

**DRAFT**

**Environmental Impact Statement for the  
Grand Portage Land Port of Entry Modernization and  
Expansion Project  
Grand Portage, MN**

**Appendix A and Appendix B**



October 2024

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**APPENDIX A –  
PUBLIC COMMENTS SUMMARY REPORT**

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## ACRONYMS AND ABBREVIATIONS

CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	<i>Code of Federal Regulations</i>
EIS	Environmental Impact Statement
FR	<i>Federal Register</i>
GSA	General Services Administration
LPOE	Land Port of Entry
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOI	Notice of Intent
USC	United States Code

## APPENDIX A PUBLIC COMMENTS SUMMARY REPORT

### A.1 INTRODUCTION

The U.S. General Services Administration (GSA) Great Lakes Region (Region 5) has prepared an Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) Modernization and Expansion Project within the Grand Portage Reservation of the Grand Portage Band of Lake Superior Chippewa (herein referred to as the Grand Portage Band). The LPOE is a port of entry for vehicles and pedestrians crossing the U.S.-Canada border between Grand Portage and the town of Neebing, Ontario, Canada (see Figure A-1). The LPOE is operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). The purpose of the project is for GSA to support CBP's mission by modernizing and expanding the Grand Portage LPOE. The existing LPOE facilities and their configuration do not meet CBP's current needs and do not allow for expeditious and safe inspection of the traveling public. The LPOE facilities were constructed in the early 1960s, do not have the necessary usable square footage (USF) to satisfy the current Program of Requirements (POR), and are served by an inefficient road design (i.e., no outbound inspection). In addition, there have been operational challenges as a result of the deficient facilities during periods of high traffic volumes, as well as during weekends, holidays, and summer months (i.e., peak travel season). Wind turbine components from Canada are also periodically transported through the LPOE, and the current configuration requires a temporary shutdown of some lanes when this occurs. This can create delays and additional operational challenges for the LPOE.

GSA has prepared the EIS for the purpose of analyzing the potential environmental impacts resulting from the project and updates, including changes in existing conditions, in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [USC] 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 *Code of Federal Regulations* [CFR] 1500-1508), GSA Order ADM 1095.1F (*Environmental Consideration in Decision Making*), the GSA Public Building Service's *NEPA Desk Guide*, and other relevant federal and state laws and regulations. GSA is integrating the consultation processes required under Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act with the NEPA process. Potential adverse and beneficial effects on historic, biological, and other resources that may result from the project are disclosed in the EIS.

This Public Comment Summary Report summarizes GSA's public involvement activities and public comments for the EIS. The potential issues identified from the comments received during the public scoping period are summarized in Section A.2.3 of this report. GSA took these issues into consideration when defining the scope and areas of focus in the EIS. This appendix will be updated following publication of the Draft EIS to document public outreach activities and comments received during the Draft EIS public comment period.

This document also includes the following attachments:

- Attachment A: *Federal Register* Notices
- Attachment B: Newspaper Affidavits
- Attachment C: Letters to Interested Parties
- Attachment D: Advertising on Social Media
- Attachment E: Public Meeting Flier
- Attachment F: Press Release
- Attachment G: Index of Commenters by Source and Date

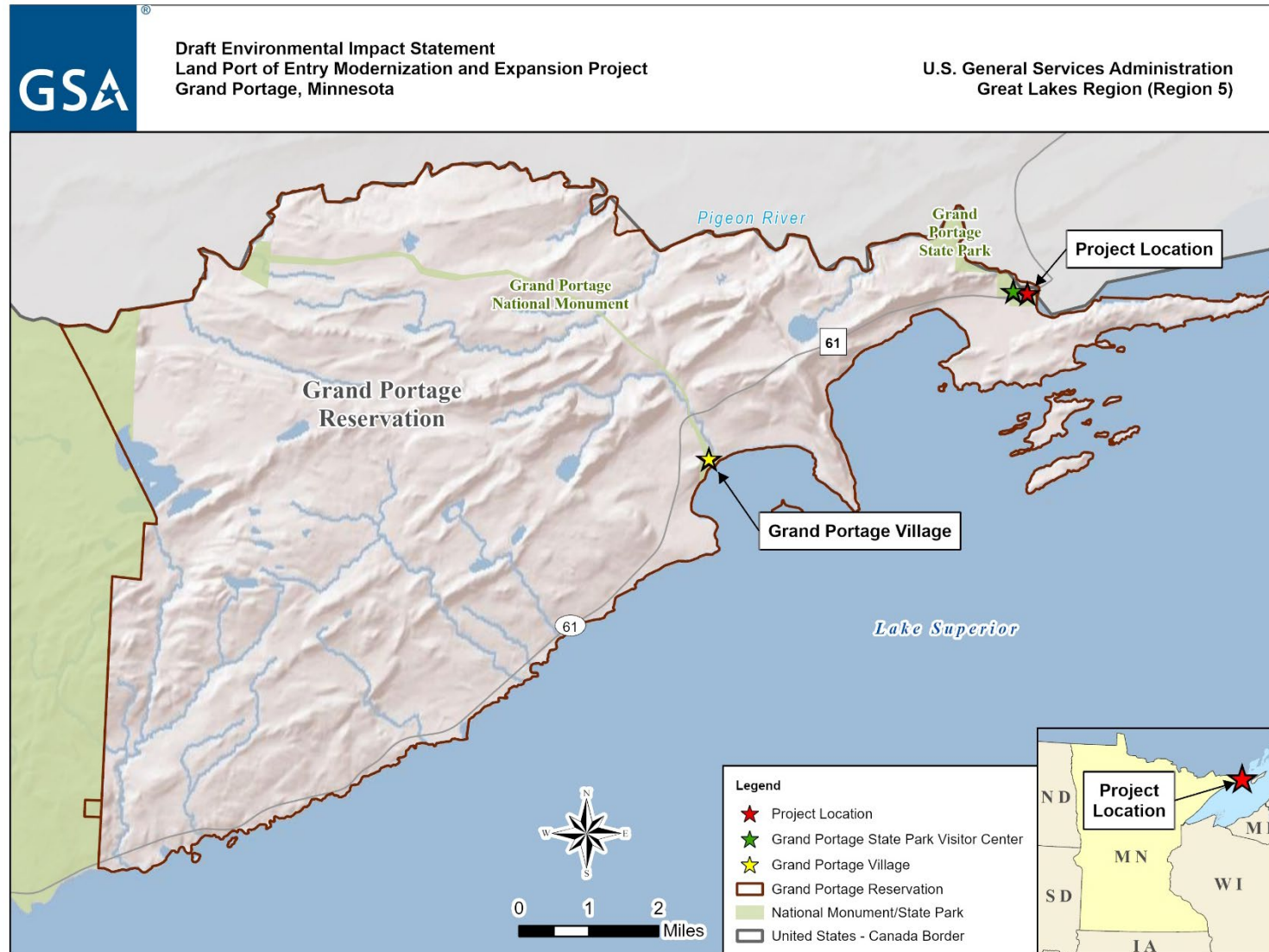


Figure A-1. General Location of the Grand Portage Land Port of Entry



## A.2 PROJECT SCOPING

Scoping is an early and open process for determining the scope of issues to be addressed and for identifying potential significant issues related to a proposed action. Internal scoping began with GSA and CBP staff identifying the purpose and need for the project, defining the proposed action, determining the environmental issues potentially required for detailed analysis, eliminating issues that are out of scope of the project, listing data needs, identifying cumulative actions, and confirming the appropriate NEPA path. External scoping began when the public and all interested stakeholders were notified about the proposed action and comments on the project and potential environmental issues were solicited.

### A.2.1 Notification of External Project Scoping

Notification of external project scoping for the Modernization and Expansion of the Grand Portage LPOE Draft EIS was accomplished using multiple channels of communication, including a Notice of Intent (NOI) in the *Federal Register*, newspaper advertisements, letters to interested parties/stakeholders, and social media posts:

- **Notice of Intent.** An NOI to prepare an EIS was published in the *Federal Register* on September 22, 2023. The NOI announced the date, time, and location of a hybrid virtual public scoping meeting and announced that public comments were requested to be received within 30 days, no later than October 22, 2023. The NOI also provided a brief description of the project and included instructions on how to submit a comment. The *Federal Register* NOI is included in Attachment A.
- **Newspapers Advertisements.** GSA published an advertisement in the *Cook County Herald* on September 30, 2023 to announce GSA's intent to prepare a Draft EIS for the project and to conduct a hybrid virtual public scoping meeting on October 5, 2023. The advertisement also provided a brief description of the project; identified the public scoping meeting time and location; detailed how to attend in-person and virtually; and included instructions on how to submit a comment. The advertisement requested that public comments be received before the closing of the scoping period, no later than October 22, 2023. An affidavit of publication for the newspaper advertisement is included in Attachment B.
- **Interested Parties Letter.** A letter dated September 22, 2023 was mailed to Tribal, federal, state, and local agencies; elected officials; and other interested parties. The letter provided background on the project, a description of the alternatives, scoping meeting details, and instructions on how to submit comments. A copy of the letter sent to interested parties is included in Attachment C.
- **Social Media and Online Announcements.** GSA posted announcements of the public scoping meeting on their social media accounts on September 26, 2023 and on the GSA project website: <https://www.gsa.gov/about-us/regions/region-5-great-lakes/region-5-newsroom/great-lakes-feature-stories-and-news-releases/gsa-to-host-public-scoping-meeting-for-grand-portage-lpoe-09262023>

Additionally, GSA coordinated with the Grand Portage Band to post an announcement of the meeting on September 27, 2023 to the Grand Portage Band Facebook account.

The social media posts briefly summarized GSA's intent to prepare a Draft EIS and conduct a scoping meeting; provided a brief description of the project; identified the public scoping meeting location and time; and included instructions on how to access the meeting and submit a comment. Screenshots of the social media postings can be found in Attachment D.

- **Public Fliers.** The Grand Portage Tribal Council distributed a flier throughout Grand Portage that identified the public scoping meeting location and time. A copy of the flier can be found in Attachment E.
- **Media Notification.** GSA published a press release of the public scoping meeting dated September 26, 2023. A screenshot of the press release can be found in Attachment F.

## A.2.2 Public Scoping Meeting

A hybrid virtual public meeting was held on Thursday, October 5, 2023, from 5:00 p.m. to 7:00 p.m. Central Time at the Grand Portage State Park Welcome Center at 9393 MN-61, Grand Portage, MN 55605. The public also had the opportunity to view the presentation virtually via the Zoom platform. Seven people attended the meeting in-person, and 11 people attended the meeting via Zoom. The purpose of the public scoping meeting was to provide the public with information regarding the proposed project, answer questions, identify concerns regarding the potential environmental impacts that may result from implementation of the proposed project, and gather information to determine the scope of issues to be addressed in the EIS.

The meeting began with a brief explanation of the meeting format and ground rules, followed by introductions and the presentation. Three GSA representatives spoke during the presentation. The presentation included discussions on: the purpose of the meeting; a brief discussion about the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA); past NEPA activities; the purpose and need for the project; project background and description of the alternatives; and how to provide scoping comments. Following the presentation, GSA conducted a public comment session where members of the public had an opportunity to provide comments or questions on the project. Three attendees provided verbal comments/questions from the in-person meeting location.

Additional meeting materials available at the in-person location included:

- Sign-in sheets;
- Comment forms; and
- A meeting handout (information on the project and NEPA process).

## A.2.3 Public Scoping Comments

GSA invited comments for scoping of this EIS during the scoping period (September 22, 2023 – October 22, 2023), including on the key topics that should be covered in the EIS; examples of potential adverse impacts from the proposed project; and any other additional, relevant information available. Comments were submitted to GSA during the scoping meeting (via Zoom or verbally at the in-person meeting location) and using comment forms, letters, and emails after the scoping meeting.

Comments were indexed based on the source or commenter. Commenters included federal, state, or local agencies (A), members of the public (P), or members of the Grand Portage Band (T). Each comment was cataloged with a code based on the source of the comment and the order in which it was received (e.g., P3 was the third comment received by a member of the public). A total of 11 unique commenters provided input during the scoping period. Attachment G includes an index of commenters by type (i.e., agency, public) and dates comments were received. Each concern or question associated with a commenter was categorized by comment category or resource area. Table A-1 provides a summary of the comments, GSA's response, and location in the EIS, if addressed.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Project Description	Expressed the importance of Anshinaabe culture, language, and imagery being with associated with the LPOE design.	Section 3.8.2.4 specifies that GSA will consult with the Grand Portage Band regarding tribal requirements for new building construction. In addition, the design for the LPOE would address the Grand Portage physical and cultural landscapes; history of the area, commerce, and significance of the LPOE; and local tribal community values and culture.
Project Description	Evaluate all reasonable alternatives, in line with the CEQ NEPA Regulations. Describe all elements of the proposed project and alternatives. Describe alternatives that were considered but dismissed and the reasons for their dismissal.	Section 2.1 describes the alternatives development process, Section 2.2 presents details related to the Proposed Action, and Section 2.3 summarizes alternatives that were considered but dismissed from further consideration within the EIS.
Project Description	Describe how the proposed project aligns with Grand Portage Band's and regional plans and policies.	Applicable tribal plans and ordinances are discussed where appropriate throughout the EIS.
Public Involvement	Question regarding availability of the scoping meeting presentation to the public.	GSA has made a copy of the presentation available through their website. <a href="https://www.gsa.gov/about-us/gsa-regions/region-5-great-lakes/buildings-and-facilities/minnesota/grand-portage-land-port-of-entry">https://www.gsa.gov/about-us/gsa-regions/region-5-great-lakes/buildings-and-facilities/minnesota/grand-portage-land-port-of-entry</a>
Public Involvement	Availability of received comments to everyone involved in the scoping process.	This appendix summarizes all comments received during the scoping period and will be updated during the Final EIS to reflect comments received during Draft EIS review.
Public Involvement	Concern about lack of community members at scoping meeting. Requests GSA comes back and holds other consultation meetings to ensure all community members get an opportunity to ask questions.	GSA will only hold one public scoping meeting, but will accept public comments throughout the 30-day scoping period. An additional public meeting and comment period will be held for the Draft EIS. Prior to the next public comment period, GSA will engage closely with the Grand Portage Tribal Council on best practices for providing public notification, including direct mailings to all tribal members.
Purpose and Need	Identify, and then substantiate, the purpose and need for the proposed project.	Section 1.2 presents the purpose of and need for the Proposed Action.

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Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Sustainability	Recommends achieving Leadership in Energy & Environmental Design (LEED) certification at the platinum level (or design for net-zero energy usage) for all new buildings associated with the project. At a minimum, EPA encourages GSA to commit to analyze the strengths and feasibility of these strategies.	Section 2.2 of the EIS states that the modernized and expanded LPOE would be designed to achieve a minimum of LEED Gold-level certification.
Sustainability	Recommends ensuring areas around all new buildings associated with the project which are not planned for operations be considered for conversion to native habitats, increasing the area which can be beneficially used for wildlife, stormwater infiltration or detention, and aesthetics, among other functions.	Section 3.4.2.4 of the EIS discusses impact reduction measures related to biological resources, including revegetation of areas disturbed during construction with native seed mixes.
Sustainability	Discuss to what extent GSA will require energy efficiency measures, greenhouse gas reductions, and other sustainability measures, per Executive Order 13693.	Section 3.5.2.5 of the EIS summarizes impact reduction measures that the GSA would consider to reduce GHG emissions, including methods to improve energy efficiency.
Sustainability	Recommends incorporating electric vehicle charging stations in new parking areas and designating priority parking spots for carpools and low emission vehicles.	Section 2.2.3 of the EIS describes the renewable energy technologies GSA is considering incorporating into the design of the modernized and expanded Grand Portage LPOE. This includes the proposal for four electric vehicle charging stations (two for government-owned vehicles and two for privately owned vehicles)
Sustainability	Utilize applicable practices from EPA's Sustainable Management of Construction and Demolition Materials webpage. Use this resource to help: (1) identify environmentally sensitive activities associated with building removal; and (2) develop contract language for bid packages with specific technical requirements to improve environmental results from demolition.	Section 3.12.2.4 of the EIS summarizes the impact reduction measures that GSA would implement to protect human health and safety. These include measures related to potentially hazardous materials or environmental contamination encountered during the demolition process. GSA would also commit to diverting at least 50 percent of nonhazardous construction and demolition waste from a landfill, with a project goal to divert up to 75 percent of waste.
Sustainability	Elaborate on GSA's sustainability goals for this project.	Section 2.2 of the EIS describes the primary federal sustainability guidelines and polices that GSA intends to adhere to as part of the project. The Impact Reduction Measures sections for various sections in Chapter 3 of the EIS summarize other applicable sustainability goals for the project that GSA would

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
		adhere to as well as measures that would be implemented to reduce potential impacts to each resource area.
Sustainability	Consider incorporating renewable energy sources, such as solar panels.	Section 2.2.3 of the EIS describes the renewable energy technologies, including solar photovoltaic arrays, GSA is considering incorporating into the design of the modernized and expanded Grand Portage LPOE.
Sustainability	Consider using recycled materials to replace raw materials for infrastructure components to the extent feasible.	GSA would consider using recycled plastic waste in the construction of alternative masonry systems for prefabricated structural systems. Strategies to reduce embodied carbon would include minimum levels of supplemental cementitious materials, which could include use of recycled aggregate.
BMPs	List all applicable protective measures for construction on a bulletin and post the bulletin at easily visible locations near the project site. Include a contact name and phone number for people to call if they have questions or observe protective measures not being followed. Post information on GSA's website and at community buildings.	Section 3.5.2.5 of the EIS adopts this measure.
BMPs	List all applicable protective measures for construction (such as idle time limits, speed limits for construction trucks, and dust suppression, among others) on a bulletin, and post the bulletin at easily visible locations near the project site. Include a contact name and phone number for people to call if they have questions or observe protective measures not being followed. Post information on GSA's website and at community buildings.	Section 3.5.2.5 of the EIS adopts this measure.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
BMPs	Concerns regarding how to reduce harmful fossil fuel use and increase protection for wetlands and other wildlife habitats.	Chapter 2 summarizes sustainability elements considered or incorporated into the design of the modernized and expanded LPOE, including renewable energy technologies. Impact reduction measures are discussed in specific resource sections throughout Chapter 3 of the EIS. Specific measures relating to wetlands and wildlife are presented in Sections 3.3.2.4 and 3.4.2.4, respectively.
Air Quality & GHG Emissions	Concerns regarding existing air quality conditions and potential impacts from implementing the Proposed Action, including recommendations for measures to reduce potential impacts. The EIS should consider practices in the enclosed Construction Emission Control Checklist.	Refer to Section 3.5 of the EIS for information regarding the existing environment and potential impacts to air quality and GHG emissions resulting from construction and operation of the Proposed Action. Section 3.5.2.5 summarizes impact reduction measures the GSA would undertake. GSA has reviewed the Construction Emissions Control Checklist and adopted applicable measures to reduce construction emissions.
Air Quality & GHG Emissions	GSA should include a detailed discussion of the project's reasonably foreseeable direct and indirect GHG emissions in the context of actions necessary to achieve Minnesota's policies and GHG emission reduction goals as well as national policy and GHG emission reduction goals over the anticipated project lifetime, including the U.S. 2030 Paris targets and the 2050 goal for net-zero energy emissions.	Section 2.2 of the EIS summarizes the sustainability and design features GSA plans to incorporate into the design of the Proposed Action. Section 3.5 of the EIS discusses GHGs, and Section 4.2.3 summarizes the cumulative effects on air quality and climate change.
Air Quality & GHG Emissions	GSA should follow the Council on Environmental Quality's Guidance on Consideration of Greenhouse Gases when conducting the GHG analysis.	Refer to 3.5 of the EIS for a discussion on air quality. GSA has reviewed and incorporated this guidance as necessary into the EIS, to include an assessment of the social cost of carbon.
Air Quality & GHG Emissions	GSA should quantify reasonably foreseeable GHG emissions from the proposed project over its anticipated lifetime for all alternatives, including the No Action Alternative, broken out by GHG type.	Table 3.5-9 summarizes the annual GHG emissions from employee commuting during operations of the Proposed Action. Table 3.5-10 summarizes the social cost of annual GHG emissions from operations.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
	Include and analyze potential upstream and downstream GHG emissions.	
Air Quality & GHG Emissions	Use SC-GHG estimates to consider the climate damages from net changes in direct and indirect emissions of CO2 and other GHGs from the proposed project.	Section 3.5 of the EIS includes a quantification of GHG emissions, calculation of social cost of carbon, comparison of alternative impacts, and recommended impact reduction measures.
Climate Change	Describe changing climate conditions and assess how such changes could impact the proposed project and the environmental impacts of the proposed project and alternatives. Consider increases in frequency and severity of storm events, flooding, and periods of high heat.	Section 3.5.1.3 discusses climate change-related impacts and trends expected for the Midwest region of the U.S. Section 3.5.2.4 summarizes the impacts of climate change on the Proposed Action, and Section 3.5.2.5 lists climate change adaptation measures that GSA may incorporate into the Proposed Action.
Biological Resources	Incorporate best management practices into the Proposed Action, including those to provide or enhance pollinator habitat within the proposed project's footprint, avoid or reduce the spread of non-native invasive species, and revegetate disturbed green space.	Section 3.4.2.4 of the EIS discusses impact reduction measures related to biological resources, including related to pollinator habitat and invasive species.
Cultural Resources	Recommends tribal consultation with Minnesota's eleven Tribal Historic Preservation Offices, and cultural resource management fieldwork with possible archaeological and/or tribal monitoring. Describe consultation efforts, process for addressing inadvertent discoveries, and how sensitive information will be protected.	Due to the Grand Portage LPOE's location within the Grand Portage Reservation, the only THPO with whom GSA is consulting is the Grand Portage Band of Lake Superior Chippewa THPO. Section 3.11 of the EIS presents information regarding cultural resources studies undertaken for this project, known architectural and archaeological resources within the Area of Potential Effects, and impact reduction measures related to cultural resources. Section 4.2.3 of the EIS summarizes cumulative effects to cultural resources. Section 6.4 of the EIS summarizes tribal consultation.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Cultural Resources	Describe GSA's approach to fulfilling NHPA requirements. Document coordination and input received from the Tribal Historic Preservation Officer and also the State Historic Preservation Officer.	Section 1.3.2 of the EIS summarizes consultation requirements under Section 106 of the National Historic Preservation Act. Chapter 6 discusses specific consultation activities, and Appendix B includes copies of agency correspondence related to this project.
Environmental Justice	Describe past activities and future plans to engage minority populations, low-income populations, and Tribes during the environmental review and planning phase, and, if the Project commences, during construction and operations.	Appendix A of the EIS summarizes the public outreach efforts GSA has undertaken during the scoping process. Additional public input will be sought on the Draft EIS; this public review process and associated outreach will also be documented. As described in this Appendix, GSA has and will continue to coordinate closely with the Grand Portage Band on best practices for public outreach to tribal members.
Environmental Justice	Consider cumulative environmental impacts to minority populations, low-income populations, Tribes, and indigenous peoples in the project area within the environmental justice analysis and disclose USACE's conclusions.	Chapter 4 of the EIS summarizes potential cumulative effects to all resources considered within the EIS, including cultural resources, Tribes, and environmental justice populations.
Environmental Justice	Establish material hauling routes away from places where children live, learn, and play, to the extent feasible. In addition to air quality benefits, careful routing may protect children from vehicle-pedestrian accidents. Identify potential material hauling routes in the EIS.	Given the remote location of the project site, there is generally one road in and out of the project area, Highway 61. Section 3.7 of the EIS discusses existing roadways within the Region of Influence and the potential increase in traffic along Highway 61 during construction of the Proposed Action. The increased traffic volume during construction discussed in Section 3.7 would include trucks / vehicles hauling materials to the site. It is not possible, or reasonable, at this time to identify from where all construction materials would be sourced in relation to where children may live, learn, and play. Materials would be sourced from existing facilities that normally supply construction equipment (lumber yards, stone quarries, etc.). Section 3.13 of the EIS discusses protection of children.
Environmental Justice	The tribe expressed concerns about endangerment of indigenous women, particularly by construction workers, as an EJ issue.	Section 3.13.2.2 of the EIS acknowledges this concern, and potential impact reduction measures are considered in Section 3.13.2.4.



**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Environmental Justice	Identify the presence of low-income and/or minority communities within the Project area and within the broader area that could experience disproportionate environmental impacts from the proposed project. Disclose demographic information and summarize input from these communities and Tribes. Evaluate the potential impacts from implementation of the Proposed Action and summarize measures to be undertaken to avoid, minimize, or mitigate impacts. Include a discussion of any disproportionate non-pollution stressors that may make the communities susceptible to pollution.	Section 3.13 of the EIS discusses the low-income and minority populations within the Region of Influence, how those populations may be affected by implementation of the Proposed Action, and applicable impact reduction measures.
Land Use	Concerns about the LPOE being intimidating and using fences on the border. Recommended making barriers more relaxed/neutral.	Design of the modernized and expanded LPOE would comply with the latest LPOE design guides. However, Section 3.8.2.4 specifies that GSA will consult with the Grand Portage Band regarding tribal requirements for new building construction. In addition, the design for the LPOE would address the Grand Portage physical and cultural landscapes; history of the area, commerce, and significance of the LPOE; and local tribal community values and culture.
Land Use	Concerns related to recreation, including whether the buffer between the state park and the construction limits is adequate and if access to a popular fishing spot would be restored.	Section 3.6.2 summarizes potential noise effects on sensitive resources, including the Grand Portage State Park, and Section 3.8.2 summarizes potential land use impacts. Fishing access near the Pigeon River International Bridge would be further considered during the final design process and in coordination with the Grand Portage Band.
Night Sky	Recommends considering sustainable outdoor lighting principles during the design, construction, and operations and maintenance phases of the project in order to reduce potential lighting impacts on the night sky.	Section 3.8 of the EIS includes a discussion of night sky and a summary of International Dark Sky Association recommendations.
Noise	EIS should identify noise- and vibration-sensitive receptors in the project area. Assess how the project would impact such receptors. Consider measures to reduce or mitigate noise and vibration.	Section 3.6.1 describes the existing noise and vibration environment and identifies sensitive receptors. Section 3.6.2 presents the anticipated effects of construction and operation of the modernized and expanded LPOE on these sensitive receptors and potential changes to the existing noise and vibration environment. Section 3.6.2.4 summarizes applicable impact reduction measures related to noise and vibration.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Stormwater Management	Recommend identifying and implementing opportunities for green stormwater management practices or reducing stormwater runoff.	Section 3.3.2.4 discusses how GSA would consider green infrastructure and low impact development practices in design of the modernized and expanded LPOE.
Traffic & Transportation	Concerns about the flow of traffic and backups around half a mile long that occur on Highway 61 during peak fishing season.	Section 1.2 of the EIS presents the purpose of and need for the Proposed Action, which is to improve traffic flow during peak periods. Per Section 3.7.2.2, operation of the Proposed Action would expedite vehicle processing time and have a beneficial impact on traffic flow.
Traffic & Transportation	Questions about traffic and transportation including how traffic flow and square footage is determined, and if there will be a traffic lane for turnaround.	Section 1.1 of the EIS discusses GSA's planning process for determining square footage requirements through the 2019 Feasibility Study conducted for the project. Section 2.2 describes square footage for the new buildings to be constructed under the Proposed Action. Further details on the specific traffic flow were determined through the Program Development Study process, as described in Sections 1.1 and 2.1 of the EIS. Section 3.7 of the EIS discusses existing and projected traffic volumes and traffic impacts. The LPOE would be designed to current GSA standards, including design standards for Land Ports of Entry. Inclusion of a turnaround traffic lane would be further considered during the final design process and in coordination with the Grand Portage Band.
Traffic & Transportation	Consideration of the potential impacts to park visitors hiking the Gichi Onigaming (Grand Portage Trail) if the LPOE sees an increase in vehicle traffic. The trail crosses Highway 61 four miles southwest of the LPOE.	Operation of the modernized and expanded LPOE is not expected to directly increase traffic across the U.S.-Canada border. Section 3.7.2.2 of the EIS describes that operation of the Proposed Action would result in long-term beneficial impacts to traffic through more efficient vehicle processing. Impacts to the Grand Portage Trail, located four miles southwest of the LPOE, are not anticipated as part of the Proposed Action.
Waste & Materials	Recommends recycling construction and demolition debris to the greatest extent feasible.	Section 3.5.2.5 of the EIS states that construction debris would be recycled to the maximum extent feasible. This measure would be implemented to reduce potential impacts to air quality and greenhouse gases.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Waste & Materials	GSA should test all structures to be demolished for lead paint, asbestos, polychlorinated biphenyl compounds (PCB) and organic petroleum compounds. Discuss the proper disposal of these pollutants, if applicable, in accordance with applicable regulations.	Section 3.12 of the EIS discusses the possibility of LBP, ACM, or PCBs to be encountered during demolition of existing buildings. Section 3.12.2.2 discusses that, prior to construction, a regulated materials survey would be conducted of the existing facilities to further identify any ACM, LBP, mercury-containing items, or any items suspected of containing PCBs. All wastes including hazardous materials would be disposed of according to applicable federal regulations. Section 3.12.2.4 discusses impact reduction measures related to these concerns.
Waste & Materials	GSA should test soil around any buildings that are to be constructed or demolished, and remediate, if necessary. Any contaminated material that cannot be remediated should be disposed of in accordance with regulations.	Section 3.12 of the EIS discusses recent soil testing that was conducted for the project, and the associated possibility of contaminated soil to be encountered during demolition of existing buildings. Contaminated soil would be managed through either onsite treatment, offsite transportation and treatment/disposal, or a combination of both. Section 3.12.2.4 discusses impact reduction measures related to these concerns.
Water Quality	Discuss Grand Portage Band's water quality standards (WQS) and measures GSA will undertake to ensure that the proposed project will not result in a violation of WQS.	Section 3.3.1.2 of the EIS summarizes the Grand Portage Band of Lake Superior Chippewa Water Quality Standards, to which the GSA is subject during construction and operation of the Proposed Action. Section 3.3.2.4 summarizes measures GSA would undertake to reduce potential impacts to water resources from implementation of the Proposed Action.
Water Quality	Describe whether the proposed action may affect CWA Section 303(d)-listed water bodies. Discuss current impairments, and how the proposed action may affect, either positively or detrimentally, the impairment. If applicable, include a discussion on proposed mitigation for unavoidable, minimized stream or aquatic impacts.	Section 3.3.1 of the EIS summarizes Section 303(d) of the CWA and states that there are no surface water features within the area that would be disturbed during construction of the Proposed Action.

**Table A-1. Public Comments and GSA Responses by Category or Resource Area**

Comment Category or Resource Area	Comment Issue or Concern	Location Addressed in the EIS or Response
Water Quality	Identify nearby wetlands, streams, and other waters, and disclose potential impacts that the project may have on those waters. A formal wetland and Waters of the U.S. delineation should be completed to know definitively where wetlands, streams, and other regulated Waters of the U.S. are located. This delineation should be submitted to the Minnesota Board of Soil and Water Resources (BWSR), the Minnesota Department of Natural Resources, and the U.S. Army Corps of Engineers for review and a jurisdictional determination.	Section 3.3 of the EIS describes the water resources within the Region of Influence and the potential impacts to these resources from construction and operation of the modernized and expanded LPOE. GSA performed a wetland delineation in July 2023; the findings of this study are summarized in Section 3.3.2.2.
Water Quality	Describe all measures to minimize impacts to waters. Discuss sequencing established by the Clean Water Act Section 404(b)(1) Guidelines, which call for selection of the Least Environmentally Damaging Practicable Alternative (LEDPA).	Impact reduction measures for water resources are described in Section 3.3.2.4 of the EIS. The CWA Section 404 Permit Program, including the LEDPA, is discussed in Section 3.3.1.

## ATTACHMENT A: FEDERAL REGISTER NOTICE



65392

Federal Register / Vol. 88, No. 183 / Friday, September 22, 2023 / Notices

comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Authority:* 44 U.S.C. 3501 *et seq.*

Dated: September 18, 2023.

**Michal Freedhoff,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2023-20548 Filed 9-21-23; 8:45 am]

BILLING CODE 6560-50-P

### GENERAL SERVICES ADMINISTRATION

[Notice—PBS—2023—08; Docket No. 2023—0002; Sequence No. 28]

#### Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry Modernization and Expansion Project in Grand Portage, Minnesota

**AGENCY:** Public Buildings Service (PBS), General Services Administration (GSA).

**ACTION:** Notice of intent (NOI); announcement of meeting.

**SUMMARY:** GSA intends to prepare an Environmental Impact Statement (EIS) and conduct the section 106 process of the National Historic Preservation Act (NHPA) to address proposed improvements at the Grand Portage Land Port of Entry (LPOE), including site expansion, demolition, and new construction. This NOI also announces the public scoping process for the EIS.

#### DATES:

**Public Scoping Period**—Interested parties are invited to provide comments regarding the scope of the EIS. The public scoping period begins with the publication of this NOI in the **Federal Register** and continues until Sunday, October 22, 2023. Written comments must be received by the last day of the scoping period (see **ADDRESSES** section of this NOI on how to submit comments).

**Meeting Date**—GSA will host a hybrid (virtual and in-person) public and stakeholder meeting on Thursday, October 5, 2023, from 5:00 p.m. to 7:00 p.m., Central Daylight Time (CDT). The purpose of the meeting is to provide information on the project and to encourage public feedback on the scope of the EIS. The meeting will be conducted in-person at the Grand Portage Welcome Center, but members of the public may participate via video-conference on Zoom to view an online broadcast of the meeting (see **ADDRESSES** section for location address). Refer to the Public Meeting Information section

of this NOI on how to access the online portion of the public meeting.

**ADDRESSES: Meeting Location**—The public may attend the meeting at the Grand Portage Welcome Center, 9393 E MN-61, Grand Portage, MN to view the presentation in-person. GSA staff members will be available (in-person and virtually) to assist the public as they offer comments whether they are participating virtually or in person.

#### Public Scoping Comments

In addition to oral comments and written comments provided at the public meeting, members of the public may also submit comments by one of the following methods. All oral and written comments will be considered equally and will be part of the public record.

- *Email:* [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov). Please include ‘Grand Portage LPOE EIS Scoping Comment’ in the subject line of the message.

- *Mail:* ATTN: Michael Gonczar, GSA Grand Portage LPOE EIS; U.S. General Services Administration, Region 5; 230 S Dearborn Street, Suite 3600, Chicago, IL 60604.

#### FOR FURTHER INFORMATION CONTACT:

Michael Gonczar, NEPA Program Manager, GSA, 312-810-2326, [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Public Meeting Information

The in-person meeting will begin with an open house format from 5:00 p.m. to 5:30 p.m. CDT. This portion of the meeting will not be broadcasted. The hybrid public meeting will begin at 5:30 p.m. with presentations on the NEPA and NHPA processes and the proposed project. A copy of the presentation slideshow will be made available prior to the meeting at: <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-and-the-bill/bipartisan-infrastructure-law-construction-project/minnesota>. Following the presentation, there will be a moderated session during which members of the public can provide scoping comments. Members participating virtually or attending in-person will be able to comment. Commenters will be allowed 3 minutes to provide comments. Comments will be recorded. Attendees can also provide written comments at the public meeting should they not wish to speak. In addition, a court reporter will be available after the presentation, should attendees wish to provide a verbal comment in private. All written or verbal comments will be treated with equal importance. Following the presentation and public comment

session, the meeting will continue with an open house format until 7:00 p.m. CDT, which will not be broadcasted.

Members of the public may join the EIS virtual public meeting by entering the Meeting ID: 889 5436 6939, using any of the below methods, or by using the following link <https://us06web.zoom.us/j/88954366939?pwd=WDZXQTc2dDM3UUYc3pyN0FVSi1NUT09>. Note that the meeting is best viewed through the Zoom app. Attendees are encouraged to download the Zoom app at the Zoom website (<https://zoom.us>) on their personal computer or on their mobile device and test their connection prior to the meeting to ensure best results.

- By personal computer (via the Zoom app)—Install the Zoom app at the Zoom website (<https://zoom.us>) and launch the Zoom app. Click ‘Join a Meeting’ and enter the above Meeting ID. Follow the prompts to enter your name and email address to access the meeting; or

- By personal computer (via the Zoom website)—Using your computer’s browser, go to the Zoom website at <http://zoom.us/join> and enter the above Meeting ID. Click ‘Join from your browser’ and follow the prompts to enter your name; or

- By mobile device (via the Zoom mobile app)—Install and launch the Zoom app. Enter the above Meeting ID. Whether joining through the Zoom app or web browser, attendees should follow the prompts to connect their computer audio. Attendees are encouraged to connect through the ‘Computer Audio’ tab and click ‘Join Audio by Computer’ under the ‘Join Audio’ button on the bottom of their screen. Users who do not have a computer microphone and wish to provide a comment during the meeting may connect by following the prompts under the ‘Phone Call’ tab under the ‘Join Audio’ button.

- By mobile device (via the Zoom mobile app)—Install and launch the Zoom app. Enter the above Meeting ID. Whether joining through the Zoom app or web browser, attendees should follow the prompts to connect their computer audio. Attendees are encouraged to connect through the ‘Computer Audio’ tab and click ‘Join Audio by Computer’ under the ‘Join Audio’ button on the bottom of their screen. Users who do not have a computer microphone and wish to provide a comment during the meeting may connect by following the prompts under the ‘Phone Call’ tab under the ‘Join Audio’ button.

For members of the public who do not have access to a personal computer, they may join the meeting audio by dialing the following number: 507-473-4847. When prompted, enter the following information: Meeting ID—889 5436 6939, followed by the pound (#) key; then press pound (#) again when prompted for a participant ID. Note, dialing in to the meeting is only necessary if you are not accessing the meeting through a personal computer or mobile app, or if you would like to provide oral comments during the meeting but do not have a computer microphone.

The public meeting will be recorded and available for viewing on the GSA website in the days following the

meeting. All comments provided will become part of the formal record.

#### Scoping Process

The purpose of the public scoping process is to identify relevant issues that will influence the scope of analysis of the human and natural environment including cultural resources. The scoping process will be accomplished through a hybrid in-person and virtual public scoping meeting, direct mail correspondence to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed, or are known to have, an interest in the project. The EIS will include public input on alternatives and impacts.

The public scoping meeting will also initiate GSA's public consultation required by NHPA. GSA seeks input at this meeting that will assist the agency in planning for the Section 106 consultation process. This includes identifying consulting parties, determining the area of the undertaking's potential effects on cultural resources (Area of Potential Effects), and seeking agreement regarding ways to avoid, minimize, or mitigate adverse effects. Federal, state, and local agencies, along with members of the public, are invited to participate in the NEPA scoping and section 106 consultation process.

The NHPA and NEPA are two separate laws which require federal agencies to consider the impacts to historic properties and the human environment before making decisions. NHPA and NEPA are independent statutes, yet may be executed concurrently to optimize efficiencies, transparency, and accountability to better understand the effects to the human, natural, and cultural environment. The EIS will be prepared pursuant to the requirements of the NEPA of 1969, the Council on Environmental Quality NEPA regulations, and the GSA Public Buildings Service *NEPA Desk Guide*. GSA will also consult with appropriate parties in accordance with Section 106 of the NHPA of 1966.

Opportunities for members of the public to become a consulting party during the NHPA Section 106 process will be presented during the public scoping meeting. You may submit a comment to express your interest in being a consulting party if you cannot attend the meeting.

#### Background

The existing 5.7-acre LPOE is located on the far northeast tip of Minnesota where the Pigeon River meets Lake

Superior and serves as the port of entry to people and vehicles that connects Grand Portage, Minnesota to the town of Neebing, Ontario, Canada. The LPOE is located within the Grand Portage Band of Lake Superior Chippewa Reservation. The Grand Portage Band of the Lake Superior Chippewa will serve as a Cooperating Agency (CA) for this EIS. The purpose of the Proposed Action is for GSA to support CBP's mission by bringing the Grand Portage LPOE in line with current land port design standards and operational requirements of CBP, while addressing existing deficiencies identified with the ongoing port operations. Current LPOE facilities and configurations do not meet CBP's needs and do not allow for expeditious and safe inspection of the traveling public. The LPOE facilities were constructed in 1965, are too small for CBP's needs, and are served by an inefficient road design. Currently, the LPOE contains a main building with primary and secondary inspection canopies, secondary inspection garage, and public restroom facilities located between the northbound and southbound lanes of Highway 61. There are two inbound primary inspection lanes; one for non-commercial vehicles and one for buses and commercial traffic. A commercial inspection dock and GSA garage are located north of the inbound lanes of Highway 61. There are currently no outbound inspection capabilities at the LPOE.

A feasibility study for this project was completed in 2019. A total of three build alternatives were considered, and a preferred build alternative was identified. This alternative would consist of demolishing the existing building, constructing new facilities at the existing LPOE, and expanding the LPOE to meet the required space standards and increased security requirements of the Federal Inspection Services.

Following the feasibility study, a Program Development Study (PDS) is the next formal step to further refine the build alternatives, so as to develop a facility plan that is respectful of the Grand Portage Band of Lake Superior Chippewa Reservation property and including the Grand Portage State Park. To date, GSA has issued a 35 percent PDS report in December 2022 and 50 percent PDS report in May 2023; the final alternative design that would support construction will be identified in the 100 percent PDS. As of the 50 percent PDS, the identified build alternative is located on an approximately 8.13-acre site on and around the existing Grand Portage LPOE and is located entirely within the

Minnesota Department of Transportation (MnDOT) easement along Highway 61.

#### Alternatives Under Consideration

GSA has preliminarily identified one action alternative that may be assessed in the EIS:

- *Alternative 1:* Construct the facilities as described in the 50 percent PDS on an 8.13-acre site on and around the existing Grand Portage LPOE and located entirely within the MnDOT easement.

The No Action Alternative will also be considered to satisfy federal requirements for analyzing "no action" under NEPA. Analysis of this alternative will provide a baseline for comparison with impacts from Alternative 1.

The EIS will address the potential environmental impacts of the proposed alternatives on environmental resources including cultural resources, geology and soils, water resources, biological resources, air quality and climate change, noise, traffic and transportation, land use and visual resources, utilities, and human health and safety. The EIS will also address the socioeconomic effects of the project, as well as impacts on environmental justice (EJ) populations. Impacts may occur from air emissions, noise, and traffic delays associated with construction; as well as soil disturbance from earth moving activities and resultant sedimentation of nearby waterways. Close consideration will be given to potential impacts to cultural resources, and GSA will work closely with the Grand Portage Band of the Lake Superior Chippewa to determine if there are any potential impacts to sensitive tribal resources. Wetlands may be present near the project site; and a wetland delineation will be conducted to further investigate potential impacts. Long term benefits to traffic and transportation, air quality, and the local economy are expected from operations of the expanded and modernized LPOE and associated improved traffic flows.

#### William Renner,

*Director, Facilities Management and Services Programs Division, Great Lakes Region 5, U.S. General Services Administration.*

[FR Doc. 2023-20381 Filed 9-21-23; 8:45 am]

BILLING CODE 6820-CF-P

## ATTACHMENT B: NEWSPAPER AFFIDAVITS

### Cook County Herald newspaper advertisement – September 30, 2023

#### NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR THE MODERNIZATION AND EXPANSION OF THE GRAND PORTAGE LAND PORT OF ENTRY

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) Regulations, and the U.S. General Services Administration (GSA) Public Buildings Service (PBS) NEPA Desk Guide, and to conduct the Section 106 Process of the National Historic Preservation Act (NHPA), GSA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared to analyze the potential impacts resulting from the modernization and expansion of the Grand Portage Land Port of Entry (LPOE) in Grand Portage, Minnesota. The NHPA and NEPA are two separate laws that require federal agencies to consider the impacts to historic properties and the human environment before making decisions. NHPA and NEPA are independent statutes which may be executed concurrently to optimize efficiencies, transparency, and accountability to better understand the effects to the human, natural, and cultural environment.

The Grand Portage LPOE is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). This facility serves as the port of entry to travelers crossing the Pigeon River International Bridge that connects to the town of Neelburg, Ontario, Canada. CBP currently inspects private vehicular, pedestrian, and commercial truck traffic at the LPOE on the U.S.-Canada Border. The project site is located on and surrounded by Tribal lands of the Grand Portage Band of the Lake Superior Chippewa. The Grand Portage Band of the Lake Superior Chippewa will serve as a Cooperating Agency for this EIS. The EIS will examine the impacts on human, natural, and cultural environments from potential improvements at the LPOE, including site expansion, demolition, and new construction. Site expansion will occur on approximately 2.4 acres, for a total footprint of approximately 8 acres.

The purpose of the Proposed Action is for GSA to support CBP's mission by bringing the Grand Portage LPOE in line with current land port design standards and operational requirements of CBP, while addressing existing deficiencies identified with the ongoing port operations. Current LPOE facilities and configurations do not meet CBP's needs and do not allow for expeditious and safe inspection of the traveling public. The LPOE facilities constructed in 1965, are too small for CBP's needs, and are served by an inefficient road design. Currently, the LPOE contains a main building with primary and secondary inspection canopies, secondary inspection garage, and public restroom facilities located between the northbound and southbound lanes of Highway 61. There are two inbound primary inspection lanes, one for non-commercial vehicles and one for buses and commercial traffic. A commercial inspection dock and GSA garage are located north of the inbound lanes of Highway 61. There are currently no outbound inspection capabilities at the LPOE.

The public is encouraged to attend and participate in a scoping meeting to be held for the project. The purpose of this meeting is to provide project information and to solicit public input on what resources and issues are important, which will help determine the scope and content of the EIS.

The scoping meeting will occur on Thursday, October 5, 2023, from 5 to 7 p.m., CDT. This meeting will be of a hybrid format with participants able to attend both in-person and virtually. The in-person meeting will be held at the following location:  
Grand Portage State Park, 9393 E. MN-61, Grand Portage, MN. GSA staff members will be available (in-person and virtually) to assist the public as they offer comments whether they are participating virtually or in person.

The public may also attend the meeting virtually from their personal computer or compatible mobile device. Please follow this hyperlink to access the virtual meeting: <https://us06web.zoom.us/j/88954366939?pwd=WDZkOTc2dDM3UUYzpyN0FVSlNlUT09>. For members of the public who do not have access to a personal computer, they may join the meeting audio by dialing the following number: 507-473-4847. When prompted, enter the following Meeting ID: 889-5436-6939. Then press the pound (#) key.

The in-person meeting will begin with an open house format from 5 p.m. to 5:30 p.m. CDT; this portion of the meeting will not be broadcasted. The hybrid in-person and virtual meeting will start promptly at 5:30 p.m. CDT and will begin with a presentation. This presentation will be followed by a public comment session, in which both in-person and virtual attendees may participate. In addition, a court reporter will be available after the presentation, should attendees wish to provide a verbal comment in private. Those not able to attend in person or virtually may submit comments via mail or e-mail, as instructed below. All written or verbal comments will be treated with equal importance. Following the presentation and public comment session, the meeting will continue with an open house format until 7 p.m. CDT, which will not be broadcasted.

The meeting will be recorded and available for viewing on the GSA website in the days following the meeting at <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-and-the-bil/biparth-san-infrastructure-law-construction-project/minnesota>.

In order to be considered during the preparation of the Draft EIS, comments must be received by Sunday, October 22, 2023 and may be submitted at the scoping meeting, by email to [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov) (include "Grand Portage LPOE EIS Scoping Comment" in subject line), or mailed to:  
ATTN: Michael Gonczar, GSA Grand Portage LPOE EIS  
U.S. General Services Administration, Region 5  
230 S. Dearborn St. Suite 3600  
Chicago, IL 60604

For more information or if special assistance is needed to attend and participate in the public scoping meeting, please contact Michael Gonczar, GSA NEPA Project Manager, at 312-810-2326 or [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov).

Published September 30, 2023

8887

STATE OF MINNESOTA, }  
COUNTY OF COOK } SS.

*EIS for expansion  
of the Grand Portage  
Land Port of Entry  
Michael Gonzar  
GSA Grand Portage  
LPOE EIS  
Chicago IL 60604*

*Filed 11/12/23*

\_\_\_\_\_  
Clerk of the County Court

**PROOF OF PUBLICATION**

*Brian Larsen* of the city of Grand Marais, in said County, being duly sworn, says that he/she is the Publisher of The Cook County News Herald, publishers of THE COOK COUNTY NEWS HERALD, a public weekly newspaper published in the City of Grand Marais, Cook County, Minnesota, and that the notice (of which the hereto annexed is a true and correct printed copy from said paper) was inserted, printed and published in said COOK COUNTY NEWS HERALD for 1 successive weeks, at least once in each week, and in each and every number thereof; that the first publication of said notice in said newspaper was on the 20th day of Sept 2023 and that the last publication was on the 30th day of Sept 2023.

*Brian Larsen*

Subscribed and sworn to before me this 12th day of Nov 2023

Fee \$ \_\_\_\_\_

Notary Public, Cook County, MN  
My Commission Expires Jan 31 20 25



## ATTACHMENT C: LETTER TO INTERESTED PARTIES



U.S. General Services Administration

September 22, 2023

To Whom It May Concern:

The U.S. General Services Administration (GSA) Region 5 is preparing a Draft Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) project in compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The existing LPOE is located within the Grand Portage Reservation of the Grand Portage Band of Lake Superior Chippewa. The Grand Portage Band of the Lake Superior Chippewa will serve as a Cooperating Agency (CA) for this EIS. This facility is located approximately 5 miles northwest of the town of Grand Portage, Minnesota and serves as the port of entry to people crossing the Pigeon River International Bridge that connects to the town of Neebing, Ontario, Canada (**Figure 1**). The EIS will examine the impacts on the human, natural, and cultural environments from potential improvements at the LPOE, including site expansion, demolition, and new construction. This letter is to notify your office that GSA is initiating agency and public scoping and consultation and is seeking your comments on the project.

The purpose of the Proposed Action is for GSA to support CBP's mission by bringing the Grand Portage LPOE in line with current land port design standards and operational requirements of CBP, while addressing existing deficiencies identified with the ongoing port operations. Current LPOE facilities and configurations do not meet CBP's needs and do not allow for expeditious and safe inspection of the traveling public. The Grand Portage LPOE facilities were constructed in 1965, are too small for CBP's needs, and are served by an inefficient road design. Currently, the LPOE contains a main building with primary and secondary inspection canopies, secondary inspection garage, and public restroom facilities located between the northbound and southbound lanes of Highway 61. There are two inbound primary inspection lanes; one for non-commercial vehicles and one for buses and commercial traffic. A commercial inspection dock and GSA garage are located north of the inbound lanes of Highway 61. There are currently no outbound inspection capabilities at the LPOE.

A feasibility study for this project was completed in 2019. A total of three build alternatives were considered, and a preferred build alternative was identified. This alternative would consist of demolishing the existing building, constructing new facilities at the existing LPOE, and expanding the LPOE to meet the required space standards and increased security requirements of the Federal Inspection Services (FIS).

Following the feasibility study, a Program Development Study (PDS) is the next formal step to further refine the build alternatives so as to develop a facility plan that is respectful of the Grand Portage Band of Lake Superior Chippewa Reservation property and including Grand Portage State Park. To date, GSA has issued a 35% PDS report in December 2022 and 50% PDS report in May 2023; the final alternative that would support construction would be identified in the 100% PDS report. As of the 50% PDS, the identified build alternative is located on an approximately 8.13-acre site on and around the existing Grand Portage LPOE, and is located entirely within the Minnesota Department of Transportation (MnDOT) easement along Highway 61.



U.S. General Services Administration

GSA, in coordination with the Grand Portage Band of Lake Superior Chippewa, has preliminarily identified one action alternative that may be assessed in the EIS:

- Alternative 1: Construct the facilities as described in the 50% PDS on an 8.13-acre site on and around the existing Grand Portage LPOE and located entirely within the MnDOT easement (see **Figures 2 and 3**). The total operational footprint would be 8.13 acres, although an additional 4.5 acres may be temporarily disturbed during construction.

The No Action Alternative will also be considered to satisfy federal requirements for analyzing "no action" under NEPA (40 Code of Federal Regulations [CFR] 1502.14(d)). Analysis of this alternative will provide a baseline for comparison with impacts from the Alternative 1.

The Proposed Action would seek to increase inspection capacity and improve traffic flow at the LPOE. The overall general key aspects of the Proposed Action are shown in **Figure 3** and would include the following:

1. execution of appropriate property rights agreements to expand the LPOE footprint (by approximately 2.4 acres, for a total operational footprint of 8.13 acres; **Figure 2**) to accommodate site expansion;
2. demolition of the existing LPOE main building, commercial inspection / GSA garage, primary inspection canopy, and auxiliary structures;
3. construction of a new main port building, secondary hard inspection, secondary canopy, enclosed government parking, non-intrusive inspection (NII) building, commercial inspection, primary inspection canopy and booths, and auxiliary structures and paving;
4. construction of five inbound inspection lanes and one outbound inspection lane; and
5. construction of utilities systems, to include a new septic system, propane tank, stormwater management facilities, water treatment infrastructure, emergency generator, and communications infrastructure. Geothermal and solar technologies will also be considered and may be incorporated into the facility design.

In addition to NEPA, the alternatives analyzed in the EIS must comply with Section 106 of the NHPA, Section 7 of the Endangered Species Act, and other federal regulations. An architectural survey was previously conducted in 2013 to evaluate buildings associated with the current LPOE. The survey recommended the structures not eligible for listing in the National Register of Historic Places (NRHP). An archaeological survey with subsurface testing was done in 2004 in a portion of the project area. No artifacts or features were identified. As part of this project, the previous assessments will be verified, and recommendations will be updated by completing an above-ground historic resources survey. A Phase I Literature Review for Archaeological Resources will be conducted on the proposed expansion site in coordination with the Grand Portage Band of Lake Superior Chippewa and the Minnesota Chippewa Tribe, and meeting the standards of the State Historic Preservation Office (SHPO) Manual for Archaeological Projects in Minnesota. Additional archaeological investigations will be conducted if warranted. All cultural resources investigations will be coordinated with the Grand Portage Band of Lake Superior Chippewa Tribal Historic Preservation Office as defined under Section 106 of the NHPA.

Certain species are protected under the Endangered Species Act. The United States Fish and Wildlife Services' (USFWS) Information, Planning, and Consultation (IPaC) System was reviewed for the potential occurrence of federally threatened or endangered species or their



U.S. General Services Administration

habitats at the LPOE. The IPaC System recognized the potential for one endangered mammal species (northern long-eared bat [*Myotis septentrionalis*]), two threatened mammal species (Canada lynx [*Lynx canadensis*] and gray wolf [*Canis lupus*]), one proposed endangered (tricolored bat [*Periimyotis subflavus*]), and one candidate insect species (monarch butterfly [*Danaus plexippus*]) to occur within the proposed project area. The Grand Portage LPOE is located within designated gray wolf critical habitat. Seven migratory bird species (bald eagle [*Haliaeetus leucocephalus*], Canada warbler [*Cardellina canadensis*], Connecticut warbler [*Oporornis agilis*], evening grosbeak [*Coccothraustes vespertinus*], lesser yellowlegs [*Tringa flavipes*], olive-sided flycatcher [*Contopus cooperi*], and wood thrush [*Hylocichla mustelina*]) also have the potential to occur at or near the LPOE. For Endangered Species Act Section 7 consultation, additional research will be conducted to determine the presence of threatened or endangered species, sensitive species or species of concern, and any additional issues/concerns related to wildlife at or near the LPOE.

Pursuant to the USFWS National Wetland Inventory (NWI), no wetlands occur on the existing LPOE property. However, a 165-acre palustrine forested wetland complex is located directly south of the existing facility. A wetlands investigation will be conducted on the proposed expansion site to determine potential impacts to wetlands from the Proposed Action, and findings will be incorporated into the EIS.

A Phase I Environmental Site Assessment (ESA) for hazardous materials has been completed on the proposed expansion site. The findings included potential site contamination concerns from current presence of a nearby septic leach field in the Grand Portage State Park, former presence of a leaking underground storage tank on the site, and high potential for radon at the site. The full findings of the Phase I ESA will be incorporated into the EIS. GSA is currently evaluating the recommendations from the Phase I ESA to conduct future sampling, and the results of any sampling will be incorporated into the EIS when they are available.

We would appreciate your help identifying resources that may be affected by the project. If you are interested, we would be willing to meet with you at your convenience to discuss the proposed project and its impacts, including any concerns you may have. If you wish to provide written comments, please send them to:

**ATTN: Michael Gonczar, GSA Grand Portage LPOE EIS**  
U.S. General Services Administration, Region 5  
230 S. Dearborn St. Suite 3600  
Chicago, IL 60604

Comments may also be submitted electronically to [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov). Please ensure the subject line of the email reads: **Grand Portage LPOE EIS Scoping Comment**. We request that all comments be postmarked or submitted electronically by October 22, 2023.

The GSA will host a public and stakeholder meeting on Thursday, October 5, 2023, from 5 p.m. to 7 p.m. CDT at Grand Portage State Park, 9393 E, MN-61, Grand Portage, MN. The public may also attend the meeting virtually from their personal computer or compatible mobile device. Please follow this hyperlink to access the virtual meeting:

<https://us06web.zoom.us/j/88954366939?pwd=WDZXQTc2dDM3UUtYc3pyN0FVS1NUT09>.

For members of the public who do not have access to a personal computer, they may join the



U.S. General Services Administration

meeting audio by dialing the following number: 507-473-4847. When prompted, enter the following information: Meeting ID – 889 5436 6939. Then press the pound (#) key.

The in-person meeting will begin with an open house format from 5 p.m. to 5:30 p.m. CDT; this portion of the meeting will not be virtual. The hybrid in-person and virtual meeting will start promptly at 5:30 p.m. CDT and will begin with a presentation. This presentation will be followed by a public comment session, in which both in-person and virtual attendees may participate in. In addition, a court reporter will be available after the presentation, should attendees wish to provide a verbal comment in private. GSA staff members will be available (in-person and virtually) to assist the public as they offer comments whether they are participating virtually or in person. All written or verbal comments will be treated with equal importance and will be entered into the public record. Following the presentation and public comment session, the meeting will continue with an open house format until 7 p.m. CDT, which will not be broadcasted. Interested parties are encouraged to attend and participate in this meeting.

Please contact Michael Gonczar, NEPA Program Manager, GSA at 312-810-2326 or [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov) if special assistance or accommodations are needed to participate in the public meeting.

Project-related communication and documentation is available on the GSA website at: <https://www.gsa.gov/real-estate/gsa-properties/land-ports-of-entry-and-the-bil/bipartisan-infrastructure-law-construction-project/minnesota>. The public meeting will be recorded and available for viewing on the GSA website in the days following the meeting.

Thank you for taking the time to consider this project. If this letter has not been sent to the correct representative, please help us update our records. If you have any questions, please contact me directly by email at [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov).

Sincerely,

*Michael Gonczar*

Michael Gonczar  
NEPA Program Manager  
GSA | Public Buildings Service | Region 5

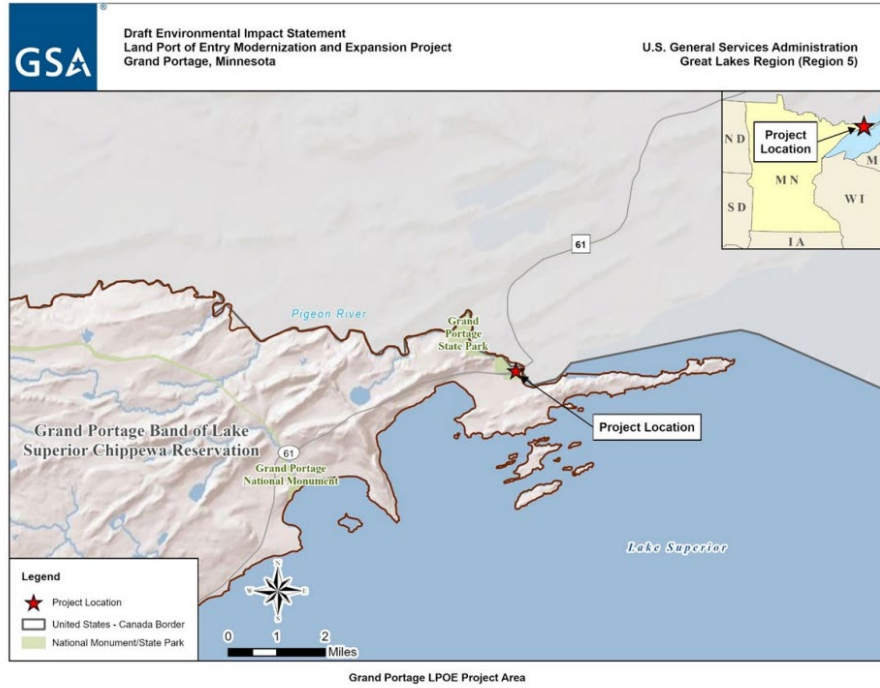
Attachments:

Figure 1. General Location of Grand Portage LPOE  
Figure 2. Project Area for Expansion of Grand Portage LPOE  
Figure 3. Alternative 1, as Described in 50% PDS



U.S. General Services Administration

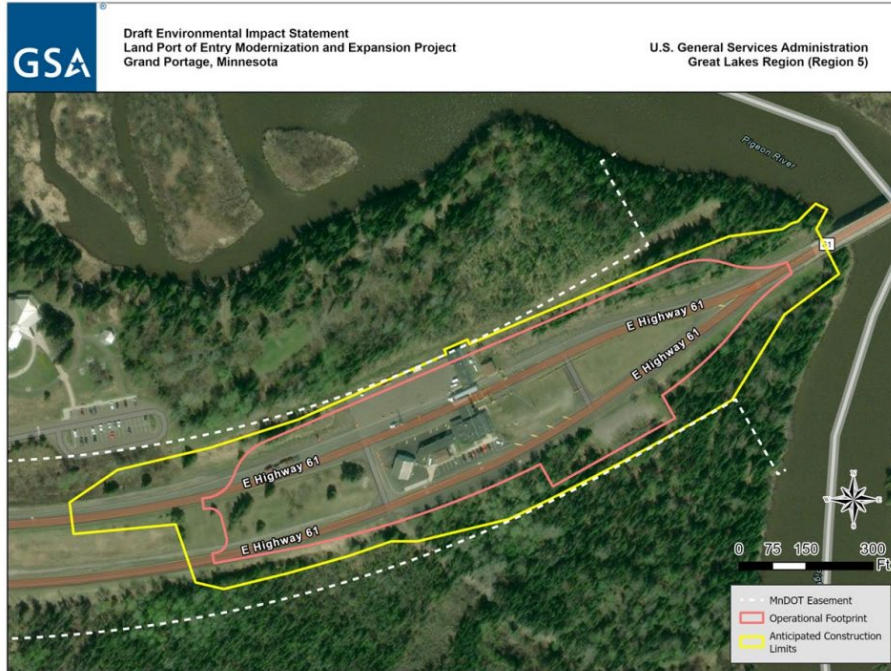
Figure 1. General Location of Grand Portage LPOE





U.S. General Services Administration

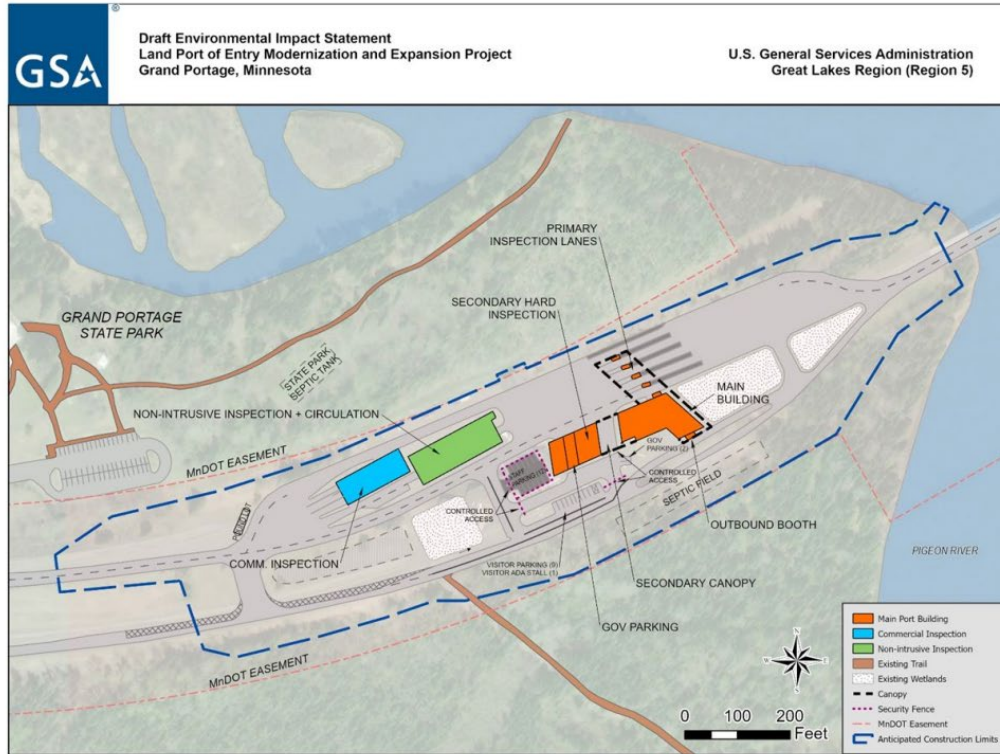
Figure 2. Project Area for Expansion of Grand Portage LPOE





U.S. General Services Administration

Figure 3. Alternative 1, as Described in 50% PDS



**Interested Party Letter – Distribution List**

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Benjamin Scholl, Design Analysis and Engineering Technical Resources Branch Customs and Border Protection Office of Facilities and Asset Management Indianapolis Regional Office	Joshua Serian, Program Manager, Jos Planning, Programming, and Acquisition Services Customs and Border Protection Field Operations Facilities Program Management Office	Brett Shahbaz, General Engineer Customs and Border Protection Office of Facilities and Asset Management Indianapolis Regional Office	Brian Swenson, Port Director Customs and Border Protection Grand Portage Port of Entry
Thomas Sivak, Regional Administrator Federal Emergency Management Agency Region 5	Chris Dingman, Northern Border Transportation Specialist Federal Highway Administration Michigan Division	William Lohr, Field Operations Team Leader Federal Highway Administration Minnesota Division	Kelley Brookins, Regional Administrator Federal Transit Administration Region 5 Office
Allison Voglesong Zejnati, Public Affairs Specialist International Joint Commission Great Lakes Regional Office	David Calease, Architectural Historian National Park Service Region 3	Bob DeGross, Superintendent National Park Service Voyageurs National Park	Mike Rokus, MLRA Soil Survey Leader National Resources Conservation Service Duluth MLRA Soil Survey Office
Michael Pentony, Regional Administrator NOAA Fisheries Greater Atlantic Regional Fisheries Office	Duluth Regulatory Branch Project Management Team U.S. Army Corps of Engineers St. Paul District	Mark Borkowski, Assistant Commissioner/Chief Acquisition Officer U.S. Department of Homeland Security Customs and Border Protection Office of Finance-Asset Management Division	Diane Shelley, Regional Administrator U.S. Department of Housing and Urban Development Region 5
Stephen Tryon, Director U.S. Department of Interior Office of Environmental Policy & Compliance	Debra Shore, Regional Administrator U.S. Environmental Protection Agency Region 5	Cindy Barger, Director U.S. Environmental Protection Agency Office of Federal Activities NEPA Compliance Division	Shauna Marquardt, Field Supervisor U.S. Fish and Wildlife Service Minnesota-Wisconsin Ecological Services Field Office
John Walker, Center Director U.S. Geological Survey Upper Midwest Water Science Center	Andy Hubley, ARDC Planning Director Arrowhead Regional Development Commission	Grand Portage Lodge & Casino	Kathryn Hoffman, Chief Executive Officer Minnesota Center for Environmental Advocacy

Brad Gausman, Executive Director Minnesota Conservation Federation	Mike & Lori Boomer Ryden's Border Store	Chris Belden, Director of Planning and Grants Duluth Transit Authority Transportation Advisory Committee	Grand Marais Public Library
Tim Walz, Governor Office of the Governor	Thomas Bakk, State Senator	Roger Skraba, State Representative	Gerald Van Amburg, Chair of Administrative Advisory Committee Minnesota Board of Water and Soil Resources Manager of Buffalo Red-River Watershed District
Grace Arnold, Commissioner Minnesota Department of Commerce	Gabrielle Gerbaud, Executive Director and Chief Protocol Officer Minnesota Department of Employment and Economic Development Minnesota Trade Office	Lisa Joyal, Endangered Species Environmental Review Coordinator/Natural Heritage Information System Data Distribution Coordinator Minnesota Department of Natural Resources Natural Heritage and Nongame Research Program	Scott Kelling, Parks and Trails Regional Manager Minnesota Department of Natural Resources Grand Portage State Park
Christa Maxwell, Parks and Trails District Supervisor Minnesota Department of Natural Resources Grand Portage State Park	Travis Novitsky, Park Manager Minnesota Department of Natural Resources Grand Portage State Park	Shelly Patten, Regional Director Minnesota Department of Natural Resources Northeast Regional Office	Bryan Anderson, District 1 Planning Director Minnesota Department of Transportation
Perry Collins, Assistant District Engineer Operations Minnesota Department of Transportation	Dylan Eigenberger, Archaeologist Minnesota Department of Transportation Office of Environmental Stewardship	Duane Hill, Transportation District Engineer Minnesota Department of Transportation District 1	Pat Huston, Assistant District Engineer Major Projects Minnesota Department of Transportation District 1
Michael Kalnbach, Assistant District Engineer Program Development Minnesota Department of Transportation	Doug Kerfeld, Lead Project Manager Minnesota Department of Transportation District 1	Denise Wilson Director Environmental Review Program Minnesota Environmental Quality Board	Shannon Geshick, Executive Director Minnesota Indian Affairs Council

Amanda Gronhovd, State Archaeologist Minnesota Office of the State Archaeologist	Katrina Kessler, Commissioner Minnesota Pollution Control Agency	Katie Sieben, Chair Minnesota Public Utilities Commission	Sarah Beimers, Environmental Review Program Manager Minnesota State Historic Preservation Office
Harvey Thorleifson, Director Minnesota Geological Survey Chair of the Commission for the Management and Application of Geoscience Information			

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## ATTACHMENT D: ADVERTISING ON SOCIAL MEDIA

### Social Media Posts by GSA

#### Facebook 9/26/2023

**GSA** U.S. General Services Administration Great Lakes Region 

September 26 at 9:03 PM · 

 The public is invited to attend a public scoping meeting in support of the development of the Draft Environmental Impact Statement to address the expansion and modernization of the Land Port of Entry project planned in Grand Portage, Minnesota.

 When: Thursday, Oct. 5, from 5-7 p.m. CT

 Where: In person at the Grand Portage Welcome Center at 9393 E, MN-61 in Grand Portage, Minnesota, or virtually at <https://ow.ly/h9Ib50PPYuN>

Details  <https://ow.ly/y98o50PPYuv>

**Public Hearing**  
10.5.23, GRAND PORTAGE, MN

 1

 Like  Comment

## GSA Region 5 Newsroom 9/26/2023

### GSA to host public scoping meeting for Land Port of Entry expansion in Grand Portage

September 26, 2023

GSA Contact: Tanya Schusler, 312-206-6131 | [tanya.schusler@gsa.gov](mailto:tanya.schusler@gsa.gov)

**GRAND PORTAGE, Minn.** – In compliance with the [National Environmental Policy Act](#), the U.S. General Services Administration (GSA) will host a public scoping meeting in support of the development of the Draft Environmental Impact Statement to address the expansion and modernization of the Land Port of Entry (LPOE) project planned in Grand Portage, Minnesota.

The public is invited to attend the meeting on Thursday, Oct. 5, from 5-7 p.m. CT, in person at the Grand Portage Welcome Center at 9393 E, MN-61 in Grand Portage, Minnesota, or virtually at <https://us06web.zoom.us/j/889-543-66939?pwd=WDZXQTC2dDM3UUUyY3pyN0FVS1NUT09>.

The [LPOE in Grand Portage](#) is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). This facility serves as the port of entry to travelers crossing the Pigeon River International Bridge that connects to the town of Neebing, Ontario, Canada. CBP currently inspects non-commercial and commercial vehicles, as well as pedestrians and bicyclists, at the LPOE. The expansion project will have five lanes and officer inspection booths for each lane, enhancing officer safety and security and enabling CBP to process border traffic more efficiently. The new, modern and energy-efficient facility will meet the federal government's mission requirements, enhance safety and security, and improve customer service to travelers.

This meeting will present project information and solicit public input on the proposed work. That input will help determine the scope and content of the Draft Environmental Impact Statement. The Draft Environmental Impact Statement will examine the impacts on human, natural, and cultural environments from potential improvements at the LPOE, including expanding the site, demolition, and new construction.

The in-person meeting will begin with an open house format from 5-5:30 p.m. CT. The hybrid in-person and virtual meeting will start at 5:30 p.m. CT, with a presentation of the project and the environmental review process, followed by a public comment session, in which both in-person and virtual attendees may participate. Afterward, there will be an open house until 7 p.m. CT.

Members of the public may also submit written comments via email to [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov). Comments must be received by Sunday, Oct. 22, and include "Grand Portage LPOE EIS Scoping Comment" in the subject line.

**What:** Draft Environmental Impact Statement Public Scoping Meeting.

**When:** Thursday, Oct. 5, 2023, from 5-7 p.m. CT.

**Where:** Grand Portage Welcome Center, 9393 E, MN-61, Grand Portage, Minnesota.

**Who:** General public.

###

#### About GSA:

GSA provides centralized procurement and shared services for the federal government, managing a nationwide real estate portfolio of nearly 370 million rentable square feet, overseeing about \$87 billion in products and services via federal contracts, and delivering technology services that serve millions of people across dozens of federal agencies. GSA's mission is to deliver the best customer experience and value in real estate, acquisition, and technology services to the government and the American people. For more information, visit [GSA.gov](https://gsa.gov) and follow us at [@USGSA](https://twitter.com/USGSA).


X (formerly Twitter) 9/26/2023

← Post



GSA Great Lakes  
@GSAGreatLakes




📢 The public is invited to attend a [#publichearing](#) on the Draft Environmental Impact Statement for the expansion & modernization of the Land Port of Entry project planned in [#GrandPortage](#), [#Minnesota](#), on 10/5. [ow.ly/y98o50PPYuv](https://ow.ly/y98o50PPYuv)  17



9:08 PM · Sep 26, 2023 · 41 Views

## Social Media Posts by Grand Portage Band of Lake Superior Chippewa –

### Facebook 9/27/2023



**Grand Portage Band of Lake Superior Chippewa**  
September 27, 2023 · 🌐

GSA to host public scoping meeting for Land Port of Entry expansion in Grand Portage GRAND PORTAGE, Minn. – In compliance with the National Environmental Policy Act, the U.S. General Services Administration (GSA) will host a public scoping meeting in support of the development of the Draft Environmental Impact Statement to address the expansion and modernization of the Land Port of Entry (LPOE) project planned in Grand Portage, Minnesota.

The public is invited to attend the meeting on Thursday, Oct. 5, from 5-7 p.m. CT, in person at the Grand Portage Welcome Center at 9393 E, MN-61 in Grand Portage, Minnesota, or virtually at <https://us06web.zoom.us/j/88954366939...>

The LPOE in Grand Portage is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). This facility serves as the port of entry to travelers crossing the Pigeon River International Bridge that connects to the town of Neebing, Ontario, Canada. CBP currently inspects non-commercial and commercial vehicles, as well as pedestrians and bicyclists, at the LPOE. The expansion project will have five lanes and officer inspection booths for each lane, enhancing officer safety and security and enabling CBP to process border traffic more efficiently. The new, modern and energy-efficient facility will meet the federal government's mission requirements, enhance safety and security, and improve customer service to travelers.


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Members of the public may also submit written comments via email to [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov). Comments must be received by Sunday, Oct. 22, and include "Grand Portage LPOE EIS Scoping Comment" in the subject line.

What: Draft Environmental Impact Statement Public Scoping Meeting.  
When: Thursday, Oct. 5, 2023, from 5-7 p.m. CT.  
Where: Grand Portage Welcome Center, 9393 E, MN-61, Grand Portage, Minnesota.  
Who: General public.  
Thank you very much!  
Sincerely,  
--  
Michael Gonczar

US06WEB.ZOOM.US  
**Join our Cloud HD Video Meeting**





## **ATTACHMENT E: PUBLIC MEETING FLIER**

### **Public Meeting**

### **Grand Portage LPOE EIS Scoping Meeting Draft**

### **Presentation**

### **On new Proposed Port of Entry**



**Location: Grand Portage State  
Park Welcome Center**

**Time: Thursday, October 5  
from 5 p.m. - 7 p.m. CDT**

**A light dinner & beverage will be served**

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## ATTACHMENT F: PRESS RELEASE

### Press Release

U.S. General Services Administration

For Immediate Release  
Sept. 26, 2023

GSA Contact: Tanya Schusler, 312-206-6131  
[Tanya.Schusler@gsa.gov](mailto:Tanya.Schusler@gsa.gov)

#### GSA to host public scoping meeting for Land Port of Entry expansion in Grand Portage

**GRAND PORTAGE, Minn.** – In compliance with the [National Environmental Policy Act](#), the U.S. General Services Administration (GSA) will host a public scoping meeting in support of the development of the Draft Environmental Impact Statement to address the expansion and modernization of the Land Port of Entry (LPOE) project planned in Grand Portage, Minnesota.

The public is invited to attend the meeting on **Thursday, Oct. 5, from 5-7 p.m. CT**, in person at the Grand Portage Welcome Center at 9393 E, MN-61 in Grand Portage, Minnesota, or virtually at <https://us06web.zoom.us/j/88954366939?pwd=WDZxQTc2dDM3UUUlc3pyN0FVS1NlUT09>.

The [LPOE in Grand Portage](#) is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). This facility serves as the port of entry to travelers crossing the Pigeon River International Bridge that connects to the town of Neebing, Ontario, Canada. CBP currently inspects non-commercial and commercial vehicles, as well as pedestrians and bicyclists, at the LPOE. The expansion project will have five lanes and officer inspection booths for each lane, enhancing officer safety and security and enabling CBP to process border traffic more efficiently. The new, modern and energy-efficient facility will meet the federal government's mission requirements, enhance safety and security, and improve customer service to travelers.

This meeting will present project information and solicit public input on the proposed work. That input will help determine the scope and content of the Draft Environmental Impact Statement. The Draft Environmental Impact Statement will examine the impacts on human, natural, and cultural environments from potential improvements at the LPOE, including expanding the site, demolition, and new construction.

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Members of the public may also submit written comments via email to [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov). Comments must be received by Sunday, Oct. 22, and include "Grand Portage LPOE EIS Scoping Comment" in the subject line.

**What:** Draft Environmental Impact Statement Public Scoping Meeting.

**When:** Thursday, Oct. 5, 2023, from 5-7 p.m. CT.

**Where:** Grand Portage Welcome Center, 9393 E, MN-61, Grand Portage, Minnesota.

**Who:** General public.

###

#### About GSA:

GSA provides centralized procurement and shared services for the federal government, managing a nationwide real estate portfolio of nearly 370 million rentable square feet, overseeing about \$87 billion in products and services via federal contracts, and delivering technology services that serve millions of people across dozens of federal agencies. GSA's mission is to deliver the best customer experience and value in real estate, acquisition, and technology services to the government and the American people. For more information, visit [GSA.gov](https://gsa.gov) and follow us at [@USGSA](https://twitter.com/USGSA).

 **Tanya Schusler**  
Regional Public Affairs Officer  
U.S. General Services Administration  
Great Lakes Region  
[tanya.schusler@gsa.gov](mailto:tanya.schusler@gsa.gov)  
312-206-6131  
[GSA Great Lakes Facebook](#)  
[GSA Great Lakes Twitter](#)

## **Press Release - Distribution List**

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## ATTACHMENT G: INDEX OF COMMENTS BY SOURCE AND DATE

Commenter ID	Total Comments	Date	Name	Affiliation (if any)	Comment Method
<b>Agency / Government Unit</b>					
A1	1	10/6/23	Charles Fisher	Canada Border Services Agency	Email
A2	2	10/13/23	Rene Ohms	National Park Service (NPS)	Email / Letter
A3	2	10/17/23	John Reynolds	Minnesota Indian Affairs Council (MIAC) Cultural Resources	Email
A4	1	10/18/23	Idzva Tsatsa Kotwas	Transport Canada	Email
A5	75	10/20/23	Krystle McClain	U.S. Environmental Protection Agency (USEPA)	Email / Letter
A6	1	10/23/23	Philip Forst	Federal Highway Administration	Email
<b>Public</b>					
P1	15	10/5/23	Malvin Gagnon		Verbal (during Public Scoping Meeting)
P2	3	10/22/23	Richard Spotts	N/A	Public Submission
P3	2	10/22/23	Kyla Lea	N/A	Public Submission
<b>Tribe</b>					
T1	2	10/5/23	Agatha Armstrong	Grand Portage Band of Lake Superior Chippawa Tribal Council	Verbal (during Public Scoping Meeting)
T2	2	10/5/23	April McCormick	Grand Portage Band of Lake Superior Chippawa Tribal Council	Verbal (during Public Scoping Meeting)

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# **APPENDIX B – CONSULTATION AND COORDINATION**

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## APPENDIX B CONSULTATION AND COORDINATION

### B.1 SECTION 7 ENDANGERED SPECIES ACT

#### B.1.1 GSA Letter to USFWS (Minnesota-Wisconsin Ecological Services Field Office) (April 2, 2024)



U.S. General Services Administration

April 2, 2024

Ms. Shauna Marquardt  
Field Supervisor  
USFWS Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd. East  
Bloomington, MN 55425

**RE: Initiation of Consultation, Project Code # 2024-0016529, Proposed Expansion and Modernization of the Land Port of Entry (LPOE) in Grand Portage, Minnesota**

Dear Ms. Marquardt,

The U.S. General Services Administration (GSA) is preparing a Draft Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) project in compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The existing 5.7-acre LPOE is located in Grand Portage, Minnesota on the south bank of the Pigeon River. The Grand Portage LPOE exists within the Grand Portage Reservation and is located across the border from the Canadian Port of Entry located in Neebing, Ontario (see Figure 1). The Draft EIS examines the impacts on natural and cultural resources from potential improvements at the LPOE, including site expansion, demolition, and new construction. The Grand Portage LPOE is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). The Grand Portage Band of the Lake Superior Chippewa is serving as a cooperating agency on the EIS.

The purpose of this letter is to request concurrence with GSA's effect determination for federally listed species within the vicinity of the proposed project pursuant to Section 7 of the Endangered Species Act (ESA) of 1973 as amended (16 U.S.C. 1531 *et seq.*). An Information for Planning and Consultation (IPaC) report was generated for your reference under the "Grand Portage LPOE EIS" project name; Project Code # 2024-0016529.

The Proposed Action includes removal of all existing Grand Portage LPOE buildings and replacement with new facilities in a new site configuration. GSA would replace the Grand Portage LPOE with a modernized facility on an expanded footprint, expanding the existing 5.7-acre area to a total operational area of approximately 8.2 acres (see Figure 2). Within the larger footprint, new facilities would be constructed, including:

- Main Building – approximately 21,294 gross square feet (gsf) of building and 10,692 gsf of canopy
- Commercial Inspection Building – approximately 6,608 gsf of building and 237 gsf of canopy
- Five primary inspection lanes

GSA Public Building Service  
Facilities Management and Services Programs Division  
230 S. Dearborn St. Suite 3600  
Chicago, IL 60604

- Two tandem enclosed secondary inspection bays and two tandem outdoor secondary inspection bays
- Non-intrusive inspection (NII) building – approximately 10,984 gsf
- Commercial staging areas
- Commercial impound lot
- Parking areas for visitor, staff, and government-owned vehicles – total of 24 stalls and 8,400 gsf

GSA also would upgrade utilities by increasing utility capacity for electrical; plumbing, water supply, and sanitary waste; stormwater detention; mechanical; and fire protection to accommodate the site reconfiguration. In addition, the Proposed Action includes the redesign of stormwater infrastructure within the project area. Three stormwater basins would provide detention to reduce the peak discharge rate from the 2, 10, and 100-year storm events to pre-development runoff rates. The existing metal culvert located in the northeast corner of the proposed limits of construction would be repaired and the drainage area around the culvert, which has experienced erosion, would be stabilized.

The Proposed Action would occur primarily within the existing Minnesota Department of Transportation (MnDOT) right-of-way (ROW) associated with Highway 61. Minor amounts of tree clearing would be required along the roadway, consisting of approximately 0.8 acre of potential tree removal. Areas to be cleared are located within the existing LPOE site and along Highway 61; therefore, these trees are not anticipated to provide high-quality habitat for wildlife.

In addition to the Proposed Action, GSA is considering a No Action Alternative, to satisfy federal requirements for analyzing "no action" under NEPA (40 CFR 1502.14(d)). The No Action Alternative provides a baseline for comparison with impacts from the project and assumes that operations at the Grand Portage LPOE would continue under current conditions.

The purpose of the project is for GSA to support CBP's mission by modernizing and expanding the Grand Portage LPOE. The existing LPOE facilities and its configuration do not meet CBP's current needs and do not allow for expeditious and safe inspection of the traveling public. In addition, there have been operational challenges as a result of the deficient facilities during periods of high traffic volumes. Wind turbine components from Canada are also periodically transported through the LPOE, and a temporary shutdown of some lanes is necessary when turbines pass through the port, due to the current configuration. This can create delays and additional operational challenges for the LPOE. In order to bring the Grand Portage LPOE operations in line with design standards and operational requirements, implementation of the Proposed Action is needed to:

- Address space constraints and inefficient traffic flows;
- Shorten and expedite vehicle processing time, to include improving cross border daily commutes;
- Decrease congestion and long wait times during peak season;
- Allow CBP to process a higher volume of vehicles traveling to and from Canada, to include further accommodating potential future spikes in travelers crossing the border; and
- Provide a wider single lane for large semi-trucks hauling wind turbine components from Canada.

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**Special Status Species**

The IPaC, maintained by the USFWS, was queried for federally listed threatened and endangered species and designated critical habitats potentially occurring within the region of influence (ROI), defined in the Draft EIS as the 10.4-acre area potentially disturbed during construction, plus a 1,000-foot buffer.

USFWS records indicate the potential for four federally protected species: Canada lynx (*Lynx canadensis*; threatened), grey wolf (*Canis lupus*; threatened), northern long-eared bat (*Myotis septentrionalis*; endangered), tricolored bat (*Perimyotis subflavus*; proposed endangered). The monarch butterfly (*Danaus plexippu*) is a candidate species. In addition, designated critical habitat for the gray wolf is present within the proposed project area. The federally threatened wolverine (*Gulo gulo*) was not included in the IPaC report; however, the species has been observed within the Grand Portage Reservation and is considered within the EIS.

USFWS records also indicate the potential presence of the bald eagle and for seven bird species protected under the Migratory Bird Treaty Act (MBTA): Canada warbler (breeds from May 20 to August 10), Connecticut warbler (breeds from June 15 to August 10), evening grosbeak (breeds from May 15 to August 10), lesser yellowlegs (does not breed within the project area), olive-sided flycatcher (breeds from May 20 to August 31), pectoral sandpiper (does not breed within the project area), and wood thrush (breeds from May 10 to August 31). This information is also part of the abovementioned IPaC report.

A contractor representative for GSA performed a site visit to the proposed project area in July 2023 in support of a Phase I Environmental Site Assessment (ESA). GSA, in coordination with the Grand Portage Band, has identified the likelihood of each identified federal species to occur within the ROI based on existing site conditions (Table 1) and made preliminary effect determinations (Table 2). GSA has also noted the potential to encounter bald eagles and migratory birds within the ROI, as shown in Table 3.

**Table 1. Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Federal Status	Habitat	Expected to Occur Within ROI?
<b>Mammals</b>			
Canada lynx ( <i>Lynx canadensis</i> )	Threatened	Dense forested areas characterized by deep snow and an adequate prey population of snowshoe hares.	Unlikely. While the ROI exists within this species' range, Canada lynx typically avoid humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with ongoing operation of the existing Grand Portage LPOE and Highway 61.
Gray wolf ( <i>Canis lupus</i> )	Threatened	Highly adaptable species able to inhabit a range of areas including temperate forests, mountains, tundra, taiga, grasslands, and deserts. In Minnesota, usually occurs in areas with few roads.	Unlikely. While the ROI exists within designated gray wolf critical habitat, this species typically avoids humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with ongoing operation of the existing Grand Portage LPOE and Highway 61.

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**Table 1. Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Federal Status	Habitat	Expected to Occur Within ROI?
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	Endangered	Generally associated with old-growth forests and relies on intact interior forest habitat. Forages within forests and along forest edges. Hibernates in caves, mines, and tunnels in areas with temperatures above freezing and with low risk of disturbance. During the daytime, may roost in crevices, under loose bark on trees, or in small spaces associated with buildings or under bridges.	Potentially.  While this species is not anticipated to hibernate within the ROI, there is potential for northern long-eared bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites.
Tricolored bat ( <i>Perimyotis subflavus</i> )	Proposed Endangered	Associated with forests, where they forage near trees and along waterways. Roosts may be found in tree foliage, while maternity colonies may utilize structures such as buildings or bridges. Hibernation usually occurs in caves, mines, or tunnels.	Potentially.  While this species is not anticipated to hibernate within the ROI, there is potential for tricolored bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites.
Wolverine ( <i>Gulo gulo</i> )	Threatened	Inhabit alpine and arctic tundra, and boreal and mountain forests. Associated with areas that experience snow cover during the winter. Dens are located in areas including caves, rock crevices, and under fallen trees.	Unlikely.  While this species has been observed within the Grand Portage Reservation, wolverines typically avoid humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with ongoing operation of the existing Grand Portage LPOE and Highway 61.
<b>Insects</b>			
Monarch butterfly ( <i>Danaus plexippus</i> )	Candidate	Suitable breeding habitat associated with presence of milkweed plants, which grow in sunny areas with soils ranging from well-drained to those occurring near water. Migrates south to overwinter in Mexico.	Potentially.  Potentially suitable habitat may exist within the ROI.

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**Table 2. Preliminary Effect Determination for Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Effect Determination	Rationale
<b>Mammals</b>		
Canada lynx ( <i>Lynx canadensis</i> )	May affect, not likely to adversely affect	<p>While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Therefore, Canada lynx may be present within the region, and the potential exists to encounter the species as it moves through territory or searches for prey. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.</p> <p>Direct impacts to this species are not anticipated. However, if signs indicating the presence of Canada lynx within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.</p>
Gray wolf ( <i>Canis lupus</i> )	May affect, not likely to adversely affect	<p>While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Therefore, gray wolves may be present within the region, and the potential exists to encounter the species as it moves through territory or searches for prey. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.</p> <p>Direct impacts to this species are not anticipated. However, if signs indicating the presence of gray wolves within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.</p>
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	May affect, not likely to adversely affect	<p>While this species is not anticipated to hibernate within the ROI, there is potential for northern long-eared bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.</p> <p>To minimize or avoid the potential for direct impacts, GSA would avoid removing trees during April 1 through October 31 when this species is active. Tree clearing would only occur November 1 through March 31 while these bats are hibernating.</p> <p>GSA completed the USFWS Northern Long-eared Bat Rangewide Determination Key and received a determination of may affect – not likely to adversely affect for this Proposed Action, which is enclosed to this letter.</p>
Tricolored bat ( <i>Perimyotis subflavus</i> )	May affect, not likely to adversely affect	<p>While this species is not anticipated to hibernate within the ROI, there is potential for tricolored bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites. Negligible indirect impacts may be expected from noise, disturbance of existing vegetation, or displacement of prey species during construction.</p> <p>To minimize or avoid the potential for direct impacts, GSA would avoid removing trees during April 1 through October 31 when this species is active. Tree clearing would only occur November 1 through March 31 while these bats are hibernating.</p>

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**Table 2. Preliminary Effect Determination for Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Effect Determination	Rationale
Wolverine ( <i>Gulo gulo</i> )	May affect, not likely to adversely affect	While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Wolverines have been observed within the Grand Portage Reservation, and the potential exists to encounter the species as it moves through territory or searches for food. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.  Direct impacts to this species are not anticipated. However, if signs indicating the presence of wolverine within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.
<b>Insects</b>		
Monarch butterfly ( <i>Danaus plexippus</i> )	May affect, not likely to adversely affect	This species may experience indirect impacts from increased human activity, noise, or disturbance of vegetation (specifically milkweed, if present). As a best practice, GSA would consider conducting a survey for milkweed within the area of potential disturbance. If present and if avoidance of milkweed is not practicable, milkweed plants could be transplanted outside of the proposed project area. Therefore, overall available habitat would not change under the Proposed Action.

**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
Canada warbler ( <i>Cardellina canadensis</i> )	May 20 – August 10	Moist thickets of woodland undergrowth (especially aspen-poplar), bogs, tall shrubbery along streams or near swamps, and deciduous second growth. Nests found on or near the ground.	Possibly. The MNDNR lists this as an uncommon species within the Grand Portage State Park <sup>1</sup> . However, the ROI does support woodland habitat, including aspen, and is adjacent to water. Suitable habitat may exist within the ROI.
Connecticut warbler ( <i>Oporornis agilis</i> )	June 15 – August 10	Spruce and tamarack bogs, dry ridges, poplar and aspen woods, moist areas with low shrubby growth, thick undergrowth, or sapling thickets. Nests found on the ground.	Unlikely. The extant native vegetation within the ROI is dominated by aspen and birch trees. As the ROI does not support preferred habitat and the MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> , this species is not likely to be encountered within the ROI.
Evening grosbeak ( <i>Coccothraustes vespertinus</i> )	May 15 – August 10	Coniferous (primarily spruce and fir) and mixed coniferous-deciduous woodland, second growth, and occasionally	Unlikely. The MNDNR lists this as an occasional species within the Grand Portage State Park <sup>1</sup> , defined as infrequent and may not return each year. The extant native vegetation within the ROI is dominated

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**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
		parks. Nests found in dense foliage of trees.	by aspen and birch trees and does not support preferred coniferous habitat. As such, it is considered unlikely to encounter this species within the ROI.
Lesser yellowlegs ( <i>Tringa flavipes</i> )	Breeds elsewhere		Unlikely. Breeds in Canada and spends winters in South America. This species may be encountered within the ROI on stopovers during migration. However, the low-quality habitat existing within the project area is unlikely to support suitable foraging or resting habitat during migration stopovers.
Olive-sided flycatcher ( <i>Contopus cooperi</i> )	May 20 – August 31	Forests and woodlands (usually coniferous or mixed with deciduous trees), especially in burned-over areas with standing dead trees.	Unlikely. The extant native vegetation within the ROI is dominated by aspen and birch trees rather than the preferred coniferous species. As the ROI does not support preferred habitat and the MNDNR lists this species as uncommon on the Grand Portage State Park Bird Checklist <sup>1</sup> , this species is not likely to be encountered within the ROI.
Pectoral sandpiper ( <i>Calidris melanotos</i> )	Breeds elsewhere		Unlikely. Breeds in Alaska and along the Arctic coast of Siberia. The Alaska-breeding population spends winters in southern South America, while those that breed in Siberia may winter in Australia and New Zealand. This species may be encountered within the ROI on stopovers during migration. However, the low-quality habitat existing within the proposed limits of construction is unlikely to support suitable foraging or resting habitat during migration stopovers.
Veery ( <i>Catharus fuscescens fuscescens</i> )	May 15 – July 15	Swampy forest, especially in more open areas with shrubby understory. Preferred habitat consists of large tracts of forest.	Possibly. The MNDNR lists this as a common species within the Grand Portage State Park during the spring and summer and an uncommon species during the fall <sup>1</sup> . Suitable habitat may exist within the ROI.
Wood thrush ( <i>Hylocichla mustelina</i> )	May 10 – August 31	Deciduous or mixed forest with a dense tree canopy and a well-developed deciduous understory, especially where moist. Prime habitats include bottomlands and other rich hardwood forests, though also frequents pine forests with a	Unlikely. The MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> . As such, it is assumed that this species is not likely to be encountered within Grand Portage State Park or, therefore, the ROI.

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**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
		deciduous understorey and well-wooded residential areas.	

1. The Grand Portage State Park visitor center is located approximately 400 feet northwest of the existing Grand Portage LPOE. Therefore, species presence, absence, or abundance within the Grand Portage State Park serves as a good indicator of the potential to encounter the species within the ROI.

If construction activities occur within the nesting periods of migratory birds that may be found within the ROI (see Table 3), surveys would be conducted for nests prior to initiating demolition or construction activities. Any further requirements would be determined in coordination with applicable state and federal resource agencies pending survey results. If the project is determined to have potential to disturb or kill eagles, GSA would obtain a permit under the Bald and Golden Eagle Protection Act. As such, the Proposed Action is anticipated to have no effect on migratory birds or bald eagles.

**Concurrence Request**

We would greatly appreciate your concurrence with GSA’s effect determination within 30 days to enable us to complete this phase of the project within the scheduled timeframe. GSA also welcomes any information on the species potentially present in the project area that would further inform the effect determinations contained herein, as well as any input on proposed impact reduction measures that could be incorporated into the Proposed Action to avoid adverse effects to these species. Please provide any response to Michael Gonczar at (312) 810-2326 or [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov).

Additionally, responses can be mailed to:

ATTN: Michael Gonczar, GSA Grand Portage LPOE EIS  
 U.S. General Services Administration, Region 5  
 230 S. Dearborn St. Suite 3600  
 Chicago, IL 60604

If you have any questions or require additional information, please do not hesitate to call or email. Thank you for your assistance in this matter.

Sincerely,



Michael Gonczar  
 NEPA Program Manager  
 GSA | Public Buildings Service | Region 5

Enclosures

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 Facilities Management and Services Programs Division  
 230 S. Dearborn St. Suite 3600  
 Chicago, IL 60604

Enclosure 1 – Figures of Project Area

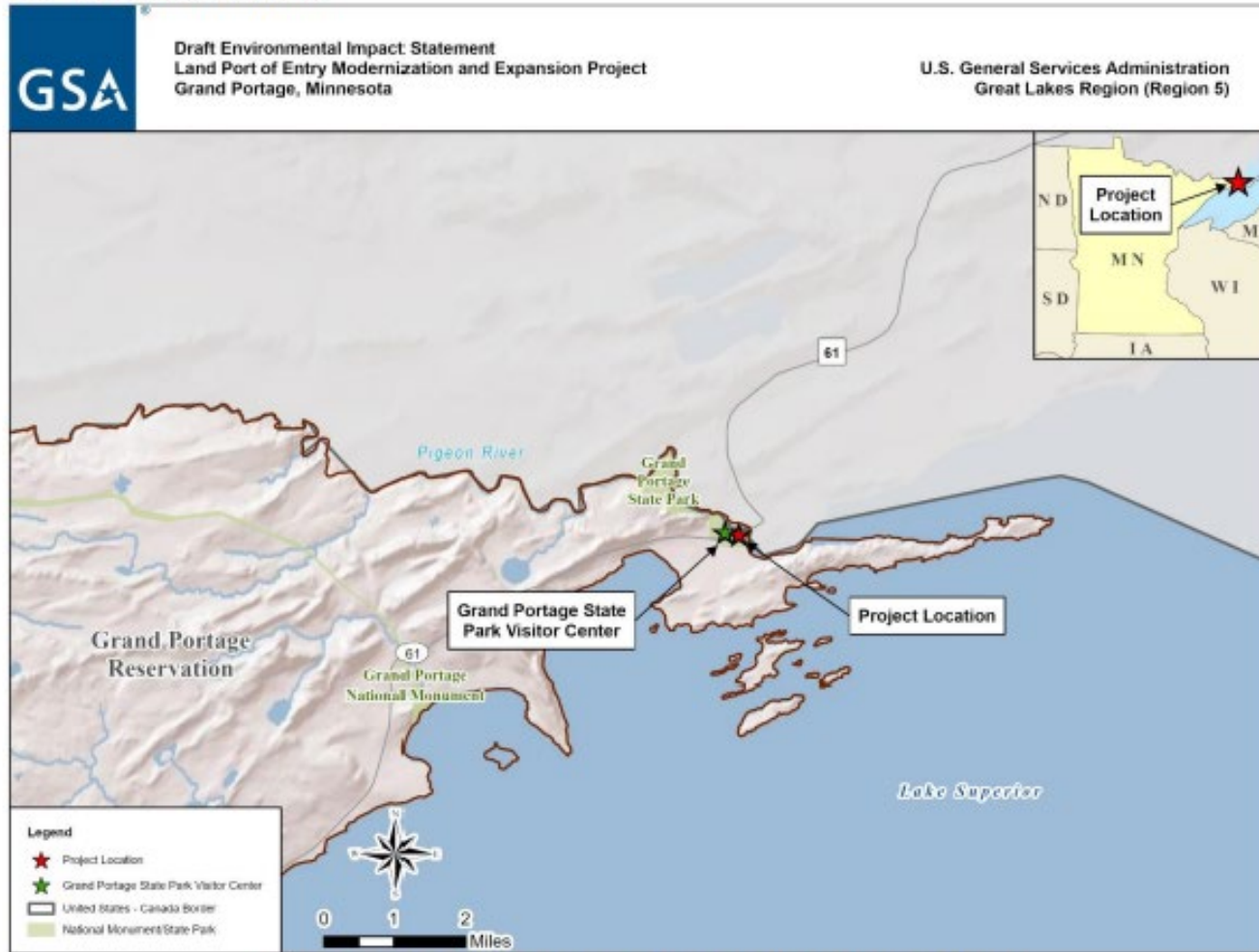


Figure 1. General Location of the Grand Portage Land Port of Entry

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Enclosure 1 – Figures of Project Area



Figure 2. Proposed Grand Portage Land Port of Entry Operational Footprint

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IPaC

U.S. Fish & Wildlife Service

# Endangered Species Act Review

DETERMINATION KEY

## Northern Long-eared Bat Rangewide Determination Key

Release date: October 19, 2023

You have not fully completed this determination key.

This [key](#) is intended to streamline review of projects for potential effects to the northern long-eared bat (*Myotis septentrionalis*). This key is designed as a tool to help Federal agencies and other project proponents decide if their proposed action has the potential to adversely affect the northern long-eared bat and covers certain routine and predictable projects for which predetermined consultation outcomes are feasible.

Some projects may be outside the scope of this key. Projects not eligible for pre-determined outcomes will be diverted for field office coordination. Activities that fall outside the scope of this key will require additional evaluation and/or consultation outside of the IPaC application; please contact the appropriate Ecological Service Field Office if you have questions.

If your project qualifies for use of this determination key (key), you will be prompted to answer questions about your project to help you evaluate its effects on the northern long-eared bat. Three outcomes are possible:

- 1) If your completed review indicates a "No Effect" (NE) for northern long-eared bat, and you have made separate "No Effect" determinations for all other species and critical habitats, if any, on your Official Species List, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.
- 2) For Federal projects with a "Not Likely to Adversely Affect" determination, our concurrence becomes valid if you do not hear otherwise after a 15-day review period, as specified in your letter.
- 3) If your output letter indicates additional coordination with the appropriate Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination" without a concurrence that adverse effects are not likely), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of this key; ESA compliance cannot be concluded using the key for simple "May Affect" determinations.

Please note that only one assisted key may be completed per species for each project. Please carefully review the descriptions of all available keys to select the most appropriate key for your project. For instance, federal transportation projects with potential effects to listed bats may be advised to complete the key entitled, FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat. Finally, be advised that this key is intended to assist the user in evaluating the effects of their actions on northern long-eared bat. It does not authorize any activities that are otherwise prohibited by the Endangered Species Act (e.g., for wildlife: import/export, interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other Federal or state statutes.

## Species covered by this key

This key covers the following species expected to occur in this project area:

Northern Long-eared Bat *Myotis septentrionalis*

## Critical habitats covered by this key

This key covers the critical habitats for the following species expected to occur in this project area:

None

For more information about this determination key, including a list of all potential questions, refer to the [detailed overview](#).

## Qualification interview

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions (Action means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to:

- (a) actions intended to conserve listed species or their habitat;  
(b) the promulgation of regulations;  
(c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or  
(d) actions directly or indirectly causing modifications to the land, water, or air.

50 CFR 402.02 "Action". answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action (A federal action means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to:

- (a) actions intended to conserve listed species or their habitat;  
(b) the promulgation of regulations;  
(c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or  
(d) actions directly or indirectly causing modifications to the land, water, or air.

50 CFR 402.02 "Action". authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative ( Designated non-Federal representative refers to a person designated by the Federal agency as its representative to conduct informal consultation and/or to prepare any biological assessment. 50 CFR 402.02 "Designated non Federal representative" .) for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the effects of any activities that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer "No" below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project's action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a "no effect" determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species (50 CFR 402.14(a)). Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer "No" and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of Effects of the Action can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any caves (or associated sinkholes, fissures (A narrow opening or crack of considerable length and depth usually occurring from some breaking or parting), or other karst (An irregular limestone region with sinkholes, underground streams, and caverns) features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

12. Does the action area contain or occur within 0.5 miles of (1) talus (A slope formed especially by an accumulation of rock debris or rock debris at the base of a cliff) or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

Yes

13. Have you received written confirmation from the local Ecological Services Field Office that the talus rock crevices in the action area are not likely to contain hibernating northern long-eared bats and/or that the proposed action would not affect those habitat types or northern long-eared bats that may use them? If so, upload the field office confirmation and continue with the key.

No

14. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

Note: Suitable northern long-eared bat roost trees are live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

Yes

## Project questionnaire

1. Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.8

2. In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat?

**Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

3. In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat?

**Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.8

4. Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

5. Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, enter the total extent of those areas. Round up to the nearest tenth of an acre.

0.8

6. For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

7. Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

8. Will all project activities be completed by April 1, 2024?

No

## Determination result

You have reached a determination of may affect - not likely to adversely affect based on this determination key. Review the guidance below and request USFWS concurrence for this project.

Based on the answers provided, the proposed Action is consistent with a determination of "may affect, but not likely to adversely affect" for the Endangered northern long-eared bat (*Myotis septentrionalis*).

If you no longer wish to use this key for your project, you can delete your evaluation.





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793



In Reply Refer To:  
Project Code: 2024-0016529  
Project Name: Grand Portage LPOE EIS

04/02/2024 14:39:17 UTC

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

### To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

### Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

### Consultation Technical Assistance

Please refer to refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

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We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

**Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review.** If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

#### Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

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3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

#### Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

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**Effect determinations.** No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

*If any of the above activities are proposed*, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the range-wide northern long-eared bat D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys help to determine if prohibited take might occur and, if not, will generate an automated verification letter.

*Please note:* On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's [northern long-eared bat website](#).

#### **Whooping Crane**

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States.](#)"

#### **Other Trust Resources and Activities**

*Bald and Golden Eagles* - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the

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mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

*Communication Towers* - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

#### State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

##### Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

##### Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNREReview@wi.gov](mailto:DNREReview@wi.gov)

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

#### Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

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## 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**  
3815 American Blvd East  
Bloomington, MN 55425-1659  
(952) 858-0793

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## PROJECT SUMMARY

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Project Name: Grand Portage LPOE EIS

Project Type: Border Security

Project Description: The Grand Portage Land Port of Entry (LPOE) exists within the Grand Portage Band of Lake Superior Chippewa Reservation. The facility is located approximately 5 miles northeast of the town of Grand Portage, Minnesota at the far northeast tip of the state where the Pigeon River meets Lake Superior. The legal address of the facility is 9403 East Highway 61, Grand Portage, Minnesota 55605. Grand Portage is situated in Cook County 145 miles northeast of Duluth, Minnesota and 30 miles southwest of Thunder Bay, Ontario, Canada.

The LPOE site encompasses approximately 5.7 acres and is surrounded predominately by wooded area. The Grand Portage State Park visitor center is located to the west.

The purpose of the project is for the U.S. General Services Administration (GSA) to support the mission of U.S. Department of Homeland Security's Customs and Border Protection (CBP) by modernizing and expanding the Grand Portage LPOE. The existing LPOE facilities and its configuration do not meet CBP's current needs and do not allow for expeditious and safe inspection of the traveling public. The LPOE facilities were constructed in the early 1960s, do not have the necessary usable square footage (USF) to satisfy the current Program of Requirements (POR), and are served by an inefficient road design (i.e., no outbound inspection). In addition, there have been operational challenges as a result of the deficient facilities during periods of high traffic volumes. Wind turbine components from Canada are also periodically transported through the LPOE, and a temporary shutdown of some lanes is necessary when turbines pass through the port, due to the current configuration. This can create delays and additional operational challenges for the LPOE.

GSA would replace the Grand Portage LPOE with a modernized facility on an expanded footprint, expanding the existing 5.7-acre area to a total operational area of approximately 8.2 acres. Within the larger footprint, new facilities would be constructed, including:

- Main building – approximately 21,294 gross square feet (gsf) of building and 10,692 gsf of canopy
- Commercial inspection building – approximately 6,608 gsf of building and 237 gsf of canopy
- Five primary inspection lanes
- Two tandem enclosed secondary inspection bays and two tandem outdoor secondary inspection bays

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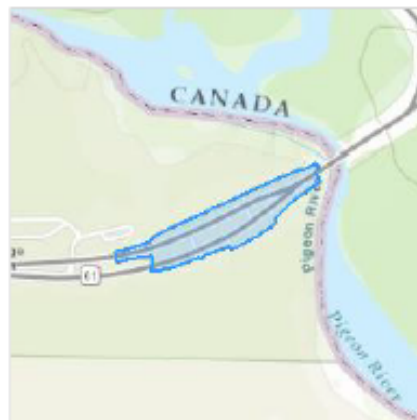
- Non-intrusive inspection (NII) building – approximately 10,984 gsf
- Commercial staging areas
- Commercial impound lot
- Parking areas for visitor, staff, and government-owned vehicles – total of 24 stalls and 8,400 gsf

Altogether, approximately 50,000 square feet of buildings and canopies and over 200,000 square feet of pavement would be constructed under the Proposed Action. GSA also would upgrade utilities by increasing utility capacity for electrical; plumbing, water supply, and sanitary waste; stormwater detention; mechanical; and fire protection to accommodate the site reconfiguration. In addition, the Proposed Action includes the redesign of stormwater infrastructure within the project area. Three stormwater basins would provide detention to reduce the peak discharge rate from the 2, 10, and 100-year storm events to pre-development runoff rates. The existing metal culvert located in the northeast corner of the proposed limits of construction would be repaired and the drainage area around the culvert, which has experienced erosion, would be stabilized.

Demolition and construction activities would be estimated to last approximately 36 months, beginning in 2026. Due to weather conditions, it is anticipated that peak construction would occur during the months of April through October. All construction activities would take place within a construction limits zone encompassing approximately 10.4 acres.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@48.000309599999994,-89.5882231961765,14z>



Counties: Cook County, Minnesota



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## ENDANGERED SPECIES ACT SPECIES

There is a total of 5 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. Note that 2 of these species should be considered only under certain conditions.

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.

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## MAMMALS

NAME	STATUS
<p>Canada Lynx <i>Lynx canadensis</i></p> <p>Population: Wherever Found in Contiguous U.S.</p> <p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a></p>	Threatened
<p>Gray Wolf <i>Canis lupus</i></p> <p>Population: MN</p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/4488">https://ecos.fws.gov/ecp/species/4488</a></p>	Threatened
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>This species only needs to be considered if the project includes wind turbine operations.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a></p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>This species only needs to be considered if the project includes wind turbine operations.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a></p>	Proposed Endangered

## INSECTS

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></p>	Candidate

## CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<p>Gray Wolf <i>Canis lupus</i></p> <p><a href="https://ecos.fws.gov/ecp/species/4488#crithab">https://ecos.fws.gov/ecp/species/4488#crithab</a></p>	Final

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

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THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

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

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

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

NAME	BREEDING SEASON
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 Dec 1 to Aug 31

## 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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

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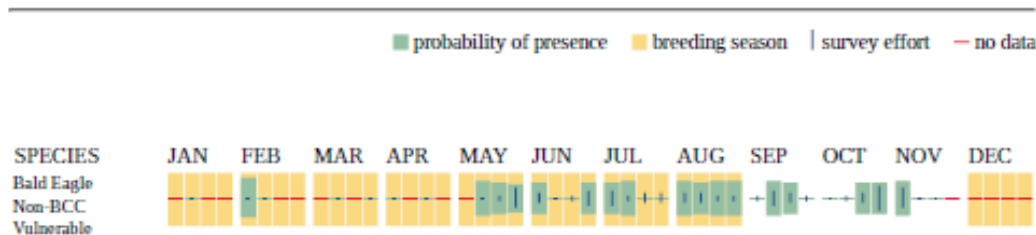
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

**Survey Effort (|)**

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**No Data (-)**

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



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## 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<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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)

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

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</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/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Canada Warbler <i>Cardellina canadensis</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/9643">https://ecos.fws.gov/ecp/species/9643</a>	Breeds May 20 to Aug 10
<b>Connecticut Warbler <i>Oporornis agilis</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/9442">https://ecos.fws.gov/ecp/species/9442</a>	Breeds Jun 15 to Aug 10
<b>Evening Grosbeak <i>Coccothraustes vespertinus</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/9465">https://ecos.fws.gov/ecp/species/9465</a>	Breeds May 15 to Aug 10
<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>Olive-sided Flycatcher <i>Contopus cooperi</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/3914">https://ecos.fws.gov/ecp/species/3914</a>	Breeds May 20 to Aug 31
<b>Pectoral Sandpiper <i>Calidris melanotos</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/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere
<b>Veery <i>Catharus fuscescens fuscescens</i></b> 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/11987">https://ecos.fws.gov/ecp/species/11987</a>	Breeds May 15 to Jul 15
<b>Wood Thrush <i>Hylocichla mustelina</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/9431">https://ecos.fws.gov/ecp/species/9431</a>	Breeds May 10 to Aug 31

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## 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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

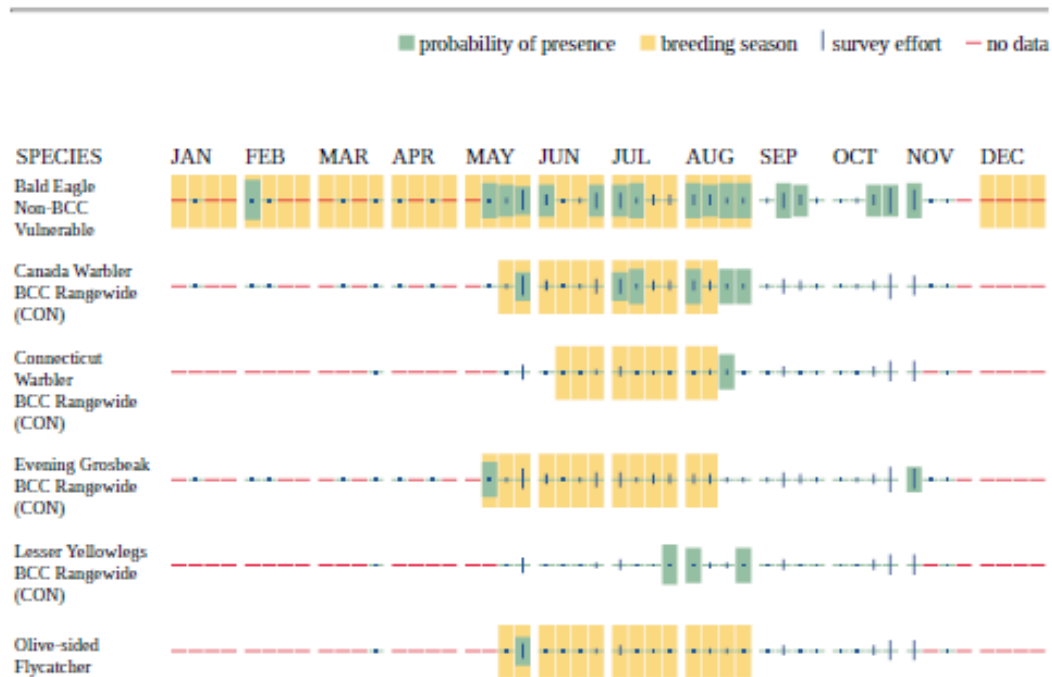
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

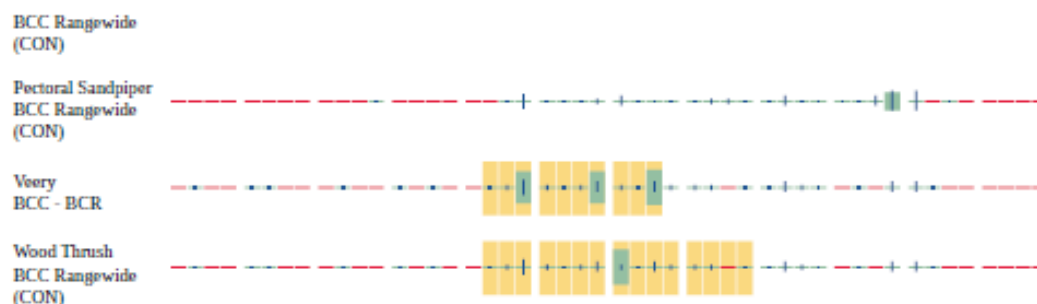
### No Data (-)

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



Project code: 2024-0016529

04/02/2024 14:39:17 UTC



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### FRESHWATER FORESTED/SHRUB WETLAND

- PFO4D

### RIVERINE

- R2UBG

Project code: 2024-0016529

04/02/2024 14:39:17 UTC

## IPAC USER CONTACT INFORMATION

Agency: Private Entity  
Name: Erin Kouvousis  
Address: 77 Upper Rock Circle  
Address Line 2: Suite 302  
City: Rockville  
State: MD  
Zip: 20850  
Email: erin.kouvousis@phe.com  
Phone: 3019079078

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: General Services Administration

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)



## B.1.2 USFWS Response Email (Minnesota-Wisconsin Ecological Services Field Office) (May 24, 2024)

**From:** Michael Gonczar - 5P1FB <[michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov)>  
**Sent:** Friday, May 24, 2024 11:49 AM  
**To:** Galbraith, Betsy M <[betsy\\_galbraith@fws.gov](mailto:betsy_galbraith@fws.gov)>  
**Cc:** Twin Cities, FW3 <[TwinCities@fws.gov](mailto:TwinCities@fws.gov)>; Gary Walker - 5P2DB <[gary.walker@gsa.gov](mailto:gary.walker@gsa.gov)>; Paul DiPaolo <[paul.dipaolo@phe.com](mailto:paul.dipaolo@phe.com)>  
**Subject:** Re: [EXTERNAL] Fwd: USFWS Section 7 Project Review Request, Project Code # 2024-0016529, Proposed Expansion and Modernization of the Land Port of Entry (LPOE) in Grand Portage, Minnesota

Good afternoon Ms. Galbraith,

Thank you for your review, and for providing concurrence on our effects determinations regarding potential effects on federally listed species within the vicinity of the proposed project area.

Have a great Memorial Day weekend!

Sincerely,

On Fri, May 24, 2024 at 1:28 PM Galbraith, Betsy M <[betsy\\_galbraith@fws.gov](mailto:betsy_galbraith@fws.gov)> wrote:

Dear Mr. Gonczar,

The U.S. Fish and Wildlife Service (Service) has reviewed your April 2, 2024, email and enclosures requesting consultation on the Grand Portage Land Port of Entry (LPOE) project, in Grand Portage, MN (Project Code: # **2024-001652**) and submits these comments pursuant to the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531-1544).

The proposed action is to:

Address space constraints and inefficient traffic flows; • Shorten and expedite vehicle processing time, to include improving cross border daily commutes; • Decrease congestion and long wait times during peak season; • Allow CBP to process a higher volume of vehicles traveling to and from Canada, to include further accommodating potential future spikes in travelers crossing the border; and • Provide a wider single lane for large semi-trucks hauling wind turbine components from Canada.

The analysis using MNWI FO Determination Keys for the proposed action is a “may affect, not likely to adversely affect” determination for Canada Lynx (*Lynx canadensis*), Gray Wolf (*Canis lupus*), Northern long-eared bat (*Myotis*

*septentrionalis*), Tricolor bat (*Perimyotis subflavus*), and Wolverine (*Gulo gulo*). After reviewing the project's documentation, we anticipate the effects of the proposed action to be insignificant and discountable. Therefore, we concur with the IPaC determination that the proposed action "may affect, not likely to adversely affect" Canada Lynx (*Lynx canadensis*), Gray Wolf (*Canis lupus*), Northern long-eared bat (*Myotis septentrionalis*), Tricolor bat (*Perimyotis subflavus*), and Wolverine (*Gulo gulo*). As the project is of urgent human health and safety need, it is not necessary to wait 30 days to implement it.

This concludes consultation under Section 7 of the Endangered Species Act, as amended. Should the scope, timing, or manner of activity change, please contact this office. If you have questions, please contact Lainet Garcia-Rivera at [Lainet\\_garcia-rivera@fws.gov](mailto:Lainet_garcia-rivera@fws.gov).

Thank you for the opportunity to review the proposed actions.

Sincerely,

[Betsy Galbraith she/her](#)

Acting Project Leader  
U.S. Fish & Wildlife Service  
MN-WI Ecological Services Field Office  
(920) 866-1753

*The Vision of the Minnesota-Wisconsin Field Office is to foster a sustainable and just environment for future generations through science, collaboration, and stewardship.*



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**From:** Michael Gonczar - 5P1FB <[michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov)>  
**Sent:** Friday, May 3, 2024 9:12 AM  
**To:** Galbraith, Betsy M <[betsy\\_galbraith@fws.gov](mailto:betsy_galbraith@fws.gov)>; Twin Cities, FW3 <[TwinCities@fws.gov](mailto:TwinCities@fws.gov)>  
**Cc:** Gary Walker - 5P2DB <[gary.walker@gsa.gov](mailto:gary.walker@gsa.gov)>; Paul DiPaolo <[paul.dipaolo@phe.com](mailto:paul.dipaolo@phe.com)>  
**Subject:** [EXTERNAL] Fwd: USFWS Section 7 Project Review Request, Project Code # 2024-

0016529, Proposed Expansion and Modernization of the Land Port of Entry (LPOE) in Grand Portage, Minnesota

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good Morning Ms. Galbraith,

I'm forwarding my initial email to you, since I received an email response that Ms. Marquardt is no longer with USFWS, and GSA doesn't have a designated POC in the MN-WI Field Office.

Thank you.

Sincerely,

----- Forwarded message -----

From: **Michael Gonczar - 5P1FB** <[michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov)>  
Date: Tue, Apr 2, 2024 at 3:13 PM  
Subject: USFWS Section 7 Project Review Request, Project Code # 2024-0016529, Proposed Expansion and Modernization of the Land Port of Entry (LPOE) in Grand Portage, Minnesota  
To: Twin Cities, FW3 <[TwinCities@fws.gov](mailto:TwinCities@fws.gov)>  
Cc: Gary Walker - 5P2DB <[gary.walker@gsa.gov](mailto:gary.walker@gsa.gov)>, Margaret Watkins <[mwatkins@grandportage.com](mailto:mwatkins@grandportage.com)>, Paul DiPaolo <[paul.dipaolo@phe.com](mailto:paul.dipaolo@phe.com)>

Good afternoon Ms. Marquardt,

The US General Services Administration (GSA) is preparing an Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) project in compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Pursuant to the federal Endangered Species Act (ESA) Section 7, GSA is seeking input from the US Fish and Wildlife Services (USFWS) Minnesota-Wisconsin Ecological Services Field Office regarding potential effects on federally listed species or potential environmental concerns associated with this proposed project. Please see the attached letter for additional information.

We would appreciate your concurrence on our effect determinations as well as any input on impact reduction measures.

We look forward to your response.

Sincerely,

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**Michael Gonczar**

---

he/him/his  
Environmental Protection Specialist  
Energy, Environmental, and Sustainability Branch  
GSA/PBS, Facilities Management and Services Programs Division  
230 S. Dearborn St. Suite 3600, Chicago, IL 60604  
Cell: 312-810-2326  
[michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov)

### B.1.3 GSA Letter to USFWS for Three-Phase Power Line Update (Minnesota-Wisconsin Ecological Services Field Office) (October 1, 2024)



U.S. General Services Administration

October 1, 2024

Ms. Betsy Galbraith  
Acting Project Leader  
USFWS Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd. East  
Bloomington, MN 55425

**RE: Continuation of Consultation, Proposed Expansion and Modernization of the Land Port of Entry (LPOE) in Grand Portage, Minnesota**

Dear Ms. Galbraith,

The U.S. General Services Administration (GSA) is preparing a Draft Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) project in compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The existing 5.7-acre LPOE is located in Grand Portage, Minnesota on the south bank of the Pigeon River. The Grand Portage LPOE exists within the Grand Portage Reservation and is located across the border from the Canadian Port of Entry located in Neebing, Ontario (see **Figure 1**). The Draft EIS examines the impacts on natural and cultural resources from potential improvements at the LPOE, including site expansion, demolition, and new construction. The Grand Portage LPOE is owned and managed by GSA and operated by the U.S. Department of Homeland Security's Customs and Border Protection (CBP). The Grand Portage Band of the Lake Superior Chippewa is serving as a cooperating agency on the EIS.

GSA initiated consultation under Section 107 of the Endangered Species Act (ESA) of 1973 as amended (16 U.S.C. 1531 et seq.) in a letter dated April 2, 2024 and generated an Information for Planning and Consultation (IPaC) report under the "Grand Portage LPOE EIS" project name; Project Code # 2024-001652. In response, USFWS concurred with the determination that the proposed action "may affect, not likely to adversely affect" Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), and wolverine (*Gulo gulo*).

GSA recently updated the Proposed Action at the Grand Portage LPOE to include upgrades to the electrical distribution system leading to the LPOE. GSA, in coordination with the local utility provider Arrowhead Cooperative (Arrowhead), would install a 7.3-mile buried power line within Arrowhead's existing utility right-of-way (ROW) along the western side of Highway 61 to provide three-phase power to the modernized and expanded Grand Portage LPOE (see **Figure 2**). The addition of the proposed powerline does not affect the proposed construction and operation of the Grand Portage LPOE as described in Project Code # 2024-001652, and the determination of effects to protected species remains unchanged.

The purpose of this letter is to request concurrence with GSA's effect determination for federally listed species within the vicinity of the proposed powerline route. A new IPaC report

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for this component of the Proposed Action was generated for your reference; Project Code # 2024-0142604.

**Special Status Species**

The IPaC, maintained by the USFWS, was queried for federally listed threatened and endangered species and designated critical habitats potentially occurring within the region of influence (ROI), defined in the Draft EIS as within 1,000 feet of the proposed 7.3-mile three-phase power line route.

USFWS records indicate the potential for four federally protected species: Canada lynx (*Lynx canadensis*; threatened), grey wolf (*Canis lupus*; threatened), tricolored bat (*Perimyotis subflavus*; proposed endangered), and piping plover (*Charadrius melodus*). The monarch butterfly (*Danaus plexippu*) is a candidate species. In addition, designated critical habitat for the gray wolf is present within the proposed project area. The federally threatened wolverine (*Gulo gulo*) was not included in the IPaC report; however, the species has been observed within the Grand Portage Reservation and is considered within the EIS. Furthermore, the federally endangered northern long-eared bat (*Myotis septentrionalis*), was identified in the IPaC report generated in April 2024 for the construction and modernization of the Grand Portage LPOE, but this species was not identified in the most recent IPaC report generated for the proposed powerline route. GSA is still considering potential effects to this species within the EIS as it was observed at the nearby Grand Portage National Monument during a recent survey.

USFWS records also indicate the potential presence of the bald eagle, golden eagle, and for nine bird species protected under the Migratory Bird Treaty Act (MBTA): Canada warbler (breeds from May 20 to August 10), chimney swift (breeds from March 15 to August 25), Connecticut warbler (breeds from June 15 to August 10), evening grosbeak (breeds from May 15 to August 10), lesser yellowlegs (does not breed within the project area), olive-sided flycatcher (breeds from May 20 to August 31), pectoral sandpiper (does not breed within the project area), veery (breeds from May 15 to July 15), and wood thrush (breeds from May 10 to August 31). This information is also part of the abovementioned IPaC report.

A contractor representative for GSA performed a site visit to the proposed project area in July 2023 in support of a Phase I Environmental Site Assessment (ESA). GSA, in coordination with the Grand Portage Band, has identified the likelihood of each identified federal species to occur within the ROI based on existing site conditions (Table 1) and made preliminary effect determinations (Table 2). GSA has also noted the potential to encounter bald eagles and migratory birds within the ROI, as shown in Table 3.

**Table 1. Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Federal Status	Habitat	Expected to Occur Within ROI?
<b>Mammals</b>			
Canada lynx ( <i>Lynx canadensis</i> )	Threatened	Dense forested areas characterized by deep snow and an adequate prey population of snowshoe hares.	Unlikely. While the ROI exists within this species' range, Canada lynx typically avoid humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with

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**Table 1. Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Federal Status	Habitat	Expected to Occur Within ROI?
			ongoing operation of the existing Grand Portage LPOE and Highway 61.
Gray wolf ( <i>Canis lupus</i> )	Threatened	Highly adaptable species able to inhabit a range of areas including temperate forests, mountains, tundra, taiga, grasslands, and deserts. In Minnesota, usually occurs in areas with few roads.	Unlikely. While the ROI exists within designated gray wolf critical habitat, this species typically avoids humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with ongoing operation of the existing Grand Portage LPOE and Highway 61.
Tricolored bat ( <i>Perimyotis subflavus</i> )	Proposed Endangered	Associated with forests, where they forage near trees and along waterways. Roosts may be found in tree foliage, while maternity colonies may utilize structures such as buildings or bridges. Hibernation usually occurs in caves, mines, or tunnels.	Potentially. While this species is not anticipated to hibernate within the ROI, there is potential for tricolored bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites.
Piping plover ( <i>Charadrius melodus</i> )	Endangered	Usually occur on ocean beaches or on sand or algal flats in protected bays. Winters in the southern U.S. and migrates north to breed. Nests are found on sandy beaches, especially where scattered grass is present. These areas may be along coastal shorelines or the shores of shallow lakes, ponds, rivers, or impoundments.	Unlikely. While this species may be encountered within the ROI, such encounters are likely to be with transient individuals. Primary coastal habitat, foraging areas, or breeding areas are not located within the ROI.
Wolverine ( <i>Gulo gulo</i> )	Threatened	Inhabit alpine and arctic tundra, and boreal and mountain forests. Associated with areas that experience snow cover during the winter. Dens are located in areas including caves, rock crevices, and under fallen trees.	Unlikely. While this species has been observed within the Grand Portage Reservation, wolverines typically avoid humans. It would be unlikely to encounter this species within the ROI due to the human presence, vehicle noise, and disturbance associated with ongoing operation of the existing Grand Portage LPOE and Highway 61.
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	Endangered	Generally associated with old-growth forests and relies on intact interior forest habitat. Forages within forests and along forest edges. Hibernates in caves, mines, and tunnels in areas with temperatures above freezing and with low risk of disturbance. During the daytime, may roost in crevices, under loose bark on trees, or in small	Potentially. While this species is not anticipated to hibernate within the ROI, there is potential for northern long-eared bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites.

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**Table 1. Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Federal Status	Habitat	Expected to Occur Within ROI?
		spaces associated with buildings or under bridges.	
<b>Insects</b>			
Monarch butterfly ( <i>Danaus plexippus</i> )	Candidate	Suitable breeding habitat associated with presence of milkweed plants, which grow in sunny areas with soils ranging from well-drained to those occurring near water. Migrates south to overwinter in Mexico.	Potentially. Potentially suitable habitat may exist within the ROI.

**Table 2. Preliminary Effect Determination for Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Effect Determination	Rationale
<b>Mammals</b>		
Canada lynx ( <i>Lynx canadensis</i> )	May affect, not likely to adversely affect	While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Therefore, Canada lynx may be present within the region, and the potential exists to encounter the species as it moves through territory or searches for prey. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.  Direct impacts to this species are not anticipated. However, if signs indicating the presence of Canada lynx within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.
Gray wolf ( <i>Canis lupus</i> )	May affect, not likely to adversely affect	While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Therefore, gray wolves may be present within the region, and the potential exists to encounter the species as it moves through territory or searches for prey. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.  Direct impacts to this species are not anticipated. However, if signs indicating the presence of gray wolves within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.
Tricolored bat ( <i>Perimyotis subflavus</i> )	May affect, not likely to adversely affect	While this species is not anticipated to hibernate within the ROI, there is potential for tricolored bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites. Negligible indirect impacts may be expected from noise, disturbance of existing vegetation, or displacement of prey species during construction.  To minimize or avoid the potential for direct impacts, GSA would avoid removing trees during April 1 through October 31 when this

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**Table 2. Preliminary Effect Determination for Federal Special Status Species with Potential to Occur within the Region of Influence**

Species	Effect Determination	Rationale
		species is active. Tree clearing would only occur November 1 through March 31 while these bats are hibernating.
Piping plover ( <i>Charadrius melodus</i> )	May affect, not likely to adversely affect	While no suitable breeding or foraging habitat for this species exists within the ROI, transient individuals may be encountered during migration or movement between more suitable areas. Direct impacts to this species are not anticipated. Negligible indirect impacts may be expected from noise during construction.
Wolverine ( <i>Gulo gulo</i> )	May affect, not likely to adversely affect	While this species is expected to avoid the development and human activity associated with operation of the existing Grand Portage LPOE, the ROI is located in an otherwise undeveloped area within the Grand Portage Reservation and near a state park. Wolverines have been observed within the Grand Portage Reservation, and the potential exists to encounter the species as it moves through territory or searches for food. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.  Direct impacts to this species are not anticipated. However, if signs indicating the presence of wolverine within the ROI are observed, surveys may be performed and further impact reduction measures implemented as appropriate.
Northern long-eared bat ( <i>Myotis septentrionalis</i> )	May affect, not likely to adversely affect	While this species is not anticipated to hibernate within the ROI, there is potential for northern long-eared bats to forage within the ROI or utilize nearby trees or structures as daytime roosting sites. Negligible indirect impacts could occur from noise, disturbance of existing vegetation, or displacement of prey species during construction.  To minimize or avoid the potential for direct impacts, GSA would avoid removing trees during April 1 through October 31 when this species is active. Tree clearing would only occur November 1 through March 31 while these bats are hibernating.
<b>Insects</b>		
Monarch butterfly ( <i>Danaus plexippus</i> )	May affect, not likely to adversely affect	This species may experience indirect impacts from increased human activity, noise, or disturbance of vegetation (specifically milkweed, if present). As a best practice, GSA would consider conducting a survey for milkweed within the area of potential disturbance. If present and if avoidance of milkweed is not practicable, milkweed plants could be transplanted outside of the proposed project area. Therefore, overall available habitat would not change under the Proposed Action.

**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	December 1 – August 31	Areas close to water such as bays, rivers, lakes, or reservoirs. Nests are located in tall trees or on cliffs near water.	Possibly. The MNDNR lists this as a common species within the Grand Portage State Park <sup>1</sup> . The ROI is forested and located near Lake Superior. Suitable habitat may exist within the ROI.
Canada warbler	May 20 – August 10	Moist thickets of woodland undergrowth	Possibly.

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**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
( <i>Cardellina canadensis</i> )		(especially aspen-poplar), bogs, tall shrubbery along streams or near swamps, and deciduous second growth. Nests found on or near the ground.	The MNDNR lists this as an uncommon species within the Grand Portage State Park <sup>1</sup> . However, the ROI does support woodland habitat, including aspen, and is adjacent to water. Suitable habitat may exist within the ROI.
Chimney swift ( <i>Chaetura pelagica</i> )	March 15 – August 25	Common in rural and urban environments. Nests commonly in chimneys and interior walls of other buildings. Natural nest sites may include hollow tree trunks and branches or woodpecker cavities.	Unlikely. The MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> . As such, it is assumed that this species is not likely to be encountered within Grand Portage State Park or, therefore, the ROI.
Connecticut warbler ( <i>Oporornis agilis</i> )	June 15 – August 10	Spruce and tamarack bogs, dry ridges, poplar and aspen woods, moist areas with low shrubby growth, thick undergrowth, or sapling thickets. Nests found on the ground.	Unlikely. The extant native vegetation within the ROI is dominated by aspen and birch trees. As the ROI does not support preferred habitat and the MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> , this species is not likely to be encountered within the ROI.
Evening grosbeak ( <i>Coccothraustes vespertinus</i> )	May 15 – August 10	Coniferous (primarily spruce and fir) and mixed coniferous-deciduous woodland, second growth, and occasionally parks. Nests found in dense foliage of trees.	Unlikely. The MNDNR lists this as an occasional species within the Grand Portage State Park <sup>1</sup> , defined as infrequent and may not return each year. The extant native vegetation within the ROI is dominated by aspen and birch trees and does not support preferred coniferous habitat. As such, it is considered unlikely to encounter this species within the ROI.
Golden eagle ( <i>Aquila chrysaetos</i> )	January 1 to August 31	Open and semi-open country, including prairies, savannah, barren areas, or sparse woodland. Nests are located on rock ledges or occasionally in large trees or on steep hillsides.	Unlikely. The extant native vegetation within the ROI is dominated by aspen and birch trees. As the ROI does not support preferred habitat and the MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> , this species is not likely to be encountered within the ROI.
Lesser yellowlegs ( <i>Tringa flavipes</i> )	Breeds elsewhere		Unlikely. Breeds in Canada and spends winters in South America. This species may be encountered within the ROI on stopovers during migration. However, the low-quality habitat existing within the project area is unlikely to support suitable

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**Table 3. Potential for Bald Eagles and Migratory Birds to Occur Within the Region of Influence**

Species	Breeding Season in ROI	Breeding Habitat	Potential to Occur within ROI
			foraging or resting habitat during migration stopovers.
Olive-sided flycatcher ( <i>Contropus cooperi</i> )	May 20 – August 31	Forests and woodlands (usually coniferous or mixed with deciduous trees), especially in burned-over areas with standing dead trees.	Unlikely. The extant native vegetation within the ROI is dominated by aspen and birch trees rather than the preferred coniferous species. As the ROI does not support preferred habitat and the MNDNR lists this species as uncommon on the Grand Portage State Park Bird Checklist <sup>1</sup> , this species is not likely to be encountered within the ROI.
Pectoral sandpiper ( <i>Calidris melanotos</i> )	Breeds elsewhere		Unlikely. Breeds in Alaska and along the Arctic coast of Siberia. The Alaska-breeding population spends winters in southern South America, while those that breed in Siberia may winter in Australia and New Zealand. This species may be encountered within the ROI on stopovers during migration. However, the low-quality habitat existing within the proposed limits of construction is unlikely to support suitable foraging or resting habitat during migration stopovers.
Veery ( <i>Catharus fuscescens fuscescens</i> )	May 15 – July 15	Swampy forest, especially in more open areas with shrubby understory. Preferred habitat consists of large tracts of forest.	Possibly. The MNDNR lists this as a common species within the Grand Portage State Park during the spring and summer and an uncommon species during the fall <sup>1</sup> . Suitable habitat may exist within the ROI.
Wood thrush ( <i>Hylocichla mustelina</i> )	May 10 – August 31	Deciduous or mixed forest with a dense tree canopy and a well-developed deciduous understory, especially where moist. Prime habitats include bottomlands and other rich hardwood forests, though also frequents pine forests with a deciduous understory and well-wooded residential areas.	Unlikely. The MNDNR does not list this species on the Grand Portage State Park Bird Checklist <sup>1</sup> . As such, it is assumed that this species is not likely to be encountered within Grand Portage State Park or, therefore, the ROI.

1. The Grand Portage State Park visitor center is located approximately 400 feet northwest of the existing Grand Portage LPOE. Therefore, species presence, absence, or abundance within the Grand Portage State Park serves as a good indicator of the potential to encounter the species within the ROI.

If construction activities occur within the nesting periods of migratory birds that may be found within the ROI (see Table 3), surveys would be conducted for nests prior to initiating demolition or construction activities. Any further requirements would be determined in coordination with applicable state and federal resource agencies pending survey results. If

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Chicago, IL 60604

the project is determined to have potential to disturb or kill eagles, GSA would obtain a permit under the Bald and Golden Eagle Protection Act. As such, the Proposed Action is anticipated to have no effect on migratory birds or bald eagles.

**Concurrence Request**

We would greatly appreciate your concurrence with GSA's effect determination within 30 days to enable us to complete this phase of the project within the scheduled timeframe. GSA also welcomes any information on the species potentially present in the vicinity of the proposed powerline route that would further inform the effect determinations contained herein, as well as any input on proposed impact reduction measures that could be incorporated into the Proposed Action to avoid adverse effects to these species. Please provide any response to Michael Gonczar at (312) 810-2326 or [michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov).

Additionally, responses can be mailed to:

ATTN: Michael Gonczar  
GSA Grand Portage LPOE EIS  
U.S. General Services Administration, Region 5  
230 S. Dearborn St. Suite 3600  
Chicago, IL 60604

If you have any questions or require additional information, please do not hesitate to call or email. Thank you for your assistance in this matter.

Sincerely,

*Michael Gonczar*

Michael Gonczar  
NEPA Program Manager  
GSA | Public Buildings Service | Region 5

Enclosures

GSA Public Building Service  
Facilities Management and Services Programs Division  
230 S. Dearborn St. Suite 3600  
Chicago, IL 60604

Enclosure 1 – Figures of Project Area

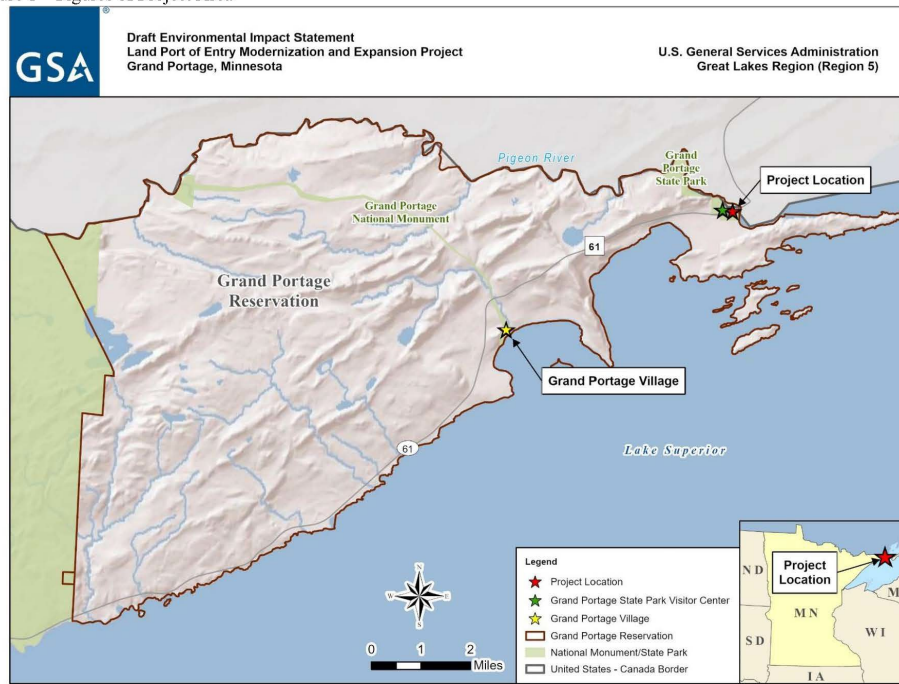


Figure 1. General Location of the Grand Portage Land Port of Entry

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Enclosure 1 – Figures of Project Area

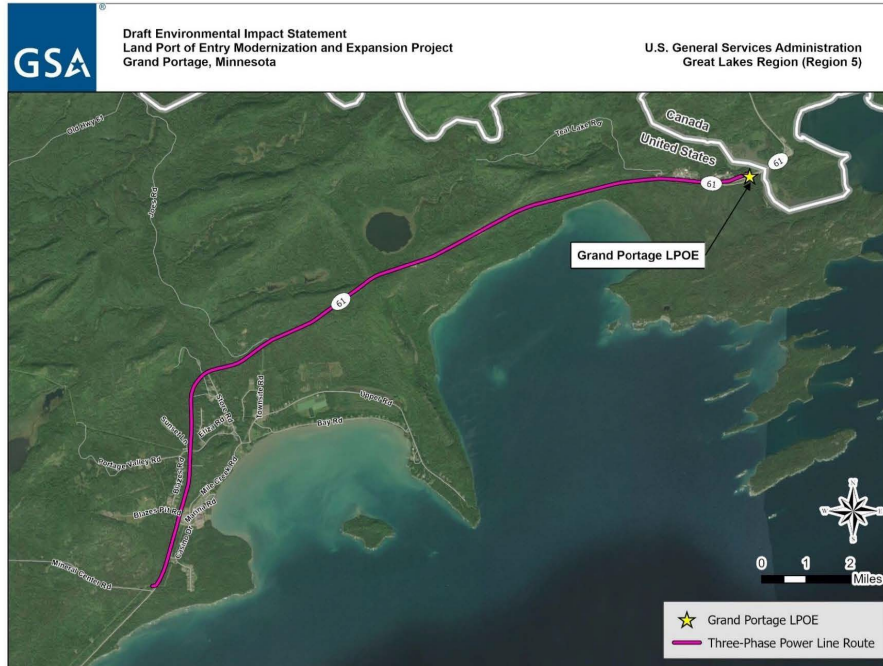


Figure 2. Proposed Three-Phase Power Line Route

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Facilities Management and Services Programs Division  
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Chicago, IL 60604

## B.2 SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

### B.2.1 GSA Letter Sent to Grand Portage Band of Lake Superior Chippewa THPO (July 31, 2023) – APE Letter



U.S. General Services Administration

July 31, 2023

**Email:** robhull@grandportage.com

Rob Hull  
Tribal Historic Preservation Officer  
PO Box 428  
Grand Portage, MN 55606

**Subject: Continued Consultation and Request for Concurrence with Area of Potential Effects for the Grand Portage Land Port of Entry Modernization Project**

Dear Mr. Hull,

The U.S. General Services Administration (GSA) Great Lakes Region (Region 5) hopes this letter finds you and the members of the Grand Portage Band of the Lake Superior Chippewa safe and well. We are currently preparing an Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) Modernization Project in compliance with the National Environmental Policy Act (NEPA) of 1969 and the National Historic Preservation Act (NHPA) of 1966. The LPOE is located in the Grand Portage Indian Reservation approximately five miles northeast of the town of Grand Portage, Minnesota at the far northeastern tip of the state where the Pigeon River meets Lake Superior. We seek continued consultation as well as concurrence with the Area of Potential Effects (APE) defined below.

The purpose of the Grand Portage LPOE Modernization Project is to fulfill tenant and the traveling public's needs at the Grand Portage LPOE. U.S. Customs and Border Protection (CBP) currently inspects private vehicular, pedestrian, and commercial truck traffic at the Grand Portage LPOE. Current LPOE facilities and configurations do not meet CBP's needs and do not allow for expeditious and safe inspection of the traveling public. The EIS will examine the impacts on natural and cultural resources from potential improvements at the LPOE, including limited site expansion, demolition, and new construction.

The project includes removal of all existing Grand Portage LPOE buildings and replacement with new facilities in a new site configuration. The project would be constructed within the footprint shown in **Figure 1**, which is reflective of the same project area as described in the most recent 50% Program Development Study Report dated 5 May 2023. New facilities would be constructed as shown in **Figure 2**, including: a main building; commercial inspection building and dock; 6-bay secondary inspection area; 6-bay secondary hard inspection area; non-intrusive inspection building and control room; commercial staging areas; commercial impound lot; and government-owned vehicles and privately-owned vehicle parking areas. GSA also would upgrade utilities by increasing utility capacity for electrical; plumbing, water supply, and sanitary waste; stormwater detention; mechanical; and fire protection to accommodate the site reconfiguration. The project may require the installation of temporary facilities to allow for the Grand Portage LPOE to remain operational 24 hours per day, 7 days per week.

The EIS will consider construction of the facilities as described above. In addition, the EIS will consider a No Action Alternative to satisfy federal requirements for analyzing "no action" under



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NEPA. Analysis of the No Action Alternative will provide a baseline for comparison with impacts from the project.

Following our 9 May 2023 telephone conversation, GSA defines the “archaeological study area” as the proposed project area, which includes all areas of potential ground disturbance and where changes to land use and public access might take place (**Figure 3** and **Figure 4**). GSA defines the APE as the proposed project area with an additional 100-meter buffer that also includes the Pigeon River Bridge (see **Figure 3** and **Figure 4**). To define this APE, GSA has assumed based on current project plans that all proposed new buildings will be three stories or less in height. GSA also assumes that the current landscape serves as a visual barrier insulating any new construction and associated project activities. GSA has defined the APE to account for possible physical effects, as well as potential visual, noise, and atmospheric effects during construction and operation of the new facility based on what will reasonably be expected to be within the proposed project viewshed based on proposed building heights. If project plans change, GSA will adjust the APE accordingly and consult with your office to ensure potential effects on cultural resources are appropriately addressed in the EIS.

GSA has hired a contractor to perform an archaeological literature search to include the archaeological study area and a 1-mile (1.6-kilometer) buffer. The literature search will identify previous cultural resource surveys. In addition, GSA has hired a contractor to perform an above-ground historic resources survey to identify historic properties within the APE. Before these outputs are undertaken, GSA requests consultation with your office and any additional individuals you deem appropriate to better understand the history of the land.

Thank you for taking the time to continue consultation on this project and we would appreciate your feedback and concurrence on the aforementioned APE. If you have any questions, please contact me directly by email at [regina.nally@gsa.gov](mailto:regina.nally@gsa.gov).

Sincerely,

A handwritten signature in black ink that reads "Regina A. Nally".

Regina A. Nally  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL  
312 848 0266 (m)

Attachments:

Figure 1. Proposed Project Area  
Figure 2. Proposed Modernized Port Layout  
Figure 3. Proposed APE on an Aerial Photograph Map.  
Figure 4. Proposed APE on a USGS Map.

Page 2 of 6

Great Lakes Regional Headquarters

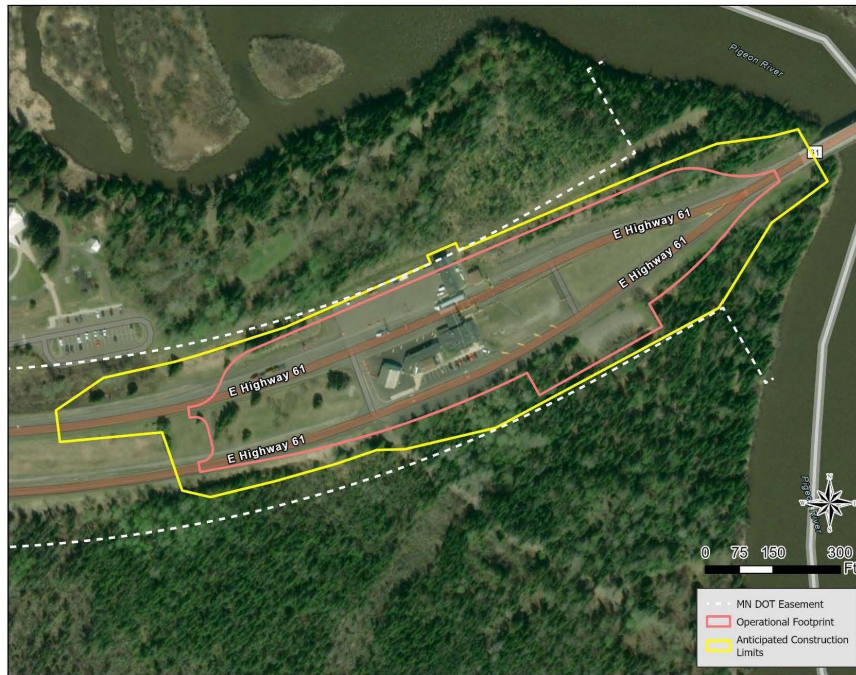
230 S. Dearborn Street  
Chicago, Illinois 60604  
[www.gsa.gov](http://www.gsa.gov)





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Figure 1. Proposed Project Area.



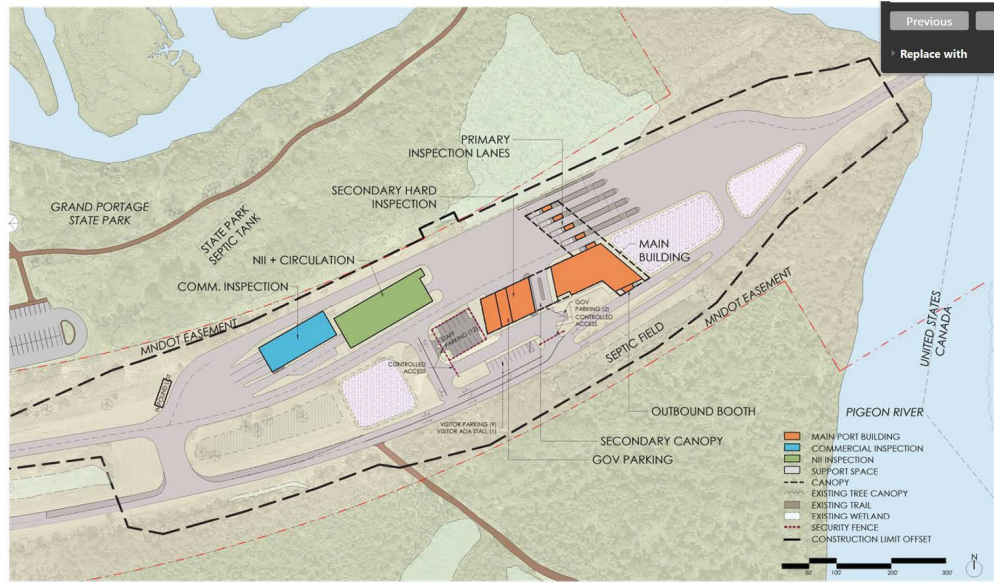
Page 3 of 6

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230 S. Dearborn Street  
Chicago, Illinois 60604  
[www.gsa.gov](http://www.gsa.gov)



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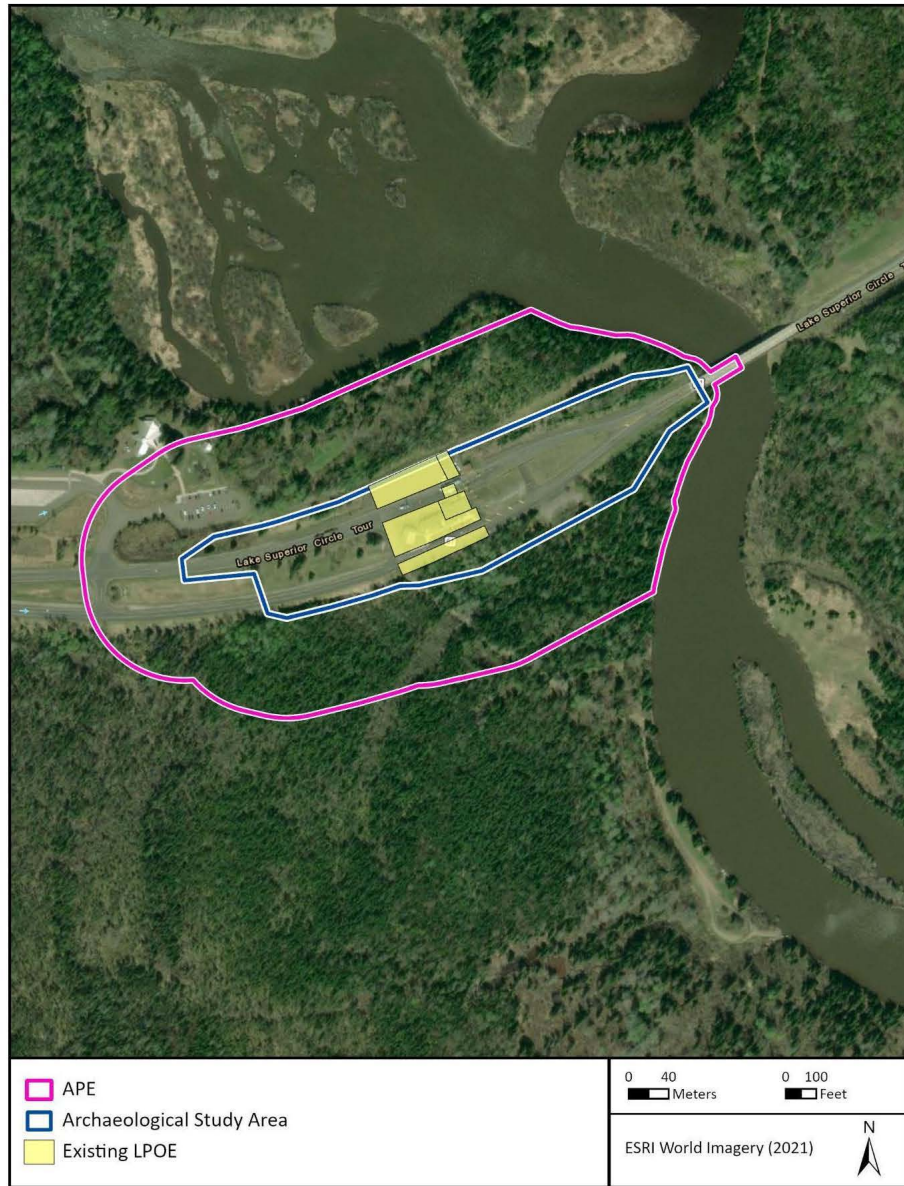
Figure 2. Proposed Modernized Port Layout.





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Figure 3. Proposed APE on an Aerial Photograph Map.



Page 5 of 6

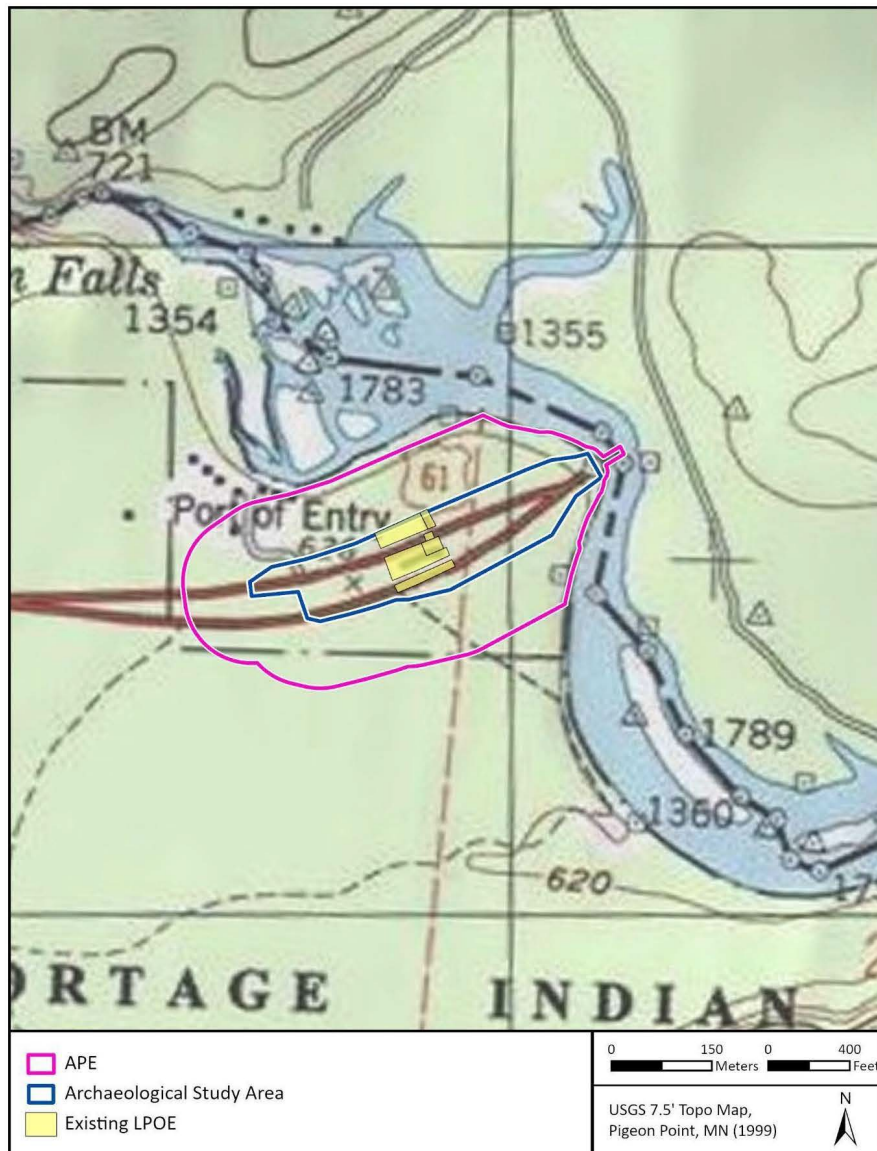
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www.gsa.gov



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Figure 4. Proposed APE on a USGS Map.



## B.2.2 THPO Response Email to GSA APE Letter (October 26, 2023)

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**From:** Rob Hull <robhull@grandportage.com>  
**Sent:** Friday, October 20, 2023 9:12 AM  
**To:** Gary Walker - 5P2DB <gary.walker@gsa.gov>; Regina Nally - 5P2PA <regina.nally@gsa.gov>  
**Cc:** Bobby Deschampe <robertdeschampe@grandportage.com>; April McCormick <aprilm@grandportage.com>; agatha armstrong <agathaa@grandportage.com>; Marie Spry <mariespry@grandportage.com>; Toby Stephens <tobys@grandportage.com>; Margaret Watkins <mwatkins@grandportage.com>; Michael Gonczar - 5P1FB <michael.gonczar@gsa.gov>; Julie Ramey - QF0B1EC <julie.potter@gsa.gov>; Paul DiPaolo <paul.dipaolo@phe.com>  
**Subject:** RE: CONCURRENCE REQUEST: GSA's Section 106 Submission - Area of Potential Effect (APE) for the Grand Portage LPOE Modernization Project

Hello Regina/Gary

After review.....

*"I concur with GSA's defined Area of Potential Effects (APE)"*

Thank You

*Rob Hull*

Roads and Realty Manager  
Tribal Transit Manager  
Land Use Manager  
THPO  
PO Box 428  
Grand Portage, MN 55605  
Phone: 218-475-0111  
Cell: 218-994-9265  
Email: [robhull@grandportage.com](mailto:robhull@grandportage.com)  
[tribaltransit@grandportage.com](mailto:tribaltransit@grandportage.com)  
[roadsandrealty@grandportage.com](mailto:roadsandrealty@grandportage.com)  
[thpo@grandportage.com](mailto:thpo@grandportage.com)

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### B.2.3 GSA Letter Sent to Grand Portage Band of Lake Superior Chippewa THPO (January 12, 2024) – Archaeological Literature Search



U.S. General Services Administration

January 12, 2024

**Email:** robhull@grandportage.com

Rob Hull  
Tribal Historic Preservation Officer  
PO Box 428  
Grand Portage, MN 55606

**Subject: Continued Consultation, Notification of Project Updates for the Grand Portage Land Port of Entry Modernization Project**

Dear Mr. Hull,

The U.S. General Services Administration (GSA) Great Lakes Region (Region 5) hopes this letter finds you and the members of the Grand Portage Band of the Lake Superior Chippewa safe and well. We are currently preparing an Environmental Impact Statement (EIS) for the Grand Portage Land Port of Entry (LPOE) Modernization Project in compliance with the National Environmental Policy Act (NEPA) of 1969 and the National Historic Preservation Act (NHPA) of 1966. The LPOE is located on the Grand Portage Indian Reservation approximately five miles northeast of the town of Grand Portage, Minnesota at the far northeastern tip of the state where the Pigeon River meets Lake Superior. We seek continued consultation as well as concurrence with results of the archaeological literature search summarized below.

GSA initially developed three alternatives as part of a 2019 Feasibility Study at the Grand Portage LPOE. The Feasibility Study considered two similar alternatives with different configurations of the proposed new Main Building and a third alternative that focused on realignment of the primary inspection lanes, reconfiguration of the visitor parking areas, and rearrangement of commercial vehicle staging areas. These alternatives considered a port expansion outside of the existing Minnesota Department of Transportation (MnDOT) Highway 61 easement.

Following the Feasibility Study process, the Program Development Study (PDS) process was initiated and a 35 percent PDS was issued in December 2022 that considered three new alternatives at the Grand Portage LPOE within a smaller footprint, designed to fall entirely within the existing MnDOT Highway 61 easement. The revised PDS alternatives were considered to address concerns with site expansion and development on the Grand Portage Indian Reservation. The intent of developing within the MnDOT easement is to limit ground disturbance in undisturbed areas and to minimize new construction while still addressing the agency's safety and security requirements.

Through the iterative PDS process, a 50 percent PDS was issued in May 2023 that identified a single action alternative to carry forward for further evaluation, following consideration of three build alternatives in the 35 percent PDS. This alternative remains within the MnDOT Highway 61 easement and would be constructed in four phases, allowing for operation of the Grand Portage LPOE to continue without interruption. A 90 percent PDS was issued in November 2023 that

continued to develop and refine the selected alternative and a 100 percent PDS was issued in December 2023 (**Figure 1**). GSA is preparing a Draft EIS to assess the potential impacts of the selected alternative. Through the PDS process, the Area of Potential Effects (APE) and archaeological study area have shifted slightly since your concurrence on 20 October 2023. The most current APE map is shown in **Figure 2**. To clarify exactly where the changes are present between the archaeological study area you concurred with and the current one, we have included **Figure 3** with both the old and new archaeological study areas superimposed on each other clearly showing the discrepancies. As you should be able to see, the changes are very slight.

As part of the ongoing NEPA and NHPA efforts, an archaeological literature search was produced by SEARCH, Inc. (SEARCH) and is enclosed. The report is intended to inform GSA's EIS in compliance with NEPA and the NHPA. In addition, the results of this archaeological literature search will help determine if previously recorded archaeological sites and/or unknown archaeological resources will be impacted by the proposed undertaking.

For this archaeological literature search, SEARCH evaluated records held at the Minnesota State Historic Preservation Office and the Office of the State Archaeologist as well as additional background information provided by GSA. SEARCH identified one potential archaeological resource that intersects the study area. This potential archaeological resource is a historic cemetery mapped in an October 2021 literature search by Two Pines Resource Group, LLC; however, its location has not been confirmed. One additional archaeological site, 21CKf, was identified within a 1.6-kilometer (1.0-mile) radius.

A Phase I archaeological survey was conducted by Two Pines Resource Group, LLC in 2022 as part of the Trunk Highway 61 Bridge 5923 Rehabilitation Project, which overlaps with the archaeological study area. The 2022 survey did not identify any archaeological resources; therefore, SEARCH recommends no additional archaeological investigations for this project. Nevertheless, because the property lies within the Grand Portage Indian Reservation, construction monitoring in consultation with the Grand Portage Band of Lake Superior Chippewa should be conducted during ground disturbing activities.

Thank you for taking the time to continue consultation on this project and we would appreciate your feedback regarding the results of the enclosed archaeological literature search and SEARCH's recommendations. If you have any questions, please contact me directly by email at [regina.nally@gsa.gov](mailto:regina.nally@gsa.gov).

Sincerely,



Regina A. Nally  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL  
312 848 0266 (m)



**Enclosures:**

*An Archaeological Literature Search for the Grand Portage Land Port of Entry Modernization Project in Cook County, Minnesota*

**Attachments:**

Figure 1. Proposed Layout of the Proposed Action (100 percent PDS).

Figure 2. APE on an Aerial Photograph Map.

Figure 3. Changes to Archaeological Study Area Since October 2023 Concurrence.

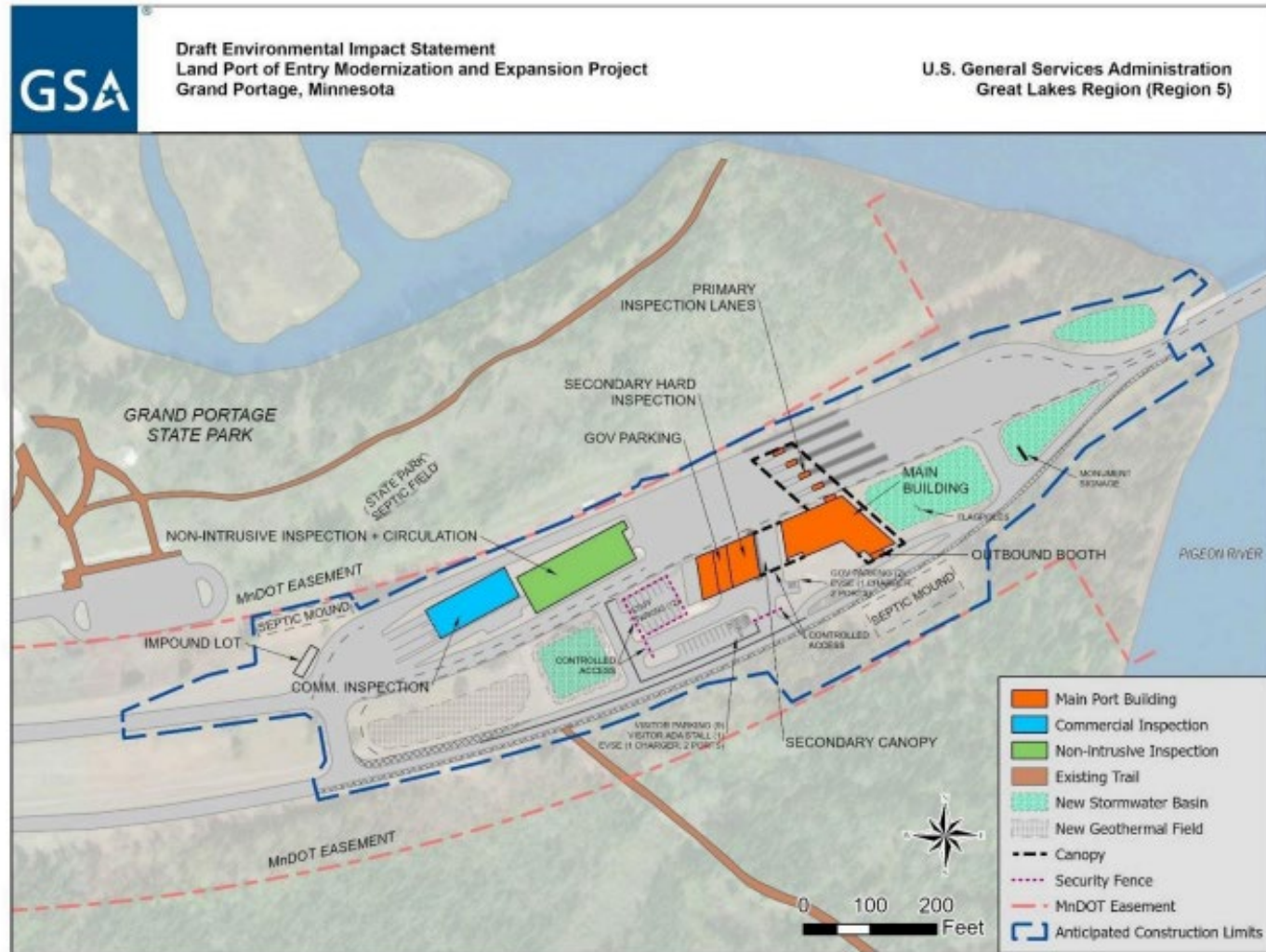


Figure 1. Proposed Layout of the Proposed Action (100 percent PDS)



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Figure 2. APE on an Aerial Photograph Map.



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Figure 3. Changes to Archaeological Study Area Since October 2023 Concurrence.

## B.2.4 GSA Emails Sent to Grand Portage Band of Lake Superior Chippewa THPO (May 13, 2024 and July 22, 2024) – Archaeological Literature and Historic Structures Surveys

**From:** [Gary Walker - 5P2DB](#)  
**To:** [Margaret Watkins](#); [Rob Hull](#)  
**Cc:** [Paul DiPaolo](#); [Matthew Hively - 5P1FB](#); [Regina Nally - 5P2PA](#); [Michael Gonczar - 5P1FB](#)  
**Subject:** Re: Grand Portage - Discussion Items  
**Date:** Monday, May 13, 2024 2:58:56 PM  
**Attachments:** [Dec 2023 Archeological Survey.pdf](#)  
[Dec 2023 Grand Portage LPOE Historic Structures Report DRAFT.pdf](#)

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Attached are the Archaeological Literature Survey as well as the Historic Structures Survey for our discussion this week.

On Mon, May 13, 2024 at 4:41 PM Gary Walker - 5P2DB <[gary.walker@gsa.gov](mailto:gary.walker@gsa.gov)> wrote:

Hello Margaret and Rob,

There are several items that I would like to talk to you about this week if possible, related to the Environmental Impact Study, arsenic testing, the upcoming Wetland Delineation site walk (June 12th) and the Draft EIS.

I'd like to set up a conference call with you to discuss these items rather than going back and forth by email. I'd say we need 20 minutes to talk through these items and determine next steps.

Right now we are trying to schedule the NEPA Public hearing but cannot do so until we get a bit more information on the items mentioned above.

I would greatly appreciate any time we could get together this week so we can have a clear path forward.

Gary Walker  
Design and Construction  
Project Manager  
312 848 0224 (Cell)

[Gary.Walker@GSA.GOV](mailto:Gary.Walker@GSA.GOV)

--

Gary Walker  
Design and Construction  
Project Manager  
312 848 0224 (Cell)

[Gary.Walker@GSA.GOV](mailto:Gary.Walker@GSA.GOV)

**From:** [Regina Nally - 5P2PA](#)  
**To:** [Rob Hull](#)  
**Cc:** [Gary Walker - 5P2DB](#); [Michael Gonczar - 5P1FB](#); [Paul DiPaolo](#); [Matthew Piscitelli](#)  
**Subject:** URGENT 1 of 2 Emails: Archaeological Literature Search + Historic Structures Report  
**Date:** Monday, July 22, 2024 2:35:36 PM  
**Attachments:** [Grand Portage LPOE Archaeology Lit Search Letter FIS 2024-1-12 RN signed.pdf](#)  
[Pnewski-Terrell-1605-03 TH 61 Bridge 5923 Phase I Report FINAL 24Aug22 CK Co.pdf](#)  
[Grand Portage LPOE Archaeological Literature Search Dec2023.pdf](#)

Hi Rob,

I wanted to get the subject of our archaeological literature search and the historic structures report, both by SEARCH Inc., to the TOP of your in-box. I understand you are likely super busy with the new boat dock construction. With this in mind, if we can make your review less time consuming by having a video call to provide a summary overview, let me know.

The reports were originally emailed on January 12, 2024 and May 12, 2024 respectively. Both reports are succinct at 21 and 41 pages, with half the content being images, maps or bibliographic listings. I will send the historic structure report in a separate email today.

Additional research is being planned for areas along Highway 61 to the LPOE site for the power line installation. We will be preparing that info for delivery to you this fall. It will help us to have your input, if any, on these reports now as we embark on the supplemental research for the highway area.

Thanks!  
Regina.

---

REGINA A. NALLY  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL 312 848 0266 (m)  
Hyperlinks:  
[GSA Center for Historic Buildings](#)  
[GSA Region 5 - Preservation Resources](#)  
[Request Preservation Services - Internal GSA Request](#)

----- Forwarded message -----

From: **Regina Nally - 5P2PA** <[regina.nally@gsa.gov](mailto:regina.nally@gsa.gov)>  
Date: Fri, Jan 12, 2024 at 3:36 PM  
Subject: GSA Section 106 Submission: GP LPOE - Archaeological Literature Search  
To: Rob Hull <[robhull@grandportage.com](mailto:robhull@grandportage.com)>  
Cc: Bobby Deschampe <[robertdeschampe@grandportage.com](mailto:robertdeschampe@grandportage.com)>, Lori Anishnabie <[rtcexecutiveassistant@grandportage.com](mailto:rtcexecutiveassistant@grandportage.com)>, agatha armstrong <[agathaa@grandportage.com](mailto:agathaa@grandportage.com)>, April McCormick <[aprilm@grandportage.com](mailto:aprilm@grandportage.com)>, Marie Spry <[mariespry@grandportage.com](mailto:mariespry@grandportage.com)>, Toby Stephens <[tobys@grandportage.com](mailto:tobys@grandportage.com)>, Margaret Watkins <[mwatkins@grandportage.com](mailto:mwatkins@grandportage.com)>, Gary Walker - 5P2DB <[gary.walker@gsa.gov](mailto:gary.walker@gsa.gov)>, Julie Ramey - QFEDD <[julie.potter@gsa.gov](mailto:julie.potter@gsa.gov)>, Michael Gonczar - 5P1FB <[michael.gonczar@gsa.gov](mailto:michael.gonczar@gsa.gov)>, Dan Kammann - 5P2DA <[daniel.kammann@gsa.gov](mailto:daniel.kammann@gsa.gov)>, Donald Melcher - 5P2D <[donald.melcher@gsa.gov](mailto:donald.melcher@gsa.gov)>, Paul DiPaolo <[paul.dipaolo@phe.com](mailto:paul.dipaolo@phe.com)>, Matthew Piscitelli <[matthew.piscitelli@searchinc.com](mailto:matthew.piscitelli@searchinc.com)>, SWENSON, BRIAN L <[brian.l.swenson@cbp.dhs.gov](mailto:brian.l.swenson@cbp.dhs.gov)>, Julie Peterson - 5P1NBA <[julie.peterson@gsa.gov](mailto:julie.peterson@gsa.gov)>, Beth Savage - PCAB <[beth.savage@gsa.gov](mailto:beth.savage@gsa.gov)>, Jeffrey Jensen - PCAB <[jeffrey.jensen@gsa.gov](mailto:jeffrey.jensen@gsa.gov)>

Hello Rob and Happy New Year to you!

In accordance with the National Historic Preservation Act the corresponding Federal regulations, 36 CFR Part 800.4 Identification of Historic Properties, the attached documents are GSA's submission to the Tribe on our archaeological investigations related to the Grand Portage LPOE project.

In an effort to keep our project schedule on track, I respectfully request your comments and hopefully your concurrence with the recommendations of this research that *no additional archaeological investigations are required*.

Please provide your response via email by **Thursday, February 15, 2024**. We would greatly appreciate it.

As you and the Tribal Council have requested in the past, I have copied the council here so they too have direct access to our official submission documents for our Section 106 consultation process with the tribe.

I will likely check in with you in early February to see if you would like to set up a time to discuss any particulars related to this research.

Thank you for all the dedication and efforts you have provided our project team to date. I look forward to speaking with you soon.

Regina

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REGINA A. NALLY  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL 312 848 0266 (m)  
Hyperlinks:  
[GSA Center for Historic Buildings](#)  
[GSA Region 5 - Preservation Resources](#)  
[Request Preservation Services - Internal GSA Request](#)

**From:** [Regina Nally - 5P2PA](#)  
**To:** [Rob Hull](#)  
**Cc:** [Gary Walker - 5P2DB](#); [Michael Gonczar - 5P1FB](#); [Paul DiPaolo](#); [Matthew Piscitelli](#)  
**Subject:** URGENT 2 of 2 Emails: Archaeological Literature Search + Historic Structures Report  
**Date:** Monday, July 22, 2024 2:47:37 PM  
**Attachments:** [FINAL\\_Grand\\_Portage\\_LPOE\\_Historic\\_Structures\\_Report\\_SEARCH\\_2024-05-06.pdf](#)  
[FINAL\\_Grand\\_Portage\\_LPOE\\_Historic\\_Structures\\_Report\\_Effects\\_Determination.pdf](#)

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Rob,

As promised in my email today July 22 at 4:34 pm here is the historic structures (architectural) report and separate Determination of Effects for your much needed review and comment.

Thanks,  
Regina.

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REGINA A. NALLY  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL 312 848 0266 (m)  
Hyperlinks:  
[GSA Center for Historic Buildings](#)  
[GSA Region 5 - Preservation Resources](#)  
[Request Preservation Services - Internal GSA Request](#)



## B.2.5 Grand Portage Band of Lake Superior Chippewa THPO Response Letter (July 25, 2024) – Archaeological Literature and Historic Structures Surveys



Grand Portage Band of Lake Superior Chippewa  
RESERVATION TRIBAL COUNCIL  
83 Stevens Road, PO Box 428  
Grand Portage, Minnesota 55605  
Tel. (218) 475-2277 • Fax (218) 475-2284

July 25, 2024

REGINA A. NALLY  
Historic Preservation Officer  
US General Services Administration  
Public Buildings Service, Great Lakes Region  
Chicago, IL 312 848 0266 (m)

- Re: THPO review of SEARCH, Inc. submitted reports,
1. **"AN ARCHEOLOGICAL LITERATURE SEARCH FOR THE GRAND PORTAGE PORT OF ENTRY MODERNIZATION PROJECT IN COOK COUNTY, MINNESOTA"**
  2. **"HISTORIC ARCHITECTURAL SURVEY FOR THE GRAND PORTAGE PORT OF ENTRY MODERNIZATION PROJECT, COOK COUNTY, MINNESOTA"**

Dear Ms. Nally

I have reviewed your request for consultation under Section 106 of the National Historic Preservation Act, the corresponding Federal regulations, 36 CFR Part 800.4 Identification of Historic Properties.

The Grand Portage Band of Lake Superior Chippewa Tribal Historic Preservation Officer (THPO), submits the following:

Report #1:

THPO concurs that no additional archeological surveys are needed for this project. However, continued construction monitoring during ground disturbing activities shall be in place, in a plan developed between GSA and Grand Portage Band of Lake Superior Chippewa.

Report #2

THPO concurs that the only structure within the APE that is eligible for the NRHP is the Pigeon River International Bridge. THPO finds, and concurs, that proposed LPOE project would have **NO ADVERSE EFFECT**.

Respectfully,

  
Rob Hull, THPO

Grand Portage Band of Lake Superior Chippewa



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## B.3 U.S. ARMY CORPS OF ENGINEERS (USACE)

### B.3.1 USACE Response Letter (St. Paul District) (August 13, 2024)



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
332 MINNESOTA STREET, SUITE E1500  
ST. PAUL, MN 55101-1323

August 13, 2024

Regulatory File No. MVP-2023-01566-ARC

General Services Administration  
c/o Michael Gonczar  
230 South Dearborn Street, Suite 3600  
Chicago, Illinois 60604

Dear Michael Gonczar:

We are responding to your request, submitted by Aquatic EcoSolutions, Inc. on your behalf, for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the Grand Portage LPOE site. The project site is in Sections 29 and 30, Township 64 North, Range 7 East, Cook County, Minnesota.

We have reviewed the delineation report dated August 11, 2023 and concur that the figure labeled "Approximate Edge Location" depicts a reasonable approximation of the location and boundaries of aquatic resources on the property. This delineation can be used for planning and will generally be sufficient for Corps permitting purposes. However, this "reasonable approximation" concurrence may not fulfill state or local delineation requirements. It may be necessary to review this determination in response to changing site conditions or new information.

**Additional Information regarding Jurisdiction and Permitting:**

No jurisdictional determination was prepared for this project, nor is one required to support a permit application. If you submit a permit application, we will assist you in identifying aquatic resources that are not subject to Corps regulation to exclude those resources from the permit evaluation. A permit application should include this delineation, any subsequent revisions, and any state or local delineation approvals. You are advised that a permit or exemption from a state or local agency does not satisfy the requirement to obtain a Corps permit where one is needed.

Please note that the Corps has issued Nationwide General Permits and Regional General Permits that provide authorization for many minor activities. Many of those general permits require a pre-construction notification and Corps verification prior to starting work. However, several general permits also have "self-certifying" provisions that eliminate the need to provide notice to the Corps, provided the permittee complies with the terms and conditions of the general permit. Current general permit terms and conditions can be found at:  
<https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

Regulatory Division (File No. MVP-2023-01566-ARC)

If you have any questions, please contact me in our Duluth office at (218) 788-6407 or [Andrew.R.Chambers@usace.army.mil](mailto:Andrew.R.Chambers@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



Andrew Chambers  
Lead Project Manager

cc:  
Rob Merila (Agent)  
Kenny Horns (Agent)  
Gary Walker (GSA)  
Margaret Watkins (Grand Portage)

## B.4 U.S. CUSTOMS AND BORDER PROTECTION (CBP)

### B.4.1 CBP Critical Action Determination Letter (September 18, 2024)



GSA Great Lakes Region

Date: 5/28/2024

To: U.S. Customs and Border Protection

Subject: Floodplain Compliance Regarding Your Proposed Action

Dear Mr. Shahbaz:

The area of your proposed facility in Grand Portage, MN, is located within an unmapped/unknown floodplain area. The delineated floodplain area is defined as 9403 MN-61, Grand Portage, MN 55605.

The use of your proposed facility, as described to the U.S. General Services Administration (GSA), is 9,058 gross square footage (GSF) of office and mission critical space.

The Government must consider mitigation methods if a potential property for purchase or lease is located in an unmapped/unknown floodplain area and is a "critical action." The enclosure provides a definition of "critical actions." This classification may impact the geographic location of your proposed agency facility or affect the conditions of your occupancy.

Based on the enclosed definition, does your agency consider the proposed use of 9403 MN-61, Grand Portage, MN a "critical action"? If so, GSA will analyze the use as a critical action, as required by Executive Order (E.O.) 11988, E.O. 13690, and the GSA Floodplain Management Policy.

Please use the enclosed form to designate whether or not your agency considers its proposed use to be a critical action, sign in the space provided, and return to me by email at your earliest convenience.

If you have any questions, please contact me at 312-810-2326.

Sincerely,

*Michael Gonczar*

Michael Gonczar, Environmental Protection Specialist  
Great Lakes Region  
U.S. General Services Administration

Enclosure

### Enclosure to Critical Action Determination Letter

Based on the definition of critical actions below, please have your agency's national or regional facilities representative or other designated official indicate their selection and sign in the space provided.

A critical action is any activity for which even a slight chance of flooding would be too great.

Examples of actions that may be critical actions include, but are not limited to:

- Storage of national strategic and critical material
- Storage of irreplaceable records
- Acquisition of health facilities for client agencies
- Child care facilities
- Public benefit conveyances for schools, prisons, and some other institutional uses
- Site acquisition and construction of new courthouses
- Storage of volatile, toxic, or water-reactive materials
- Construction or operation of hospitals and schools
- Construction or operation of utilities and emergency services that would be inoperative if flooded

Additional considerations for critical actions include:

- If flooded, would the proposed action create an added dimension or consequence to the hazard?
  - Is the action a structure or facility producing or storing highly volatile, toxic, radioactive, or water-reactive materials?
- If the action involves structures such as hospitals, nursing homes, prisons, and schools, would occupants of these structures be sufficiently mobile and have available transport capability to avoid loss of life and injury given the flood warning lead times available?
  - Would emergency services functions be delayed or unavailable as a result of the location of the action?
  - Are there routes to and from the structure that would be inaccessible during a flood and hinder evacuation?
  - Would the location of the structure result in unacceptable hazards to human safety, health, and welfare of the occupants?
- Would essential or irreplaceable resources, utilities, or other functions be damaged beyond repair, destroyed, or otherwise made unavailable?
  - Would utilities, critical equipment, systems, networks, or functions be damaged beyond repair or destroyed?
  - Would physical or electronic records without backups or copies be destroyed or made unavailable as a result of where these items are located in a structure?
  - Would national laboratory research activities or items of significant value to research communities be damaged or destroyed as a result?
  - Would items or structures of substantial cultural significance be damaged, destroyed, or otherwise harmed?

- Would the damage or disruption from a local flooding event lead to regional or national catastrophic impacts (e.g., a port being closed for a period following a storm event, which has an impact on transportation of goods nationally)?
- Would damage or disruption to a given facility or infrastructure component have potential for cascading damage or disruption to other facilities and infrastructure classes, some of which may already be stressed by flood conditions (e.g., electricity outage due to substation damage resulting in wastewater treatment facility shutdown or gasoline pump outage)?

On behalf of U.S. Customs and Border Protection:

This agency **DOES** consider its proposed use (as described above and based on the definition) to be a Critical Action and cannot be located in the critical action floodplain.

This agency **DOES NOT** consider its proposed use (as described above and based on the definition) to be a Critical Action and can be located in the critical action floodplain.

Grand Portage Land Port of Entry  
9403 MN-61, Grand Portage, MN 55606

YVONNE R  
MEDINA

Digitally signed by  
YVONNE R MEDINA  
Date: 2024.09.18  
08:32:30 -04'00'

\_\_\_\_\_ Date \_\_\_\_\_

Yvonne R. Medina  
Assistant Commissioner  
Office of Facilities and Asset Management  
U.S. Customs and Border Protection

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