

# **APPENDIX C**

## SECTION 106 COORDINATION



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5232  
312-353-2789  
312-886-0351 (fax)

July 6, 2018

Gloria Tessier  
City of Gem Lake  
1281 Hammond Road  
White Bear Township, MN 55110

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Ms. Gloria Tessier,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties that are listed, or eligible for inclusion, in the National Register of Historic Places. This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. In accordance with 36 CFR § 800.2 (c), you are invited to participate in the Section 106 process as a consulting party. As part of the process, FTA and the Project team will work through a three-step process with consulting parties to:

1. Identify historic properties that could be potentially affected by the Project,
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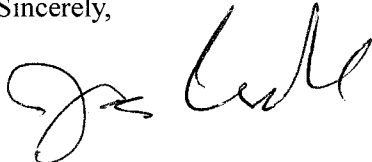
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Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office (SHPO), Indian tribes, and other interested organizations and

individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other parties. Consulting parties play an active and important role in determining how potential effects on historic properties will be avoided, minimized, or mitigated during the planning and implementation of a proposed Project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>.

We would welcome the involvement of the Saint Paul HPC in the Section 106 consultation for the Project. If you would like to participate, please complete the enclosed Project Consultation Options Form and forward it to FTA within **30 days of receipt** of this letter. If you have any questions, please contact me by telephone at (312) 353-1653 or by email at [Jason.Ciavarella@dot.gov](mailto:Jason.Ciavarella@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Ciavarella', written in a cursive style.

Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn



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July 6, 2018

Michael Martin  
City of Maplewood  
1830 County Road B East  
Maplewood, MN 55109

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Mr. Michael Martin,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

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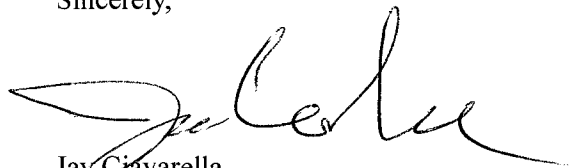
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Sincerely,

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Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn

## Jones, Maggie (DOT)

---

**From:** Michael Martin <michael.martin@maplewoodmn.gov>  
**Sent:** Thursday, July 26, 2018 3:43 PM  
**To:** Ciavarella, Jason (FTA)  
**Cc:** Virginia Gaynor  
**Subject:** Maplewood - Project Consultation Options Form  
**Attachments:** Maplewood Rush Line\_106.pdf

Hello,

Attached is Maplewood's Project Consultation Options Form – opting into the process. Let me know if anything else is needed.

Thanks.



Maplewood

Michael Martin | 651-249-2303  
Economic Development Coordinator  
Environmental & Economic Development Department  
michael.martin@maplewoodmn.gov  
www.MaplewoodMn.gov



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The information contained in this electronic message may be confidential and/or non-public information and is intended only for the use of the individual(s) to whom this electronic message is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this electronic communication or any attachment thereto is strictly prohibited. If you have received this electronic communication in error, you should immediately return it to us and delete the message from your system.

## Project Consultation Options Form

City of Maplewood

Project: Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, MN

For each project, please check the appropriate response. Use the back of this form or additional sheets if you wish to make comments:

Project	Our organization is interested in participating in this project as a consulting party. <b>Further consultation is requested.</b>	Our organization has no interest associated with this proposed project and <b>further consultation is not required.</b>
Rush Line BRT Project, Ramsey County, MN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have chosen to continue consultation, please indicate the manner in which you wish to do so:

Mail (Address): 1902 County Road B East; Maplewood, MN 55109

Phone: 651-249-2303

Fax:

e-mail: michael.martin@maplewoodmn.gov

Other: (please describe)

City of Maplewood designated contact for this proposed project:

Michael Martin

Phone: 651-249-2303

NAME, TITLE (Please print)

Signed:



Date: July 26, 2018

Please respond within 30 days of the date of the letter.

Please return Via Email by scanning to: jason.ciavarella@dot.gov

Via Fax to: 312-886-0351 Attention: Jay Ciavarella

Via Mail to:

Jay Ciavarella, Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606-5253



U.S. Department  
of Transportation  
**Federal Transit  
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Chicago, IL 60606-5232  
312-353-2789  
312-886-0351 (fax)

July 6, 2018

Bill Dermody  
City of St. Paul  
25 W. 4<sup>th</sup> Street, Suite 1300  
City Hall Annex  
St. Paul, MN 55102

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Mr. Bill Dermody,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

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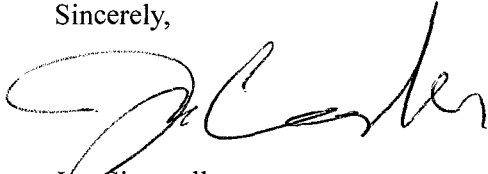
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Sincerely,

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Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
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Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn



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312-353-2789  
312-886-0351 (fax)

July 6, 2018

Nolan Wall  
City of Vadnais Heights  
1830 East County Road E  
Vadnais Heights, MN 55127

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Mr. Nolan Wall,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

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Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn

## Jones, Maggie (DOT)

---

**From:** Nolan Wall <Nolan.Wall@cityvadnaisheights.com>  
**Sent:** Thursday, July 26, 2018 1:04 PM  
**To:** Ciavarella, Jason (FTA)  
**Cc:** 'Witzig, Jeanne'; Gitzlaff, Andrew J  
**Subject:** Section 106 Consulting Party - Rush Line BRT - City of Vadnais Heights, MN  
**Attachments:** 3443\_001.pdf

Mr. Ciavarella – see the attached letter.

Let me know if you need anything else,

Thanks

**Nolan Wall, AICP**  
*Planning/Community Development Director*



City of Vadnais Heights  
800 East County Road E  
Vadnais Heights, MN 55127  
651.204.6000 – City Hall  
651.204.6027 – Direct



Please consider the environment before printing this email



## Project Consultation Options Form

### City of Vadnais Heights

**Project:** Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, MN

**For each project, please check the appropriate response. Use the back of this form or additional sheets if you wish to make comments:**

Project	Our organization is interested in participating in this project as a consulting party. <b>Further consultation is requested.</b>	Our organization has no interest associated with this proposed project and <b>further consultation is not required.</b>
Rush Line BRT Project, Ramsey County, MN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**If you have chosen to continue consultation, please indicate the manner in which you wish to do so:**

Mail (Address): 800 East County Road E, Vadnais Heights, MN 55127

Phone: 651. 204. 6000

Fax: 651- 204. 6100

e-mail: nolan.wall@cityvadnaisheights.com

Other: (please describe)

City of Vadnais Heights designated contact for this proposed project:

Nolan Wall

Planning/Community Development Director Phone: 651. 204. 6027

NAME, TITLE (Please print)

Signed: 

Date: 7/26/18

**Please respond within 30 days of the date of the letter.**

**Please return Via Email by scanning to: [jason.ciavarella@dot.gov](mailto:jason.ciavarella@dot.gov)**

**Via Fax to: 312-886-0351 Attention: Jay Ciavarella**

**Via Mail to:**

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July 6, 2018

Maplewood Heritage Preservation Commission  
Maplewood City Hall  
1830 County Road B East  
Maplewood, MN 55109

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Sir/Ma'am,

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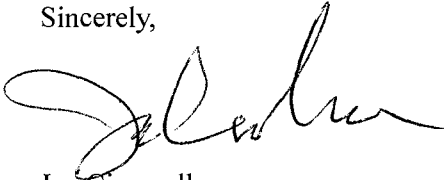
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July 6, 2018

Andy Gitzlaff  
Ramsey County Regional Rail Authority  
Union Depot, Suite 200  
214<sup>th</sup> 4<sup>th</sup> St. E  
St. Paul, MN 55101

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Mr. Andy Gitzlaff,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

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Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn

## Project Consultation Options Form

### Ramsey County Regional Rail Authority

**Project:** Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, MN

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Rush Line BRT Project, Ramsey County, MN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**If you have chosen to continue consultation, please indicate the manner in which you wish to do so:**

Mail (Address):

Phone:

Fax:

e-mail:

Other: (please describe)

Ramsey County Regional Rail Authority designated contact for this proposed project:

Michael Rogers Phone: 651-266-2773  
NAME, TITLE (Please print)

Signed:  Date: 8/8/18

**Please respond within 30 days of the date of the letter.**

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200 West Adams Street  
Suite 320  
Chicago, IL 60606-5232  
312-353-2789  
312-886-0351 (fax)

July 6, 2018

St. Paul Heritage Preservation Commission  
25 W. 4<sup>th</sup> Street  
1400 CHA  
St. Paul, MN 55102

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Sir/Ma'am,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties that are listed, or eligible for inclusion, in the National Register of Historic Places. This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. In accordance with 36 CFR § 800.2 (c), you are invited to participate in the Section 106 process as a consulting party. As part of the process, FTA and the Project team will work through a three-step process with consulting parties to:

1. Identify historic properties that could be potentially affected by the Project,
2. Assess Project effects on these resources, and
3. If there are adverse effects, develop ways to avoid, minimize, or mitigate adverse effects on historic properties.

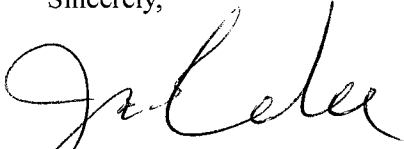
The Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) is acting on behalf of the FTA in carrying out many aspects of the Section 106 process for the Project. In addition to the Section 106 process, FTA and RCRRA will also prepare an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to evaluate environmental impacts of the Project.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office (SHPO), Indian tribes, and other interested organizations and

individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other parties. Consulting parties play an active and important role in determining how potential effects on historic properties will be avoided, minimized, or mitigated during the planning and implementation of a proposed Project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>.

We would welcome the involvement of the Saint Paul HPC in the Section 106 consultation for the Project. If you would like to participate, please complete the enclosed Project Consultation Options Form and forward it to FTA within **30 days of receipt** of this letter. If you have any questions, please contact me by telephone at (312) 353-1653 or by email at [Jason.Ciavarella@dot.gov](mailto:Jason.Ciavarella@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Ciavarella", written in a cursive style.

Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn



## Jones, Maggie (DOT)

---

**From:** Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>  
**Sent:** Monday, July 16, 2018 9:14 AM  
**To:** Ciavarella, Jason (FTA)  
**Subject:** Rush Line- St. Paul HPC  
**Attachments:** HPC- Rush Line project consultation.pdf

Mr. Ciavarella-

Please see the attached response requesting further consultation on the Rush Line BRT project.



Bill Dermody  
City Planner  
Planning & Economic Development  
25 W. 4th St., 14<sup>th</sup> Floor; Saint Paul, MN 55102  
651-266-6617 [Bill.Dermody@ci.stpaul.mn.us](mailto:Bill.Dermody@ci.stpaul.mn.us)



Making Saint Paul the Most Livable City in America

## Project Consultation Options Form

### St. Paul Heritage Preservation Commission

**Project:** Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, MN

**For each project, please check the appropriate response. Use the back of this form or additional sheets if you wish to make comments:**

Project	Our organization is interested in participating in this project as a consulting party. <b>Further consultation is requested.</b>	Our organization has no interest associated with this proposed project and <b>further consultation is not required.</b>
Rush Line BRT Project, Ramsey County, MN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**If you have chosen to continue consultation, please indicate the manner in which you wish to do so:**

Mail (Address):

Phone: 651-266-6715

Fax:

e-mail: christine.boulware@ci.stpaul.mn.us

Other: (please describe)

St. Paul Heritage Preservation Commission designated contact for this proposed project:

CHRISTINE BOULWARE, HISTORIC PRESERVATION SPECIALIST Phone: 651-266-6715  
NAME, TITLE (Please print)

Signed: Christine Boulware Date: 7-13-18

**Please respond within 30 days of the date of the letter.**

**Please return Via Email by scanning to: jason.ciavarella@dot.gov**

**Via Fax to: 312-886-0351 Attention: Jay Ciavarella**

**Via Mail to:**

Jay Ciavarella, Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606-5253



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5232  
312-353-2789  
312-886-0351 (fax)

July 6, 2018

Anne Kane  
White Bear Lake City Hall  
47001 Hwy 61  
White Bear Lake, MN 55110

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Ms. Anne Kane,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties that are listed, or eligible for inclusion, in the National Register of Historic Places. This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. In accordance with 36 CFR § 800.2 (c), you are invited to participate in the Section 106 process as a consulting party. As part of the process, FTA and the Project team will work through a three-step process with consulting parties to:

1. Identify historic properties that could be potentially affected by the Project,
2. Assess Project effects on these resources, and
3. If there are adverse effects, develop ways to avoid, minimize, or mitigate adverse effects on historic properties.

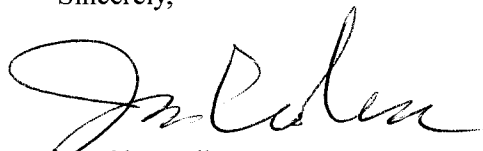
The Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) is acting on behalf of the FTA in carrying out many aspects of the Section 106 process for the Project. In addition to the Section 106 process, FTA and RCRRA will also prepare an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to evaluate environmental impacts of the Project.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office (SHPO), Indian tribes, and other interested organizations and

individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other parties. Consulting parties play an active and important role in determining how potential effects on historic properties will be avoided, minimized, or mitigated during the planning and implementation of a proposed Project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>.

We would welcome the involvement of the Saint Paul HPC in the Section 106 consultation for the Project. If you would like to participate, please complete the enclosed Project Consultation Options Form and forward it to FTA within **30 days of receipt** of this letter. If you have any questions, please contact me by telephone at (312) 353-1653 or by email at [Jason.Ciavarella@dot.gov](mailto:Jason.Ciavarella@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Ciavarella". The signature is fluid and cursive, with the first name "Jay" being more prominent and the last name "Ciavarella" following in a similar style.

Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn

## Jones, Maggie (DOT)

---

**From:** Anne Kane <akane@whitebearlake.org>  
**Sent:** Friday, July 13, 2018 3:30 PM  
**To:** Ciavarella, Jason (FTA)  
**Subject:** Rush Line BRT - Section 106 Consultation Party Acceptance  
**Attachments:** Project Consultation Acceptance Form 071318.pdf

Good Afternoon:

Attached please find the City of White Bear Lake's acceptance to participate in the Section 106 process for the Rush Line BRT project. We look forward to working with the team on this aspect of this important public infrastructure and investment project.

Have a nice weekend.



**Anne Kane / Community Development Director**

City of White Bear Lake

(651)429-8562

[akane@whitebearlake.org](mailto:akane@whitebearlake.org) | [www.whitebearlake.org](http://www.whitebearlake.org)



Follow us on Facebook & Twitter

## Project Consultation Options Form

City of White Bear Lake

Project: Rush Line Bus Rapid Transit (BRT) Project, Ramsey County, MN

For each project, please check the appropriate response. Use the back of this form or additional sheets if you wish to make comments:

Project	Our organization is interested in participating in this project as a consulting party. Further consultation is requested.	Our organization has no interest associated with this proposed project and further consultation is not required.
Rush Line BRT Project, Ramsey County, MN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have chosen to continue consultation, please indicate the manner in which you wish to do so:

Mail (Address): 4701 Highway 61, White Bear Lake, MN 55110

Phone: 651-429-8562

Fax:

e-mail: akane@whitebearlake.org

Other: (please describe)

City of White Bear Lake designated contact for this proposed project:

Anne Kane, Community Development Director Phone: (651) 429-8562  
NAME, TITLE (Please print)

Signed: Anne E Kane Date: 7/13/18

Please respond within 30 days of the date of the letter.

Please return Via Email by scanning to: jason.ciavarella@dot.gov

Via Fax to: 312-886-0351 Attention: Jay Ciavarella

Via Mail to:

Jay Ciavarella, Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606-5253



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5232  
312-353-2789  
312-886-0351 (fax)

July 6, 2018

Bill Short  
Clerk/Treasurer  
1281 Hammond Road  
White Bear Township, MN 55110

RE: Section 106 Consulting Party invitation for the proposed Rush Line Bus Rapid Transit Project,  
Ramsey County, Minnesota

Dear Mr. Bill Short,

The Federal Transit Administration (FTA) wishes to invite the Saint Paul Heritage Preservation Commission (HPC) to participate in the Section 106 process for the Rush Line Bus Rapid Transit (BRT) Project. The FTA, in cooperation with the Ramsey County Regional Railroad Authority (RCRRA), is proposing to construct the Rush Line BRT Project. The proposed Project is an approximately 14-mile long BRT facility between Union Depot in St. Paul, Ramsey County, and Downtown White Bear Lake, Ramsey County, Minnesota. The Locally Preferred Alternative for the Project will operate on a combination of dedicated guideway, dedicated lanes and in mixed traffic (see attached fact sheet and map). The complete Rush Line Locally Preferred Alternative Selection Report is available at: <https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/Rush%20Line%20LPA%20Report%20-%20Final.pdf>

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties that are listed, or eligible for inclusion, in the National Register of Historic Places. This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties. In accordance with 36 CFR § 800.2 (c), you are invited to participate in the Section 106 process as a consulting party. As part of the process, FTA and the Project team will work through a three-step process with consulting parties to:

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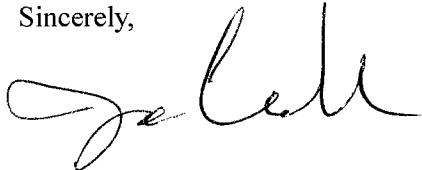
The Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) is acting on behalf of the FTA in carrying out many aspects of the Section 106 process for the Project. In addition to the Section 106 process, FTA and RCRRA will also prepare an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to evaluate environmental impacts of the Project.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office (SHPO), Indian tribes, and other interested organizations and

individuals. Consulting parties are able to share their views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other parties. Consulting parties play an active and important role in determining how potential effects on historic properties will be avoided, minimized, or mitigated during the planning and implementation of a proposed Project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>.

We would welcome the involvement of the Saint Paul HPC in the Section 106 consultation for the Project. If you would like to participate, please complete the enclosed Project Consultation Options Form and forward it to FTA within **30 days of receipt** of this letter. If you have any questions, please contact me by telephone at (312) 353-1653 or by email at [Jason.Ciavarella@dot.gov](mailto:Jason.Ciavarella@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Ciavarella', with a stylized, cursive script.

Jay Ciavarella  
Director, Office of Planning and Program Development

Enclosure: Rush Line Fact Sheet/Map

cc: Sarah Beimers, Minnesota State Historic Preservation Office  
Andrew Gitzlaff, RCRRA  
Garneth Peterson, MnDOT CRU  
Jessica Laabs, Kimley-Horn



December 3, 2019

Mr. Jay Ciavarella  
Federal Transit Administration  
Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: METRO Rush Line Bus Rapid Transit Project (Project)  
Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella:

Thank you for continuing consultation on the above Project. Information received in our office on October 29, 2019 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800.

We last provided comments to your agency on the proposed Project in a letter dated July 26, 2019. In that letter, and the letter previous, we provided comments to your agency in response to our review of the Historic Context report and Phase I reconnaissance survey results for historic/architectural properties within the Project's Study Area. We had agreed to consult with your agency regarding preliminary efforts to identify historic properties within the Study Area, prior to formal definition of an Area of Potential Effect (APE) for the Project.

Your letter dated October 29, 2019 presents a formal definition of your agency's APE for the Project, as it is currently proposed. Documentation submitted in support of the APE definition included the following:

- Memorandum entitled *METRO Rush Line Bus Rapid Transit Project Area of Potential Effects Parameters* dated September 27, 2019 from Barbara Howard, Minnesota Department of Transportation – Cultural Resources Unit (MnDOT CRU) to Federal Transit Administration – Region 5; and
- Map Set (16 pages) entitled *Rush Line BRT, Ramsey County, Minnesota – Area of Potential Effect, As Revised on 10/7/2019*.

We have completed a review of the October 29<sup>th</sup> submittal and our comments are provided below.

#### **Definition of Federal Undertaking**

We understand by your October 29<sup>th</sup> letter and previous correspondence that the federal undertaking involves the proposed construction of the Project, which is an approximately 14-mile long bus rapid transit route from Downtown St. Paul to the city of White Bear Lake, including construction of 21 stations to serve communities along the route.

We noticed that there is a discrepancy between the recently submitted FTA letter and the MnDOT CRU memo in regards to the transit route description. The October 29<sup>th</sup> FTA letter describes the transit route as being 85-90% within "dedicated guideway" where "only buses" will be allowed. We calculate this as

being approximately 12 – 12 ½ miles of the total 14-mile route. However, the September 27<sup>th</sup> MnDOT CRU memo indicates that 75-80% of the transit route, or 10 ½ - 11 miles, will be in either dedicated transit lanes, which we understand only buses are allowed, or Business Access and Transit (BAT) lanes, which we understand are lanes which do allow automobile access for turning. As such, there is a discrepancy in the description of transit lane types and their corresponding lengths, as compared to the total length of the route. Please clarify. Also, please provide definitions of the transit lane types, including descriptions of physical characteristics of each type (such as lane dimensions, curbs, barriers, surface striping or painting).

Moving forward in consultation, along with any narrative clarification provided by your agency in response to our recommendation, it may also be beneficial to provide, as additional supporting documentation, the corresponding typical plan and profile sheets illustrating the different transit lane types. These lane types are labeled as subtypes of “Running Ways” and “Guideways” in the MnDOT CRU memo. Also, terms such as “existing streets” and “existing road limits” are sometimes used interchangeably with “existing road rights-of way” and “right of way.” As your agency is aware, there can be quite a difference between limits of disturbance within existing roadways (curb to curb) and within existing road rights of way, which may or may not include areas of previous ground disturbance for roadways.

Finally, we recommend that your agency update the transit route Map Set to identify where these lane types are proposed. Although it is generally a well-prepared Map Set for purposes of illustrating basic Project parameters and APE, the maps do not currently identify the differing transit lane types along the route, which is the basis for the differing APE parameters.

#### **Definition of Area of Potential Effect (APE)**

Based upon information provided to our office with the October 29<sup>th</sup> submittal, primarily the extensive narrative included in the September 27<sup>th</sup> MnDOT CRU memo, we agree that the APE defined by your agency is generally appropriate in order to take into account the potential direct and indirect effects, including those that may be cumulative or “reasonably foreseeable”, which may be caused by the federal undertaking as we currently understand it.

We appreciate the fact that your agency considers this APE definition as a “starting point” for Section 106 consultation, based upon the fact that Project engineering and design work is at a very preliminary stage. As such, we agree that the APE will need to be reviewed at each subsequent step in design development to ensure that it remains appropriate. We understand that your agency will consult with our office at each major step in design development to either confirm previous APE definitions, as applicable, or redefine in response to additional Project element design details.

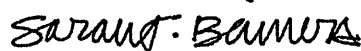
Again, although we agree that the APE, as it is currently defined, is generally appropriate at this early stage of Project design, we recommend that your agency consider the following recommendations:

- While the APE parameters focus on the typical types of potential effects, including direct, physical effects, as well as auditory, atmospheric, or visual impacts we do not see that potential impacts to the use of historic properties has been considered, as per the intent of the definition provided in 36 CFR 800.16(d).

- It is mentioned that the transit route will operate with an electric bus fleet and this is the basis for noise considerations as part of the APE definition. Please clarify that the route will only utilize an electric bus fleet.
- We appreciate the description of the differing vehicle speeds associated with the different types of running way but would also appreciate additional clarification as it pertains to existing traffic levels (both bus and automobile) on proposed transit routes and expected traffic levels, including displacement of any existing traffic, once the Project is in operation. We assume that this change in traffic was a consideration in your agency's definition of the APE but it was not clearly articulated in the October 29<sup>th</sup> submittal.
- Regarding the proposed stations, through previous review of other FTA funded bus rapid transit projects in the Minneapolis – St. Paul area in recent years, we are aware that although the style of shelter is generally consistent, there can be substantial differences in terms of shelter size. Also, we have seen several types of signage, including fairly large pylons with NexTrip message boards, and lighting at bus rapid transit stations. We assume that these variations in station amenities have been taken into consideration as part of the current APE parameter definition.

Please consider the comments and recommendations we have provided in this letter. We look forward to continuing consultation on this important transportation project. If you have any questions regarding our review, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

*cc via email:* Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MNDOT CRU

August 4, 2020

Mr. Jay Ciavarella  
Federal Transit Administration, Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: Metro Rush Line Bus Rapid Transit Project (Project)  
Phase I Architecture/History Survey – Batch 03  
Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella,

Thank you for continuing consultation on the above project. Information received in our office via e-mail on June 8, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800.

We have completed a review of your letter dated June 4, 2020, a submission which included your agency's determinations regarding continuing efforts to identify historic properties within the previously defined Area of Potential Effect (APE) for the proposed undertaking. You have provided our office with the following documentation in support of your determinations:

- Archaeology Coordination Map (dated 5/15/2020);
- Report titled *Phase II Evaluation Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment (SHPO Inventory Number: XX-RRD-NPR001), Rush Line Bus Rapid Transit Project, Ramsey County, Minnesota* (June 2020) and associated inventory forms as prepared for the Ramsey County Regional Rail Authority by Mead & Hunt, Inc and Mississippi Valley Archaeology Center; and
- Report titled *Phase IA Literature Review, Phase I Archaeological Investigations and Phase II Archaeological Investigations of 21RA82 for the Rush Line BRT Project, Ramsey County, Minnesota* (May 2020) as prepared for the Ramsey County Regional Rail Authority by Mississippi Valley Archaeology Center.

Comments as they pertain to our review of this recent submission, as well as additional follow-up information provided to our office and consulting parties via e-mail on July 20<sup>th</sup> and 23<sup>rd</sup> from Barbara Howard, Minnesota Department of Transportation's Cultural Resources Unit (MnDOT CRU) are provided below following the format of you June 4<sup>th</sup> letter.

---

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

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

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

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### **Adoption of Archaeology Findings**

We agree that your agency's approach to adopt the METRO Gold Line BRT undertaking (SHPO# 2014-0398) findings as they pertain to identification of archaeological properties where the two undertakings' Areas of Potential Effect (APEs) overlap is appropriate.

While we also agree that your agency's approach to adopt the US 952A/Robert Street Resurfacing project, a proposed Federal Highway Administration undertaking, findings as they pertain to identification of archaeological properties is appropriate in areas where the two undertakings' APEs overlap, as described in your June 4<sup>th</sup> letter, it is important that your agency understand that we have only been provided a very general narrative description of the scope of the US 952A/Robert Street Resurfacing undertaking. The scope has been previously described by the MnDOT CRU, the FHWA authorized agent, as limited to roadway resurfacing and in-kind sidewalk replacement, as well as traffic signal, roadway drainage, and ADA ramp improvements. As we move forward in consultation on the METRO Rush Line undertaking, it will be important for your agency to confirm that scope and extent of ground disturbance, both horizontal and vertical, is consistent between the two projects.

### **Phase IA, Phase I, and Phase II Archaeological Investigations**

Based upon our review of the agency findings as presented in the June 4<sup>th</sup> letter and the supporting archaeological report, as well as consideration of the documentation and clarifications provided in the July 21<sup>st</sup> and 23<sup>rd</sup> emails from MnDOT CRU, we agree with the following determinations in regards to your agency's efforts to identify archaeological properties within the undertaking's APE as it is currently defined:

- Although archaeological site leads 21RAI and 21RAp are within the APE, these sites are not in current Limits of Disturbance (LOD) and they have not been identified through field survey. Taking into consideration the extent of ground disturbance in the area of these site leads as documented in the July 23<sup>rd</sup> email, we agree that the scope and level of effort is appropriate and further archaeological survey would only be warranted in these areas if the undertaking's APE is revised based upon modified project design and inclusion of new LOD.
- Due to its location within the APE, but outside current LOD, it is appropriate to treat archaeological site 21RA70 (Gladstone Shops) as eligible for listing in the National Register of Historic Places (NRHP) for purposes of the Section 106 review of this undertaking only.
- Archaeological site 21RA82 (Gladstone/Gloster Privy Site) is not eligible for listing in the NRHP.
- The intact historic archaeological features identified within the Lake Superior & Mississippi Railroad Corridor Historic District ("1868 Railroad Roadway" elements) are eligible for listing in the NRHP (see comments below).

### **Phase II Evaluation of the LS&M Railroad Corridor Historic District**

Based on the information provided to our office at this time, we agree with the agency determination the **Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment (XX-RRD-NPR001)** is **eligible** for listing in the NRHP under Criterion A, C, and D, as described in your June 4<sup>th</sup> letter, with a period of significance that begins in 1864 and ends in 1970. Furthermore, we agree with the contributing/noncontributing status of each element as documented in Table 8 of the Phase II Evaluation report (Table 5 of the corresponding state inventory form) and the identification of the historic property's character-defining features as described on page 6 of your June 4<sup>th</sup> letter.

We appreciate the extensive efforts that your agency, project proponents, and consultants have taken to complete historic property identification efforts, analyze and assemble a substantial amount of documentation, and coordinate reviews of the results of these efforts with all Section 106 consulting

parties. We look forward to continuing consultation with your agency and others on this important transportation project. If you have any questions regarding our review, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

*cc via email:* Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MnDOT Cultural Resources Unit



**DEPARTMENT OF  
ADMINISTRATION**

STATE HISTORIC PRESERVATION OFFICE

September 15, 2020

**VIA E-MAIL**

Mr. Jay Ciavarella  
Federal Transit Administration, Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: METRO Rush Line Bus Rapid Transit Project (Project)  
Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella,

Thank you for continuing consultation on the above project. Information received in our office via e-mail on July 10, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800.

We have completed a review of your letter dated July 10, 2020, a submission which included the following documentation of the results of your agency's continuing efforts to identify historic properties as part of the Section 106 review for the Project:

- Architecture/History Coordination Map: Gold Line (dated 7/9/2020);
- Architecture/History Coordination Map: Robert Street (dated 7/9/2020);
- Table 1: Adopted A/H Historic Property Findings from METRO Gold Line BRT (dated 7/9/2020);
- Table 2: Adopted A/H Historic Property Findings from Robert Street Project SP 6217-43 (dated 7/9/2020);
- Table 3: Rush Line BRT A/H Additional Phase I Survey (dated 6/2/2020);
- Table 4: Rush Line BRT A/H Phase II Evaluations (dated 6/2/2020);
- Report titled *Phase I Architecture/History Survey and Phase II Evaluation for the Rush Line Bus Rapid Transit Project, Ramsey County, Minnesota* (Mead & Hunt, Inc; June 2020); and
- Phase I Minnesota Individual/Multiple Property Inventory Forms for 54 properties (new and revised); and
- Phase II Minnesota Individual/Multiple Property Inventory Forms for 19 property evaluations (49 forms).

Comments as they pertain to our review of this recent submission are provided below, generally following the format of you July 10<sup>th</sup> letter.

**Adoption of Architecture/History (A/H) Findings**

We agree that your agency's approach to adopt the Section 106 findings as they pertain to identification of historic properties for the METRO Gold Line BRT and Robert Street Resurfacing, where the two undertakings' Areas of Potential Effect (APEs) overlap with the METRO Rush Line BRT, is appropriate.

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**MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 [mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

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Our office appreciates the coordination between this Project and the METRO Gold Line BRT (SHPO #2014-0398) and the Robert Street (SP 6217-43, SHPO #2017-2661) projects. Based on the information provided to our office to date, we agree with the agency findings for the properties found in *Table 1: Adopted A/H Historic Property Findings from METRO Gold Line BRT (SHPO #2014-0398)* and *Table 2: Adopted A/H Historic Property Findings from Robert Street Project (SP 6217-43, SHPO #2017-2661)*.

Please note that it is incumbent on the agency, either the Federal Transit Administration or Federal Highway Administration, to update all appropriate Section 106 consultations should the eligibility status of any of the properties in these tables subsequently change.

### Previously Identified Historic Properties

We agree with your agency's determination that the following seven (7) recently listed or evaluated properties have been documented to current standards and no further survey work is warranted for this Project's Section 106 review:

- John A. Johnson High School (RA-SPC-5197) – determined **not eligible** for listing in the NRHP in 2009;
- Northern Pacific Railroad Corridor (RA-SPC-5936) – determined **not eligible** for listing in the NRHP as an individual property, but contributing to the Westminster Junction (RA-SPC-5618) in 2009;
- Northern Malleable Iron Company of St. Paul (RA-SPC-6062) – determined **not eligible** for listing in the NRHP in 2009;
- Wisconsin Central/Soo Line/Gateway Trail: Trout Brook Junction to Carnelian Junction Segment, Saint Paul (RA-SPC-8215) – determined **not eligible** for listing in the NRHP in 2012; and
- Trunk Highway 61 Bypassed Segment in White Bear Lake (XX-ROD-004), Trunk Highway 61 (XX-ROD-006), and Trunk Highway 61 Segment: La Crescent to Duluth (XX-ROD-019) determined **not eligible** for the NRHP in 2018.

We agree with your agency's determination that the following three (3) recently listed or evaluated historic properties have been documented to current standards and no further survey work is warranted for this Project's Section 106 review:

- **3M Administration Building** (3M Main Plant, Building 21) (RA-SPC-0455) – **listed** in the National Register of Historic Places (NRHP) in 2015;
- **St. Paul, Minneapolis, and Manitoba Railway Company Shops Historic District** (RA-SPC4582) – **listed** in the NRHP in 2017; and
- **Great Northern Saint Paul to Minneapolis Railroad Corridor** (RA-SPC-5918) – *determined* (not "certified") to be **eligible** for listing in the NRHP in 2009 as part of a previous Section 106 review.

We understand by your July 10<sup>th</sup> letter that Project effects will be assessed for the above-referenced 3 historic properties as well as the Northern Pacific Railroad Corridor, the latter only as part of the NRHP-eligible Westminster Junction historic property.

### Phase I A/H Investigations

Based on the information provided, our office agrees that additional information is needed to determine the eligibility for listing in the NRHP for the properties listed below. We also understand that the properties listed below are outside of the Area of Potential Effect (APE) for the Project as it is currently defined and, as such, no further survey and evaluation is warranted as part of this review. As such, we agree that, should the APE change, intensive level survey and evaluations should be completed for the following nine (9) properties:

- Gladstone Baptist Church (RA-MWC-0203)
- St. Paul-Ramsey Family Physicians Health Clinic (RA-SPC-10178)



- Maplewood Municipal Building (RA-MWC-0164)
- Payne Avenue Commercial Historic District (RA-SPC-4983)
- White Bear Lake Fire Hall (RA-WBC-0020)
- Soldiers Memorial Flagpole and WPA Plaza (RA-WBC-0034)
- Ramaley, John D. and Sarah, House (RA-WBC-0042)
- Avalon Theatre (RA-WBC-0122)
- House (RA-WBC-0215)

Additionally, if the APE for the Project changes to include the following properties, then we agree that intensive level survey and evaluations would be warranted for the following additional two (2) properties:

- Minnesota State Capitol Mall Historic District (RA-SPC-11132); and
- Northern Pacific Railroad Depot (RA-WBC-0121) for listing in the NRHP as an individual resource.

Based on the information provided, we agree that no intensive level survey is recommended for the following twenty (20) properties which were recently subject to Phase I reconnaissance level survey:

- Harvest Park (RA-MWC-0263)
- House (RA-MWC-0264)
- House (RA-MWC-0265)
- House (RA-MWC-0266)
- House (RA-MWC-0267)
- House (RA-MWC-0268)
- House (RA-MWC-0269)
- House (RA-MWC-0270)
- Kohlman Lake Substation (RA-MWC-0271)
- House (RA-MWC-0272)
- House (RA-MWC-0273)
- House (RA-MWC-0274)
- Commercial Building/Depot Bar (RA-SPC-4519) *non extant*
- Engesath Construction Company Homes (RA-SPC-10316)
- City and County Employees Credit Union, St. Paul Branch (RA-SPC-11134)
- House (RA-SPC-11135)
- Apartment Building (RA-SPC-11136)
- House (RA-SPC-11137)
- Filling Station (RA-WBC-0204)
- House (RA-WBC-0271)

Based upon the additional information provided for the following properties, based upon our previous review of Phase I survey results (Batch 01), we agree that no further intensive level survey is warranted for the following twenty-three (23) properties:

- International Business Machines Corporation Office Building (RA-SPC-10205)
- Emma Norton Residence (RA-SPC-10206)
- Apartment Building (RA-SPC-10227)
- Our Redeemer Lutheran Church (RA-SPC-10356)
- Sixteen (16) Houses associated with Engesath Construction Company (RA-SPC-10318 to RA-SPC-10333)

- Apartment Building (RA-WBC-0163)
- Apartment Building (RA-WPC- 0164)
- White Bear Terrace Apartment Complex (RA-WBC-0165)

Based on the information provided, we agree with the agency finding that the **Northern Pacific Railroad Depot (RA-WBC-0121)** is **eligible** for listing in the NRHP as a contributing resource within both the Lake Superior and Mississippi Railroad: Saint Paul to White Bear Lake (XX-RRD-NPR01) and White Bear Lake to Hugo (XX-RRD-NPR005) properties. Additional information would be necessary in order to determine if the depot is individually eligible for listing in the NRHP. We understand by your July 10<sup>th</sup> submission that this property is located outside of the APE as it is currently defined for this Project.

#### *Lions and Lioness Hall (RA-MWC-0136)*

At this time, we are unable to provide concurrence with your agency's finding that no further survey and evaluation is warranted for the **Lions and Lioness Hall (RA-MWC-0136)**. Additional information is necessary for our office to evaluate the property for listing in the NRHP, specifically further contextual development of the recent immigrant community and analysis under NRHP Criterion Consideration G for the property's relation to Hmong funerary practices, is necessary. An intensive survey and evaluation is recommended.

#### **Phase II A/H Evaluations**

All comments below are based upon property Phase II survey and evaluation information for twenty (20) properties as provided to our office with your July 10<sup>th</sup> submission.

We agree with agency findings that the following eight (8) properties are **not eligible** for listing in the NRHP:

- **White Bear Floral Complex (RA-GLC-015)**
- **Schroer, Julius and Tina, House (RA-MWC-0012)**
- **Bridge 62529 (RA-WMC-0248)**
- **3M Main Plant Historic District (RA-SPC-0449)**
- **Franklin Elementary School (RA-SPC-10209)**
- **Arlington Hills Presbyterian Church (RA-SPC-10244)**
- **White Bear Shopping Center Complex (RA-WBC-0272)**
- **Trunk Highway 36: St. Croix Crossing to Interstate 35E (XX-ROD-028)**

[We appreciate receiving updated inventory forms for the following nonextant properties:

3M Main Plan Historic District - Building 1 (RA-SPC-0450), Building 2 (Ra-SPC-8001), Building 3 (RA-SPC-451), Building 4 (RA-SPC-8002), Building 14 (RA-SPC-8003), Building 20 (RA-SPC-8004), Building 24 (RA-SPC-0454), Building 40 (RA-SPC-8008), Building 41 (RA-SPC-8009), Building 42 (RA-SPC-8010), Building 45 (RA-SPC-8014), Building 84 (RA-SPC-8011), Building 85 (RA-SPC-8012), Building Complex 99 (RA-SPC-8013), Commercial building (RA-SPC-4519).]

#### *Mount Airy Homes Public Housing Complex (RA-SPC-5915)*

At this time, we are unable to provide concurrence with your agency's finding that the **Mount Airy Homes Public Housing Complex (RA-SPC-5915)** is not eligible for listing in the NRHP. Generally, our office remains unconvinced that the property is not significant under Criterion A. The historic context in the Phase II report focuses on the three housing developments completed by the Saint Paul's Housing and Redevelopment Authority (HRA) and funded using federal funds. Is the Mount Airy Homes Public Housing Complex the best extant example of federally funded, low-income, family housing in St. Paul? How does the property compare to the John J. McDonough and Franklin Delano Roosevelt housing developments today? Additionally, while the

community may not have been designed to accommodate residents relocated from the Western Redevelopment Area, or later Rondo, it seems to have served that purpose at least in some degree. This association needs to be further explored, as does the housing development's association with later immigrant groups from Southeast Asia. We recommend additional consultation with our office in an effort to resolve our disagreement with your agency's finding regarding this property's eligibility.

We agree with the agency finding that the following ten (10) properties evaluated or re-evaluated as part of this Project review are **eligible** for listing in the NRHP:

- **Madeline L. Weaver School (RA-MWC-0106)** is a historic property **eligible** for listing in the NRHP under Criterion C in the area of Architecture. However, although not required to evaluate under all NRHP criteria as part of this review, our office remains unconvinced the property is not also eligible under Criterion A in the area of education with a period of significance 1966-1968. The resources listed on pages 33 and 34 of the form, with the exception of the wooded nature area, would be considered noncontributing under either criterion.
- **Moose Lodge 963 (RA-MWC-0134)** is a historic property **eligible** for listing in the NRHP under Criterion A in the area of Social History with a period of significance 1970-1971. Be advised that a considerable amount of additional research and documentation, particularly as it relates to the building modifications which occurred the 1980s, would be needed to actually nominate this property to the NRHP.
- **Theodore Hamm Brewing Company Complex (RA-SPC-2926)** is a historic property **eligible** for listing in the NRHP under both Criterion A in the area of Transportation and Criterion C in the area of Engineering. The period of significance for this historic property is 1885 through 1945.
- **Westminster Junction (RA-SPC-5618)** is a historic property **eligible** for listing in the NRHP. The junction is individually eligible under Criterion C in the area of Engineering, and eligible under Criterion A in the area of Transportation as a contributing resource within both the Great Northern Railroad Corridor, Saint Paul to Minneapolis Segment (RA-SPC-5918) and the StPS&TF/Omaha Road (XX-RRD-CNW001) historic properties. The period of significance is 1885 through 1945.
- **Produce Exchange Building (RA-SPC-6330)** is a historic property **eligible** for listing in the NRHP under Criterion A in the area of Commerce with a period of significance 1915 to 1949. We encourage exploration of the building's association with St. Paul's early immigrant communities. Although not required for purposes of this Project review, more information on the interior of the building and the character defining features of commission houses would be needed to justify significance under Criterion C in the area of Architecture.
- **Phalen Park (RA-SPC-10850)** is a historic property individually **eligible** under Criterion A in the areas of Entertainment/Recreation and Community Planning and Development, and under Criterion C in the area of Landscape Architecture. The period of significance under Criterion A is 1982 to 1978 and the period of significance under Criterion C is 1901 to 1978. Furthermore, we agree with Park's contributing/noncontributing element determinations found in Table 1 of the Phalen Park inventory form.
- **Polar Chevrolet Bear (RA-WBC-0031)** is a historic property **eligible** for listing in the NRHP. Please note, the appropriate area of significance under Criteria C is Art (not architecture) and the appropriate property type is Object (not Structure). We agree with the period of significance as the year 1964.
- **Saint Paul, Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad Corridor Historic District (XX-RRD-CNW001)** is a historic property **eligible** for listing in the NRHP. Both your July 10<sup>th</sup> letter and Table 4 list the inventory number as XX-RRD-CNW01, we recognize this to be a typo, not a separate property from the inventory form with the number XX-RRD-CNW001.

- Additionally, we agree that the following elements are **contributing** to the StPS&TF/Omaha Road (XX-RRD-CNW001): **Bridge 5962** (RA-SPC-1294), **Omaha Road Bridge** (RA-SPC-11130), and **Bridge R0438** (RA-SPC-11140).
- **Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment** (XX-RRD-NPR005)
  - Additionally, we agree that the following properties are contributing to the LS&M: White Bear Lake to Hugo Segment (XX-RRD-NPR005): **Bridge 5962** (RA-SPC-1294), **Omaha Road Bridge** (RA-SPC-11130), and **Bridge R0438** (RA-SPC-11140).
- **Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment** (XX-RRD-NPR001)
  - Additionally, we agree that the following elements are **contributing** to the LS&M: Saint Paul to White Bear Lake Segment (XX-RRD-NPR001): **Bridge 62822** (RA-WBC-0156) and the **St. Paul & Duluth Railroad Bridge No. 7** (RA-WBT-004).
  - Also, we agree that the following historic properties are **individually eligible** for listing in the NRHP as well as **contributing** elements to the NRHP-eligible Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment (XX-RRD-NPR001):
    - **1868 Alignment of the Lake Superior & Mississippi Railroad between Kohlman Avenue and Beam Avenue** (XX-RRD-NPR002).
    - **1868 Alignment of Lake Superior & Mississippi Railroad between County Road C and Gervais Avenue** (XX-RRD-NPR003)
    - **1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue E and County Road B E** (XX-RRD-NPR004)

*First Evangelical Lutheran Church*

We disagree with your agency's finding that the **First Evangelical Lutheran Church (RA-WBC-0174)** property is eligible for listing in the NRHP. It is our office's opinion that the First Evangelical Lutheran Church is **not eligible** for listing in the NRHP due to lack of integrity.

We appreciate the extensive efforts that your agency, project proponents, and consultants have taken to complete historic property identification efforts, analyze and assemble a substantial amount of documentation, and coordinate reviews of the results of these efforts with all Section 106 consulting parties. We look forward to continuing consultation with your agency and others on this important transportation project. If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

cc via email: Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MnDOT Cultural Resources Unit

October 30, 2020

VIA E-MAIL

Mr. Jay Ciavarella  
Federal Transit Administration, Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: METRO Rush Line Bus Rapid Transit Project (Project)  
Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella,

Thank you for continuing consultation on the above project. Information received in our office via e-mail on October 2, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR § 800.

We last wrote to you on September 15, 2020 following our review of extensive documentation related to your agency's effort to identify historic properties within the Area of Potential Effect (APE) for the proposed undertaking. We appreciate the additional information provided in your October 2, 2020 response letter. We have completed a review of this information and our comments are provided below.

*Lions and Lioness Hall (RA-MWC-0136)*

Based upon the clarifications provided in your October 2<sup>nd</sup> response letter, including clarification regarding the more recent history related to the Hmong immigrant community and its association with the property, we agree that the property is **not eligible** for listing in the National Register of Historic Places (NRHP) at this time. We agree with the consultant's recommendation that the property should be reevaluated when it reaches the 50-year age threshold for this association. We will include this documentation in our statewide inventory record for the property.

*Mount Airy Homes Public Housing Complex (RA-SPC-5915)*

We appreciate the response provided in your October 2<sup>nd</sup> letter as it pertains to our office's request for further comparative analysis of this property with other public housing developments in St. Paul. Based upon the information provided in your recent letter, we agree that the efforts completed to evaluate this property have been reasonable and carried out in good faith and are appropriate considering the scope and nature of the undertaking's potential effects at this location. Therefore, based upon the evaluation completed for this Section 106 review, we will agree that the property is **not eligible** for listing in the NRHP at time.

*First Evangelical Lutheran Church (RA-WBC-0174)*

We apologize for not providing specifics in our September 15<sup>th</sup> letter as to why we believe the property is not eligible for listing in the NRHP under Criterion C due to lack of integrity. Our office has two primary integrity concerns with the First Evangelical Lutheran Church. The first is the east elevation. While we understand that this is the rear of the building, it is also the historic location of the church's main entrance. The historic entrance

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and the entire elevation have been obscured by the 1993 addition. The second concern has to do with integrity of the 1959 section. While still maintaining the volume at the interior, the character defining features of the original sanctuary space are almost entirely non-extant, the exception being the trusses. The loss of the original steeple and the 1993 northern addition makes it difficult for the building to convey the form and function of the brick-box church. We continue to believe that the property lacks sufficient historic integrity to be considered eligible for listing in the NRHP.

*Theodore Hamm Brewing Company Complex (RA-SPC-2926)*

Thank you for pointing out the mix-up on our part. To correct the record, we agree that the Theodore Hamm Brewing Company Complex is a historic property **eligible** for listing in the NRHP under both Criteria A and B in the area of Industry. The period of significance for this historic property is 1865 to 1952.

*Railroad Properties*

We appreciate the summary clarifications – groupings and categorizations of contributing resources within the APE for each property – as they pertain to the St. Paul, Stillwater & Taylors Falls/Chicago, St. Paul, Minneapolis & Omaha Railroad Corridor (XX-RRD-CNW001), the Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment (XX-RRD-NPR005), and the Lake Superior & Mississippi Railroad Corridor Historic District: St. Paul to White Bear Lake Segment (XX-RRD-NPR001). We acknowledge that the discrepancies found in our September 15<sup>th</sup> letter were, in fact, typos, and we agree with the classifications included in your October 2<sup>nd</sup> letter for these historic properties.

*Other Properties*

Thank you for providing acknowledgment of recommendations we made regarding the Madeline L. Weaver School (RA-MWC-0106), the Produce Exchange Building (RA-SPC-6330), and the Polar Chevrolet Bear (RA-WBC-0031).

We look forward to continuing consultation with your agency and others on this important transportation project. If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

cc via email: Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MnDOT Cultural Resources Unit

January 8, 2021

VIA E-MAIL

Mr. Jay Ciavarella  
Federal Transit Administration, Region V  
200 West Adams St., Suite 320  
Chicago, IL 60606-5253

RE: METRO Rush Line Bus Rapid Transit Project (Project)  
St. Paul to White Bear Lake, Ramsey County  
SHPO Number: 2019-0985

Dear Mr. Ciavarella,

Thank you for continuing consultation regarding the above-referenced Project. Information received in our office via e-mail on November 9, 2020 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800).

We have completed a review of your letter dated November 9, 2020, a submission which included the following documentation in support of your agency's Section 106 finding of effect for the federal undertaking:

- Report titled *Rush Line Bus Rapid Transit Project: Section 106 Assessment of Effects and Determination of Effect for Historic Properties* (November 2020), including Appendix A: Project Plans at 15% Design (FINAL DRAFT - 08/07/2020) and Appendix B: Area of Potential Effects (02/03/2020), as prepared by the Minnesota Department of Transportation's Cultural Resources Unit for your agency.

We appreciated the chance to participate in the two (2) recent consultation meetings with your agency and other consulting parties on November 24 and December 18, 2020. These meetings were informative, and we believe they provided the participating parties a welcome opportunity for meaningful exchange of information and ideas in response to the agency's assessments and findings regarding the Project's potential effects to historic properties.

#### **Assessment of Adverse Effect and Finding of Effect**

The thoroughness, consistency, clarity, and organization of information provided in the effects assessment report is very much appreciated by our office.

We acknowledge that temporary and permanent physical, visual, and other potential Project effects to historic properties associated with the construction of bus rapid transit elements within the downtown St. Paul Area of Potential Effect (APE) for this Project which is shared with the METRO Gold Line BRT Project, will be assessed and effect findings made as part of the METRO Gold Line undertaking's Section 106 review and consultation.

Based upon information provided in your November 9<sup>th</sup> letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed at what is essentially a schematic design (15%) phase, will have **no adverse effect** on the following fourteen (14) historic properties:

- **Finch, Van Slyck and McConville Dry Goods Company**

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- Saint Paul Urban Renewal Historic District
- First Farmers and Merchants National Bank Building
- First National Bank of Saint Paul
- Pioneer and Endicott Buildings
- Manhattan Building
- Golden Rule Department Store Building
- Foot, Schulze & Company Building
- Produce Exchange Building
- St. Paul, Minneapolis and Manitoba Railway Company Shops Historic District
- Theodore Hamm Brewing Company Complex
- 3M Administration Building (3M Main Plant, Building 21)
- Gladstone Shops (Archaeological Site 21RA70)
- Polar Chevrolet Bear/Paul R. Bear

Based upon information provided with your November 9<sup>th</sup> submission, we are not fully convinced that adverse effects to the **Moose Lodge 963** historic property will be avoided. While we understand by the narrative effects assessment and 15% design plans that Project-related infrastructure will be constructed directly adjacent to noncontributing elements associated with the historic property (including the 1980 addition and outdoor recreational areas) and in the opposite direction and a distance away from the historic property's primary façade and sign, we have concerns that the proposed construction of the dedicated bus lane to the east of the historic property - including the overpass approaches, retaining walls, and bridge over the Gateway State Trail - has the potential to introduce incompatible new, above-ground infrastructure directly adjacent to and therefore affecting the setting of the historic property. We believe that a potential adverse effect may be avoided through appropriate design in order to minimize any potential visual intrusion of adjacent Project elements. We recommend that your agency consider our comments and continue to consult with our office in an effort to resolve this disagreement by our office.

Based upon information provided in your November 9<sup>th</sup> letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed, will have **no adverse effect** on the following eight (8) historic properties provided that conditions specified for each property are met. At this time, we provide concurrence based upon the agency's conditions as described in the November 2020 effects assessment report and with the assurance that additional comments agency for subsequent design development and/or review provided herein and by any other consulting parties are considered by the are finalized:

- **Lowertown Historic District** – We recommend adding clarification to the condition that “Project elements will be blended visually and materially into the existing modern bus station infrastructure within the portion of the train deck previously modified” by specifying that the proposed Project modifications to the existing modern bus station be designed in conformance with the Secretary of the Interior's *Standards for Rehabilitation* (Standards), specifically Standard Nos. 9 and 10 which are associated with new additions/alterations and adjacent new construction.
- **Saint Paul Union Depot** – See comment above for Lowertown Historic District.
- **Great Northern Railroad Corridor Historic District** – We recommend modification to the condition by adding provision for protection of any existing vegetation along with proposed reestablishment of vegetative screening. Also, our office would appreciate the opportunity to further consult regarding what is meant by “vegetative screening” as this could be designed in many different ways, from very formal plantings to those that appear more naturalistic, the latter being more appropriate in a historic railroad corridor.



- **Westminster Junction** – See comment above for Great Northern Railroad Historic District.
- **Saint Paul Stillwater & Taylors Falls/Omaha Road Railroad Corridor Historic District** – See comment above for Great Northern Railroad Historic District.
- **Phalen Park** – Similar to our comment above regarding reestablishment of vegetative screening, we recommend clarification as to the appropriate type of vegetative screening adjacent to this historic park.
- **Johnson Parkway** – See comment above for Phalen Park as it applies to an appropriate type of vegetative screening.
- **Madeline L. Weaver Elementary School** – See comment above for Phalen Park as it applies to an appropriate type of vegetative screening adjacent to this historic property.

Finally, based upon information provided to our office at this time, we concur with the agency finding that the federal undertaking, as it is currently proposed, will result in **adverse effects** to the following five (5) historic properties:

- **Lake Superior & Mississippi Railroad Corridor Historic District: Saint Paul to White Bear Lake Segment;**
- **Lake Superior & Mississippi Railroad Corridor Historic District: White Bear Lake to Hugo Segment;**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Kohlman and Beam Avenues;**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Gervais Avenue and County Road C; and**
- **1868 Alignment of the Lake Superior & Mississippi Railroad between Eldridge Avenue East and County Road B East.**

We understand by your November 9<sup>th</sup> letter that your agency will now notify the Advisory Council on Historic Preservation regarding this adverse effect finding and invite the agency to participate as consultation moves forward to resolve the adverse effects.

As we move forward in consultation to resolve the adverse effects and finalize conditions pertaining to avoidance of adverse effects to the properties listed above, we request that your agency provide our office with any written comments received from consulting parties, as well as updated summary information related to public notification of the Section 106 effect findings.

If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

*cc via email:* Bill Wheeler, FTA  
Elizabeth Breiseth, FTA  
Barbara Howard, MnDOT Cultural Resources Unit

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL TRANSIT ADMINISTRATION  
AND  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE RUSH LINE BUS RAPID TRANSIT PROJECT,  
RAMSEY COUNTY, MINNESOTA**

**WHEREAS**, Ramsey County, Minnesota, on behalf of the Ramsey County Regional Railroad Authority (RCRRA) and in conjunction with the Metropolitan Council are proposing to construct the Rush Line Bus Rapid Transit Project (Project), a fifteen (15)-mile long bus rapid transit (BRT) project with twenty-one (21) stations and three (3) park-and-ride facilities; four (4) of the twenty-one (21) stations are proposed to be constructed under the METRO Gold Line Bus Rapid Transit Project; two (2) of the park-and-ride facilities propose to use existing surface lots and/or parking structures and the other proposes the construction of a new parking structure; the Project extends along a northerly and easterly alignment in mixed traffic or in a dedicated guideway, connecting downtown Saint Paul with the suburban cities of Maplewood, Vadnais Heights, Gem Lake, and White Bear Lake, Minnesota, as depicted in Attachment A;

**WHEREAS**, the United States Department of Transportation, Federal Transit Administration (FTA), may fund the Project and has determined it is an undertaking subject to the requirements of 36 Code of Federal Regulations [CFR] Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 United States Code [USC] § 306108);

**WHEREAS**, although Ramsey County has served as the local lead agency for the purposes of compliance with the National Environmental Policy Act (NEPA) and, in conjunction with the FTA, prepared an Environmental Assessment to satisfy both NEPA and the Minnesota Environmental Policy Act, it is anticipated that the Metropolitan Council will serve as the Project sponsor and federal grantee, lead the process for engineering, construction, and operation, and obtain the necessary approvals and permits to undertake the Project;

**WHEREAS**, the United States Army Corps of Engineers (USACE) may issue a Department of Army (DA) permit authorizing the discharge of dredged or fill material in conjunction with Project construction pursuant to 33 USC § 11 and Section 404 of the Clean Water Act (Section 404), 33 USC §§ 1251-1376, as amended, and has determined the issuance of a DA permit is an undertaking subject to the requirements of Section 106 and 36 CFR Part 800 and, pursuant to 36 CFR § 800.2(a)(2) on November 8, 2019, the USACE designated FTA as the lead Federal agency for the Project to fulfill their responsibilities under Section 106;

**WHEREAS**, the Federal Highway Administration (FHWA) may issue approval for an interstate right-of-way use agreement between the Metropolitan Council and the State of Minnesota, acting through the Minnesota Department of Transportation (MnDOT), for a portion of the Project's preferred alternative pursuant to 23 CFR Part 810, Subpart C and 23 CFR Part 710, Subpart D § 710.405, and has determined this approval is an undertaking subject to the requirements of Section 106 and 36 CFR Part 800, and pursuant to 36 CFR § 800.2(a)(2) on September 15, 2020, FHWA requested FTA to be the lead Federal agency for the Project to fulfill their responsibilities under Section 106 and FTA agreed to be the lead Federal agency on September 25, 2020;

**WHEREAS**, FTA initiated Section 106 consultation with the Minnesota State Historic Preservation Office (MnSHPO) in a letter dated September 5, 2018, and shall continue to consult with MnSHPO under the terms of this Memorandum of Agreement (MOA);

**WHEREAS**, pursuant to 36 CFR § 800.2(a)(3) on September 5, 2018, FTA authorized RCRRRA and the MnDOT Cultural Resources Unit (CRU) to work directly with MnSHPO on FTA's behalf, with FTA remaining responsible for designating consulting parties and making all findings and determinations pursuant to 36 CFR Part 800 and this MOA shall supersede that authorization with RCRRRA and MnDOT CRU having no role in the implementation of the MOA;

**WHEREAS**, FTA recognizes it has a unique legal relationship with Federally recognized Indian tribes (Tribes) set forth in the Constitution of the United States, treaties, statutes, and court decisions, and that consultation with Tribes must, therefore, recognize the government-to-government relationship between the Federal government and the Tribes;

**WHEREAS**, pursuant to 36 CFR § 800.2(c)(2)(ii), upon initiation of the Section 106 consultation for the Project, FTA notified the following Tribes and invited their participation in consultation for the Project and, pursuant to 36 CFR § 800.14(b) and (f), invited these Tribes to participate in the development of this MOA: Lower Sioux Indian Community, Upper Sioux Community, Prairie Island Indian Community, Shakopee Mdewakanton Sioux Community, Turtle Mountain Band of Chippewa, Sisseton-Wahpeton Oyate, Santee Sioux Nation, and Fort Peck Assiniboiné and Sioux Tribes, and no Tribes have requested to participate in consultation for the Project or in the development of this MOA;

**WHEREAS**, although no Tribes have requested to participate in the development of this MOA, FTA shall re-initiate consultation with Tribes that may attach religious and/or cultural significance to historic properties that may be identified under the terms of this MOA, as appropriate;

**WHEREAS**, pursuant to 36 CFR § 800.4(a)(1), FTA and MnDOT CRU in consultation with MnSHPO and other Consulting Parties have defined an Area of Potential Effects (APE) for the Project as documented in Attachment B to this MOA, and FTA may need to revise the Project APE as design and construction advances and, if needed, shall do so in consultation per the terms of this MOA;

**WHEREAS**, FTA in consultation with MnSHPO and other Consulting Parties has undertaken surveys of portions of the Project APE to identify historic properties as defined by 36 CFR § 800.16(l) that are listed in, or eligible for inclusion in, the National Register of Historic Places (National Register); FTA has identified twenty-eight (28) historic properties either listed in, or eligible for inclusion in, the National Register, as noted in Attachment C; and as the design and construction advances, FTA may need to conduct additional survey to identify and evaluate historic properties that could be affected by the Project and, if needed, shall do so in consultation per the terms of this MOA;

**WHEREAS**, FTA has determined in consultation with MnSHPO and other Consulting Parties that Project construction will have no adverse effect on fourteen (14) historic properties; these properties are noted in Attachment C;

**WHEREAS**, FTA has determined in consultation with MnSHPO and other Consulting Parties that Project construction will have no adverse effect on nine (9) historic properties, provided measures identified in this MOA are implemented; these properties are noted in Attachment C;

**WHEREAS**, FTA has determined in consultation with MnSHPO and other Consulting Parties that the Project will have an adverse effect on five (5) historic properties: the Lake Superior & Mississippi (LS&M) Railroad Historic District: Saint Paul to White Bear Lake Segment (XX-RRD-NPR001), three (3) individually eligible 1868 Alignments of the LS&M Railroad (XX-RRD-NPR002, XX-RRD-NPR003, and XX-RRD-NPR004), and the LS&M Railroad Historic District: White Bear Lake to Hugo Segment (XX-RRD-NPR005), that the adverse effects cannot be avoided, and measures are included in this MOA to resolve these adverse effects;

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1) on January 19, 2021, FTA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

**WHEREAS**, FTA and MnDOT CRU in consultation with MnSHPO and other

Consulting Parties have assessed potential Project effects on historic properties and have considered ways to avoid, minimize and/or mitigate adverse effects, have agreed upon measures for minimizing and mitigating the identified adverse effects, as outlined in this MOA, and this MOA provides for additional consultation to assess effects and resolve adverse effects should the Project scope change;

**WHEREAS**, FTA has consulted with the Cities of Saint Paul, Maplewood, Vadnais Heights, Gem Lake, and White Bear Lake, White Bear Township, and the Maplewood and Saint Paul Heritage Preservation Commissions (HPCs), and FTA has invited all of these entities to sign this MOA as Concurring Parties;

**WHEREAS**, FTA also invited the Maplewood Area Historical Society, White Bear Lake Area Historical Society, Ramsey County Historical Society, LS&M Railroad, Minnesota Transportation Museum, and Northern Pacific Historical Association to be consulting parties to the Project, and the Maplewood Area Historical Society and White Bear Lake Area Historical Society accepted and FTA has invited these entities to sign this MOA as Concurring Parties;

**WHEREAS**, FTA invited Ramsey County and MnDOT to be Concurring Parties to this MOA, and Ramsey County has accepted that invitation and participated in consultation to develop this MOA;

**WHEREAS**, FTA invited the Metropolitan Council, USACE, and FHWA to be Invited Signatories to this MOA, and all accepted that invitation and participated in consultation to develop this MOA;

**WHEREAS**, this MOA was developed with appropriate public involvement pursuant to 36 CFR § 800.2(d) and § 800.6(a)(4); the public involvement has been coordinated with the public review and comment conducted by FTA and Ramsey County to comply with NEPA, as amended, pursuant to 36 CFR § 800.8(a);

**WHEREAS**, there are provisions in this MOA for any subsequent public involvement in the Section 106 review process, including notification of the Project's adverse effects to historic properties pursuant to 36 CFR § 800.6(a)(3), following the publication of the NEPA Environmental Assessment and these provisions shall be coordinated through public communication methods in a way that is commensurate with the type and scale of public input being sought;

**WHEREAS**, the Signatories, Invited Signatories, and Concurring Parties, are all considered Consulting Parties pursuant to 36 CFR § 800.2(c) and their roles described herein are consistent with those described in 36 CFR § 800.6(c)(1), (2), and (3), respectively;

**WHEREAS**, the Metropolitan Council shall implement the Project and shall complete the stipulations of this MOA, and FTA shall be responsible for ensuring that implementation of the Project meets the terms of this MOA; and

**NOW, THEREFORE**, FTA and MnSHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

### **Stipulations**

FTA with the assistance of the Metropolitan Council shall ensure that the following measures are carried out:

#### **I. Applicability**

- A.** If the Metropolitan Council applies for additional federal funding or approvals for the Project from a Federal agency that is not party to this MOA, the Federal agency may remain individually responsible for their undertaking under 36 CFR Part 800. Alternatively, if the undertaking as described herein remains unchanged, such funding or approving Federal agency may request in writing to FTA and MnSHPO of their desire to designate FTA as lead Federal agency for the undertaking pursuant to 36 CFR § 800.2(a)(2) and to become a Consulting Party to this MOA pursuant to Paragraph B of this Stipulation.
- B.** If during the implementation of this MOA, FTA identifies other agencies, tribes, individuals, and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the Project or affected properties, or due to their concern with the Project's effects on historic properties, FTA may offer such entities Consulting Party status pursuant to 36 CFR § 800.2(c) and/or invite them to become party to this MOA, with notification to the other Consulting Parties.
  - i.** If FTA invites an entity to become an Invited Signatory, the party may accept this status by agreeing in writing to the terms of this MOA and so notifying FTA. If the entity agrees to become an Invited Signatory and MnSHPO, USACE, FHWA, and the Metropolitan Council have no objections, FTA shall follow Stipulation XVII to amend this MOA.
  - ii.** If FTA invites an entity to become a Concurring Party, the entity may accept this status by agreeing in writing to the terms of this MOA and so notifying FTA. Because Concurring Parties have no responsibility for implementation of this

MOA, FTA may add such parties to the consultation process without formal amendment of this MOA. FTA shall notify the Consulting Parties of any entities who agree to become a Concurring Party.

- C. The Project is expected to have several construction contracts or bid packages that may be considered independently for the purposes of consultation pursuant to this MOA. In these instances, the Project status (e.g., design stage or construction) may be considered specific to the contract or element without applying to the entire Project.
- D. For the purposes of this MOA, the use of the term “construction” includes major Project construction, as well as any advanced construction as described in Paragraph C of this Stipulation, and under any given construction contract or bid package is defined as demolition activities, earthwork, staging, and construction of Project infrastructure and related improvements.

## **II. Standards**

- A. All work carried out pursuant to this MOA shall meet the Secretary of the Interior’s (SOI) Standards for Archaeology and Historic Preservation (48 FR § 44716) and/or the SOI’s Standards for the Treatment of Historic Properties (36 CFR Part 68), as applicable (individually or collectively, SOI Standards). Documentation for determinations of eligibility and findings of effect shall meet 36 CFR § 800.11, the SOI Standards, the National Park Service’s Bulletins, and MnSHPO survey and reporting guidance, as appropriate. Documentation of historic properties for the purposes of resolving adverse effects under Stipulation XII, may follow either the SOI Standards or another appropriate documentation standard that is agreed upon in writing by both FTA and MnSHPO.
- B. FTA shall ensure all activities carried out pursuant to this MOA are done by, or under the direct supervision of, historic preservation professional(s) who meet the SOI’s Professional Qualification Standards (48 FR §§ 44738-44739) in the appropriate field(s) for the activity (SOI-Qualified Professionals).
  - i. The Metropolitan Council shall employ or contract with SOI-Qualified Professional(s) to advise the Metropolitan Council in implementing this MOA and to assist FTA as required (hereafter, referred to as the “Metropolitan Council’s Preservation Lead”).
  - ii. FTA and the Metropolitan Council shall ensure that consultants retained for services pursuant to implementation of this MOA are SOI-Qualified Professionals, or in the instance of other allied professions not covered by the SOI’s Professional Qualification Standards, they shall meet other nationally

recognized standards or licensure/certification requirements for the profession, as applicable. Whenever possible, individuals in allied professions should have a minimum of five (5) years of experience working with historic properties.

- C. FTA acknowledges that Tribes possess special expertise in assessing the National Register eligibility of properties with religious and cultural significance to their Tribe(s). If a Tribe requests, or if FTA otherwise offers and the Tribe accepts, Consulting Party status under this MOA, FTA shall seek input from the Tribe to determine whether a SOI-Qualified Professional is qualified to assess a property's potential religious or cultural significance to the Tribe under National Register criteria.

### **III. Deliverables and Consulting Party Review Procedures**

- A. To facilitate review, submittals to Consulting Parties may be limited to the portions of the Project plans that illustrate the manner in which the Project may affect historic properties. Additional plans may be provided to Consulting Parties upon request.
- B. The Consulting Parties shall have thirty (30) calendar days to review and provide comments on all findings, determinations, documents, and deliverables, unless otherwise specified.
- C. For all findings, determinations, documents, and deliverables submitted during Project construction and directly related to construction activities, the Consulting Parties shall have fifteen (15) calendar days to review and provide comments, unless otherwise specified.
- D. If the deliverable is a draft document, any written comments provided within the review and comment period shall be considered in the preparation of the final document. If there are any comments that are not feasible to incorporate into the final document, FTA shall provide an explanation to the Consulting Parties as part of issuing the final document. If no comments on a draft document are provided within the specified review timeframe, FTA, at its discretion, may consider the draft document final with notification to Consulting Parties.
- E. Should FTA and MnSHPO be unable to reach agreement on eligibility determinations, findings of effect, or resolution of adverse effects, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
- F. All review timeframes may be extended by mutual consent between FTA and MnSHPO in consultation with the Metropolitan Council and with notification to the other Consulting Parties. Failure of any Consulting Party to respond within the



specified timeframe shall not preclude FTA from proceeding to the next step of any process under this MOA.

#### **IV. FTA Review of Project Plans**

- A.** The Project plans (drawings, specifications, special provisions, appendices, etc.), including plans for temporary construction-related work, shall effectively meet the Project purpose and need, while avoiding, minimizing, and/or mitigating adverse effects to historic properties. Throughout the Project design development process, the Metropolitan Council's Preservation Lead shall advise the Metropolitan Council in their efforts to meet this goal. The Project plans shall also follow Stipulations V and VI, when applicable.
- B.** At its own discretion, including in response to the request of any Consulting Party, FTA, with the assistance of the Metropolitan Council or their Preservation Lead, may convene a meeting(s) or use other appropriate means to obtain Consulting Party input on Project design development. At a minimum, a Consulting Party meeting(s) shall be held prior to the finalization of the 60% Project plans to discuss vegetative screening, as required in Stipulation V.B, and to facilitate Consulting Party review of certain Project elements, as required by Stipulation VI.B. That meeting may also include discussion of whether construction protection measures are required for certain historic properties, as outlined in Stipulation VII.A. If a meeting is held, FTA or the Metropolitan Council shall distribute meeting materials, as appropriate, in advance of the meeting. These meeting materials may include, but are not limited to, agendas and Project plans. The Consulting Parties may provide input in writing following the receipt of materials during the specified review time, during the meeting if one is held, or both. FTA and the Metropolitan Council shall record and consider all Consulting Party input received pursuant to this Stipulation as Project plans are further developed.
- C.** The Metropolitan Council's Preservation Lead shall review all Project plans at the 30, 60, 90, and 100 percent (%), or equivalent, design stages. The Metropolitan Council's Preservation Lead shall also review any modifications made to the 100% Project plans, whether those changes are made prior to, or during, Project construction.
  - i.** At each stage of the review, the Metropolitan Council's Preservation Lead shall recommend to FTA whether revisions are necessary to the Project's APE, whether any Project design changes may result in a change to FTA's finding of effect, whether the design requirements of Stipulation V have been met, and whether the plans incorporate commitments made to the Consulting Parties through consultation under Stipulations VI and XII.

- a. If FTA agrees revisions to the APE are necessary, they shall be completed pursuant to Stipulation IX.
  - b. If FTA agrees the previously made finding of effect remains valid, design-related requirements have been met, and all commitments reached during consultation have been incorporated into Project design, the FTA shall notify the Consulting Parties of its findings. Unless otherwise noted in Subparagraph C.ii of this Stipulation, notification may be completed through the reporting process outlined in Stipulation XV.
  - c. If FTA agrees the previously made finding of effect no longer remains valid, if design-related requirements have not been met, or if commitments reached during consultation are not incorporated into Project design, FTA shall make a new finding of effect with the assistance of the Metropolitan Council's Preservation Lead pursuant to Stipulation XI.
- ii. For Project elements requiring Consulting Party review under Stipulation VI, the 30% and 60% Project plans shall be submitted to Consulting Parties for review and comment pursuant to Stipulation III along with FTA notification. The 90% and 100% Project plans and any modifications to the 100% Project plans do not need to be submitted to the Consulting Parties unless the Metropolitan Council or the FTA is requesting additional feedback on the design of specific Project elements, or if a Consulting Party so requests.
- iii. If Project construction has begun and a modification of the 100% Project plans is within 100 feet of a known historic property, the Metropolitan Council shall not allow any destructive activities related to the Project modification to begin until FTA has completed their reviews under this Stipulation.
- D. Project-induced transit-oriented development is anticipated near BRT station areas and has the potential to cause indirect, visual effects to historic properties. The Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead, shall participate in station area planning for stations located near certain historic properties to ensure the historic properties are incorporated into the station area planning process. If any of the station area plans are formally adopted by local municipalities, FTA shall assess the need to adjust the Project APE pursuant to Stipulation IX and/or revise the finding of effect for any historic properties pursuant to Stipulation XI. To minimize the potential for adverse indirect effects due to transit-oriented development, station area planning for the following stations shall consider nearby historic properties:
- i. 10th Street Station: Foot, Schulze & Company Building, Produce Exchange

## Building

- ii. Olive Street Station: Great Northern Railroad Corridor, Westminster Junction
- iii. Cayuga Street Station: Great Northern Railroad Corridor, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District
- iv. Payne Avenue Station: StPS&TF/Omaha Road Railroad Corridor Historic District, Theodore Hamm Brewing Company Complex
- v. Arcade Street Station: StPS&TF/Omaha Road Railroad Corridor Historic District, Theodore Hamm Brewing Company Complex; 3M Administration Building
- vi. Cook Avenue Station: Johnson Parkway, LS&M Railroad Corridor Historic District
- vii. Maryland Avenue Station: Phalen Park, Johnson Parkway, LS&M Railroad Corridor Historic District
- viii. Larpenteur Avenue Station: LS&M Railroad Corridor Historic District
- ix. Frost Avenue Station: LS&M Railroad Corridor Historic District, Site 21RA70, Moose Lodge 963
- x. Highway 36 Station: LS&M Railroad Corridor Historic District
- xi. Buerkle Road Station: LS&M Railroad Corridor Historic District
- xii. Whitaker Street Station: LS&M Railroad Corridor Historic District

## V. Design Requirements

- A. In order to minimize and/or avoid adverse effects to the Lowertown Historic District, Saint Paul Union Depot, Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, Johnson Parkway, Phalen Park, Moose Lodge 963, and Madeline L. Weaver Elementary School, the Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead and input from Consulting Parties, as necessary, shall follow these design requirements to the extent feasible while still meeting the Project's purpose and needs:
  - i. Lowertown Historic District and Saint Paul Union Depot: Project elements at Union Depot Station shall be located within the portion of the train deck previously modified for existing modern bus infrastructure and shall be designed

designed in conformance with the SOT Standards.

**iv. StPS&TF/Omaha Road Railroad Corridor Historic District:** Vegetative screening shall be preserved on certain Project elements and the historic properties. Where preservation of existing native vegetation in place is precluded, if existing vegetation is not possible or does not provide adequate structural Project elements, as determined by FTA with input from the Metropolitan Council's Preservation Lead, then reestablishment shall be considered. Reestablishment of vegetative screening to existing vegetation conditions and proposed Project elements. The Metropolitan Council's Preservation Lead shall advise the Metropolitan Council during the design process. The following Project elements and historic properties are subject to this requirement:

- a. Arcade Street Station in relation to the StPS&TF/Omaha Road Railroad Corridor Historic District.**
- b. Maryland Avenue Station and the Ramsey County Courthouse in relation to Johnson Parkway and Phalen Park.**
- c. Frost Street Station and Gateway Trail Underpass in relation to Highway 963.**

**B. If necessary during the course of design development, FTA shall consult with the Metropolitan Council's Preservation Lead, shall identify the locations and points at which to gain input from MnSHPO, other Conserving**

- b. Maryland Avenue Station and the R to Johnson Parkway and Phalen Park
  - c. Frost Street Station and Gateway Tr 963.
- B. If necessary during the course of design development, the Metropolitan Council's Preservation Lead, points at which to gain input from MnSHPO

ensure these design requirements have been met.

## **VI. Consulting Party Review of Certain Project Elements under the SOI Standards**

- A.** In order to minimize and/or avoid adverse effects to Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, Johnson Parkway, Phalen Park, and Madeline L. Weaver Elementary School, the Metropolitan Council shall, with the assistance of the Metropolitan Council's Preservation Lead and input from Consulting Parties, design the below-referenced Project elements in accordance with the SOI Standards to the extent feasible while still meeting the Project's purpose and need. If a City has officially designated the affected historic property for heritage preservation, the design shall also take into consideration, as feasible, any applicable design guidelines adopted by the City's HPC for the historic property.
- i.** Cayuga Street Station Area: The Cayuga Street Station, which abuts the StPS&TF/Omaha Road Railroad Corridor Historic District and is located near the Great Northern Railroad Corridor Historic District and Westminster Junction, including but not limited to BAT lanes, retaining walls, station platforms and amenities, trail connections, sidewalks, station vegetation, and BMPs. The Metropolitan Council should consider the mass, scale, and overall design of the Project elements. Vegetative screening shall be preserved or reestablished between the Project elements and the historic property where possible. Consulting Parties shall review Project elements within an area that extends approximately 800 feet southwest and approximately 200 feet northeast of the centerline of Cayuga Street.
  - ii.** Barriers at Forest Street Bridge: Physical barriers, if used, under or near the Forest Street Bridge (Bridge No. 5962), a contributing resource to the StPS&TF/Omaha Road Railroad Corridor Historic District. Consulting Parties shall review Project elements within an area that extends approximately 200 feet on either side of the point at which the dedicated guideway crosses the centerline of Forest Street North.
  - iii.** Johnson Parkway Bridge Area: The Johnson Parkway Bridge, which passes over Johnson Parkway and is located near Phalen Park, and associated Project elements, including but not limited to retaining walls, trail connections, sidewalks, and BMPs. The Metropolitan Council should consider the mass, scale, and overall design of the bridge span, piers, railings, and abutments, and incorporate plantings in keeping with the park-like setting of the historic parkway and Saint Paul's Grand Round. Consulting Parties shall review Project elements within an area that extends approximately 700 feet south and approximately 500 feet north of the

point at which the bridge crosses the centerline of Johnson Parkway.

- iv. Weaver Trail Underpass Area: Project elements near Madeline L. Weaver Elementary School, including but not limited to the Weaver Trail Underpass, trails, vegetation, and stormwater BMPs. The Metropolitan Council should consider the structure's mass, scale, and overall design of the bridge span, piers, railings, and abutments, and its visibility within the historic property's viewshed. Vegetative screening shall be preserved or reestablished between the Project elements and historic properties where possible. Consulting Parties shall review Project elements within an area that extends approximately 400 feet south and approximately 800 feet north of the centerline of the proposed Weaver Trail Underpass.
  - v. Dedicated Guideway and Fitch/Barclay Trail Underpass: Project elements near the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and/or between Gervais Avenue and County Road C (XX-RRD-NPR003), if it is determined through Stipulation VIII.A that it is prudent and feasible for the Project to avoid one or both of the historic properties. Consulting Parties shall review Project elements within an area that extends approximately 300 feet on either end of the 1868 railroad roadway remnant as documented during the evaluation of the LS&M Railroad Corridor Historic District.
- B.** Depending on the significance, character, and use of the historic property and the nature and scale of the effect, FTA and the Metropolitan Council with the assistance of the Metropolitan Council's Preservation Lead shall identify the method and appropriate points at which to gain input from MnSHPO, other Consulting Parties, and the property owner, when applicable, for determining the best approach(es) for meeting the SOI Standards. At a minimum, a Consulting Party meeting shall be held prior to the finalization of the 60% Project plans.
- C.** At the 30% and 60%, or equivalent, design stages, MnSHPO and other Consulting Parties shall review and provide input on whether the Project elements meet the SOI Standards pursuant to Stipulation VI. The Metropolitan Council shall consider all comments received as design progresses.

## **VII. Construction Protection Plan for Historic Properties (CPPHP)**

- A.** In order to minimize and/or avoid adverse effects to East Shore Drive (a contributing resource in Phalen Park), and other historic properties as determined through the consultation described in Subparagraphs A.i and A.ii of this Stipulation, Stipulation XI, or Stipulation XII, the Metropolitan Council and the Metropolitan Council's

Preservation Lead shall develop a CPPHP detailing the measures to be implemented prior to and during Project construction to avoid or minimize effects to historic properties. The CPPHP may be prepared for the Project as a whole, for individual construction bid packages, and/or for individual or groups of historic properties, as needed. At its own discretion, FTA may convene a meeting with Consulting Parties to facilitate discussion about protection measures.

- i. Prior to the finalization of the 60% Project plans, FTA in consultation with MnSHPO and other Consulting Parties shall determine whether the CPPHP should include measures to be implemented prior to or during Project construction to avoid or minimize effects to the following historic properties: Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, and Madeline L. Weaver Elementary School. The CPPHP described in this Stipulation shall include these historic properties following agreement in writing by both FTA and MnSHPO. If FTA and MnSHPO fail to agree, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
- ii. The CPPHP shall incorporate construction protection measures to avoid or minimize effects to the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and/or between Gervais Avenue and County Road C (XX-RRD-NPR003), if it is determined through Stipulation VIII.A that it is prudent and feasible for the Project to avoid one or both of the historic properties.
- iii. Depending on the type of historic property and the nature and scale of the anticipated effects, the Metropolitan Council may include the following measures in the CPPHP:

  - a. Construction Protection Measures (CPMs) detailing specific protection measures and procedures to be implemented during Project construction to protect historic properties.
  - b. Historic Property Inspections (pre-, during, and post-construction) that provide a baseline of existing structural and physical conditions to facilitate identification and documentation of any structural and/or cosmetic damage caused by Project construction. Inspections shall include, but are not limited to, building/structure foundations, exterior and interior elements, topography, landscaping, and any other historically significant or character defining features of the property to document any pre-existing defects or other damage. Inspection documentation shall include photographs and narrative to document the observed conditions before and after Project construction, and

- c. When identified as appropriate for minimizing or avoiding adverse effects to historic properties, other types of potential measures may include, but are not limited to, maintenance of access, vibration management and remediation, and noise minimization and mitigation.
- iv. To ensure adequate administration, the Metropolitan Council shall include the following management controls in any CPPHPs developed:
  - a. The CPPHP shall identify the entity(ies) responsible for carrying out the measures included in the CPPHP,
  - b. The CPPHP shall include a section for unexpected discoveries of historic properties, developed in accordance with Stipulation XIII,
  - c. The CPPHP shall include a section for unanticipated effects to historic properties, developed in accordance with Stipulation XIV, and
  - d. As appropriate, Consulting Party and property owner review of any documentation prepared under the CPPHP(s) adhering to the timelines outlined in Stipulation III, unless otherwise specified.
- v. If, for any reason, the CPPHP requirements set forth in this Stipulation are not appropriate to a specific historic property or the nature and scale of an anticipated effect, the consultation process and the format of the CPPHP may be revised upon agreement by FTA and MnSHPO without amending this MOA.

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FTA shall also submit the draft and final CPPHPs to the owner of the historic property. When necessary, amendments to the CPPHP shall follow the same process as its original development.

- C. The Metropolitan Council shall include the agreed-upon CPPHP in construction contract packages to inform Project Construction Contractors of their responsibilities relative to historic properties. The CPPHP may be a separate document or combined with other Project construction monitoring plans, as appropriate. The Metropolitan Council shall incorporate any property-specific protection measures into the Project plans, ensure the terms of the CPPHP(s) are implemented during Project construction, and provide a record of monitoring activities in a quarterly report to FTA and in quarterly reports prepared pursuant to Stipulation XV.
- D. Prior to commencing construction activities, the Metropolitan Council's Preservation Lead shall prepare Project-specific Historic Property Awareness and Sensitivity Training. The Metropolitan Council shall require Project Construction Contractor(s), including Site Supervision (Superintendents and Foremen) and their direct supervisors, to complete the Project-specific Historic Property Awareness and Sensitivity Training prior to the commencement of construction activities. If a Construction Contractor hires or assigns any new Site Supervision and/or direct supervisor(s) to the Project during Project construction, the Metropolitan Council shall ensure that the new Site Supervision and/or direct supervisor(s) have completed the Historic Property Awareness and Sensitivity Training prior to being approved for supervising any construction activities. The Historic Property Awareness and Sensitivity Training shall include information on historic properties subject to the CPPHP, review requirements and processes for avoiding and minimizing effects to known historic properties, and procedures and protocols if unexpected discoveries are made.

#### **VIII. Mitigation for Adverse Effects to the LS&M Railroad Corridor Historic District**

- A. Avoidance through Design. The 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and between Gervais Avenue and County Road C (XX-RRD-NPR003) are individually eligible for inclusion in the National Register and contribute to the LS&M Railroad Corridor Historic District. The Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead, shall investigate whether it is feasible and prudent to avoid these two (2) historic properties while still meeting the Project's purpose and need. Avoidance through design is the preferred outcome of this Stipulation. The investigation shall be as thorough and creative as possible to identify engineering solutions that avoid adverse effects to the historic properties.

- i. If the Metropolitan Council determines that avoidance of either or both historic properties is feasible and prudent, Project design in the vicinity of the avoided historic property shall be subject to the requirements of Stipulations VI and VII.
  - ii. If the Metropolitan Council determines that avoidance of either or both historic properties is not feasible and prudent, the Metropolitan Council shall notify the FTA. If FTA agrees, they shall submit the determination to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. The submittal shall include justification for the determination and confirmation that the Metropolitan Council shall instead complete a Phase III data recovery of the historic property that cannot be avoided, pursuant to Paragraph B of this Stipulation. At its own discretion, FTA may convene a meeting to facilitate discussion about potential avoidance. FTA shall resolve any disagreements about the feasibility of avoidance pursuant to Stipulation XVI.
- B. Phase III Data Recovery.** Prior to the start of Project construction within 100 feet of the recovery site, or as specified in the research design/data recovery plan, the Metropolitan Council shall ensure a Phase III data recovery of the historic property(ies) is completed by SOI-Qualified Professionals as described below. The Metropolitan Council shall also ensure that information gained through the Phase III data recovery is shared with the public in a meaningful way to the extent possible; this may include incorporation into the interpretive plan described in Paragraph D of this Stipulation, taking into consideration the need to safeguard sensitive archaeological information.
- i. Data recovery of the LS&M shall include the 1868 railroad roadway remnant between Eldridge Avenue East and County Road B East (XX-RRD-NPR004) and one portion of the property where the 1868 railroad roadway is concealed by the 1880s railroad roadway. It shall also include XX-RRD-NPR002 and/or XX-RRD-NPR003 if it is determined through Paragraph A of this Stipulation that it is not prudent or feasible for the Project to avoid them. The specific locations for data recovery work shall be determined in consultation with MnSHPO and other Consulting Parties and documented in the research design/data recovery plan developed pursuant to Subparagraph B.ii of this Stipulation.
  - ii. The preparation of the research design/data recovery plan, fieldwork, and preparation of the Phase III data recovery report shall be completed in accordance with Stipulation II.A of this MOA and shall be conducted under the direct supervision of SOI-Qualified Professionals who meet the qualifications for historic archaeology. In addition to meeting the SOI Standards, the work shall meet the SOI's Guidelines for Archaeological Documentation, the MnSHPO

Manual for Archaeological Projects in Minnesota guidelines, and the terms and conditions of the field archaeology license issued by the Minnesota Office of the State Archeologist (OSA). The cost of curation, if necessary, shall be borne by the Project.

- iii. The Metropolitan Council shall submit the draft and final research design/data recovery plan, draft and final Phase III data recovery report, and draft and final proposal for public education efforts to FTA for review and approval. Once FTA's comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
  - iv. The final research design/data recovery plan shall be approved by MnSHPO prior to the start of field activities to complete the Phase III data recovery. The final Phase III Data Recovery report and a memo explaining how the information has been shared with the public shall be submitted to MnSHPO and other Consulting Parties no later than one (1) year after the date the Project begins revenue service operations.
- C. National Register Evaluation of the LS&M Railroad Corridor between Saint Paul and Duluth. The Metropolitan Council in consultation with MnSHPO and other Consulting Parties shall ensure a Phase II intensive survey and evaluation of the LS&M Railroad Corridor between Saint Paul and Duluth is completed by SOI-Qualified Professionals as described below. The purpose of the evaluation is to determine whether the corridor remains eligible for inclusion in the National Register after the completion of the Project and to determine whether any other segments of the railroad are individually eligible for inclusion in the National Register. Associated property types, as identified in the National Register Multiple Property Documentation Form, "Railroads in Minnesota, 1862–1956" (Railroad MPDF), shall also be documented at the level of a Phase I reconnaissance survey and, when appropriate, recommended for individual evaluation.
- i. The survey and evaluation shall be completed in accordance with Stipulation II of this MOA and shall be conducted under the direct supervision of SOI-Qualified Professionals who meet the qualifications for history and architectural history and who have successfully completed previous intensive level surveys of railroads. In addition to meeting the SOI Standards, the evaluation shall follow the guidance in the Railroad MPDF, MnSHPO's "Guidelines for Inventory and Evaluation of Railroads in Minnesota" (March 2019), and MnSHPO's "Railroad Company Information: General Information" (last updated December 31, 2018), as appropriate.

- ii. The Metropolitan Council shall submit the draft and final report and inventory forms to FTA for review and approval. Once FTA's comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
  - iii. The final report and inventory forms shall be submitted to MnSHPO and other Consulting Parties no later than two (2) years after the date the Project begins revenue service operations.
- D. Incorporation of Interpretive Elements at BRT Stations.** The Metropolitan Council in consultation with MnSHPO and other Consulting Parties shall ensure a plan for interpretation is completed as described below. During the development of the draft interpretative plan, the Metropolitan Council shall seek input from MnSHPO and other Consulting Parties to gain input on the type, number, and exact locations of the interpretation, as well as the themes, schematic plans, and draft text and graphics. The interpretation shall be based on the results of the Phase II evaluation completed for the historic property and shall be incorporated into the design of a minimum of three (3) BRT stations within or adjacent to the LS&M Railroad Corridor Historic District between Saint Paul and White Bear Lake.
- i. The work shall be completed in accordance with Stipulation II.A of this MOA and shall be conducted under the direct supervision of an SOI-Qualified Professional who meets the qualifications for history and an interpretative planner either certified by the National Association for Interpretation (NAI) as a Certified Interpretive Planner or with comparable experience. In addition to meeting the SOI Standards, the work shall meet NAI's *Standards and Practices for Interpretive Planning* and the *Creating Outdoor Trail Signage* technical leaflets.<sup>1</sup>
  - ii. The Metropolitan Council shall submit the draft and final interpretive plan to FTA for review and approval. Once FTA's comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
  - iii. The final interpretive plan shall be incorporated into the 100% Project plans. Interpretive elements shall be built as part of Project construction and maintained pursuant to Metropolitan Council protocols. No later than one (1) year after the date the Project begins revenue service operations, the content of the interpretation shall also be incorporated into the Metropolitan Council's webpage

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<sup>1</sup> "Creating Outdoor Trail Signage, Part 1: Planning and Design" in the *Minnesota History Interpreter*, May-June 2008, and "Creating Outdoor Trail Signage, Part 2: Fabrication and Installation" in the *Minnesota History Interpreter*, Summer 2008. Both leaflets were written by Ellen Miller and Aaron Novodorsky.

in order to make it accessible to the general public.

**IX. Changes to the Area of Potential Effects (APE)**

- A. In accordance with 36 CFR § 800.4(a)(1) and in consultation with MnSHPO and other Consulting Parties, FTA has defined and documented an APE for the Project (Attachment B).
- B. Throughout the Project design process, and as needed during Project construction, FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall determine if revisions to the APE are necessary.
  - i. If FTA determines the APE requires revision, it shall submit the draft and final APE, along with any supporting documentation, to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. FTA's determination on the revised APE shall be final.
  - ii. Revisions to the APE do not require a formal amendment to this MOA. If revised and documented by FTA pursuant to Subparagraph B.i of this Stipulation, then the revised APE shall replace those found in Attachment A, distributed to all Consulting Parties, filed with the ACHP, and used throughout the remainder of the Project unless further revisions to the APE are necessary due to Project modifications.
- C. If any new, previously unsurveyed, areas are added to the APE, the procedures in Stipulation X shall be followed to identify historic properties that may be affected by the Project.

**X. Additional Survey and Evaluation**

- A. When necessary, FTA and the Metropolitan Council in consultation with MnSHPO and other Consulting Parties shall conduct surveys of any areas added to the APE through revisions made under Stipulation IX and when necessary due to delays in Project construction, as described in Subparagraph A.ii of this Stipulation.
  - i. The survey and evaluation shall be performed by SOI-Qualified Professionals appropriate to the resource type(s) being identified and evaluated and shall meet the requirements of Stipulation II.A.
  - ii. Identification efforts for architecture/history focused on properties built prior to 1979. If the beginning of Project construction is delayed beyond 2028, FTA in consultation with MnSHPO and other Consulting Parties shall determine whether additional architecture/history survey is necessary, including additional

consideration for properties built in 1979 or later.<sup>2</sup>

- iii. In any instance where a property cannot be fully evaluated prior to the initiation of the Project's construction or the resumption of Project activities in the vicinity of the property when identified pursuant to Stipulation XIII, the property may be treated as though it is eligible for inclusion in the National Register for the purpose of the Section 106 review for this Project only. In these instances, and in addition to providing a justification for not performing a full evaluation, FTA shall document the National Register criterion or criteria, potential area(s) and period(s) of significance, and boundaries used to assume the property's eligibility so that this information can be used to assess effects of the Project on the historic property pursuant to Stipulation XI.
- B.** The Metropolitan Council's Preservation Lead shall review the survey results and make National Register-eligibility recommendations to FTA, which shall submit its National Register eligibility determinations to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. Subject to the confidentiality requirements in Section 304 of the National Historic Preservation Act (54 USC § 307103) and 36 CFR § 800.11(c), the Metropolitan Council shall post the survey results on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties.
- i. If MnSHPO does not respond during the applicable review period or if MnSHPO concurs, FTA's eligibility determinations shall become final and effects to any historic properties identified shall be assessed pursuant to Stipulation XI.
  - ii. If FTA and MnSHPO do not agree on the National Register-eligibility of a property, or if FTA and a Tribe that attaches religious and cultural significance to a property do not agree on National Register-eligibility, FTA shall resolve the disagreement pursuant to Stipulation XVI.

## **XI. Additional Assessments of Effects**

- A.** FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall make a finding of effect to account for any changes in Project design that may result in newly identified historic properties, changes in the finding of effect for a historic

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<sup>2</sup> Properties 50 years of age or older are considered for National Register eligibility without the application of the National Register Criteria Considerations. The age of properties included in architecture/history survey was based on the anticipated start of Project construction in 2023 and included properties 45 years of age or older to allow for a delay of up to five (5) years in the start of Project construction.

property, or unanticipated effects (e.g., damage) to historic properties. The Metropolitan Council's Preservation Lead shall assess effects of the Project on historic properties in accordance with the criteria of adverse effect as described in 36 CFR § 800.5(a)(1) and make a recommendation to FTA, supported by documentation that meets the requirements of Stipulation II.A. The Metropolitan Council's Preservation Lead shall also recommend to FTA potential measures for avoiding, minimizing, and/or mitigating any adverse effect(s).

- i. As part of the assessment of effects, the Metropolitan Council's Preservation Lead may recommend, and FTA may impose, conditions on the Project to ensure an adverse effect to a historic property is avoided and/or minimized. In some instances, the conditions may be similar to those outlined in Stipulations V, VI, and VII.
- ii. When effects are assessed following unanticipated effects to a known or newly identified historic property during Project construction (see Stipulations XIII and XIV), the Metropolitan Council's Preservation Lead shall use the following guidance, in addition to the criteria of adverse effect, when making a recommendation to FTA:
  - a. If the damage does not meet the threshold of an adverse effect, a finding of no adverse effect shall be recommended.
  - b. If the damage meets the threshold of an adverse effect, is repairable, and the property owner agrees to repairing the damage in accordance with the SOI Standards, a finding of adverse effect shall be recommended along with the Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in Accordance with SOI Standards (Attachment D) to resolve the adverse effect.
  - c. If the damage meets the threshold of an adverse effect and any of the following are true, a finding of adverse effect requiring resolution under Stipulation XII shall be recommended:
    - 1. The damage involves a National Historic Landmark;
    - 2. The damage cannot be repaired;
    - 3. The historic property must be demolished in whole or in part;
    - 4. The property owner does not consent to repairing the damage in accordance with the SOI Standards;

5. Either the Project Construction Contractor or Contractor's insurer resolves the damage claim by monetary payment to the property owner in lieu of a repair; or
  6. The repairs have the potential to cause additional adverse effects.
- B.** FTA shall review the assessment of effects and recommendations, and if acceptable, submit a finding of effect that meets the requirements of Stipulation II.A to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. FTA shall clearly state any condition(s) imposed on the Project as part of the finding. Subject to the confidentiality requirements in 54 USC § 307103 and 36 CFR § 800.11(c), the Metropolitan Council shall post the finding of effect on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties within the review timeframe.
- i. If FTA makes a finding of no adverse effect and MnSHPO and other Consulting Parties agree, no further consultation is required pending implementation of any conditions upon which the finding is based. Implementation of conditions shall be tracked by the Metropolitan Council as part of quarterly reporting outlined in Stipulation XV.
  - ii. If FTA makes a finding of adverse effect and the Project is anticipated to have an adverse effect on a National Historic Landmark, FTA shall also notify and invite the ACHP and the SOI to participate in the consultation pursuant to 36 CFR § 800.10 and 54 USC § 306107.
  - iii. If MnSHPO objects to FTA's finding of effect or if other Consulting Parties do not agree with the finding, they shall provide comments to FTA specifying the reasons for their disagreement. FTA shall consult with MnSHPO and other Consulting Parties to resolve the disagreement in accordance with Stipulation XVI.

## **XII. Consultation to Resolve Additional Adverse Effects**

- A.** If FTA makes a finding of adverse effect and it cannot be resolved through the Standard Mitigation Measure outlined in Attachment D, FTA shall consult with the MnSHPO, other Consulting Parties, and the owner of the historic property to seek and consider other measures to avoid, minimize, and/or mitigate the adverse effect. Consultation may take whatever form is appropriate based on the significance, character, and use of the historic property and the nature and scale of the Project elements causing the adverse effect. The consultation must include an opportunity for



the public to express their views in resolving the adverse effect(s). FTA, at its discretion, may determine that public participation under this stipulation is met via public review and comment conducted under NEPA, as amended, and its implementing regulations.

- i. If consultation identifies a way to avoid the adverse effect(s) entirely through redesign of a Project element or other means while still meeting the purpose and need of the Project, and the Metropolitan Council and FTA agree, the Metropolitan Council shall revise the Project plans and FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall reassess effects and modify the finding of effect in accordance with Stipulation XI.
  - ii. If, through consultation, it is determined the adverse effect(s) cannot be avoided entirely, a Mitigation Plan shall be prepared under Paragraph B of this Stipulation.
- B.** FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall develop a Mitigation Plan(s) to document the measures identified through consultation under Paragraph A of this Stipulation to resolve the adverse effect(s). Mitigation Plan(s) may be prepared for the Project as a whole, for individual construction bid packages, and/or for individual or groups of historic properties, as needed.
  - i. A Mitigation Plan shall outline measures to avoid, minimize, and/or mitigate adverse effects to the historic property. Measures may include, but are not limited to, design requirements pursuant to Stipulation V, Consulting Party review of Project elements pursuant to Stipulation VI, protecting historic properties during Project construction pursuant to Stipulation VII, and mitigation similar to the measures found in Stipulation VIII. When applicable, deliverables required by a Mitigation Plan shall be prepared in accordance with the requirements of Stipulation II.A and shall be submitted and reviewed pursuant to the timeline(s) and process outlined in Stipulation III, or as otherwise specified in the Mitigation Plan.
  - ii. Upon completion of consultation, FTA shall submit a draft and final Mitigation Plan to the Consulting Parties and the property owner, if applicable, pursuant to Stipulation III. The Mitigation Plan shall be considered final following agreement in writing by both FTA and MnSHPO. In lieu of amending this MOA, FTA shall ensure that the final Mitigation Plan is attached to the MOA in the FTA Administrative Record, distributed to all Consulting Parties, and filed with the ACHP. FTA shall also ensure the Mitigation Plan provisions are carried out by the Metropolitan Council in order to resolve the adverse effect(s). Implementation of the Mitigation Plan shall be tracked by the Metropolitan Council as part of

quarterly reporting outlined in Stipulation XV.

- C. If FTA and MnSHPO fail to agree on how to resolve the adverse effect, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
- D. If required by a Mitigation Plan, construction activities may not begin or resume in the vicinity of the historic property until after the completion of the associated field work or implementation of protection measures outlined in the Mitigation Plan.

### **XIII. Unexpected Discoveries**

- A. If suspected historic properties, including sites that contain human remains, unidentified animal bone, or mortuary objects, are discovered during Project construction, all activities shall cease within one hundred (100) feet of the discovery to avoid and/or minimize harm to the property. The Metropolitan Council shall include in Project construction contracts a requirement for the Project Construction Contractor(s) to immediately notify the Metropolitan Council of the discovery and implement interim measures to protect the discovery from damage, looting, and vandalism. Measures may include, but are not limited to, protective fencing, covering of the discovery with appropriate materials, and/or posting of security personnel. The Metropolitan Council shall notify FTA within twenty-four (24) hours of the discovery. FTA shall then notify MnSHPO, other Consulting Parties, and the property owner. When appropriate, FTA shall notify any Tribes that may attach religious and cultural significance to the property. The Contractor shall provide access to Consulting Parties and law enforcement to the site and shall not resume work within the area until notified by the Metropolitan Council.
- B. If any suspected human remains are encountered, the Metropolitan Council shall also follow the requirements of Minnesota Statutes (MS) 307.08 and immediately notify local law enforcement and the OSA, the lead state agency for authentication of burial sites on non-federal lands. In accordance with MS 307.08, the OSA has the final authority in determining if the remains are human and to ensure appropriate procedures are carried out in accordance with the statutes. Avoidance and preservation in place is the preferred option for the treatment of human remains. In accordance MS 307.08(3), OSA is required to coordinate with the Minnesota Indian Advisory Council (MIAC) if the remains or associated burial items are thought to be American Indian. The Metropolitan Council shall work with OSA and MIAC to develop and implement a reburial plan, if that is the approach preferred as determined in accordance with MS 307.08.
- C. The Metropolitan Council shall contract with SOI-Qualified Professionals to evaluate

the newly discovered property for eligibility for inclusion in the National Register. For properties with suspected human remains, the consulting archaeologist must coordinate their evaluation with the OSA's authentication of the burial. In lieu of a consultant's recommendation, FTA may assume a property is eligible for inclusion in the National Register following consultation with, or based on input from, MnSHPO and other Consulting Parties pursuant to Stipulation X.A.iii. If an evaluation is performed, the Metropolitan Council's Preservation Lead shall provide an eligibility recommendation to FTA within seventy-two (72) hours of receipt of the consultant's evaluation of the property. FTA shall make a determination of eligibility pursuant to Stipulation X within seventy-two (72) hours of receiving the recommendation from the Metropolitan Council's Preservation Lead. FTA shall submit its National Register eligibility determination to the Consulting Parties for review and comment pursuant to Stipulation III. When applicable, FTA shall also follow Stipulation II.C in relation to any properties that may have religious or cultural significance to a Tribe(s).

- i. If FTA determines that the property does not meet National Register criteria, and MnSHPO concurs, construction activities can resume upon receipt of MnSHPO written concurrence with the eligibility determination and completion of activities required under Paragraph B of this Stipulation, if applicable.
- ii. For all properties determined eligible for the National Register, FTA shall make a finding of effect pursuant to Stipulation XI and resolve any adverse effects pursuant to Stipulation XII. In addition to the requirements in those stipulations, construction activities may resume after completion of activities required under Paragraph B of this Stipulation, if applicable.

#### **XIV. Unanticipated Effects to Historic Properties**

- A. If previously known historic properties are affected in an unanticipated, adverse manner during Project construction (e.g., damage), all activities shall cease within one hundred (100) feet of the discovery to avoid and/or minimize further harm to the property. The Metropolitan Council shall include in Project construction contracts a requirement for the Project Construction Contractor to immediately notify the Metropolitan Council of the effect and implement interim measures to protect the property from damage, looting, and vandalism. Measures may include, but are not limited to, protective fencing, covering of the property with appropriate materials, and/or posting of security personnel. The Metropolitan Council shall notify FTA within twenty-four (24) hours. FTA shall then notify MnSHPO, other Consulting Parties, and the property owner. The Metropolitan Council shall ensure a historic property inspection as described in Stipulation VII.A.iii.b is prepared as soon as practicable to document damage to the historic property.

- B.** If reasonably convenient and appropriate, the Metropolitan Council or their Preservation Lead, MnSHPO, other Consulting Parties, and the property owner, when applicable, shall confer at the site within seventy-two (72) hours of notice of discovery to assess the property, identify the known Project effects to the property, and to determine the most appropriate Course of Action to repair any damage, if feasible.
- i.** The Course of Action shall specify the type of repair, the review process for the scope of work, and the responsibilities for ensuring repairs are made appropriately, including preparation of a post-construction historic property inspection as described in Stipulation VII.A.iii.b. The Course of Action shall also outline where and when it may be safe to resume construction activities within and/or in the vicinity of the historic property. Whenever possible, measures to repair historic properties shall be developed so that they meet the SOI Standards and are carried out under the direct supervision of personnel that meet the requirements described in Stipulation II.B.
  - ii.** Within seventy-two (72) hours of the meeting, the Metropolitan Council shall prepare draft meeting notes documenting the results of the onsite meeting and a draft of the proposed Course of Action and provide them, and the historic property inspection prepared under Paragraph A of this Stipulation, to FTA for review and approval. Upon approval, FTA shall submit the documents to Consulting Parties for review and comment. Consulting Parties have seventy-two (72) hours to review draft meeting notes and proposed Course of Action and provide comments to the FTA and the Metropolitan Council. The Metropolitan Council shall finalize the meeting notes and Course of Action within twenty-four (24) hours after receiving comments and provide the final documents to FTA, MnSHPO, and other Consulting Parties.
  - iii.** Construction in the vicinity of the historic property may resume as outlined in the Course of Action while negotiations take place between the Project Construction Contractor and the property owner. The Construction Contractor shall not resume work until notified by the Metropolitan Council.
- C.** FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall assess effects pursuant to Stipulation XI and FTA shall resolve any adverse effects pursuant to Stipulation XII. The assessment of effects shall take into consideration whether the Project Construction Contractor and the property owner accept the Course of Action, including whether the owner agrees to the damage being repaired in accordance with the SOI Standards, which would allow the use of the Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in

Accordance with SOI Standards (Attachment D).

**XV. Reviewing and Reporting of Agreement Implementation**

- A.** Every three (3) months following the execution of this MOA and until it expires or is terminated, the Metropolitan Council shall provide FTA and all the Consulting Parties a summary report detailing work undertaken pursuant to its terms. Subject to the confidentiality requirements in 54 USC § 307103 and 36 CFR § 800.11(c), each report shall include an itemized listing of all measures required to implement the terms of this MOA. For each action, the report shall identify what steps the Metropolitan Council has taken during the reporting period to implement those actions and identify any problems or unexpected issues encountered, any scheduling changes proposed, any disputes and objections submitted or resolved, and any changes recommended in implementation of this MOA and/or any Mitigation Plan(s) prepared under Stipulation XII. Each report shall also include a timetable of activities proposed for implementation within the following reporting period and, as applicable, notices of the initiation of construction for individual construction bid packages.
- B.** The Consulting Parties shall review the reports pursuant to the timelines established in Stipulation III. The Metropolitan Council shall post the reports on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties.
- C.** At its own discretion, or at the request of any Signatory, FTA may convene a meeting to facilitate review and comment on the reports, and to resolve any questions about their content and/or to resolve objections or concerns.

**XVI. Dispute Resolution**

- A.** Should any Consulting Party object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FTA shall consult with such party to resolve the objection for a period not to exceed fifteen (15) calendar days. This resolution timeframe may be extended by mutual consent between FTA and the Consulting Party, with notification to the other Consulting Parties.
- B.** If FTA and MnSHPO do not agree on the National Register eligibility of a property, or if FTA and a Tribe that attaches religious and cultural significance to a historic property do not agree on a property's National Register eligibility, FTA shall submit documentation to the Keeper of the National Register and request a formal determination of eligibility pursuant to 36 CFR Part 63 and 36 CFR § 800.4(c)(2). The Keeper's eligibility determination shall be considered final.

- C. If FTA, MnSHPO, and other Consulting Parties do not agree on findings of effect or resolutions of adverse effects, FTA shall forward all documentation relevant to the dispute, including FTA's proposed resolution, to all Consulting Parties and the ACHP.
- i. The ACHP shall provide FTA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FTA shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP and the Consulting Parties and provide them with a copy of this written response. FTA shall then proceed according to its final decision.
  - ii. If the ACHP does not provide its advice regarding the dispute within thirty (30) days, FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, FTA shall prepare a written response that considers any timely comments regarding the dispute from the Consulting Parties and provide the written response to the Consulting Parties and the ACHP.
- D. FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.
- E. FTA shall notify all parties to this MOA in writing of any written objections raised by a member of the public pertaining to implementation of this MOA. Any Consulting Party receiving a written objection directly from a member of the public shall notify FTA, who shall notify all parties to this MOA in writing. Unless otherwise agreed upon, Consulting Parties have fifteen (15) calendar days to review and provide written comments on the objection to all Consulting Parties. FTA shall consider the objection and take all comments from all Consulting Parties into consideration in reaching its decision on the objection. Within fifteen (15) calendar days following closure of the comment period, FTA shall render a decision regarding the objection, respond to the objecting party, and proceed according to its decision. FTA's decision regarding resolution of the objection shall be final.

## **XVII. Amendments**

- A. Any Signatory or Invited Signatory may request an amendment to this MOA. This MOA may be amended when such an amendment is agreed to in writing by all Signatories and Invited Signatories. The amendment shall be effective on the date of the final signature by the Signatories and Invited Signatories. Copies of any amendments shall be provided to all the Consulting Parties and the ACHP.

## **XVIII. Duration**

- A.** This MOA shall remain in effect from the date of execution for a period not to exceed ten (10) years. If FTA anticipates that the terms of this MOA cannot be completed within this timeframe, it shall notify the Consulting Parties in writing at least sixty (60) calendar days prior to the expiration date. This MOA may be extended by the written concurrence of the Signatories and Invited Signatories.
- B.** FTA shall ensure the MOA is extended if all the Stipulations have not been completed. If this MOA expires and FTA elects to continue with the undertaking, FTA shall reinitiate Section 106 consultation in accordance with 36 CFR Part 800.
- C.** If, prior to the expiration date, FTA determines all the activities subject to this MOA are completed, then FTA may terminate this MOA pursuant to Stipulation XIX.

## **XIX. Termination**

- A.** If all terms of this MOA have been completed prior to the expiration date, FTA may terminate the MOA with notification to Signatories, Invited Signatories, and Concurring Parties that the terms of the MOA have been completed. If a Consulting Party feels MOA termination is premature, or that the terms of the MOA have not been met, they shall respond within the timeframes outlined in Stipulation III.
- B.** Any Signatory or Invited Signatory may terminate this MOA by providing at least thirty (30) calendar days notice to all Consulting Parties. FTA shall consult with the Signatories and Invited Signatories during the thirty (30) calendar day notice period in an attempt to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FTA, USACE, FHWA, and any other Federal agencies invited to be a Consulting Party under Stipulation I shall comply with 36 CFR §§ 800.3-800.13 with regard to the undertaking covered by this MOA.

## **XX. Execution**

- A.** This MOA may be executed in counterparts, with a separate page for each Consulting Party. This MOA shall become effective on the date of the final signature by the Signatories and Invited Signatories. The refusal of any party invited to concur with this MOA does not invalidate this MOA. FTA shall ensure each Consulting Party is provided with a fully executed copy of this MOA and that the final MOA, updates to appendices, and any amendments are filed with the ACHP.
- B.** Execution of this MOA by FTA and MnSHPO, and implementation of its terms is evidence that FTA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP an opportunity to comment, pursuant to

Section 106 of the National Historic Preservation Act.

DRAFT



## **SIGNATURE PAGE**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FEDERAL TRANSIT ADMINISTRATION  
AND  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE  
REGARDING  
THE RUSH LINE BUS RAPID TRANSIT PROJECT,  
RAMSEY COUNTY, MINNESOTA**

### **Signatories**

- Federal Transit Administration: Kelley Brookins, Region 5 Administrator
- Minnesota State Historic Preservation Office: Amy Spong, Deputy State Historic Preservation Officer

### **Invited Signatories:**

- United States Army Corps of Engineers: Chad Konickson, Chief, Regulatory Division, St. Paul District
- Federal Highway Administration: Wendall Meyer, Division Administrator (Minnesota)
- Metropolitan Council: Mary Bogie, Regional Administrator

### **Concurring Parties:**

- Ramsey County: Ted Schoenecker, Public Works Director / County Engineer
- Minnesota Department of Transportation: Margaret Anderson Kelliher, Commissioner
- City of Gem Lake: Gretchen Artig-Swomley, Mayor
- City of Maplewood: Marylee Abrams, Mayor
- Maplewood Heritage Preservation Commission: Peter Boulay, Chair
- City of Saint Paul: Melvin Carter, Mayor
- Saint Paul Heritage Preservation Commission: Teresa Kimker, Chair
- City of Vadnais Heights: Heidi Gunderson, Mayor
- City of White Bear Lake: Jo Emerson, Mayor
- White Bear Township: Ed Prudhon, Chair
- Maplewood Area Historical Society: Michael A. Ericson, President
- White Bear Lake Area Historical Society: Sara Hanson, Executive Director

## Attachment A Project Overview

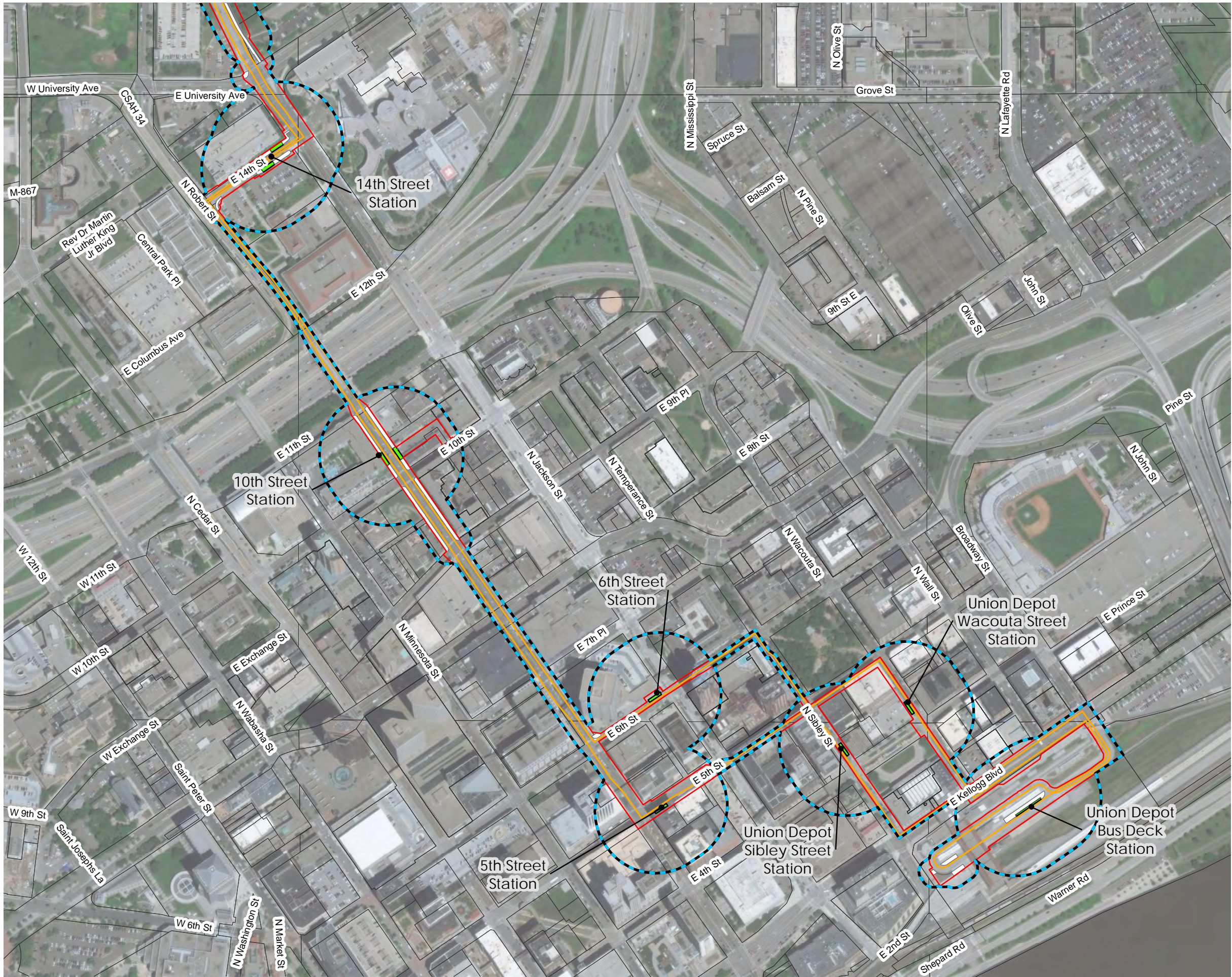


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**Attachment B**  
**Area of Potential Effects**

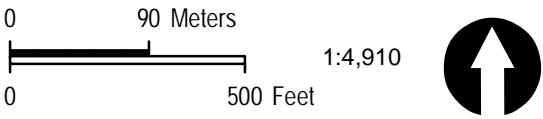
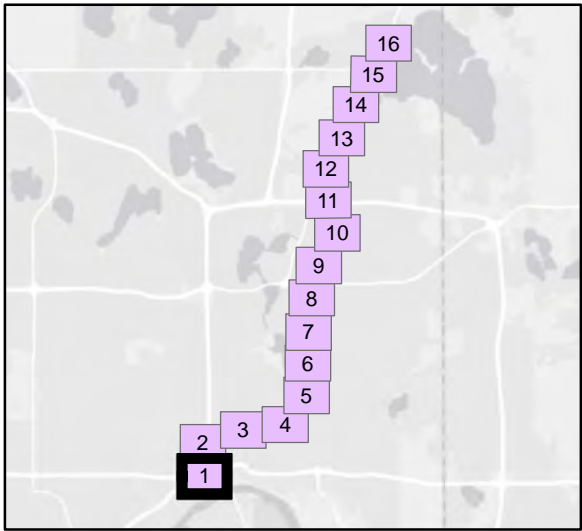
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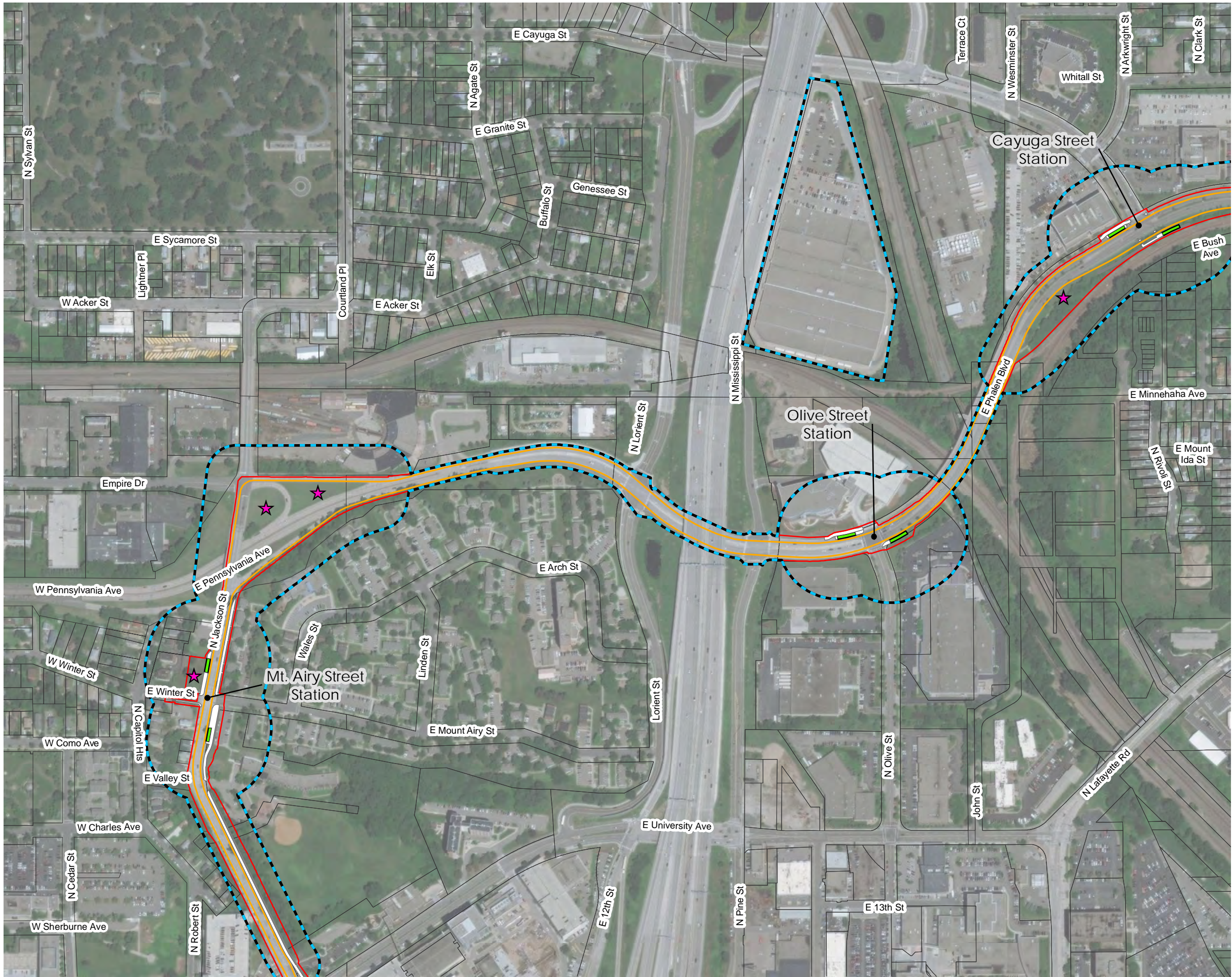
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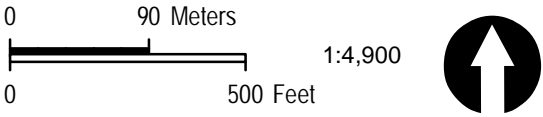
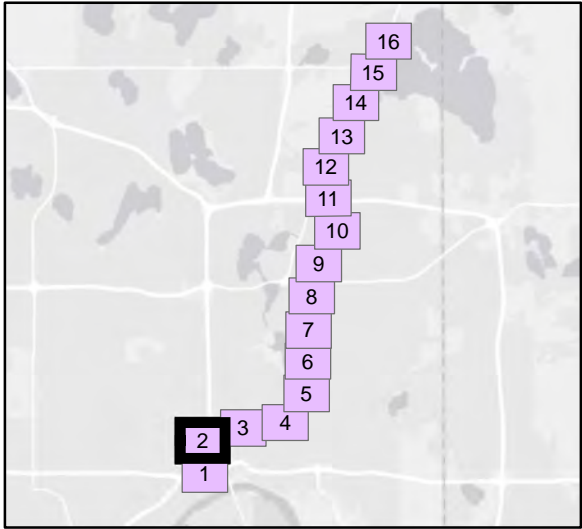
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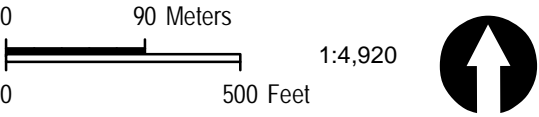
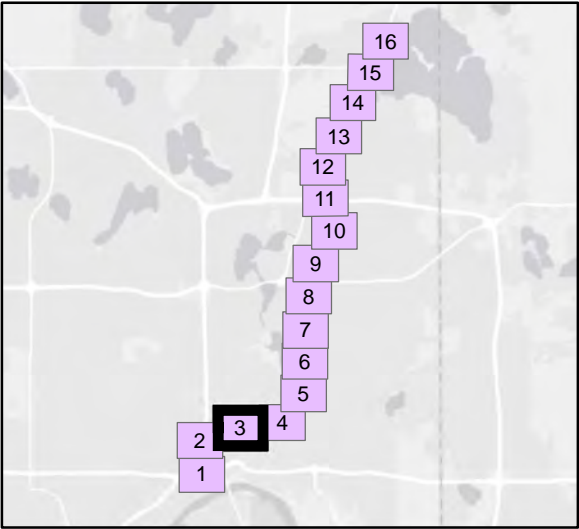


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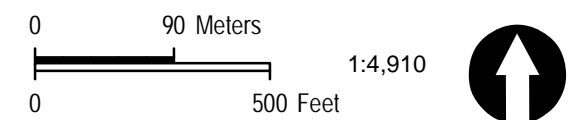
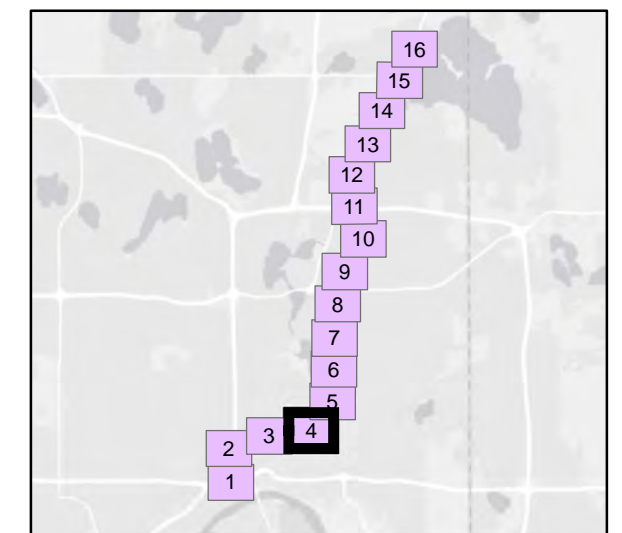
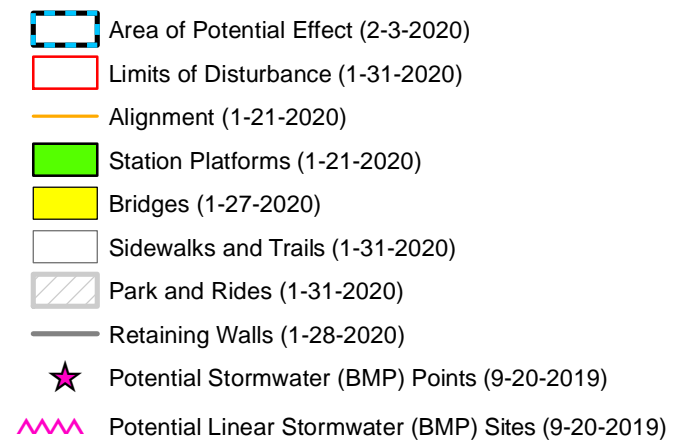


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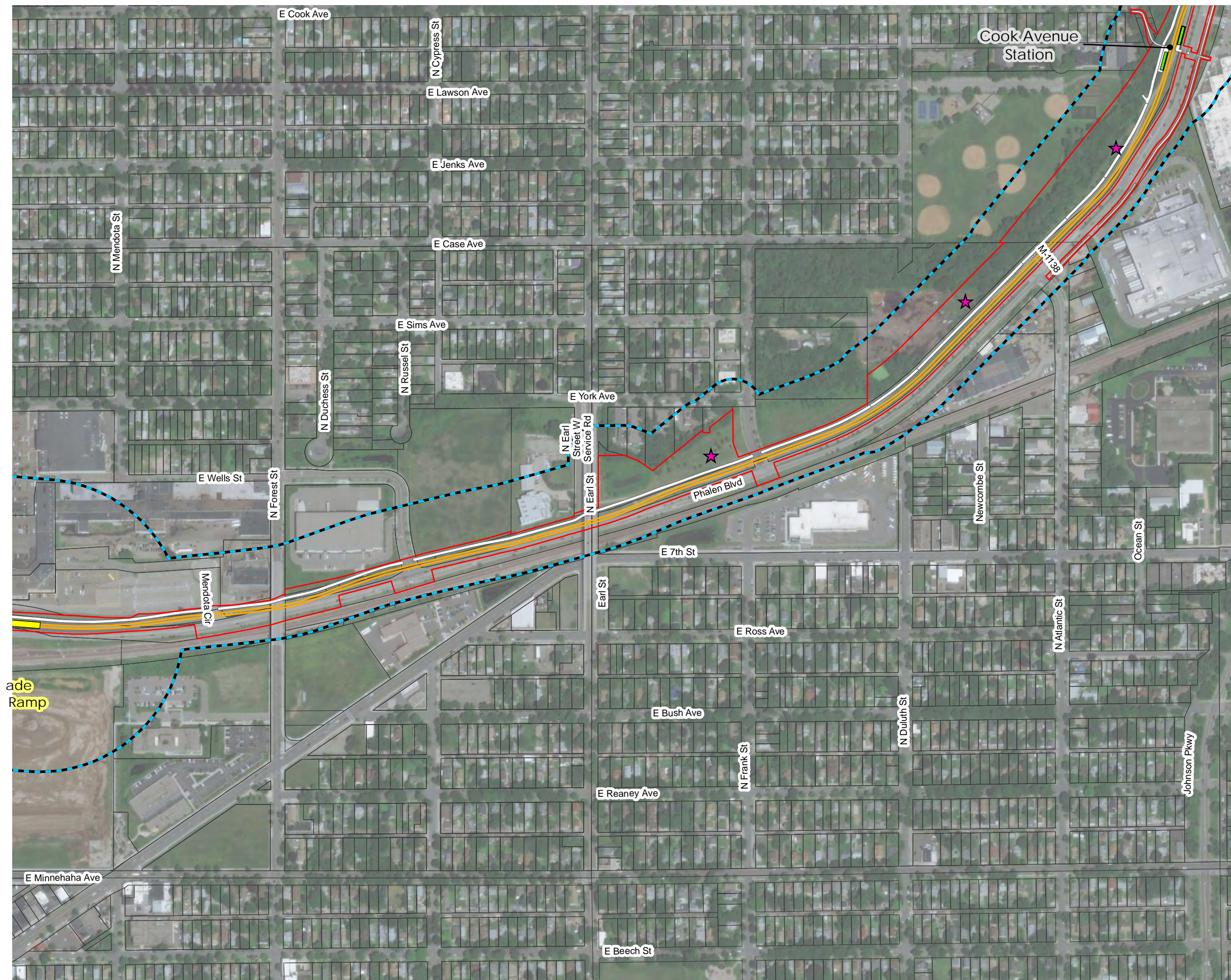


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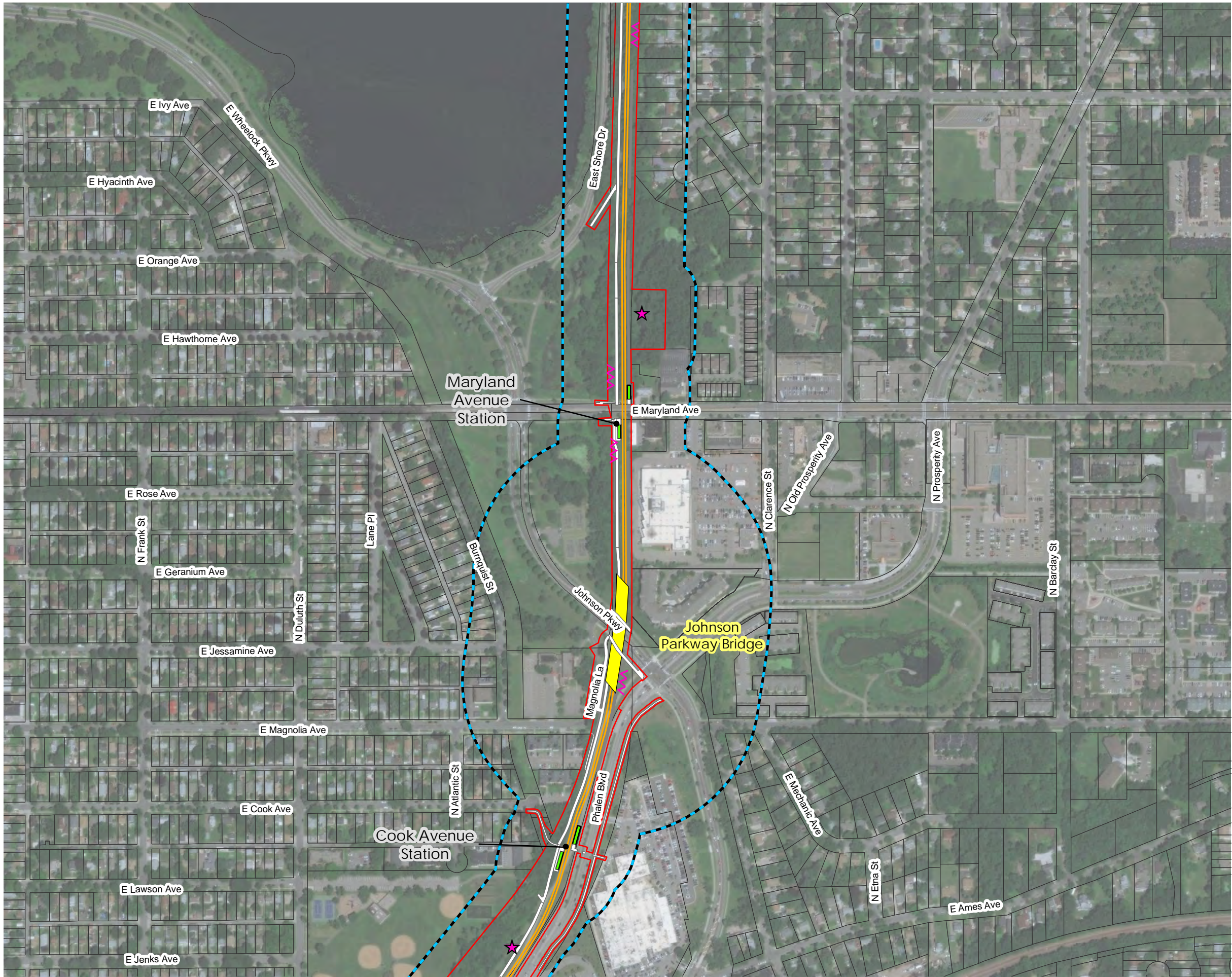
## *Ramsey County, Minnesota*



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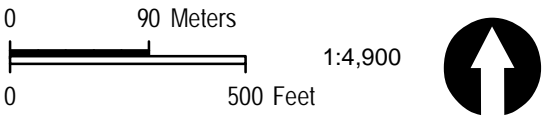
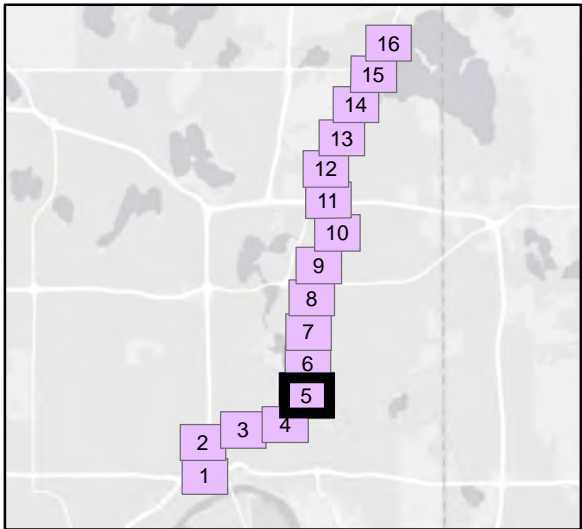






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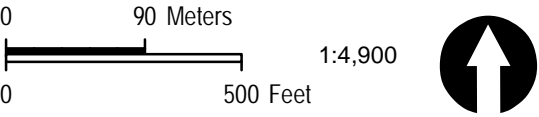
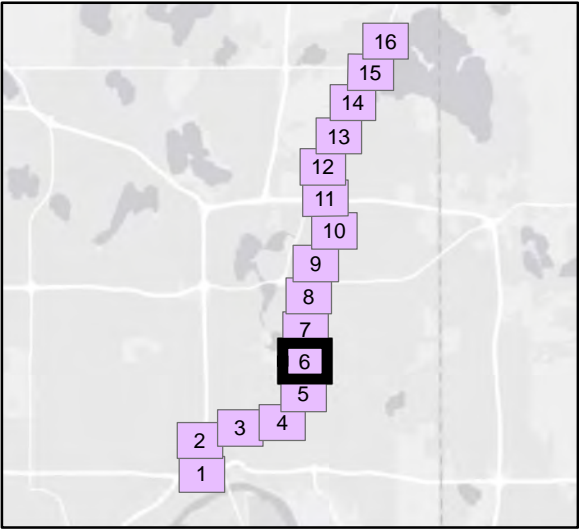


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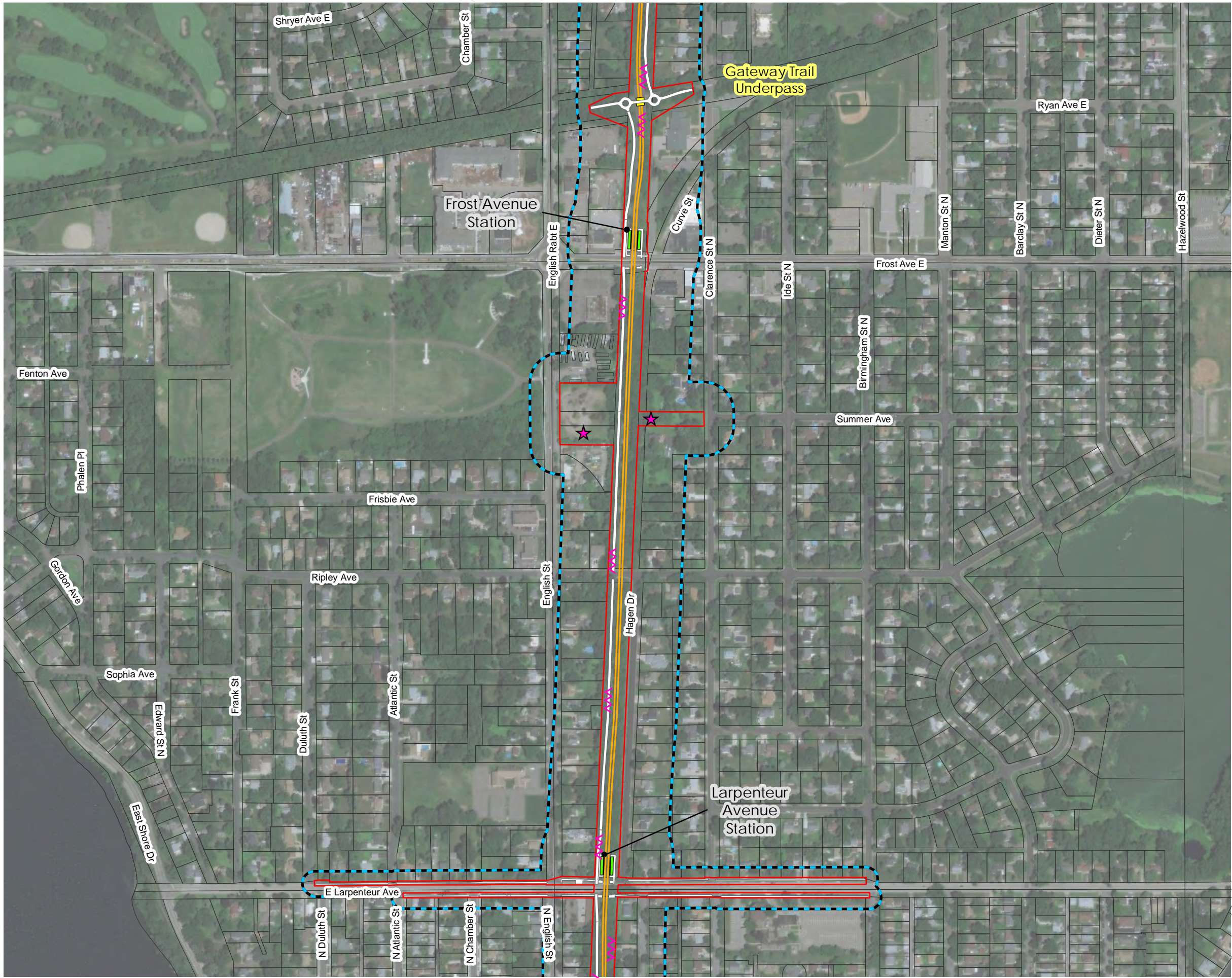
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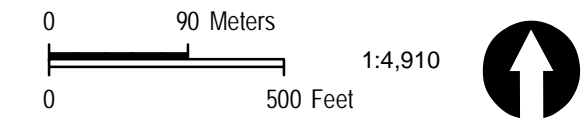
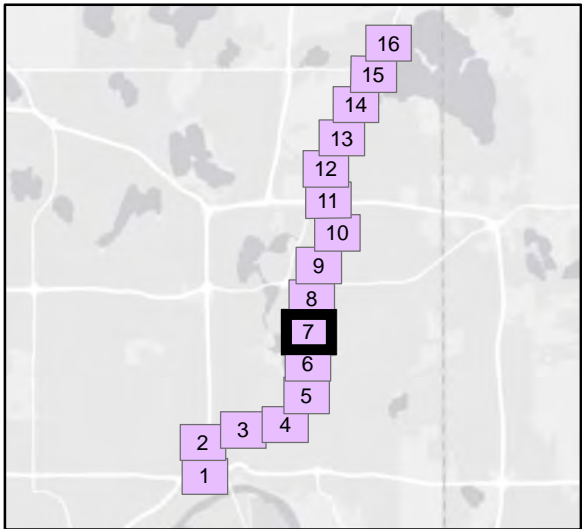


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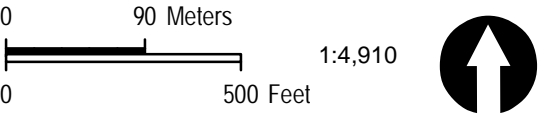
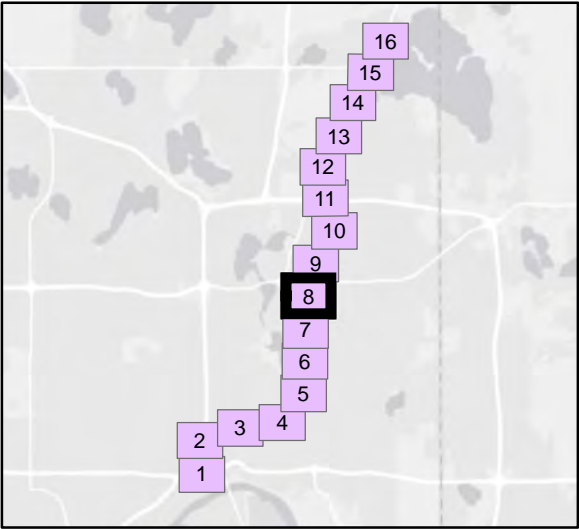
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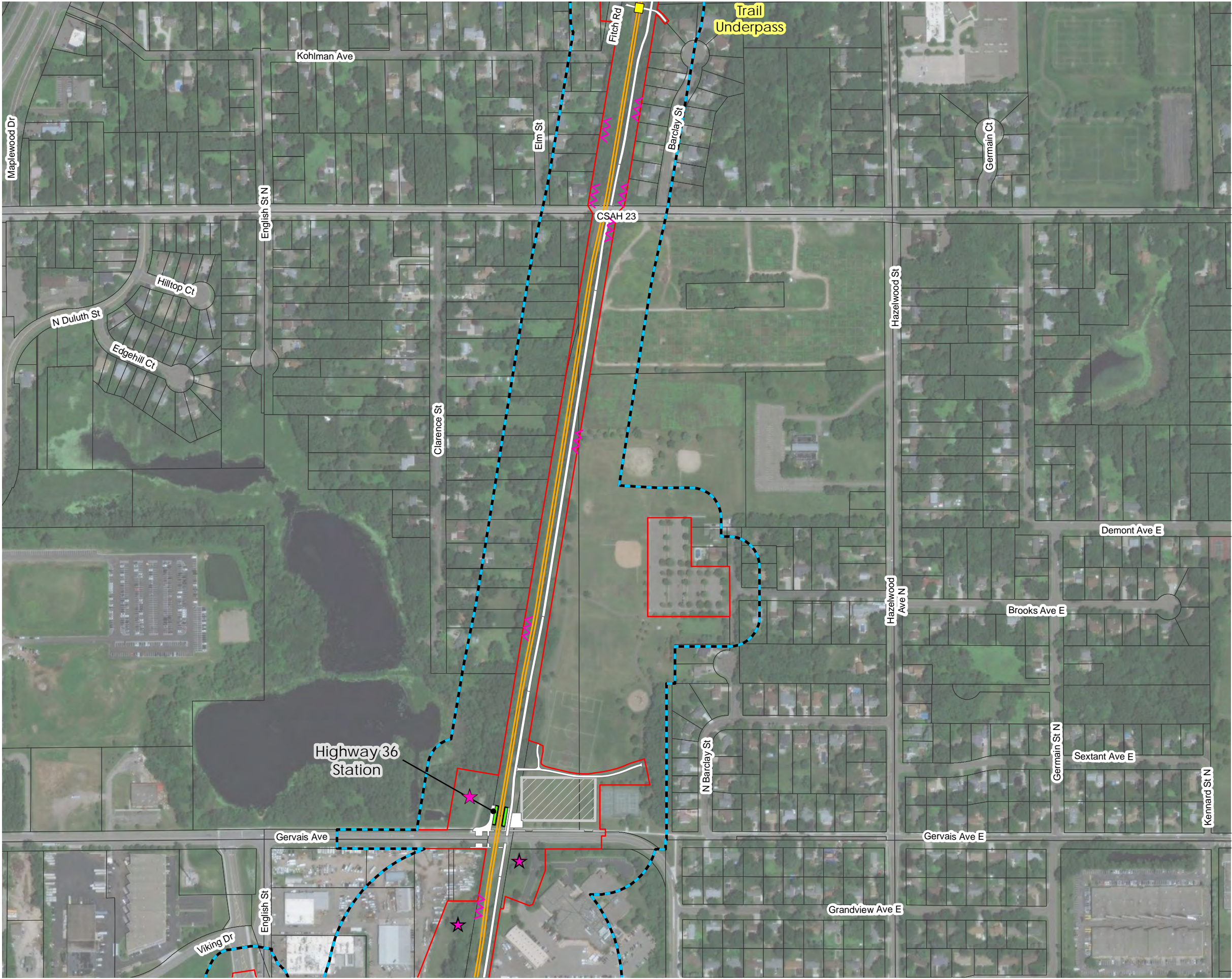
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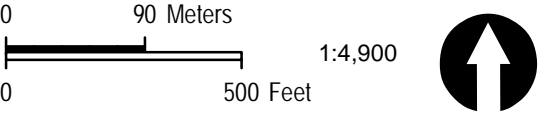
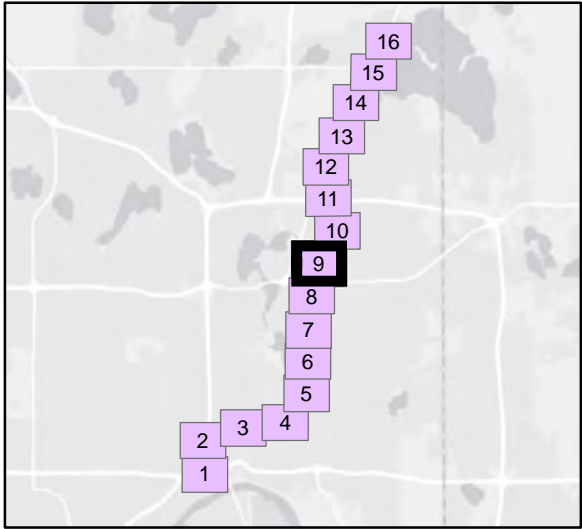
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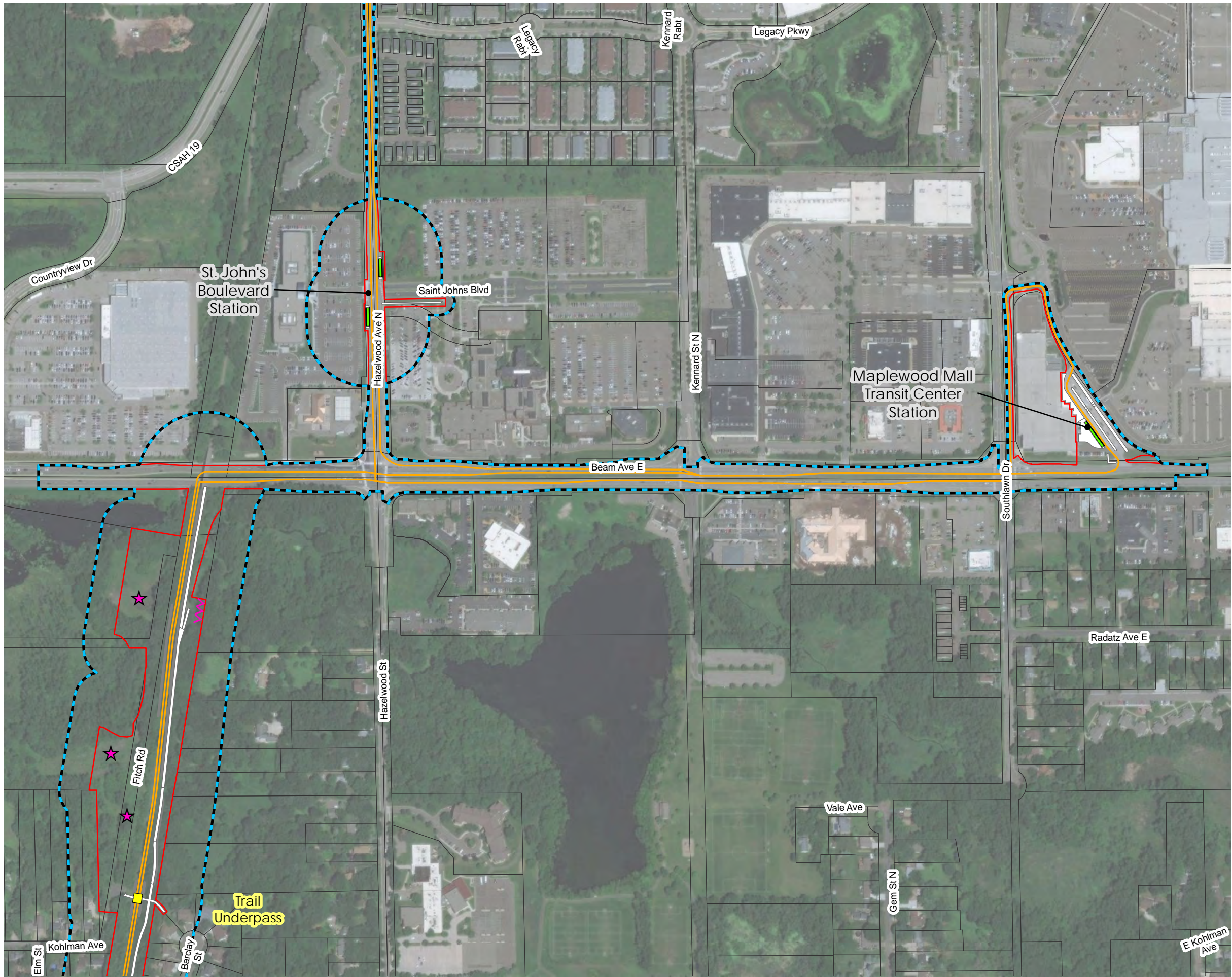


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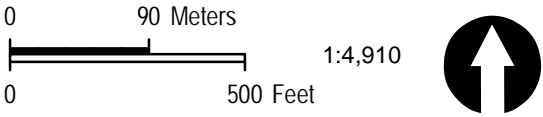
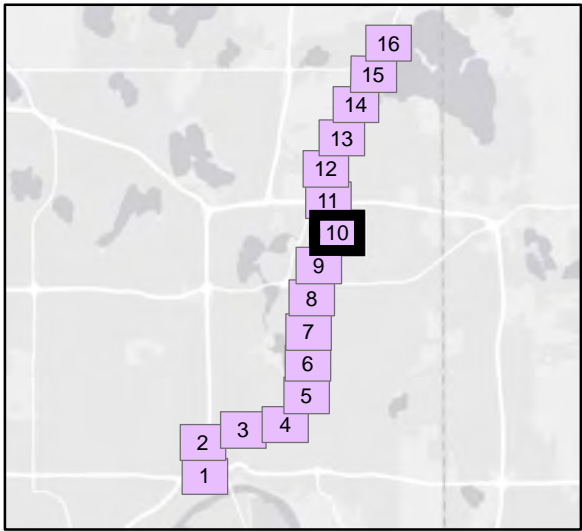






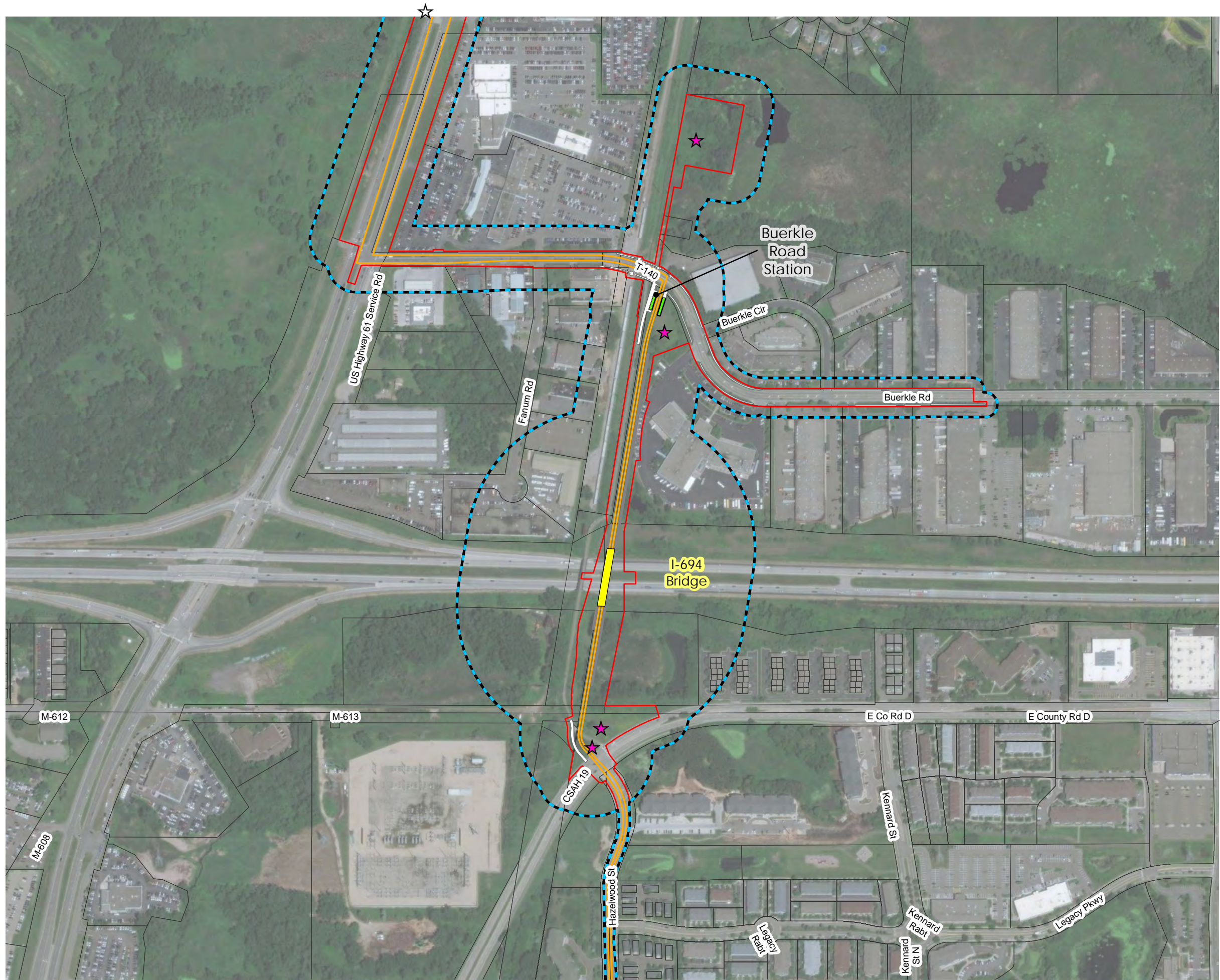
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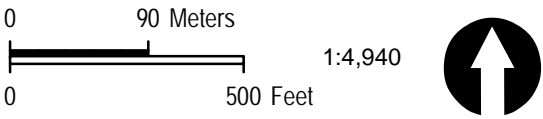
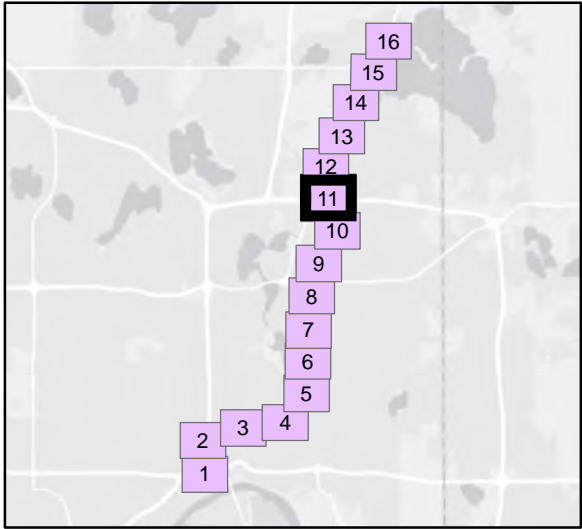
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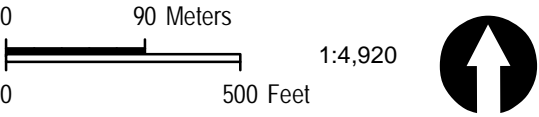
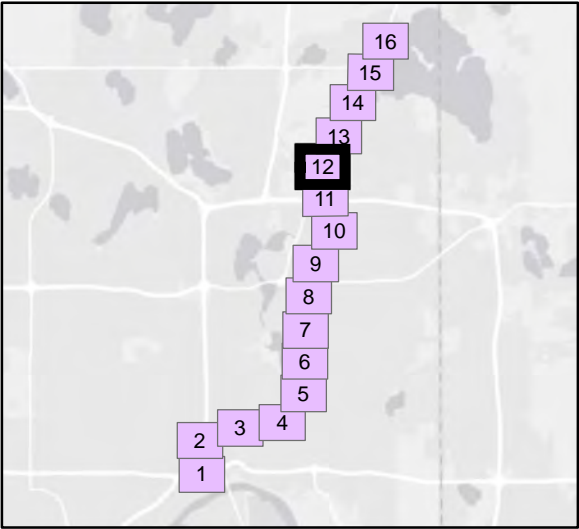


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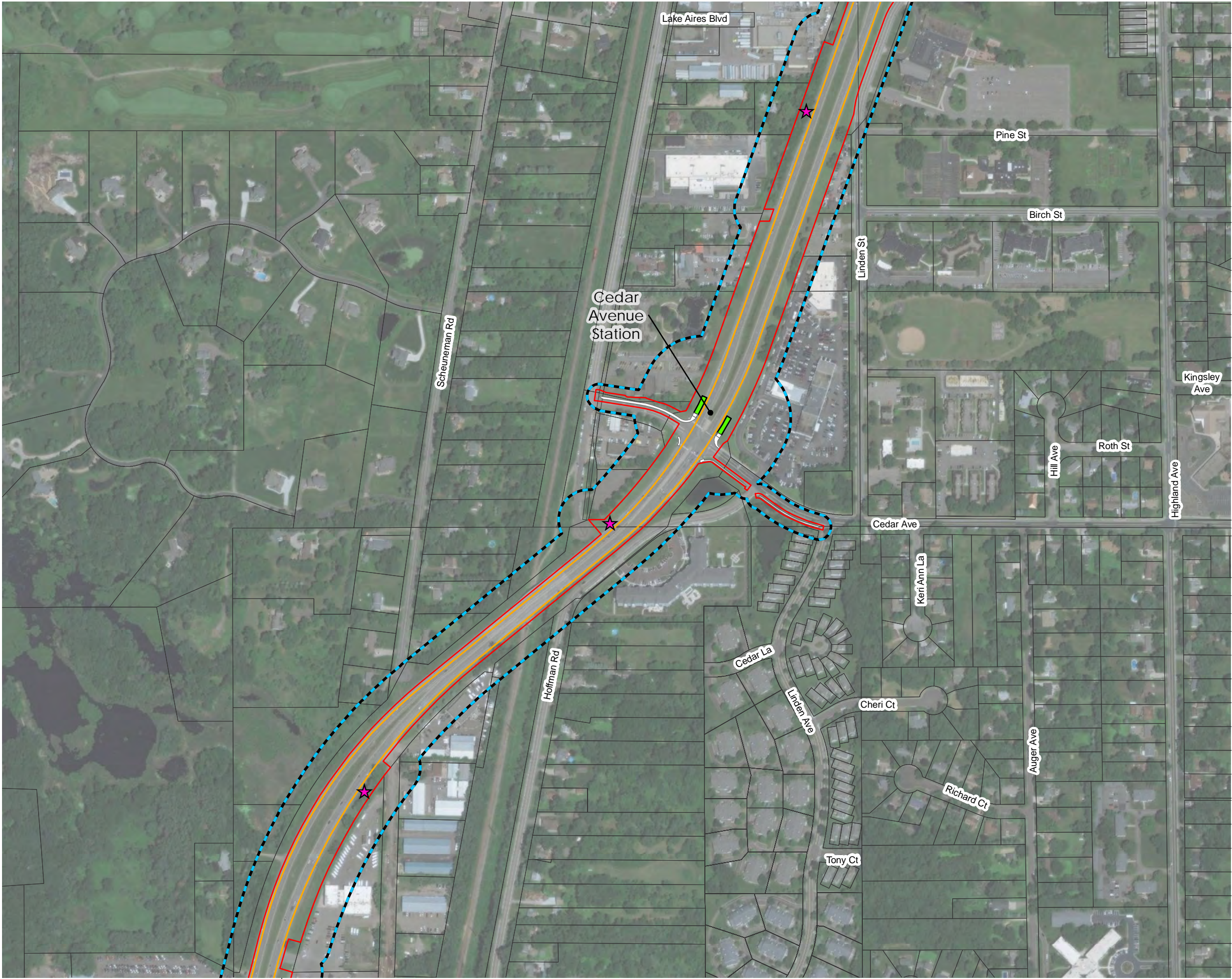
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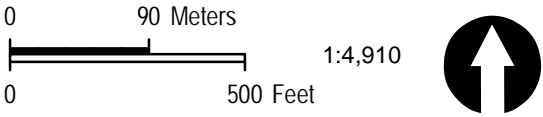
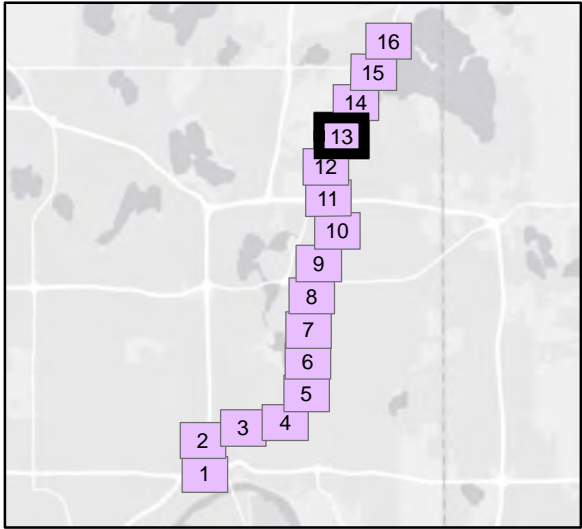
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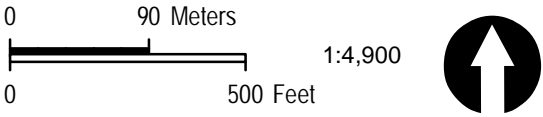
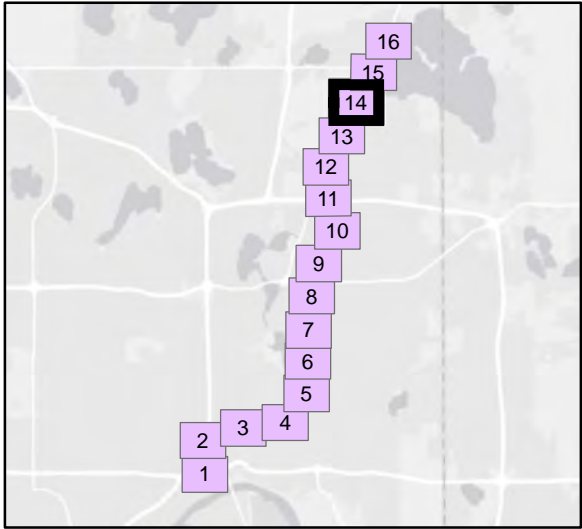
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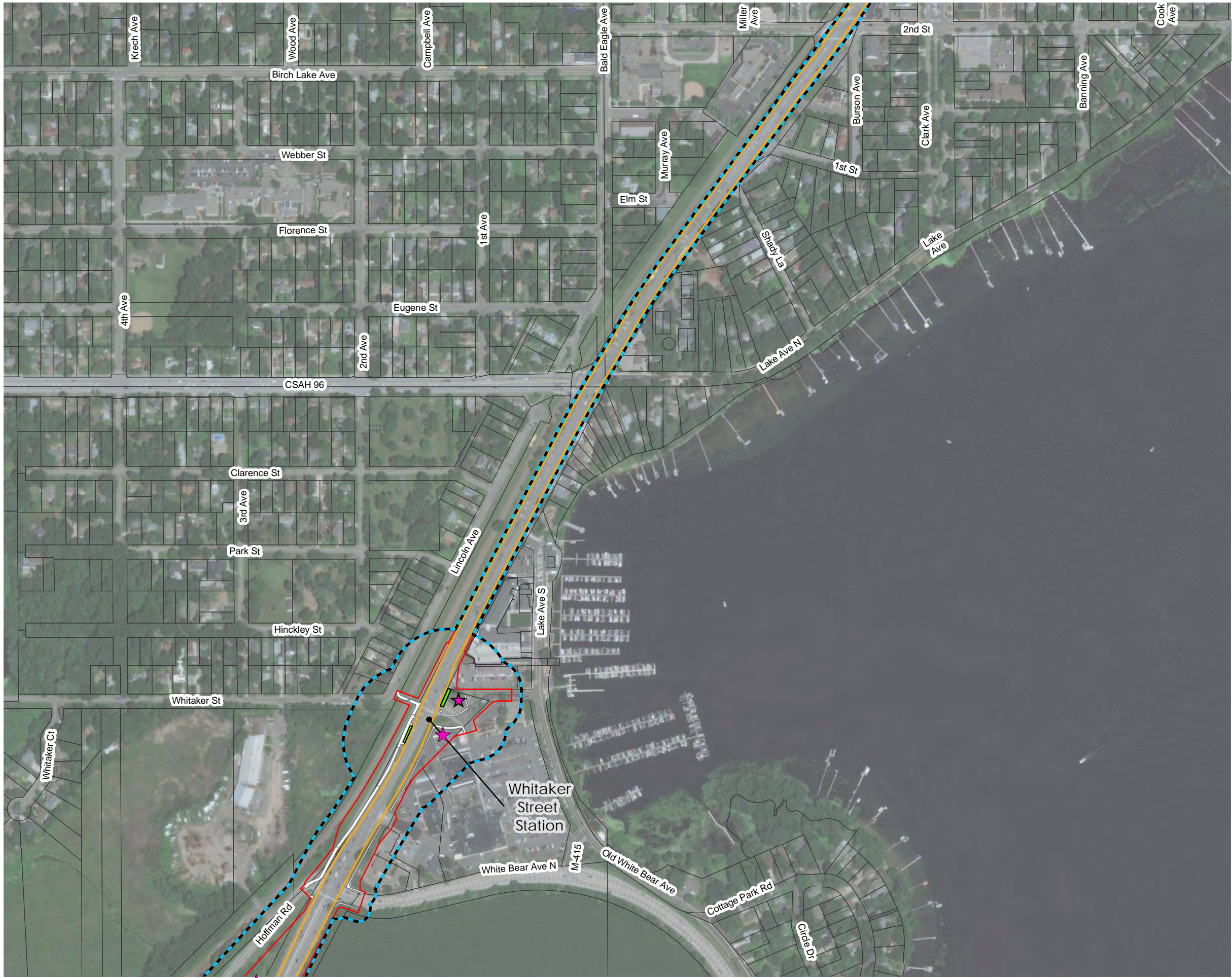
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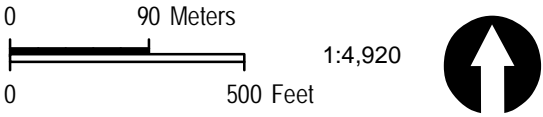
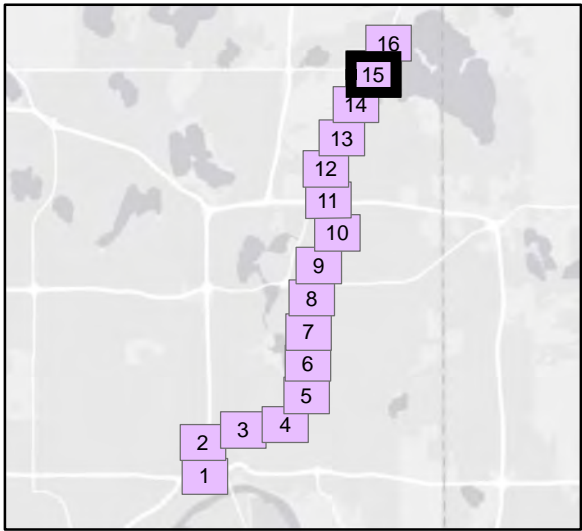
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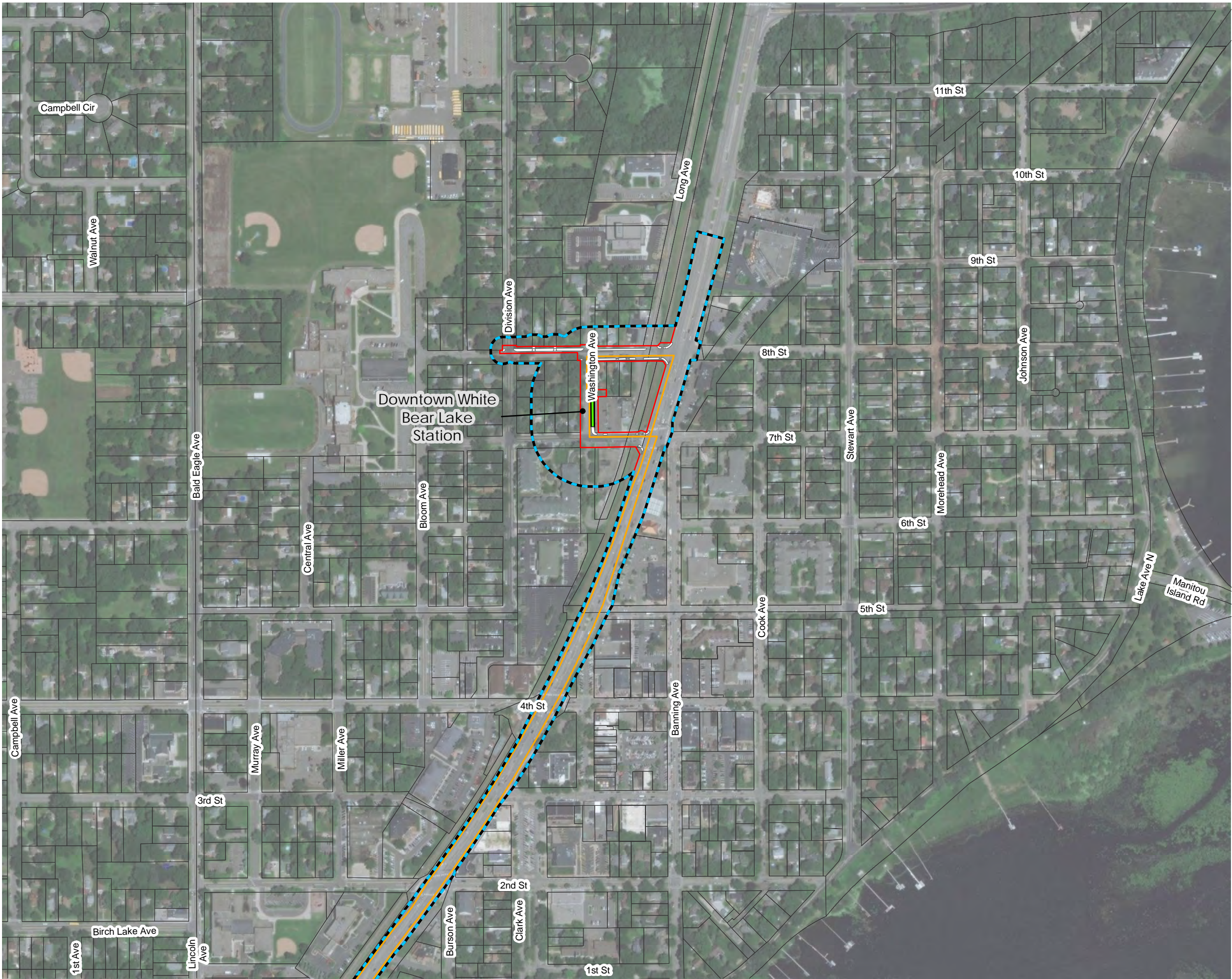
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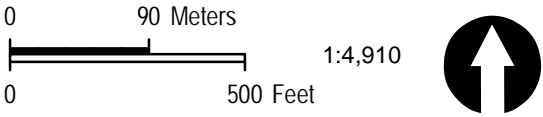
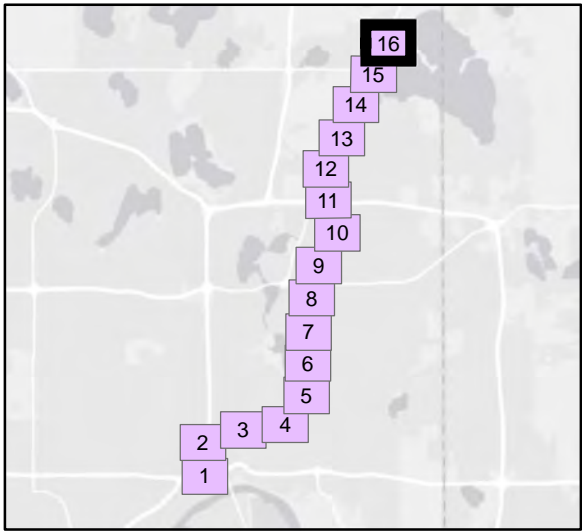
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**Attachment C**  
**Historic Properties in the APE**

<b>Inventory or Site No.</b>	<b>Property Name</b>	<b>Address</b>	<b>City</b>	<b>Effect Finding</b>
RA-SPC-4580	Lowertown Historic District	Roughly bounded by Shepard Road, Kellogg Boulevard, Broadway Street, 7th Street, and Sibley Street	Saint Paul	No Adverse Effect with Conditions
RA-SPC-5225, RA-SPC-6907	Saint Paul Union Depot	214 East 4th Street	Saint Paul	No Adverse Effect with Conditions
RA-SPC-5462	Finch, Van Slyck and McConville Dry Goods Company	360–366 Wacouta Street	Saint Paul	No Adverse Effect
RA-SPC-8364	Saint Paul Urban Renewal Historic District	Roughly between 6th Street, Kellogg Boulevard, Wabasha Street, and Jackson Street	Saint Paul	No Adverse Effect
RA-SPC-3168	First Farmers and Merchants National Bank Building	332 Minnesota Street	Saint Paul	No Adverse Effect
RA-SPC-4645	First National Bank of Saint Paul	332 Minnesota Street	Saint Paul	No Adverse Effect
RA-SPC-3167, RA-SPC-3169, RA-SPC-5223, RA-SPC-6903	Pioneer and Endicott Buildings	322–350 North Robert Street, 141 East 4th Street, 142 East 5th Street	Saint Paul	No Adverse Effect
RA-SPC-3170	Manhattan Building (aka Empire Building)	360 North Robert Street	Saint Paul	No Adverse Effect
RA-SPC-3171	Golden Rule Department Store Building	85–95 7th Place	Saint Paul	No Adverse Effect
RA-SPC-3174	Foot, Schulze & Company Building	500 North Robert Street	Saint Paul	No Adverse Effect
RA-SPC-6330	Produce Exchange Building	523 Jackson Street	Saint Paul	No Adverse Effect

<b>Inventory or Site No.</b>	<b>Property Name</b>	<b>Address</b>	<b>City</b>	<b>Effect Finding</b>
RA-SPC-5918	Great Northern Railroad Corridor Historic District	Saint Paul to Minneapolis	Saint Paul	No Adverse Effect with Conditions
RA-SPC-4582	StPM&M Railway Company Shops Historic District	Jackson Street and Pennsylvania Avenue	Saint Paul	No Adverse Effect
RA-SPC-5618	Westminster Junction	Roughly bounded by the Lafayette Road Bridge, I-35E, a line approximately 1,300 feet south of the Cayuga Street Bridge, and a line approximately 400 feet southwest of the Cayuga Street/Phalen Boulevard intersection	Saint Paul	No Adverse Effect with Conditions
XX-RRD-CNW001	StPS&TF/Omaha Road Railroad Corridor Historic District	Saint Paul to Stillwater Junction Segment	Saint Paul	No Adverse Effect with Conditions
XX-RRD-NPR001	LS&M Railroad Corridor Historic District	Saint Paul to White Bear Lake Segment	Saint Paul, Maplewood, Vadnais Heights and White Bear Lake	Adverse Effect
XX-RRD-NPR004	1868 Alignment of the LS&M Railroad	Between Eldridge Avenue East and County Road B East	Maplewood	Adverse Effect
XX-RRD-NPR003	1868 Alignment of the LS&M Railroad	Between Gervais Avenue and County Road C	Maplewood	Adverse Effect
XX-RRD-NPR002	1868 Alignment of the LS&M Railroad	Between Kohlman and Beam Avenues	Maplewood	Adverse Effect
XX-RRD-NPR005	LS&M Railroad Corridor Historic District	White Bear Lake to Hugo Segment	White Bear Lake	Adverse Effect
RA-SPC-2926	Theodore Hamm Brewing Company Complex	Minnehaha Avenue East between Payne Avenue & Stroh Drive	Saint Paul	No Adverse Effect

<b>Inventory or Site No.</b>	<b>Property Name</b>	<b>Address</b>	<b>City</b>	<b>Effect Finding</b>
RA-SPC-0455	3M Administration Building (3M Main Plant, Building 21)	777 Forest Street	Saint Paul	No Adverse Effect
RA-SPC-10850	Phalen Park	1600 Phalen Drive	Saint Paul	No Adverse Effect with Conditions
RA-SPC-8497, RA-SPC-5685	Johnson Parkway	Johnson Parkway from Indian Mounds Park to Lake Phalen	Saint Paul	No Adverse Effect with Conditions
Site 21RA70	Gladstone Shops (Gladstone Savanna Neighborhood Preserve)	Southwest corner of Frost Avenue and English Street	Maplewood	No Adverse Effect
RA-MWC-0134	Moose Lodge 963	1946 English Street North	Maplewood	No Adverse Effect with Conditions <sup>3</sup>
RA-MWC-0106	Madeline L. Weaver Elementary School	2135 Binghamton Street	Maplewood	No Adverse Effect with Conditions
RA-WBC-0031	Polar Chevrolet Bear/Paul R. Bear	1801 County Road F East	White Bear Lake	No Adverse Effect

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<sup>3</sup> FTA originally found that the Project would have No Adverse Effect to Moose Lodge 963; MnSHPO did not concur. FTA in consultation with MnSHPO and other Consulting Parties developed conditions to ensure the Project would avoid adverse effects to the historic property. Those conditions are reflected in this MOA.

**Attachment D**  
**Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in**  
**Accordance with SOI Standards**

**APPLICABILITY**

This measure may be implemented either during or after the completion of PROJECT construction to resolve, or resolve in part, an adverse effect identified under MOA Stipulation XIV.

In addition to meeting the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties (36 CFR Part 68), as applicable (SOI Standards), repairs to the historic property shall also follow the guidance provided within National Park Service's Preservation Briefs (<https://www.nps.gov/tps/how-to-preserve/briefs.htm>) to the greatest extent possible.

The Metropolitan Council is responsible for ensuring that the deliverables outlined below are submitted and reviewed as described.

**DELIVERABLES:**

- Scope of Work, including plans, specifications, and/or other documentation necessary to ensure work is carried out pursuant to the SOI Standards.
- If applicable, a description of new construction protection measures (CPMs) required to avoid additional effects on the historic property
- Historic property inspections as described in MOA Stipulation VII.A.iii.b. As noted in MOA Stipulation XIV, one inspection is required to document the damage to the historic property immediately following discovery of the damage. A post construction historic property inspection is also required to document that the repairs were carried out as planned and that no additional harm was done to the historic property.

Deliverables shall be submitted and reviewed as documented in the Course of Action prepared under Stipulation XIV and as specified during consultation. Unless otherwise specified during consultation, and agreed to in writing, all repairs and deliverables shall be completed no later than one (1) year following the date the Project initiates revenue service operations.