



## United States Department of the Interior

### NATIONAL PARK SERVICE

Interior Regions 3, 4, 5  
601 Riverfront Drive  
Omaha, NE 68102



### FINDING OF NO SIGNIFICANT IMPACT

**Biermann House  
Environmental Assessment  
Olmsted County, Rochester, Minnesota**

**September 2021**

This Finding of No Significant Impacts (FONSI) documents the decision of the National Park Service (NPS) to approve a Land and Water Conservation Fund (LWCF) partial conversion. The County of Olmsted (County), through the Minnesota Department of Natural Resources (MNDNR) (State), proposes to remove the federal Land and Water Conservation Fund Act public outdoor recreation use restriction, now codified at 54 U.S.C. § 200305(f)(3) (referred to as Section 6(f)(3)) from one (1) parcel located within Olmsted County, pursuant to the LWCF conversion regulations at 36 C.F.R. § 59.3. The proposal will remove the LWCF Section 6(f)(3) public outdoor recreation use restrictions from a 1.3-acre parcel within an 80-acre boundary of Mayowood Corridor in Olmsted County, Minnesota. This action will also establish a 2.92-acre property (the Replacement Site) that currently consists of the Fisherman's Inn Restaurant, parking lot, and private boat launch, which is located adjacent to White Bridge Pier Park. Acquisition of a replacement site is required under the LCWF program.

The initial LWCF grant to Olmsted County in 1979, grant number 27-01021, was to acquire land for outdoor recreation purposes, specifically for a trail corridor. The 1.31-acre parcel acquired is primarily wooded land; it is also the site of the National Register of Historic Places-listed Adolph Biermann House (Biermann House). The State and County accepted the terms of the grant agreement with full knowledge that the terms included maintaining the area for public outdoor recreation purposes, unless otherwise approved by the Secretary of the U.S. Department of the Interior (DOI), as delegated to the NPS, through the LWCF program conversion process. 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.

Per 36 C.F.R. §800.16(y), the federal undertaking is removing LWCF responsibilities from 1.31 acres of land including the Adolph Biermann House, an administrative action, and replacing with 2.92 acres of land adjacent to White Bridge Pier Park. The removal of LWCF from the Biermann House property will allow the property to be transferred to private ownership and used for non-recreational purposes.

INTERIOR REGION 3, 4, 5 – GREAT LAKES, MISSISSIPPI BASIN, MISSOURI BASIN

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ARKANSAS, ILLINOIS, INDIANA, IOWA, KANSAS, MICHIGAN, MINNESOTA, MISSOURI,  
NEBRASKA, NORTH DAKOTA, OHIO, SOUTH DAKOTA, WISCONSIN

The county prepared an Environmental Assessment (EA) dated January 2020 to document and analyze the potential effects of its decision to partially convert out the 1.31-acre Biermann House parcel and replace it with the 2.92-acre Fisherman's Inn Restaurant parcel adjacent to the existing White Bridge Pier Park. The selected alternative is to transfer the Biermann House Site to private ownership for rehabilitation, and in turn, the EA also analyzed the environmental impacts associated with encumbering the 2.92-acre replacement parcel as part of the selected alternative.

The NPS LWCF program has determined that no significant environmental effects will result in this action as transferring the Biermann House to private ownership is an administrative action that poses little environmental impacts, and the environmental impacts at the replacement site will be minor and temporary only during site development. The LWCF program has independently reviewed the developed EA and determined it meets all NEPA requirements applicable to the NPS. This FONSI will be made available to the public once it is signed.

## **LWCF CONVERSION REQUIREMENTS**

In 1965, Congress signed the Land and Water Conservation Fund Act into law (now codified at 54 U.S.C. §200305) for the purpose of establishing and protecting a public outdoor recreation estate for the health and vitality of the American people and our visitors. The program is administered in partnership with the States. Each State, U.S. Territory, and the District of Columbia has a designated lead agency and governor-appointed State Liaison Officer (SLO) who is delegated authority to administer the program on behalf of the State and their alternate. In Minnesota, the governor appointed LWCF SLO is the Director of the Parks and Trails Division Department of Natural Resources.

According to the LWCF Act, no property acquired or developed with assistance under Section 6(f)(3) shall, without the approval of the Secretary of the DOI (delegated to the NPS), be converted to other than public outdoor recreation uses. An LWCF conversion is triggered when a private and/or non-recreation use permanently occurs on LWCF Section 6(f)(3) public outdoor recreation use restricted property.

The LWCF State Assistance Program Federal Financial Assistance Manual of 2021, Volume 71 (LWCF Manual), in Chapter 8.F, addresses situations that trigger a conversion, the pre-requisites, the requirements prior to the NPS approval and the State's responsibility. In the case of a conversion of parkland, a conversion proposal must be submitted by the State to the NPS for review and approval.

The scope of the NPS review is limited to the removal of the public outdoor recreation use restrictions on the Biermann House parcel, and eligibility of the proposed replacement property, Fisherman's Inn parcel, to meet the criteria in 36 C.F.R. § 59.3

## **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 over the past two decades through mismanagement and improper maintenance. The building has not been occupied since 1999 and in its current state the house is 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 Mayowood 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 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. 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.

## **ALTERNATIVES CONSIDERED**

Described below are the alternatives considered in the EA: no action, the preferred alternative, and a non-preferred alternative.

**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.

**Proposed (Selected) Alternative** – 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 Zumbro Lake which lacks a public access within the County, and which was newly dredged in 2019. Transfer of the Biermann House 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.

**Alternative No Longer Considered** – 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 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.

## **SELECTED ALTERNATIVE**

Based on the analysis presented in the EA, the NPS has selected the Proposed Action Alternative for approval. This LWCF action, transferring the Biermann House parcel to private ownership and replacing with the Fisherman's Inn parcel would be completed administratively for the Biermann House site and the development of the Fisherman's Inn site would be completed within 3 years of conversion approval. The EA presented analysis on the affected environment and environmental impacts of the proposed action alternative, and is summarized as follows:

**Geological Resources:** The existing topography and geologic resources at the Biermann House property are typical for similar properties in the geographic area. No significant regrading, fill placement, excavation or other work is planned as part of converting out the Biermann House Site. The existing topography and geologic resources at the Fisherman's Inn Site are typical for similar properties in the area and include being adjacent to a lake (Zumbro Lake). Minor earthwork will likely occur during development of the replacement site as landscaping improvements and installation of signs are proposed. No significant impacts to the soils or geologic features present are anticipated at both the converted and replacement site.

**Air Quality:** Currently the 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 Site 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. The proposed project is not anticipated to have a major impact on air quality.

**Sound (noise levels):** An administrative action of transferring the converted property to private ownership will not cause noise impacts. Noise will be generated by equipment during development of the replacement property. To offset construction noise, construction activities will be limited to daylight hours. There will be no long-term noise impacts from the selected alternative.

**Water Quality:** No surface waters are present within the Biermann House property area. The closest body of water to the Biermann House is Mayowood Lake, directly west. The site is located in an area with a 0.2% chance of annual flooding, according to current FEMA flood hazard maps. The nearest body of water to the Fisherman's Inn Site is Zumbro Lake, and it forms the northern and eastern boundary of the property. Zumbro Lake is on the Minnesota Pollution Control Agency's 2018 Impaired Waters List for mercury in fish tissue and eutrophic/nutrient biological indicators. The St. Peter-Prairie Du Chien-Jordan aquifer is the primary groundwater source at both the Biermann House and Fisherman's Inn sites, but there are no records of current groundwater wells at either site. The Biermann House has a spring located on the east of the house and the property is located within a Minnesota Department of Health (MDH) wellhead protection and drinking water supply management area. The Fisherman's Inn Site is not located in a designated wellhead protection and drinking water supply management area.

**Stream Flow Characteristics:** No streams are present on or adjacent to either the Biermann House Site or Fisherman's Inn Site. Zumbro Lake, which is an impoundment of the Zumbro River, is adjacent to the Fisherman's Inn Site. The proposed action will not alter or be affected by flow of the Zumbro River. No streams are anticipated to be impacted by the proposed project.

**Marine/Estuarine:** No marine or estuarine features are present in either the Biermann House Site or the Fisherman's Inn Site.

**Floodplains/Wetlands:** The Biermann House Site is not located within a floodplain, according to the FEMA flood insurance map. There is a 3.64-acre wetland adjacent to the Biermann House Site as part of Mayowood Lake. The Fisherman's Inn Site is located within the floodplain of Zumbro Lake, and according to the FEMA flood insurance map, the lowest elevations of the site are within the 100-year floodplain and subject to flooding on a 1 percent annual chance. The Fisherman's Inn Site has wetlands onsite associated with Zumbro Lake, mapped as a Minnesota Department of Natural Resources public water basin, and contains a public water course.

**Land Use/Ownership Patterns; Property Values; Community Livability:** The action will involve transferring ownership of the Bierman House 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 this project. The Fisherman's Inn 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.

**Circulation & Transportation:** There are no circulation or transportation features at the Bierman House Site. There is an existing parking lot at the Fisherman's Inn Site, which will remain in place to be utilized with the boat launch. The action will transfer ownership of the Biermann House 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.

**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 Biermann House 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 birds 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.

**Unique Ecosystems:** A 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 Biermann House property, Elm/Ash/Basswood Terrace Forest and Southern Dry- Mesic Oak Forest. No sites of High Biodiversity Significance or rare native plant communities were identified within the vicinity of the Fisherman's Inn site.



**Unique or Important Wildlife/Habitat:** Neither the Biermann House nor Fisherman's Inn Sites provide unique habitat or support populations of rare animal species.

**Unique or Important Fish/Habitat:** The Biermann House Site does not provide unique or important fish habitat. State protected mussel species are documented in the Middle Fork of the Zumbro River upstream from Zumbro Lake at the Fisherman's Inn Site. Transfer of the Biermann House property from public to private ownership will not affect waterbodies and the habitat for aquatic organisms. Sediment from the action at the Fisherman's Inn Site will be controlled using best management practices (BMPs) as needed to prevent runoff and potential impacts to Zumbro Lake.

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

**Recreation Resources:** The action will not impact recreation at the Biermann House Site as it is currently a vacant house, and the property is not open to the public. The Replacement Site has a private boat launch which the county plans to open to the public. The existing parking area will remain for boat trailer and park use. Olmsted County plans to work jointly with the MNDNR to open the county's first public boat access to Zumbro Lake. The acquisition of the Fisherman's Inn Site will provide additional beneficial recreational resources to Olmsted County by extending the existing county-owned White Bridge Pier Park.

**Accessibility:** An administrative action of transferring the converted property to private ownership will not cause accessibility impacts. The parking lot at the Fisherman's Inn Site is expected to accommodate a boat trailer and parking associated with new park uses. Accessibility will be increased at the Fisherman's Inn Site by the launch being opened to the public. Any future renovations or improvements to the Replacement Site will meet ADA requirements.

**Overall Aesthetics:** An administrative action of transferring the converted property to private ownership will not cause aesthetic impacts. The restaurant at the Fisherman's Inn Site will be demolished. The changes to the Fisherman's Inn Site will minimally affect views of Zumbro Lake.

**Cultural and Historic Resources:** Conversion of the public resource to private ownership under the LCWF is a federal action, and the Biermann House is on the National Register of Historic Places, listed in 1982 as a contributing party within the Mayowood Historic District. 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 exemplifies the evolution of the area during the time of several generations of Mayo family residents. No architecture/history resources were identified within the Fisherman's Inn Site project area. A review of Minnesota State Historic Preservation Office (MNSHPO) files indicates that there are no architecture/history properties listed in or identified as eligible for the National Register of Historic Places in the vicinity of the Fisherman's Inn Site.

**Socioeconomics:** There are no current socioeconomic impacts at either the Biermann House Site or the Fisherman's Inn Site. 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 Fisherman's Inn Site is adjacent to White Bridge Fishing Pier Park, the expansion of the park to the Replacement Site to open a public boat launch is not expected to affect the socioeconomics of the area.

**Minority and Low-Income Populations:** Data was not provided in the EA to identify the current population demographics at either the Biermann House Site or the Fisherman's Inn Site. The action at both the Biermann House Site and Fisherman's Inn Site is not expected to have impacts on minority and low-income populations.

**Energy Resources:** Energy use at the Biermann House Site is consistent with an unoccupied residential unit. Energy use at the Fisherman's Inn Site is consistent with a commercial facility. The action could result in a slight increase in energy use consistent with residential use at the Biermann House Site, as the home is currently vacant. A decrease in energy use at the Fisherman's Inn 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.

**Other Agency or Tribal Land Use:** The Biermann House and Fisherman's Inn Site are not located within tribal lands. No impact to tribal land use or other agency use is expected at either the Biermann House Site or Fisherman's Inn Site.

**History of Contamination/Hazardous Materials:** There is no history of contamination or hazardous materials at either the Biermann House Site or the Fisherman's Inn Site. During any future renovation of the Biermann House, if hazardous building materials (such as asbestos or lead based paint) are encountered or removed, Environmental Protection Agency (EPA) and MDH guidelines and regulations for safe handling, removal, and disposal should be observed. During demolition of the buildings or construction activities at the Fisherman's Inn Site, if hazardous building materials are encountered or removed, EPA and MDH guidelines and regulations for safe handling, removal, and disposal will be observed.

## **ENVIRONMENTAL IMPACTS**

Based on the analysis in the EA, this partial conversion action will have short term impacts during construction of the Fisherman's Inn Site. Several of the BMPs will reduce or minimize impacts to resources. In other instances, the short-term impacts were considered minor, or the resource was not present; therefore, further analysis was unwarranted. The EA includes Resources Considered for Analysis, which provides rationale for not analyzing the following resources in more detail: geologic resources, air quality, sound/noise impacts, stream flow characteristics, marine/estuarine, circulation/transportation, unique or important wildlife/habitat, unique or important fish/habitat, recreation resources, accessibility, overall aesthetics, socioeconomics, minority and low-income populations, energy resources, other agency or tribal land use, and history of contamination/hazardous materials. The EA identified the following resources or uses that may be affected that warranted additional analysis, and are summarized with information directly from the EA below. The LWCF program provides rationale for water



quality, floodplains/wetlands, land use/ownership patterns/property values/community livability, living resources, unique ecosystems, invasive species, and cultural and historic resources as it relates to the LWCF Act, regulations, and program policy. The most important resource for this program is recreation.

**Water Quality:** While Mayowood Lake is directly west of the Biermann House 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 action, 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 BMPs (silt fencing, bio logs etc.) will be implemented as required. The proposed project is not expected to be impacted by or increase the potential for flooding in the area. Groundwater at either site is not anticipated to be adversely impacted. While no groundwater wells are registered within either project area, any groundwater wells discovered during work activities will be evaluated, and if necessary sealed and properly abandoned by a licensed groundwater well contractor in accordance with MDH regulations. If a new groundwater well is needed to supply water to the restored Biermann House, the groundwater well will be drilled and installed by a licensed groundwater well contractor. 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.

**Floodplains/Wetlands:** The wetland adjacent to the Biermann House Site is not within the Site boundary and is 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 BMPs including, silt fences and bio logs, will be evaluated and implemented as needed. 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 Zumbro Lake. The Fisherman's Inn 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.

**Land Use/Ownership Patterns; Property Values; Community Livability:** Property values near the Bierman House Site are not expected to be impacted, as the Site will remain residential. Property values at the Fisherman's Inn Site are not expected to increase as White Bridge Fishing Pier Park is already present and the partial conversion will extend the current park property and offerings.

**Living Resources:** 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. 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; the Northern Long-Eared Bat, Leedy's Roseroot, and Prairie Bush Clover. The 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. 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 or Prairie Bush Clover. There are several State monitored native plant species at the Biermann House Site and aquatic organisms present or potentially present at the Fisherman's Inn Site. None of these species are protected by federal law but are tracked and monitored by the MNDNR. No alteration to plant communities will result from the partial conversion from public to private ownership at the Biermann House, so there will be no effect to these tracked resources. The action will not affect water quality or aquatic habitats at either Site. Therefore, no impacts to state protected fish or mussels will occur.

**Unique Ecosystems:** The administrative action of transferring ownership is not expected to impact the resources at the Biermann House. To ensure the protection of resources, erosion prevention and sediment controls will be utilized as necessary at the Fisherman's Inn Site.

**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, and no planting of species that are known to invade natural areas as part of the proposed project's landscaping.

**Cultural and Historic Resources:** Transfer of the Biermann House 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. As 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 required a 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. Through detailed correspondence with the MNSHPO, MNDNR, and NPS, a final determination of No Adverse Effect has been designated for this action. After the removal of the federally protected boundary from the Biermann House, Olmsted County will continue to consult with the MNSHPO under State and local historic property protection laws to mitigate any potential adverse effects to the Biermann House / Mayowood Historic District under State historic preservation laws. Olmsted County has provided formal correspondence reiterating their commitment to continue consultation with the MNSHPO and any interested parties, in accordance with state statutes, prior to any modification to the property, disposition of the property, or change in land use. 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. At the Fisherman's Inn Site, the project will have no direct or visual impact upon any architectural or historic resources.

## **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT**

After considering the environmental consequences described in the EA, the NPS has determined that the selected alternative and its associated actions will not have a significant effect on the quality of the human environment considering the potentially affected environment and degree of effects of the action (40 CFR 1501.3(b)(7)). Thus, an environmental impact statement will not be prepared. This finding is based on the following:

- The potentially affected environment under the selected action does not include adverse effects to unique or special resources, historic properties, rare, threatened or endangered species, or other areas with special status. The project area includes transferring out of federally protected land a National Register of Historic Places designated Biermann House, a part of the Mayowood Historic District. As stated above, the transfer from public to private ownership of this historic structure has the potential to cause an adverse effect, however through detailed consultation, Olmsted County will continue coordinating with the State Historic Preservation Office in Minnesota and follow state historic protection laws moving forward, thus leading the consulting parties in this process to agree on a no adverse effect determination.
- The selected alternative will not result in impacts with a large degree of effect. The selected action does not have meaningful impacts on any other environmental resources. The NPS believes that on balance the effect will be beneficial. Finally, the effects of the selected alternative are generally known and there is not conflicting science or information regarding the scientific impacts of the selected action.
- The selected alternative will not adversely affect public health or safety. Industry standard construction safety requirements will be followed, and formal development of the Fisherman's Inn replacement site as a recreational area will provide standardized public access to a local body of water where there was none previously.
- The selected alternative will not violate federal, state, or local laws or requirements for the protection of the environment.

## **AGENCY COORDINATION**

### **National Historic Preservation Act, Section 106 Coordination**

Consultation has occurred between NPS, MNDNR, Olmsted County, New History Consultants and the MNSHPO. The general timeline of consultation can be summarized as follows:

- MNDNR initial letter to MNSHPO with attachments, March 30, 2020 (attachments included SHPO Review Form for the Biermann property, SHPO Review Form for the Fisherman's Inn / White Bridge Pier Park – the Replacement Property, Environmental Assessment)
- MNSHPO Response Letter, June 10, 2020
- MNDNR Response Letter to MNSHPO with attachments, November 23, 2020 (Phase 1 Survey Information Biermann Property, Phase 1 Survey Information Fisherman's Pier Property)

- MNSHPO Response Letter, February 24, 2021
- A designation of no adverse effect was agreed upon on and submitted to the MNSHPO on July 26<sup>th</sup>, 2021 by the NPS

On December 29<sup>th</sup>, 2020, the NPS initiated government-to-government consultation to tribes that it was processing an application to convert out the Biermann House property and replace with the Fisherman's Inn property for development into outdoor recreation. The following tribes were notified: Flandreau Santee Sioux Tribe of South Dakota, Lower Sioux Indian Community, Prairie Island Indian Community, Santee Sioux Nation, Shakopee Mdewakanton Sioux Community of Minnesota, Sisseton Wahpeton Oyate of the Lake Traverse Reservation, Upper Sioux Community, and the Spirit Lake Tribe of North Dakota. The Shakopee Mdewakanton Sioux Community requested to keep them informed of the progress of this potential action. No other concerns were raised by affiliated tribal governments consulted on this project during the tribal consultation process. Coordination with tribes will continue throughout project implementation.

### **Threatened and Endangered Species Act**

The United States Fish and Wildlife Service was contacted on July 16<sup>th</sup>, 2019. The outcome indicated there are no critical habitats for plants or animals nor are there any important wildlife habitats within the project area.

### **PUBLIC INVOLVEMENT**

The "draft" EA was made available to the public for review and comment for 30 days, from November 2020 until December 2020. Olmsted County sent out a press release about the EA for the Biermann Parcel and the Fisherman's Inn site to local media and interested parties and posted the EA for public review on the County's website page devoted to the Biermann House parcel partial conversion. The County received written comments on the EA from the State Historic Preservation Office; no other comments were received. The MNSHPO comments were also posted on the County website for the public and any interested parties to review.

### **FINDING OF NO SIGNIFICANT IMPACT**

Based on the information provided in the EA and summarized above, the NPS has determined that implementation of the Selected Alternative is not a major federal action and does not require an Environmental Impact Statement (EIS). The Selected Alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or endangered species. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Therefore, in compliance with the National Environmental Policy Act, an EIS will not be prepared, and the selected project may be implemented immediately.

**Recommended by:**

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Roger A. Knowlton  
Chief, Recreation Grants  
State and Local Assistance Programs  
Interior Region 3, 4, & 5  
National Park Service

Date

**Reviewed by:**

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Robert Bryson, Ph.D., RPA  
Associate Regional Director  
Cultural Resources, LWCF & RTCA  
Interior Region 3, 4, 5  
National Park Service

Date

**Approved:**

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Herbert C. Frost, Ph.D.  
Regional Director  
Interior Region 3, 4 & 5  
National Park Service

Date