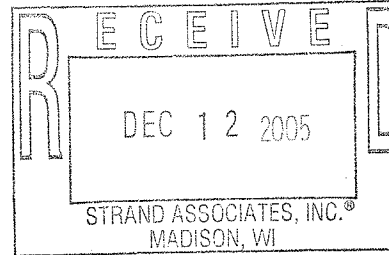




United States Department of the Interior

FISH AND WILDLIFE SERVICE
1764 95th Street
New Richmond, WI 54017



FWS/NWRS-St. Croix WMD

December 9, 2005

Strand Associates, Inc.
910 West Wingra Drive
Madison, WI 53715
Attn: Jeff Held

Dear Mr. Held:

After reviewing the photo and engineering needs for the proposed improvements on Wisconsin Highway 64 in Section 30 T31.N-R17W of St. Croix County, Wisconsin, it does not appear there would be any long term adverse effect to Erickson Waterfowl Production Area. You have estimated the size of the proposed encroachment to be approximately 0.20 acres and the work to be grading of the slopes. In your photo you identified the work as "anticipated grading easement needs". An easement would not be acceptable, but a one time issuance of a Special Use Permit would allow the described work to be accomplished.

If the project is approved, our office should be notified. We will need to review the approved plans to determine what the final encroachment will be into the WPA and then will prepare an Environmental Assessment Statement prior to issuing a Special Use Permit for the work.

If you have any additional concerns or questions, you should contact me at (715) 246-7784, or by e-mail - David_McConnell@fws.gov.

Sincerely,

David L. McConnell
Refuge Operations Specialist

Attachment:

From: Jeff Held
To: Carr, Gwen
Date: 8/23/2005 11:48:04 AM
Subject: I.D. 1559-01-03 - WIS 64 EA Tribal Consultation

Hi Gwen,

This email provides a summary of the contact I've had with Native American tribal representatives, and of our conference call earlier today.

08-17-05 - Phone call from Edith Leoso representing the Bad River Band of Lake Superior Chippewa Indians of Wisconsin

- Edith asked me to verify whether certain tribal representatives had been included in our latest mailing of the archaeological reports. I was able to confirm that each of the people she mentioned was on our address list.
- Edith asked that she be listed as the contact for the Bad River Band (rather than Sharon Lemieux)

08-22-05 - Phone call from Wanda McFaggen representing St. Croix Tribal Historic Preservation

- Wanda was concerned that we had not complied with Section 106 because the tribes were not consulted prior to the Phase 2 investigation.

- Wanda strongly recommended that we consult with Jerry Smith (Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin) and Jay Toth (Ho-Chunk Nation Archaeologist).
- Wanda asked that I send a copy of the Initial Notification letter from September 2003, I did so.
- Wanda stated that the St. Croix strongly oppose the artifacts being curated in Milwaukee.
- Wanda noted a change in her contact address, it should be:

Wanda McFaggen
St. Croix Tribal Historic Preservation
24663 Angeline Avenue
Webster, WI 54893

08-23-05 - Conference call with Jeff Held, Katie Egan-Bruhy, Jim Koenig, and Gwen Carr

- Katie will send an email regarding options for artifact curation and suggesting a possible field meeting with tribal representatives to Gwen.
- Gwen will include the information from Katie's email in her own email that continues consultation/coordination with tribal representatives both for the WIS 64 EA (I.D. 1559-01-03) and to establish general consultation procedures to be implemented on future projects.

Please let me know if I missed or misinterpreted anything. Thanks!

Jeff

Jeffrey S. Held, P.E.
jeff.held@strand.com
Phone: 608-251-4843
Fax: 608-251-8655

Strand Associates, Inc.

CC: Egan-Bruhy/CCRG, Katie; James.Koenig@dot.state.wi.us; Lynch, Tom

Stockbridge-Munsee Tribal Historic Preservation Office

Sherry White - Tribal Historic Preservation Officer

8510 MohHeConNuck Road

P.O. Box 70

Bowler, WI 54416

August 23, 2005

SA

Strand Associates Inc.

Engineers

Jeffrey S. Held, P.E.

910 West Wingra Drive

Madison, WI 53715

RE: I.D. 1559-01-03 WIS 64/US 63 Environmental Assessment

Dear Mr. Held:

Thank you for contacting the Stockbridge-Munsee Tribe regarding the above referenced project. The Tribe is committed to protecting archaeological sites that are important to tribal heritage, culture and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burial remains and associated funerary objects.

As described in your correspondence, the proposed ground disturbing activity of this project does not appear to endanger archaeological sites of interest to the Stockbridge-Munsee Tribe. Our interest is in Section 3 not Section 6, therefore, we will defer to your State Archaeologist and your state's Office of Historical Preservation regarding the need for archaeological surveys of further investigation. Should either of these agencies recommend an archaeological survey of the proposed construction site, we ask that the Stockbridge-Munsee Tribe be informed of the results of the survey, including copies of site forms and reports. Also, any changes to the above referenced project should be resubmitted to the Historic Preservation Office.

Should this project inadvertently uncover an archaeological site, even after an archaeological survey, we request that you immediately contact the appropriate state agencies, as well as the Stockbridge-Munsee Tribe. Also, we ask that you halt all construction and ground disturbing activities until the Tribe and these state agencies are consulted.

We appreciate your cooperation in contacting the Historic Preservation Office. Should you have any questions, feel free to contact me.

Sincerely,



Sherry White,
Tribal Historic Preservation Officer



Sac & Fox Tribe of the Mississippi in Iowa

349 Meskwaki Road, Tama, IA 52339-9629 • (641) 484-4678 FAX (641) 484-5424

"MESKWAKI NATION"

August 25, 2005

Strand Associates, Inc
910 West Wingra Drive
Madison, WI 53715

To Whom It May Concern:

Thank you for the letter of August 10, 2005 concerning the project:

I.D. 1559-01-03 WIS 64/US 63 Environmental Assessment

At this time, the Historical Preservation Department of the Sac and Fox of the Mississippi in Iowa has determined the above listed has:

- No interest in the area geographically
- No comment on the proposed undertaking
- No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the NAGPRA Representative, Johnathan L Buffalo.
- Have an objection or require additional project information. Please send the following:

Sincerely,

Johnathan L. Buffalo
Historical Preservation Coordinator
Sac and Fox of the Mississippi in Iowa

Cc: File

From: "Katie Egan-Bruhy/CCRG" <bizo1sd4@verizon.net>
To: "Carr, Gwen" <gwen.carr@dot.state.wi.us>
Date: 8/25/2005 5:22:22 PM
Subject: Re: Curation, archaeological collections WIS 64 (ID 1559-01-03) and consultation

Gwen,

I will draft a letter per the curation agreement I discussed with Joe Tiffany and set a date of 6 months following receipt of SHPO concurrence for curation of the collection.

Thanks for the assistance and hopefully the new protocol you put together will help to avoid the Native American tribes from being left out of the consultation process until the 11th hour.

Would you also notify Edith Leoso and Jerry Smith of Jay response and forward the letter on to them when you receive it.

Thanks and Best regards,

Katie

----- Original Message -----

From: Carr, Gwen

To: 'bizo1sd4@verizon.net'

Sent: Thursday, August 25, 2005 3:55 PM

Subject: FW: Curation, archaeological collections WIS 64 (ID 1559-01-03) and consultation

Katie, heres Jays reply. PLease just send me confirmation in a letter from you and /or MVAC regarding this for my files and to send to Jay. Thanks

Gwen

-----Original Message-----

From: Jay Toth [mailto:JToth@ho-chunk.com]

Sent: Wednesday, August 24, 2005 4:02 PM

To: Carr, Gwen

Cc: Larry Garvin; Bill Quackenbush

Subject: Re: Curation, archaeological collections WIS 64 (ID 1559-01-03) and consultation

I don't believe that we need to meet. I am pleased that the cultural materials will be placed closer to the area they were found.

Please let Wanda at St. Croix know too!

I appreciate your efforts regarding this project Gwen.

Na-wey

JAY

----- Original Message -----

From: Carr, Gwen

To: 'Jay Toth'

Sent: Wednesday, August 24, 2005 1:24 PM

Subject: Curation, archaeological collections WIS 64 (ID 1559-01-03) and consultation

Jay ~ I just received this from CCRG regarding the curation of the artifacts in question. DO you feel it would be appropriate for us to meet regarding this? I understand that larger ramifications of the consultation process..and it is something I am attempting to begin to address in our THPO project. Let me know.

Gwen

-----Original Message-----

From: Katie Egan-Bruhy/CCRG [mailto:bizo1sd4@verizon.net]

Sent: Tuesday, August 23, 2005 1:30 PM

To: carr, gwen

Cc: Koenig, James; Held, Jeff

Subject: Curation, archaeological collections WIS 64 (ID 1559-01-03) and consultation

Gwen,

I just spoke with Joe Tiffany, Director of the Mississippi Valley Archaeology Center (MVAC), about curating the archaeological collections from the WIS 64 project (ID 1559-01-03). He said that they would be pleased to accept the collections.

This fall, we will contact the landowners of the properties from which we recovered archaeological collections and recommend that they donate the collections to MVAC for curation. Following receipt of a "deed of gift" form from the landowner for the collections, we will submit them, along with copies of the field documents, to MVAC for curation.

Please let me know if I can be of further assistance on this project. I would be pleased to meet with you and any of the tribal representatives who are interested and/or concerned about the project to discuss our findings and recommendations. Just let me know.

Thanks,

Katie

Kathryn C. Egan-Bruhy, Ph.D., RPA

Regional Director

CCRG

P.O. Box 1061

Minocqua, WI 54548

Phone (715) 358-5686

Cell Phone (715) 482-5492

Fax (715) 358-6656

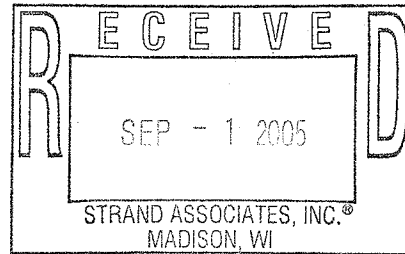
E-Mail eganbruhy@ccrginc.com

CC: "Held, Jeff" <Jeff.Held@Strand.com>, "Koenig, James" <james.koenig@dot.state.wi.us>, <JToth@ho-chunk.com>

COMMONWEALTH



Ms. Gwen Carr
DTID-BEES Room 451
HFSTB
P.O. Box 7965
Madison, WI 53707-7965



RE: Curation of Archaeological Collections
WIS 64, New Richmond to Connorsville Road
St. Croix County, Wisconsin
WisDOT ID: 1559-01-03

Dear Ms. Carr;

This letter is to formalize our e-mail correspondence from last week regarding the proposed disposition of archaeological collections recovered during the Phase I and Phase II investigations for the proposed WIS 64, New Richmond to Connorsville Road, St. Croix County, Wisconsin project (WisDOT ID: 1559-01-03). Per the request of Mr. Toth, Ho-Chunk Nation, and Ms. McFaggen, St. Croix Band of Lake Superior Chippewa, I have made arrangements with Dr. Tiffany, Director, Mississippi Valley Archaeology Center (MVAC) to curate the archaeological collections in the MVAC curation facilities. Further, we propose to initiate curation of the collections within three months of receiving notification of SHPO concurrence on the project. Finally, we will notify your office when the collections transfer is completed.

We appreciate your assistance in facilitating this arrangement. Please let me know if you or any of the tribal representatives consulting on this project have any other questions or concerns.

Sincerely,

Kathryn C. Egan-Bruhy, Ph.D., RPA
Regional Director

cc: J. Tiffany, MVAC
J. Held, Strand Associates ✓
J. Becker, BEES/WisDOT
J. Koenig, Northwest Region/WisDOT

Main Office: 2530 Spring Arbor Road Jackson, Michigan 49203 • (517) 788-3550/Fax (517) 788-6594

New York Office: 2495 Main Street Room 448 Buffalo, New York 14214 • (716) 831-9003/Fax (716) 831-9003

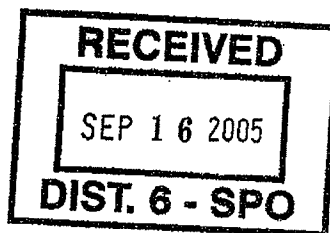
Wisconsin Office: P.O. Box 1061 Minocqua, Wisconsin 54548 • (715) 358-5686/Fax (715) 358-6656

www.ccrinc.com



Sac and Fox Nation of Missouri in Kansas and Nebraska

305 North Main Street • Reserve, Kansas 66434
Phone (785) 742-7471 • Fax (785) 742-3785



September 8, 2005

Jim Koenig, P.E.
WisDOT Northwest Region Project Manager
718 West Clairemont Avenue
Eau Claire WI 54701-5108

Dear Mr. Koenig

Thank you for your letter, which is in compliance with Section 106 of the National Historic Preservation Act, and Section 110.

The Sac and Fox Nation of Missouri in Kansas and Nebraska do not have an interest in this site:

I.D. 1559-01-03 WIS 64/US63 Environmental Assessment

There are two other bands of Sac and Fox that also need to be contacted, the Sac and Fox Nation of Oklahoma and the Sac and Fox of the Mississippi in Iowa.

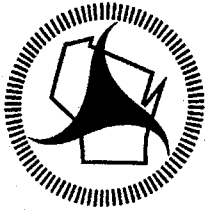
Johnathan Buffalo, Sac and Fox of the Mississippi in Iowa
349 Meskwaki Rd.
Tama, IA 52339-9629

Sandra Massey, Sac and Fox Nation of Oklahoma
Rt. 2, Box 246
Stroud, OK 74079

If you have any questions, please contact me at the number or address above.

Sincerely,

Deanne Bahr
Sac and Fox Nation of Missouri in Kansas and Nebraska
NAGPRA Contact Representative



06 - 0337/se

RECEIVED
APR 21 2006
DIV HIST PRES

Wisconsin Department of Transportation

RECEIVED
MAY 22 2006
STRAND ASSOCIATES, INC.
MADISON, WI

**Division of Transportation Infrastructure
Development**
Bureau of Environment
4802 Sheboygan Avenue, Room 451
P.O. Box 7965
Madison, WI 53707-7965
Telephone: (608) 266-0099
Facsimile (FAX): (608) 266-7818

April 11, 2006

Sherman Banker
Office of Preservation Planning, Division of Historic Preservation
Wisconsin State Historical Society
816 State Street
Madison, WI 53706-1488

WisDOT Project I.D. 1559-01-03
STH 65 - CTH D
STH 64 and USH 63
St. Croix County

The architecture history consultant who completed the survey for this project did not survey the residence located at 1642 STH 64 in Stanton Township due to its lack of architectural distinction, lack of integrity, and lack of historical significance. After completion of the survey, the property owner contacted the project engineer and stated that his house had been a schoolhouse of the frontier era, and his belief that it is historic. At the request of the engineer, the architecture history consultant reevaluated the property and found that it never had served as a school. The summary of this research is attached the AHSF.

One potentially eligible historic structure was identified during the survey - the Forest Co-operative Creamery at c.2698 STH 64. The building is set back from STH 64 and located outside the APE. Therefore, a DOE is not recommended at this time. If the project scope changes the eligibility will be reevaluated.

One potentially eligible archaeological site was identified - the Breault Site. The project was redesigned to traverse a portion of the site that has been disturbed and lacks integrity or the potential to yield significant information. Therefore, the project will have no effect on eligible archaeological resources.

If you have any questions, please contact me at robert.newbery@dot.state.wi.us or (608) 266-0369.

Robert S. Newbery
Staff Historian

I concur with this effect determination.

Sherman J. Banker
Date 5/10/06

Enclosures

cc: RMN
Jeff Held, Strand Associates

III. NOTIFICATION

How has notification of the project been provided to:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Property Owners | <input checked="" type="checkbox"/> Historical Societies/Organizations | <input checked="" type="checkbox"/> Native American Tribes |
| <input type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Information Meeting Notice | Must notify with: |
| <input checked="" type="checkbox"/> Letter [required for Archaeology] | <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Public Info. Mtg. Notice |
| <input checked="" type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Letter |
| <input checked="" type="checkbox"/> Other - the archaeologists met with landowners who were present at the time of the survey | <input type="checkbox"/> Other | |

*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

IV. AREA OF POTENTIAL EFFECTS [APE]

HISTORY: Describe the area of potential effects for buildings/structures.

An initial study corridor was examined, consisting of all those properties adjacent to STH 64 and USH 63 for the length of the project. Within the study corridor, those properties that were at least 50 years old and displayed the potential for architectural or historical significance, while maintaining a degree of integrity, were surveyed. The APE was then defined based on the proposed design plans and reduced from the area initially examined to the area within and immediately adjacent to the proposed reconstruction.

If you wish to claim there is no APE for buildings/structures, you must justify that claim. [NOTE: If there are no buildings/structures of any kind in the APE, go to Item V., check "Architecture/History survey is not needed" and state why.]

ARCHAEOLOGY: Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance.

V. SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed [See Chapter 26-35-1 of FDM for procedure and # of exhibits] <input type="checkbox"/> Archaeological survey is not needed - provide justification <input type="checkbox"/> SHPO records search conducted _____ (date). <input type="checkbox"/> Screening list _____ (date). <input type="checkbox"/> No potential to affect archaeological sites Describe project area and attach project plans	<input checked="" type="checkbox"/> Architecture/History survey is needed <input type="checkbox"/> Architecture/History survey is not needed

VI. SURVEY COMPLETED-Documentation required for submittal to BOE

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Project maps attached [most recent design] <input type="checkbox"/> ASFR attached [NO archaeological sites(s) identified] <input type="checkbox"/> Report attached [NO potentially eligible site(s) in project area] <input checked="" type="checkbox"/> Report attached [potentially eligible site(s) avoided] <input checked="" type="checkbox"/> Report attached - cemetery documentation <input type="checkbox"/> Native American response letters & reports [Send four reports + # of copies for NA requests to district.]	<input type="checkbox"/> A/HSF attached [NO buildings/structures identified] <input checked="" type="checkbox"/> A/HSF attached [potentially eligible buildings/structures identified.] The property this has been recommended potentially eligible lies outside of the APE; therefore, the architectural/historian has not recommended that a DOE be prepared.

VII. EVALUATION COMPLETED-Documentation required for submittal to BOE

<input type="checkbox"/> Report attached [no arch site(s) eligible for NRHP] <input type="checkbox"/> Report and DOE attached [arch site(s) eligible for NRHP] <input checked="" type="checkbox"/> Report and draft DOE attached [arch site(s) eligible for NRHP—avoided through project redesign]	<input type="checkbox"/> DOE attached [no buildings/structure(s) eligible for NRHP] <input type="checkbox"/> DOE attached [building/structure(s) eligible for NRHP]
--	--

VIII. COMMITMENTS

WisDOT will negotiate revision of the deeded boundary with the Cylon Cemetery and provide documentation that the Cylon Cemetery Association is willing sell a portion of the cemetery. In addition, WisDOT will provide the Burial Sites Preservation Office, Wisconsin Historical Society with a new certified survey showing the modification to the ROW boundary. Finally, the ROW boundary adjacent to the cemetery and the Breault site will be fenced prior to construction to ensure that no graves within the cemetery are inadvertently disturbed or that undisturbed portions of the Breault site are disturbed. An archaeologist should be present to monitor in case of unanticipated discovery of human remains at the cemetery.

IX.

PROJECT REVIEW

- No eligible properties in APE
- No effect on historic buildings and/or archaeological sites eligible for NRHP (see continuation sheet)
- Eligible properties may be affected by project-go to Step 4: Assess effects and begin consultation

James Harris
(District Project Manager)
3/15/2006
(Date)
J. Harris
(Consultant Project Manager)
3/15/06
(Date)

4/13/06
(WisDOT Historic Preservation Officer)
Johnson
(Date)

Shannon Boyle
(State Historic Preservation Officer)
5/10/06
(Date)

IX. PROJECT REVIEW (continued)

Within project study area there is one building, the old Forest Co-operative Creamery at c. 2698 STH 64 that is possibly eligible for the National Register of Historic Places (NRHP) under *Criterion C* as a creamery building type and possibly under *Criterion A*, representing the co-operative movement. The building is in deteriorated condition. When the APE was set, the creamery was found to be located outside of it. The building is set back from STH 64 and the proposed reconstruction of STH 64/USH 63 does not include any changes to the roadway in front of this property (which lies at the east terminus of the project). In addition, right-of-way will not be acquired from this property. Therefore, the Forest Co-operative Creamery is located outside the APE and a Determination of Eligibility is not recommended.

One historic Euro-American cemetery, the Cylon Cemetery (BSc-17), and nine archaeological sites were investigated during the Phase I archaeological investigation of the APE. The current design is limited to the current ROW within the area of the Cylon Cemetery and should, therefore, avoid graves and maintain the 5-ft (1.5-m) buffer from graves, as required by Wisconsin's burial site preservation law (Wis Stat. § 157.70). However, given that the current ROW encroaches on the deeded boundary, it would be useful for WisDOT to negotiate revision of the deeded boundary with the Cylon Cemetery. WisDOT should provide documentation that the Cylon Cemetery Association is willing sell a portion of the cemetery and provide the Burial Sites Preservation Office, Wisconsin Historical Society with a new certified survey showing the modification to the ROW boundary. Finally, the ROW boundary should be fenced during construction to ensure that no graves north beyond the current ditch line are inadvertently disturbed. An archaeologist should be present to monitor in case of unanticipated discovery of human remains.

Only one of the nine archaeological sites identified, the Breault site (47 Sc-131), is possibly eligible for the NRHP under *Criterion D* for its potential to yield information significant in terms of local and regional prehistory (see attached Determination of Eligibility form). The project was, however, redesigned to traverse a portion of the site area that is disturbed and lacks integrity or the potential to yield significant information. Therefore, the proposed project will have no effect on archaeological resources eligible or possibly eligible for the NRHP.