

US EPA ARCHIVE DOCUMENT

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

October 15, 2010

Enbridge Energy Partners, LP  
c/o Mr. Rich Adams  
Vice President, Operations  
Superior City Centre  
Second Floor 1409 Hammond Avenue  
Superior, Wisconsin 54880

**Re: Revisions Required to Enbridge Energy, Limited Partnership's September 6 and 20, 2010 Modifications *Source Area Response Plan* and *Response Plan for Downstream Impact*, pursuant to the Removal Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and the Supplement to the Removal Administrative Order issued by the U.S. EPA on September 23, 2010, and U.S. EPA Letter's Dated September 5, 2010**

Dear Mr. Adams:

By this letter EPA requires revisions to Enbridge Energy, Limited Partnership's Modifications to *Source Area Response Plan* and *Response Plan for Downstream Impact*, submitted to EPA by Enbridge on September 6, and 20, 2010. Enbridge's September 6 and 20, 2010, submittals incorporate into these plans steps to ensure compliance with the National Historic Preservation Act and its implementing regulations, including at a minimum, a limited "Stage 1b Survey."

Please revise the above-referenced plans in accordance with Michigan's State Historic Preservation Officer's comments. Please make the identified changes to the plans consistent with the enclosure to this letter by 5:00 pm Friday, October 22, 2010, and begin implementing the work immediately. Please contact Brian D. Grennell, Michigan's Cultural Resources Protection Specialist, at (517) 335-2721 to discuss the State Historic Preservation Office's comments directly. Please contact Leslie Kirby-Miles, Associate Regional Counsel, at (312) 353-9443 if you have any additional questions regarding this matter.

Sincerely,

Ralph Dollhopf  
Federal On-Scene Coordinator and Incident Commander  
U.S. EPA, Region 5

Enclosure

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cc: L. Kirby-Miles, U.S. EPA, ORC  
J. Cahn, U.S. EPA, ORC  
J. Kimble, U.S. EPA Dep. IC, FOISC  
M. Durno, U.S. EPA Dep. IC, Section Chief  
Records Center, U.S. EPA, Region 5



STATE OF MICHIGAN  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
LANSING

JENNIFER GRANHOLM  
GOVERNOR

State Fax Note	7671	Date	10/2	# of pages	1
Dept.	LESUE Kieby-Miles EPA	From	Brian J. Garrison		
one #	582-5195	Co.	SHPO		
Phone #		Phone #			
Fax #		Fax #			

October 12, 2010

MICHAEL BERMAN  
EPA REGION 5  
77 WEST JACKSON BLVD (C-14J)  
CHICAGO IL 60604

RE: ER-10-746 Enbridge Kalamazoo River Oil Spill Containment, Calhoun and Kalamazoo Counties (EPA)

Dear Mr. Berman:

Under the authority of Section 106 of the National Historic Preservation Act of 1966 as amended, we have reviewed reports related to the identification of historic properties and assessment of response activities for the Enbridge Kalamazoo River Oil Spill. On September 17, 2010 we received two memos prepared by Enbridge dated September 8 and 10 respectively which contained field assessments of archaeological resources and assessed response activities. On September 28 we received your letter dated September 24, containing a report entitled "Summary of Section 106 Compliance Activities and Stage 1b Survey".

After reviewing these reports, the state archaeologist concurs with the findings of all three reports that no archaeological resources have been affected as a result of initial response activities. In addition, we concur that, as long as current avoidance measures are followed as described in the reports, we do not anticipate impacts to archaeological resources as a result of the continuation of those activities, as described.

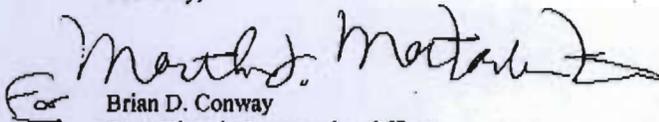
Although the first two reports address archaeological resources exclusively, the "Summary of Section 106 Compliance Activities and Stage 1b Survey" addressed above-ground resources as well. In it, 13 architectural resources are identified near the river, creek and ancillary areas. Of those, 5 are determined to be located within the "Impact Area Associated with the Spill and Clean-Up Activities". The report does not provide a detailed description of the activities, past present or future, which are associated with the cleanup efforts, therefore it is difficult to determine whether the Area of Potential Effects (APE) for this undertaking have been properly defined, and likewise, whether all historic properties within the APE have been identified. In addition, for those properties that have been identified within the "Impact Area", the report notes whether they have been impacted directly or indirectly, but doesn't explain the impacts.

We request that a more comprehensive report be generated that includes the following.

- A detailed description of activities taking place and how they could potentially affect cultural resources.
- A properly defined APE for the project, based in the work description.
- A list of properties within the APE.
- A summary assessment of impacts on historic properties based on the oil spill itself, as well as any past present or future cleanup activities.

If you have any questions, please contact Brian Grennell, Cultural Resources Protection Specialist, at (517) 335-2721 or by email at ER@michigan.gov. Please reference our project number in all communication with this office regarding this undertaking. Thank you for this opportunity to review and comment, and for your cooperation, we look forward to continued consultation.

Sincerely,

  
 Brian D. Conway  
 State Historic Preservation Officer

BDC:JRH:BGG



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