your concurrence or disagreement within 30 days of receipt of this letter. However, if you are able to provide concurrence on this proposed finding sooner, your expedited review is appreciated as it may allow us to proceed to field work planning sooner.

Undertaking Description

The Tower Standard gasoline service station is located on the north end of Haskell Lake, southeast of the intersection of County Road D and State Highway 70. Our AS/SVE pilot project and potential full scale implementation of an AS/SVE system is limited to removal of petroleum and petroleum vapors within an area of residual contamination adjacent to the former Tower Standard gasoline service station and known as the Former Restaurant Property, or Parcel 10-

1987 (“Site”). A location map and aerial photo are enclosed, showing the area of potential effects, as defined at 36 C.F.R. § 800.16(d).¹

This proposed pilot will evaluate the effectiveness of an AS/SVE system to remove petroleum and petroleum vapors from the subsurface of the Site. If it is effective in removing volatile organic compounds (VOCs) from the subsurface it will likely be fully implemented at the Site.

We anticipate no significant disturbance of the ground to occur during the AS/SVE pilot stage but expect some trenching to install underground components of the AS/SVE equipment if the system is fully implemented. If fully installed and implemented, the system is expected to remove significant amounts of residual petroleum contamination.

Determination of Effect

On April 17, 2020, EPA sent a Section 106 consultation invitation that provided you with information about our proposed action. On June 19, 2020, you responded with the following statement:

We recognize that the project as proposed may adversely impact historic properties and cultural resources present significant to the Tribe. The Tribe retains hunting, fishing, gathering and other treaty rights within territories ceded to the United States. Historic, traditional, religious and cultural significance are attached to the areas where resource gathering has occurred and does currently occur.

We wish to discuss further efforts to identify historic properties and cultural resources and ensure that any impacts by the proposed undertaking will be minimal.

To gather more information, EPA engaged Brad Perkl of the U.S. Army Corps of Engineers to act as our consultant. On July 15, 2020, Mr. Perkl met with representatives of LDF including Band elders and cultural leaders. Information Mr. Perkl obtained during his Site visit forms the basis for the determination (documented in the attached Archaeological Investigations Report) that the cultural and historical significance of the area meets the definition of a traditional cultural property (TCP) and historic property pursuant to 36 C.F.R. § 800.4.

Mr. Perkl subsequently inventoried the Site for possible cultural materials. None were observed. The methods and findings used for this survey are also contained in the enclosed Archaeological Investigations Report. This Report concludes:

Placement of AS/SVE wells, monitoring wells, or other activities that may be required across the Site will have no adverse impact to the TCP or other historic properties. The archaeological survey of the Site revealed extensive disturbances across the area and no significant cultural material was identified.

¹ There is a possibility that in the future the undertaking could be expanded beyond the currently defined “Area of Potential Effect” (APE or Site). If that happens, EPA will reinstitute the NHPA Section 106 process.

If any objects or items that may be historic properties, as defined at 36 C.F.R. § 800.16(*l*), are discovered during field activities at the Site, all field activities will stop at which point your office will be notified for further consultations, unless there exists emergency conditions requiring immediate actions to secure the area. In addition, if any human remains are found, all work will immediately be halted, and the coroner and your office will be notified. In either event, field work will not resume until EPA completes any required consultation with your office and any other interested parties, including the Lac du Flambeau Band, again unless there exists emergency conditions requiring immediate actions to secure the area.

We have concluded that the area is a historic property as a TCP, and although it may contain historic artifacts, no further historic properties have been identified at this time. We propose a finding of no adverse effects because, due to the limited ground disturbance of EPA's work and the historic disturbance at the site, EPA does not believe that the TCP will be adversely affected by this undertaking. We request your concurrence on this proposed finding. If we do not hear back from you within 30 days from the date of your receipt of this letter, we will assume that you concur with our proposed finding that no historic properties will be adversely affected by our proposed work and the finding will become final for the purposes of NHPA.

Thank you for your time and attention to this matter. I remain available for coordination and to respond to any issues or questions that you may have. You may reach me at (312) 353-2192 or alternatively you can reach Greg Rudloff at (312) 886-0455.

Sincerely,

 9/23/2020

Edward Nam
Director
Land, Chemicals, and Redevelopment Division

Enclosures: Phase I Archaeological Report – Tower Standard Haskell Lake LUST Site

cc.: Larry Wawronowicz
Dee Allen
Kristin Hanson