



Minnesota Department of Natural Resources  
Division of Parks and Trails  
500 Lafayette Road  
St. Paul, MN 55155-4039

November 23, 2020

Ms. Sarah J. Beimers  
State Historic Preservation  
Office MN Department of Administration  
50 Sherburne Avenue  
St. Paul, MN 55155

RE: State of Minnesota Conversion of Land and Water Conservation (LWCF) Lands at Mayowood Corridor S8 T106N R14W Rochester Township and S11 T108 R14W Oronoco Township, Olmsted County SHPO Number: 2018-2532

Dear Ms. Beimers,

We are writing to continue consultation on the Land and Water Conservation Fund (LWCF) Conversion to remove LWCF status from a 1.3 acre parcel (“the property”) within the boundary of Mayowood Corridor in Olmsted County. As noted in our March 31, 2020 correspondence, the 1.3 acre parcel is primarily wooded land; it is also the site of the National Register of Historic Places-listed Adolph Biermann House. In accordance with the LCWF program, the transfer of the Olmsted County-owned Biermann House and associated parcel would be offset by the purchase of a 2.29 acre property that currently consists of the Fisherman’s Inn Restaurant, parking lot, and private boat launch. The proposed replacement site is adjacent to the White Bridge Fishing Pier Park and is well-suited to the LCWF outdoor recreation requirement.

This letter is intended to respond to specific questions and comments from your letter dated June 10, 2020 as well as to acknowledge outcomes from our September 3, 2020 virtual meeting with your office.

**Comment:** *Federal Undertaking We understand by your March 31st letter that the federal undertaking subject to review under Section 106 includes, in this instance, both the proposed conversion of lands (1.3 Acre Biermann House Property, or “Conversion Property”) out of LWCF and conversion of replacement lands (3.17 Acre Fisherman’s Inn/White Bridge Pier Park Property, or “Replacement Property”) into LWCF. As stated by your agency, we acknowledge that this is essentially a federal administrative action and the NPS does not have ownership or control over LWCF-assisted lands.*

*Your March 31st letter and the EA documentation also mention the fact that the Conversion Property, currently owned by Olmsted County, is proposed to be sold on the private real estate market following the federal administrative action [“Alternative 2 (Preferred Alternative)“]. In fact, the EA, which we assume your agency and the NPS will use to meet its requirements for review under the National Environmental Policy Act, defines the federal Project, and also establishes the purpose and need for and analyzes alternatives for it, as the “transfer of the existing Biermann House Site to private ownership” not LWCF conversion, which is how the federal action is*

*presented for Section 106 review purposes. It will be important for your agency to clarify these definitions as there should be consistency in how the federal action is defined for the two reviews.*

*We also understand that, following the federal administrative action, your agency, in partnership with Olmsted County, proposes to construct and operate a new public boat launch on the property. Essentially, these subsequent actions would not be possible without the prior LWCF conversion approval, or administrative action, by the NPS. As such, these subsequent actions need to be taken into consideration as part of the Section 106 review process.*

**Response:** Per 36 C.F.R. §800.16(y), the federal undertaking is removing LWCF responsibilities from a 1.3 acres of land including the Adolph Biermann House, an administrative action, and replacing with 2.29 acres of land adjacent to White Bridge Pier Park. The removal of LWCF from the Biermann Property will allow the property to be transfer to private ownership and used for non-recreational purposes; the transfer of the LWCF responsibilities to the 2.29 acre replacement parcel will allow it to be used for recreational purposes to support White Bridge Pier Park

**Comment:** *Area of Potential Effect We have completed our review of the narrative definition and documentation provided for your agency's determination of the area of potential effect (APE) for the federal undertaking. The APE is generally defined as the LWCF property boundary which for both properties is depicted as a "project boundary" or "project location" on the aerial photograph images submitted to our office with your March 31st letter. We agree that this APE definition is generally appropriate to take into account the potential direct effects of the proposed undertaking as we currently understand it. We do, however, have concerns that the APEs may not take into account potential indirect effects, especially those that may be reasonably foreseeable future effects such as subsequent new construction, including rehabilitation, or demolition on the Conversion Property once it is transferred into private ownership and construction of a new public boat launch facility at the Replacement Property. Although your agency acknowledges these potential indirect effects associated with these future actions, we do not agree that your agency has fully considered the reasonably foreseeable actions in the currently defined APEs.*

**Response:** On September 3, 2020 the Minnesota State Historic Preservation Office, the Minnesota Department of Natural Resources, representatives of Olmsted County, and New History participated in a virtual meeting to discuss the potential for assigning a preservation or conservation easement to the Biermann House; meeting materials are included with this submission. Both the Minnesota SHPO and Olmsted County discussed a potential easement with the private owner who plans to acquire the Biermann House. As discussed during the September 3<sup>rd</sup> meeting, the private owner has proven a committed future steward of the Biermann House and is not interested in acquiring the property if an easement is attached. Demolition is not planned for the Conversion Property. However, the property requires significant investment and repair, which the private owner is committed to providing. The private owner has rehabilitated other historic properties and is familiar with the Standards and the needs of historic buildings.

**Comment:** *Architecture/History Properties For the Conversion Property, we concur with your agency's determination that the Adolf Biermann House, a contributing resource within the Mayowood Historic District, is a historic property which is listed in the National Register of Historic Places (NRHP). For clarification, the historic property also includes the historic landscape/site surrounding the house and the Spring House at the rear of the*

property. The Mayowood Historic District is the only identified historic property located within the APE as it is currently defined by your agency.

For the Replacement Property, we concur with your agency's determination that there are no currently identified historic properties, including previously NRHP listed or determined NRHP-eligible, within the APE as it is currently defined. We understand that the current structures on the Fisherman's Inn Property were all constructed in the 1970s or later and therefore do not meet minimum criteria for listing in the NRHP. As such, we agree that no further survey and evaluation of architecture/history properties is warranted for the Replacement Property APE as it is currently defined.

Archaeology For the Conversion Property, our records indicate that a Pre-Contact archaeological site (21OT26) is recorded in the immediate vicinity of the property boundary and may extend into the APE as it is currently defined. Your March 31st letter makes no mention of this recorded archaeological site. In addition to the presence of 21OT26 and the potential for additional Pre-Contact archaeological sites or features, we believe that the Conversion Property has a high potential to contain historic archaeological features associated with the Adolf Biermann House.

For the Replacement Property, although we agree that there are no recorded archaeological sites in the APE or immediate vicinity of this property, we disagree with your agency's assertion that there are no "suspected" archaeological sites within the APE as it is currently defined. Based upon our assessment, it is our opinion that the undertaking is located in an area that has a high potential for containing archaeological sites.

We do not agree that your agency has met a reasonable effort to identify archaeological properties within the APE, as it is currently defined, including consideration for potential subsequent effects caused by ground disturbance which is part of the scope of the undertaking as described as the Replacement Property will be subject to extensive demolition and earthmoving in order to develop the site into a public boat launch facility.

Therefore, for both LWCF properties, we recommend that, in order to meet your responsibilities under 36 CFR 800.4, an archaeological survey be completed for the proposed federal undertaking. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, as well as current state guidelines for archaeological surveys.

We will reconsider the need for survey if the areas within the APE for direct, physical effects can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. Note: Plowed areas and right-of-way are not automatically considered "disturbed." Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way and even under parking lots and paved roadways.

**Response:** Olmsted County worked with Nienow Cultural Consultants (NCC) to complete archeological surveys for both sites; NCC's findings are included with this submission and summarized below:

**Biermann Property:** "Archaeological survey included both surface survey as well as standard interval shovel tests. A total of 18 shovel tests were completed in the project area typically spaced on 15m intervals. Generally, shovel testing documented alluvial soils with historic or prehistoric materials with clear evidence of alluvial erosional events and the effects of multiple springs diverted through the property. Soils were typically silty clay loam to clay with limestone common throughout. Tests were excavated to 1m where possible unless halted by limestone, water, or roots. Of the 18 shovel tests, 17 were positive with 13 containing only historic materials and four having both prehistoric and historic materials. A total of 139 artifacts were collected. Of these materials 126 were historic and 13 prehistoric (see attached catalog). Historic materials typically consisted of common and square nails,

ceramics (whiteware, brick, terracotta tile, porcelain), and glass (window and container). The single most diagnostic item was an 1864 Civil War token. An 1864 copper token featuring a liberty head bust on one face and the phrase “our card” on the reverse was found in STP1 at a depth of 60cm. There were also three historic features/ruins related to the house/estate which were noted within or immediately adjacent to the parcel: a spring or ice house, a boathouse/water control building, and a slope cut-out. The site was recorded with the state as 21OL67, the Biermann House. Nienow Cultural Consultants recommends the archaeological components of the Biermann parcel be added to the existing National Register District information, specifically the historic elements. Furthermore, if future renovations or landscape changes impact the three documented landscape features, additional documentation and investigation is warranted including a formal excavation unit within the cut area to test for elements or information related to initial historic habitation. Finally, no additional archaeological fieldwork is recommended specifically related to the prehistoric component.”

**Fisherman’s Inn Parcel:** “Archaeological survey included both surface survey as well as standard interval shovel testing. A total of three shovel tests were completed within the project area and all showed previous disturbance. Although modern materials were identified during surface survey, no prehistoric or historic materials were recovered. No archaeological sites were recorded during the survey and Nienow Cultural Consultants does not recommend any additional archaeological survey at this time.”

**Comment:** *Assessment of Effect Pending completion of identification efforts, specifically as they relate to our recommendation for archaeological survey, we will provide initial response to your agency’s preliminary “No Adverse Effect” finding.*

*As indicated in your March 31st letter, in assessing potential adverse effects to historic properties, your agency has taken into consideration the scope and nature of the proposed administrative action associated with conversion of the properties both in to and out of the LWCF, as well as the reasonably foreseeable subsequent actions which will occur on these parcels following the LWCF administrative action by the NPS.*

*For the Conversion Property, we understand that Olmsted County, current owner of the Adolf Biermann property, intends to “transfer to a private owner.” This is clearly stated in your March 31st letter and the EA, and your agency’s finding that the proposed undertaking will not adversely affect the historic property is based on the premise that there will be an “increased likelihood that it (the Adolf Biermann House) will be repaired and rehabilitated” once it is transferred to private ownership. Your March 31st letter includes this possibility of rehabilitation as support of your “No Adverse Effect” finding, but also states that the subsequent transfer to a private owner will be subject to review under a separate state process. We assume this to mean that Olmsted County will consult with our office under the Minnesota Historic Sites Act (Minn. Stat. 138.665) following LWCF conversion and when the county is ready to actually transfer the property out of public ownership.*

**Response.** Olmsted County will consult with your office under the Minnesota Historic Sites Act (Minn. Stat. 138.665) following the LWCF conversion and prior to transfer of the property out of public ownership.

**Comment:** *We note that the narrative for “Alternative 3 (Renovation – Maintain Public Ownership)” in the EA provides contradictory statements that we believe are misleading. While we understand that the original intent at the time the house was acquired in the late 1970s may not be relevant today, especially as it pertains to the regional park concept, the EA dismisses the possibility of adapting the house for use as a visitor center because it*



would still require the transfer of the property out of LWCF status. Wasn't this the original intent when the property was acquired with LWCF funds?

*Also, the justification under this alternative indicates that converting the house to a visitor center "has the potential to result in additional adverse effects to the property" due to the need for extensive repairs and alterations necessary for code compliance and accessibility. While we certainly agree that these types of extensive alterations for a new use have the potential to result in adverse effects, there is flexibility within the Standards to design an appropriate rehabilitation which allows for contemporary use – including meeting modern code requirements and full accessibility - while still preserving the integrity and character-defining features of the historic property and its surroundings.*

**Response:** As the original intent of a regional park did not come to fruition, a house for a park caretaker was not required. The Biermann House was anticipated to be used as a private residence for a park caretaker, not as a Visitor's Center. As such, transferring the house to a private owner who would use it as a private residence is the preferred alternative and most aligned with the County's intent when the property was acquired.

Given the findings of the archeological surveys and the intent to transfer the Biermann House to a private owner who will repair the house and rehabilitate it as a private residence, the removal of LWCF status from the Conversion Property and the transfer of that status to the Replacement Property does not constitute an adverse effect. However, recognizing that the transfer of the Conversion Property out of public ownership would limit public access to the property, Olmsted County is willing to offset this impact by installing interpretive signage that tells the history of the Biermann House adjacent to the site.

Pursuant to your authority under Section 106, we ask for your review and comment on the additional information provided. We will defer making a final finding of effect until all consulting parties and the public have had an opportunity to review and comment as well.

Sincerely,



Audrey Mularie  
Grants Specialist Coordinator, Alternate State Liaison Officer (ASLO)  
Division of Parks and Trails  
[Audrey.mularie@state.mn.us](mailto:Audrey.mularie@state.mn.us)  
651-259-5549

CC: Roger Knowlton, National Park Service  
Carol Edmondson, National Park Service  
Karlin Ziegler, Olmsted County

Attachments: Phase 1 Survey Information Bierman Property  
Phase 1 Survey Information Fisherman's Pier Property  
Environmental Assessment

Phase I Archaeological Survey for the  
Biermann Parcel  
Olmsted County, Minnesota



Principal Investigator and Report Author:

Jeremy L. Nienow, Ph.D.

Nienow Cultural Consultants LLC

Registered Professional Archaeologist #12071

OSA License 20-042



Final Report  
August 7, 2020

Phase I Archaeological Survey for the  
Biermann Parcel  
Olmsted County, Minnesota

**Submitted To:**

Olmsted County Parks and Recreation  
151 4<sup>th</sup> St SE,  
Rochester, MN 55904

**Submitted By:**

Nienow Cultural Consultants, LLC  
200 Plato Blvd East  
St. Paul, MN 55107

**Principal Investigator and Report Author:**

Jeremy L. Nienow, Ph.D.  
Nienow Cultural Consultants LLC  
Registered Professional Archaeologist #12071  
OSA License 20-042

Final Report  
August 7, 2020

## MANAGEMENT SUMMARY

In July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Biermann parcel near Rochester, Olmsted County, Minnesota. The project area is within the SE1/4 of the SE1/4 of Section 8, Township 106N, Range 14W with physical address of 3730 Mayowood Rd SW, Rochester, MN 55902. The parcel contains the Adolph Biermann House built in the 1860s which is listed on the National Register of Historic Places as a contributing building to the Mayowood District, listed on the National Register in 1982.

All aspects of the project were overseen by Jeremy L. Nienow, Ph.D., RPA who has a 2020 license to complete Phase I Archaeological Survey within the state of Minnesota (20-042). This project is part of the land swap involving the conversion of the property from public to private ownership. Currently, the property is owned by Olmsted County. The project is under Section 106 review by SHPO and was recommended for archaeological survey based on nearby site 21OL26. It is NCC's understanding, based on conversations with Olmsted County, the property will be sold to a private owner who will maintain its National Register status and restore the property.

Archaeological survey consisted of initial pedestrian survey, followed by shovel testing and documentation of observed historic ruins. Survey did not include the house proper. All archaeological survey was completed using standard methods for screening and documentation. Photography and GPS recording were completed on all shovel tests and documented ruins.

A total of 18 shovel tests were completed in the project area typically spaced on 15m intervals. Generally, shovel testing documented alluvial soils with historic or prehistoric materials with clear evidence of alluvial erosional events and the effects of multiple springs diverted through the property. Soils were typically silty clay loam to clay with limestone common throughout. Tests were excavated to 1m where possible unless halted by limestone, water, or roots. Of the 18 shovel tests, 17 were positive with 13 containing only historic materials and four having both prehistoric and historic materials. A total of 139 artifacts were collected. Of these materials 126 were historic and 13 prehistoric (see attached catalog). Historic materials typically consisted of common and square nails, ceramics (whiteware, brick, terracotta tile, porcelain), and glass (window and container). The single most diagnostic item was an 1864 Civil War token. An 1864 copper token featuring a liberty head bust on one face and the phrase "our card" on the reverse was found in STP1 at a depth of 60cm. There were also three historic features/ruins related to the house/estate which were noted within or immediately adjacent to the parcel: a spring or ice house, a boathouse/water control building, and a slope cut-out. The site was recorded with the state as 21OL67, the Biermann House.

Nienow Cultural Consultants recommends the archaeological components of the Biermann parcel be added to the existing National Register District information, specifically the historic elements. Furthermore, if future renovations or landscape changes impact the three documented landscape features, additional documentation and investigation is warranted including a formal excavation unit within the cut area to test for elements or information related to initial historic habitation. Finally, no additional archaeological fieldwork is recommended specifically related to the prehistoric component.

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## 1.0 INTRODUCTION

In July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Biermann parcel near Rochester, Olmsted County, Minnesota. The project area is within the SE1/4 of the SE1/4 of Section 8, Township 106N, Range 14W with physical address of 3730 Mayowood Rd SW, Rochester, MN 55902 (Figure 1). The parcel contains the Adolph Biermann House built in the 1860s which is listed on the National Register of Historic Places as a contributing building to the Mayowood District, listed on the National Register in 1982.

All aspects of the project were overseen by Principal Investigator Jeremy L. Nienow, Ph.D., RPA who has a 2020 license to complete Phase I Archaeological Survey within the state of Minnesota (20-042). This project is part of the land swap involving the conversion of the property from public to private ownership. Currently, the property is owned by Olmsted County. The project is under Section 106 review by SHPO and was recommended for archaeological survey based on nearby site 21OL26. It is NCC's understanding, based on conversations with Olmsted County, the property will be sold to a private owner who will maintain its National Register status and restore the property.

Standards and Guidelines for Archaeology and Historic Preservation (48FR44716), the State Historic Preservation Office's (SHPO) Manual for Archaeological Projects in Minnesota (Anfinson 2005), and the State Archaeologist's Manual for Archaeological Projects in Minnesota (Minnesota Office of the State Archaeologist 2011) were also consulted as part of this project. Research and report preparation were accomplished by professional archaeologists meeting the standards set forth in 35CFR61. Additional recommendations and restrictions due to Covid-19 were also undertaken during this project by following Centers for Disease Control best practices as laid out during the period of fieldwork.

## 2.0 ENVIRONMENTAL SETTING

### 2.1 Geological Background and Soils

In his 1990 publication *Archaeological Regions in Minnesota and the Woodland Period*, former State Archaeologist Scott Anfinson divides the state of Minnesota into nine environmental-archaeological regions based on natural resources available within each region. This classification allows archaeologists to research and analyze prehistoric environments in the state, as well as predict where archaeological sites may be located.

The Biermann parcel falls within the archaeological region 3w: Southeast Riverine, West. The region is characterized by stream-dissected terrain and a lack of natural lakes. Three major river systems extend westward from the Mississippi into the region: the Cannon, Zumbro, and the Root. The Zumbro River valley is the most prominent of these in Olmsted County. The climate in the Southeast Riverine is mild with annual precipitation varying between 28 to 30 inches (Anfinson 1990).

The Southeast Riverine Region contains numerous rock outcrops with the occasional high-quality flaking raw materials. While glaciers did not run directly through southeast Minnesota, glacial

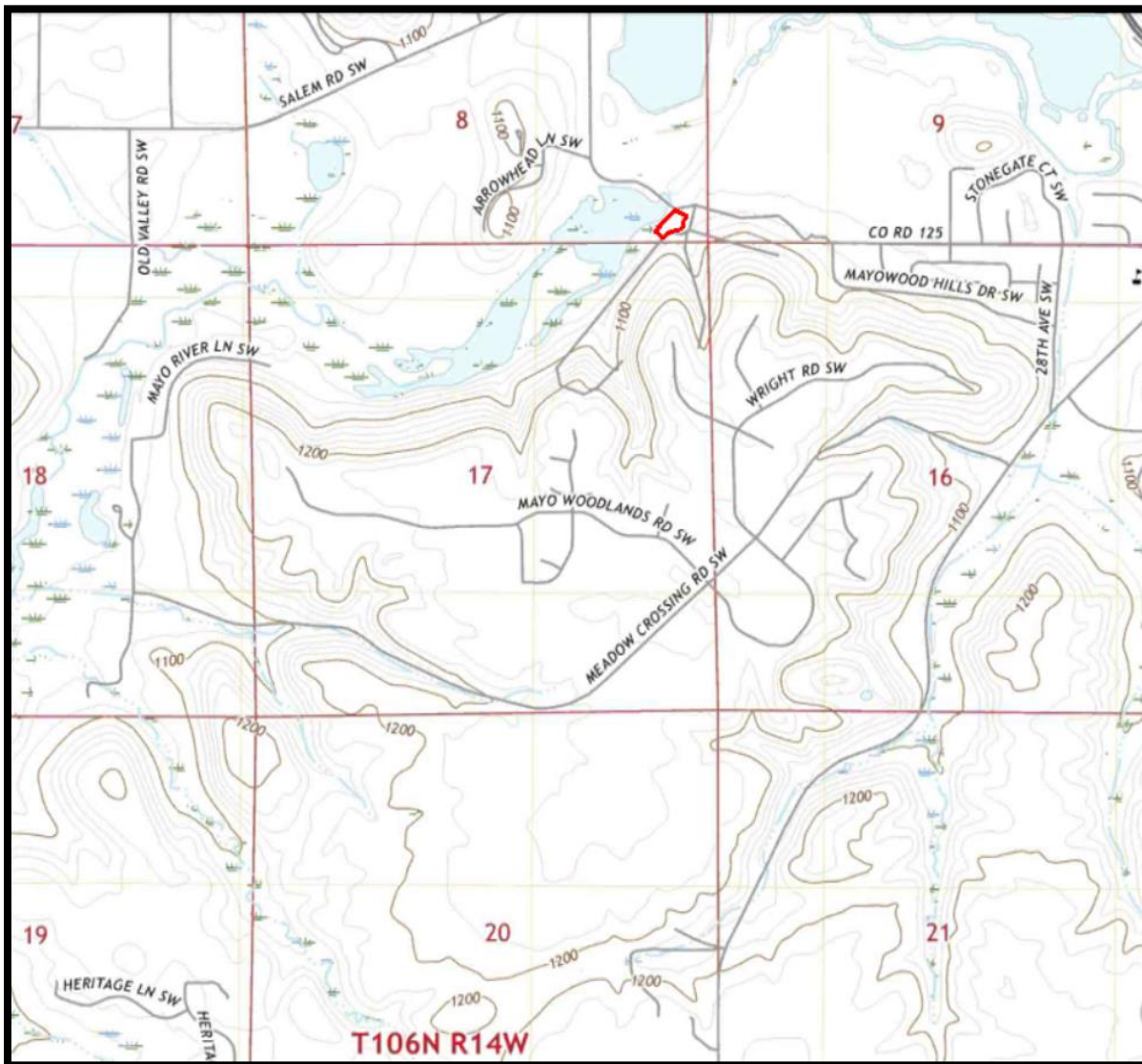


Figure 1: USGS Topographic Map Illustrating Project and Resulting Site Boundary (in red).  
 (USGS 7.5' Topographic Map, Salem Corners Quadrangle, 2019, 1:24,000)



meltwater from Lake Agassiz and Lake Duluth did reach the region via the Mississippi River, helping shape the river valleys and terraces of southeastern Minnesota during the Early Prehistoric period. After the river valleys of the region were formed, open spruce forests with tundra-like vegetation flourished across the region (Anfinson 1990). After the Wisconsin ice fully retreated (ca. 12,000 years B.P.), the spruce forests began to fill in with black ash trees, and by 10,000 years B.P. mixed deciduous-coniferous forests comprised of birch, alder, pine, and later oak and elm were common in the region. Between 7,000 years B.P. and 2,000 years B.P., open grassland prairies dominated the region, but eventually a wetter climate transitioned the region back to deciduous forests with prairie remaining in the uplands by the time of Euro-American settlement (Anfinson 1990). In Early Historic times, floodplain forests of elm, ash, and cottonwood were common along the river lowlands and big woods forests comprised of maple, elm, and basswood dominated the uplands near the Mississippi. The remainder of the areas in the middle of the region, containing Olmsted County, contained open prairie.

The western portion of the region consists of medium textured prairie and prairie border soils, while the eastern portion contains fine textured forest and prairie soils formed on loess deposits over Paleozoic bedrock (Anfinson 1990). Soils in Olmsted County are predominantly alfisols formed under forest vegetation and mollisols formed under prairies. Mollisols are found in an L-shaped region across the county center following the Zumbro River valley from Rochester north to Oronoco, and from Rochester running east (NRCS 2020). Soils within the Bierman parcel are predominately Lindstrom silt loam on six to 15 percent slopes with soil profiles documenting primarily silty and loamy clays with the strong presence of limestone tabular fragments (NRCS 2020).

## 2.2 Regional Flora and Fauna

During the Early Prehistoric period, large herds of now non-extant megafauna likely became scarcer as forests became denser and there was less room to roam. When large portions of the region were open prairie between 7,000 and 2,000 years B.P., large bison herds would have moved eastward into the region and were likely hunted by prehistoric peoples (Anfinson 1990). Along with bison hunting, prehistoric peoples may have hunted the river valleys for smaller mammals, fished, collected mussels, and gathered various plants. By the Late Prehistoric period, floral and faunal resources in the area would have included deer, elk, and bison in the prairie uplands, and waterfowl, mussels, fish, and small mammals in the river lowlands. Plants for forage would have included waterlilies and other aquatic flora in the lowlands as well as wild grape, blackberry, raspberry, and cherry; tubers like prairie turnip in the uplands; and acorns, hickory, walnut, and hazelnuts in the woodlands (Anfinson 1990; Gibbon et al. 2005).

## 3.0 CULTURAL HISTORY

The Minnesota State Historic Preservation Office (SHPO) has developed statewide contexts examining Minnesota's Prehistoric through recent past. These contexts are laid out on the Minnesota Archaeological Site Form (Minnesota Office of the State Archaeologist 2016). Generally, they describe the history of the state and assist in predicting where specific types of sites may occur.

Native American contexts are commonly divided into three major traditions: Paleoindian, Archaic, and Woodland. Late Woodland is further subdivided into Plains Village, Mississippian, and Oneota Traditions. These divisions are based on significant changes in how these communities lived, with a special focus on subsistence strategies. Historic contexts are generally divided into Contact and Post-Contact periods. The Contact period begins with early European exploration and continues through the Post-Contact period including Euro-American settlement and Minnesota statehood. The following is a general summary of these traditions using the Author's general knowledge and various disseminated sources for information including the OSA's website, Elden Johnson's 1988 *The Prehistoric Peoples of Minnesota*, Gibbon and Anfinson's 2008 *Minnesota Archaeology: The First 13,000 Years*, and Gibbon's 2012 *Archaeology of Minnesota: The Prehistory of the Upper Mississippi River Region*. That said, the cultural history of Olmsted County is not yet well known. Most sites in Olmsted County lack diagnostic cultural materials, and therefore few known sites can readily be attributed to one of the above cultural traditions. However, the diagnostic cultural materials available do indicate the area has been occupied for at least 12,000 years.

### 3.1 Pre-Contact Period

#### 3.1.1 Paleoindian Tradition (11,500 to 7,500 B.C.)

The Paleoindian Tradition in Minnesota is divided into two periods: Early Paleoindian and Late Paleoindian/Early Archaic (Gibbon and Anfinson 2008). Throughout the Paleoindian, Native American communities were small, mobile, and focused on hunting. However, between the early and late period, the environment and available food resources change dramatically. The beginning of the Early Paleoindian Tradition is characterized by retreat of glacial ice and the growth of spruce forests. During this time, now extinct megafauna like mastodon, mammoth, and large bison were available for hunting. The Early Paleoindian period is poorly understood in Minnesota because most evidence for Paleoindian lifeways comes from isolated finds of large fluted projectile points (Gibbon and Anfinson 2008). Based on more plentiful sites in the southeastern and southwestern portions of the United States, it is generally assumed Native American populations were small consisting of highly-mobile hunters and foragers who followed large game throughout the landscape (Gibbon and Anfinson 2008). One of these sites in southeastern Minnesota lands within Olmsted County and contains at least one Paleoindian projectile point and a unique cache of biface blanks.

By the Late Paleoindian period, modern vegetation zones had established themselves in Minnesota. Modern animal species like white tail deer, grouse, and fish were available for Native American communities to hunt and fish. Lithic tool evidence from Late Paleoindian sites in Minnesota take the form of stemmed rather than fluted points and a wider range of tool types including groundstone tools (Gibbon and Anfinson 2008). Again, lifeways during this time are poorly understood, but based on three well-documented sites found in Minnesota (Cedar Creek-21AK58, Bradbury Brook-21ML42, and Browns Valley-21TR5), communities are still small, highly-mobile and focused on hunting larger animals and foraging for wild plants. However, stone toolkits did diversify and communities began exploiting smaller territories. It is also likely populations started to increase (Gibbon and Anfinson 2008).

### 3.1.2 Archaic Tradition (7,500 to 800 B.C.)

The Archaic Tradition continues the trend of resource diversification started in the Late Paleoindian period. Native American communities developed broader toolkits, used a wider array of foods, and became less mobile over the course of the Archaic. Additionally, by the end of the Archaic, communities were using communal burial sites. Stemmed and notched points, groundstone tools, particularly those for woodworking, and cold-hammered copper tools are hallmarks of the Archaic Tradition in the archaeological record (Anfinson 1997; Gibbon and Anfinson 2008). By the end of this period the climate shifted to a cooler, wetter pattern up until the strong, human-driven, warmer climates of the modern era. Resource gathering technologies during the Archaic included the aforementioned hunting, as well as trapping, fishing, foraging, woodworking and plant processing. Many of the larger, documented sites in the central portion of the state likely began during the end of this period. Sites in Olmsted County contain a number of tools likely attributable to the Archaic period including various projectile points, axes, mauls and other ground stone tools, and copper artifacts. One such site contains a fully grooved axe.

### 3.1.3 Woodland Tradition (800 B.C. to European Contact)

In the Midwest region, archaeologists tend to divide the Woodland Tradition into three periods: Early, Middle, and Late. However, Anfinson (1987) and Gibbon (2012) suggest in Minnesota it is more appropriate to divide the era into Initial and Terminal Woodland periods. This view is not as widespread as research would at first suggest, with work including Arzigian's *Statewide Multiple Property Documentation Form for the Woodland Tradition* (2008), and Buhta et. al. *On the Periphery?: Archaeological Investigations of the Woodland Tradition in West- Central Minnesota* (2014), retaining the more traditional use of Early, Middle, and Late designations. So far, the only cultural materials identified in Olmsted County attributable to the Woodland Tradition are of the Late Woodland Context, including a chunky stone (used for a game) in the Peck collection in the Olmsted County History Center. Beginning approximately 2,800 years ago, peoples in the region experienced increases in population with the advent of first horticultural and then agricultural subsistence strategies to augment already extant systems of hunting, gathering, etc. As populations increased, settlements near favorable transportation and resource corridors shifted from seasonal to year-round occupations as they made forays to collect necessary resources (Johnson 1988; Anfinson 1987:222).

The period also witnessed the technical transition from spear/atlatl to bow and arrow weaponry useful for both hunting and warfare. This change in technology led to the use of smaller projectile points or arrow heads. Similarly, the period also saw the invention of ceramic vessels and it is these vessels and their change over time, from thick walled, grit tempered, conoidal vessels, to thinner walled, shell tempered, globular vessels, which has greatly assisted the archaeological community in further refining their understanding of group identity, cohesion, and integration throughout the region. Indeed, there are more than ten major recognized ceramic complexes for the state with many temporal overlaps, often based more on location than visual representation. A final example representing not only identity and permanence on the landscape, but also religious practices, was the use of earthen burial mounds. Although community size was likely similar between the Early Woodland and Late Archaic periods, by the Late Woodland period, populations were certainly on the rise.

### 3.2 Contact/Post-Contact Period (1630 A.D. to Present)

At the start of the contact period this area had widely been considered contested territory by Dakota and Ojibwe peoples. The Eastern Dakota at the time were the most widespread Native American group in central and northern Minnesota, followed in population by the Ojibwe peoples who shifted into northern Minnesota (Benchley et al. 1997). There are no documented Dakota villages from Olmsted County from this period, but the area was likely part of the hunting territory. Euro-Americans entered the Dakota and Ojibwe territories as traders and eventually began establishing more permanent settlements. By 1837 treaties established access for Euro-American settlements along the central section of the Mississippi River, the Minnesota Territory was formed in 1849, and soon after Euro-American settlers began traveling to Olmsted County (Leonard 1910). The county itself was established in 1855 and formally organized by 1858; the same year Rochester Township was organized (Leonard 1910; Poch 1980). Initially, most of the first settlers began as farmers, but in the 1860s railroad construction led to the boom of industry and widespread increases in population. Rochester expanded greatly as a result, and after the Mayo Clinic was established here in 1889 Rochester quickly grew into the primary urban center of Olmsted County and one of the largest cities in southeastern Minnesota. A series of conflicts between Native peoples and Euro-American settlers culminated in 1862 with the Dakota Conflict, after which most Dakota peoples were forcibly relocated further west.

### 3.3 Biermann Property and National Register Status

The Adolph Biermann house, located within the parcel, is the oldest documented structure in the Mayowood Historic District, which was listed on the National Register of Historic Places in 1982. According to Bisel et. al (2011), the house was likely constructed in the mid-1860s by John Harmon. The property was later purchased by Adolph Biermann. Biermann served three terms as County Auditor beginning in 1874, was appointed tax collector for the state, and later State Auditor. He spent a substantial part of his time in St. Paul and shared his farm with various farm tenant families. The house was acquired by Dr. Charles H. Mayo in 1907 and became the start of his 3,300-acre Mayowood estate.

The site was used by three generations of the Mayo family, most notably as the residence of Mrs. Charles W. Mayo's parents. As recent generations have divested themselves of property and broken up the estate, the Biermann house was sub-divided into two residential rental units for primarily medical residents and other young professionals.

Olmsted County acquired the property in 1979 with the intention of integrating it into a planned recreation area. This never occurred, and the property was leased to the Olmsted County Historical Society in 1991. Under their management, the house reverted to single-family use by becoming its Executive Director's residence. The house has been unoccupied and without a plan to ensure its future since 1999.

The existing National Register Form completed for Maywood is a 10-acre district which includes the Mayo's master house, related buildings and structures, objects, and garden/lawn tracts (Figure 2). The District was listed with three areas of significance: architecture, landscape architecture, and medical science. The Adolph Bierman (sic) parcel is listed under Miscellaneous Buildings and includes the house and associated spring house, greenhouse complex, dam house, and dam (NR 1982:9)

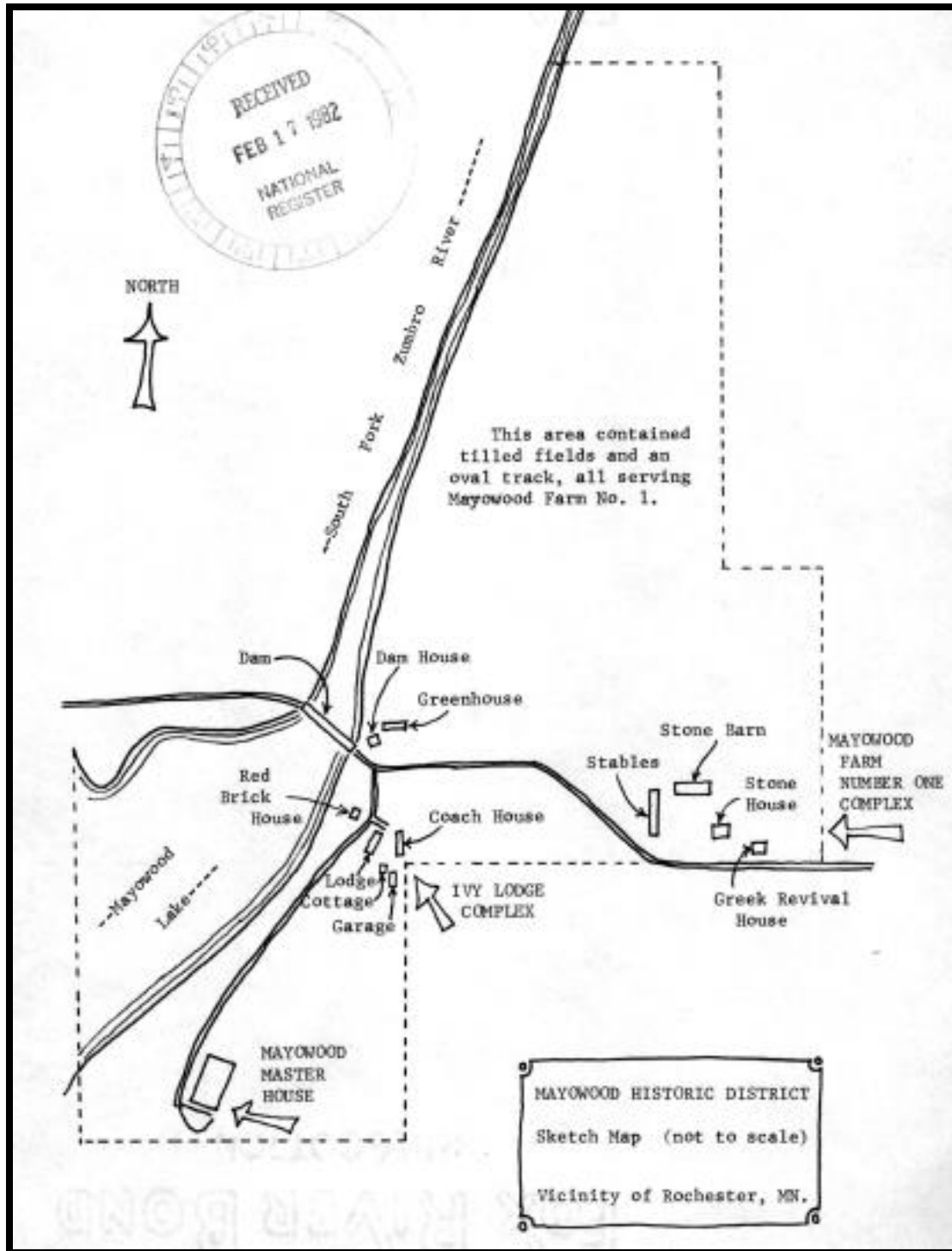


Figure 2: Original National Register Nomination Form Map Showing Maywood Boundaries and Contributing Structures. The Biermann House is labeled as “Red Brick House.”

#### 4.0 ARCHAEOLOGICAL METHODS AND LITERATURE REVIEW

Archaeological survey consisted of initial pedestrian survey, followed by shovel testing and documentation of observed historic ruins. Survey did not include the house proper. All archaeological survey was completed using standard methods for screening and documentation. Shovel tests were completed on 15m intervals where possible, and typically not completed on slopes. Tests were typically excavated to 1m in depth, unless halted by standing water, limestone, or roots; and all materials were screened through ¼” mesh. After recording soil profiles, photography and GIS were completed. Documenting historic features consisted of creating measured sketch maps, fieldnotes, photography, and GIS.

The literature review was completed in July, 2020. Because of Covid-19 pandemic protocols, visiting the Office of the State Archaeologist and the State Historic Preservation Office was not possible. Instead, email communication and virtual research were completed. This consisted of using the OSA archaeological sites portal and completing an archaeological sites request with SHPO. This work was then followed up with requests for related project reports.

#### 4.1 Previously Identified Archaeological Sites

Four archaeological sites and two alpha sites were within two miles of the survey area (Table 1).

Table 1: Previously Recorded Archaeological Sites Within Two Miles.

Site Number	Site Name	Site Description	Cultural Affiliation	TRS	Reference
21OL18	Younge	Single Artifact Knife Fragment	Unknown	T106N, R14W, S4 C-SE-NW- NW	O’Mack 1991
21OL26	-	Lithic Scatter	Unknown	T106N, R14W, S8 SE-SE-SE	Johnson & Abel 2002
21OL33	Zumbro Pit	Single Artifact Ceramic Rim Sherd	Woodland Period	T106N, R14W, S10, NE-SE-SW	Justin 2003
21OL63	-	Single Artifact Ceramic Sherd	Woodland Period	T106N, R14W, S28, SW-SE-NE	Schneider et. al 2017
21OLah	-	Find Spot Projectile Point Fragment	Undetermined	T106N, R14W, S10, NW-NE-SE	OSA Site File
21OLai	-	Find Spot Projectile Point	Woodland Period	T106N, R14W, S10, NE-NE-SE	OSA Site File

Generally, these sites are single artifact or small, non-diagnostic sites from the prehistoric period, most likely all are from the Woodland Period. The closest site to the Biermann Parcel is 21OL26 immediately north of the property. This site consists of lithic materials documented ahead of bridge (89182) and road (CR 125) construction. Testing consisted of four shovel tests, three of which were positive and included one biface and 12 flakes of Grand Meadow Chert and Prairie du Chien Chert. Materials were primarily found between 30 and 50cm below ground surface. Historic materials were found above these materials. Based upon the site’s location within a road corridor and documented site soils, the site was determined to be disturbed and therefore not eligible to the National Register. Beyond the four previously identified sites are two alpha sites. These are sites which have been reported to archaeologists but have not been confirmed by professional survey.

The first, 21OLah is the tip of a projectile point and the second, 21OLai is a side notched projectile point.

## 5.0 ARCHAEOLOGICAL SURVEY RESULTS

Survey work was completed on July 16, 2020 and was conducted by Jeremy L. Nienow, Ph.D., RPA with survey assistance from subconsultants Alex Hedquist (Hedquist Archaeological Consulting), Chris Rico (Rico Cultural Resource Management Services), Fred Sutherland (Sutherland Relics & Rust), and Laura Koski (Zooarcho Consulting); with additional assistance from volunteers Elias Droessler and Mary Catherine Nienow II. All survey work was completed using standard methods laid out by both the OSA and SHPO archaeology manuals with the addition of Covid-19 fieldwork protocols.

### 5.1 Shovel Testing

A total of 18 shovel tests were dug throughout the project area typically spaced on 15m intervals (Figures 3, 4 & 5). Generally, shovel testing documented alluvial soils with historic or prehistoric materials with clear evidence of alluvial erosional events and the effects of multiple springs diverted through the property. Soils were typically silty clay loam to clay with limestone common throughout. Tests were excavated to 1m where possible unless halted by limestone, water, or roots. Of the 18 shovel tests, 17 were positive with 13 containing only historic materials and four having both prehistoric and historic materials. This site was recorded with the Minnesota Office of the State Archaeologist and designated site 21OL67.

All four shovel tests positive for prehistoric artifacts also contained historic materials. However, in all cases the stratigraphy implies the prehistoric component has remained undisturbed. Prehistoric and historic artifacts within those shovel tests were all separated by 15cm, with the exception of the monetary token and the small pressure flake in STP 1, which were separated by approximately 5-10cm.

### 5.2 Historic Features

Three historic features/ruins related to the house/estate which were noted within or immediately adjacent to the parcel: a spring or ice house, a boathouse/water control building, and a slope cut-out. A masonry and poured concrete structure directly west of the Biermann House appears to be a spring house or a type of ice house fed by a natural spring (Figure 6). Previous scholarship has suggested this structure may date to at least 1868 and has had regular maintenance and upkeep through the late 20th century (Bisel et al. 2011:36). Ice house structures were common in rural settings prior to modern refrigeration in the mid-20th century. The spring house has a circular roughly dressed limestone masonry exterior wall with an approximate diameter of 3.5 meters. The interior wall is made of roughly hewn limestone. A poured concrete floor covers most of the internal space except along the southern and western edges where an approximately 40cm wide channel exists to allow cold spring water to flow along the boundary of the floor and the wall. Grooves and pipes downslope from this spring house indicate water drains through a pipe to the nearby Zumbro River. The roof of this structure is a combination of laid limestone slabs, wire mesh, and poured concrete to form a dome with three ventilation holes. The dome also has two areas of markings. The first states "June 12, 1939 L.O.S." The second set of markings appear to be a set of two children's hand prints with the initials "M.M. Age 10, A.D. Age 11." Mayo family



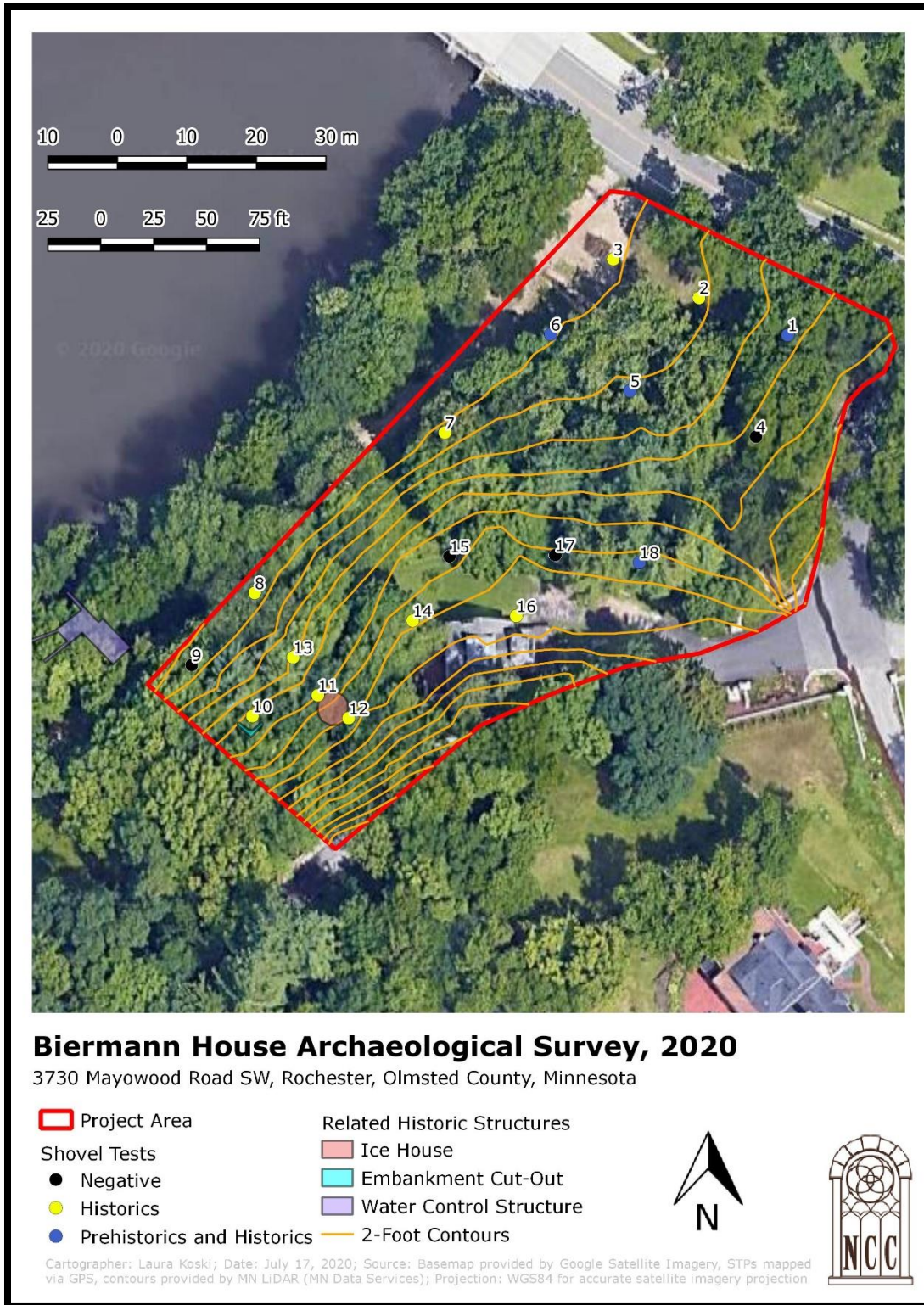


Figure 3: Map of Survey Work Completed on July 16, 2020.  
Site 21OL67 Boundary and Project Area are the Same.





Figure 4: Shovel Testing Along Northern Edge of Project Area (STP 6).



Figure 5: Example of Completed Shovel Test (STP6).





Figure 6: Initial Pedestrian Survey of Biermann Spring/Ice House (Facing South).



Figure 7: Eastern Entrance of Concrete and Stone Water Control Feature.



Figure 8: Circa 1935 aerial photograph of Biermann house and Mayowood property.  
Note the boat house and canal in the lower right corner of the image.  
(Courtesy Olmstead County Historical Society).

historian Charles Potter believes the first handprint likely belongs to Maria Mayo, granddaughter to Charles Mayo (Pers. Comm. 2020). The second handprint has not yet been identified.

A second concrete and limestone structure investigated near the Biermann House consisted of a stone and concrete lined canal with a rectangular stone foundation and concrete platform along the shores of the Zumbro River (Figure 7). The rectangular complex of stone and concrete is approximately 9x4m. Historic aerial images from the 1930s show a white structure standing over this location with a narrow canal or lagoon behind it to the west (Figure 8). A wooden shed just to the east of this concrete structure in the photograph has been identified as a boat house (Charles Potter Pers. Comm. 2020) A close investigation shows water flow could have been controlled from this structure and may have contributed to the Mayo family's landscape gardens further to the west of the project area.

Finally, an 8x8m square slope cut to the west of the spring house appears to be the location for an early homestead structure. Deed research revealed in 1868 two structures stood on the current Biermann House property. One structure appeared to occupy the current location of the Biermann House and another structure directly west of it (Bisel et al. 2011: 14). Bisel speculates this structure indicated in plat maps could represent the first homestead of the Williams family who established their cabin and farm in this vicinity in 1854-1855 (Bisel et. al. 2011: 11-12). Accounts at the time noted "When the Williams family reached Rochester, the settlement consisted of only five cabins near what is now the downtown intersection of South Broadway and Fourth Street" (Bisel et. al. 2011: 12). The area immediately west of the spring house where this angular cut in the slope is found is also where the authors speculate the approximate location of the second structure shown on the 1868 plat map should be located (Bisel et. al. 2011: 36). While this human-made cut in the slope could be from a structure built during the time the Harmon family owned the property (1860-1877), the location near a constant spring would have made it a prime location for habitation throughout the middle of the 19th-century and for those hunting and camping prior to Euro-American settlement. A shovel test (STP 10) was completed in this area and recovered a variety of late 19<sup>th</sup> century historic artifacts including cut nails, window glass, and mortar (Figure 9).

### 5.3 Artifact Analysis

A total of 139 artifacts were collected during Phase I archaeological survey. Of these materials 126 were historic and 13 prehistoric (see attached catalog at end of Site Form in Appendix B). Historic materials typically consisted of common and square nails, ceramics (whiteware, brick, terracotta tile, porcelain), and glass (window and container). The single most diagnostic item was an 1864 Civil War token (Figure 10 & 11). An 1864 copper token featuring a liberty head bust on one face and the phrase "our card" on the reverse was found in STP1 at a depth of 60cm. This token was made during the Civil War by a merchant producing copper coinage to fill a shortfall in small denomination coins from the United States Mint during the conflict.

The particular maker of this style token has been identified as Schubal. Davis Childs owned a shop at 117 1/2 Randolph Street, Chicago, IL since 1837 (Bauer 2018). He was a commemorative medal, token, and die maker in the mid to late 19th century. This design is known currently as "Childs' Liberty, Union 1864 - R2 Die 35-1107" (Bauer 2018). The "R2" designation notes the rarity of this token to about 2000 to 5000 known examples surviving today. Not long after this token was minted the United States Congress passed the US Coinage Act of 1864 and USC 18-486 to make the creation of these tokens illegal with a penalty of \$2,000 for those found guilty of





Figure 9: Artifacts Recovered from STP 10.



Figure 10: Civil War Token Face.



Figure 11: Civil War Token Reverse.

making any counterfeit currency (Fuld 1975). These two laws effectively ended the making and using of these tokens as currency. Since this token quickly lost any monetary value it was likely dropped or lost on the Biermann House property within a year of being minted.

The 13 prehistoric artifacts, all of which were lithic tools or debitage, were recovered from four shovel tests (STPs 1, 5, 6, and 18) located in the northeastern half of the project area. The highest concentration of prehistoric artifacts (n = 9) occurred in STP 6 (Figure 12). Raw material types include Galena Chert, Grand Meadow Chert (GMC), Prairie du Chien Chert (both Oneota and Oolitic Shakopee formations), and Granite. With the exception of one hammerstone and a reworked secondary flake found in STP 6, the entire prehistoric assemblage is comprised of lithic debitage. No diagnostic artifacts were recovered during the survey.

Based on artifact type, the prehistoric component was likely a small habitation (camp) site where lithic tool production or re-sharpening was completed, although additional survey in the broader area could expand this interpretation. Its location along the Zumbro River would have allowed access to a plethora of aquatic resources, while at the same time acting as a transportation route.

The recovered prehistoric materials were consistent with those documented at 21OL26, both vertically and materially, and the two sites are likely related, or could be part of one larger site.



Figure 12: Prehistoric Artifacts Collected from STP 6.

## 6.0 CONCLUSIONS AND RECOMMENDATIONS

In July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Biermann parcel near Rochester, Olmsted County, Minnesota. The project area is within the SE1/4 of the SE1/4 of Section 8, Township 106N, Range 14W with physical address of 3730 Mayowood Rd SW, Rochester, MN 55902 (Figure 1). The parcel contains the Adolph Biermann House built in the 1860s which is listed on the National Register of Historic Places as a contributing building to the Mayowood District.

Archaeological survey consisted of initial pedestrian survey, followed by shovel testing and documentation of observed historic ruins. Survey did not include the house proper. All archaeological survey was completed using standard methods for screening and documentation. Photography and GIS were completed on all shovel tests and documented ruins.

A total of 18 shovel tests were completed within the project area typically spaced on 15m intervals. Generally, shovel testing documented alluvial soils with historic or prehistoric materials with clear evidence of alluvial erosional events and the effects of multiple springs diverted through the property. Of the 18 shovel tests, 17 were positive with 13 containing only historic materials and four having both prehistoric and historic materials. A total of 139 artifacts were collected. Of these materials 126 were historic and 13 prehistoric. Historic materials typically consisted of common and square nails, ceramics (whiteware, brick, terracotta tile, porcelain), and glass (window and container). The single most diagnostic item was an 1864 Civil War token. An 1864 copper token featuring a liberty head bust on one face and the phrase “our card” on the reverse was found in STP1 at a depth of 60cm. This token was made during the Civil War by a merchant producing copper coinage to fill a shortfall in small denomination coins from the United States Mint during the conflict.

Based on materials recovered during archaeological survey, this particular area has seen occasional, seasonal human occupation and use in some form over much of prehistory, with an increase during the Woodland Period. Without diagnostic artifacts, such as projectile points or ceramics, it is not possible to pinpoint the exact periods of use. Historically, we know the location was settled by Euro-Americans in the 1850s, with the slope-cut 8x8m area on the property a good candidate for early construction based on recovered historic artifacts. The Civil War token dramatically represents occupation in the 1860s, when the Biermann House was initially constructed, and the property has been in continual use ever since as both a working farm and later as part of a broad family estate.

Nienow Cultural Consultants recommends the historic archaeological components of the Biermann parcel be added to the existing National Register District information. These historic materials, including diagnostic artifacts, demonstrate the site’s archaeological potential to contribute additional information related to early historic occupation of the area, leading up to its use as part of Mayowood. The prehistoric materials from both site 21OL26 and 21OL67 lack discrete, diagnostic materials and are therefore not eligible on their own; however, their presence does further illuminate the area’s long use throughout time.

If future renovations or landscape changes impact the three documented historic landscape features, additional documentation and investigation are warranted including a formal excavation unit within the 8x8m cut area to test for elements or information related to initial historic



habitation. Additional work could also include geophysical investigation. Finally, once the property reverts to private ownership, any archaeological investigations should be completed to the same standards as its original public land status including archaeological license and curation of materials with a qualified repository, preferably with existing 21OL67 materials at the Minnesota Historical Society.

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called.

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APPENDIX A: ARCHAEOLOGICAL LICENSE AND SHPO LETTER

APPLICATION FOR MINNESOTA ANNUAL ARCHAEOLOGICAL SURVEY LICENSE

This license only applies to reconnaissance (Phase I) surveys conducted under Minnesota Statutes 138.31-.42 during calendar year 2020. Separate licenses must be obtained for monitoring, evaluations/ Phase II and major investigation/Phase III work, and burial site work under Minnesota Statute. This license must be renewed annually. Only the individual indicated below is licensed as principal investigator. The licensed individual is required to comply with all the conditions attached to this license.

Name: Jeremy Loren Nienow

Institution/Agency/Company Affiliation: Nienow Cultural Consultants LLC

Title/Position: Owner / Principal

Address: 200 E. Plato Blvd. St. Paul, MN 55107

Work Phone: 651-295-3744 E-Mail: Jeremy.Nienow@gmail.com

Name of Advanced Degree Institution: U of Minnesota Year: 1997

Department Name: Anthropology Degree: [ ] MA/MS [x] PhD

Type of Land: (check all that may apply)

- [x] State Owned [x] County Owned [x] Township/City Owned
[x] Other non-federal public List:

Purpose: (check all that may apply)

- [x] CRM [x] Academic Research [ ] Institutional Field School

Required Documentation:

- [x] 1) Curriculum Vita
[x] 2) Documentation of Appropriate Experience

Most Recent License Year 2019 Type I and II (e.g. Annual, evaluation, mitigation)

MHS Curation #: 896 Other Approved Facility: RCHS

Signed (applicant): [Signature] Date: 3/4/20

Submit one copy of this form and attachments to: Office of the State Archaeologist, 328 West Kellogg Blvd, St. Paul, MN 55102 651-201-2263 651.201.2264 email: mn.osa@state.mn.us

Minnesota Historical Society Approval: [Signature] Date: 3-9-20

State Archaeologist Approval: [Signature] Date: 3/5/20

License Number: 20-042

June 10, 2020

Audrey Mularie  
Grants Specialist Coordinator  
Division of Parks and Trails  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul MN 55155

RE: State of Minnesota Conversion of Land and Water Conservation (LWCF) Lands at Mayowood Corridor  
S8 T106N R14W Rochester Township and S11 T108 R14W Oronoco Township, Olmsted County  
SHPO Number: 2018-2532

Dear Ms. Mularie,

Thank you for initiating consultation with our office regarding the above-mentioned undertaking. Information received in our office via e-mail on March 31, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR Part 800.

Pursuant to 36 CFR 800.2(c)(4), we received notification from the National Park Service in December 2019 authorizing the Minnesota Department of Natural Resources (MnDNR) to initiate Section 106 consultation with our office regarding any LWCF undertakings in the state.

We have completed a review of your letter dated March 31, 2020, a submittal which included the following documentation in support of your agency's preliminary "No Adverse Effect" finding:

- Completed "Request for Project Review by the State Historic Preservation Office (SHPO)" forms and associated documentation for:
  - Conversion out of LWCF: Adolf Biermann House Property (Rochester Twp.)
  - Conversion in to LWCF: Fisherman's Inn Property and White Bridge Pier Park (Oronoco Twp.); and
- Environmental Assessment (EA) titled "Biermann House, 3730 Mayowood Road SW, Rochester, Minnesota" (1/31/2020) as prepared by Braun Intertec for Olmsted County.

Our comments are provided below and generally follow the sequence of information as it is presented in your March 31<sup>st</sup> letter.

#### Federal Undertaking

We understand by your March 31<sup>st</sup> letter that the federal undertaking subject to review under Section 106 includes, in this instance, both the proposed conversion of lands (1.3 Acre Biermann House Property, or "Conversion Property") out of LWCF and conversion of replacement lands (3.17 Acre Fisherman's Inn/White Bridge Pier Park Property, or "Replacement Property") into LWCF. As stated by your agency, we acknowledge that this is essentially a federal administrative action and the NPS does not have ownership or control over LWCF-assisted lands.

Your March 31<sup>st</sup> letter and the EA documentation also mention the fact that the Conversion Property, currently owned by Olmsted County, is proposed to be sold on the private real estate market following the federal administrative action ["Alternative 2 (Preferred Alternative)"]. In fact, the EA, which we assume your agency and

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#### MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

[mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

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the NPS will use to meet its requirements for review under the National Environmental Policy Act, defines the federal Project, and also establishes the purpose and need for and analyzes alternatives for it, as the “transfer of the existing Biermann House Site to private ownership” not LWCF conversion, which is how the federal action is presented for Section 106 review purposes. It will be important for your agency to clarify these definitions as there should be consistency in how the federal action is defined for the two reviews.

We also understand that, following the federal administrative action, your agency, in partnership with Olmsted County, proposes to construct and operate a new public boat launch on the property. Essentially, these subsequent actions would not be possible without the prior LWCF conversion approval, or administrative action, by the NPS. As such, these subsequent actions need to be taken into consideration as part of the Section 106 review process.

#### **Area of Potential Effect**

We have completed our review of the narrative definition and documentation provided for your agency’s determination of the area of potential effect (APE) for the federal undertaking. The APE is generally defined as the LWCF property boundary which for both properties is depicted as a “project boundary” or “project location” on the aerial photograph images submitted to our office with your March 31<sup>st</sup> letter. We agree that this APE definition is generally appropriate to take into account the potential direct effects of the proposed undertaking as we currently understand it. We do, however, have concerns that the APEs may not take into account potential indirect effects, especially those that may be reasonably foreseeable future effects such as subsequent new construction, including rehabilitation, or demolition on the Conversion Property once it is transferred into private ownership and construction of a new public boat launch facility at the Replacement Property. Although your agency acknowledges these potential indirect effects associated with these future actions, we do not agree that your agency has fully considered the reasonably foreseeable actions in the currently defined APEs.

#### **Identification of Historic Properties**

##### *Architecture/History Properties*

For the Conversion Property, we concur with your agency’s determination that the **Adolf Biermann House**, a contributing resource within the **Mayowood Historic District**, is a historic property which is listed in the National Register of Historic Places (NRHP). For clarification, the historic property also includes the historic landscape/site surrounding the house and the Spring House at the rear of the property. The Mayowood Historic District is the only identified historic property located within the APE as it is currently defined by your agency.

For the Replacement Property, we concur with your agency’s determination that there are no currently identified historic properties, including previously NRHP listed or determined NRHP-eligible, within the APE as it is currently defined. We understand that the current structures on the Fisherman’s Inn Property were all constructed in the 1970s or later and therefore do not meet minimum criteria for listing in the NRHP. As such, we agree that no further survey and evaluation of architecture/history properties is warranted for the Replacement Property APE as it is currently defined.

##### *Archaeology*

For the Conversion Property, our records indicate that a Pre-Contact archaeological site (21OT26) is recorded in the immediate vicinity of the property boundary and may extend into the APE as it is currently defined. Your March 31<sup>st</sup> letter makes no mention of this recorded archaeological site. In addition to the presence of 21OT26 and the potential for additional Pre-Contact archaeological sites or features, we believe that the Conversion Property has a high potential to contain historic archaeological features associated with the Adolf Biermann House.

For the Replacement Property, although we agree that there are no recorded archaeological sites in the APE or immediate vicinity of this property, we disagree with your agency’s assertion that there are no “suspected” archaeological sites within the APE as it is currently defined. Based upon our assessment, it is our opinion that the undertaking is located in an area that has a high potential for containing archaeological sites.



We do not agree that your agency has met a reasonable effort to identify archaeological properties within the APE, as it is currently defined, including consideration for potential subsequent effects caused by ground disturbance which is part of the scope of the undertaking as described as the Replacement Property will be subject to extensive demolition and earthmoving in order to develop the site into a public boat launch facility.

Therefore, for both LWCF properties, we recommend that, in order to meet your responsibilities under 36 CFR 800.4, an archaeological survey be completed for the proposed federal undertaking. The survey must meet the requirements of the Secretary of the Interior's *Standards for Identification and Evaluation*, as well as current state guidelines for archaeological surveys.

We will reconsider the need for survey if the areas within the APE for direct, physical effects can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** Plowed areas and right-of-way are not automatically considered "disturbed." Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way and even under parking lots and paved roadways.

#### Assessment of Effect

Pending completion of identification efforts, specifically as they relate to our recommendation for archaeological survey, we will provide initial response to your agency's preliminary "No Adverse Effect" finding.

As indicated in your March 31<sup>st</sup> letter, in assessing potential adverse effects to historic properties, your agency has taken into consideration the scope and nature of the proposed administrative action associated with conversion of the properties both in to and out of the LWCF, as well as the reasonably foreseeable subsequent actions which will occur on these parcels following the LWCF administrative action by the NPS.

For the Conversion Property, we understand that Olmsted County, current owner of the Adolf Biermann property, intends to "transfer to a private owner." This is clearly stated in your March 31<sup>st</sup> letter and the EA, and your agency's finding that the proposed undertaking will not adversely affect the historic property is based on the premise that there will be an "increased likelihood that it (the Adolf Biermann House) will be repaired and rehabilitated" once it is transferred to private ownership. Your March 31<sup>st</sup> letter includes this possibility of rehabilitation as support of your "No Adverse Effect" finding, but also states that the subsequent transfer to a private owner will be subject to review under a separate state process. We assume this to mean that Olmsted County will consult with our office under the Minnesota Historic Sites Act (Minn. Stat. 138.665) following LWCF conversion and when the county is ready to actually transfer the property out of public ownership. We have no indication that Olmsted County intends to initiate consultation with our office pursuant to state statute.

In the EA under Section C.2, for Alternative 2, goes on further to indicate that the County has already "identified a private owner who has expressed a verbal commitment...to assist with the transfer of ownership process" and that the potential new private owner "has the financial resources to complete a significant rehabilitation of the Biermann House." Also, the EA indicates that the potential new private owner may have sufficient funds to maintain the site, but the proposed rehabilitation and continued use is categorized as only "likely" to occur. While these are certainly good intentions, and our office would support a new private owner seeking to appropriately rehabilitate and reuse the house, they appear to be only speculative at this point. Our office has not been provided documentation which would solidly support your agency's finding that the subsequent transfer to a private owner ensures that an appropriate rehabilitation consistent the Secretary of the Interior's *Standards for the Treatment of Historic Properties* and continued preservation of the historic property will actually be realized.

We find it unfortunate that this EA states that "public stewardship of the site has not been to its benefit." This statement contradicts the intent of the Minnesota Historic Sites Act which states that political subdivisions of the state, including counties, have "a responsibility to protect the physical features and historic character" of NRHP listed properties. In fact, the county owned and has continued to own a substantial amount of property within the Maywood Historic District when it was listed in the NRHP in 1982.

We note that the narrative for “Alternative 3 (Renovation – Maintain Public Ownership)” in the EA provides contradictory statements that we believe are misleading. While we understand that the original intent at the time the house was acquired in the late 1970s may not be relevant today, especially as it pertains to the regional park concept, the EA dismisses the possibility of adapting the house for use as a visitor center because it would still require the transfer of the property out of LWCF status. Wasn’t this the original intent when the property was acquired with LWCF funds?

Also, the justification under this alternative indicates that converting the house to a visitor center “has the potential to result in additional adverse effects to the property” due to the need for extensive repairs and alterations necessary for code compliance and accessibility. While we certainly agree that these types of extensive alterations for a new use have the potential to result in adverse effects, there is flexibility within the Standards to design an appropriate rehabilitation which allows for contemporary use – including meeting modern code requirements and full accessibility - while still preserving the integrity and character-defining features of the historic property and its surroundings.

For the Replacement Property, while we do not have concerns regarding potential effects to above-ground historic properties, as none have been identified, we will need to defer our concurrence with your finding at this location until our recommendation for archaeological survey has been considered and responded to. It will be important for your agency to more clearly describe the scope and extent of the proposed public boat launch facility with supporting documentation, including civil, engineering, and/or landscape plans, as appropriate.

#### **Public Participation/Consulting Party Engagement**

We appreciate the fact that your agency has issued the same March 31st letter and attachments to consulting parties for concurrent review. We understand that your agency will defer making a final finding of effect, and requesting our office’s formal concurrence with this finding, until all consulting parties and the public have had an opportunity to review and comment.

We look forward to continuing consultation with your agency and other consulting parties once your agency has had a chance to review and consider all comments received. Please contact me if you have any questions regarding our review or would like to discuss next steps in the consultation process. I can be reached at (651) 201-3290 or by e-mail at sarah.beimers@state.mn.us.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

cc via email only:

Roger Knowlton, NPS  
Karlin Ziegler, Olmsted County

APPENDIX B: SITE FORM AND CATALOG FOR 21OL67

**MINNESOTA ARCHAEOLOGICAL SITE FORM**OFFICE OF THE STATE ARCHAEOLOGIST  
Fort Snelling History Center, St. Paul, MN 55111 (612) 725-2729SITE #: 21OL0067  
(OSA assigns if New Site)

Site Name: Biermann House

Agency/Field #:

 New Site  Site Update

OSA License #: 20-042

SHPO RC #:

Type of Fieldwork:  Reconnaissance/Phase I  
 Evaluation/Phase II  
 Excavation/Phase III

Date(s) of This Fieldwork: July 16, 2020

NRHP Status:  Listed  Determined Eligible  CEF(106)  CNEF(106)  Undetermined**LOCATIONAL INFORMATION**

County: Olmsted

City/Twp. Name: Salem Corners

SHPO Sub-Region: 3w: Southwest Riverine, West  
(see map in instructions)

USGS 7.5' Quadrangle Map (name and year): Salem Corners, 2019

Township: 106N Range: 14W Section: 8 ¼ Sections (at least 2): SE ¼, SE ¼, SE ¼  
Township: Range: Section: ¼ Sections (at least 2):  
Township: Range: Section: ¼ Sections (at least 2):

UTM Coordinates: (less than 10 acres use center; over 10 acres define polygon around site; draw points on USGS)

Zone: 15N Datum: 1927  1983 Method:  USGS Map  GPS  Other  
Point 1: Easting 538466 Northing 4871265  
Point 2: Easting Northing  
Point 3: Easting Northing  
Point 4: Easting Northing  
Point 5: Easting Northing**SITE CHARACTERISTICS**

Acreage: 1.33 Site Dimensions: N-S 93m E-W 126m Maximum Cultural Depth (if known) 85cm

Site Description (*√all that apply, but only one check per line*): single artifact  lithic scatter  artifact scatter  
 burial mound (number of mounds \_\_\_\_\_)  non-mound lone grave  non-mound cemetery  
 petroglyph  pictograph  petroform  
 surface features (list below)  
 other: \_\_\_\_\_Surface Features (*√all that apply*):  earthwork  pit/depression  foundation/ruin  other: Standing StructuresInferred Site Function (*√all that apply*):  habitation  mortuary  farm  industrial  transportation  
 Other (list): Temporary Camp/Lithic Production Site  unknown

Current Land Use (list approximate % for all that apply):

 cultivated  fallow  commercial  recreational  industrial  10% residential  
 70% woodland  20% grassland  water-covered  other: \_\_\_\_\_

Surface Visibility (list approximate % for all that apply):

 excellent  good  fair  100% poor/noneDegree of Disturbance (list approximate % for all that apply or *√ unassessed*): 80% minimal  10% moderate  10% heavy  completely destroyed  unassessedCurrent Threats to Site: (*√all that apply or √ none known*) erosion  development  agricultural  other: Property Improvements  none known



SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

**CULTURAL/TEMPORAL AFFILIATION**

(list all that apply by level of certainty: 1 = confirmed; 2 = probable or √ "not determined"):

Period:            \_\_\_ not determined                                1 Contact (1650-1837)  
                      1 Precontact (9500 BC - 1650 AD)                1 Post-Contact (1837-1945)

Precontact Context: (list all that apply by level of certainty; if unable to discern specific context, √ here X)

Paleoindian Tradition   \_\_\_ not determined   \_\_\_ Folsom                        \_\_\_ Lanceolate Point/Plano  
                                  \_\_\_ Clovis                \_\_\_ Eastern Fluted                \_\_\_ other: \_\_\_\_\_

Archaic Tradition       \_\_\_ not determined   \_\_\_ Prairie                        \_\_\_ Riverine  
                                  \_\_\_ Shield                \_\_\_ Lake-Forest                \_\_\_ other: \_\_\_\_\_

Woodland Tradition     \_\_\_ not determined   \_\_\_ Fox Lake                        \_\_\_ Laurel  
                                  \_\_\_ SE Mn Early        \_\_\_ C Mn Transitional            \_\_\_ Lake Benton  
                                  \_\_\_ Brainerd            \_\_\_ Blackduck-Kathio            \_\_\_ Psinomani/Sandy Lake  
                                  \_\_\_ Havana-Related   \_\_\_ SE Mn Late                    \_\_\_ Rainy River Late  
                                  \_\_\_ other: \_\_\_\_\_

Plains Village Tradition \_\_\_ not determined   \_\_\_ Cambria            \_\_\_ Great Oasis            \_\_\_ Big Stone  
                                  \_\_\_ other: \_\_\_\_\_

Mississippian Tradition \_\_\_ not determined   \_\_\_ Silvernale                        \_\_\_ other: \_\_\_\_\_

Oneota Tradition       \_\_\_ not determined   \_\_\_ Blue Earth            \_\_\_ Orr                        \_\_\_ other: \_\_\_\_\_

Contact Context: (list all that apply by level of certainty; if unable to discern specific context, √ here \_\_\_)

American Indian       \_\_\_ not determined   \_\_\_ Dakota                        \_\_\_ Ojibwe                        \_\_\_ other: \_\_\_\_\_

Euro-American         \_\_\_ not determined   \_\_\_ British                        \_\_\_ other: \_\_\_\_\_  
                                  \_\_\_ French                X Initial US

Post-Contact Context: (list all that apply by level of certainty; if unable to discern specific context, √ here \_\_\_)

\_\_\_ Indian Communities & Reservations (1837-1934)   \_\_\_ St. Croix Triangle Lumbering (1830s-1900s)  
X Early Agriculture & River Settlement (1840-1870)   \_\_\_ Railroads & Agricultural Development (1870-1940)  
\_\_\_ Northern MN Lumbering (1870-1930s)                \_\_\_ Iron Ore Industry (1880s-1945)  
\_\_\_ Tourism & Recreation (1870-1945)                \_\_\_ Urban Centers (1870-1940)

Approximate Post-Contact Occupation/Site Formation Date(s): 1854

Context Assignment/Dating Methods (√all that apply):

X artifact type/style   \_\_\_ feature type   \_\_\_ radiometric   \_\_\_ relative stratigraphy   \_\_\_ geomorphology  
X historic accounts (list) see Narrative  
X historic maps (list) see Narrative  
\_\_\_ other(s) (specify): \_\_\_\_\_

(For radiometric dates, attach photocopies of laboratory sheets if available.)

**MATERIALS PRESENT** (√all that apply):

**Basic Artifact Categories**

<u>Ceramics</u>	<u>Lithics</u>	<u>Biological Remains</u>	<u>Historic Materials</u>
___ Aboriginal	___ projectile points	<u>X</u> animal	<u>X</u> glass
<u>X</u> Euro-American	<u>X</u> other chipped stone tools	___ human	<u>X</u> metal
	<u>X</u> debitage	___ unidentified bone	<u>X</u> brick
	___ ground/pecked stone	___ seeds/nuts	<u>X</u> other: <u>mortar, terra-cotta</u>
	___ FCR	___ charcoal	
	___ aboriginal copper	___ wood	

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

Major Exotic Materials (*√all that apply*):

- catlinite
- Knife River Flint
- native copper
- obsidian
- Hixton orthoquartzite
- other: \_\_\_\_\_

Diagnostic Artifacts:

- Ceramics: Prehistoric Types/Wares/Temper \_\_\_\_\_
- Historic \_\_\_\_\_
- Prehistoric Lithics: \_\_\_\_\_
- Glass: \_\_\_\_\_
- Metal: 1864 Commemorative Civil War Token
- Other: \_\_\_\_\_

**ENVIRONMENTAL DATA** Current Topographic Setting (*√all that apply*):

- |  |   |   |
|--|---|---|
| <u>Away from Water</u>                       | <u>Riverine</u>                                 | <u>Lacustrine</u>                                     |
| <input type="checkbox"/> general upland      | <input type="checkbox"/> fan                    | <input type="checkbox"/> inlet/outlet                 |
| <input type="checkbox"/> terrace edge        | <input type="checkbox"/> terrace/bluff top      | <input type="checkbox"/> peninsula                    |
| <input type="checkbox"/> hilltop             | <input type="checkbox"/> stream-stream junction | <input type="checkbox"/> island                       |
| <input type="checkbox"/> glacial beach ridge | <input type="checkbox"/> bluff-base             | <input type="checkbox"/> isthmus                      |
| <input type="checkbox"/> rock outcrop        | <input type="checkbox"/> cave/rockshelter       | <input checked="" type="checkbox"/> general shoreline |
| <input type="checkbox"/> other: _____        | <input type="checkbox"/> floodplain             | <input type="checkbox"/> bog/slough/lake bottom       |
|  | <input type="checkbox"/> other: _____           | <input type="checkbox"/> other: _____                 |

Topographic Feature Name from USGS Map: Maywood Lake (along the Zumbro River)

**OWNERSHIP INFORMATION**

Source and Date of Ownership Information (*e.g., plat map, county recorder's office, personal communication, etc.*):

Ownership Type (*list approximate % for all that apply; if unknown √here* \_\_\_\_\_):

- Federal
- State
- Local (public)
- Tribal
- Private

Land Owner (*name and address if known*): Olmsted County, Olmsted County Government Center, 151 4<sup>th</sup> St SE, Rochester, MN 55904

**CURRENT INVESTIGATION INFORMATION**

Methods/Techniques Employed (*√all that apply*):

- informant report
- shovel testing
- geomorphological survey (*specify*): \_\_\_\_\_
- geophysical survey (*specify*): \_\_\_\_\_
- other: \_\_\_\_\_
- small diameter soil coring (≈ 1" diameter)
- formal test units
- mechanical testing
- surface survey
- max. test depth \_\_\_\_\_

Informant Name and Address (if known):

Known Collectors/Collections:

Artifact Repository (*name and accession numbers or repository agreement number*): MHS (Repository Agreement: 896)

Most Recent Survey Report – Title, Author, Date: Nienow, J.L. Phase I Archaeological Survey, Biermann Parcel, Olmsted County, Minnesota. July 2020. Prepared for Olmsted County.

Major Previous Bibliographic Reference(s) to Site: Bisel, J. et. al. Adolph Biermann House Historic Structure Report. February 2011. Blue Planet Museum Consulting, LLC & The Urban Studio. Rochester, Minnesota.

Principal Investigator (*name and affiliation*): Dr. Jeremy Nienow, RPA of Nienow Cultural Consultants, LLC

Form Completed By (*name and date*): Dr. Jeremy Nienow, RPA and Laura Koski, MSc, RPA



SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

**ADDITIONAL INFORMATION** (*Reason for Update or Survey, Location, Site Characteristics, Materials Present, Setting, Archaeological Methods, etc.; attach extra sheets as needed.*)

In July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Biermann parcel near Rochester, Olmsted County, Minnesota. The project area is within the SE1/4 of the SE1/4 of Section 8, Township 106N, Range 14W with physical address of 3730 Mayowood Rd SW, Rochester, MN 55902 (Figure 1). The parcel contains the Adolph Biermann House built in the 1860s which is listed on the National Register of Historic Places as a contributing building to the Mayowood District, listed on the National Register in 1982.

All aspects of the project were overseen by Jeremy L. Nienow, Ph.D., RPA who has a 2020 license to complete Phase I Archaeological Survey within the state of Minnesota (20-042). This project is part of the land swap involving the conversion of the property from public to private ownership. Currently, the property is owned by Olmsted County. The project is under Section 106 review by SHPO and was recommended for archaeological survey based on nearby site 21OL26. It is NCC's understanding, based on conversations with Olmsted County, the property will be sold to a private owner who will maintain its National Register status and restore the property.

Archaeological survey consisted of initial pedestrian survey, followed by shovel testing and documentation of observed historic ruins. Survey did not include the house proper. All archaeological survey was completed using standard methods for screening and documentation. Photography and GPS recording were completed on all shovel tests and documented ruins.

A total of 18 shovel tests were dug throughout the project area typically spaced on 15m intervals (Figure 2). Generally, shovel testing documented alluvial soils with historic or prehistoric materials with clear evidence of alluvial erosional events and the effects of multiple springs diverted through the property. Soils were typically silty clay loam to clay with limestone common throughout. Tests were excavated to 1m where possible unless halted by limestone, water, or roots. Of the 18 shovel tests, 17 were positive with 13 containing only historic materials and four having both prehistoric and historic materials. A total of 139 artifacts were collected. Of these materials 126 were historic and 13 prehistoric (See attached catalog). Historic materials typically consisted of common and square nails, ceramics (whiteware, brick, terracotta tile, porcelain), and glass (window and container). The single most diagnostic item was an 1864 Civil War token (Figures 3 & 4). An 1864 copper token featuring a liberty head bust on one face and the phrase "our card" on the reverse was found in STP1 at a depth of 60cm. This token was made during the Civil War by a merchant producing copper coinage to fill a shortfall in small denomination coins from the United States Mint during the conflict.

The particular maker of this style token has been identified as Schubal. Davis Childs owned a shop at 117 1/2 Randolph Street, Chicago, IL since 1837 (Bauer 2018). He was a commemorative medal, token, and die maker in the mid to late 19th century. This design is known currently as "Childs' Liberty, Union 1864 - R2 Die 35-1107" (Bauer 2018). The "R2" designation notes the rarity of this token to about 2000 to 5000 known examples surviving today. Not long after this token was minted the United States Congress passed the US Coinage Act of 1864 and USC 18-486 to make the creation of these tokens illegal with a penalty of \$2,000 for those found guilty of making any counterfeit currency (Fuld 1975). These two laws effectively ended the making and using of these tokens as currency. Since this token quickly lost any monetary value it was likely dropped or lost on the Biermann House property within a year of being minted.

SITE #: 21OL0067  
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Site Name: Biermann House

**ADDITIONAL INFORMATION** (*Reason for Update or Survey, Location, Site Characteristics, Materials Present, Setting, Archaeological Methods, etc.; attach extra sheets as needed.*)

The 13 prehistoric artifacts, all of which were lithic tools or debitage, were recovered from four shovel tests (STPs 1, 5, 6, and 18) located in the northeastern half of the project area. The highest concentration of artifacts ( $n = 9$ ) occurred in STP 6 (Figure 5). Raw material types include Galena Chert, Grand Meadow Chert (GMC), Prairie du Chien Chert (both Oneota and Oolitic Shakopee formations), and Granite. With the exception of one hammerstone and a reworked secondary flake found in STP 6, the entire assemblage was comprised of lithic debitage. No diagnostic artifacts were recovered during the survey.

All four shovel tests proving positive for prehistoric artifacts also contained historic materials. However, in all cases the stratigraphy implies the prehistoric component has remained undisturbed. Prehistoric and historic artifacts within those shovel tests were all separated by 15 cm, with the exception of the monetary token and the small pressure flake in STP 1, which were separated by approximately 5-10 cm.

Based on artifact type, this was likely a small lithic tool production site, although additional survey in the broader area could expand this interpretation. Its location along the Zumbro River would have allowed access to a plethora of aquatic resources, while at the same time, acting as a transportation route. The recovered prehistoric materials were consistent with those documented at 21OL26, both vertically and materially, and it is likely the two sites are related.

Finally, there were three historic features/ruins related to the house/estate which were noted within or immediately adjacent to the parcel: a spring or ice house, a boathouse/water control building, and a slope cut-out. A masonry and poured concrete structure directly west of the Biermann House appears to be a spring house or a type of ice house fed by a natural spring (Figure 6). Previous scholarship has suggested this structure may date to at least 1868 and has had regular maintenance and upkeep through the late 20<sup>th</sup> century (Bisel et al. 2011, 36). Ice house structures were common in rural settings prior to modern refrigeration in the mid-20<sup>th</sup> century. The spring house has a circular roughly dressed limestone masonry exterior wall with an approximate diameter of 3.5 meters. The interior wall is made of roughly hewn limestone. A poured concrete floor covers most of the internal space except along the southern and western edges where an approximately 40cm wide channel exists to allow cold spring water to flow along the boundary of the floor and the wall. Grooves and pipes downslope from this spring house indicate water drains through a pipe to the nearby Zumbro River. The roof of this structure is a combination of laid limestone slabs, wire mesh, and poured concrete to form a dome with three ventilation holes. The dome also has two areas of markings. The first states "June 12, 1939 L.O.S". The second set of markings appear to be a set of two children's hand prints with the initials "M.M. Age 10, A.D. Age 11". Mayo family historian Charles Potter believes the first handprint likely belongs to Maria Mayo, granddaughter to Charles Mayo (Pers. Comm. 2020). The second handprint has not yet been identified.

A second concrete and limestone structure investigated near the Biermann House consisted of a stone and concrete lined canal with a rectangular stone foundation and concrete platform along the shores of the Zumbro River. The rectangular complex of stone and concrete is approximately 9x4m. Historic aerial images from the 1930s show a white structure standing over this location with a narrow canal or lagoon behind it to the west (Figure 7). A wooden shed just to the east of this concrete structure in the photograph has been identified as a boat house (Charles Potter Pers. Comm 2020).



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Site Name: Biermann House

Agency/Field #:

**ADDITIONAL INFORMATION** (*Reason for Update or Survey, Location, Site Characteristics, Materials Present, Setting, Archaeological Methods, etc.; attach extra sheets as needed.*)

Finally, an 8x8m square cut into the slopes to the west of the spring house appears to be a possible location for an early homestead structure from the mid-19<sup>th</sup> century (see Figure 2). Deed research revealed in 1868 two structures stood on the current Biermann House property. One structure appeared to occupy the current location of the Biermann House and another structure directly west of it (Bisel et al. 2011, 14). Bisel speculates this structure indicated in plat maps could represent the first homestead of the Williams family who established their cabin and farm in this vicinity in 1854-1855 (Bisel et al. 2011, 11-12). Accounts at the time noted, “When the Williams family reached Rochester, the settlement consisted of only five cabins near what is now the downtown intersection of South Broadway and Fourth Street” (Bisel et al. 2011, 12). The area immediately west of the spring house where this angular cut in the slope is found is also where the authors speculate the approximate location of the second structure shown on the 1868 plat map should be located (Bisel et al. 2011, 36). While this human-made cut in the slope could be from a structure built during the time the Harmon family owned the property (1860-1877), the location near a constant spring would have made it a prime location for habitation throughout the middle of the 19<sup>th</sup>-century and for those hunting and camping prior to Euro-American settlement.

Nienow Cultural Consultants recommends the archaeological components of the Biermann parcel be added to the existing National Register District information, specifically the historic elements. Furthermore, if future renovations or landscape changes impact the three documented landscape features, additional documentation and investigation are warranted including a formal excavation unit within the cut area to test for elements or information related to initial historic habitation. Finally, no additional archaeological fieldwork is recommended specifically related to the prehistoric component.

Bauer, Ken

2018 “Civil War Token Collecting,” CWToken.com. Accessed 22 July 2020.

Bisel, Jane, Teresa McCormack, Nicole Pierson, and Stevenson Williams

2011 *Adolph Biermann House Historic Structure Report*. Prepared for Olmstead Co., Minnesota. Blue Planet Museum Consulting, LLC. Rochester, Minnesota.

Frame, Robert

1982 “Mayowood Historic District,” National Register of Historic Places Historic District Nomination. Washington, D. C. Filed 31 March 1982.

Fuld, George and Melvin

1975 *U.S. Civil War Store Cards*, Lawrence, Massachusetts: Quarterman Publishing, Inc.

Grossman, John

1970 “Mayowood or ‘Big House’ ,” National Register of Historic Places Inventory Nomination. Washington, D. C. Filed 12 April 1970.

Marks, Ben

2011 “During the Civil War, Some People Got Rich Quick By Minting Their Own Money,” *Collector’s Weekly*. December 15th, 2011.

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

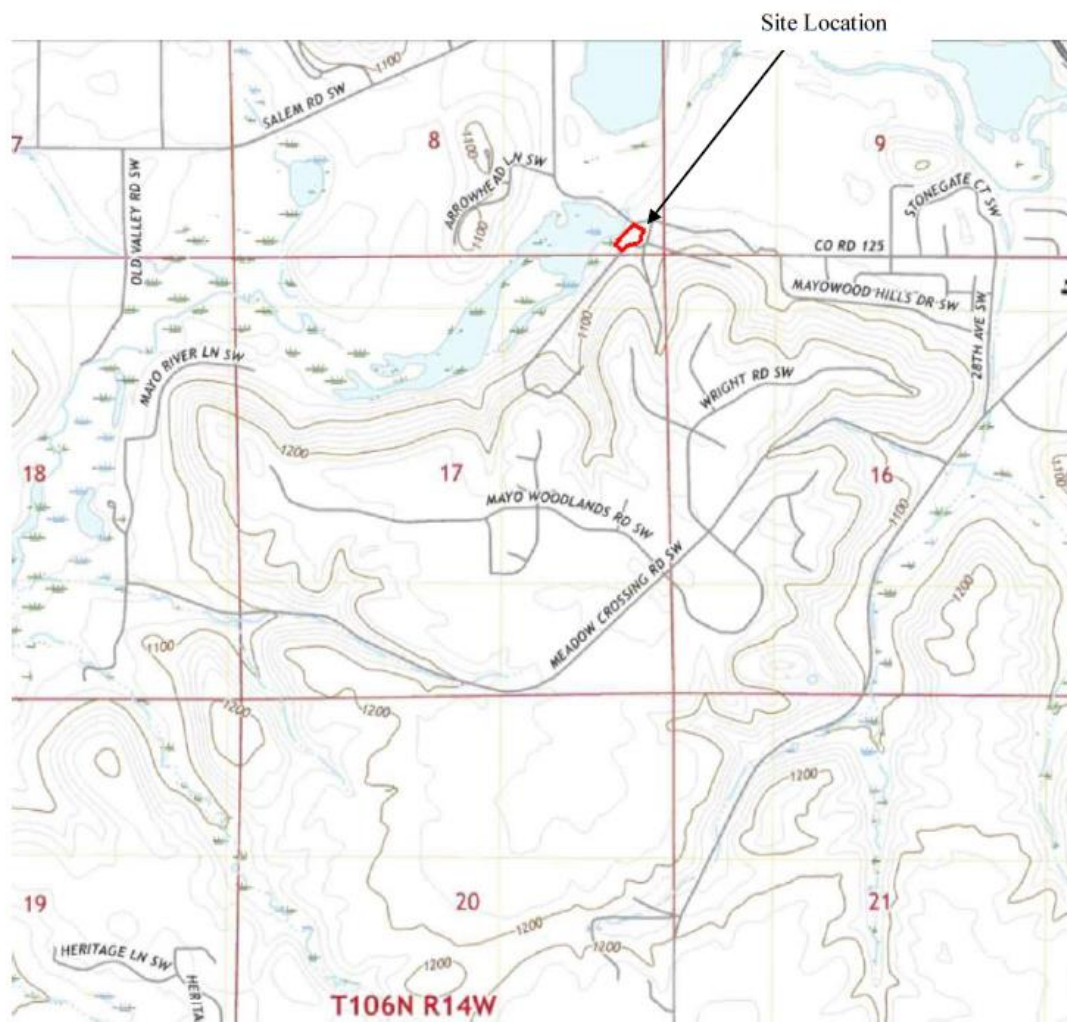


Figure 1: USGS Topographic Map Illustrating Site Boundary (in red)  
(USGS 7.5' Topographic Map, Salem Corners Quadrangle, 2019, 1:24,000)





**Biermann House Archaeological Survey, 2020**

3730 Mayowood Road SW, Rochester, Olmsted County, Minnesota

- Project Area
- Shovel Tests**
- Negative
- Historics
- Prehistorics and Historics
- Related Historic Structures
- Ice House
- Embankment Cut-Out
- Water Control Structure
- 2-Foot Contours



Cartographer: Laura Koski; Date: July 17, 2020; Source: Basemap provided by Google Satellite Imagery, STPs mapped via GPS, contours provided by MN LIDAR (MN Data Services); Projection: WGS84 for accurate satellite imagery projection

Figure 2: Map of Survey Work Completed on July 16, 2020  
(site boundary and project area are the same)

SITE #: 21OL0067

Site Name: Biermann House

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Figure 3: Civil War Token Face.



Figure 4: Civil War Token Reverse



SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

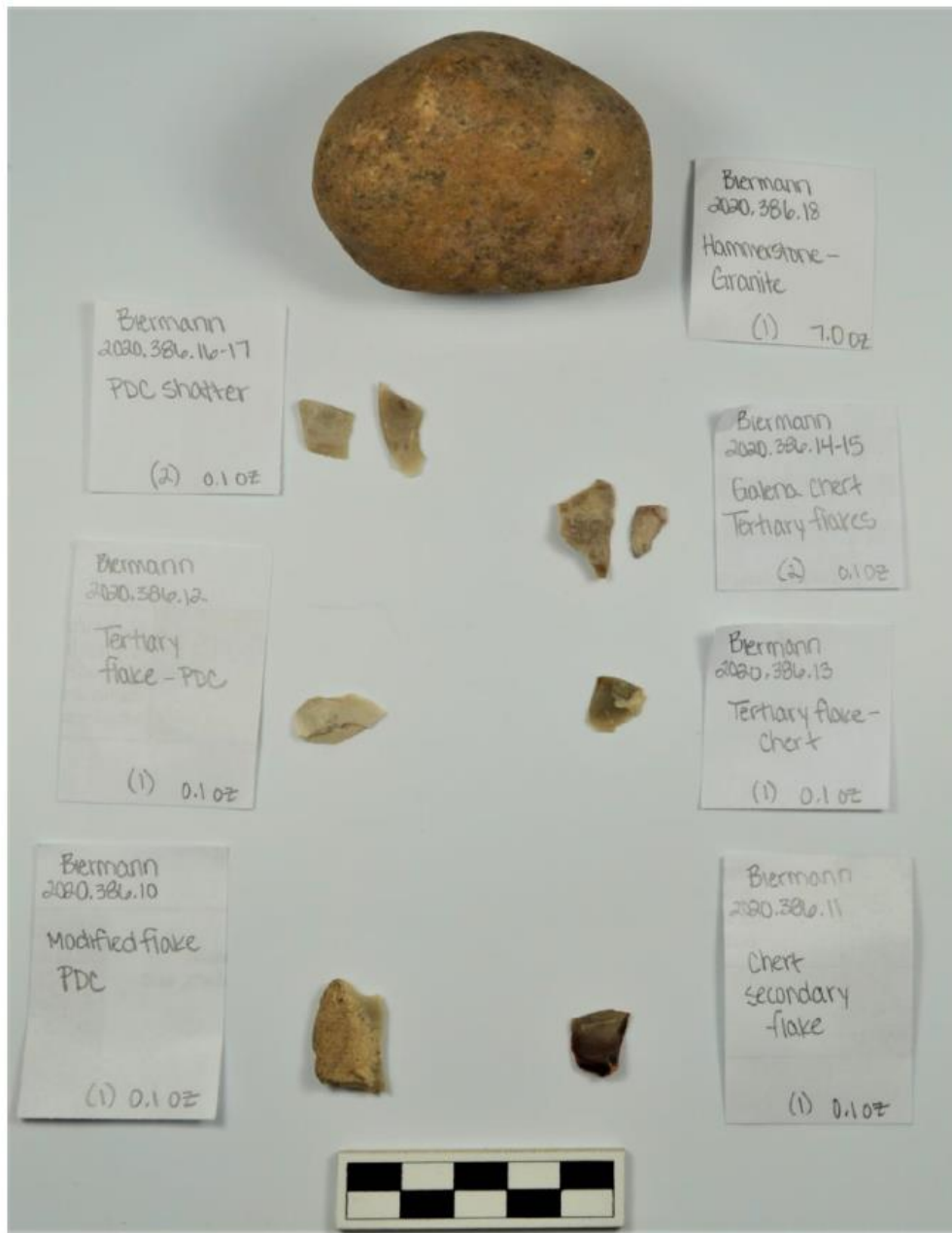


Figure 5: Prehistoric Artifacts Collected from STP 6.

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:



Figure 6: Spring / Ice House (Facing South).



SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:



Figure 7: Circa 1935 aerial photograph of Biermann house and Mayowood property. Note the boat house and canal in the lower right corner of the image (Courtesy Olmsted County Historical Society).



Figure 8: Eastern Entrance of Concrete and Stone Water Control Feature (with a one-meter tape for scale).

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

Field #	Count	Material	Object Name	Descriptor2	Descriptor3	Color1	Color2	STP	Depth	Description	weight(oz)
2020.382.01	1	Copper (metal)	Monetary Token					STP1	60cm	This is an 1864 Commemorative	0.10
2020.382.02	1	Glass (material)	Pane (architectural element)	Sherd		Colorless		STP1	35cm		0.10
2020.382.03	1	chert	Tertiary Flake			white	red	STP1	60-65cm	This is a PDC Tertiary Flake.	0.10
2020.389.01	1	Low Carbon Steel	Cut Nail					STP10	10-40cm		4.00
2020.389.02	1	Low Carbon Steel	Cut Nail					STP10	10-40cm		3.00
2020.389.03-.04	2	Low Carbon Steel	Cut Nail					STP10	10-40cm	These are nut nail head and partial shank fragments.	
2020.389.05	1	Low Carbon Steel	Cut Nail					STP10	10-40cm	This is a cut nail partial shank fragment.	
2020.389.06	1	Glass (material)	Container (receptacle)		Body Sherd	Blue		STP10	50-60cm	This is a light blue container glass shard.	0.10
2020.389.07-.08	2	Glass (material)	Pane (architectural element)	Sherd		Colorless		STP10	10-30cm		0.10
2020.389.09	1	Mortar (Filler)	Sample					STP10	10-20cm		0.20
2020.390.01	1	Low Carbon Steel	Cut Nail					STP11	25cm		3.25
2020.390.02-.03	2	Low Carbon Steel	Cut Nail					STP11	25cm	This is a cut nail partial shank fragment.	
2020.390.04	1	Low Carbon Steel	Sheet metal					STP11	30-40cm		0.20
2020.390.05	1	Glass (material)	Container (receptacle)	Embossed (technique)	Body sherd	Colorless		STP11	30-60cm	This is a partial heel fragment with code "S 11".	0.20
2020.390.06	1	Glass (material)	Container (receptacle)		Body sherd	Colorless		STP11	30-60cm		0.10
2020.390.07-.13	7	Glass (material)	Pane (architectural element)	sherd		Colorless		STP11	50-60cm	This has a white annular decorative design.	0.20
2020.390.14-.16	3	Ceramic (material)	Yellowware		Body sherd	Yellow	white	STP11	50-60cm		0.10
2020.390.17-.18	2	Ceramic (material)	Yellowware		Body sherd	Yellow		STP11	50-60cm		0.10
2020.390.19-.21	3	Ceramic (material)	Whiteware		Rim Sherd			STP11	0-40cm		0.30
2020.390.22-.27	6	(material)	Whiteware		Body sherd			STP11	0-40cm		0.40
2020.391.01	1	Brass (alloy)	Button (fastener)					STP12	30-40cm	This is a four-hole garment button.	0.10
2020.391.02	1	Low Carbon Steel	Common Nail					STP12	10-20cm	This is a common roofing nail.	1.00
2020.391.03	1	Glass (material)	Lighting Device Component		Rim Sherd	Colorless		STP12	surface	This is a lamp chimney rim.	0.10
2020.391.04-.06	3	Glass (material)	(architectural)	Sherd		Colorless		STP12	10-20cm		0.20
2020.392.01	1	Low Carbon Steel	Cut Nail					STP13	10-20cm	These are cut nail head and partial shank fragments	
2020.392.02	1	Glass (material)	(architectural)			Colorless		STP13	20-30cm		0.10
2020.392.03	1	(material)	(Material)		Rim Sherd			STP13	0-40cm		0.10
2020.392.04-.06	3	(material)	(Material)		Body Sherds			STP13	0-40cm		0.10
2020.392.07	1	(material)	Whiteware		Rim Sherd			STP13	0-40cm		0.10
2020.392.08	1	(material)	Whiteware		Base Sherd			STP13	0-40cm		0.10
2020.392.09-.13	5	(material)	Whiteware		Body Sherds			STP13	0-40cm		0.20

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

Field #	Count	Material	Object Name	Descriptor2	Descriptor3	Color1	Color2	STP	Depth	Description	weight(oz)
2020.393.01	1	Low Carbon Steel	Common Nail					STP14	0-10cm		3.50
2020.393.02-.03	2	Low Carbon Steel	Common Nail					STP14	0-10cm		2.50
2020.393.04	1	Low Carbon Steel	Common Nail					STP14	0-10cm		1.50
2020.393.05-.06	1	Low Carbon Steel	Common Nail					STP14	0-10cm		1.25
2020.393.07-10	4	Low Carbon Steel	Cut Nail					STP14	0-40cm		2.50
2020.393.11	1	Low Carbon Steel	Cut Nail					STP14	0-40cm		1.50
2020.393.12-.13	2	Low Carbon Steel	Cut Nail					STP14	0-40m		
2020.393.14	1	Low Carbon Steel	Bolt (fastener)					STP14	30-40cm	This is a bolt with a square nut.	3.75
2020.393.15	1	Glass (material)	(architectural)			Colorless		STP14	0-70cm		0.10
2020.393.16-.21	6	Glass (material)	(architectural)			Colorless		STP14	0-70cm		0.10
2020.393.22-24	3	(material)	Whiteware		Rim Sherd			STP14	40-80cm		0.60
2020.393.25-28	4	(material)	Whiteware		Body Sherds			STP14	40-80cm		0.10
2020.393.29-.31	3	material)	Brick (visual work)			red		STP14	0-10cm		0.10
2020.393.32	1	Bone (Material)	remains					STP14	10-20cm	This is a small mammal long bone fragment.	0.10
2020.393.33-34	2	Bone (Material)	remains					STP14	30-60cm	These are Odocoileus Virginianus mandible fragments.	0.50
2020.393.35-.36	2	Asphalt (Material)	Asphalt Shingle					STP14	0-10cm	These are roofing shingle fragments.	0.10
2020.394.01	1	Glass (material)	(architectural)			Colorless		STP16	0-10cm		0.10
2020.394.02	1	Tar (Material)	Sample					STP16	0-10cm		0.20
2020.394.03	1	Clinker (material)	portion)					STP16	80-85cm		0.10
2020.395.01	1	Porcelain (material)	Transferware	Hand-Painted	Body Sherd	red	green	STP18	20-30cm	This is a transfer printed rose with hand-painted leaf design.	0.10
2020.395.02-.03	2	chert	Tertiary Flake			Brown		STP18	45cm	These are Galena Chert tertiary flakes. Both flakes mend to each other.	0.10
2020.383.01	1	Low Carbon Steel	Common Nail					STP2	55cm		3.00
2020.383.02	1	Glass (material)	(receptacle)		body sherd	Brown		STP2	30cm		0.10
2020.384.01	1	Glass (material)	(receptacle)		body sherd	Colorless		STP3	40cm		0.10
2020.384.02	1	Glass (material)	(receptacle)		body sherd	Brown		STP3	80cm		0.10
2020.384.03	1	Glass (material)	(architectural)					STP3	60cm		0.10
2020.384.04	1	material)	Brick (visual work)			red		STP3	55-60cm		0.10
2020.384.05	1	shell (animal material)	remains					STP3	0-50cm	This is a bi-valve.	0.10
2020.385.01	1	Low Carbon Steel	Nut (fastener)					STP5	surface		1.50
2020.385.02-.03	2	Glass (material)	(receptacle)		body sherd	Colorless		STP5	0-20cm		0.60
2020.385.04	1	Glass (material)	Container (receptacle)		body sherd	Brown		STP5	0-20cm	This has an embossed grid design.	0.10
2020.385.05	1	architectural terracotta	tile (object genre)		body sherd	Brown		STP5	30cm	This is a sewer tile fragment.	8.90
2020.385.06	1	chert	Secondary Flake			gray		STP5	55cm	This is a Grand Meadow Chert Secondary flake.	0.10
2020.386.18	1	granite (rock)	hammerstone			Brown		STP6	70-80cm	This is a granite hammerstone.	7.00
2020.386.10	1	chert	modified flake (object genre)			gray		STP6	50-80cm	This is a reworked secondary PDC flake.	0.10

SITE #: 21OL0067

Site Name: Biermann House

Agency/Field #:

Field #	Count	Material	Object Name	Descriptor2	Descriptor3	Color1	Color2	STP	Depth	Description	weight(oz)
2020.386.01	1	Low Carbon Steel	Common Nail					STP6	35cm		2.00
2020.386.02-.03	2	iron (metal)	Strap (fasteners)					STP6	50-60cm		0.20
2020.386.04-.06	3	Glass (material)	Component		body sherds			STP6	40-50cm	glass shards.	0.10
2020.386.07	1	Ceramic (material)	Whiteware		base sherd			STP6	35cm		0.40
2020.386.08-.09	2	(material)	Whiteware		body sherds			STP6	35cm		0.10
2020.386.11	1	chert	Secondary Flake			red		STP6	50-80cm	This is a Grand Meadow Chert secondary flake.	0.10
2020.386.16-17	2	chert	Shatter			gray		STP6	50-80cm	These are PDC Shatter.	0.10
2020.386.12	1	chert	Tertiary Flake			white		STP6	50-80cm	This is a tertiary flake.	0.10
2020.386.13	1	chert	Tertiary Flake			gray		STP6	50-80cm	This is a tertiary flake.	0.10
2020.386.14-.15	2	chert	Tertiary Flake			gray		STP6	50-80cm	These are Galena Chert Tertiary flakes.	0.10
2020.387.01	1	Ceramic (material)	Whiteware		body sherd			STP7	25cm		0.10
2020.388.01	1	Low Carbon Steel	Bolt (fastener)					STP8	40cm	This is a bolt with nut attached.	4.25
2020.388.02	1	Low Carbon Steel	(receptacle) Lighting Device					STP8	10cm		1.20
2020.388.03-.04	2	Glass (material)	Component		body sherds			STP8	70cm	This is lamp glass.	0.10
2020.388.05	1	Glass (material)	(receptacle)		body sherds	colorless		STP8	45cm		0.10
2020.388.06	1	(material)	Whiteware	(technique)	Rim sherd			STP8	45cm		0.20
2020.388.07	1	Brick (clay material)	Brick (visual work)			red		STP8	40-70cm	Brick fragment with mortar attached.	0.60
2020.388.08	1	(material)	remains					STP8	60cm		0.10





Nienow Cultural Consultants LLC  
200 Plato Blvd East  
St. Paul, MN 55107

July 20, 2020

Karlin Ziegler  
Parks Superintendent  
Olmsted County Parks Division  
2122 Campus Dr. SE  
Rochester, MN 55904

RE: Results of Archaeological Survey in association with Fisherman's Inn, Oronoco, Minnesota.

Dear Ms. Ziegler:

In July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Fisherman's Inn parcel near Oronoco, Olmsted County, Minnesota (Figures 1 through 6). The project area is within Section 11, Township 108N, Range 14W and is a part of the 3w Southwest Riverine West Minnesota State Historic Preservation Office (SHPO) archaeological region. The project address is 8 Fisherman's Drive NW, Oronoco, MN 55960.

All aspects of the project were overseen by Jeremy L. Nienow, Ph.D., RPA who has a 2020 license to complete Phase I Archaeological Survey within the state of Minnesota (20-042). This project is part of the land swap project involving the conversion of the property from private to public ownership. Currently, the property is owned by Olmsted County. The project is under Section 106 review by SHPO and was recommended for archaeological survey based on the area's high potential to contain archaeological sites. It is NCC's understanding, based on conversations with Olmsted County, property modifications will include: removing existing buildings, septic system, and retaining wall; moving the picnic shelter and adding additional parking; and removal of the dead-end road and filling the area to grow grass and other vegetation.

Prior to archaeological survey, NCC conducted a literature review at both the Minnesota Office of the State Archaeologist (OSA) and the Minnesota State Historic Preservation Office (SHPO). Because of current Covid-19 protocols, OSA review was completed by using the OSA archaeology portal (<https://osa.gisdata.mn.gov/OSAportal/mapbuilder/index.html>) and via cultural resources data request with SHPO. This review identified no previously documented sites within the project area and only one archaeological site within a two-mile radius of the property. This site, 21OL58, is located approximately three-quarters of a mile south and consists of a partially buried stone

circle of indeterminate age. This feature was examined by the 106Group in 2012. A series of eleven shovel tests were excavated near the feature and no cultural materials were recovered.

Aerial photography, beginning in 1937, shows the peninsula within the project area as part of the County Road 118 road and bridge approach for crossing the Zumbro River at least through the 1970s. Topographic maps further reveal much of the project area has strong slopes. Additionally, large portions of the project area are covered by asphalt parking lot and existing paved roads. This information was used to direct the methodological approaches used within the project area.

Survey work was completed on July 16, 2020 and was conducted by Jeremy L. Nienow, Ph.D., RPA with survey assistance from subconsultants Alex Hedquist (Hedquist Archaeological Consulting), Chris Rico (Rico Cultural Resource Management Services), Fred Sutherland (Sutherland Relics & Rust), and Laura Koski (Zooarcho Consulting); with additional assistance from volunteers Elias Droessler and Mary Catherine Nienow II. All survey work was completed using standard methods laid out by both the OSA and SHPO archaeology manuals with the addition of Covid-19 fieldwork protocols. Methods for this project included surface survey and shovel testing.

Initial surface survey was completed on all parts of the project area. Utilities were clearly marked prior to the all-clear to work. Significant portions of the project area were clearly disturbed by Fisherman's Drive NW (County Road 118), Blakely Ct NW, the bridge approach, building construction, parking lot, and shoreline containment activities including terracing. Green spaces were typically sloped, especially along the western, forested boundary (Figure 3). Vent piping and additional private utilities, were noted at the base of the sloping grassed area in the west/central portion of the project area (Figure 4).

Surface survey carefully traversed the exposed sloped surfaces and found only modern trash (plastic bottles, tissue paper, metal cans, etc.). Two areas were identified for shovel test survey, both in the eastern portion of the project area (Figure 2). Although these areas had signs of previous disturbance, documentation was important for the project. A total of three shovel tests were completed (Figure 5). Typical profiles consisted of 20cm of 10YR3/1 loamy clay over 70cm of 10YR4/6 coarse sand mixed with limestone, crushed asphalt, and gravel (Figure 6). No prehistoric or historic cultural materials were identified during surface or shovel test survey.

To summarize, in July 2020, Olmsted County contracted with Nienow Cultural Consultants, LLC (NCC) to complete a Phase I archaeological survey for the Fisherman's Inn parcel near Oronoco, Olmsted County, Minnesota. All aspects of the project were overseen by Jeremy L. Nienow, Ph.D., RPA. Archaeological survey included both surface survey as well as standard interval shovel testing. A total of three shovel tests were completed within the project area and all showed previous disturbance. Although modern materials were identified during surface survey, no prehistoric or historic materials were recovered. *No archaeological sites were recorded during the survey and Nienow Cultural Consultants does not recommend any additional archaeological survey at this time.*

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called. If you have any additional questions or future project work, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Jeremy L. Nienow". The signature is written in a cursive style with a large, stylized initial "J".

Jeremy L. Nienow, Ph.D., RPA  
Principal and Owner  
Nienow Cultural Consultants LLC

Attachments: Figures 1-6

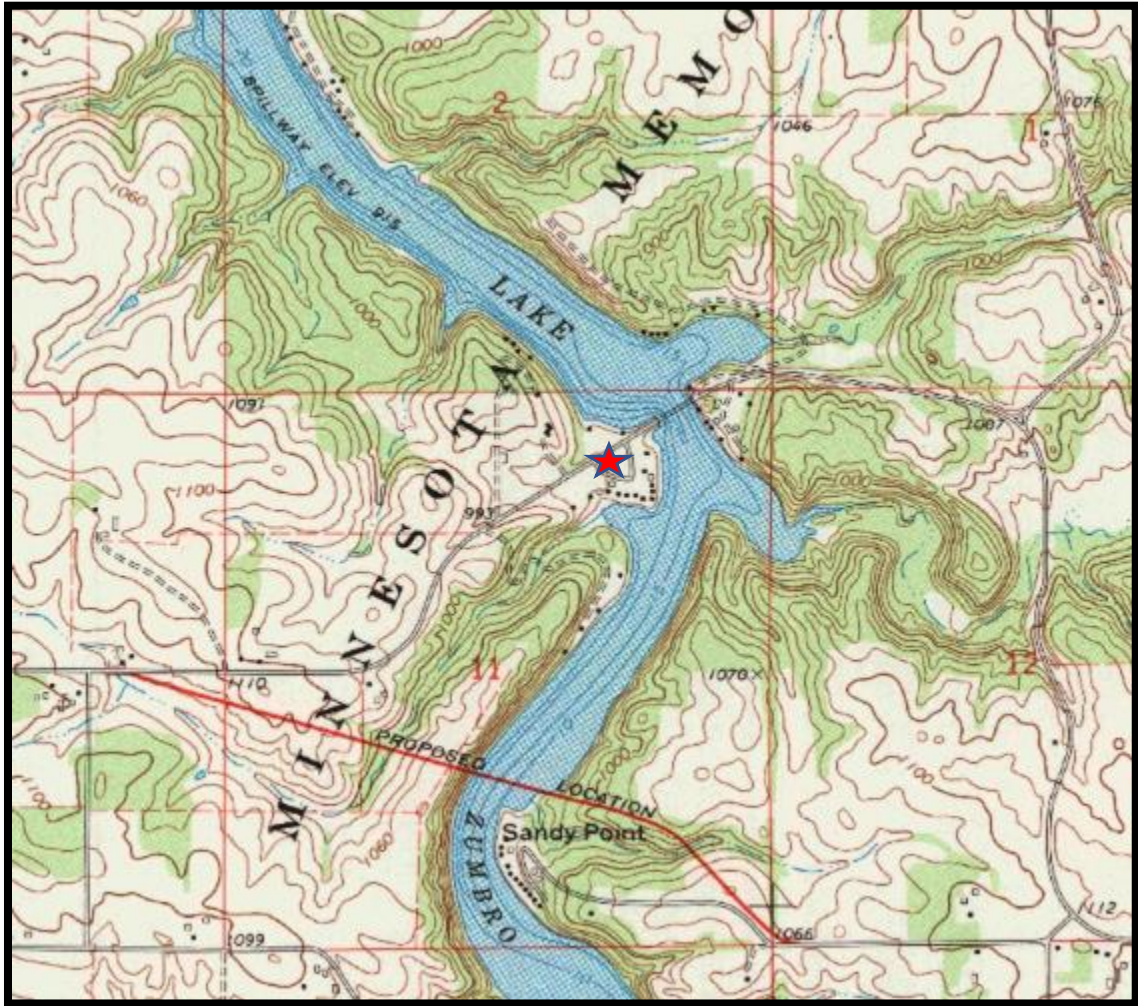


Figure 1: Location of Project Area in Olmsted County, Minnesota (Red Star Location).  
1972 USGS Zumbro Lake, MN 1:24,000. Revised 1975 edition.



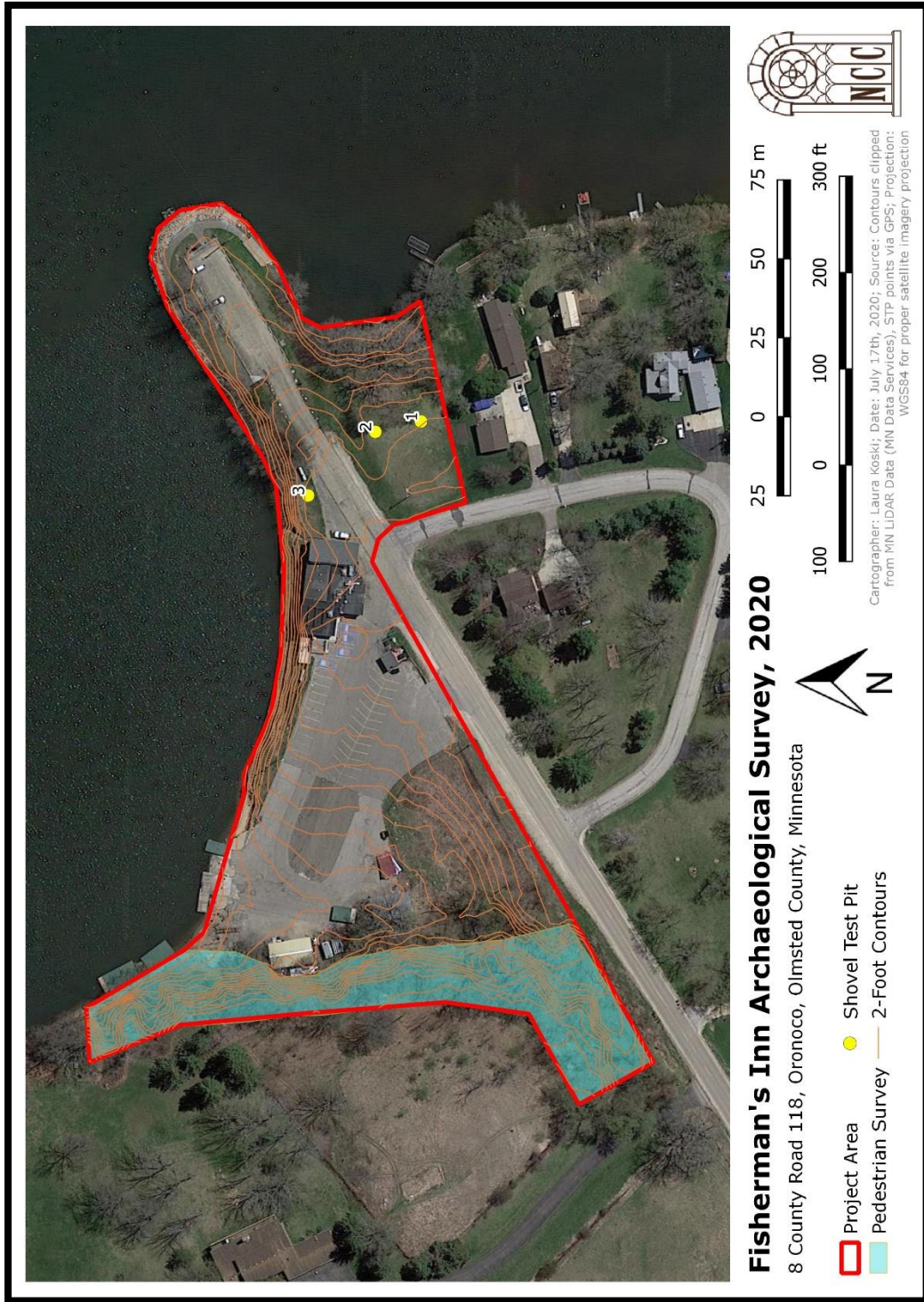


Figure 2: Fisherman's Inn Archaeological Survey 2020 Project Boundaries and Survey Types.





Figure 3: Photograph of Existing Slope Conditions in Western Project Area. Facing West.



Figure 4: Photograph of Grass Slope Boundary with Venting and Utility Box (next to sub-consultant, center). Facing West.





Figure 5: Photograph of Shovel Testing in Progress. Facing North.



Figure 6: Photograph of Completed Shovel Test (STP 2).

# Environmental Assessment

Biermann House  
3730 Mayowood Road SW  
Rochester, Minnesota

*Prepared For*

## Olmsted County

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- B: MnDNR NHIS Response

## A. Summary

The Biermann House property was acquired by Olmsted County in 1979 through funding from the Land and Water Conservation Fund (LWCF) act. Properties acquired through LWCF are intended to be used solely for outdoor recreation. Over the 40 years that the county has owned the Biermann House property, an appropriate outdoor recreation use has not been found, thus Olmsted County is proposing to transfer the Biermann House property from county ownership to private ownership. Since federal LWCF funds were used in the original purchase of the land, an environmental assessment is required under the National Environmental Policy Act (NEPA).

This environmental assessment (EA) has been prepared for the National Park Service (NPS), the lead federal agency within the Department of Interior (DOI) for the purposes of NEPA. This EA analyzes the environmental impacts associated with the transfer of the Biermann House Property from public to private ownership (the Project). The Biermann House property consists of an approximately 1.3-acre project site (hereafter referred to as the Site). The Site, which is listed in the National Register of Historic Places (NRHP), consists of the Biermann House and associated 1.3 acre parcel that is primarily wooded land. The transfer of the Olmsted County-owned Biermann House and associated parcel would be offset by the purchase of a 2.29-acre property (the Replacement Site) that currently consists of the Fisherman's Inn Restaurant, parking lot, and private boat launch. Acquisition of a replacement site is required under the LCWF program and the proposed replacement site is well-suited to the LCWF outdoor recreation requirement.

Environmental review under NEPA is required for federal actions that have the potential for significant effects to the human environment. The federal action for the Project is the transfer of the Site from public to private ownership and the acquisition of the Replacement Site. This EA has been prepared to satisfy NPS NEPA guidelines for the proposed action and examines four alternatives with regard to the Site:

1. No action.
2. Transfer the Site to private ownership for rehabilitation.
3. Maintain public ownership of the Site, but move it out of LWFC status; rehabilitate for non-outdoor recreation use.



The preferred alternative is to transfer the Site to private ownership. A private owner would allow the property to be used for non- outdoor recreation purposes, increasing the likelihood that it will be repaired and rehabilitated in the future. Environmental impacts from the Project will be relatively minor and primarily consist of temporary disturbances during construction at the Replacement Site. The anticipated disturbances include increases in noise, generation of solid waste or demolition debris, and minor soil/vegetation alteration or removal. The transfer of the Site will benefit Olmsted County by removing the liability of a long-vacant building and allowing compliance with the requirements of the LCWF program. The Olmsted County-owned Biermann House Site would be replaced with the purchase of the Replacement Site that will expand White Bridge Pier Park with a public boat launch and an additional parking area.

## B. Background, Purpose, Need

### B.1. Background

The Biermann House (Figure 1a) was built around 1865 and was first occupied by early prominent Olmsted County resident Adolph Biermann. Mr. Biermann was appointed U.S. Collector of Internal Revenue for the State of Minnesota by President Grover Cleveland in 1885 and was later elected Minnesota State Auditor for one term in 1890. The house and then surrounding farm was later sold to Dr. Charles H. Mayo in 1907 who lived there with his wife Edith and their family while Mayowood Mansion was under construction nearby and it was managed as part of the Mayowood estate for many years. Property details are provided in Table B1.

**Table B1. Biermann House Property Details**

<b>Address:</b>	3730 Mayowood Road SW
<b>City:</b>	Rochester
<b>County:</b>	Olmsted
<b>State:</b>	Minnesota
<b>Property Identification Number:</b>	640844041674
<b>Construction Year:</b>	1865
<b>Owner:</b>	Olmsted County
<b>Latitude:</b>	43.993280 North
<b>Longitude:</b>	-92.520410 West
<b>Section, Township, Range:</b>	S8, T106N R14W
<b>Elevation:</b>	1,055 feet above mean sea level
<b>Size:</b>	1.31 acres

In 1979 Olmsted County purchased the Biermann House, its 1.31 acre parcel and an additional 73 acres of land located downstream of the Mayowood Dam. Approximately \$50,000 of federal grant money was used to purchase of the Biermann House and associated land. The County originally acquired the Biermann House with the intention of the Olmsted County Historical Society using it to stage tours of Mayowood Mansion. The idea of using the house as a caretaker residence for the proposed Mayowood corridor park was also proposed at the time. Biermann House was listed on the National Register of Historic Places in 1982.

The Olmsted County Parks Department maintained the house as a two unit residential property until 1991, when it was determined that creation of a Mayowood corridor park and use of the Biermann House as a caretaker's residence was not feasible. Olmsted County then entered into a 25 year lease agreement with the Olmsted County Historical Society for the house. The historical society then sub-leased the house to private tenants. In the winter of 1999, the tenants vacated the house without providing proper notice. As a result, the water pipes in the house froze and caused significant damage to the interior of the house. The Biermann House has been vacant ever since.

Recent proposals to renovate the Biermann House for continued public use under the LCWF outdoor recreation requirement included a museum, visitor center for the Mayowood Mansion, caretaker residence for a proposed Mayowood Park, and a trailhead building for the City of Rochester Bike trail which is located approximately a 1/2 mile to the northeast. None of these proposals received majority support from the County Board and several did not have enough funding for long term operation and maintenance. The Biermann House has been in a state of disrepair for many years due to age and lack of use/maintenance. The frozen pipes of 1999 accelerated the deterioration of the house and it currently poses a safety hazard for any passerby or trespassers.

At this time, the Olmsted County Board is not willing to invest the necessary funds to restore the Biermann House without a clear plan for outdoor recreational use, which is mandated by the property's designation as recreational land as part of the LWCF program. With the house now in serious disrepair and all proposed options for continued public or recreational use rejected, the county is seeking approval for transfer of the house and 1.31 acres of land (Figure 2a) to a private owner with the financial resources, commitment and experience to rehabilitate the house.

The Replacement Site, or Fisherman's Inn property, is a 2.92 acre parcel (Figure 1b), and currently is the location of the Fisherman's Inn Restaurant, parking lot, and private boat launch (Figure 2b). The property sits on the west side of Zumbro Lake adjacent to White Bridge Pier Park. Property details are provided in Table B2.

**Table B2. Fisherman’s Inn Property Details**

<b>Address:</b>	8 Fisherman Drive Northwest
<b>City:</b>	Oronoco
<b>County:</b>	Olmsted
<b>State:</b>	Minnesota
<b>Property Identification Number:</b>	841112039715
<b>Construction Year:</b>	1976
<b>Owner:</b>	Peterson-Klassen Inc.
<b>Latitude:</b>	44.178942 North
<b>Longitude:</b>	-92.464104 West
<b>Section, Township, Range:</b>	S11, T108 R014
<b>Elevation:</b>	916-933 feet above mean sea level
<b>Size:</b>	2.92 acres

## **B.2. Purpose and Need**

The proposed Project will transfer the existing Biermann House Site to private ownership. While future projects at the property are outside the purview of this NEPA review, it is anticipated that the new owner will rehabilitate the property while maintaining its historic character. The Biermann House has fallen into significant disrepair since the winter of 1999 when the tenants left without notice and caused substantial damage to the interior of the house when the water pipes froze. The building has not been occupied since. In its current state, the house is also considered to be a liability to the county.

The Olmsted County Board currently does not wish to invest significant funds into the rehabilitation of the house without a clear plan for outdoor recreational use as required by the Site’s LWCF status. Various proposals for continued public use of the Site have been brought to the County over the last several years including renovation as a museum, a visitor center for nearby Maywood mansion or a trailhead building for the adjacent City of Rochester bike trail. All of these proposals have been rejected due to lack of public support or a clear funding source. With many other alternatives considered but eventually rejected over the past several years, Olmsted County wishes to transfer ownership of the Biermann House property into private ownership.

The need for the Project is to transfer the Biermann House out of LWCF status due to a lack of viable outdoor recreational use for the property.

The transfer of ownership of the 1.31-acre Biermann House property (Figure 2a) from Olmsted County into private ownership would be replaced by the acquisition of a 2.92 acre commercial property that currently consists of the Fisherman’s Inn Restaurant, parking area, and private boat launch (Figure 2b). The Replacement Site would be converted into an extension of the existing White Bridge Fishing Pier Park. The Fisherman’s Inn Restaurant will be demolished and the private boat launch will be opened for public use.

## **C. Alternatives**

A number of project alternatives were considered, including the no-action alternative, and are described briefly below.

### **C.1. Alternative 1 (No-Action)**

The no-action alternative is to leave the Biermann House in its existing condition and not transfer ownership of the property into private ownership. This alternative has been chosen several times in recent years over other re-use proposals that have been presented, but failed to receive adequate support or funding. This alternative would result in a clear adverse effect through the further deterioration of a historic structure with no plans or funds to preserve, renovate, or utilize the structure.

### **C.2. Alternative 2 (Preferred Alternative – Transfer to Private Ownership)**

The Proposed Action is to transfer ownership of the Biermann House from Olmsted County to a private owner. Transfer to a private owner will increase the likelihood of rehabilitation of the house. The County has identified a private owner who has expressed a verbal commitment to the County Board of financial support to assist with the transfer of ownership process. The private owner has the financial resources to complete a significant rehabilitation of the Biermann House.

The Site would be replaced with the acquisition of land by Olmsted County that meets LWCF requirements and will provide public access to Lake Zumbro which lacks a public access within the County and which was newly dredged in 2019. Transfer of the Site out of public ownership has the potential to result in an adverse effect, as state and federal oversight will not accompany the Site into private ownership. However, public stewardship of the Site has not been to its benefit and transfer to a private owner with the funds to maintain the Site is likely to result in its rehabilitation and continued use.

### **C.3. Alternative 3 (Renovation – Maintain Public Ownership)**

A proposed option for the Site was to renovate the Biermann House into a visitor's center for the nearby Mayowood Mansion. Since the Biermann House is located near the entrance to the Mayowood estate, a visitor center there would provide a controlled access area to the mansion. It would allow a separate space for staging tours of the mansion and provide space for additional exhibits on the history of the Mayowood estate. This use would still require the transfer of the Site out of LWCF status.

The original intention by Olmsted County with the purchase of the Biermann house property and surrounding land was to create a Mayowood corridor county park. However, creation of the park never happened due to strong public opposition and a lack of grant funding. The Olmsted County Historical Society was interested in developing the Biermann House for public use, but had no funds to do so at the time and instead sublet the property for residential use. Strong public support for restoration of the Biermann House as a visitor center never materialized and the significant interior damage to the house caused by vacating tenants during the winter months made the project more challenging. This alternative was rejected due to a lack of public support, funding and no clear restoration plans for the house. Rehabilitation under public ownership to a use other than outdoor recreation could potentially constitute an adverse effect, as a non-outdoor recreation use would require removal of the property from LWCF and potentially from state and federal oversight as a result. Rehabilitation of the site as a visitor center has the potential to result in an additional adverse effect to the property, as a modern visitor center use would likely require alterations to the historic floor plan of the residential property and would require accessibility alterations.

#### **C.4. Land Conversion Environmental Review Process**

The Land and Water Conservation Fund (LWCF) Act was passed by congress in 1964 to “strengthen the health and vitality of the citizens of the United States” through outdoor recreation. The LWCF act created a trust fund, (primarily from offshore drilling leases) that is used to acquire, plan and develop outdoor recreation facilities. Congress annually appropriates the funds among the states to provide grants for state and local governments to create outdoor recreation areas. The funds are also used by federal agencies to obtain lands, waters or resources that help achieve federal natural, cultural, wildlife and recreation management goals (National Park Service 2016).

Congress intended recreation areas established by public funds to be permanent and solely used for outdoor recreation as stated in Section 6(f) of the LWCF Act. Conversion of any property established by funds from the LWCF to a use other than outdoor recreation must be approved by the National Park Service (NPS) and/or the applicable State. Conversions of outdoor recreation property require replacement property to offset the loss from the conversion. The replacement lands chosen must be an addition to an existing recreation facility or provide a viable, self-sustaining outdoor recreation unit for a new facility. A conversion request requires environmental review of the proposed conversion and discussion of all previously rejected alternatives (Minnesota Department of Natural Resources). This review typically consists of an environmental assessment (EA) or environmental impact statement (EIS).



The following sections of this EA provide a description of the proposed land conversion and potential environmental consequences. Descriptions and discussion of other alternatives previously considered including the No-Action Alternative are also provided.

## D. Affected Environment

### D.1. Geologic Resources

The Biermann House property lies at the toe of a bluff at an approximate elevation of 1,055 feet. The adjacent bluff rises to the south and east approximately 150 feet to an elevation above 1,200 feet. The elevation within the property is slightly variable but generally does not vary more than 10 feet with a gentle slope to the west toward Mayowood Lake. The lake is at an elevation of approximately 1,020 to 1,030 feet and the shoreline is approximately 10-15 feet lower than the lowest elevation on the Biermann House property (Figure 1a).

The existing topography within the project area is expected to remain largely unchanged. No significant regrading, fill placement, excavation or other work that would alter the existing topography is planned as part of the proposed project.

The National Resources Conservation Service (NRCS) soil surveys of the area identify three main soils on the Site. On the approximately northern half of the Site, the Lindstrom silt loam is present and the southeastern portion of the site consists of Elbaville silt loam and Marlean silty clay loam. Lindstrom soil is of statewide importance, meaning it has been classified as soil that meets criteria making it well suited for agricultural activities. As the area is not currently used for agriculture there is not a loss of farmland associated with the site. Detailed descriptions of the Site soils are listed in Table D1 below:

**Table D1. Biermann House Soils**

Soil Type	Map Unit Symbol	Description	Percentage of Site Coverage
Lindstrom silt loam, 6 to 15 percent slopes	301C	Well drained silt loam from loess or silty alluvium, moderately high to high permeability, not subject to flooding or ponding	70
Elbaville silt loam, 18 to 30 percent slopes	593E	Well drained silt loam and silty clay loam from loess, moderately low to moderately high permeability, not subject to flooding or ponding	19
Marlean silty clay loam, 25 to 40 percent slopes	251F	Well drained silty clay loam with moderately high to high permeability; not subject to flooding or ponding	10

The surficial geology of the Site and surrounding vicinity is primarily made up of quaternary age, late Wisconsinan colluvium deposits, which consist of primarily bedrock and loess (windblown sediment, typically uniform bedded silt with some clay and fine sand) in two units. The lower unit is rocky with angular carbonate clasts in a silty to sandy matrix and the upper unit is primarily silt with few carbonate clasts. Thicker deposits of loess (greater than 5 feet) covering bedrock are also part of the surficial geology in the region (Hobbs 1988).

Bedrock geology at the Site consists primarily of the Decorah, Platteville, and Glenwood formations. The Decorah formation is a calcareous green shale with thin interbedded portions of limestone. The Platteville formation is a fine grained, gray, fossiliferous limestone with thin shale partings near the top and is the most likely exposed of bedrock unit of the three. The Glenwood formation is a thin green sandy shale that is typically covered at the surface. The depth to bedrock in the Site vicinity is less than 50 feet below ground surface and may be within 5 feet or less (Olsen 1988).

The proposed project will involve the transfer of the property from public to private ownership. It is anticipated that following the transfer the private owner will complete renovations and restoration work to the existing building of the Biermann House. No new structures or significant additions are planned as part of the proposed project. Minimal or no earthwork is anticipated to the property as part of the project. No significant impacts to the soils or geologic features present are anticipated.

The Fisherman's Inn property is located on a terrace above Lake Zumbro at an approximate elevation of 930 feet. The existing parking area slopes to the north/northwest towards the lake and the elevation of the property generally does not vary by more than 10 feet. Lake Zumbro is at an elevation of approximately 915 feet and the shoreline is located 10-15 feet below the average elevation on the property (Figure 1b). Minor grading, excavation or placement of fill may be necessary to complete the conversion of the property into an extension of the adjacent county park and public boat launch. However, no significant changes to the existing topography are anticipated from the proposed project.

The National Resources Conservation Service (NRCS) soil surveys of the area identify three main soils on the Site. On the majority of the Site, particularly the eastern portion including the parking area and restaurant, Dowagiac loam is present. The northwest portion of the site is Marlean silty clay loam, and the remainder of the site (southwest portion) consists of Chaseburg silt loam. Chaseburg silt loam and Dowagiac loam are classified as prime farmland. Detailed descriptions of the Site soils are listed in Table D2 below:

**Table D2. Fisherman’s Inn Soils**

Soil Type	Map Unit Symbol	Description	Percentage of Site Coverage
Chaseburg silt loam, moderately well drained, 0 to 2 percent slopes	19	Moderately well drained silt loam with moderate permeability; occasionally flooded but not subject to ponding	14
Marlean silty clay loam, 25 to 40 percent slopes	251F	Well drained silty clay loam with moderately high to high permeability; not subject to flooding or ponding	27
Dowagiac loam, 0 to 2 percent slopes	516A	very deep, well drained soils with moderate permeability in the upper profile and rapid permeability in the lower profile; not subject to flooding or ponding	59

The Surficial geology of the Fisherman’s Inn site and surrounding vicinity is primarily made up of quaternary age, late Wisconsinan colluvium and terrace deposits. The colluvium consists of primarily bedrock and loess (windblown sediment, typically uniform bedded silt with some clay and fine sand) in two units. The lower unit is rocky with angular carbonate clasts in a silty to sandy matrix and the upper unit is primary silt with few carbonate clasts. The terrace deposits are calcareous sand and gravel with minor beds of silt and clay in places. The deposits typically extend to bedrock. Thicker deposits of loess (greater than 5 feet) are also part of the surficial geology in the vicinity. (Hobbs 1988).

Bedrock geology at the Fisherman’s Inn site consists of the Prairie du Chien group and the Jordan sandstone. The Prairie du Chien group is composed of the Shakopee formation and the Oneota dolomite. The Shakopee formation is a series of thin interbedded layers of quartzose sandstone and shale with fine grained quartzose sandstone at the base. The Oneota dolomite is a thick bedded and primarily structureless dolomite that is sandy in the base 15 to 20 feet. The depth to bedrock within the vicinity of Fisherman’s Inn ranges from less than 50 feet to 100 feet below ground surface (Olsen 1988).

Conversion of the existing Fisherman’s Inn property to a public park and boat launch will involve demolition of the existing restaurant building, landscaping improvements and installation of signs. Minor earthwork will likely occur to complete the landscaping work for the proposed project. Construction of any new buildings is not anticipated for the proposed conversion of the Fisherman’s Inn property. If any buildings are constructed, they would likely be limited to restroom facilities for the new park. No significant impacts to the soils or geologic features present are anticipated.

## **D.2. Air Quality**

The proposed project is not anticipated to have a major impact on air quality at the Site. Currently Biermann House is vacant, but in the past has been primarily used as a residence and any future restoration to residential use will not change that. Traffic volumes are not expected to appreciably increase due to the transfer from public to private ownership.

Air quality at the Fisherman's Inn property is not anticipated to be negatively impacted by the conversion of the restaurant and private boat launch into a public park. Traffic in the area is not expected to significantly increase.

## **D.3. Sound (Noise Impacts)**

The proposed project involves transferring the Site from public to private ownership. The property is currently vacant, but has been occupied for most of its long history. Any future addition of residents at the house is not expected to have an impact on noise levels on the Site or adjacent areas. Any future property renovation will result in minor, temporary construction noises.

The conversion of the Fisherman's Inn property to a public park will include demolition of the existing restaurant and opening the private boat launch to the public. Noise associated with the demolition of the restaurant will be limited to normal daytime working hours, and equipment used on site will meet industry standards for noise. As the boat launch is already present on the site, noise increases on the property are expected to be minimal.

## **D.4. Water Quality**

The following section details the existing hydrology, flooding conditions, groundwater hydrogeology and water quality of the Site(s).

Surface waters within one mile of the Biermann House Site include Mayowood Lake, Mayo Lake, Bamber Lake (large wetland), the South Fork of the Zumbro River and five unnamed ponds (Figure 3a). The MnDNR Public Waters Inventory (PWI) lists Mayowood Lake (55-2), Bamber Lake (55-6) and the South Fork of the Zumbro River as protected waters. Mayowood Lake is directly west of the Site, with the water less than 50 feet from the site boundary.

No surface waters are present within the Biermann House property area. While Mayowood Lake is directly west of the site, no impacts to the lake are anticipated as the proposed project will not involve dredging, pumping of the lake or construction of any structures along the shore. Additionally, minimal earthwork is anticipated as part of the proposed project decreasing the risk of sediment run off into the lake. Since the project area is larger than one acre, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and best management practices (silt fencing, bio logs etc.) will be implemented as required.

Given the well-drained nature of the silt loam soils (as described in section D.2) present at the Biermann House property, and its location upstream of the Mayowood dam, flooding is not known to be a frequent occurrence at the Site. The site topography is also raised above Mayowood Lake by approximately 10-20 feet and the Federal Emergency Management Agency (FEMA) flood hazard study for the Site area places the site in an area of minimal flood hazard. According to most current FEMA flood hazard maps, the site is located in area with a 0.2% chance of annual flooding.

The Biermann House property is not in a location that experiences regular flooding, and has been mapped within a minimal flood hazard area. The proposed project is not expected to be impacted by or increase the potential for flooding in the area.

Groundwater within the vicinity of the both the Biermann House and Fisherman's Inn Sites is primarily sourced from the St. Peter-Prairie Du Chien-Jordan aquifer. Shallow sand and gravel aquifers within the unconsolidated deposits in the area only supply small amounts of water locally and are not a public water supply source. Although no records of wells at either Site were found in the Minnesota Department of Health (MDH) Well Index, the Biermann House was reportedly previously connected to a well located on the Mayowood Mansion property. In addition, other properties in the area reportedly are served by wells.

According to published geologic information, the depth to groundwater in the area of the Biermann House Site is between 30 and 40 feet below ground surface, although given the difference in elevation between the site and the nearby Mayowood Lake, the published value is likely an overestimate of depth to groundwater. In fact, a spring is located east of the house. Regional groundwater flow near in this location is generally to the north towards Mayowood Lake (Kanivetsky 1988). Additionally, the property is located within an MDH wellhead protection and drinking water supply management area.

The depth groundwater at the Fisherman's Inn site is between 10 and 15 feet below ground surface according to published geologic information. However, the site borders Lake Zumbro, and presumably groundwater is more shallow near the lake. Regional groundwater flow in the area is to the east towards Lake Zumbro (Kanivetsky 1988). The Fisherman's Inn property is not located within a MDH wellhead protection or drinking water supply management area.



Groundwater in either site area is not anticipated to be adversely impacted by the proposed project. While no wells are registered within either project area, any wells discovered during work activities will be evaluated and if necessary sealed by a licensed well contractor in accordance with MDH regulations. If a new well is needed to supply water to the restored Biermann House, the well will be drilled and installed by a licensed well contractor.

The nearest water body to the Biermann House is Mayowood Lake. The South Fork of the Zumbro River flows through Mayowood Lake and is listed on the Minnesota Pollution Control Agency's (MPCA) 2018 Impaired Waters List. The South Fork of the Zumbro River is listed as impaired for aquatic macroinvertebrate bio assessments, fecal coliform and turbidity. Its water quality is managed by the Zumbro Watershed Partnership and the MPCA.

Zumbro Lake is the nearest water body to the Fisherman's Inn Site and forms the northern and eastern boundary of the property. Lake Zumbro is listed on the MPCA's 2018 Impaired Waters List for mercury in fish tissue and eutrophication/nutrient biological indicators. Its water quality is also managed by the Zumbro Watershed Partnership and the MPCA.

Both the Biermann House and Fisherman's Inn properties are already connected to existing utilities, and wastewater will not be discharged to surface or groundwater at either location. Any future updates to water and sewer lines for the Biermann House are not expected to impact water quality.

#### **D.5. Stream Flow Characteristics**

No streams are present on or adjacent either the Site or Replacement Site. No streams are anticipated to be impacted by the proposed project. Zumbro Lake, which is an impoundment of the Zumbro River, is adjacent to the Replacement Site. The proposed action will not alter or be affected by flow of the Zumbro River.

#### **D.6. Marine/Estuarine**

No marine or estuarine features are present in the area of the Site or the Replacement Site.

#### **D.7. Floodplains/Wetlands**

Based on the Federal Emergency Management Agency (FEMA) flood insurance map, panel 27109C0282F, the Biermann House Site is not located within a floodplain. The Site is mapped in two zones, the northern

portion of the Site is located within Zone X – areas determined to be outside the 0.2% annual chance floodplain, with the majority of the site being located within Zone D – areas in which flood hazards are undetermined, but possible.

A review of the National Wetland Inventory (NWI) map indicated a 3.64 acre freshwater forested/shrub wetland is near to the Biermann House Site as part of Mayowood Lake (Figure 4a). The wetland is not within the Site boundary and it not expected to be impacted by the proposed project or by any future renovation. To protect this resource a SWPPP will be put in place and the use of Best Management Practices (BMPs) including silt fences and bio logs will be evaluated and implemented as needed.

The Fisherman’s Inn Site is located within the floodplain of Zumbro Lake. The lowest elevation portions of the property (the eastern end and northwest corner) are mapped in Zone A by the FEMA floor insurance map panel 27109C0075E. Flood Zone A areas are those within the 100 year floodplain and subject to flooding on a 1 percent annual chance. The remaining areas of the property are mapped in Zone X and are outside the 100 year floodplain.

No wetlands outside of Lake Zumbro are mapped by the NWI at the Fisherman’s Inn Site (Figure 4b). Lake Zumbro is mapped as a Minnesota Department of Natural Resources (MnDNR) public water basin and contains a public water course. A Public Waters Work Permit from the MnDNR may be required if any required work for the proposed project will occur below the ordinary high water level (OHWL) of the lake. The property has lakeshore along the eastern and northern sides and a SWPPP will be required to prevent excessive sediment runoff into the lake if greater than one acre of land is disturbed for any future construction. BMPs will be followed to meet the SWPPP requirements and contain any sediment from the proposed project.

#### **D.8. Land Use/Ownership Patterns; Property Values; Community Livability**

The proposed project will involve transferring ownership of the Site from Olmsted County to private ownership; it is anticipated that the private owner will rehabilitate the property for residential use, however that action is not part of the proposed project. Property values near the Site are not expected to be impacted, as the Site will remain residential.

The Replacement Site will be converted from a commercial property consisting of a restaurant and private boat launch to an extension of the Olmsted County White Bridge Fishing Pier Park. The Park currently has a small parking lot, two fishing areas, and several picnic tables. Olmsted County plans on demolishing the Fisherman’s Inn Restaurant and opening the boat launch for public use. The parking lot

will remain for activities associated with the park and boat launch. Property values are not expected to increase as White Bridge Fishing Pier Park is already present and the conversion will just extend park property and offerings.

## **D.9. Circulation, Transportation**

The proposed project will transfer ownership of the Site from Olmsted County to private ownership which is not anticipated to have any significant impact on traffic and circulation in the area.

The replacement Site is currently a restaurant and private boat launch. The demolition of the restaurant, and opening of the boat launch to the public is not expected to significantly impact traffic and circulation for the area. The existing parking lot on the Site will remain in place to be utilized with the boat launch.

## **D.10. Living Resources**

Small mammals and larger birds are likely to be present only in small numbers or as transient visitors to the Biermann House Site. The lack of water resources on the Site yields an absence of habitat for aquatic birds, fish, mammals, and invertebrates. Trees on the Site may provide habitat for roosting and rearing young for passerine birds and bats.

Approximately 70% of the property is vegetated. Existing vegetation is predominantly turf grass, ornamental landscaping, and mature trees such as sugar maple (*Acer saccharum*) and northern red oak (*Quercus rubra*).

Waterfowl, shorebirds and a few bird of prey species are likely to be present in small numbers as transient visitors to the Fisherman's Inn Site. The small amount of unpaved land on the property leaves limited upland habitat for mammals and land dwelling birds. While no aquatic habitat is located within the property boundaries, Zumbro Lake is immediately adjacent and provides habitat for a variety of fish, mussels and other aquatic invertebrates, and migratory birds.

Vegetation cover at the Fisherman's Inn site is limited due to the large parking lot that serves both the restaurant and existing boat launch. The area around the restaurant and along the lake is turfgrass and landscaping. Native and introduced tree species are present in the two small wooded areas of the property. An area of restored grassland/prairie is present in the southwest corner of the property. This restored area contains a mix of native and introduced species of grasses and forbs.

Neither the Biermann House nor Fisherman’s Inn Sites support native ecosystems or native biological communities within their property boundaries. A small forested woodland with native trees is present on the Biermann House property, but this area has been affected by past land use. The woodland understory there appears to be introduced grasses. Two small wooded areas and a patch of restored grassland are present at the Fisherman’s Inn Site. These areas are not large enough to support resident populations of wildlife and are directly adjacent to a parking lot with frequent activity.

The US Fish and Wildlife Service (USFWS) Information for Planning and Consulting (IPaC) database was queried for both the Biermann House and Fisherman’s Inn Sites (Appendix A). A list of threatened and endangered species for Olmsted County was generated, and both sites are within the range of species on the county list. Three federally-threatened species have been listed for this county as detailed in Table D3.

**Table D3. Federally-Listed Species**

Species	Common Name	Type of Organism	Federal Status
<i>Myotis septentrionalis</i>	Northern long-eared bat	Mammal	Threatened
<i>Rhodiola integrifolia ssp. leedyi</i>	Leedy’s roseroot	Plant	Threatened
<i>Lespedeza leptostachya</i>	Prairie bush clover	Plant	Threatened

Northern long-eared bat overwinters in caves and underground hibernacula. During the active season (spring-fall), the species is associated with forested habitats especially near open water. Roosting and maternal habitats are found in mature trees with cavities, cracks, broken limbs or loose bark. Both sites provide a limited number of trees that could provide roosting habitat. However, there are no known hibernacula or roost trees known in Olmsted County (MnDNR and U.S. Fish and Wildlife Service, 2019). Plans for the two Sites would not involve cutting or clearing potential roost trees. Therefore, no effect to northern long-eared bat will occur at either Site.

Leedy’s roseroot is found in highly specialized microsites on north-facing dolomite cliffs. This type of habitat is not present on either site. Prairie bush clover is a native prairie resident, and in southeastern Minnesota, it occurs on the upper slopes of bluff prairies. This type of prairie is not found on either site. The Fisherman’s Inn Site includes a restored prairie, but the species is not found on the Site. The proposed action will have no effect on either Leedy’s roseroot and prairie bush clover.

The MnDNR Natural Heritage Information System (NHIS) was queried for both Site locations (Appendix B). All Element Occurrence Records (EOR) within 1 mile of the Sites were identified. These EORs include native plant communities along with several mussel and fish species (Table D4), although the exact mussel and fish species were not enumerated.

**Table D4. State NHIS Element Occurrence Records**

Scientific Name	Common Name	Type	State Status	Habitat	Site
Native Plant Community	Elm- Ash- Basswood Terrace Forest	Ecological	Imperiled	Terrestrial	Biermann House
Native Plant Community	Southern Dry- Mesic Oak Forest	Ecological	NA	Terrestrial	Biermann House
State Listed Fish and Mussel Species	Multiple	Zoological	Threatened	Aquatic	Biermann House
<i>Lasmigona costata</i>	Fluted shell	Zoological	Threatened	Aquatic	Fisherman's Inn

The Biermann House Site is near two documented native plant communities. In fact, the Site sits near the boundary between Elm-Ash-Basswood Terrace Forest along Zumbro River and Southern Dry-Mesic Oak Forest on upland slopes above the river. While mapped and tracked by the MnDNR, these native plant communities are not formally protected by law. No alteration to plant communities will result from the proposed conversion from public to private ownership, so there will be no effect to these tracked resources.

The MnDNR noted that multiple state-listed aquatic organisms are known from the Zumbro River near Biermann House without listing individual species. The MnDNR's online rare species guide (<https://www.dnr.state.mn.us/rsg/index.html>) was queried for aquatic organisms in Olmsted County, and the resulting output is presented in Table D5. The rare and protected aquatic organisms noted in the vicinity of Biermann House could include some or all of the species listed in Table D5. A single protected mussel species was noted near Fisherman's Inn (Table D4). The proposed action will not affect water quality or aquatic habitats at either Site. Therefore, no impacts to protected fish or mussels will occur.



**Table D5. State-listed Aquatic Species from Olmsted County**

Scientific Name	Common Name	Type	State Status
<i>Venustaconcha ellipsiformis</i>	Ellipse	mussel	threatened
<i>Euryntia dilatata</i>	Spike	mussel	threatened
<i>Actinonaias ligamentina</i>	Mucket	mussel	threatened
<i>Alasmidonta marginata</i>	Elktoe	mussel	threatened
<i>Erimystax x-punctatus</i>	Gravel Chub	fish	threatened
<i>Lasmigona costata</i>	Fluted-shell	mussel	threatened
<i>Phenacobius mirabilis</i>	Suckermouth Minnow	fish	special concern
<i>Pleurobema sintoxia</i>	Round Pigtoe	mussel	special concern
<i>Clinostomus elongatus</i>	Redside Dace	fish	special concern
<i>Lythrurus umbratilis</i>	Redfin Shiner	fish	special concern
<i>Notropis nubilus</i>	Ozark Minnow	fish	special concern
<i>Ichthyomyzon fossor</i>	Northern Brook Lamprey	fish	special concern
<i>Hybognathus nuchalis</i>	Mississippi Silvery Minnow	fish	special concern
<i>Lasmigona compressa</i>	Creek Heelsplitter	mussel	special concern
<i>Moxostoma duquesnei</i>	Black Redhorse	fish	special concern

### D.11. Unique Ecosystems

According to the NHIS report the Minnesota Biological Survey (MBS) identified a Site of *High* Biodiversity Significance within which the township the Biermann House Site is located. This designation is given to Sites that contain very good quality occurrences of the rarest species, such as rare native plant communities. There are two MnDNR Native Plant Communities adjacent to the proposed project, Elm – Ash – Basswood Terrace Forest and Southern Dry- Mesic Oak Forest. The proposed land transfer project is not expected to impact these resources, but to ensure the protection of these resources, erosion prevention and sediment controls will be utilized as necessary.

No sites of High Biodiversity Significance or rare native plant communities were identified by the NHIS database within the vicinity of the Fisherman’s Inn site.

### D.12. Unique or Important Wildlife/Habitat

Neither the Biermann House nor Fisherman’s Inn Sites provide unique habitat or support populations of rare animal species. While native plants are present at both Sites, the land cover has been significantly altered from development and has degraded most of the prior existing natural habitat.

### **D.13. Unique or Important Fish/Habitat**

Both Mayowood Lake and the Zumbro River are known to contain protected fish and mussels. Transfer of the Biermann House property from public to private ownership will not affect these waterbodies and the habitat for aquatic organisms.

Protected mussel species are documented in the Middle Fork of the Zumbro River, upstream from Zumbro Lake and the Fisherman's Inn Site. Sediment from the proposed project will be controlled through the use of BMPs as needed to prevent runoff and potential impacts to Zumbro Lake.

### **D.14. Invasive Species**

There is potential for introduction and spread of invasive species during Project related construction activities at both the Biermann House and Fisherman's Inn Sites. While earthwork activity is expected to be limited at both Sites, soil disturbance can provide suitable conditions for establishment of invasive species.

At both Sites, woody and herbaceous invasive plant species would be controlled as part of routine landscaping and vegetation management activities. As needed, measures to prevent or limit the potential for introduction and spread of invasive species at both Sites would include:

- Inspecting equipment prior to entering a Site.
- Monitoring equipment.
- Maintaining clean working equipment and conditions.
- No planting of species that are known to invade natural areas as part of the proposed project's landscaping.

### **D.15. Recreation Resources**

The proposed project will not impact recreation on the Site as it is currently a vacant house, and the property is not open to the public. Although nearby recreational opportunities exist in the vicinity of Biermann House, such as tourism, paddling, bicycling, etc., the project will not have any effect on recreational resources or opportunities.

The acquisition of the Replacement Site will provide additional recreational resources to Olmsted County by extending the existing county-owned White Bridge Pier Park. The Replacement Site has a private boat launch which the county plans to open to the public in 2020. The existing parking area will remain for boat trailer and park use. Olmsted County plans to work jointly with the MnDNR in order to open the county's first public boat access to Lake Zumbro which was improved through an extensive dredging project in 2019.

### **D.16. Accessibility**

The proposed project will transfer the Biermann House property from public to private ownership. The addition of accessible features does not fall within the project scope.

Changes to the Replacement Site will include the demolition of the Fisherman's Inn Restaurant; the boat launch and parking areas will remain. Accessibility will be impacted by the launch being opened to the public jointly by the MnDNR and Olmsted County in 2020. The parking lot is expected to accommodate boat trailer and parking associated with new park uses. Any future renovations or improvements to the Replacement Site will meet ADA requirements.

### **D.17. Overall Aesthetics**

The transfer of the Biermann House Property from public to private ownership will not affect the overall aesthetics of the property either positively or negatively. While it is not part of the scope of this project, the anticipated future rehabilitation of the Biermann House by the private owner is expected to significantly improve aesthetics of the property while in keeping with its historic character.

The restaurant currently associated with the Replacement Site will be demolished, but the boat launch and parking areas will remain. The changes to the Replacement Site will minimally affect views of Lake Zumbro.

### **D.18. Cultural and Historic Resources**

Conversion of the public resources to private ownership under the LCWF is a federal action, and the Biermann House is on the National Register of Historic Places. For these reasons, consultation under Section 106 of the National Historic Preservation Act (NHPA) will be required for the proposed action. Formal correspondence with the State Historic Preservation Office (SHPO) will be initiated as part of the 106 consultation process and documented elsewhere.

The Adolph Biermann House, is a known architecture/history property, which was listed in the National Register of Historic Places in 1982 as a contributing property within the Mayowood Historic District. The subject property includes the Adolph Biermann farm house (ca. 1865, with significant additions and alterations c. 1880s tower addition, c. 1930s garage addition and rear porch addition, c. 1950s interior alterations, 1999 water damage, 2015 removal of rear porch), Spring House (construction date unknown), and landscaping elements including examples of the Mayowood Historic District's character defining "Dragon's Tooth" style stone walls.

The Biermann House predates the Mayowood Estate, as well as most of the properties scattered throughout the district. It represents the earliest agricultural settlement history of the statehood era, and also exemplifies the evolution of the area during the time of several generations of Mayo family residents.

The house itself is built into a hill above the southern bank of the Zumbro River—which has expanded into a lake in this section due to a dam built by Dr. Charles H. Mayo. The high elevation on the south side of the house has been made more pronounced over time with improvements to the road leading to the Mayowood main house.

The grounds are marked—along the Mayowood Road and in a line running NW to SE to the east of the house—with the distinctive, jagged, limestone block "dragon's tooth" wall that is found throughout the Mayowood Historic District. A spring runs above ground toward the river near that wall line to the east of the house, and a Spring House is a secondary structure located to the rear of the house to the west (described in more detail below).

Two driveways serve the house and attached garage: the first entering the property from Mayowood Road to the south, and the second entering in the NW corner and going uphill to the SE until it reaches the house. These driveways meet at the garage entrance, and are marked by a limestone masonry wall running east to west, parallel to the northern façade of the house.

This vernacular Greek Revival house is marked by significant changes over time that have altered its look and feel on the landscape. The primary façade faces east and presents as a red brick structure with a limestone foundation. But due to its placement into the hill, the North façade reveals a full first story of limestone. A 1930s-era addition on the rear (west) side of wood shingle and clapboard added a third distinctive element to the exterior until its removal in 2015—that elevation is now marked by the limestone first story, and large plywood panels on the second story where much of the brick used to be.

The original structure features dominant triangular pediment cross gables of equal proportion on each side. However, the front is now overshadowed by a tower/entrance added in the 1880s that adds some Renaissance Revival elements, with full transom lights around the door, an upper story window with a prominent fan feature, and topped by a dominating cornice.

This East elevation now also features steps leading up to an elevated terrace that wraps around to the north and serves as the roof to an attached garage that was added in the 1930s. The South façade is a simple presentation of one of the original cross gables, with the exception of a red brick chimney at the right. Given the location and use of Maywood Drive, the South and East facades often present together as the main view of the house.

The North façade shows the terrace and garage addition more clearly at the Northeast corner, the limestone first story, red brick second story, and triangular pedimented gable third story. The windows mirror the symmetry found on the East façade, though with different treatments on each level. Two simple six over six paned windows are on the lowest level. Identical windows but with shutters added are on the next level. And a single window on the third level omits the shutters but adds the fan detail from the front tower.

As mentioned previously, the West façade once again shares the limestone/brick companions on the North, but is marked by asymmetry. Three irregular boarded-up openings are on the first level; most of the second level is boarded up opening at this point; and there are two windows on the third cross-gable level. Based on window treatments on the other three sides, it is possible that the center window is original and the smaller window to its left was added at a later time.

Tucked into the hillside to the west of the house is a small spring house. The circular limestone walls are approximately six feet tall, and are covered by a domed concrete roof. The interior dirt floor is marked by the spring and a stone pad adjacent to it.

Transfer of the property out of public ownership has the potential to result in an adverse effect, as state and federal oversight will not accompany the property into private ownership.

Because the property was acquired by Olmsted County through the Federally-funded Land and Water Conservation Fund, the conversion process will constitute a Federal undertaking and require review by the State Historic Preservation Office under 16 U.F.C. 470f of the National Historic Preservation Act of 1966, commonly referred to as a "Section 106" review. Impacts that have the potential to result in an adverse effect will be avoided, minimized, or mitigated, as appropriate, in accordance with the responsibilities attributed to Olmsted County under 16 U.F.C. 470f.



No architecture/history resources were identified within the Replacement Site project area. A review of MnSHPO files indicate that there are no architecture/history properties listed in or identified as eligible for the National Register of Historic Places in the vicinity.

Built elements of the property were constructed within the last 50 years and include a restaurant building, two sheds, a paved parking lot, boat launch, and retaining walls along the lake front. The Fisherman's Inn Restaurant located on the property does not appear to exhibit historic significance at the local, state, or federal level for its social history (connection to commerce or tourism), relationship to notable individuals, or architecture. The project will have no direct or visual impact upon any architectural or historic resources.

### **D.19. Socioeconomics**

The transfer of the Biermann House Property from public to private ownership will not impact the socioeconomics of the surrounding area, which is relatively rural and residential.

The Replacement Site is adjacent to White Bridge Fishing Pier Park, the expansion of the park to the Replacement Site in order to open a public boat launch is not expected to affect the socioeconomics of the area.

### **D.20. Minority and Low-Income Populations**

The proposed project, including the conversion of the Replacement Site to Olmsted County Property, is not expected to have impacts on minority and low-income populations.

### **D.21. Energy Resources**

The proposed project could result in a slight increase in energy use consistent with residential use at the Site, as the home is currently vacant.

A decrease in energy use at the Replacement Site is anticipated with the demolition of the Fisherman's Inn Restaurant. Energy associated with the use of the parking lot and boat launch are expected to be minimal.

## **D.22. Other Agency or Tribal Land Use**

The Site and Replacement Site are not located within tribal lands and therefore are not expected to have any impact on tribal land use or other agency use.

## **D.23. History of Contamination/Hazardous Materials**

Biermann House has existed as a residence since its construction in 1865. Given the history as a single family residence, significant contamination is not expected to be present on the Site. During any future renovation of the house, if hazardous building materials (such as asbestos or lead paint) are encountered or removed, EPA and MDH guidelines and regulations for safe handling, removal, and disposal should be observed.

The Fisherman's Inn site has been developed since at least 1976 when the existing restaurant building was constructed. The building has been used for commercial purposes since it was constructed. Three additional small buildings are present at the site, two storage garages and a concession stand near the property entrance. With the current and historical commercial use of the Site as a restaurant and boat launch, no significant contamination at the property is expected. During demolition of the buildings, if hazardous building materials are encountered or removed, EPA and MDH guidelines and regulations for safe handling, removal, and disposal will be observed.

The Minnesota Pollution Control Agency (MPCA) online database "What's in My Neighborhood?" (<https://www.pca.state.mn.us/data/whats-my-neighborhood>) was queried for known hazardous material sites within 0.5 miles of each site. Two sites were noted near Biermann House (Figure 5a):

- Doty & Associates, 3716 Mayowood Rd SW, an inactive hazardous waste generator.
- Mayowood Mansion, 3721 Mayowood Rd SW, site of an active underground storage tank, and inactive petroleum leak that was detected and remediated in 2008-2009.

Neither of these sites will affect nor be affected by the proposed action involving Biermann House.

The "What's in My Neighborhood?" query revealed no known sites within 0.5 miles of the Fisherman's Inn (Figure 5b).

## D.24. Other Resources

No additional resources have been identified that warrant discussion in this EA.

## E. Consultation and Coordination and List of Preparers

### Preparers

Daniel DeJoode, Ph.D., Senior Scientist, Braun Intertec

Laurel Fritz, MS, Director and Architectural Historian, New History Consultants

Ben Ruhme, BS, Staff Scientist, Braun Intertec

Gaia Warden, BA, Staff Scientist, Braun Intertec

## F. Bibliography

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Kanivetsky, Roman, "Bedrock Hydrogeology," *Geologic Atlas of Olmsted County Minnesota*, County Atlas Series C-3, Plate 5 of 9, Scale 1:100,000, University of Minnesota-Minnesota Geological Survey, 1988.

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<https://www.nps.gov/subjects/lwcf/index.htm>

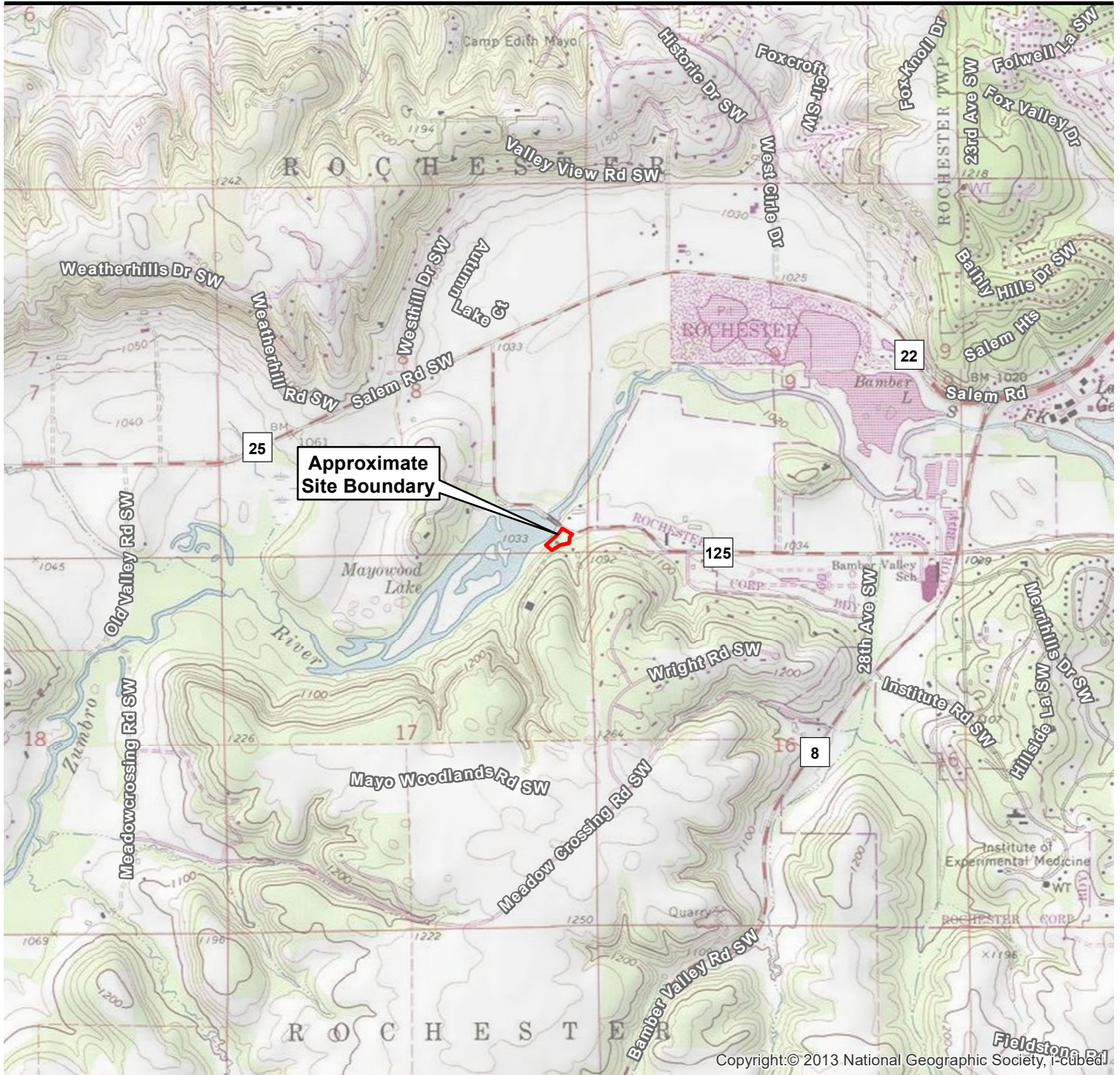
National Park Service, "National Register of Historic Places Continuation Sheet" #90001144 US Department of Interior August 17 1990.

Olsen, Bruce M., "Bedrock Geology," *Geologic Atlas of Olmsted County Minnesota*, County Atlas Series C-3, Plate 2 of 9, Scale 1:100,000, University of Minnesota-Minnesota Geological Survey, 1988.

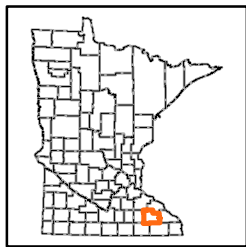
Olsen, Bruce M., "Depth to Bedrock and Bedrock Topography," *Geologic Atlas of Olmsted County Minnesota*, County Atlas Series C-3, Plate 4 of 9, Scale 1:100,000, University of Minnesota-Minnesota Geological Survey, 1988.

## Figures





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Approximate Site Boundary



0 1,000 2,000  
Feet

1 inch = 2,000 feet

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Project No:  
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Drawing No:  
B1813120\_Bier1A

Drawn By: CMF  
Date Drawn: 7/25/2019  
Checked By: DD  
Last Modified: 11/21/2019

Biermann House

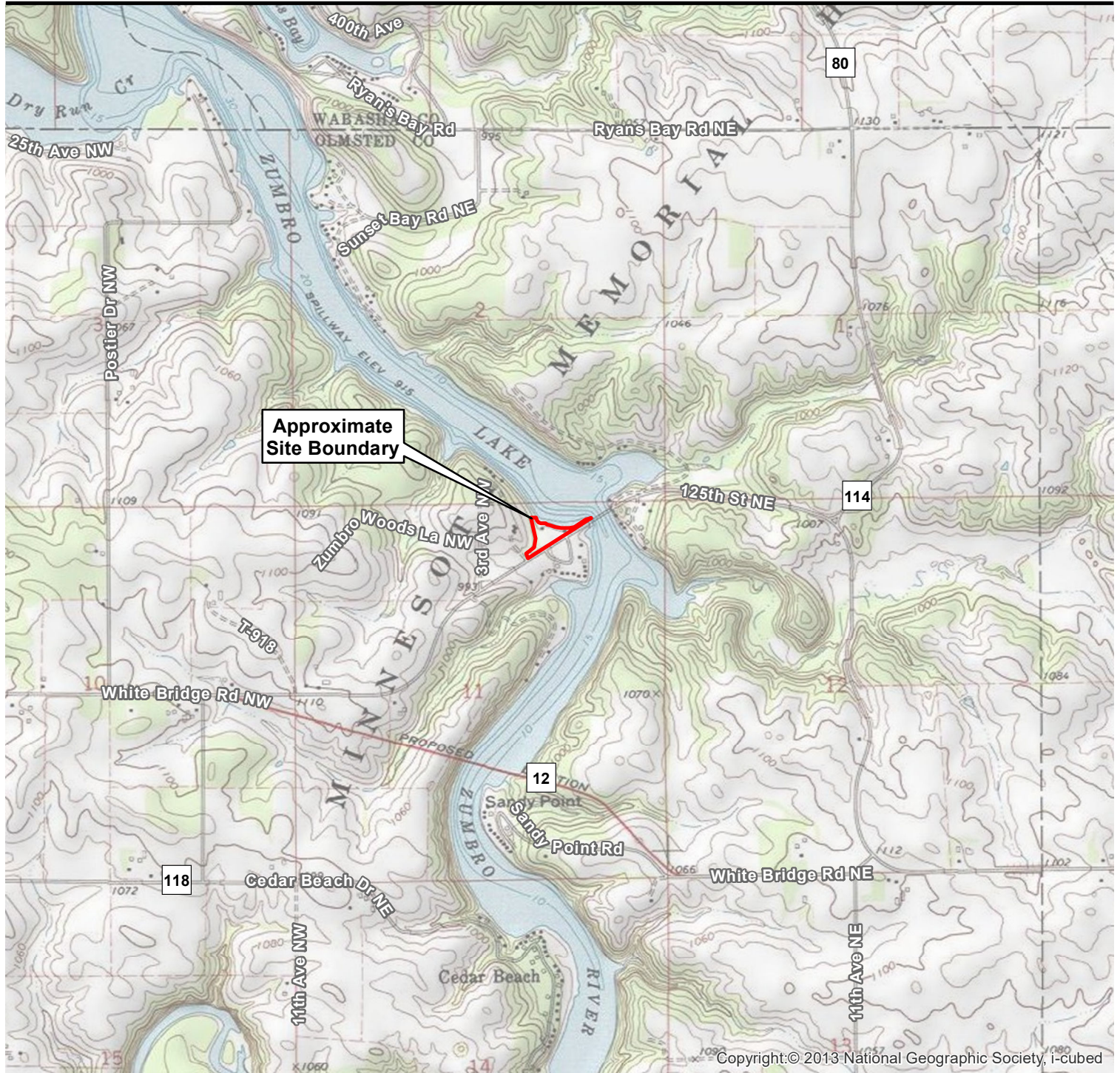
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Rochester, Minnesota

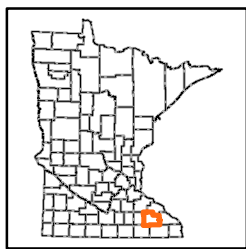
**Site Location Map**

Figure 1A





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Approximate Site Boundary



0 1,000 2,000  
Feet

1 inch = 2,000 feet

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Fisherman's Inn

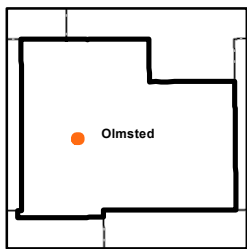
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Oronoco, Minnesota

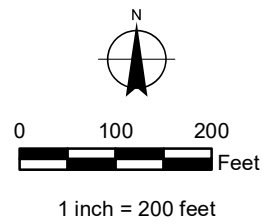
**Site Location Map**

Figure 1B





 Approximate Site Boundary



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Bierman House

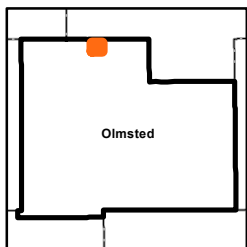
3730 Mayowood Road SW


Rochester, Minnesota

**Existing  
Conditions**

Figure 2A





 Approximate Site Boundary



0 100 200 Feet

1 inch = 200 feet

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Last Modified: 11/21/2019

Fisherman's Inn

8 Fisherman Dr NW

Oronoco, Minnesota

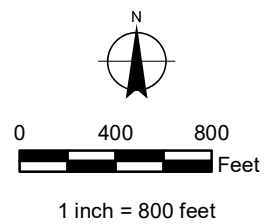
**Existing  
Conditions**

Figure 2B





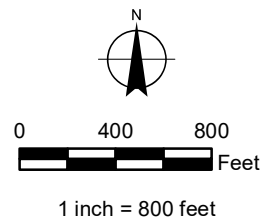
- Lake, Pond or Reservoir
- River or Stream
- Intermittent Water
- Half Mile Radius
- Approximate Site Boundary







- Lake, Pond or Reservoir
- Half Mile Radius
- Approximate Site Boundary



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Drawing No:  
 B1813120\_Fish3B

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 Date Drawn: 7/24/2018  
 Checked By: DD  
 Last Modified: 11/21/2019

Fisherman's Inn

8 Fisherman Dr NW

Oronoco, Minnesota

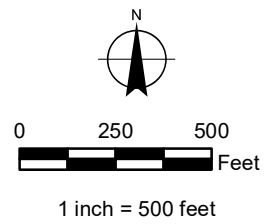
**Water Features**

Figure 3B





- Emergent
- Forested
- Scrub-Shrub
- Unconsolidated Bottom (Open Water)
- Quarter Mile Radius
- Approximate Site Boundary



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Last Modified: 11/26/2019

Biermann House

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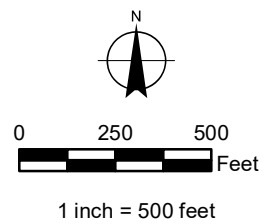
**National  
Wetlands  
Inventory**

Figure 4A





- Emergent
- Forested
- Unconsolidated Bottom (Open Water)
- Quarter Mile Radius
- Approximate Site Boundary



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Fisherman's Inn

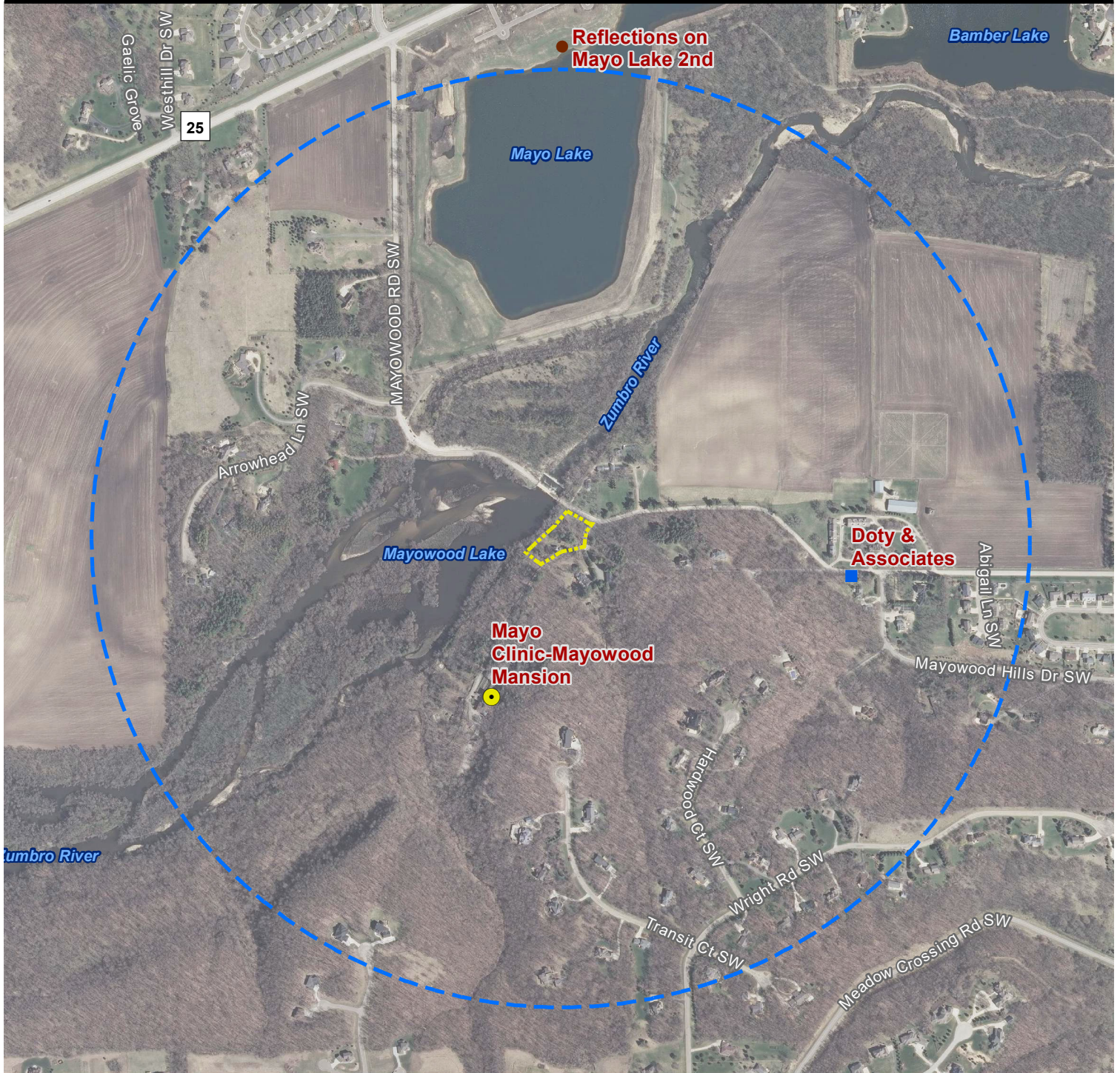
8 Fisherman Dr NW

Oronoco, Minnesota

**National  
Wetlands  
Inventory**

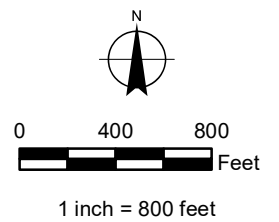
Figure 4B





Program Name

- Multiple Programs
- Air Quality
- Environmental Review
- Feedlots
- Hazardous Waste
- Investigation and Cleanup
- Pollution Prevention
- Solid Waste
- Stormwater
- ▲ SSTS
- ▲ Tanks
- ▲ Water Quality
- Half Mile Radius
- Approximate Site Boundary



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Last Modified: 11/26/2019

Biermann House

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Rochester, Minnesota

**MPCA**  
**What's in My  
Neighborhood**

Figure 5A



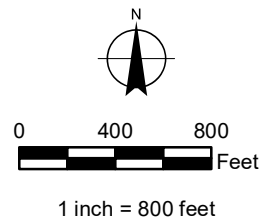


Program Name

- Multiple Programs
- Air Quality
- Environmental Review
- Feedlots
- Hazardous Waste
- Investigation and Cleanup
- Pollution Prevention
- Solid Waste
- Stormwater
- ▲ SSTS
- ▲ Tanks
- ▲ Water Quality

- ⬡ Half Mile Radius
- ⬡ Approximate Site Boundary

NOTE: No MPCA What's In My Neighborhood Locations are located within the Study Area



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Project No:  
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Drawing No:  
 B1813120\_Fish5B

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Fisherman's Inn

8 Fisherman Dr NW

Oronoco, Minnesota

**MPCA**  
**What's in My**  
**Neighborhood**

Figure 5B

**Appendix A**  
**IPAC USFWS Protected Species List**



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office  
4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

July 16, 2019

Consultation Code: 03E19000-2019-SLI-1364

Event Code: 03E19000-2019-E-03669

Project Name: Biermann House

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area the area that is likely to be affected by your proposed project. The list also includes any designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat. Agencies must confer under section 7(a)(4) if any proposed action is likely to jeopardize species proposed for listing as endangered or threatened or likely to adversely modify any proposed critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/>



[s7process/index.html](#). This website contains step-by-step instructions that will help you determine if your project will have an adverse effect on listed species or critical habitat and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

4101 American Blvd E

Bloomington, MN 55425-1665

(952) 252-0092

---

## Project Summary

Consultation Code: 03E19000-2019-SLI-1364

Event Code: 03E19000-2019-E-03669

Project Name: Biermann House

Project Type: LAND - ACQUISITION

Project Description: Environmental Assessment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.993468647796064N92.5202056087929W>



Counties: Olmsted, MN

---

## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Flowering Plants

NAME	STATUS
Leedy's Roseroot <i>Rhodiola integrifolia ssp. leedyi</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/285">https://ecos.fws.gov/ecp/species/285</a>	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4458">https://ecos.fws.gov/ecp/species/4458</a>	Threatened

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Oct 15 to Aug 31

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NAME	BREEDING SEASON
<b>Bobolink <i>Dolichonyx oryzivorus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
<b>Dunlin <i>Calidris alpina arctica</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Semipalmated Sandpiper <i>Calidris pusilla</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see

below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

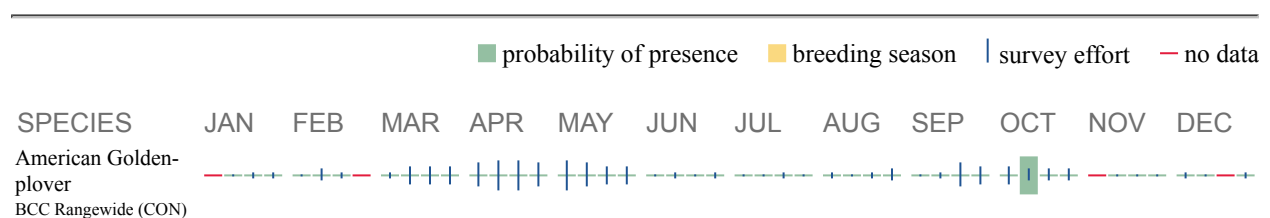
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

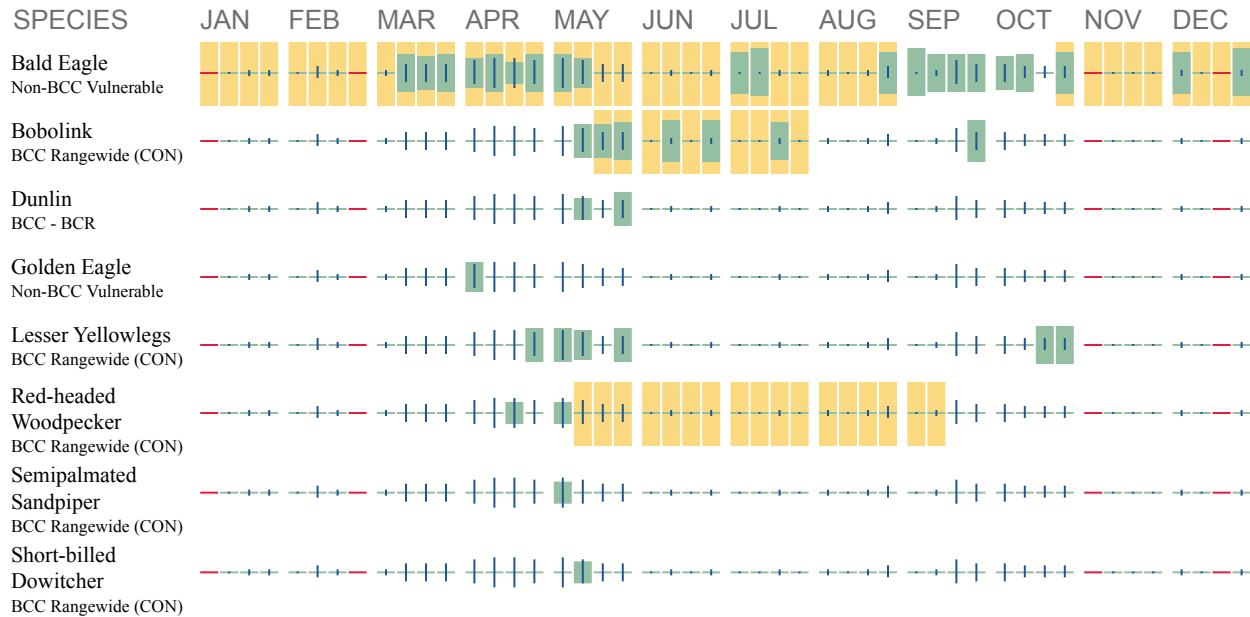
### No Data (-)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
  2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
-



3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell

me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

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# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office  
4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

July 16, 2019

Consultation Code: 03E19000-2019-SLI-1365

Event Code: 03E19000-2019-E-03671

Project Name: Fisherman's Inn

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area the area that is likely to be affected by your proposed project. The list also includes any designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat. Agencies must confer under section 7(a)(4) if any proposed action is likely to jeopardize species proposed for listing as endangered or threatened or likely to adversely modify any proposed critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/>

[s7process/index.html](#). This website contains step-by-step instructions that will help you determine if your project will have an adverse effect on listed species or critical habitat and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

4101 American Blvd E

Bloomington, MN 55425-1665

(952) 252-0092

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## Project Summary

Consultation Code: 03E19000-2019-SLI-1365

Event Code: 03E19000-2019-E-03671

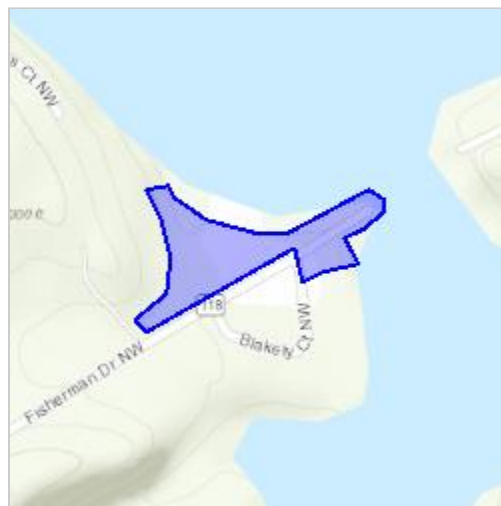
Project Name: Fisherman's Inn

Project Type: LAND - ACQUISITION

Project Description: Environmental Assessment

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/44.17875696745792N92.46483505982654W>



Counties: Olmsted, MN

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## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Flowering Plants

NAME	STATUS
Leedy's Roseroot <i>Rhodiola integrifolia ssp. leedyi</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/285">https://ecos.fws.gov/ecp/species/285</a>	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4458">https://ecos.fws.gov/ecp/species/4458</a>	Threatened

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a></p>	Breeds Oct 15 to Aug 31
<p><b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p><a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a></p>	Breeds May 15 to Oct 10

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NAME	BREEDING SEASON
Least Bittern <i>Ixobrychus exilis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/6175">https://ecos.fws.gov/ecp/species/6175</a>	Breeds Aug 16 to Oct 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
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3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

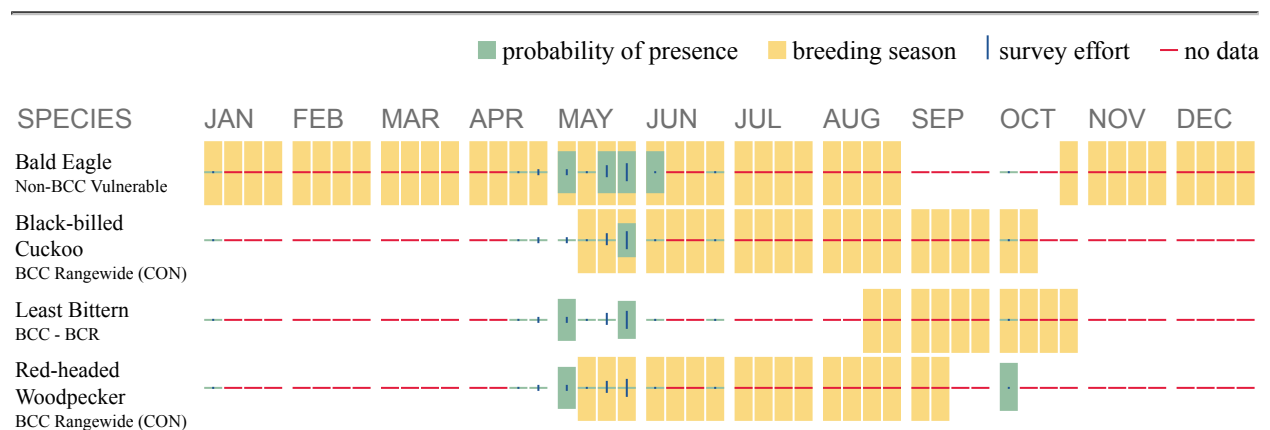
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### No Data (-)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

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## Migratory Birds FAQ

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2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location?". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that

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overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

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**Appendix B**  
**MnDNR NHIS Response**



Minnesota Department of Natural Resources  
Division of Ecological & Water Resources  
500 Lafayette Road, Box 25  
St. Paul, MN 55155-4025

February 22, 2019

**Correspondence # ERDB 20190252**

Mr. Ben Ruhme  
Braun Intertec Corporation  
11001 Hampshire Avenue South  
Minneapolis, MN 55438

RE: Natural Heritage Review of the proposed Biermann House,  
T106N R14W Section 8; Olmsted County

Dear Mr. Ruhme,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please visit the [Rare Species Guide Website](#) for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following rare features may be adversely affected by the proposed project:

#### *Ecologically Significant Areas*

- The Minnesota Biological Survey (MBS) has identified a Site of *High* Biodiversity Significance within T106N R14W Section 8. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as *High* contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes.

This Site contains the following DNR Native Plant Communities adjacent to the proposed project: Elm - Ash - Basswood Terrace Forest, considered imperiled in Minnesota; and Southern Dry-Mesic Oak Forest, considered between vulnerable to extirpation and apparently secure in Minnesota. (GIS shapefiles of MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be downloaded from the [MN Geospatial Commons](#).)

Given the ecological significance of this Site, indirect impacts from surface runoff or the spread of invasive species should be considered and minimized during project construction and operation. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- Do not place spoil within MBS Sites or other sensitive areas;

- Use effective erosion prevention and sediment control measures;
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species;
- As much as possible, operate within already-disturbed areas;
- If possible, conduct the work under frozen ground conditions;
- Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible; and
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern are birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas.

### *State-listed Species*

- Several state-listed fish and mussels have been documented in the Zumbro River and the Mayowood Lake in the vicinity of the proposed project. As these rare species are vulnerable to deterioration in water quality, especially increased siltation, effective erosion prevention and sediment control practices must be implemented and maintained throughout the duration of the project.

### *Environmental Review and Permitting*

- Please include a copy of this letter in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your [DNR Regional Environmental Assessment Ecologist](#) to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.



Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

A handwritten signature in black ink that reads "Samantha Bump". The signature is written in a cursive, flowing style.

Samantha Bump  
Natural Heritage Review Specialist  
[Samantha.Bump@state.mn.us](mailto:Samantha.Bump@state.mn.us)

Links: MBS Sites of Biodiversity Significance  
[http://www.dnr.state.mn.us/eco/mcbs/biodiversity\\_guidelines.html](http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html)  
DNR Native Plant Communities  
<http://www.dnr.state.mn.us/npc/index.html>  
MN Geospatial Commons  
<https://gisdata.mn.gov/>  
Rare Species Guide  
<http://www.dnr.state.mn.us/rsg/index.html>  
DNR Regional Environmental Assessment Ecologist Contact Info  
[http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)

Cc: Becky Horton



Minnesota Department of Natural Resources  
Division of Ecological & Water Resources  
500 Lafayette Road, Box 25  
St. Paul, MN 55155-4025

September 24, 2019  
Correspondence # ERDB 20190252-0002

Mr. Ben Ruhme  
Braun Intertec  
11001 Hampshire Avenue South  
Minneapolis, MN 55438

RE: Natural Heritage Review of the proposed Biermann House - Fishermann's Inn,  
T108N R14W Section 11; Olmstead County

Dear Mr. Ruhme,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please visit the [Rare Species Guide Website](#) for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following rare features may be adversely affected by the proposed project:

- Fluted shell (*Lasmigona costata*), a state-listed threatened mussel species, was documented in the Middle Fork of the Zumbro River, upstream from the proposed project. Provided there is an existing boat launch and only minor modifications will be needed, a survey is not required. If plans change, please contact me as further action may be needed. It is important effective erosion prevention and sediment control practices must be implemented and maintained near the river throughout the duration of the project and incorporated into any stormwater management plan.
- Please include a copy of this letter in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no

records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your [DNR Regional Environmental Assessment Ecologist](#) to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Samantha Bump  
Natural Heritage Review Specialist  
[Samantha.Bump@state.mn.us](mailto:Samantha.Bump@state.mn.us)

Links: Rare Species Guide  
<http://www.dnr.state.mn.us/rsg/index.html>  
DNR Regional Environmental Assessment Ecologist Contact Info  
[http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)

Cc: Leslie Parris