



DECISION MEMO
CHIK-WAUK PROPOSAL
U.S. FOREST SERVICE
SUPERIOR NATIONAL FOREST, GUNFLINT RANGER DISTRICT
COOK COUNTY, MINNESOTA

BACKGROUND

This project responds to a request submitted by the Gunflint Trail Historical Society (GTHS) to construct interpretive, storage, and maintenance facilities in their 50-acre permitted area. They are currently authorized for the operation and maintenance of the historic Chik-Wauk Lodge for a museum and nature center, and the surrounding lands for interpretive trails, scenic viewpoints, and hiking trails.

The proposed buildings include: Boat Exhibit building and dock, Multi-Purpose Administration building, Interpretive Cabin Exhibit building, Nature Center building, Artifact Storage/Maintenance building, and a vault toilet.

DECISION

I have decided to authorize an amendment to GTHS' current special use permit (GUN731801) to include the above mentioned buildings. A map of the project area is attached. Building plans must be submitted by a licensed engineer or architect in the state of Minnesota and will be reviewed and approved by the Forest Service prior to any construction. Additionally, subsequent to receipt of building plans and prior to implementation, the Forest Service will consult with the State Historic Preservation Office and interested parties pursuant to 36 CFR 800 of the National Historic Preservation Act (as amended). All permits and/or amendments will meet the requirements of the Decision Memo and Forest Service Regulations.

Permit Number	Legal Description	Approx. Acres	New Construction or Existing
GUN731801	T66N, R4W, Sec. 30	0.17	Buildings will be constructed above-ground, in previously disturbed locations.

- Mitigation Measures – The permits will follow Forest Plan standards and guidelines including: minimal ground disturbance within the permit area.

- Monitoring – The permit areas will be inspected to ensure compliance with mitigation measures by Forest Service personnel.

REASONS FOR THE DECISION

My decision meets the purpose and need because the GTHS is seeking to enhance the Chik-Wauk experience for its visitors and provide needed storage and maintenance facilities for administrative use. This project responds to the applicant's need for these facilities.

This decision would involve an amendment to the permit currently issued to the Gunflint Trail Historical Society (GUN731801), under the authority of Occupancy Permits, as amended March 4, 1915 and Granger Thye Act, Section 7 April 24, 1950.

REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in the Forest Service NEPA Regulations at 36 CFR 220, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as described in FSH 1909.15, 32.2(3): *“Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.”* This category of action(s) is applicable because the request is less than five acres.

B. Relationship to Extraordinary Circumstances

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment dated January 22, 2014. The biologist concludes that this project *“may affect but is not likely to adversely affect Canada lynx nor modify its critical habitat.”* This project would not jeopardize the continued existence of the northern long-eared bat and our Endangered Species obligation has been met for this proposed listed species (see letter from the Fish and Wildlife Service in the Project File). This determination has been made in compliance with the requirements of the Forest Service Manual Directives sections 2670.31, 2770.5(3), and 2672.4, the Endangered Species Act of 1973 as amended, and the National

Forest Management Act of 1976.

- Flood plains, wetlands, or municipal watersheds – This project will not affect any floodplains or wetlands due to restrictions within the permits. Where they exist or would be discovered during implementation, the Operational Standards and Guidelines would be followed to minimize impacts to water and soil resources. There are no municipal watersheds on the Tofte Ranger District.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – This request is not located in a Wilderness area. The Boundary Waters Canoe Area Wilderness (BWCAW) is approximately 0.43 miles from the edge of the permitted area, and approximately 0.68 miles from where the projects will actually occur. This project would not encourage or facilitate motorized access in the wilderness. This project is not expected to result in substantial wilderness related impacts. There are no other Congressionally Designated Areas in or near the project areas.
- Inventoried roadless areas or potential wilderness areas – There are no inventoried roadless areas (Roadless Area Conservation Rule or Forest Plan) in the decision areas.
- Research natural areas – There are no Research Natural Areas in or near the project areas.
- American Indians and Alaska Native religious or cultural sites – The Native American Graves Protection and Repatriation Act encourages avoidance of archeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Act. There are no known Native American religious or cultural sites that may be affected by this decision.
- Archaeological sites, or historic properties or areas – Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. The Archaeological Resources Projection Act affords lawful protection of archeological resources and sites that are on public and Indian lands. This decision complies with the cited Acts.

The Superior National Forest (Forest) Archeologist has reviewed development plans for the Chik Wauk (FS site #09-09-02-738) property submitted under a Categorical Exclusion (CE) per the National Environmental Protection Act (NEPA). This review is based on responsibilities outlined in the National Historic Preservation Act and implementing regulations at 36 CFR 800. The project proposes to construct several buildings within a historic resort complex located on Forest Lands in T66N, R4W, SENESE of Sec 30. The aforementioned development plans are included in the *Chik Wauk Museum and Nature Center Cultural Landscape Report* (Williams, 2014). A portion of this historic resort complex containing Chik Wauk Lodge was nominated to the National Register of Historic Places in 2007 (Figure B), however the larger site area contains archaeological features (predominantly building foundations and landscape features) associated with ca. 1928-1980 resort activities (Figure C). Since 2009, the Gunflint Trail Historical Society (GTHS) has operated a museum and nature center on the 50 acre property through special use permit with the SNF. The proposed development

projects, which are intended to enhance interpretive opportunities at the historic site, include proposals to construct new buildings within the National Register Boundary. The addition of new buildings within a National Register property is considered an undertaking that has the potential to adversely affect the historic character and integrity of the larger site area.

In order to resolve potential adverse effects to the larger site area, the Forest is currently consulting with the State Preservation Office (SHPO) regarding these proposals. The Forest Archaeologist and the SHPO office *generally concur that the proposal forwarded under Alternative 4 in the Draft Cultural Landscape Report is the preferable alternative, however there are still design details that will need to be reviewed prior to determination of effect and subsequent implementation.* These design details would include specifics on the spatial massing, facades, and architectural plans for the new buildings and structures included in Alternative 4. The importance of reaching concurrence on the specific design plans is a key step in ensuring that the proposal does not adversely affect the historic setting and integrity of the larger National Register site.

The Chik Wauk property received complete, intensive archaeological survey coverage in 2006 (Potter, CRRR#0602005). Archaeological features identified at the site were limited to scattered building foundations from guest cabins which were removed from the site subsequent to Forest Service ownership (1980). To the east of Chik Wauk lodge are several archaeological features associated with a ca. 1930-1950 Forest Service boathouse (since removed). It is the opinion of the Forest Archaeologists that these archaeological features have limited data potential. There are no precontact archaeological sites located within the Area of Potential Effect (APE). Additionally, the potential for buried archaeological materials was described as low in the 2006 survey. Soils were described as poorly developed, shallow, and overlaying near-surface bedrock. Significant amounts of fill related to ca. 1930-1950 site development exist adjacent to Chik Wauk lodge, the parking area, and along the access road. Due to these considerations, the Forest Archaeologist has determined that the potential effects to archaeological properties associated with the Alternative 4 proposal will not be adverse.

Based on this, the Forest Archaeologist is prepared to make a *preliminary determination of no adverse effect with the caveat that consultation with SHPO is ongoing regarding the specific design and placement of the buildings within the APE.* Federal agencies have independent statutory obligations under NEPA and NHPA. Given the circumstances related to this particular undertaking, the Forest Archaeologist has reviewed provisions of National Historic Preservation Act regarding coordination with the National Environmental Policy Act, of which 36 CFR 800.8 (3)(b) states, "*If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart*". The Forest Archaeologist would like to reaffirm that the proposed project qualifies as an undertaking under 36 CFR 800, that the section 106 review process is currently ongoing, and that Forest fully intends to fulfill its statutory obligations under NHPA.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Superior National Forest Schedule of Proposed Actions on July 1, 2014, and updated periodically during the analysis. An interdisciplinary team reviewed this project. Any minor concerns that were identified were already included in the terms of the permit, or were added as stipulations as previously mentioned in the *Mitigation Measures* section.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Superior National Forest Land Management Plan. The project was designed in conformance with standards and guidelines contained in the Forest Plan for Special Uses, (pages 3-15).

- Sensitive Species (Forest Service Manual 2670) – This Manual direction requires analysis of potential impacts to sensitive species for which the Regional Forester has identified population viability a concern. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation dated February 12, 2014. The Biological Evaluation for Regional Forester's Sensitive Species concluded that activities "*may impact individuals but would not cause a trend towards federal listing or a loss of viability for RFSS with habitat potential in the area.*"
- Clean Water Act – This Act is to restore and maintain the integrity of waters. This decision incorporates Best Management Practices to ensure protection of soil and water resources.
 - Environmental Justice (Executive Order 12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations.
 - National Environmental Policy Act – This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.
 - National Historic Preservation Act-Section 106 (36 CFR 800) of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. As stated above, the current proposal is considered an undertaking pursuant to Section 106 review.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

Per the letter of instruction from the Chief of the Forest Service dated March 5, 2014 and the Consolidated Appropriations Act of 2014, categorically excluded projects are not subject to



notice, comment and appeal under 36 CFR 215. This decision is not subject to administrative review or appeal.

IMPLEMENTATION DATE

This decision may be implemented immediately. Construction is expected to occur immediately following issuance of permits.

CONTACT

For additional information concerning this decision, contact: Christy Iozzo, Realty Specialist, Gunflint Ranger District, 2020 Highway 61, Grand Marais, MN 55604; Phone: (218) 387-3213, Fax: (218) 387-3246, Email: cmiozzo@fs.fed.us.

NANCY S. LARSON

District Ranger

1/7/2015

Date

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Chik-Wauk

Museum Nature Center
Cultural Landscape Report

Master Plan Alternative 4 Recommended Treatment

- Legend- Existing Features**
- A Historic Lodge / Museum
 - B Vault Toilet
 - C Historic Generator Building
 - D USFS Storage Building
 - E Portable Storage Container (relocated)
 - F Chik-Wauk Sign
 - G Entrance Gate
 - H Boardwalk
 - I USFS Dock
 - J Electric Transformer (relocated)

- Legend- Proposed Features**
- K Proposed dock at historic dock location
 - L Proposed boat exhibit building at historic boathouse location
 - M Proposed office, break room and gift shop storage
 - N Proposed interpretive exhibit at historic cabin location
 - O Proposed one-story building at historic office site with Nature Center/Meeting Room
 - P Proposed workshop, tool shed, and large artifact cold storage
 - Q Handicap parking
 - R Barrier free vault toilet

Map Notes and Sources
Refer to existing conditions plans for sources.

Drawn/Revised
Revised December 2014



QUINN EVANS
ARCHITECTS

Figure H

ALTERNATIVE 4: COMBINED APPROACH

New development within the National Register boundary includes small buildings that are similar to the scale and proportions of those historically present. These structures are focused on visitor-related programs that will work best near the current museum location. A workshop, tool shed, and large artifact cold storage are accommodated in building (M) at the south area of the property, screened from visitor view.

Extant historic resources are preserved and interpreted. Locations of resort-related buildings are interpreted through an expanded walking tour brochure and exhibits in the cabin "K."

Key

- Mature Trees
- Wetland Species
- Trimmed Grass
- New Wooded Area
- Existing Building
- Proposed Building
- Alternate Location for Proposed Building
- Non-exant Building
- Existing Dock
- Proposed Dock
- Road
- Existing Trail
- Bluffs
- 10' Contour Intervals
- 2' Contour Intervals
- Wayrides