

APPENDIX D

AGENCY COORDINATION

Cooperating and Participating Agency response and comment letters

Section 106 Consulting Party letters

Coordination with Minnesota State Historic Preservation Office

Example Tribal Consultation Letter

USACE Section 404/NEPA Merger Process letters

Endangered Species Correspondence

Coordination with the Federal Railroad Administration

Coordination with Minneapolis Park and Recreation Board

Coordination with Three Rivers Park District

Miscellaneous Coordination

Cooperating Agency Response and Comment Letters



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

MAR 22 2012

REPLY TO
ATTENTION

Operations
Regulatory (2012-01051-MMJ)

Ms. Marisol Simon
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, Illinois 60606-5253

Dear Ms. Simon:

We recently received your invitation to become a cooperating agency in the preparation of an Environmental Impact Statement (EIS) for the Bottineau Transitway Project, located in Hennepin County, Minnesota. As you mentioned in your letter, the Corps of Engineers does have jurisdiction and expertise with respect to wetlands and waters of the U.S. in proximity to the Bottineau Transitway. Therefore, in accordance with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), we accept your invitation to become a cooperating agency, and look forward to participating in the review of the draft EIS and other NEPA documents for this project.

We have reviewed the Environmental and Community Impact Assessment (the assessment) that was conducted as part of the Bottineau Transitway Alternatives Analysis Study, dated January 2010. This assessment included a wetland determination to identify potential waters of the U.S. located within the project corridor of all seven of the proposed alternatives for the Bottineau Transitway Project. The wetland determination identified a total of approximately 10.94 acres of potential wetland located within the entire project area. Depending on which route or alternative is chosen, the project may result in the discharge of fill material over approximately 2 to 9 acres of wetland. The assessment notes that the wetlands in the project area have not been formally delineated per the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual – Midwest Supplement, and that a formal wetland delineation would be completed during future project development activities. We look forward to reviewing the wetland delineation for this project.

As you are aware, if your proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the

work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

Similar to your responsibilities as the lead federal agency for this project, the Corps' evaluation of a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

We look forward to working with you in order to determine the least environmentally damaging practicable alternative for the Bottineau Transitway Project. Please address all future correspondence for this project to Melissa Jenny. Also, please feel free to call or email with any updates or questions at (651) 290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



Tamara E. Cameron
for Chief, Regulatory Branch

Copy furnished:

Lois Kimmelman, FTA
Joseph Gladke, HCRRA
Mary Karlsson, Metropolitan Council
Jeanne Witzig, Kimley-Horn & Associates



U.S. Department
of Transportation
Federal Highway
Administration

Minnesota Division

April 27, 2012

380 Jackson Street
Galtier Plaza, Suite 500
St. Paul, MN 55101-4802
651.291.6100
Fax 651.291.6000
www.fhwa.dot.gov/mndiv

Marisol Simon
Regional Administrator
Federal Transit Administration – Region V
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Re: Bottineau Transitway – Response to FTA Cooperating Agency Request

Dear Ms. Simon:

This letter is in response to your March 9, 2012, letter inviting the Federal Highway Administration (FHWA) to be a cooperating agency for the Bottineau Transitway Environmental Impact Statement (EIS).

The requirements of the FHWA National Environmental Policy Act (NEPA) and Fiscal Constraint policy do not appear to be met at this time because there is not a post-NEPA project phase programmed in the Minnesota Statewide Transportation Improvement Program (STIP). Therefore, FHWA is not requesting to be a joint-lead in the NEPA process for this project.

We do, however, agree to be a Cooperating Agency in the Bottineau Transitway NEPA process.

Please include both Emeka Ezekwemba (annaemeka.ezekwemba@dot.gov / 651-291-6108) and me (phil.forst@dot.gov / 651-291-6110) on any distribution lists, such as for meeting notices and distribution of meeting minutes.

Sincerely,

Philip Forst
Environmental Specialist

PJF/jer

cc: 1 FTA- Kimmelman, e-copy, lois.kimmelman@dot.gov
1 FHWA – Ezeekwemba – e-copy, Nnaemeka.ezekwemba@dot.gov
DMS – [MN_DOC_LIBRARY-#33620-Bottineau Transitway - Response to FTAs Request to Be a Cooperating Agency - Anoka County](#)



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

Great Lakes Region
2300 E. Devon Avenue
Des Plaines, Illinois 60018

MAY 16 2012

Ms. Marisol Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street - Suite 320
Chicago, IL 60606

Dear Ms. Simon:

Thank you for your letter dated March 14, 2012, requesting that the Federal Aviation Administration (FAA) serve as a cooperating agency with the Federal Transit Administration (FTA) within the context of the Environmental Impact Statement (EIS) being prepared for the proposed Bottineau Transitway Project.

We welcome the opportunity to become a participating agency, in accordance with the National Environmental Policy Act of 1969, as amended, and the implementing regulations. This project has the potential to impact the Crystal Airport. We will work with the FTA during this process and provide guidance where necessary.

The FAA Minneapolis Airports District Office (ADO) will be the primary contact for environmental matters related to this proposal. I have forwarded a copy of this letter and your letter to the ADO manager, Steve Obenauer. He can be contacted directly at 612-253-4630 or by email at Steve.Obenauer@faa.gov; and the Environmental Protection Specialist, Kandice Krull, who can be contacted directly at 612-253-4639 or by email at Kandice.Krull@faa.gov.

We look forward to working with the FTA on this project. Please contact Kandice Krull for further coordination.

Sincerely,

Barry D. Cooper
Regional Administrator
Great Lakes Region

cc: Gene Scott, Minneapolis Department of Transportation-Aeronautics
Bridget Rief, Metropolitan Airport Commission



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

October 22, 2013

Mr. Barry D. Cooper
Regional Administrator
Great Lakes Region
Federal Aviation Administration
O'Hare Lake Office Center
2300 East Devon Avenue
Des Plaines, IL 60018

Re: Invitation to Change Status from Participating to Cooperating Agency for the Bottineau Transitway Project in Hennepin County, Minnesota

Dear Mr. Cooper:

The Federal Transit Administration (FTA), the Hennepin County Regional Railroad Authority (HCRRA), and the Metropolitan Council have initiated the environmental review process for the Bottineau Transitway project. Federal funding will be pursued for this project from the FTA. As a result, the FTA – designated as the lead federal agency for this project – is required to undertake environmental review in compliance with the National Environmental Policy Act (NEPA). As the local public agency sponsoring the project, HCRRA and Metropolitan Council must also comply with the requirements of the Minnesota Environmental Policy Act. The FTA, HCRRA, and Metropolitan Council have determined that the Bottineau Transitway project may have significant environmental impacts. To satisfy both federal and state requirements, an Environmental Impact Statement (EIS) is being prepared for the Bottineau Transitway project.

In a letter dated March 14, 2012, the FTA invited the Federal Aviation Administration (FAA) to become a Participating Agency for the Bottineau Transitway project. The FAA accepted with a letter dated May 16, 2012 (*see Attachments*).

The Bottineau Transitway is a proposed light rail transit project that is located in Hennepin County, Minnesota, extending approximately 13 miles from downtown Minneapolis to the northwest through north Minneapolis, and the suburbs of Golden Valley, Robbinsdale, Crystal, New Hope, Brooklyn Park, Maple Grove, and Osseo. The project will be utilizing Burlington Northern Santa Fe (BNSF) Railroad right-of-way for a portion of the transitway alignment. A segment of the proposed Bottineau Transitway, within the existing BNSF right-of-way, traverses through the runway protection zone (RPZ) for Runway 6L of Crystal Airport. Crystal Airport is owned and operated by the Metropolitan Airports Commission and is categorized as a reliever airport. The HCRRA in consultation with the Metropolitan Council has completed a runway protection zone alternative analysis for Runway 6L-24R at Crystal Airport (*see Attachments*).

The FAA has jurisdiction and expertise with respect to the potential issue of compatible land uses within a RPZ. With this letter, and subsequent to our initial request for the FAA to become a participating agency, FTA is requesting that the FAA change its designation from a Participating to a Cooperating Agency for the Bottineau Transitway EIS, in compliance with sections of the CEQ Regulations addressing cooperating agency status (40 CFR 1501.6 and 40 CFR 1508.5).

By becoming a Cooperating Agency, we invite the FAA to become more directly involved in the development of the Bottineau Transitway in the following ways:

1. Provide timely review and written comments, as the Draft EIS and other documents are developed;
2. Participate in coordination meetings, conference calls, and joint field reviews, as appropriate; and
3. Pursuant to 40 CFR 1506.3, the FAA may adopt without re-circulating the Draft EIS or Final EIS when, after an independent review, the FAA concludes that its comments and suggestions have been satisfied.

Please respond to FTA in writing an acceptance or denial of the invitation prior to November 21, 2013. If the FAA elects not to become a Cooperating Agency, the FAA must decline this invitation in writing, indicating the reason for declining, specifically that the FAA has no jurisdiction or authority with respect to this project, has no expertise or information relevant to the project, and does not intend to submit comments on the project. The acceptance or declination of this invitation may be sent electronically to William Wheeler, Community Planner, at William.Wheeler@dot.gov; please include the title of the official responding. Please contact Mr. Wheeler at 312-353-2639 if you have any questions or would like to discuss the project in more detail.

Thank you for your cooperation and interest in this project.

Sincerely,

Acting for

Marisol Simon
Regional Administrator

cc: Maya Sarna, FTA
William Wheeler, FTA
Joseph Gladke, HCRRA
Kathryn O'Brien, Metropolitan Council

Attachments

Alternatives Analysis Runway 6L, October 2013
March 14, 2012 letter from FTA to FAA
May 16, 2012 letter from FAA to FTA



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

Great Lakes Region
2300 E. Devon Avenue
Des Plaines, Illinois 60018

NOV 19 2013

Ms. Marisol Simon
Regional Administrator
Federal Transit Administration
Region V
200 West Adams Street
Chicago, IL 60606-5253

Dear Ms. Simon:

Thank you for your letter dated October 22, 2013, requesting that the Federal Aviation Administration (FAA) change status from a Participating Agency to a Cooperating Agency with the Federal Transit Administration (FTA) for the Environmental Impact Statement (EIS) considering improvements referred to as the Bottineau Transitway project.

We welcome the opportunity to become a Cooperating Agency in accordance with the National Environmental Policy Act of 1969, as amended, and the implementing regulations. This project has the potential to impact airport design surfaces for the Crystal Airport. We will work with the FTA during this process and provide guidance where necessary.

The FAA Minneapolis Airports District Office (ADO) is the primary contact for this project. Please contact Mr. Chris Hugunin, ADO Manager, at 612-253-4630 or by email at chris.hugunin@faa.gov.

We look forward to working with the FTA on this project.

Sincerely,



Barry D. Cooper
Regional Administrator
Great Lakes Region

cc: Chris Hugunin, Manager, Minneapolis Airports District Office
Bridget Rief, Metropolitan Airport Commission
Cassandra Issackson, Director, Minnesota Department of Transportation - Aeronautics



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

January 23, 2014

Mr. Brent Rusco, Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843

Mr. Brent Rusco:

As a Cooperating Agency for the Bottineau Transitway Project, thank you for the opportunity to provide our preliminary review comments on the Bottineau Transitway Draft EIS.

The Draft EIS identifies four Light Rail Transit (LRT) Alternatives, an Enhanced Bus/TSM Alternative, and a No-Build Alternative. Please clarify in Section 3.0 Transportation Analysis whether the Enhanced Bus/TSM and the No-Build Alternatives result in new transportation facilities being introduced into one of the Crystal Airport Runway Protection Zone(s) (RPZ) (e.g. additional travel lanes, wider shoulders, or other improvements). If new transportation facilities are introduced into the RPZ, please include a discussion of the new transportation facilities in the Draft EIS and the RPZ Alternatives Analysis. As of the date of this letter, we have not received a complete RPZ Alternatives Analysis for us to evaluate. As a result, we are not able to provide our complete comments or concur with the findings in the Bottineau Transitway Draft EIS.

If you have any questions or would like to discuss this information further, please feel welcome to contact Gina Mitchell, Community Planner, at (612) 253-4641 or gina.mitchell@faa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Hugunin".

Chris Hugunin, Manager
Minneapolis Airports District Office

cc Maya Sarna, FTA (by email)
Bridget Rief, Metropolitan Airports Commission (by email)
Barry Cooper, Regional Administrator, FAA Great Lakes Region (by email & mail)
Jesse Carriger, Planning & Programming Manager, FAA Great Lakes Airports
Division (by email)



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

February 13, 2014

Mr. Brent Rusco, Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843

Mr. Brent Rusco:

As a Cooperating Agency for the Bottineau Transitway Project, thank you for the opportunity to provide our review comments on the Bottineau Transitway Draft EIS.

The Draft EIS identifies four Light Rail Transit (LRT) Alternatives, an Enhanced Bus/Transportation System Management (Enhanced Bus/TSM) Alternative, and a No-Build Alternative. Please clarify in Section 3.0 Transportation Analysis the following considerations

1. Table 3.0-1 – clarify within the aviation resource whether the No-Build and/or the Enhanced Bus/TSM Alternatives include construction limits within the Crystal Airport Runway Protection Zone(s) (RPZ).
2. Section 3.6.4.1 and Section 3.6.4.2 – clarify the No-Build and/or the Enhanced Bus/TSM Alternatives will not result in new transportation facilities being introduced into one of the RPZs (e.g. additional travel lanes, wider shoulders, passenger stops, or other improvements). If new transportation facilities are introduced into the RPZ, please include a discussion of the new transportation facilities in the Draft EIS and the RPZ Alternatives Analysis.
3. Section 3.6.5 – clarify the RPZ Alternatives Analysis (RPZ AA) has been performed and forwarded to FAA. Update the section to acknowledge the Minneapolis Airports District Office will advance the RPZ AA and preliminary recommendations to the FAA Regional Office and Headquarters for concurrence.

The FAA cannot concur with the findings in the Bottineau Transitway Draft EIS until we have completed our review of the RPZ AA and made a determination.

If you have any questions or would like to discuss this information further, please feel welcome to contact Gina Mitchell, Community Planner, at (612) 253-4641 or gina.mitchell@faa.gov.

Sincerely,



Chris Hugunin, Manager
Minneapolis Airports District Office

cc Maya Sarna, FTA (by email)
Bridget Rief, Metropolitan Airports Commission (by email)
Barry Cooper, Regional Administrator, FAA Great Lakes Region (by email & mail)
Lindsay Butler, Acting Planning & Programming Manager, FAA Great Lakes
Airports Division (by email)



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

February 19, 2014

Mr. Brent Rusco, Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843

Mr. Brent Rusco:

This purpose of this letter is to clarify comments that FAA provided as a Cooperating Agency for the Bottineau Transitway Project Draft EIS on February 13, 2014.

The last paragraph of that letter stated:

“The FAA cannot concur with the findings in the Bottineau Transitway Draft EIS until we have completed our review of the RPZ AA and made a determination.”

FAA Minneapolis Airports District Office (ADO) supports publishing the Draft EIS while we continue to seek FAA Regional and Headquarters concurrence on the conclusions of the February 10, 2014 Crystal Airport Runway Protection Zone Alternatives Analysis (RPZ AA). We apologize for our miscommunication. When the Final EIS is available, the FAA ADO will want to ensure the proposed transportation project is consistent with the findings of the RPZ AA.

If you have any questions or would like to discuss this information further, please feel welcome to contact Gina Mitchell, Community Planner, at (612) 253-4641 or gina.mitchell@faa.gov.

Sincerely,

Chris Hugunin, Manager
Minneapolis Airports District Office

cc Maya Sarna, FTA (by email)
Bridget Rief, Metropolitan Airports Commission (by email)
Barry Cooper, Regional Administrator, FAA Great Lakes Region (by email & mail)
Lindsay Butler, Acting Planning & Programming Manager, FAA Great Lakes
Airports Division (by email)



April 10, 2012

Marisol Simon
Regional Administrator
US Department of Transportation
Federal Transit Administration
200 West Adams Street
Chicago, IL 60606-5253

RE: Invitation to Become a Cooperating Agency for the Bottineau Transitway Project

Dear Ms. Simon:

The Minnesota Department of Transportation, Environmental Stewardship Office accepts your invitation to become a cooperating agency for the Bottineau Transitway Project in Minneapolis and some of the surrounding suburbs. We look forward to reviewing the draft EIS and other NEPA documents for this project.

Sincerely,

Frank Pafko
Director and Chief Environmental Officer
Office of Environmental Stewardship

cc: Bryan Dodds
Pat Bursaw

04-11-12 RC70 0127

An Equal Opportunity Employer



Participating Agency Response Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 12 2012

mailcode E-19J
REPLY TO THE ATTENTION OF:

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, IL 60604

**RE: Federal Transit Administration (FTA) Request for the EPA to be a
Participating Agency for the Minneapolis Bottineau Transitway Project**

Dear Ms. Simon:

The United States Environmental Protection Agency, Region 5 (EPA) has received your invitation letter of March 14, 2012, regarding the above project. Because EPA has expertise concerning the nation's natural resources and National Environmental Policy Act (NEPA) documents, we do have an interest in this project.

Pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and in keeping with our responsibilities under the NEPA and Section 309 of the Clean Air Act, we accept the invitation to be a participating agency for this project, to the degree time and resources permit, in the manner you requested, specifically, we will:

1. provide meaningful early input to defining the purpose and need, the range of alternatives to be considered in detail, methodologies and level of detail for alternatives analysis;
2. Participate in coordination meetings and appropriate field reviews;
3. Provide timely review and comment on pre-draft and subsequent environmental documents.

We look forward to continuing discussion of the issues involved in this project along with the preparations for and review of the draft Environmental Impact Statement. Feel free to contact me at 312-886-2910 / westlake.kenneth@epa.gov or Norm West, my staff member, at 312-353-5692 / west.norman@epa.gov, with further information or inquiries regarding this project.

Sincerely,

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

04-18-12 RCVD 0162



U.S. Department of Housing and Urban Development

Minneapolis Field Office
920 Second Avenue South, Suite 1300
Minneapolis, Minnesota 55402-4012

March 28, 2012

Ms. Marisol Simon
Regional Administrator
Federal Transit Administration
U.S. Department of Transportation
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Dear Ms. Simon:

Re: Bottineau Transitway Project in Hennepin County, MN

Thank You for your letter of March 26, 2012 inviting HUD's participation in the Bottineau Transitway Project.

Dale Darrow, the Minneapolis HUD Field Office Sustainability Officer will be the primary contact for our office on this matter. I will be the alternate contact. Mr. Darrow has prior experience working with state and local governments on corridor and regional transportation planning activities as a Program and Planning Analyst with the Wisconsin Department of Transportation, and as the Transportation Team Leader for the Wisconsin Department of Natural Resources' Air Management Program. Mr. Darrow's contact information follows:

Dale A. Darrow, Sustainability Officer
Minneapolis Field Office
U.S. Department of Housing and Urban Development
920 Second Avenue South, Suite 1300
Minneapolis, MN 55402
Telephone: 612-370-3000 ext 2280
Email Dale.A.Darrow@hud.gov

In the event Mr. Darrow is not able to attend a specific meeting, I will attend the meeting(s) in his absence.

04-03-12 RCVD 0076

We appreciate the opportunity to work with the Federal Transit Administration, the Metropolitan Council, and Hennepin County, Minnesota in this capacity.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Sidney", with a stylized flourish at the end.

Dexter J. Sidney
Director

cc: Dale Darrow, HUD
Lois Kimmelman, FTA
William Wheeler, FTA
Cyrell McLemore, FTA

Haase, Rachel

From: Witzig, Jeanne
Sent: Friday, March 21, 2014 9:13 AM
To: Haase, Rachel
Subject: FW: Bottineau Transitway DEIS (participating agency)

From: <lois.kimmelman@dot.gov>
To: <David_Sire@ios.doi.gov>
Cc: <William.Wheeler@dot.gov>, <Joseph.Gladke@co.hennepin.mn.us>, <Cyrell.McLemore@dot.gov>
Date: 05/01/2012 10:35 AM
Subject: RE: Bottineau Transitway DEIS (participating agency)

That's fine, David. We look forward to continuing the dialog with USDOJ about this project.

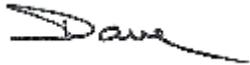
Thanks.

Lois

Lois Kimmelman
Environmental Protection Specialist
Federal Transit Administration, Region 5
200 West Adams St., Suite 320
Chicago, IL 60606
312-353-4060

From: Sire, David E [mailto:David_Sire@ios.doi.gov]
Sent: Tuesday, May 01, 2012 10:25 AM
To: Kimmelman, Lois (FTA)
Subject: RE: Bottineau Transitway DEIS

Lois,
Yes, Interior accepts your invitation to be a participating agency. However, the person who would have been the regional contact recently retired and the position has not yet been filled. If it is alright with you, I will forward your request to regional contacts at the various Interior bureaus and ask them to identify themselves to you. Some bureaus will be more relevant than others, so you won't hear from all of them.



Dave Sire
Natural Resources Management Team
Office of Environmental Policy and Compliance
U.S. Department of the Interior
(202) 208-6661
Cell (202) 256-3113

From: lois.kimmelman@dot.gov [<mailto:lois.kimmelman@dot.gov>]
Sent: Monday, April 30, 2012 4:35 PM
To: Sire, David E

Cc: William.Wheeler@dot.gov

Subject: Bottineau Transitway DEIS

David:

Per your phone message last week, I am emailing you the invitation from FTA to USDOJ to be a participating agency in the Bottineau Transitway DEIS project which we sent to you in March.

We hope you will agree to be a participating agency in this project. If you do, please let us know who the regional contact will be.

Thank you very much. Please call me if you have any questions.

Lois

Lois Kimmelman
Environmental Protection Specialist
Federal Transit Administration, Region 5
200 West Adams St., Suite 320
Chicago, IL 60606
312-353-4060

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Haase, Rachel

From: Haase, Rachel
Sent: Friday, March 21, 2014 9:26 AM
To: Haase, Rachel
Subject: Bottineau Transitway DEIS (participating agency)

From: Kimmelman, Lois (FTA)
Sent: Monday, April 30, 2012 2:00 PM
To: 'nicholas.mueller@dhs.gov'
Cc: Wheeler, William (FTA)
Subject: Bottineau Transitway DEIS

Nick:

To follow up on our phone conversation today, I understand that FEMA Region 5 will be a participating agency in the Bottineau Transitway DEIS project, and that while you are the Acting Regional Environmental Officer, you will be the contact for the region.

We look forward to your participation in this project.

Thank you very much.

Lois

Lois Kimmelman
Environmental Protection Specialist
Federal Transit Administration, Region 5
200 West Adams St., Suite 320
Chicago, IL 60606
312-353-4060

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Bottineau Transitway Participating Agency
Leitheiser, Aggie (MDH)

to:

brent.rusco@co.hennepin.mn.us

04/06/2012 02:57 PM

Cc:

"Ehlinger, Ed (MDH)", "Koppel, Jim (MDH)", "Ayers, Jeanne (MDH)"

Show Details

Dear Mr. Rusco:

Please accept this belated reply to your invitation for the Minnesota Department of Health to be a participating agency for the Bottineau Transitway Project. We are very interested in the health and public health aspects related to developing the expanded transit options and how they could benefit area and metro-wide residents.

Please let us know of the meeting schedule and topics so we can determine the best staff to represent our interests.

Aggie Leitheiser, RN, MPH
Assistant Commissioner
Minnesota Department of Health
625 Robert St. N. St. Paul, MN 55164

651-201-5711

Aggie.Leitheiser@state.mn.us

Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40__



April 12, 2012

Ms. Lois Kimmelman
U.S. Department of Transportation
Federal Transit Administration
Region V Headquarters
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

RE: Invitation to become a Cooperating Agency for the Bottineau Transitway Project in Minneapolis, Minnesota, and the Following Suburbs: Golden Valley, Robbinsdale, Crystal, New Hope, Brooklyn Park, Maple Grove, and Osseo

Dear Ms. Kimmelman:

The Minnesota Department of Natural Resources (MDNR) thanks the Federal Transit Administration for this invitation to become a Cooperating Agency in the preparation of an Environmental Impact Statement for the Bottineau Transitway project. We are happy at this time to be a participating agency in the project. However, because this project is in an already-developed corridor and because of staffing limitations, we believe it is best that MDNR not become a Cooperating Agency for this EIS. We believe Participating Agency status will give us sufficient opportunity to review documents and provide information in a timely fashion.

I am providing the following contacts for a few key MDNR staff, in case consultation is needed during scoping or EIS preparation on issues that we regulate or manage.

State-Listed Plant and Animal Species

Lisa Joyal, Natural Heritage Environmental Review Coordinator
(651) 259-5109
Lisa.joyal@state.mn.us

Water Permitting

Kate Drewry, Area Hydrologist
(651) 259-5753
Kate.drewry@state.mn.us

Ecological Resources, Fish and Wildlife

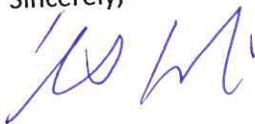
Melissa Doperalski
Regional Environmental Assessment Ecologist
(651) 259-5738
Melissa.doperalski@state.mn.us

04-17-12 RCVD 0157

Ms. Lois Kimmelman
April 12, 2012
Page 2

Thanks again for the invitation. Please contact me if I can provide any further assistance on MDNR participation in developing the Bottineau EIS.

Sincerely,



Steven Colvin
Environmental Review Supervisor
Division of Ecological and Water Resources
(651) 259-5082
Steve.colvin@state.mn.us

C: L. Joyal
K. Drewry
M. Doperalski

March 26 Letter
Jeffrey Dahl
to:
Brent.Rusco
03/29/2012 11:10 AM
Cc:
"Al Lindquist"
Show Details

Brent,

I am in receipt of your letter dated March 26 regarding Bottineau Transitway Project.

The City would like to participate in this process. In the future since I will be leaving the City on Wednesday, April 4, 2012, please send communication to Interim City Administrator Doug Reeder (dreeder@ci.osseo.mn.us) and Mayor Al Lindquist (alindquist@ci.osseo.mn.us).

Please let me know if you have any questions.

Jeffrey J. Dahl, AICP
City Administrator
City of Osseo

Mobile: 612.242.2070
Office: 763.425.1454

Participating Agency
Peter Vickerman
to:
'Brent.Rusco@co.hennepin.mn.us'
03/30/2012 02:42 PM
[Show Details](#)

Hi Brent,

The City of Maple Grove will accept the invitation to become a Participating Agency for the Bottineau Transitway Project.

Sincerely,

Peter Vickerman
City Planner
LEED Green Associate
763-494-6046



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

March 31, 2012

Brent Rusco
Bottineau Transitway Project Manager
701 Fourth Ave South Ste 400
Minneapolis MN 55415-1843

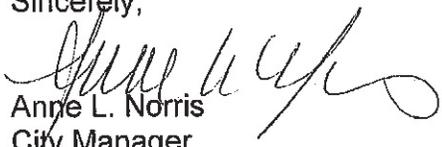
Subject: Response to Invitation to become a Participating Agency for the Bottineau
Transitway Project

Dear Brent:

This is to inform you that the City of Crystal accepts your invitation to become actively involved as a Participating Agency for the Bottineau Transitway Project.

Thank you.

Sincerely,


Anne L. Norris
City Manager

cc: Patrick Peters, Community Development Director

participating agency query

Marcia Glick

to:

'Brent.Rusco@co.hennepin.mn.us'

03/30/2012 03:25 PM

Show Details

Robbinsdale does choose to accept the invitation to become a participating agency in Bottineau Transitway Project.

Please let me know if you need this answer to be more detailed.

Marcia Glick

Robbinsdale City Manager

763-531-1258



April 4, 2012

**Brent Rusco
Bottineau Transitway Project Manager
Hennepin County
701 Fourth Avenue South, Ste. 4003
Minneapolis, MN 55415**

Re: Invitation to Become a Participating Agency for the Bottineau Transitway Project

Dear Mr. Rusco;

Thank you for the formal invitation to become a participating agency in the Bottineau Transitway Project. The City of Golden Valley appreciates the opportunity to be involved in defining the purpose and need for the project, as well as determining the range of alternatives to be considered and methods to be used for impact assessment.

Please consider this letter as Golden Valley's official acceptance of the opportunity to be partner in the Bottineau Transitway Project. Please contact me at 763-593-8002 if you have any questions or would like additional information.

Sincerely,

**Thomas D. Burt
City Manager**

CITY OF MINNEAPOLIS
CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF MINNEAPOLIS)

I, Casey Joe Carl, City Clerk of the City of Minneapolis, in the County of Hennepin, State of Minnesota, certify that I have examined the attached copy of a **Transportation & Public Works Committee Report, concerning the Bottineau Transitway Draft Environmental Impact Statement (DEIS)**, adopted February 15, 2012, approved by the Mayor February 15, 2012, and to be officially published February 18, 2012, and have carefully compared the same with the original on file in this office, and that the attached copy is a true, correct and complete copy of the original.



IN WITNESS WHEREOF, I have signed and
affixed the city seal on **February 17, 2012.**



City Clerk

T&PW - Your Committee, having under consideration the Bottineau Transitway Draft Environmental Impact Statement (DEIS) process, which was referred back to the Transportation and Public Works Committee by the City Council on February 10, 2012, now recommends:

- a) Accepting the invitation that the City of Minneapolis become a participating agency for the Bottineau Transitway Draft Environmental Impact Statement process; and
- b) Approval and submittal of comments, dated February 14, 2012, on the scope of issues to be studied in the Bottineau Transitway Draft Environmental Impact Statement.

Certified as an official action of the City Council: *PM*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich	X						Glidden	X					
Gordon	X						Schiff	X					
Hofstede	X						Tuthill				X		
Johnson	X						Quincy	X					
Samuels	X						Colvin Roy	X					
Lilligren	X						Hodges	X					
Goodman				X									

ADOPTED FEB 15, 2012
DATE

APPROVED NOT APPROVED VETOED

ATTEST *Christy Rybak*
CITY CLERK

Paul Ramsey
MAYOR RYBAK
DATE FEB 15 2012

Confirming Interest in Bottineau Transitway
Ringold, Jennifer B.
to:
Brent.Rusco@co.hennepin.mn.us
03/29/2012 08:35 AM
[Show Details](#)

Brent

Thank you for including the MPRB as a participating agency in the Bottineau Transitway project. I am writing to confirm our interest in being a participating agency in the process. Let me know if you need any additional action or information to confirm this role.

Best, jbr

Jennifer Ringold
Manager of Public Engagement and Citywide Planning
Minneapolis Park & Recreation Board
2117 West River Road
Minneapolis, MN 55411

Phone: 612-230-6464
Cell: 612-516-0727

Bottineau Transitway Project: Participating Agency
Ann Rexine
to:
Brent.Rusco
03/29/2012 02:28 PM
Show Details

Brent,

An invitation was sent via our superintendent Cris Gears regarding participation with the Bottineau Transitway Project. Three Rivers Park District (Park District) would like to be involved in the process and I will be the contact. If there are specific items that require decision making authority, I will channel that information to the right folks.

Thanks,

Ann Rexine
Planner

Three Rivers Park District
3000 Xenium Lane North
Plymouth, MN 55441
T: 763.694.1103
F: 763.557.5248
arexine@threeriversparkdistrict.org



Please consider the environment before printing this email.

Section 106 Consulting Party Letters



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Jamie Verbrugge, City Manager
City of Brooklyn Park
5200 85th Ave N
Brooklyn Park, MN. 55443

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Mr. Verbrugge:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Brooklyn Park to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>

We would welcome the involvement of the City of Brooklyn Park in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,

A handwritten signature in cursive script that reads "Garneth O. Peterson".

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office



Office of the City Manager

5200 85th Ave. N., Brooklyn Park, MN 55443-4301 • Phone 763-424-8000 • Fax 763-493-8391
TDD 763-493-8392

JAMES VERBRUGGE
City Manager
763-493-8002

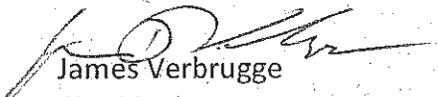
December 19, 2011

Garneth O. Peterson,
Cultural Resources Unit
Minnesota Dept of Transportation
395 John Ireland Blvd
Saint Paul, MN 55155-1899

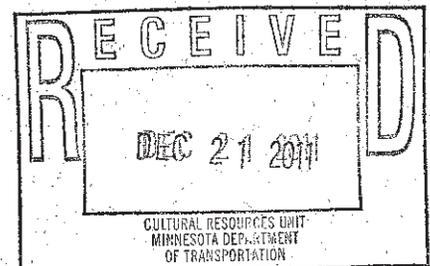
Dear Ms. Peterson,

This letter is to confirm our participation in the Section 106 consultation process for the Bottineau Transitway project. Please coordinate our participation through Mr. Todd Larson, Senior Planner of the City of Brooklyn Park. Todd can be reached by phone at 763-493-8069 and via email at Todd.Larson@brooklynpark.org.

Sincerely,


James Verbrugge
City Manager

cc: Todd Larson, Senior Planner
Michael Sable, Acting Director of Community Development
Cindy Sherman, Planning Director





Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Mr. Al Madsen, City Administrator
12800 Arbor Lakes Pkwy
P.O. Box 1180
Maple Grove, MN 55311

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Mr. Madsen:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Maple Grove to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>

We would welcome the involvement of the City of Maple Grove in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,

A handwritten signature in cursive script that reads "Garneth O. Peterson".

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office



12800 Arbor Lakes Parkway, P.O. Box 1180, Maple Grove, MN 55311-6180 763-494-6000

December 20, 2011

Garneth Peterson
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: Section 106 Historic Review Consulting Party Status

Dear Garneth:

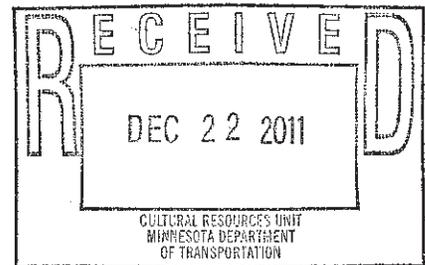
With our interest in the Bottineau Corridor Transitway project, the City of Maple Grove would officially like to be a consulting party under the Section 106 review process of the National Historic Preservation Act of 1966 as amended.

Should you have any questions, please feel free to contact me at 763-494-6040.

Sincerely,

Peter Vickerman
City Planner

CC: Bottineau Corridor File



"Serving Today, Shaping Tomorrow"

AN EQUAL OPPORTUNITY EMPLOYER



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Anne Norris, City Manager
City Hall
4141 Douglas Drive N
Crystal, MN 55422

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Ms. Norris:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Crystal to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>

We would welcome the involvement of the City of Crystal in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,

A handwritten signature in cursive script that reads "Garneth O. Peterson".

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

November 15, 2011

Garneth O. Peterson
MnDOT - Cultural Resources Unit
395 John Ireland Blvd
Saint Paul MN 55155-1899

Dear Ms. Peterson:

I am in receipt of your November 7, 2011 letter in which you offer the city of Crystal the opportunity to participate as a consulting party in the 106 review process for the Bottineau Transitway project.

By this letter I am acknowledging the city's willingness to participate as a consulting party. Your contact at the city for this effort is Patrick Peters, Community Development Director. He may be reached by email at patrick.peters@ci.crystal.mn.us or by phone at 763.531.1130.

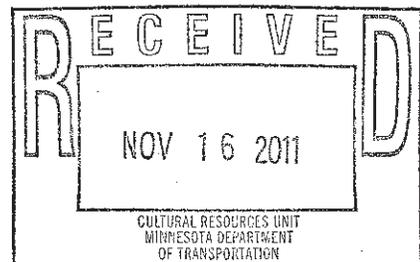
Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Anne L. Norris', is written over a faint, larger version of the signature.

Anne L. Norris
City Manager

cc: Patrick Peters, Community Development Director





Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Marcia Glick, City Manager
City of Robbinsdale
4100 Lakeview Avenue North
Robbinsdale, MN 55422

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Ms. Glick:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Robbinsdale to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>

We would welcome the involvement of the City of Robbinsdale in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,

A handwritten signature in cursive script that reads "Garneth O. Peterson".

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office

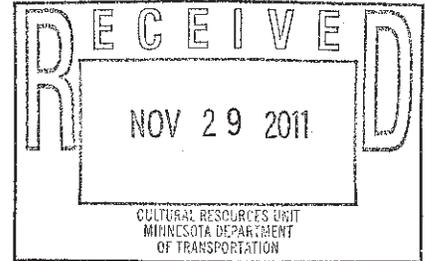


City of Robbinsdale

4100 Lakeview Avenue North • Robbinsdale • Minnesota • 55422-2280
Phone (763)531-1258 • Fax (763)531-1291
Website www.robbinsdalemn.com

November 28, 2011

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation
395 John Ireland Boulevard
St Paul, MN 55155-1899



RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway

Dear Ms. Peterson,

This letter is to indicate our interest in participating in the Section 106 consultation process for the Bottineau Transitway project. I would be available as would other members of my staff as needed related to any special areas of expertise.

Please free to contact me at mglick@ci.robbinsdale.mn.us or 763-531-1258 or by letter at the above address.

Thank you for including us in this process.

Sincerely,

Marcia Glick
Robbinsdale City Manager



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Tom Burt, City Manager
City of Golden Valley
7800 Golden Valley Rd
Golden Valley, MN 55427

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Mr. Burt:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Golden Valley to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see: <http://www.achp.gov/docs/CitizenGuide.pdf>

We would welcome the involvement of the City of Golden Valley in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,

A handwritten signature in cursive script that reads "Garneth O. Peterson".

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office



November 17, 2011

Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

7800 Golden Valley Road
Golden Valley, MN 55427

Re: Consulting Party Status; Section 106 Historic Review of Proposed Bottineau
Transitway Project

Dear Ms. Peterson:

Thank you for extending the opportunity for the City of Golden Valley to participate in the historic review of the proposed Bottineau Transitway. I have participated on the Bottineau Advise, Review and Communicate Committee (ARCC) since its inception in 2007. I would be interested in representing Golden Valley as a consulting party for the historic review of the Bottineau corridor.

My contact information is as follows:

Joseph Hogeboom, City Planner

Phone: 763-593-8099

Email: jhogeboom@goldenvalleymn.gov

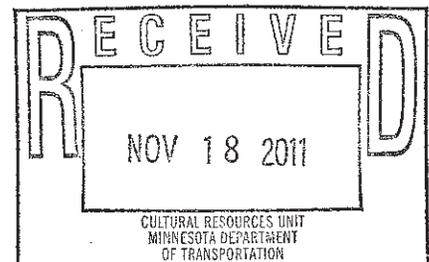
Please let me know if you require any additional information from me at this time. I look forward to working with you on this project.

Sincerely,

A handwritten signature in cursive script that reads "Joseph S. Hogeboom".

Joseph S. Hogeboom

City Planner



C: Council Member Paula Pentel, Bottineau Policy Advisory Committee Member
Thomas D. Burt, City Manager



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

November 7, 2011

Mr. Steven Bosaker, City Coordinator
City Hall
350 S 5th St, Room 301M
Minneapolis, MN 55415

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Mr. Bosacker:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the City of Minneapolis to participate in the Section 106 review process for the Bottineau Transitway project as a consulting party. The Bottineau Transitway is a proposed transit project sponsored by the Hennepin County Regional Rail Authority. The project will study various alignments and modes, including light rail, transit and bus rapid transit, to connect the northwest suburbs along an approximately 20 mile corridor to Minneapolis (see attached map). The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of this project review.

Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the Section 106 process seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

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 or mitigated during the planning and implementation of a project. For more information, see:

<http://www.achp.gov/docs/CitizenGuide.pdf>

We note that the City of Minneapolis has a Heritage Preservation Commission established by city ordinance. In such cases, it is possible for both the City and the Heritage Preservation Commission to participate as separate consulting parties, if they so choose.

We would welcome the involvement of the City of Minneapolis in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at (651)366-3615.

Sincerely,



Garneth O. Peterson, AICP
Cultural Resources Unit
Minnesota Department of Transportation

CC: Jack Byers, Minneapolis HPC
Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horn
Joe Hudak, Minnesota Department of Transportation
Mary Ann Heidemann, Minnesota State Historic Preservation Office



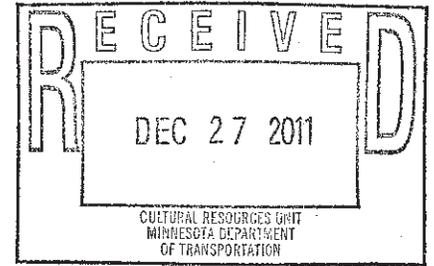
**Community Planning &
Economic Development**
Planning Division

250 South 4th Street - Room 110
Minneapolis MN 55415

Office 612 673-2597
Fax 612 673-2728
TTY 612 673-2157

December 22, 2011

Garneth Peterson
Cultural Resources Unit
Office of Environmental Services
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155



**RE: Bottineau Transitway Project Section 106: Consulting Party
Status for the City of Minneapolis**

Dear Ms. Peterson,

Thank you for your letter dated November 7, 2011 regarding the City of Minneapolis's role as a consulting party to the Section 106 Review for the Bottineau Transitway Project. The City of Minneapolis agrees to be a consulting party for the Section 106 historic review of the proposed Bottineau Transitway Project.

The Planning Division within the Minneapolis Community Planning and Economic Development Department (CPED) provides staff services to the Minneapolis Heritage Preservation Commission. With that in mind, CPED-Planning has been and will continue to represent both the City of Minneapolis and the Minneapolis Heritage Preservation Commission on this and all other preservation matters related to the Bottineau Corridor Transitway Project.

Brian Schaffer is the preservation planner assigned to this project. His contact information is noted below:

Brian Schaffer, Senior Planner
City of Minneapolis - CPED-Planning
250 South 4th Street - Room 300 PSC
Minneapolis, MN 55415
Phone: (612) 673-2670
Fax: (612) 673-2526
brian.schaffer@ci.minneapolis.mn.us

Brian will report out on the progress of this project both within CPED and periodically, as necessary to the HPC. When the timing makes sense to you and other project partners, Brian will seek formal action of the HPC as needed.



Garneth Peterson
December 22, 2010
Page Two

Also, to avoid any possible confusion, please keep in mind that CPED's overall lead representative on Bottineau Transitway Project is Jim Voll.

If I can be of further assistance on this project at any time, please do not hesitate to contact me.

Sincerely,


Jack Byers, Planning Manager
Preservation and Design Team

cc: Steven Bosacker, City Coordinator, City of Minneapolis
Mike Christenson, Executive Director CPED, City of Minneapolis
Jason Wittenberg, Planning Director
Chad Larson, Chair, Minneapolis Heritage Preservation Commission
Brian Schaffer, Senior Planner
Jim Voll, Principal Planner
Anna Flintoft, Transportation Planner, City of Minneapolis Department of Public Works



Minnesota Department of Transportation

Office of Environmental Stewardship

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395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-4292

Fax: (651) 366-3603

E-Mail: dennis.gimmestad@state.mn.us

4 October 2012

Ms. Jayne Miller, Superintendent
Minneapolis Park and Recreation Board
2117 West River Road
Minneapolis, MN 55411

RE: Consulting party status; Section 106 historic review of proposed Bottineau Transitway project

Dear Ms. Miller:

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to the Minneapolis Park and Recreation Board to participate in the Section 106 review process for the Bottineau Transitway project. As you know, Bottineau Transitway is a proposed transit project between Minneapolis and the northwest suburbs, sponsored by the Hennepin County Regional Rail Authority and the Metropolitan Council, with funding from the FTA. The Cultural Resources Unit at the Minnesota Department of Transportation is acting on behalf of FTA in carrying out many aspects of the 106 review.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their projects on historic properties. When there are potential adverse effects to properties which are listed in, or eligible for, the National Register of Historic Places, the agency seeks ways to avoid, reduce, or mitigate those effects. The result is often a Section 106 agreement, which stipulates measures to be taken to address project effects.

Local governments are entitled to participate in the Section 106 process as consulting parties, along with the State Historic Preservation Office, 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 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 Minneapolis Park and Recreation Board in the Section 106 consultation process for the Bottineau Transitway project. If you would like to participate, please let us know of your interest, in writing. If you have any questions, please contact me at 651-366-4292.

Sincerely,

A handwritten signature in black ink that reads "Dennis Gimmetstad". The signature is written in a cursive style with a large, stylized 'D' and 'G'.

Dennis A. Gimmetstad
Cultural Resources Unit
Minnesota Department of Transportation

cc: William Wheeler, Federal Transit Administration
Joe Gladke, Hennepin County
Mary Ann Heidemann, Minnesota State Historic Preservation Office
Jeanne Witzig, Kimley-Horn



**Minneapolis
Park & Recreation Board**

October 29, 2012

Administrative Offices
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Minneapolis, MN 55411-2227

Operations Center
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Dennis Gimmestad
Cultural Resources Unit
Minnesota Department of Transportation
Office of Environmental Stewardship
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395 John Ireland Boulevard
St. Paul, MN 55155

Dear Mr. Gimmestad,

Thank you for your October 4, 2012 letter inviting the Minneapolis Park and Recreation Board to participate in the Section 106 review process for the proposed Bottineau Transitway project. We accept the invitation to participate as a consulting party in the process.

Jennifer Ringold, Manager of Public Engagement and Citywide Planning, will be your contact for the project. She can be reached at 612-230-6464 or jringold@minneapolisparcs.org.

Again, thank you for the invitation to participate in this important aspect of the proposed Bottineau Transitway project.

President
John Erwin

Vice President
Liz Wielinski

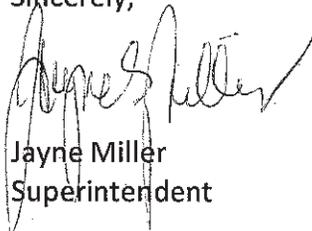
Commissioners
Brad Boum
Bob Fine

Carol A. Kummer
Jon C. Olson
Anita Tabb
Scott Vreeland
M. Annie Young

Superintendent
Jayne Miller

Secretary to the Board
Michael P. Schmidt

Sincerely,



Jayne Miller
Superintendent



U.S. Department
of Transportation
Federal Transit
Administration

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

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-866-0351 (fax)

December 13, 2012

Ms. Jayne Miller, Superintendent
Minneapolis Park and Recreation Board
2117 West River Road
Minneapolis, MN 55411-2227

RE: Consulting Party Status for the Bottineau Transitway Project

Dear Ms. Miller:

In your letter of October 29, 2012 to the Minnesota Department of Transportation, you accepted consulting party status for the Section 106 review of the Bottineau Transitway Project. This letter serves as our acknowledgment of your decision.

The Federal Transit Administration, the Hennepin County Regional Railroad Authority and the Metropolitan Council are working together on this project, and will share copies of Section 106 documents with consulting parties as the project proceeds. The Cultural Resources Unit at the Minnesota Transportation (MnDOT CRU) is coordinating many aspects of the 106 process.

If you have any questions, please contact Bill Wheeler of my staff at (312) 353-2639 or Dennis Gimmestad, Historian, at MnDOT CRU at (651) 366-4292.

Sincerely,

Marisol R. Simon
Regional Administrator

cc: Joe Gladke, Hennepin County
Brent Rusco, Hennepin County
Mary Karlsson, Metropolitan Council
Mary Ann Heidemann, Minnesota SHPO
Dennis Gimmestad, MnDOT CRU



January 24, 2013

Dennis Gimmestad
Minnesota Department of Transportation- Cultural Resources Unit
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

**Community Planning &
Economic Development**

105 5th Avenue South – Suite 200
Minneapolis MN 55401-2534

Office 612 673-5095
Fax 612 673-5100
TTY 612 673-5154

**RE: Bottineau Transitway Project, Hennepin County, Minnesota; Phase IA
Archaeological Assessment; Phase I/Phase II Architecture History Survey
(SHPO#2011-3773)**

Dear Mr. Gimmestad:

Thank you for providing the results of the survey work. The City of Minneapolis CPED-Planning Division submits the following comments on behalf the Minneapolis HPC, a consulting party to the Section 106 review.

Regarding the phase IA archaeological assessment CPED-Planning concurs with the report finding that no further archeological investigation is needed, with the exception of the area of 5th Avenue North between 4th and 5th Streets North. CPED-Planning concurs with your comment that this area is outside of the project work area.

Regarding the phase I/II architecture/history survey, CPED-Planning concurs with your list of identified properties in the National Register of Historic Places (NHRP):

- Sumner Branch Library (HE-MPC-8081), 611 Emerson Ave. No.
- Northwestern Knitting Company Factory (HE-MPC-8125), 718 Glenwood Ave.
- Minneapolis North Loop Warehouse District (HE-MPC-0441)

Regarding properties previously evaluated to be eligible for the NRHP, with SHPO concurrence, CPED-Planning notes that the Regan Brothers Bakery (HE-MPC-16274) was approved for demolition by the Minneapolis Heritage Preservation Commission at its meeting of August 21, 2012 (our file number BZH-27395).

Regarding the new eligibility determinations you sent for properties in Minneapolis, CPED-Planning concurs with your recommendation that the following properties are eligible for listing in the NRHP:

- St. Anne's Catholic Church (HE-MPC-8251)
- Talmud Torah Hebrew School (HE-MPC-7612)
- Sharei Zedeck Synagogue (HE-MPC-8211)
- Homewood Historic District (HE-MPC-12101)
- Floyd B. Olson Memorial Statue (HE-MPC-9013)
- Labor Lyceum (HE-MPC-7553)
- Wayman A.M.E Church (HE-MPC-8290)

The following properties, within the area of potential effect (APE), are mentioned as properties recommended for further survey and research in the *Historic Resources Inventory in the Central Core Area* prepared by Mead & Hunt in 2011, but do not appear to be addressed in the phase I/phase II architecture history survey:

- Bethune Community School (HE-MPC-9893), 917 Emerson Ave. No.
- Northwestern National Bank (HE-MPC-9894), 615 7th St. No.
- Bridge No. 27782 (HE-MPC-9831), 7th Street over I-94



If they are in the APE, we encourage investigation of these properties or a discussion of why they were not included in the survey.

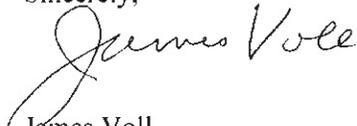
Regarding the properties listed in Table 5, Phase II Architectural History Properties, we concur that they are not eligible for listing in the NRHP based on the information presented in the survey. However, they may be eligible based on the results of further investigation as part of a city-wide context for these resources. For example, a designation of schools or mid-century ecclesiastical buildings resulting from a context study of these properties city-wide. The properties listed as not eligible in Table 5 that could be considered as a part of this type of study in the future include:

- Finnish Apostolic Lutheran Church (HE-MPC-7570), 1922 4th Ave. No.
- Abraham Lincoln Junior High School (HE-MPC-8291), 2131 12th Ave. No.
- St. Anne's Catholic Church complex (HE-MPC-10548), 2300 Block of 26th Ave. No.
- Hebrew Free School (HE-HPC-7555), 1229 Logan Ave. No.
- I.L. Peretz Community Center (HE-MPC-7571), 2418 Plymouth Ave.
- Talmud Tohrah Hebrew School (HE-MPC-7612), 1616 Queen Ave. No.
- Pilgrim Heights Community Church (HE-MPC-8277), 3120 Washburn Av. No.
- Fire Station 25 (HE-MPC-8034), 2229 West Broadway

We concur with your conclusion that the remaining are not eligible for listing in the National Register of Historic Places. Further investigation may reveal that they are eligible for local designation.

CPED-Planning appreciates the high quality and organization of this extensive study.

Sincerely,



James Voll

Principal City Planner, AICP, LEED-AP
City of Minneapolis - CPED-Long Range Planning
105 5th Avenue South - Room 200 Crown Roller Mill
Minneapolis, MN 55401
Phone: (612) 673-3887
Fax: (612) 673-2526
james.voll@minneapolismn.gov

cc: Mary Ann Heidemann, MN SHPO (via email)
Jack Byers, Minneapolis CPED - Long Range Planning (via email)
Don Pflaum, Minneapolis Public Works (via email)



Minneapolis
City of Lakes

**Community Planning &
Economic Development**

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February 25, 2013

Dennis Gimmestad
Minnesota Department of Transportation- Cultural Resources Unit
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

**RE: Bottineau Transitway Project, Hennepin County, Minnesota; Phase IA
Archaeological Assessment; Phase I/Phase II Architecture History Survey
(SHPO#2011-3773)**

Dear Mr. Gimmestad:

This letter is a follow-up to the City of Minneapolis CPED-Long Range Planning Division comment letter on behalf the Minneapolis HPC, a consulting party to the Section 106 review, dated January 24, 2013.

In that letter I wrote that we concur with your recommendation that the Talmud Torah Hebrew School (HE-MPC-7612) is eligible for listing in the National Register of Historic Places (NRHP).

Later in the letter I listed a group of properties that we concurred were not eligible for NRHP, but could be eligible for a local designation as part of a city-wide context study. In this list I inadvertently included the Talmud Torah Hebrew School. My intent was to indicate that it could be part of a local designation, not that it should be excluded from considered for the NRHP. We concur with your recommendation that it is eligible for the NRHP. I apologize for any confusion this may have caused.

Sincerely,

James Voll
Principal City Planner, AICP, LEED-AP
City of Minneapolis - CPED-Long Range Planning
105 5th Avenue South - Room 200 Crown Roller Mill
Minneapolis, MN 55401
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james.voll@minneapolismn.gov

cc: Mary Ann Heidemann, MN SHPO (via email)
Jack Byers, Minneapolis CPED - Long Range Planning (via email)
Don Pflaum, Minneapolis Public Works (via email)





August 9, 2013

Minneapolis
City of Lakes

**Community Planning &
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Minnesota Department of Transportation- Cultural Resources Unit
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RE: Bottineau Transitway Project, Hennepin County, Minnesota; Supplemental Architecture/History Survey; assessment of Potential Effects, Inventory Form amendments (SHPO#2011-3773)

Dear Mr. Gimmestad:

The City of Minneapolis CPED-Long-Range Planning Division submits the following comments on behalf the Minneapolis HPC, a consulting party to the Section 106 review.

We have not received a copy of survey report of supplemental architecture/history survey. Please send me a copy for review. We will then be able to comment on this report and recommendations.

We note that the Pilgrim Heights Community Church at 3120 Washburn Avenue North (HE-MPC-8277) has been changed from ineligible to eligible.

We have received the Potential Effects on Historic Properties document and in general agree with the potential agreement measures, but will work with all parties on the actual measures to be adopted or agreed upon.

For any maps for the 106 review that area adopted into the DEIS/FEIS, we would recommend that a note or disclaimer be added that there are also several locally eligible or designated properties not shown on the map that the City will also evaluate with future development and planning.

Sincerely,

James Voll
Principal City Planner, AICP, LEED-AP
City of Minneapolis - CPED-Long Range Planning
105 5th Avenue South - Room 200 Crown Roller Mill
Minneapolis, MN 55401
Phone: (612) 673-3887
Fax: (612) 673-2526

james.voll@minneapolismn.gov



cc: Mary Ann Heidemann, MN SHPO (via email)
Joe Gladke, Hennepin County (via email)
Brent Rusco, Hennepin County (via email)
Jack Byers, Minneapolis CPED - Long Range Planning (via email)
Don Pflaum, Minneapolis Public Works (via email)

Coordination with Minnesota State Historic Preservation Office

October 9, 2013

Mr. Dennis Gimmestad
Cultural Resources Unit
MN Dept. of Transportation
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Bottineau Transitway Project
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Mr. Gimmestad:

Thank you for submitting further information regarding this project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800. Our responses are provided below.

Inventory Forms

Thank you for submitting the updated inventory forms for the property at 1128 Vincent Avenue North (HE-MPC-9411), the Homewood Residential Historic District (HE-MPC-12101), the Osseo Branch Line (HE-RRD-002), and a non-contributing railroad bridge along the Osseo Branch Line (HE-MPC-5286).

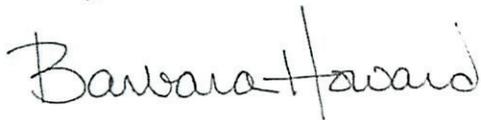
Assessment of Effects

Thank you for clarifying your findings of effect in regards to the Osseo Branch Line and the Homewood Residential Historic District. We concur with your determination that this project will have **no adverse effect** on the Osseo Branch Line or the railroad bridge, which is a non-contributing structure along the line. We look forward to further design review on this aspect of the project (including the new bridge design) as the project proceeds. We also concur with your determination that Alignment D2 will have an **adverse effect** on the Homewood Residential Historic District, as it removes several contributing houses and shifts the entire eastern edge of the district. We look forward to further consultation regarding Alignment D1, which runs along the western edge of the historic district. At this point it is felt that the effects are much less severe and may be avoidable through consultation on design, noise, and traffic issues.

We look forward to further consultation in regards to resolution of potential effects and a Section 106 Agreement for this project.

Please contact Kelly Gragg-Johnson, Review and Compliance Specialist, at 651-259-3455 with any questions regarding our review.

Sincerely,



Barbara Howard
Deputy State Historic Preservation Officer

cc: Bill Wheeler, FTA
Kathryn O'Brien, Metropolitan Council
Jenny Bring, The 106 Group

STATE HISTORIC PRESERVATION OFFICE

August 7, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Mr. Gimmestad:

We have received and reviewed your letter and package dated July 8, 2013, including additional and revised Phase I and II property evaluations, along with a preliminary determination of project effect. These materials have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act.

Our comments are provided below, arranged according to the numbered sections of your July 8 letter.

1. We concur with all the contributing/non-contributing determinations made for newly surveyed properties within the Homewood Historic District *except* for 1128 Vincent. You have labeled this property as non-contributing, due to "fair" integrity associated with window replacement. As a matter of equity and consistency, we note that 1240 Upton and 1216 Vincent are both labeled as "fair" integrity due to similar window replacement, and yet are still recommended as contributing. We suggest changing the status of 1128 Vincent to "contributing." Regarding the additional Phase I properties surveyed outside of the Homewood Historic District, we agree they are all not eligible. Finally, we appreciate the supplemental information supplied on the Carl Graffunder house, especially the historic photo. Based on the new information, we agree that the house is not eligible.
2. The assessments of effect that you sent us are helpful, even if preliminary, because they explain the basis for your thinking on the subject. In general, we agree with your assessments, with one notable exception (see below). We agree with your assessment that Alignments D1 and D2 will have an unavoidably adverse effect on the Homewood Historic District. We also agree with the wide range of less severe but still important potential adverse effects spelled out in the chart, but we have hopes that many of these adverse effects can be minimized or avoided through careful planning and design. Therefore, we believe it is too early to finalize the determination of effect. It is not too early, however, to point out one area of major disagreement on effect that concerns the historic Osseo Branch rail corridor. You have determined that light rail use as proposed will have an adverse effect on this resource, due to adding the additional lines, equipment and

station stops associated with light rail traffic and operations. **We disagree**. The very first point of the Secretary of Interior's Standards advises maintaining an historic property for its historic purpose. What better use for an historic rail corridor than maintaining rail traffic? We do not agree that the additional tracks, equipment and stations are adverse, because these items are common elements in rail corridors, and are (in our view) a normal part of an adaptive re-use of the corridor. In comparison, we have routinely labeled re-use of rail corridors for asphalt bike trails as not adverse, when in my mind that use is a much greater alteration of materials, setting, feeling and association than the light rail proposal involves. Because of the importance of this issue, and my upcoming departure from the MN Historical Society, I have reviewed this matter with Barbara Mitchell Howard, our Deputy SHPO. We are in agreement with each other, but in disagreement with you. We just don't see the logic of calling re-use of a rail corridor for rail purposes adverse. If there are adverse effects, we don't believe they relate directly to historic preservation. Clearly, this matter will require further discussion and we will try to keep an open mind.

3. Thank you for responding to our comments and suggestions from the last letter by making the various revisions and amendments we requested. We now agree with all the determinations laid out in items 3A through 3G.

We look forward to continuing cooperation and consultation between our offices as this project unfolds. Thanks to you and your consulting team for your hard work on a daunting task. Incidentally, it was wonderful to hear about the survey logistics for this project during our recent Compliance Seminar.

On a personal note, I want to thank you for all the assistance you have given me over the past three and a half years. Your generosity in taking the time to answer questions and explain past projects was a tremendous help in getting me up to speed with SHPO compliance duties. Furthermore, it was wonderful to be able to bounce ideas around, even when (or especially when) we did not immediately agree. Your knowledge, experience and wisdom is much appreciated.

All my best for a bright and fulfilling future,



Mary Ann Heidemann, Manager
Government Programs & Compliance

cc: The 106 Group
Hilary Dvorak, Minneapolis HPC
Barbara Mitchell Howard



Minnesota Department of Transportation

Office of Environmental Stewardship

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395 John Ireland Boulevard
St. Paul, MN 55155

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8 July 2013

Mary Ann Heidemann
Minnesota State Historic Preservation Office
345 Kellogg Boulevard West
St. Paul, MN 55102

RE: Bottineau Transitway Project, Hennepin County, Minnesota; Supplemental Architecture/History Survey; Assessment of Potential Project Effects, Inventory Form Amendments (SHPO # 2011-3773)

Dear Dr. Heidemann:

We are writing to continue consultation on the Bottineau Transitway Project. We last wrote you about this project on 4 December 2012. Thank you for your response of 29 January 2013. We also appreciate the comments submitted by the City of Minneapolis, a Section 106 consulting party, on 24 January 2013.

This transmittal includes the following:

- The survey report of the supplemental architecture/history survey.
- Assessments of potential effects for all historic properties, with detailed information on two potential adverse effects.
- Miscellaneous inventory corrections, additions, and clarifications (based on comments from your office [19 October 2012 and 29 January 2013] and from the City of Minneapolis [24 January 2013]).

1. Survey report of the supplemental architecture/history survey.

This report supplements the November 2012 Phase I/II Architecture/History Survey Report. The report has two sections.

- A. The first section addresses the survey of a quarter mile APE around the proposed Plymouth Avenue Station, which was a later addition to the project. Portions of this APE were included in the original survey, but other portions needed supplemental survey. The survey area included fifty properties located in the eligible Homewood Historic District; these properties had not been individually inventoried because they were outside

the original APE. The properties are considered eligible as part of the district. None of the other phase I inventoried properties included in the supplemental survey meet National Register criteria. *The survey report and inventory forms are enclosed.*

- B. The second section addresses the Phase II evaluation of the Carl Graffunder House (HE-GVC-322) at 1719 Xerxes Avenue in Golden Valley. You requested additional consideration of this property in your letter of 19 October 2012, and we discussed the Phase II evaluation during our 6 November 2012 field inspection. Based on the eligibility assessment in the survey report, we conclude that this property does not meet National Register criteria. *A Phase II inventory form for this property is enclosed.*

2. **Assessment of potential effect for all identified historic properties.**

This information is presented in table format, organized by project alignments (A, B, C, D1, and D2). Keep in mind that the DEIS project alternatives (A-C-D1, A-C-D2, B-C-D1, and B-C-D2) are comprised various combinations of these individual alignments. (B-C-D1 has been identified as the locally preferred alternative.) These effect assessments are based on the conceptual engineering plans, and many details of the project design, including the specific locations of some project elements, are not yet developed. Therefore, the table suggests continued consideration of historic properties as the engineering/design process moves forward.

That said, adverse effects on two properties, based on fundamental aspects of the conceptual engineering plans, are clear at this point. These properties are the Osseo Branch Line of the StPM&M Railroad, and the Homewood Historic District. Adverse effects to these properties are acknowledged in the table, and are discussed in greater detail in two separate attachments.

The following materials related to project effects are enclosed:

- *Potential Effects on Historic Properties (table, organized by project alignments).*
- *Map of each project alignment (A, B, C, D1, D2) showing locations of historic properties*
- *Adverse Effect documentation for Osseo Branch Line, StPM&M Railroad (all project alignments)*
- *Adverse Effect documentation for Homewood Residential Historic District (alignment D2)*
- *Conceptual engineering plans for areas of the project with historic properties, showing greater detail of the conceptual engineering design.*

3. Miscellaneous inventory corrections, additions, and clarifications.

- A. Your letter of 19 October 2012 requested additional consideration of eligibility for 4705 Lakeland (HE-CRC-178) in Crystal, and of 4145 Quail Ave. (HE-RBC-363) in Robbinsdale. Although the Lakeland property is relatively early and the Quail property displays some handsome detailing, neither property is particularly distinctive within its context. Based on our 6 November 2012 field inspection and discussion, no further evaluation was completed for either building.
- B. Your letter of 19 October 2012 requested an inventory form for the Mary Hills Subdivision. A form for this subdivision was included in the original Phase I inventory (HE-GVC-284). The Mary Hills Subdivision, while characteristic of Golden Valley development, is not particularly distinctive. Based on our 6 November 2012 field inspection and discussion, no further evaluation was completed.
- C. We have completed an additional Phase I survey form for the Noble Grove subdivision (HE-GVC-375). Several properties in this subdivision were included in the previously-reviewed Phase I and Phase II inventories; none of those evaluations resulted in NRHP eligibility. A separate form for Noble Grove has been prepared to retain the general information on the subdivision/plat in the inventory. *One new Phase I inventory form enclosed.*
- D. Your letter of 19 October 2012 requested additional evaluation for 1721 York Avenue North (HE-GVC-334) in Golden Valley and for 3530 Zenith Avenue North (HE-RBC-1442) in Robbinsdale, as examples of mid-century modern design. Based on our 6 November 2012 field inspection and discussion, we have completed a new Phase I survey form for each. Neither property was carried to Phase II work. *Two new enhanced Phase I inventory forms enclosed, to **replace** the original forms.*

(Note that Phase II work on 1719 Xerxes [HE-GVC-322] in Golden Valley is discussed as part of the supplemental architecture/history survey under #1, above.)

- E. Your letter of 29 January 2013 requested changes in the inventory information for several properties in the eligible Homewood Residential Historic District (HE-MPC-20201).
- The status of the following properties has been changed from contributing to non-contributing: 1015 Queen Ave. N (HE-MPC-11128), 1243 Russell Ave. N. (HE-MPC-11284), 1247 Russell Ave. N (HE-MPC-11286), 1251 Russell Ave. N. (HE-MPC-11288), 1001 Penn Ave. N. (Calvary Methodist) (HE-MPC-8239). *Five updated inventory forms enclosed for **attachment** to original form.*

- The status of the following property has been changed from non-contributing to contributing: 1114 Russell Ave. N. (HE-MPC-11268). *One updated inventory form enclosed for **attachment** to original form.*
- An updated form for the Homewood Residential Historic District (HE-MPC-12101) has been prepared to reflect the new contributing/non-contributing counts. *One updated inventory form enclosed for **attachment** to original form.*
- The rarity of residential duplexes as a property type in the district has been noted for the following property: 1238 Sheridan Ave. N. (HE-MPC-11418). *One updated inventory form enclosed for **attachment** to original form.*
- The original inventory forms for the following properties included a reference to a potential subdistrict of properties associated with architects Liebenberg and Kaplan: 1015 Washburn Ave. N. (HE-MPC-7624), 1025 Washburn Ave. N. (HE-MPC-7625), 1035 Washburn Ave. N. (HE-MPC-7635), 1045 Washburn Ave. N. (HE-MPC-7645), and 1010 Washburn Ave. N. (HE-MPC-11919). This subdistrict was not evaluated in the survey report, and the reference in the forms has been removed. *Five new inventory forms enclosed, to **replace** the original forms.*

F. Your letter of 29 January 2013 indicated your conclusion that two churches, originally determined ineligible, do meet NRHP criteria. We are changing our determination from ineligible to eligible for both properties.

- Pilgrim Heights Community Church, 3120 Washburn Ave. N. (HE-MPC-8277). *One updated inventory form enclosed for **attachment** to original form.*
- Sacred Heart Catholic Church, 4087 West Broadway (HE-RBC-795). *One updated inventory form enclosed for **attachment** to original form.*

G. The City of Minneapolis's letter of 24 January 2013 requested further discussion of three Phase I properties.

- Northwestern National Bank, 615 7th St. N. (HE-MPC-9894). This property, completed c. 1969, was evaluated in 2011 as part of the survey of the Interchange project. The property was determined ineligible to the NRHP, with SHPO concurrence.
- Bethune Community School, 917 Emerson Ave. N. (HE-MPC-9893). This school was completed in 1968, and is not yet 50 years of age. It does appear that it would meet NRHP Criteria Consideration G for properties newer than 50 years. We also note that the property is located at the northern edge of the Bottineau project's area of potential effect, and that no project effects in this area are anticipated.

- Bridge 27782, 7th Street over I-94 (HE-MPC-9831). This bridge was completed in 1979, and is not yet 50 years of age. It does appear that it would meet NRHP Criteria Consideration G.

Please submit comments on the supplemental survey and on the effect assessments within 30 days of this letter.

We look forward to continuing to work with you and other consulting parties as the planning process for this project proceeds. Please do not hesitate to contact me at 651-366-4292 with any questions or concerns.

Sincerely,



Dennis Gimmestad
MnDOT Cultural Resources Unit

cc (via email):

Bill Wheeler, Federal Transit Administration
Maya Sarna, Federal Transit Administration
Joe Gladke, Hennepin County
Brent Rusco, Hennepin County
Kathryn O'Brien, Metropolitan Council
Jack Byers, City of Minneapolis
Jim Voll, City of Minneapolis
Joseph Hogeboom, City of Golden Valley
Marcia Glick, City of Robbinsdale
Patrick Peters, City of Crystal
Todd Larson, City of Brooklyn Park
Peter Vickerman, City of Maple Grove
Jennifer Ringold, Minneapolis Park and Recreation Board
Jeanne Witzig, Kimley-Horn
Jenny Bring, The 106 Group
Beth Bartz, SRF



Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

January 29, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Mr. Gimmestad:

Thank you for sending us the Phase 1a Archaeological Assessment for this project, along with additional Phase I and II property evaluations. These have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act.

Our archaeologist has reviewed the Phase 1a Archaeological Assessment, and agrees that no further investigations are warranted, except for the area of North 5th Avenue, between 4th and 5th Streets North. We understand that according to current plans, this area will not be affected by the project. If plans should change in ways that will cause an effect in the area of concern, please consult with us further.

- 1 For architectural and above-ground historic properties, we concur that the following National Register listed properties exist in the Area of Potential Effect (APE) for this project:
 - A. Hennepin County Library, Robbinsdale Branch
 - B. Sumner Branch of the Minneapolis Public Library
 - C. Northwestern Knitting Company Factory
 - D. Minneapolis Warehouse Historic District

- 2 We further concur that numerous properties exist within the APE which have previously been determined eligible for listing in the National Register, as follows:
 - A. Osseo Branch, St. Paul, Minneapolis and Manitoba Railway Historic District
 - B. St. Paul, Minneapolis and Manitoba Railway Historic District
 - C. Minneapolis & Pacific Railway Historic District
 - D. Jones Osterhus Barn
 - E. West Broadway Residential Historic District
 - F. Terrace Theater
 - G. Grand Rounds Historic District
 - H. Bridge No. L 9327
 - I. Frances E Willard School
 - J. Mikro Kodesh Synagogue
 - K. Regan Brothers Bakery

(Note: We agree that the Chucker Dental Office is not eligible based on new information)

- 3 Based on the current survey findings, we further concur that the following properties meet National Register criteria and are therefore considered to be **eligible for listing in the National Register**:
- A. Robbinsdale Waterworks
 - B. St. Anne's Catholic Church
 - C. Talmud Torah Hebrew School
 - D. Sharei Zedeck Synagogue
 - E. Homewood Historic District (Note: We agree with the eligibility and proposed boundaries but do not agree with a few of the contributing/non-contributing designations; see below)
 - F. Floyd B. Olson Memorial Statue
 - G. Labor Lyceum (Note: Please correct the date of construction to 1915. Also, we don't believe that Criterion Consideration B needs to apply, because the use is integral to the District, the use is continuous, and the building was moved during the period of significance)
 - H. Wayman A.M.E. Church
- 4 For the Homewood Historic District, we agree with the contributing/non-contributing designations provided, except for the following:
- A. We do not agree that the Calvary Methodist Church (HE-MPC-8239) is a contributing resource in the Homewood Historic District, as presently described. The historic context provided for this district revolves around the social and cultural development of the Jewish community in Minneapolis. No case has been made that ties this church into the historic context of the District.
 - B. There are several properties we believe are **non-contributing** based on a lack of physical integrity owing to replacement siding, windows and non-sympathetic additions, including:
 - a. 1015 Queen Avenue North (HE-MPC-11128)
 - b. 1243 Russell Avenue North (HE-MPC-11284)
 - c. 1247 Russell Avenue North (HE-MPC-11286)
 - d. 1251 Russell Avenue North (HE-MPC-11288)
 - C. We believe that the property at 1114 Russell Avenue is **contributing**, despite rear additions and selected window replacements.
- 5 There are two properties outside the Homewood Historic District that you recommended as not eligible for the National Register. However, we believe that the two mid-century modern churches listed below are **eligible for the Register under Criterion C**, as important mid-century contributions to the development of mid-century modern ecclesiastical architecture.
- A. Pilgrim Heights Community Church (HE-MPC-8277)
 - B. Sacred Heart Catholic Church (HE-RBC-1462) Note: The existing inventory forms are conflicting, as the individual property form recommends it as eligible, while text in the discussion of the potential Sacred Heart Church and school complex recommends the church as not eligible. Please resolve this conflict by showing the Church as eligible and the complex as not eligible.
- 6 Miscellaneous Corrections:
- A. Please note that the property at 1238 Sheridan Ave. N is a residential duplex, as this seems to be a rare property type in the Homewood Historic District.

- B. The inventory forms for the properties at 1010, 1025 and 1035 Washburn Avenue North still describe a Criterion C Historic District within the Homewood Historic District, based on French provincial residential design by the architects Liebenberg & Kaplan. While we agree that these are important contributing properties to the Homewood Historic District, we do not see the need or support for a second sub-district. While I understand that reference to the recommended sub-district has been removed from the report text, it needs to be removed from the inventory forms as well.

Except as indicated by the comments provided above, we agree that all other properties surveyed as part of this submittal are **not eligible for listing in the National Register of Historic Places**. We do acknowledge and agree with the comments received from the City of Minneapolis on behalf of the Heritage Preservation Commission, indicating that future research and context development could show some of the current "non-eligible" properties to meet criteria for local historic designation.

Please note that our comments on eligibility should not be taken as criticism, because they are minor in comparison to the monumental efforts put forth on historic research for this project. Once again, please extend my compliments to MnDOT CRU and The 106 Group for a very well-organized and easy to follow submittal, which lessened the burden of reviewing a massive amount of information.

If you have any follow-up questions about our review, please call me at 651-259-3456.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs & Compliance

cc: The 106 Group
Hilary Dvorak, Minneapolis HPC



Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-4292
Fax: (651) 366-3603
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4 December 2012

Mary Ann Heidemann
Minnesota State Historic Preservation Office
345 Kellogg Boulevard West
St. Paul, MN 55102

RE: Bottineau Transitway Project, Hennepin County, Minnesota; Phase IA
Archaeological Assessment; Phase I/Phase II Architecture History Survey (SHPO #
2011-3773)

Dear Dr. Heidemann:

We are writing to continue consultation on the historic property surveys for the
Bottineau Transitway Project.

This letter transmits the report of the phase IA archaeological assessment (one
volume) and the report of the phase I/II architecture/history survey (two volumes).
These surveys have been completed by The 106 Group. The phase II
architecture/history inventory forms are also included.

The phase I architecture/history inventory forms were previously submitted to your
office, and we thank you for your comments of 19 October 2012. Based on our
subsequent discussion and field review on 6 November 2012, we are currently
completing an additional Phase II evaluation of the Carl Graffunder House (HE-GVC-
322) at 1719 Xerxes Avenue. This evaluation will be included in the supplemental
survey report of the expanded APE around a potential station at Plymouth Avenue,
which has been added to the project. The supplemental survey is currently underway.
We will also submit amended Phase I forms for the other properties included in your
19 October 2012 comments.

With regard to the phase IA archaeological assessment:

1. With one exception (see below), the report does not recommend any further
archaeological investigation of the project area.
2. The report cites one area along Fifth Avenue North, between Fourth Street
North and Fifth Street North, which was identified as having archaeological
potential during the previous archaeological investigation of the Interchange
project. Based on the conceptual engineering plans, it does not appear that the
Bottineau project will include any work along this portion of Fifth Avenue
North.

With regard to the phase I/II architecture/history survey, we have made the following determinations:

1. The following properties are listed in the National Register of Historic Places (NRHP):
 - A. **Hennepin County Library, Robbinsdale Branch** (HE-RBC-024), 4915 42nd Ave. N., Robbinsdale
 - B. **Sumner Branch Library** (HE-MPC-8081), 611 Emerson Ave. N., Minneapolis
 - C. **Northwestern Knitting Company Factory** (HE-MPC-8125), 718 Glenwood Ave., Minneapolis
 - D. **Minneapolis Warehouse Historic District** (HE-MPC-0441), Minneapolis

2. The following properties have been previously evaluated as eligible to the NRHP, with SHPO concurrence:
 - A. **Osseo Branch, St. Paul Minneapolis & Manitoba Railway Historic District** (XX-RRD-010 [*including HE-BPC-0084, HE-CRC-0238, HE-RBC-0304, and HE-MPC-16389*]), Brooklyn Park, Crystal, Robbinsdale, Golden Valley, Minneapolis
 - B. **St. Paul Minneapolis & Manitoba Railway Historic District** (XX-RRD-010 [*including HE-MPC-16387*]), Minneapolis
 - C. **Minneapolis & Pacific Railway Historic District (Soo Line)** (HE-CRC-199), Crystal
 - D. **Jones Osterhus Barn** (HE-RBC-264), 4510 Scott Ave. N., Robbinsdale
 - E. **West Broadway Residential Historic District** (HE-RBC-158), Robbinsdale
 - F. **Terrace Theater** (HE-RBC-200), Broadway and 36th Ave. N., Robbinsdale
 - G. **Grand Rounds Historic District** (Theodore Wirth Parkway Segment and Victory Memorial Drive Segment) (XX-PRK-0001), Robbinsdale, Golden Valley, Minneapolis
 - H. **Bridge No. L9327** (HE-GVC-0050), Wirth Pkwy. over Bassett's Creek, Golden Valley
 - I. **Frances E. Willard School** (HE-MPC-8249), 1615 Queen Ave. N., Minneapolis
 - J. **Mikro Kodesh Synagogue** (HE-MPC-8227), 1000 Oliver Ave. N., Minneapolis
 - K. **Regan Brothers Bakery** (HE-MPC-16274), 643 N. 5th St., Minneapolis

(Note: The Chucker Dental Office (HE-RBC-240), 4614 41½ Ave. N., Robbinsdale, was previously determined eligible, but additional phase II work completed as part of this survey has evaluated the property as not eligible.)

3. The following properties meet NRHP criteria, based on the survey findings:

- A. **Robbinsdale Waterworks** (HE-RBC-286), 4127 Hubbard Ave. N., Robbinsdale, criterion A (politics/government). The water tower and pump house/well no. 1, built 1938, are significant within the context of the multiple property documentation form *Federal Relief Construction in Minnesota, 1933-1941*. Pump house/well no. 2 (1945), the cistern (1957), and the filtration plant (1963) contribute to an extended story of citizen involvement in this municipal water facility.
- B. **St. Anne's Catholic Church** (HE-MPC-8251), 2306 26th Ave. N., Minneapolis, criterion C (architecture), and criteria consideration A (religious properties). The building is a well-executed and distinctive example of an Italian Renaissance church. (The other buildings in the complex lack architectural distinction and do not meet criteria consideration A.)
- C. **Talmud Torah Hebrew School** (HE-MPC-7612), 1616 Queen Ave. N., Minneapolis, criterion A (social history) and criteria consideration A (religious properties). The building played a central cultural role in the final two decades of the north Minneapolis Jewish community.
- D. **Sharei Zedeck Synagogue** (HE-MPC-8211), 1119 Morgan Ave. N., Minneapolis, criterion A (social history) and criteria consideration A (religious properties). This synagogue is one of several which together reflect the range and persistence of ethnic/cultural origins of members of the north Minneapolis Jewish community.
- E. **Homewood Historic District** (HE-MPC-12101), Minneapolis, criterion A (social history). The Homewood subdivision was a prominent residential area within the north Minneapolis Jewish community beginning in 1909 through the 1960s. The plat layout and individual building requirements gave the area a distinctive presence within the larger neighborhood. However, the plat and the building restrictions, in-and-of-themselves, do not appear particularly unusual for the period. Therefore, we conclude that the district is significant under social history, but not under community planning and development.
- F. **Floyd B. Olson Memorial Statue** (HE-MPC-9013), Olson Memorial Hwy. at Penn Ave. N., Minneapolis, criterion C (art) and criteria considerations B (moved properties) and F (commemorative properties). This outdoor sculpture is an important work of noted St. Paul sculptor Carlo Brioschi. Erected on a plaza in the median of Olson Memorial Highway in 1940, it was relocated in 1988 to a nearby location on the south side of the highway.
- G. **Labor Lyceum** (HE-MPC-7553), 1800 Olson Memorial Hwy., Minneapolis, criterion A (social history) and criteria consideration B (moved properties). This meeting hall provided a focus for labor interests and Yiddish culture in the north Minneapolis Jewish community from 1915 through c. 1948. The building was relocated within the same neighborhood as part of a highway project in 1938.

H. **Wayman A.M.E. Church** (HE-MPC-8290), 1221 7th Ave. N., Minneapolis, criterion C (architecture), criteria consideration A (religious properties). A distinctive modernist church built by an African American congregation in 1966. *(Note: This building will be 50 years old in 2016, during the anticipated period of the planning and construction of the Bottineau Transitway project. So that it may receive proper consideration during the Section 106 review of the project, we have evaluated its eligibility at this time exclusive of criterion consideration G.)*

4. The following properties are recommended as NRHP eligible in the survey report; it is our determination that they *do not* meet the criteria:

A. **Better Bilt Manufacturing** (HE-CRC-585), 5182 W. Broadway Ave., Crystal. The evaluation recommends the Quonset building as eligible under criterion C (architecture and engineering), and the boxcar as an eligible contributing element of the overall property for its reuse as a storage shed. We conclude that the property is not NRHP eligible. The use of Quonset buildings to house a variety of purposes, including manufacturing, was a common practice, and there is no indication that the structure or the use of this Quonset was particularly significant. The evaluation points out that Quonsets used for commercial purposes often utilized an attached façade at one end to add "curb appeal"; however, there is not an adequate basis to substantiate the significance of this particular practice (and its various expressions) under NRHP criterion C. We also note that all of the front windows and door have been replaced, as indicated in the evaluation, and that the entire façade is now covered with brick, instead of the original block with quoins and trim as shown in the 1958 photograph.

B. **Robbinsdale Water Tower No. 2, Well No. 3, and Filtration Plant** (HE-RBC-1280), 3310 Oakdale Ave. N., Robbinsdale. The evaluation recommends the tower as eligible under criterion C (engineering) characterizing the design as a distinctive combination of elements, with a hemispherical bottom tank of unusual capacity. We conclude that the property is not NRHP eligible. The fact that a structure is a non-standard or unusual design is not necessarily significant unless that design itself is significant (as evidenced by such factors as its performance or its influence on future designs). The capacity for Tower No. 2 is not unusual among other towers of standard and non-standard designs from the period.

5. The remaining Phase I and Phase II properties in the architecture history survey of the Bottineau Transitway do not meet NRHP criteria, with the possible exception of properties included in the supplemental survey discussed in the third paragraph of this letter. The report of the supplemental survey will be submitted for review when complete.

Please submit comments on these surveys and determinations within 30 days of this letter. We look forward to continuing to work with you as the planning process for this project proceeds. Contact me at 651-366-4292 with any questions or concerns.

Sincerely,



Dennis Gimmestad
MnDOT Cultural Resources Unit

cc (via email):

Bill Wheeler, Federal Transit Administration
Joe Gladke, Hennepin County
Brent Rusco, Hennepin County
Jack Byers, City of Minneapolis
Jim Voll, City of Minneapolis
Joseph Hogeboom, City of Golden Valley
Marcia Glick, City of Robbinsdale
Patrick Peters, City of Crystal
Todd Larson, City of Brooklyn Park
Peter Vickerman, City of Maple Grove
Jennifer Ringold, Minneapolis Park and Recreation Board
Jeanne Witzig, Kimley-Horn
Paul Danielson, Kimley-Horn
Jenny Bring, The 106 Group
Beth Bartz, SRF



Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

October 19, 2012

Mr. Dennis Gimmestad
MnDOT- Cultural Resources Unit
Transportation Building
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Mr. Gimmestad:

Thank you for meeting with SHPO staff on October 18 to discuss National Register eligibility issues for properties within the Area of Potential Effect for the above-referenced project. The Phase I property evaluations you sent to us (all proposed non-eligible properties within the APE) have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act.

Based on the Phase I property information provided, along with our discussions at yesterday's meeting, we can concur that all properties in this submittal are not eligible for listing in the National Register of Historic Places, except for the following, where we request additional information as noted below:

Route C

- Please reconsider the potential eligibility of 4705 Lakeland Ave. N. in Crystal (HE-CRC-178), based on Criterion A, as the first post-war house built in Crystal.
- Please reconsider the potential eligibility of 4145 Quail Ave. N. in Robbinsdale (HE-RBC-363), based on Criterion C, for master craftsmanship.

Route D1

- Please prepare a Phase I survey and evaluation form for the Mary Hills Subdivision, to help determine if a possible National Register historic district may exist in the area (boundaries to be determined).
- Please prepare either an enhanced Phase I survey and evaluation form (better photos and more detailed evaluation) or a Phase II evaluation for two homes in Golden Valley: 1719 Xerxes Ave. N. (HE-GVC-322) and 1721 York Avenue N. (HE-GVC-334), as possible examples of mid-century modern residential design.

Route D2:

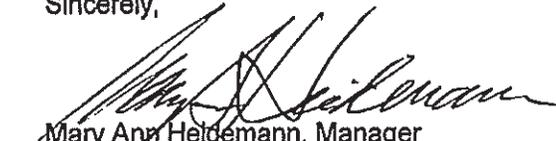
- Please prepare either an enhanced Phase I survey and evaluation form (better photos and more detailed evaluation) or a Phase II evaluation for 3530 Zenith Ave. North in Robbinsdale, as a possible example of mid-century modern residential design.

Please extend my compliments to MnDOT CRU and The 106 Group for a very well-organized and easy to follow submittal, which lessened the burden of reviewing a massive amount of information.

We look forward to reviewing the remaining survey information for this project, and working with you to determine eligibility status, when that information is available. If you feel it would be helpful to field review selected properties, feel free to contact me about dates and availability for a field visit.

Meanwhile, if you have any follow-up questions about our review, give me a call at 651-259-3456.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs & Compliance

cc: The 106 Group



Minnesota Department of Transportation

Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-4292
Fax: (651) 366-3603
E-Mail: dennis.gimmestad@state.mn.us

6 September 2012

Mary Ann Heidemann
Minnesota State Historic Preservation Office
345 Kellogg Boulevard West
St. Paul, MN 55102

RE: Bottineau LRT Project, Hennepin County, Minnesota; Phase I Architecture
History Evaluations (SHPO # 2011-3773)

Dear Dr. Heidemann:

We are writing to continue consultation on the Bottineau LRT project. Our office last wrote you on this project on 23 September 2011. Thank you for your response of 26 October 2011.

The phase I architecture/history inventory work for the project is now substantially complete. At this time, we are transmitting the phase I inventory forms for those properties which have been found ineligible to the National Register. As discussed with your office, we are submitting these forms in advance of the phase I-II report and forms. The forms are organized by LRT route (A, B, C, D1, and D2). Included in the boxes for each route are a table of properties currently undergoing phase II evaluations, and a table of properties which were found ineligible during the phase I survey (with the inventory forms).

Note that, generally, properties previously listed or previously determined eligible do not appear in the above-referenced tables. These properties will be acknowledged in the phase I-II survey report.

It is our determination that the phase I properties included in this transmittal do not meet National Register criteria.

Your letter of 26 October 2011 acknowledged the potential need to modify the APE boundaries and, indeed, we are currently working on some adjustments. This revised APE will be submitted to your office in the near future. A noise and vibration study is being completed as part of the DEIS and the information on these potential effects will be incorporated into the APE and assessment of effects as appropriate. We also note that additional phase I survey (not included with this submittal) is currently underway to address some recent modifications to the APE, particularly with the addition of a potential station location at Plymouth Avenue in Route D1.

Your letter of 26 October 2011 also addressed public involvement. During the winter of 2012, staff from the MnDOT Cultural Resources Unit participated in a series of public meetings to introduce the Section 106 process. These meetings were held in Brooklyn Park, Robbinsdale, Golden Valley, and Minneapolis. CRU will also continue to participate in the Advice, Review, and Communicate Committee (ARCC), which facilitates coordination among the various agencies and units of government involved in project planning. Your willingness to attend key meetings as planning moves forward is greatly appreciated.

We also note that the cities of Minneapolis, Golden Valley, Robbinsdale, Crystal, Brooklyn Park, and Maple Grove are participating in the Section 106 process as consulting parties.

We look forward to continuing to work with you as the cultural resources survey, evaluation, and planning process for this project proceed. Call me at 651-366-4292 with any questions or concerns.

Sincerely,



Dennis Gimmestad
MnDOT Cultural Resources Unit

cc (via email):

Bill Wheeler, Federal Transit Administration
Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County
Brent Rusco, Hennepin County
Jack Byers, City of Minneapolis
Jim Voll, City of Minneapolis
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Patrick Peters, City of Crystal
Todd Larson, City of Brooklyn Park
Peter Vickerman, City of Maple Grove
Jeanne Witzig, Kimley-Horn
Paul Danielson, Kimley-Horn
Jenny Bring, The 106 Group



Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

October 26, 2011

Ms. Garneth Peterson
MnDOT- Cultural Resources Unit
Transportation Building, Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Ms. Peterson:

Thank you for initiating consultation for the above project, on behalf of the Federal Transit Administration. The project material has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Field Archaeology Act.

The Alternatives Analysis Study appears to be appropriate, and has presented alternate routes in a manner that will allow identification of historic resources and assessment of potential impacts to these resources. We are not requesting any changes in this document.

Working from the routes identified in the Alternatives Analysis, we have reviewed the proposed research design for Cultural Resources. The Area of Potential Effect (APE) for archaeological and architectural resources that is identified and mapped in this document appears appropriate, but we do consider the APE to be a draft based on current information. As routes may change, or as more definite plans emerge for "ancillary facilities," we recognize that the boundaries of the APE may need to be modified. While indirect visual and noise effects are mentioned, I did not see a firm reference to potential vibration effects. Will there be a noise/vibration study prepared as part of this project?

I see that a great deal of public outreach has already occurred about this project, prior to initiation of consultation with the SHPO. That is reasonable, given the years of prior studies on transit alternatives in this sector of the Metro area. However, I feel it is important at some point early in the outreach effort to explain the Sec. 106 review process and the SHPO role to stakeholder groups, so it won't come as a surprise later on.

There appear to be a wide variety of advisory groups and committees already formed and in action. I do not have additional groups to suggest. On the contrary, I have concerns about how all the input from various groups will feed back into the decision-making process. In particular, I note that a "locally preferred alternative" will be formulated. That's fine, so long as the stakeholder groups realize that regulatory input related to Sec. 106 concerns may result in tweaking any preferred alternate in order to avoid, minimize or mitigate potential adverse effects to historic resources. I am sure the MnDOT Cultural Resource Unit (CRU) can get this message across. In this regard, I would appreciate knowing which of the various outreach and/or technical committees will be attended by MnDOT CRU staff. As you are aware, the SHPO does not have the ability to serve on such committees on a regular basis, but if there are key meetings where our presence would be essential to Sec. 106 review of the project, please let us know.

Meanwhile, we look forward to reviewing cultural resource survey results when they are available. Feel free to contact me at (651) 259-3456 with any questions or suggestions you may have about our review role for this project.

Sincerely,


Mary Ann Heidemann, Manager

Government Programs & Compliance

Minnesota Historical Society, 315 Kellogg Boulevard West, Saint Paul, Minnesota 55102
651-259-3000 • 888-727-8386 • www.mnhs.org



STATE HISTORIC PRESERVATION OFFICE

October 19, 2012

Mr. Dennis Gimmestad
MnDOT- Cultural Resources Unit
Transportation Building
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Mr. Gimmestad:

Thank you for meeting with SHPO staff on October 18 to discuss National Register eligibility issues for properties within the Area of Potential Effect for the above-referenced project. The Phase I property evaluations you sent to us (all proposed non-eligible properties within the APE) have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act.

Based on the Phase I property information provided, along with our discussions at yesterday's meeting, we can concur that all properties in this submittal are not eligible for listing in the National Register of Historic Places, except for the following, where we request additional information as noted below:

Route C

- Please reconsider the potential eligibility of 4705 Lakeland Ave. N. in Crystal (HE-CRC-178), based on Criterion A, as the first post-war house built in Crystal.
- Please reconsider the potential eligibility of 4145 Quail Ave. N. in Robbinsdale (HE-RBC-363), based on Criterion C, for master craftsmanship.

Route D1

- Please prepare a Phase I survey and evaluation form for the Mary Hills Subdivision, to help determine if a possible National Register historic district may exist in the area (boundaries to be determined).
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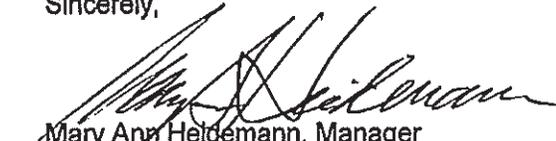
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Please extend my compliments to MnDOT CRU and The 106 Group for a very well-organized and easy to follow submittal, which lessened the burden of reviewing a massive amount of information.

We look forward to reviewing the remaining survey information for this project, and working with you to determine eligibility status, when that information is available. If you feel it would be helpful to field review selected properties, feel free to contact me about dates and availability for a field visit.

Meanwhile, if you have any follow-up questions about our review, give me a call at 651-259-3456.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs & Compliance

cc: The 106 Group



Minnesota Department of Transportation

Office of Environmental Stewardship

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155

Office Tel: (651) 366-4292

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6 September 2012

Mary Ann Heidemann
Minnesota State Historic Preservation Office
345 Kellogg Boulevard West
St. Paul, MN 55102

RE: Bottineau LRT Project, Hennepin County, Minnesota; Phase I Architecture
History Evaluations (SHPO # 2011-3773)

Dear Dr. Heidemann:

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Note that, generally, properties previously listed or previously determined eligible do not appear in the above-referenced tables. These properties will be acknowledged in the phase I-II survey report.

It is our determination that the phase I properties included in this transmittal do not meet National Register criteria.

Your letter of 26 October 2011 acknowledged the potential need to modify the APE boundaries and, indeed, we are currently working on some adjustments. This revised APE will be submitted to your office in the near future. A noise and vibration study is being completed as part of the DEIS and the information on these potential effects will be incorporated into the APE and assessment of effects as appropriate. We also note that additional phase I survey (not included with this submittal) is currently underway to address some recent modifications to the APE, particularly with the addition of a potential station location at Plymouth Avenue in Route D1.

Your letter of 26 October 2011 also addressed public involvement. During the winter of 2012, staff from the MnDOT Cultural Resources Unit participated in a series of public meetings to introduce the Section 106 process. These meetings were held in Brooklyn Park, Robbinsdale, Golden Valley, and Minneapolis. CRU will also continue to participate in the Advice, Review, and Communicate Committee (ARCC), which facilitates coordination among the various agencies and units of government involved in project planning. Your willingness to attend key meetings as planning moves forward is greatly appreciated.

We also note that the cities of Minneapolis, Golden Valley, Robbinsdale, Crystal, Brooklyn Park, and Maple Grove are participating in the Section 106 process as consulting parties.

We look forward to continuing to work with you as the cultural resources survey, evaluation, and planning process for this project proceed. Call me at 651-366-4292 with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Dennis Gimmestad". The signature is written in a cursive, slightly slanted style.

Dennis Gimmestad
MnDOT Cultural Resources Unit

cc (via email):

Bill Wheeler, Federal Transit Administration
Lois Kimmelman, Federal Transit Administration
Joe Gladke, Hennepin County
Brent Rusco, Hennepin County
Jack Byers, City of Minneapolis
Jim Voll, City of Minneapolis
Joseph Hogeboom, City of Golden Valley
Marcia Glick, City of Robbinsdale
Patrick Peters, City of Crystal
Todd Larson, City of Brooklyn Park
Peter Vickerman, City of Maple Grove
Jeanne Witzig, Kimley-Horn
Paul Danielson, Kimley-Horn
Jenny Bring, The 106 Group



Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

October 26, 2011

Ms. Garneth Peterson
MnDOT- Cultural Resources Unit
Transportation Building, Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: Bottineau Transitway
Multiple Communities, Hennepin County
SHPO Number: 2011-3773

Dear Ms. Peterson:

Thank you for initiating consultation for the above project, on behalf of the Federal Transit Administration. The project material has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966, the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Field Archaeology Act.

The Alternatives Analysis Study appears to be appropriate, and has presented alternate routes in a manner that will allow identification of historic resources and assessment of potential impacts to these resources. We are not requesting any changes in this document.

Working from the routes identified in the Alternatives Analysis, we have reviewed the proposed research design for Cultural Resources. The Area of Potential Effect (APE) for archaeological and architectural resources that is identified and mapped in this document appears appropriate, but we do consider the APE to be a draft based on current information. As routes may change, or as more definite plans emerge for "ancillary facilities," we recognize that the boundaries of the APE may need to be modified. While indirect visual and noise effects are mentioned, I did not see a firm reference to potential vibration effects. Will there be a noise/vibration study prepared as part of this project?

I see that a great deal of public outreach has already occurred about this project, prior to initiation of consultation with the SHPO. That is reasonable, given the years of prior studies on transit alternatives in this sector of the Metro area. However, I feel it is important at some point early in the outreach effort to explain the Sec. 106 review process and the SHPO role to stakeholder groups, so it won't come as a surprise later on.

There appear to be a wide variety of advisory groups and committees already formed and in action. I do not have additional groups to suggest. On the contrary, I have concerns about how all the input from various groups will feed back into the decision-making process. In particular, I note that a "locally preferred alternative" will be formulated. That's fine, so long as the stakeholder groups realize that regulatory input related to Sec. 106 concerns may result in tweaking any preferred alternate in order to avoid, minimize or mitigate potential adverse effects to historic resources. I am sure the MnDOT Cultural Resource Unit (CRU) can get this message across. In this regard, I would appreciate knowing which of the various outreach and/or technical committees will be attended by MnDOT CRU staff. As you are aware, the SHPO does not have the ability to serve on such committees on a regular basis, but if there are key meetings where our presence would be essential to Sec. 106 review of the project, please let us know.

Meanwhile, we look forward to reviewing cultural resource survey results when they are available. Feel free to contact me at (651) 259-3456 with any questions or suggestions you may have about our review role for this project.

Sincerely,

Mary Ann Heidemann, Manager
Government Programs & Compliance

Example Tribal Consultation Letter



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

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

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

January 13, 2012

Mr. Gordon Thayer, Chairperson
Lac Courte Oreilles Band of Lake
Superior Chippewa Indians of Wisconsin
13394 W. Trapania Rd.
Bldg No. 1
Hayward, WI 54843

Re: Bottineau Transitway Project Draft Environmental Impact Statement
Minneapolis, Golden Valley, Robbinsdale, Crystal, Brooklyn Park, and Maple Grove,
Minnesota

Dear Mr. Thayer:

The Federal Transit Administration (FTA), Hennepin County Regional Railroad Authority (HCRRA), and Metropolitan Council have initiated the environmental evaluation process for the Bottineau Transitway project. The Bottineau Transitway Draft Environmental Impact Statement (DEIS) is exploring transit improvement alternatives for people who live in and travel to destinations in the Bottineau Transitway Corridor. The modes of transportation under study include Light Rail Transit (LRT) and Bus Rapid Transit (BRT).

The Bottineau Transitway Corridor extends between downtown Minneapolis and North Minneapolis through the northwest suburbs of the Twin Cities, including Golden Valley, Robbinsdale, Crystal, Brooklyn Park and Maple Grove. (A map of the Bottineau Corridor is included with this letter.)

The purpose of this letter is twofold: 1) to request Tribal input regarding historic, cultural, and archaeological resources in the Bottineau Transitway Corridor; and 2) to invite Tribal representatives to upcoming public meetings regarding the Bottineau Transitway project.

We would appreciate any comments you may have about historic, cultural, and archaeological resources along with other concerns regarding the Bottineau Transitway Project. Our study schedule anticipates completion of the DEIS by the end of 2012 or the beginning of 2013.

In addition, you are invited to attend a series of open houses in January 2012 involving the Bottineau Transitway Project. The project is in what is called the "scoping phase" and we are currently soliciting public comment through Feb. 17, 2012, on the following topics:

- The history of, and purpose and need for the project;
- Transportation alternatives under consideration for study and other issues that will be covered in the DEIS; and
- Potential environmental impacts of the project.

The open houses, also known as public scoping meetings, will be hosted by HCRRA and will take place on the following dates in January 2012:

- Monday, Jan. 23, 4:30 – 6:30 p.m., Theodore Wirth Chalet, 1301 Theodore Wirth Parkway, Minneapolis
- Tuesday, Jan. 24, 6:00 – 8:00 p.m., Brooklyn Park City Hall, 5200 85th Ave. N., Brooklyn Park
- Wednesday, Jan. 25, 5:30 – 7:30 p.m., Urban Research and Outreach/Engagement Center (UROC), 2001 Plymouth Ave. N., Minneapolis
- Tuesday, Jan. 31, 6 – 8 p.m., Robbinsdale City Hall, 4100 Lakeview Ave. N., Robbinsdale

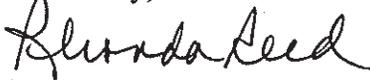
All meeting locations are accessible to persons with disabilities. Project information, including the Project scoping booklet and other meeting materials, is available on the project website at www.bottineautransitway.org.

If you have any questions or require additional information regarding the Project, please contact Brent Rusco, Bottineau Transitway Project Manager, Hennepin County, 417 North 5th Street, Minneapolis, MN 55401, Phone: 612.543.0579, Email: Brent.rusco@co.hennepin.mn.us.

Also, please let us know if you would prefer to schedule a separate meeting to discuss specific issues and concerns for your Tribe.

Thank you for your attention to this request for input and invitation to public meetings.

Sincerely,


for Marisol Simon
Regional Administrator

Attachment: Map of the Bottineau Corridor

cc: Lois Kimmelman, FTA
Bill Wheeler, FTA
Joseph Gladke, Hennepin County Regional Railroad Authority

USACE Section 404/NEPA Merger Process Letters



REPLY TO
ATTENTION

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

JUN 19 2013

Operations
Regulatory (2012-01051-MMJ)

Mr. Brent Rusco
Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843

Dear Mr. Rusco:

We have reviewed the documents you recently provided regarding the Bottineau Transitway Project. As a cooperating agency in the preparation of the Environmental Impact Statement (EIS) for this project, this letter contains comments on Chapters 1 and 2 (1.16.13 version) of the Bottineau Transitway Preliminary Draft EIS (PDEIS). This letter is also intended to provide Corps concurrence with Points 1 (Purpose and Need) and 2 (Alternatives Carried Forward) for the Bottineau Transitway Project, as outlined in the National Environmental Policy Act (NEPA) / Section 404 Clean Water Act (404) merger process.

Chapter 1 of the PDEIS discusses the purpose and need for the Bottineau Transitway Project, and states: "The purpose of the Bottineau Transitway is to provide transit service which will satisfy the long-term regional mobility and accessibility needs for businesses and the traveling public." The project need is described as: "the Bottineau Transitway project is needed to effectively address long-term regional transit mobility and local accessibility needs while providing efficient, travel-time competitive transit service that supports economic development goals and objectives of local, regional, and statewide plans.

The Corps concurs with the abovementioned purpose and need statements for use in Bottineau Transitway Project NEPA documentation. Chapter 1 has also provided us with sufficient information to determine the overall project purpose for the Bottineau Transitway Project. As described in the 404(b)(1) Guidelines (Guidelines) of the Clean Water Act, the overall project purpose is what the Corps uses to direct the range of reasonable alternatives to be considered in our 404 permit application review process. We suggest the following overall project purpose, which also includes a more defined geographic boundary: "to provide high-capacity, competitive transit service within the Bottineau Transitway study area."

Our suggested overall project purpose coincides with the transit alternatives that were considered and advanced for further study in the Bottineau Transitway Alternatives Analysis Study Final Report (AA Study), as described in Chapter 2 of the PDEIS. Therefore, the Corps concurs with the array of

alternatives considered for this project, as well as the alternatives that were carried forward for further review, as described below.

The AA Study considered a wide range of transit modes and alignments within the Bottineau Transitway study area. The study progressively narrowed the transitway build alternatives to a set of 21 alternatives (9 light rail transit (LRT) and 12 bus rapid transit (BRT) alignments) to be studied in more detail. Those alternatives were then evaluated against a set of defined goals and evaluating criteria, and 4 LRT alternatives (A-C-D1, B-C-D1, A-C-D2, & B-C-D2), and 1 BRT alternative (B-C-D1) were carried forward for consideration as the Locally Preferred Alternative (LPA). After additional evaluation of the remaining alternatives, the Draft EIS for the Bottineau Transitway Project will be recommending LRT alternative B-C-D1 as the LPA.

To comply with the Guidelines, the alternatives analysis must consider ways to avoid and minimize impacts to waters of the U.S. (WOUS) so that the least environmentally-damaging practicable alternative (LEDPA) can be identified. The Guidelines specifically require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR § 230.10(a)). Per the Guidelines, a practicable alternative is defined as available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps decision regarding whether a less damaging practicable alternative is available.

We have reviewed the draft Water Resources Technical Report prepared for the Bottineau Transitway Project, as well as the technical memorandums, dated May 7, 2012, specifically comparing Alignments A versus B, and Alignments D1 versus D2. Following is a summary of estimated impacts to WOUS that would result from the alignments currently being considered for this project: Alignment A - 1.8 acres of wetland impact, Alignment B - 5.9 acres of wetland impact, Alignment C - 0.7 acre of wetland impact, Alignment D1 - 6.1 acres of wetland impact, and Alignment D2 - 0.7 acre of wetland impact. Alignment C is a common segment to all alternatives. As described, Alternative A-C-D2 would result in the least amount of impacts to WOUS.

You have provided sufficient information describing the limiting factors associated with Alignment D2, and we agree with the selection of Alignment D1 as a portion of the LPA. However, we currently do not have enough information to make a determination regarding Alignments A versus B, mainly because the location of the Operations and Maintenance Facility (OMF) at the northern end of Alternative B has yet to be determined, and the aquatic impacts associated with the alternate locations vary considerably.

Without knowing the final location or the potential impacts to WOUS associated with the OMF, we cannot determine if the entire LPA (B-C-D1) would qualify as the LEDPA, as defined in the Guidelines. Therefore, we are currently unable to comment on concurrence point 3 of the NEPA/404 merger process.

The burden of proof to demonstrate compliance with the Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no

permit be issued. If you plan to move forward with Alternative B-C-D1 as the LPA, please submit additional information to support your decision to eliminate Alignment A from consideration.

Thank you for the opportunity to comment on Chapters 1 and 2 of the Bottineau Transitway Preliminary Draft EIS. We are committed to continuing coordination with you and the local Bottineau Transitway project team on concurrence point 3 of the NEPA/404 merger process, through technical review of the DEIS chapters, and through evaluation of impact avoidance measures. For further information, please contact Melissa Jenny, the Corps project manager for Hennepin County, at 651-290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



for Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Maya Sarna, Federal Transit Authority
Kathryn O'Brien, Metro Transit
Joseph Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horne
Beth Kunkle, Kimley-Horne



REPLY TO
ATTENTION

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

OCT 01 2013

Operations
Regulatory (2012-01051-MMJ)

Mr. Brent Rusco
Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843

Dear Mr. Rusco:

We have reviewed the documents you provided in response to our request for additional information regarding the Bottineau Transitway Project. After reviewing this additional information we can now concur with Point 3 (Identification of the Selected Alternative) for the Bottineau Transitway Project, as outlined in the National Environmental Policy Act (NEPA) / Section 404 Clean Water Act (404) merger process.

As stated in our earlier letter, to comply with our 404(b)(1) Guidelines (Guidelines), the alternatives analysis for the Bottineau Transitway must consider ways to avoid and minimize impacts to waters of the U.S. (WOUS) so that the least environmentally damaging practicable alternative (LEDPA) can be identified. Per the Guidelines, a practicable alternative is defined as available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

Numerous alignment configurations or alternatives were considered for this project. After reviewing the preliminary wetland impact calculations completed for each alignment, we determined that project alternative A-C-D2 would result in the least amount of impact to WOUS. However, the Locally Preferred Alternative (LPA) for the Bottineau Transitway Project is alternative B-C-D1. At the time of our last letter, you had provided enough information for us to determine that alignment D2 is not a practicable alternative for this project, and we agreed that alignment D1 would be acceptable as part of the LEDPA. You have now provided sufficient information to demonstrate that alignment A is also not a practicable alternative. Therefore, we have made a preliminary determination that the selected alternative B-C-D1 is the LEDPA.

As is typical of a NEPA/404 merger process, if substantial new information regarding alternative B-C-D1 is brought forward later in the project development process, we may revisit this decision and our concurrence that the selected alternative is the LEDPA. In addition, we anticipate further opportunity for avoidance and minimization of impacts to WOUS as the LPA is further refined during the design phase.

We look forward to reviewing the Draft EIS for this project. For further information, please contact Melissa Jenny, the Corps project manager for Hennepin County, at 651-290-5363 or Melissa.m.jenny@usace.army.mil.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:

Maya Sarna, Federal Transit Authority
Kathryn O'Brien, Metro Transit
Joseph Gladke, Hennepin County Regional Rail Authority
Jeanne Witzig, Kimley-Horne
Beth Kunkle, Kimley-Horne

Endangered Species Correspondence

From: "Brent.Rusco@co.hennepin.mn.us" <Brent.Rusco@co.hennepin.mn.us>
To: "Andrew.Horton@fws.gov" <Andrew.Horton@fws.gov>
Cc: "Lisa.Treichel@ios.doi.gov" <Lisa.Treichel@ios.doi.gov>, "Nick.Rowse@fws.gov" <Nick.Rowse@fws.gov>, "Stephanie.Nash@fws.gov" <Stephanie.Nash@fws.gov>, "Tony.Sullins@fws.gov" <Tony.Sullins@fws.gov>, Beth Bartz <bbartz@srfconsulting.com>, "Joseph.Gladke@co.hennepin.mn.us" <Joseph.Gladke@co.hennepin.mn.us>
Sent: Thu, Feb 16, 2012 23:42:13 GMT+00:00
Subject: Re: Bottineau Transitway

Mr. Horton,

Thanks very much for your scoping input on the Bottineau Transitway. We look forward to continued coordination on the important issues you identified in your email.

Brent Rusco
Senior Professional Engineer
Hennepin County
Housing, Community Works & Transit
Engineering and Transit Planning
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1843
Direct: 612.543.0579

From: Andrew.Horton@fws.gov
To: brent.rusco@co.hennepin.mn.us
Cc: Stephanie.Nash@fws.gov, Lisa.Treichel@ios.doi.gov, Tony.Sullins@fws.gov, Nick.Rowse@fws.gov
Date: 02/16/2012 03:58 PM
Subject: Bottineau Transitway

Mr. Rusco,

Thank you for the opportunity to provide comments on the Tier 2 Scoping Document for the Bottineau Transitway. Higgins eye pearl mussel (*Lampsilis higginsii*) is the only endangered species listed under the Endangered Species Act for Hennepin County, MN. This species is found in the Mississippi River, outside of the action area for this project. There are no federal lands of concern for areas near the proposed light rail line.

Wetlands are a Trust Resource identified by the Service. The proposed D1 alignment has the potential for wetland impacts along Theodore Wirth Park. The Fish and Wildlife Service (Service) would like to see a detailed discussion of anticipated wetland impacts and mitigation to such impacts to be included in the alternatives analysis for the Draft EIS. Moving the Golden Valley Station from Golden Valley Road to Plymouth Avenue also has the potential for wetland impacts. At this time we encourage Hennepin County to look closely at all possible alignment alternatives and rail station locations to avoid or reduce wetland impacts to the greatest extent practicable.

There are no known eagle nests within the action area, however, data in the Minnesota Department of Natural Resources Natural Heritage database might not be current for Hennepin County. We do have records of bald eagles frequenting Theodore Wirth Park (near

Segment D1) and there may be nests in the area. If Segment D1 continues as a viable option, eagle nest surveys should be incorporated in the EIS for any forested areas planned for development. Surveys can consist of visual observation of the forest canopy within a 1/2 mile surrounding buffer of the proposed project area and are most easily done when foliage is absent (fall, winter, or early spring). If possible, these surveys should be performed for a few years prior to construction. Bald eagles often build new nests in early spring and we recommend that a nest survey also be completed in mid-March preceding any construction occurring between March and August. If eagle nest's are discovered, construction timetables should be designed to do much of the work outside the eagle nesting season or outside a 660 foot buffer from the nest. The Fish and Wildlife Services has generated The National Bald Eagle Management Guidelines (<http://www.fws.gov/midwest/eagle/guidelines/guidelines.html>), which are intended to help landowners minimize disturbance to bald eagles, thereby benefiting bald eagles and protecting landowners. The Fish and Wildlife Services strongly encourages adherence to these guidelines.

Please keep these recommendations in mind when considering the preferred alternative for this project. As this project progresses into the Draft EIS stage, there may be a need for greater coordination with the Service to mitigate for any impacts to wetlands or bald eagles. Thank you for your cooperation in meeting our joint responsibilities under NEPA and the Endangered Species Act. If you have any further questions, please contact me at (612) 725-3548 x2208.

Sincerely,
Andrew Horton

Andrew Horton
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Twin Cities ES Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(612) 725-3548 ext. 2208

Haase, Rachel

From: Joyal, Lisa (DNR) <Lisa.Joyal@state.mn.us>
Sent: Friday, November 02, 2012 2:07 PM
To: Payne, Ashley
Subject: Bottineau Transitway

I have reviewed your assessment of the potential for the above project to impact rare features, and concur with your assessment. The reference number for this correspondence is ERDB #20120176-003.

Thank you for notifying us of this project, and for the opportunity to provide comments.

Sincerely,

Lisa Joyal

~~~~~  
Lisa Joyal  
Endangered Species Review Coordinator  
NHIS Data Distribution Coordinator  
Division of Ecological and Water Resources  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St. Paul, MN 55155

phone: 651-259-5109  
[lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)  
[www.mndnr.gov/eco](http://www.mndnr.gov/eco)

## Coordination with the Federal Railroad Administration



**U.S. Department  
of Transportation**

Federal Railroad  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

**SEP 19 2013**

Mr. Joseph Gladke, P.E.  
Manager of Engineering & Transit Planning  
Hennepin County Regional Railroad Authority  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415-1843

Mr. Mark W. Fuhrmann  
New Starts Program Director–Metro Transit  
Metropolitan Council  
390 Robert Street North  
St. Paul, MN 55101-1805

Re: Federal Railroad Administration Safety Jurisdiction–Proposed Bottineau Transitway

Dear Mr. Gladke and Mr. Fuhrmann:

I write in response to the Hennepin County Regional Railroad Authority (HCRRA) and Metropolitan Council’s (Met Council) request for a preliminary jurisdiction determination concerning the proposed Bottineau Transitway, described as a light rail transit (LRT) extension to its METRO system in the Minneapolis-St. Paul Twin Cities region of Minnesota. Based upon the information that HCRRA provided in its letters dated February 7, 2012, June 17, 2013, and August 1, 2013, the Federal Railroad Administration (FRA) has concluded that the proposed Bottineau Transitway will be an urban rapid transit (URT) operation; therefore, FRA will not exercise its safety jurisdiction over the Bottineau Transitway, except to the extent that it is necessary to ensure railroad safety at any limited shared connections between the Bottineau Transitway and other railroad carriers that operate on the general railroad system of transportation (general system),<sup>1</sup> as discussed below.

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<sup>1</sup> The “general railroad system of transportation” is defined as “the network of standard gage track over which goods may be transported throughout the nation and passengers may travel between cities and within metropolitan and suburban areas.” Appendix A to 49 C.F.R. Part 209. Portions of the network that lack a physical connection may still be part of the general system by virtue of the nature of the operations that occur. See *id.*

## **I. General Factual Background**

The Met Council's Metro Transit operating division operates and maintains the METRO system (described by Met Council and HCRRA as a LRT system) that serves the Minneapolis-St. Paul twin cities region of Minnesota. The existing METRO system consists of one line (the Hiawatha or Blue Line) that is 12 miles in length with 19 stations between Target Field in downtown Minneapolis and the Mall of America in Bloomington. In 2014, a second line (the Central Corridor or Green Line) will open between Target Field and downtown St. Paul, sharing 5 stations with the Blue Line and bringing the METRO system total to 23 miles of exclusive right-of-way and 37 stations. The Southwest Line (expected to open in 2018) is a proposed extension of the Green Line from Eden Prairie to downtown Minneapolis, which would add approximately 15.8 miles in length and 17 new stations to the METRO system.

## **II. Summary of the Bottineau Transitway**

Based upon the written correspondence from HCRRA and the Met Council, FRA has the following understanding of the Bottineau Transitway. The Bottineau Transitway is a proposed 13-mile extension to the Hiawatha (Blue Line), connecting to the Blue Line at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at 97<sup>th</sup> Avenue, the site of Target Corporation's north campus. The Bottineau Transitway will add approximately 13 miles of standard gage revenue service track and 10 new stations to the region's transit system. The Bottineau Transitway will be located completely within Hennepin County, Minnesota, extending northwest from downtown Minneapolis and serving the suburbs of Golden Valley, Robbinsdale, Crystal, and Brooklyn Park.

The Bottineau Transitway service is proposed to operate 21 hours per day, 7 days per week. The Bottineau Transitway will provide service every 7½ minutes during peak periods on weekdays, every 10 minutes in the midday, every 15 minutes in the evening, and every 30 minutes in the early morning and in the late evening. On weekends, the service will have 10-minute headways between 9 a.m. and 6 p.m., with 15-minute headways on mornings before 9 a.m. and evenings after 6 p.m.

Ten rail stations will be located on the Bottineau Transitway. HCRRA and the Met Council chose the station locations based primarily on strong connections to arterial bus service, compatibility with existing and future land uses, as well as for the potential for transit-oriented development. HCRRA and the Met Council estimate that the non-work-related trips<sup>2</sup> on the Bottineau Transitway will constitute approximately 53 percent of the total trips, while it estimates that the work-related trips<sup>3</sup> will constitute the remaining 47 percent of the total trips.

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<sup>2</sup> These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

<sup>3</sup> These trips will originate at the passenger's home and will terminate at the passenger's work or at a university campus.

Approximately 8 miles of the proposed Bottineau Transitway alignment, between Trunk Highway 55 and 73<sup>rd</sup> Avenue, will be constructed adjacent to operating BNSF Railway Company's (BNSF) freight rail tracks. BNSF currently has freight track in this location, and the corridor right-of-way is owned by BNSF.<sup>4</sup> The Bottineau Transitway will not share track with railroad carriers that operate on the general system. There will be no shared stations between the Bottineau Transitway and BNSF, and no shared rail-rail crossings at grade. Rather, the Bottineau Transitway's vehicles will operate on their own tracks, which will be 30 feet (measured from center line to center line) at its nearest point from the tracks of BNSF, but 36 to 44 feet in most areas of the shared right-of-way.

There are presently 10 highway-rail grade crossings over which BNSF operates in the corridor that it will share with the Bottineau Transitway. The highway-rail grade crossings that will be shared between BNSF and the Bottineau Transitway will be located at 73<sup>rd</sup> Avenue, 71<sup>st</sup> Avenue, 63<sup>rd</sup> Avenue, Bass Lake Road, Corvallis Avenue, West Broadway Avenue, 45-1/2 Avenue, 42<sup>nd</sup> Avenue, 41<sup>st</sup> Avenue, and 39-1/2 Avenue. At the crossings at 73<sup>rd</sup> Avenue, 71<sup>st</sup> Avenue, 63<sup>rd</sup> Avenue, and Bass Lake Road, the Bottineau Transitway will have a traffic signal with gates. The crossings at Corvallis Avenue, West Broadway Avenue, 45-1/2 Avenue, 42<sup>nd</sup> Avenue, 41<sup>st</sup> Avenue, and 39-1/2 Avenue, will be signalized crossings with gates. A single set of gate arms and flashing lights will be used at each crossing for protection of both the BNSF and Bottineau Transitway operations.<sup>5</sup>

At the shared highway-rail grade crossings, it is proposed that the active crossing warning devices will be tied into the signal systems of both the Bottineau Transitway and BNSF. Train detection circuitry on BNSF's tracks will be interfaced with the Bottineau Transitway's grade crossing warning system at the shared crossings. Similarly, train detection circuitry on the Bottineau Transitway's tracks will be interfaced with the BNSF grade crossing warning system at the shared crossings. HCRRA and the Met Council plan to have a single set of gate arms and flashing lights to protect each highway-rail grade crossing shared by BNSF and the Bottineau Transitway. Crossing details will be evaluated and further refined during the Project Development phase. BNSF currently has maintenance responsibilities for the highway-rail grade crossing warning systems.<sup>6</sup> There will be a cable between the crossing warning system instrument cases to facilitate the connection of interface relays for the operation of both sets of flashing lights and gates for rail traffic on the BNSF's and the Bottineau Transitway's tracks. BNSF currently has 2 to 3 trains scheduled

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<sup>4</sup> HCRRA has been coordinating with BNSF on plans to reconstruct the freight rail tracks within the shared 100-foot right-of-way, shifting the tracks in order to provide adequate space for its rail transit operations.

<sup>5</sup> The existing signal control at the highway-rail grade crossings is composed of flashing lights at all crossing locations, but only three locations currently have gate arms (71<sup>st</sup> Avenue, Bass Lake Road, and 41<sup>st</sup> Avenue).

<sup>6</sup> It is proposed that maintenance responsibilities for the highway-rail grade crossing warning systems will be shared by the Bottineau Transitway and BNSF. It is proposed that BNSF will provide and maintain the active warning devices for BNSF's tracks. Similarly, it is proposed that the Bottineau Transitway will provide and maintain the active warning devices for its tracks. Negotiations with BNSF regarding future maintenance responsibilities on the shared crossings and which entity will provide and maintain the active warning devices will occur during the Project Development phase.

per week operating over the existing tracks along the proposed alignment, carrying predominantly construction-related materials. The maximum authorized speed for the BNSF trains next to the Bottineau Transitway operations (through the Monticello Subdivision) is 25 miles per hour.

HCRRA and the Met Council have worked closely with Federal Transit Administration (FTA) Region V staff and representatives of BNSF and FRA to work out the details and design of the Bottineau Transitway. Per 49 C.F.R. Part 659, the Minnesota Department of Public Safety<sup>7</sup> will provide State oversight regarding the operation of the Bottineau Transitway.

### **III. The Legal Framework for FRA's Safety Jurisdiction Policy**

The Federal railroad safety laws apply to "railroad carriers." A "railroad carrier" is defined as a person providing railroad transportation. See 49 U.S.C. § 20102(3). The term "railroad" is defined broadly and includes any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. See 49 U.S.C. § 20102(2)(A). The lone exception is for rapid transit operations in an urban area that are not connected to the general system. See id. at § 20102(2)(B). Outside of this one exception, and minor exceptions related to the applicability of the safety appliance laws, see id. at § 20301(b), FRA has safety jurisdiction, delegated from the Secretary of Transportation, over any type of railroad carrier (railroad), regardless of the type of equipment that it uses or its connection to the general system. See 49 C.F.R. § 1.89. Commuter and other short-haul railroads are railroads within FRA's jurisdiction, even if they are not connected to other railroads. See 49 U.S.C. § 20102(2)(A)(i); see also Appendix A to 49 C.F.R. Part 209. Moreover, commuter and other short-haul railroads are considered to be part of the general system, regardless of their connections to the general system. See Appendix A to 49 C.F.R. Part 209.

Because Congress did not provide definitions for the statutory terms "commuter or other short-haul" and "rapid transit operations in an urban area," FRA has set forth its policy on how it will apply those terms in its "Statement of Agency Policy Concerning Jurisdiction over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment." See 65 Fed. Reg. 42,529 (July 10, 2000) (amending Appendix A to 49 C.F.R. Part 209) (FRA's Policy Statement).<sup>8</sup> In FRA's Policy Statement, FRA establishes certain presumptions regarding passenger rail operations. First, if Congress has enacted a law that describes a passenger rail system as commuter rail, FRA will follow that mandate. No such statutory mandate, however, exists with respect to the Bottineau Transitway. Second, if an operation is a subway or elevated system that has its own separate track system, has no highway-rail

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<sup>7</sup> The Minnesota Department of Public Safety, the State Safety Oversight Agency (SSOA) in Minnesota, oversees all fixed guideway transit systems in the State that are not part of the general system. The SSOA has not been involved with the project to date, but will be involved once FTA begins New Starts Project Development activities.

<sup>8</sup> See also Appendix A to 49 C.F.R. Part 211, "Statement of Agency Policy Concerning Waivers Related to Shared Use of Trackage or Rights-of-Way by Light Rail and Conventional Operations."

grade crossings, and moves passengers from station to station within an urban area, then FRA will presume that the system is URT. The Bottineau Transitway will not be a subway or elevated operation, and it will have 10 highway-rail grade crossings. Therefore, it is not presumptively URT. As a result, in situations such as this when neither presumption applies, FRA looks at “all of the facts pertinent to a particular operation to determine its proper characterization.”<sup>9</sup> Appendix A to 49 C.F.R. Part 209.

According to FRA’s Policy Statement, the proper characterization of a rail system depends upon three general factors: (1) the geographic scope of the rail operation; (2) the primary function of the rail operation; and (3) the frequency of the rail operation’s service. In general, FRA will consider an operation to be a commuter railroad if its primary function involves transporting commuters to and from their work within a metropolitan area. Moving people from point to point within a city’s boundaries is, at most, an incidental portion of a commuter railroad’s operations. A commuter railroad serves an urban area, its suburbs, and more distant outlying communities in the greater metropolitan area. A key indicator of a commuter system is that the vast majority of the system’s trains are operating in the morning and evening peak periods, with only a small number of trains operating at other hours.

By contrast, FRA will consider an operation to be URT if that operation serves an urban area, and a primary function of the operation is moving people from point to point within the boundaries of the urban area, where there are multiple station stops for that purpose. Additionally, URT operations typically provide frequent train service, even outside of the morning and evening peak periods. Finally, while the type of equipment used by such a system is not determinative of its status, the equipment ordinarily associated with street railways, trolleys, subways, and elevated railways is the equipment that is most often used in URT operations.

Even if FRA determines that an operation is URT, FRA will exercise jurisdiction over the URT operation, to the extent that it is connected to the general system. See Appendix A to 49 C.F.R. Part 209. In situations in which a URT operation has a minor connection to the general system, FRA will exercise limited jurisdiction over the URT system and only to the extent necessary to ensure safety at the points of connection for that system, the general system railroad, and the public. For example, when a URT operation shares highway-rail grade crossings with a railroad that operates on the general system, FRA will exercise limited jurisdiction over the URT operation at the points of connection—the highway-rail grade crossings. This occurs because such a connection presents sufficient intermingling between the URT system and the general system railroad to pose hazards to either or both operations and to the motoring public. As a result, in those situations, FRA expects the URT system to comply with FRA’s grade crossing regulations, as well as any other applicable regulations that are necessary to ensure safety at the crossings, as further specified below.

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<sup>9</sup> Of course, if a system does not clearly fall within either category, it may be “other short-haul service” and be subject to FRA’s jurisdiction. That is not the case with respect to the Bottineau Transitway because, as described below, it has the characteristics of a URT operation.

#### **IV. Application of FRA's Jurisdiction Policy to the Bottineau Transitway**

FRA's review of all of the relevant materials indicates that the Bottineau Transitway is intended to be, and will function as, a URT operation with limited connections to the general system. Several factors, which are discussed below, support this determination.

##### **A. Geographic Scope of the Bottineau Transitway**

One of the characteristics of a URT system is that it serves an urban area. HCRRA and the Met Council's correspondence make it clear that the Bottineau Transitway will provide service to a single urban area, not a sprawling metropolitan region. The Bottineau Transitway will be located completely within Hennepin County, Minnesota, extending northwest from downtown Minneapolis, and serving the suburbs of Golden Valley, Robbinsdale, Crystal, and Brooklyn Park. The Bottineau Transitway is a proposed 13 mile extension to the Blue Line, connecting at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at 97<sup>th</sup> Avenue, the site of Target Corporation's north campus. The Bottineau Transitway will add approximately 13 miles of standard gage revenue service track and 10 new stations to the region's transit system. Stations will be spaced between 0.6 and 2.9 miles apart.

The Bottineau Transitway will service an urban area—the twin cities of Minneapolis-St. Paul—in which there will be multiple station stops for moving people from point to point within the cities. The Bottineau Transitway will serve the Twin Cities in a similar fashion and within the range of other transit systems that FRA considers to be URT. Consequently, FRA has determined that the geography of the Bottineau Transitway is consistent with the geography of a URT operation.

##### **B. Function of the Bottineau Transitway**

The second characteristic of a URT system is its function of moving passengers from station to station within an urban area. HCRRA and the Met Council's description of the Bottineau Transitway establishes that its focus will be moving passengers from station to station within the Twin Cities region, while also connecting walkable urban neighborhoods with multiple activity centers. Based upon this description, FRA concludes that the function of the Bottineau Transitway is similar to the functions of other URT systems.

URT operations differ from commuter operations, in part, by the substantial number of trips that are made on the system for purposes other than traveling to and from places of employment. Not unlike other URT operations, the Bottineau Transitway will provide passengers with access to centers of employment. However, transporting passengers to and from work will not be the sole function of the Bottineau Transitway. The alignment is also designed to serve a large number of activity centers and neighborhoods and to facilitate the movement of people among those activity centers and neighborhoods. HCRRA and the Met Council have explained that those activity centers and neighborhoods include transit-supported neighborhoods with access to recreational facilities and with mixed commercial,

residential, and industrial uses,<sup>10</sup> as well as connections to the north end of downtown Minneapolis.<sup>11</sup> HCRRA and the Met Council estimate that the non-work-related trips<sup>12</sup> on the Bottineau Transitway will constitute approximately 53 percent of the total trips, while it estimates that the work-related trips<sup>13</sup> will constitute the remaining 47 percent of the total trips.

The station environment for the Bottineau Transitway will also be oriented towards providing passengers with non-work-related service throughout the day. HCRRA and the Met Council intend to develop stations along the alignment with limited public parking. Only three of the proposed ten stations will have park-and-ride lots. The other seven proposed stations will be “walk-up” stations, which will be accessed by pedestrians, bicyclists, or passengers transferring from other transit modes (primarily bus service). “Walk-up” stations are more conducive to urban environments because they facilitate the support for walkable neighborhoods, activity centers, and other future transit-oriented development opportunities. Additionally, the constraint on public parking will be consistent with a URT operation that has substantial station-to-station travel, rather than one-directional commuter travel for work-related trips. Moreover, with only three park-and-ride lots proposed for the alignment, as well as primarily non-motorized access to the stations, it will be less likely that suburban commuters will use the Bottineau Transitway as an intermediate or final leg of a much longer journey to and from work.

Finally, the type of equipment that will be used on the Bottineau Transitway supports its function as a URT operation. While the type of equipment used on a system is not determinative of a rail system’s characterization, it is relevant. Here, HCRRA and the Met Council plan to operate electric light rail vehicles<sup>14</sup> to take advantage of the greater acceleration and deceleration rates and the increased ability to negotiate steeper gradients.

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<sup>10</sup> Station stops include access to public libraries, city halls, museums, galleries, multiple shopping centers (including retail stores, restaurants, coffee shops, salons, grocery stores, banks, post offices, and pharmacies), health care providers, fitness centers, public parks (including baseball diamonds, golf, hiking, and picnic facilities), and land designated as future mixed office/retail/residential use.

<sup>11</sup> The Bottineau Transitway terminates at the Target Field/Interchange station (developed as part of a separate project currently under construction), which provides access to multiple attractions, such as Target Field (the Minnesota Twins Major League Baseball stadium) and Target Center (a concert arena and professional basketball arena for the National Basketball Association Timberwolves and the Women’s National Basketball Association Lynx). Other destinations along the Blue Line, of which the Bottineau Transitway is an extension, include the Minnesota Vikings National Football League stadium, the Hennepin County Government Center, and the Minneapolis City Hall. The Bottineau Transitway will also offer a one-seat ride to the Minneapolis-St. Paul International Airport, Veterans Administration Medical Center, and the Mall of America. Passengers who transfer will be able to ride the future Green Line to the University of Minnesota and to downtown St. Paul.

<sup>12</sup> These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

<sup>13</sup> These trips will originate at the passenger’s home and will terminate at the passenger’s work or at a student’s university campus.

<sup>14</sup> Electric light rail vehicles would run on two new sets of tracks (northbound and southbound) within the eastern half of the 100-foot BNSF-owned right-of-way, and separate from BNSF’s freight rail tracks. Electric light rail vehicles may include those currently in use on the Blue Line, such as Bombardier Flexity Swift and

The overall characteristics of the Bottineau Transitway's function indicate that it has been designed primarily to ease the movement of passengers throughout the Twin Cities for a variety of non-work-related reasons. In light of the percentage of non-work-related destinations located along the Bottineau Transitway, a station environment that encourages travel between stations, and the implementation of LRT technology, FRA concludes that the function of the Bottineau Transitway reflects a URT operation.

### C. Frequency of Operations for the Bottineau Transitway

The final characteristic of a URT system is the frequency of its service. The Bottineau Transitway will operate on a frequency of service that is more indicative of URT service than commuter service.

The Bottineau Transitway will operate 7 days per week, 21 hours per day. Service for the Bottineau Transitway will include: 7½-minute headways during the peak periods;<sup>15</sup> 10-minute headways in the midday periods;<sup>16</sup> 15-minute headways during the evening periods;<sup>17</sup> and 30-minute headways during the early morning and late evening periods.<sup>18</sup> On weekends, the service will have 10-minute headways between 9 a.m. and 6 p.m., with 15-minute headways on weekend mornings before 9 a.m. and evenings after 6 p.m. Based upon this proposed schedule, it is clear that the Bottineau Transitway will provide frequent train service, even outside of the morning and evening peak periods.

Additionally, the above intervals are similar to other transit systems in the United States that are treated by FRA as URT systems. For example, the Valley Metro in Phoenix, Arizona, the Blue Line in Charlotte, North Carolina, and Triangle Transit's URT system in Wake County, North Carolina all operate with headways of 10 minutes peak and 20 minutes off peak. Additionally, the Santa Clara Valley Transportation Authority in San Jose, California operates with headways of 15 minutes peak and 30 minutes off peak.

The frequency of service of the Bottineau Transitway is consistent with the frequency of service of other URT systems. Consequently, FRA concludes that the Bottineau Transitway meets the duration and frequency-of-service characteristics of a URT operation.

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Siemens S70 vehicles.

<sup>15</sup> The peak period runs from 6 a.m. to 9 a.m. and from 3:00 p.m. to 6:30 p.m. on weekdays.

<sup>16</sup> The midday period runs from 9 a.m. to 3 p.m. on weekdays.

<sup>17</sup> The evening period runs from 6:30 p.m. to 10:00 p.m. on weekdays.

<sup>18</sup> The early morning period runs from opening until 6 a.m. The late evening period runs from 10 p.m. until closing.

#### D. The Bottineau Transitway's Connections to the General System

All of the factors described above support a conclusion that the Bottineau Transitway, if built and operated as proposed, will be a URT system. The proposed system will move its passengers within one urban area—the Minneapolis-St. Paul Twin Cities region of Minnesota. Additionally, the system will focus on moving passengers from station to station within that urban area, and there will be multiple station stops for that purpose. Finally, the Bottineau Transitway will provide frequent train service, even outside of the morning and evening peak periods.

Although the Bottineau Transitway will be a URT operation, it will have limited connections to the general system; the Bottineau Transitway will share ten highway-rail grade crossings with a railroad that operates on the general system (BNSF).<sup>19</sup> FRA does not, however, consider these connections sufficient to warrant a full assertion of its jurisdiction on the entirety of the Bottineau Transitway. Rather, FRA's Policy Statement provides that this type of connection simply requires an assertion of FRA's jurisdiction that will be sufficient to ensure safety at the points of connection. To that end, FRA will exercise jurisdiction only over the portion of the Bottineau Transitway that will have the connection with the general system. Moreover, the relevant FRA regulations that will apply to the Bottineau Transitway will apply only to its operations that occur at those limited connections with the general system. At all other locations on the Bottineau Transitway, FRA's regulations will not apply.

Here, the points of connection will be the ten shared highway-rail grade crossings at 73<sup>rd</sup> Avenue, 71<sup>st</sup> Avenue, 63<sup>rd</sup> Avenue, Bass Lake Road, Corvallis Avenue, West Broadway Avenue, 45-½ Avenue, 42<sup>nd</sup> Avenue, 41<sup>st</sup> Avenue, and 39-½ Avenue. Consequently, FRA's highway-rail grade crossing regulations (49 C.F.R. Part 234) will apply to the Bottineau Transitway, as well as any regulations that would govern movements at the highway-rail grade crossings, including the following: FRA's radio communication regulations (49 C.F.R. Part 220), FRA's train horn regulations (49 C.F.R. Part 222), FRA's accident reporting regulations (49 C.F.R. Part 225), FRA's signal regulations (49 C.F.R. Parts 233, 235, and 236) and FRA's locomotive headlights and auxiliary lights regulations (49 C.F.R. § 229.125). Moreover, anyone performing maintenance, inspections, or tests on the highway-rail grade crossing warning devices must comply with the hours of service laws and regulations (49 U.S.C. chapter 211 and 49 C.F.R. Part 228),<sup>20</sup> the roadway worker

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<sup>19</sup> These ten shared highway-rail grade crossings are the only connections that the Bottineau Transitway will have with the general system. As mentioned above, the Bottineau Transitway will not share track with a railroad that operates on the general system. In fact, at grade, the horizontal track separation between the Bottineau Transitway and the nearest freight track will be at least 30 feet (from center line to center line). Moreover, there will be no shared stations between the Bottineau Transitway and the freight operation, and there will be no rail-rail crossings at grade.

<sup>20</sup> FRA expects that Bottineau Transitway dispatchers will have direct communications (such as through a radio) with BNSF dispatchers and/or BNSF train crews. Bottineau Transitway dispatchers would also be expected to comply with 49 U.S.C. chapter 211, 49 C.F.R. Part 228, and 49 C.F.R. Part 220 while at those connections to the general system.

protection regulations (49 C.F.R. Part 214), and the alcohol and drug regulations (49 C.F.R. Part 219).

However, as mentioned above, FRA will only apply these regulations to the Bottineau Transitway at the ten shared highway-rail grade-crossings; these regulations will not apply at any other locations on the Bottineau Transitway. For example, FRA's accident reporting regulations will only apply for accidents or incidents that occur at the shared highway-rail grade crossings.<sup>21</sup> To the extent that an accident or incident occurs elsewhere on the Bottineau Transitway, HCRRA and the Met Council would not have to comply with FRA's accident reporting regulations.

Despite FRA's limited assertion of jurisdiction over the Bottineau Transitway, HCRRA and the Met Council may petition FRA to waive the regulations that will apply to it. Pursuant to FRA's regulations, FRA may waive regulatory requirements when a waiver is in the public interest and consistent with railroad safety. In doing so, FRA often imposes conditions designed to ensure safety. If HCRRA and the Met Council believe that there are some requirements applicable to the Bottineau Transitway that should be waived, it may petition for a waiver under the procedures set forth in 49 C.F.R. Part 211. Any such petition should specify why HCRRA and the Met Council believe that they should not have to comply with the regulation(s) and what alternative measures it will take to ensure safety. See 49 C.F.R. § 211.9. If FRA's Railroad Safety Board (Safety Board) determines that HCRRA and the Met Council can provide, through alternative procedures, the same level of safety that the FRA regulations provide, then the Safety Board may grant the waiver.<sup>22</sup>

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<sup>21</sup> For example, when reporting the train miles, the worker hours, and the number of passengers transported on Form FRA F 6180.55, pursuant to the section entitled "Operational Data & Accident Incident Counts for Report Month," the Bottineau Transitway should only submit data that corresponds to the highway-rail grade crossings that are shared between BNSF and the Bottineau Transitway. FRA understands that it may be difficult to determine the actual train miles, the worker hours, and the number of passengers transported across the shared highway-rail grade crossings. To minimize such difficulties, FRA requests that the Bottineau Transitway estimate the portion of the Bottineau Transitway's connection with the general system at the subject highway-rail grade crossings as a percentage of the entirety of the Bottineau Transitway, and then calculate the requisite operational data based upon this percentage.

<sup>22</sup> FRA's Safety Board's decision to restrict the exercise of FRA's regulatory authority in no way constrains the exercise of FRA's statutory emergency order authority under 49 U.S.C. § 20104. That authority was designed to address imminent hazards not dealt with by existing regulations and orders and/or so dangerous as to require immediate, *ex parte* action on the Government's part.

V. Conclusion

FRA has concluded that, under the Federal railroad safety laws, the Bottineau Transitway will be a URT system with limited connections to the general system. As a result, HCRRA and the Met Council will be subject to certain FRA regulations, including 49 C.F.R. Parts 214, 219, 220, 222, 225, 228, 233, 234, 235, and 236, and 49 C.F.R. § 229.125, as well as the hours of service laws, at the points of connection between the Bottineau Transitway and the general system. Additionally, as mentioned above, HCRRA and the Met Council may petition the Safety Board for a waiver of those regulations under the procedures set forth in 49 C.F.R. Part 211. Finally, if the scope, function, geography, or frequency of the Bottineau Transitway changes in any meaningful manner, FRA expects HCRRA and the Met Council to advise FRA, in a timely manner, of those changes so that FRA may determine whether additional action is necessary.

We appreciate your cooperation in this dialogue. Should you have any questions, please do not hesitate to contact Ms. Veronica Chittim at 202-493-0273.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa L. Porter". The signature is fluid and cursive, with the first name being the most prominent.

Melissa L. Porter  
Chief Counsel



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June 17, 2013

Veronica Chittim  
Trial Attorney  
U.S. Department of Transportation  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Mail Stop 10  
Washington, DC 20590

**Re: Preliminary Jurisdictional Determination**

Dear Ms. Chittim:

This application for a preliminary jurisdictional determination from the Federal Railroad Administration (FRA) is being made jointly on behalf of the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council. In addition, we are seeking from FRA a confirmation of the Bottineau Transitway's type of passenger operation. These requests are being made pursuant to the terms of the FRA/FTA joint policy concerning shared use of tracks.

This letter follows on a February 2012 letter from HCRRA seeking FRA guidance on a preliminary jurisdictional determination. Since that time, the Metropolitan Council, which acts as the Twin Cities' Metropolitan Planning Organization (MPO) and is the region's largest transit provider, has adopted a locally preferred alternative (LPA) for the Bottineau Transitway. The LPA identified and adopted in the region's long-range Transportation Policy Plan is light rail transit (LRT) operating in dedicated right-of-way.

HCRRA and the Metropolitan Council will continue to work in close partnership preparing the project for entry into the Federal Transit Administration's (FTA) New Starts Program. Upon entry into the New Starts program, the Met Council will be primary local project sponsor. The Met Council's Metro Transit operating division will be solely responsible for eventual passenger operations in the Bottineau Transitway.

The Bottineau Transitway project is located in the Minneapolis-St. Paul "Twin Cities" region of Minnesota. Approximately 8 miles of the proposed LRT alignment between Trunk Highway 55 and 73<sup>rd</sup> Avenue will be adjacent to operating BNSF freight rail. BNSF currently has one freight track in this location and the corridor right-of-way is owned by BNSF. Hennepin County has been coordinating with BNSF on plans to reconstruct the freight rail tracks within the shared 100-foot right-of-way, shifting them in order to provide adequate space for LRT operations. If the LRT line is considered to be



## 1. Type of Passenger Operation

We anticipate the Bottineau Transitway will be considered urban rapid transit (URT) per FRA's definition because of:

- The geographic scope of the LRT operation: the operation serves developed urban areas.
- The primary function of the LRT operation: moving passengers from station to station within the urban boundaries and there are multiple station stops within the corridor for that purpose.
- The frequency of the rail operation's service: the system provides frequent train service outside the morning and evening peak periods approximately 21 hours per day.

### a. Station Locations

Ten proposed LRT stations would be located along the proposed 13-mile Bottineau Transitway route. Station locations were selected based on strong connections to arterial bus service, compatibility with existing and future land uses, and the potential for transit-oriented development. Three of the proposed ten stations will have park-and-ride lots. The other seven proposed stations will be walk-up stations, which will be accessed by pedestrians, bicyclists, or passengers transferring from other transit modes (primarily buses).

The following is a summary of proposed LRT station locations:

| Station                    | Distance from Previous Station | Adjacent Land Uses                                                                         | Park & Ride/# of Spaces            |
|----------------------------|--------------------------------|--------------------------------------------------------------------------------------------|------------------------------------|
| 97 <sup>th</sup> Avenue    | -                              | Site of Target Corporation north campus                                                    | -                                  |
| 93 <sup>rd</sup> Avenue    | 0.6 mile                       | Business parks to the west; residential to the south                                       | 806                                |
| 85 <sup>th</sup> Avenue    | 1.1 mile                       | Residential to the north; North Hennepin Community College to the SE; commercial to the SW | -                                  |
| Brooklyn Blvd              | 1.0 mile                       | Commercial                                                                                 | -                                  |
| 63 <sup>rd</sup> Avenue    | 1.9 mile                       | Industrial and commercial with some high-density residential                               | Existing parking ramp              |
| Bass Lake Rd               | 1.1 mile                       | High-density residential and large-scale commercial with some park use                     | -                                  |
| Robbinsdale Transit Center | 1.9 mile                       | Downtown Robbinsdale to the east, residential to the west                                  | Existing Metro Transit bus station |
| Golden Valley Road*        | 2.3 mile                       | Regional park to the south; institutional/residential to the east and west                 | -                                  |
| Plymouth Ave*              | 2.9 mile                       | Close to recreational facilities within park; residential to the east                      | -                                  |
| Penn Avenue                | 1.5 or 0.9 mile                | Medium-density residential                                                                 | -                                  |

|                             |          |                                                                                      |   |
|-----------------------------|----------|--------------------------------------------------------------------------------------|---|
| Van White                   | 0.7 mile | Mix of residential land uses, including medium- and high-density housing             | - |
| Target Field/ Interchange** | 0.7 mile | North end of downtown Minneapolis; commercial and industrial uses; ballpark adjacent | - |

Exhibit 2 includes conceptual drawings depicting station locations in more detail. Please note that drawings are conceptual in nature and not indicative of final design.

*\*Selection of either Golden Valley Road or Plymouth Avenue station to be made during Preliminary Engineering.*

*\*\*Target Field/Interchange station constructed as a part of a separate project currently under construction.*

b. Number and Frequency of Trips, Hours of Operation

Trains are proposed to run every 7.5 minutes during peak times (6–9 a.m. and 3–6:30 p.m.), every 10 minutes in the midday, every 15 minutes in the evening (6:30–10 p.m.) and every 30 minutes early morning and late evening. LRT is proposed to run 21 hours per day, 7 days per week. Although two-car train consist operations are currently planned based on projected ridership, platforms and stations are being designed to accommodate three-car train consists.

c. Ridership and Work-Related Trips

Year 2030 ridership is projected to be about 27,000 trips per day with an estimated 47% work-related trips and 53% non-work-related trips.

**2. Operations**

a. Planned Operations

LRT is proposed to operate on its own exclusive guideway and would **not** share tracks with BNSF freight operations. However, LRT would be adjacent to and share right-of-way with freight operations for a portion of the alignment. This would require the shift of approximately 8 miles of BNSF freight track from the center of the existing 100 foot wide right-of-way (owned by BNSF) to the western 50 feet of the right-of-way (the freight track would move 25 feet to the west of existing). The centerline distance between freight and LRT tracks would be approximately 30 feet at the nearest point, and 36-44 feet in most areas of the shared right-of-way. See Exhibit 1 for a typical section of the shared freight-LRT corridor.

BNSF currently has 2 to 3 trains per week using the existing tracks along the proposed alignment. Commodities carried by BNSF on the freight rail are predominantly construction-related materials.

b. Speeds of Operation

LRT operations are proposed next to freight rail through the Monticello Subdivision. This area has existing Class 2 freight track with a maximum speed of 25 mph. The proposed LRT would have a maximum operating speed of 55 mph through this area.

c. Type of Equipment

Electric light rail vehicles would run on two new sets of tracks (northbound and southbound) within the eastern half of the 100-foot BNSF-owned right-of-way, and separate from BNSF freight rail tracks. LRT vehicles may include vehicles currently in use on the Blue Line, including Bombardier Flexity Swift and Siemens S70 vehicles. New vehicles would need to be purchased to accommodate Bottineau Transitway operations. Given the state of project development (conceptual engineering / NEPA clearance not yet received), procurement details for the purchase of Bottineau Transitway light rail vehicles are not available at this time.

d. Shared Highway-Rail Crossings

No at-grade freight rail-LRT crossings are proposed. However, LRT is proposed to share ten existing at-grade highway-rail crossings with freight rail.

It is currently envisioned that a single set of gate arms will be used at each crossing for protection of both freight and LRT crossings. A range of noise mitigation strategies will be considered, including quiet zones. Crossing details and noise mitigation requirements will be evaluated and further refined during Project Development.

| <b>SHARED AT-GRADE HIGHWAY-RAIL CROSSINGS</b> |                                                                                                  |                                |                                 |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------|
| <b>Location</b>                               | <b>Type of Crossing</b>                                                                          | <b>Signal Control</b>          | <b>See Sheet # in Exhibit 2</b> |
| 73 <sup>rd</sup> Avenue                       | LRT crossing through 73 <sup>rd</sup> Ave/CR 81 intersection; BNSF crosses 73 <sup>rd</sup> only | Traffic signal with gates      | 29                              |
| 71 <sup>st</sup> Avenue                       | BNSF and LRT road crossing at grade                                                              | Traffic signal with gates      | 30                              |
| 63 <sup>rd</sup> Avenue                       | BNSF and LRT road crossing at grade                                                              | Traffic signal with gates      | 47                              |
| Bass Lake Road                                | BNSF and LRT road crossing at grade                                                              | Traffic signal with gates      | 50                              |
| Corvallis Avenue                              | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 51                              |
| West Broadway Ave                             | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 51                              |
| 45-½ Avenue                                   | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 52                              |
| 42 <sup>nd</sup> Avenue                       | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 54                              |
| 41 <sup>st</sup> Avenue                       | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 54                              |
| 39-½ Avenue                                   | BNSF and LRT road crossing at grade                                                              | Signalized crossing with gates | 55                              |

See Exhibit 2 for conceptual layouts showing at-grade crossings and bridges.

e. Relocation of Other Existing Freight Operations

In addition to the shift of 8 miles of BNSF freight track between Trunk Highway 55 and 73<sup>rd</sup> Avenue, the following freight rail modifications are also proposed as a part of the project:

- Reconstruction of a short segment of Canadian Pacific freight rail track and the relocation of an existing diamond crossing with BNSF track (see Sheet 50 of Exhibit 2)
- Construction of a new bridge for LRT over the Canadian Pacific track (see Sheets 50 and 51 of Exhibit 2)
- Construction of a new bridge over Trunk Highway 100 to exclusively accommodate the realigned BNSF track (see Sheets 52 and 53 of Exhibit 2)
- Relocation of an existing Canadian Pacific crossover just north of Trunk Highway 55 (see Sheet 81 of Exhibit 2)

**B. Request for Preliminary Jurisdictional Determination and Type of Passenger Operation**

Moving forward with next steps in the project development process, which includes publication of the project's Draft Environmental Impact Statement (DEIS), we are seeking feedback from FRA regarding a preliminary jurisdictional determination and confirmation of the Bottineau Transitway as an urban rapid transit line.

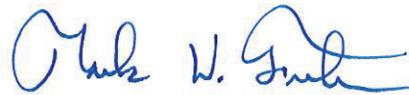
If FRA has any questions regarding the Bottineau Light Rail Transit line or information contained herein, please contact Joe Gladke at 612-348-2134 or Mark Fuhrmann at 651-602-1942.

Thank you for your assistance on the Bottineau Transitway project.

Respectfully,



Joseph Gladke, P.E.  
Manager of Engineering & Transit Planning  
Hennepin County



Mark W. Fuhrmann  
New Starts Program Director  
Metro Transit

cc: Associate Administrator for Safety  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Mail Stop 25  
Washington, DC 20590

Steve Clark, FTA Region V  
Brian Jackson, FTA Headquarters  
Cyrell McLemore, FTA Region V  
Maya Sarna, FTA Headquarters  
Bill Wheeler, FTA Region V  
Kathryn O'Brien, Metropolitan Council

# **Exhibit 1**

## **Exhibit 2**

Coordination with Minneapolis Park and Recreation Board



**Minneapolis  
Park & Recreation Board**

*Administrative Offices*  
2117 West River Road  
Minneapolis, MN 55411-2227

*Operations Center*  
3800 Bryant Avenue South  
Minneapolis, MN 55409-1000

*Phone*  
612-230-6400

*Fax:*  
612-230-6500

[www.minneapolisparcs.org](http://www.minneapolisparcs.org)

September 24, 2013

Joe Gladke, P.E.  
Manager of Engineering and Transit Planning  
Hennepin County  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415-1843

Re: MPRB preliminary review of Bottineau Transitway DEIS chapters 5 and 8 and coordination with project office.

Dear Mr. Gladke:

The Minneapolis Park and Recreation Board (MPRB) extends a thank you to you and the project team for ongoing coordination with the MPRB on the Bottineau Transitway project. We deeply value the efforts that have been made to provide information about the project. We also appreciate the work that has been completed to date with MPRB staff to engage the community on a discussion of the potential issues and opportunities of the transit project as they relate to Theodore Wirth Regional Park.

Last week we met to review and discuss Chapters 5 and 8 of the DEIS, which addresses Section 4(f) for the proposed transitway. We acknowledge that a de minimus finding is being sought. At this point, the MPRB is not prepared to articulate a course of action in which it will concur with the de minimus finding. The MPRB will use the Draft Environmental Impact Statement comment period to provide detailed responses on Chapter 8 and other chapters as they relate to park property that the MPRB owns and operates.

In our meeting, we articulated the following comments for your consideration:

*President*  
John Erwin

*Vice President*  
Liz Wielinski

*Commissioners*  
Brad Bourn  
Bob Fine

Carol A. Kummer  
Jon C. Olson  
Anita Tabb  
Scott Vreeland  
M. Annie Young

*Superintendent*  
Jayne Miller

*Secretary to the Board*  
Michael P. Schmidt

- 1) Within the MPRB system, parkways are amenities or features of parks. With this in mind, Theodore Wirth Parkway is a feature of Theodore Wirth Regional Park versus a transportation right-of-way and therefore, should be considered a 4(f) resource.
- 2) As you know, the MPRB was a strong advocate for the Wirth Park Design Forum that explored early design concepts for potential stations and the transitway near Wirth Park including a Plymouth Avenue station. With regard to agency coordination, we believe a Plymouth Avenue station should be considered as part of the DEIS process. We request, however, that the MPRB not be identified as the originator of the idea of a station at Plymouth Avenue.
- 3) Similarly, in terms of agency coordination, we are thankful for the detailed information provided by the project office. While the information has been thoughtful and thorough, the MPRB has not expressed that its overall concerns have been addressed. This will be further evaluated as part of the DEIS comment period.
- 4) With respect to the character of Theodore Wirth Regional Park, current descriptions in the DEIS do not reflect the quiet, natural setting of this portion of the park. This quiet character is consistent with historic and current master plans for the park and will be a critical factor of the MRPB's review of the DEIS.
- 5) We anticipate that any MPRB property that is considered necessary for the project to occur has been identified in Chapter 8. Specifically, if additional property is needed for wetland or floodplain mitigation, we encourage it to be included in this section.
- 6) We would like potential impacts of wetland and floodplain mitigation within the park included in the evaluation by identifying location and size of any possible mitigation areas.
- 7) We believe the woodland on the west edge of rail corridor proximate to proposed Golden Valley station includes high

quality, old-growth oaks. Impacts to this area will be of high concern in the MRPB's review of the DEIS.

- 8) As mentioned in our meeting, the Grand Rounds, which includes Theodore Wirth Park and Parkway, has been deemed eligible for the National Register of Historic Places. The historic nomination has a strong focus on the cultural landscape qualities of the park including viewsheds, topography, vegetation, and the experiential qualities of the parkway. Theodore Wirth Park was acquired in the early 1900s, largely for its inspiring natural qualities. Importantly, at that time it was very unusual to acquire and preserve nature in a city park of this scale. The natural character of the park continues to be its primary identity and the park contains the premier natural resources in the MPRB system. Clarification of the Grand Rounds Historic District vs. park boundaries should be made in the documentation.

Again, thank you for your thoughtful work on the DEIS and ongoing coordination with the MPRB. We look forward to working with you as the project progresses. If you have any questions, please do not hesitate to contact me.

Sincerely,

**Minneapolis Park & Recreation Board**



Bruce Chamberlain, ASLA

Assistant Superintendent for Planning

CC: Jayne Miller, MPRB Superintendent  
Jennifer Ringold, MPRB Director of Strategic Planning  
Andrea Weber, MPRB Design Project Manager  
Renay Leone, MPRB Real Estate Planner

## Coordination with Three Rivers Park District

Three Rivers  
Park District  
Board of  
Commissioners

September 9, 2013

Brent Rusco, Hennepin County Senior Professional Engineer  
Housing, Community Works & Transit Engineering and Transit Planning  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415-1843

Penny Steele  
District 1

RE: Bottineau Transitway Preliminary Draft Section 4(f) Evaluation

Dear Mr. Rusco,

Jennifer DeJournett  
District 2

Thank you for the opportunity to comment on the Bottineau Transitway Preliminary Draft Section 4(f) Evaluation. Three Rivers Park District (Park District) staff has reviewed the draft 4(f) evaluation and has provided the following assessment. Please note, however, that this project has not been reviewed by the Park District Board of Commissioners.

Daniel Freeman,  
Vice Chair  
District 3

As the draft 4(f) evaluation states, the Park District operates and maintains existing and planned regional trails adjacent to the proposed Bottineau Transitway, specifically the Rush Creek, Crystal Lake and Bassett Creek Regional Trails.

John Gunyou,  
Chair  
District 4

**Rush Creek Regional Trail (Existing)**

Rush Creek Regional Trail (formerly part of the renamed North Hennepin Regional Trail) measures approximately 9.6 miles in length, and connects Elm Creek Park Reserve to Coon Rapids Dam Regional Park through the Cities of Maple Grove and Brooklyn Park. Opened to the public in 1981, the regional trail is envisioned to one day extend westward from Elm Creek Park Reserve to Crow-Hassan Park Reserve; a total distance of approximately 20 miles.

John Gibbs  
District 5

The Rush Creek Regional Trail corridor is significantly wider than most other Twin Cities metro area regional trails, as it expands greater than 1,000 feet in several locations. This allows the trail alignment to gradually weave across the corridor, incorporating significant variety in the trail, while enhancing the user experience. The available corridor width incorporates several large mowed turf areas adjacent to the trail, which contrasts other wooded and dense vegetated sections of the trail. Tree shrub plantings visually and physically separate the surrounding residential development from the trail. In 2011, visitor data demonstrates that the regional trail received 345,000 visits.

Larry Blackstad  
Appointed

Vacant  
Appointed

Park District Impact Response

As background, the Park District's Rush Creek Regional Trail property potentially impacted by a proposed Operations and Maintenance Facility (OMF) was purchased by the Park District with Metropolitan Council funding in the late 1970s, along with several other properties in the regional trail corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. As such, Metropolitan Council restrictive covenants are associated the property. As outlined in Metropolitan Council's *2030 Regional Parks Policy Plan*, restrictive covenants are placed on regional parks system lands, trails and greenways to ensure that these lands are available for regional parks uses, and that the regional investment in these lands is protected. These covenants

Cris Gears  
Superintendent

cannot be broken or amended without Metropolitan Council approval. Under certain exceptional circumstances, the Metropolitan Council will release restrictive covenants if equally valuable land or facility is provided in exchange for the released park land.

Worth mention is that this same subject Rush Creek Regional Trail property is proposed to be impacted by two additional projects – 1) the NorthPark Business Center and 2) a proposed TH 169 interchange at 101<sup>st</sup> Avenue North.

Additionally, when Park District property is proposed for adverse impacts, the Park District Board of Commissioners (Board) policy states:

***Policy XII, Diversions/Adjacent Land Use/Interim Uses/Divestment***

*The Board strongly opposes diversion of Park District property by any individual, institution or organization, public or private, for any purpose other than those for which the lands were acquired. Where proposed diversions of park property appear to be in the best interest of the Park District and where all other alternatives have been exhausted, and where the diversion poses no threat to the Park District’s natural or recreational resource, and only under these conditions, requests will be taken under consideration by the Board on an individual basis.*

*In those instances where the Board determines that a proposed diversion upon Park District property may meet these conditions, the following requirements are required:*

- Restoration of any physical or natural property removed or damaged, or equivalent monetary compensation shall be provided.*
- Compensation will reflect the impact of the intrusion on the aesthetic and recreational values of parkland as well as the market value of affected land measured by its highest and best use, and for associated administrative costs.*
- In any case where conversion of Park District land to other uses is proposed, applicants must satisfy Metropolitan Council policies governing such conversions, including but not limited to, the requirement that equally valuable land or facilities be exchanged.*

**Crystal Lake Regional Trail (Existing and Planned Segments)**

When completed, the Crystal Lake Regional Trail will measure over 11 miles, from the Minneapolis Grand Rounds, through the Cities of Robbinsdale, Crystal, Brooklyn Park, Osseo and Maple Grove to Elm Creek Park Reserve. The Crystal Lake Regional Trail generally extends northwest along the Bottineau Boulevard/CSAH 81 right-of-way and fulfills a longstanding Park District goal to provide regional park and trail facilities within fully built-out, first-tier communities surrounding Minneapolis. The regional trail will provide a convenient transportation option to community destinations for residents within the trail service area including but not limited to; the downtown districts of Robbinsdale and Osseo, the Brooklyn Boulevard commercial district, Osseo Junior and Senior High Schools, Lakeview Terrace and Spanjers Parks, and potential future Bottineau Transitway transit stops. It is expected that a higher percentage of trail use will be for transportation purposes than what is currently seen on other regional trails. The regional trail is projected to generate approximately 288,000 annual visits when fully completed.

Park District Impact Response

The Bottineau Transitway Alignment B crossing of 73rd Avenue in Brooklyn Park will cross the roadway at-grade with the Crystal Lake Regional Trail (generally planned for the east side of Bottineau Boulevard/CSAH 81). The Park District anticipates operating and maintaining the trail in road right-of-way through future agreement. Future conversations with the Park District will require attention regarding safe Crystal Lake Regional Trail crossing options and treatments for trail users. In addition, the Park District requests to stay informed during station area planning to coordinate multi-modal trip chaining possibilities.

**Bassett Creek Regional Trail (Existing and Planned Segments)**

The Bassett Creek Regional Trail, when fully constructed, will measure approximately seven miles from French Regional Park, through the Cities of Plymouth, New Hope, Crystal, and Golden Valley

to the Minneapolis Grand Rounds at Theodore Wirth Regional Park. The Bassett Creek Regional Trail will provide direct and indirect access to residential neighborhoods, two elementary schools, middle and high school, commercial nodes, and numerous connections to local and regional parks and trail systems. The regional trail is projected to generate approximately 176,000 annual visits when fully completed.

#### Park District Impact Response

If Bottineau Transitway Alignment D1 is chosen, the potential exists to coordinate multi-modal trip chaining opportunities at the Plymouth Avenue/Golden Valley Road station. The Bassett Creek Regional Trail is planned to make connection to Theodore Wirth Regional Park along Golden Valley Road/CR 66, and will provide opportunity to access light rail and the regional park and trail network. The Park District anticipates operating and maintaining the trail in road right-of-way through future agreement. As stated earlier, the Park District requests to stay informed during station area planning to coordinate projects.

#### **General 4(f) Evaluation Comments**

The following comments are provided in addition for consideration:

#### **Page 8-8 | Figure 8.3-1 Park and Recreational Properties adjacent to the Bottineau Transitway**

- Eliminate the dashed line indicating the Future Crystal Lake Regional Trail alignment within the Bottineau Transitway corridor (Alignment C) from Bass Lake Road south through Crystal and Robbinsdale. The identified corridor in this vicinity follows east side of CSAH 81/Bottineau Boulevard.
- Add the Future Bassett Creek Regional Trail alignment, which generally begins at Theodore Wirth Parkway and CR 66 – traversing west through Golden Valley, eventually crossing into Crystal, New Hope and eventually Plymouth. An electronic copy of the *Bassett Creek Regional Trail Master Plan* (2012) is available upon request.
- Consider identifying Elm Creek Park Reserve and Coon Rapids Dam Regional Park, perhaps through greyed-out text or a gently shaded polygon. While not directly impacted, references in subsequent sections refer to these parks and their location is not graphically identified.

#### **Pages 8-9/10 | Publicly Owned Park and Recreational Properties Adjacent to the Bottineau Transitway**

- Rush Creek Regional Trail
  - the ~~5-6~~ 6.4 mile trail is located north...
  - The ~~property~~ trail is owned and operated by Three Rivers Park District.
- Add line/box to describe the Future Bassett Creek Regional Trail.
- Luce Line Regional Trail
  - The trail runs easterly from Theodore Wirth Parkway along the north side of TH 55 then passes under TH 55 and travels through Bassett's Creek Valley Park. The trail is owned and operated by ~~Three Rivers Park District~~ MPRB. *[Note: Three Rivers Park District operates the Luce Line Regional Trail from Theodore Wirth Parkway west to Vicksburg Lane North in Plymouth].*

#### **Page 8-15 | 8.4.1 Direct Use of Park and Recreational Properties**

- The ~~5-6~~ 6.4 mile trail segment has an east-west orientation and connects Elm Creek Park Reserve (to the west) to Coon Rapids Dam Regional Park (to the east). There is an additional ~~1-6~~ 3.2 miles of existing regional trail within Elm Creek Park Reserve, for a total existing regional trail length of ~~7-2~~ 9.6 miles.
- Three Rivers Park District owns approximately ~~238~~ 251 acres along the Rush Creek Regional Trail corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park.

- Its corridor width expands greater than 1,000 feet in several locations, **gradually weaving across the corridor – incorporating significant variety in the trail while enhancing user experience.**
- There will be no ~~use~~ **impact of** to the future planned trail **west of Elm Creek Park Reserve**, as it is located more than three miles from the OMF site at 101<sup>st</sup> Avenue.

**Page 8-16 | Alignment B, OMF Locations and Rush Creek Regional Trail Area of Potential Use**

- The City of Brooklyn Park *Recreation and Parks Master Plan* (2012) identifies the property that the 101<sup>st</sup> Avenue proposed OMF site primarily is located upon as, “City owned Property” (page 89). Similarly, the property currently shaded blue west of Winnetka Avenue N is also identified as “City owned Property.” Both properties are called out in the *Recreation and Parks Master Plan*, but not designated as a park. Recommendation is to treat these properties the same graphically, per direction from City of Brooklyn Park staff.

**Page 8-17**

Section 4(f) Evaluation

- The land adjacent to this OMF site is currently undeveloped open space largely occupied by wetlands, **wooded areas and grassland.**

Measures to Minimize Harm

- City land ~~dedication~~ **dedicated** to parkland [*Note: Recreation and Parks Master Plan (2012) identifies this property as "City owned Property."*], adjacent to the Rush Creek Regional Trail north of the proposed OMF could **be considered for mitigation purposes, should** the portion of the Three Rivers Park District **property that would** be converted to transportation use. **The Park District has not reviewed this land mitigation proposal, but indicates intent to coordinate with project staff to evaluate the potential natural resource and recreation impacts and identify creative mitigation solutions.**

Preliminary Section 4(f) Finding

- Approximately five **of the 251 total** acres would be required from **Three Rivers Park District's** Rush Creek Regional Trail **corridor** property ~~which covers approximately 238 acres~~. The area of use includes five acres of undeveloped ~~land~~ **open space**, and the potential use of a small portion of the ~~half~~ **unpaved** trail that is situated south of the paved trail, as illustrated in Figure 8.4-1.

**Page 8-35 | 8.5.1 Park and Recreational Properties**

- Add subsection titled Future Bassett Creek Regional Trail (Alignment D1).

Please keep the Park District apprised when the Bottineau Transitway project is prepared for a more formalized review and recommendation by the Park District Board of Commissioners. If you have questions regarding the aforementioned comments, please feel free to contact me at your convenience 763.694.1103.

Sincerely,



Ann Rexine, Planner

C: Kelly Grissman, Director of Planning  
Jan Youngquist, Planning Analyst (Metropolitan Council)

## Miscellaneous Coordination



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**Federal Transit Administration**

FHWA, Minnesota Division  
380 Jackson Street  
Cray Plaza, Suite 500  
St. Paul, MN 55101-4802

FTA, Region V  
200 West Adams Street  
Suite 320  
Chicago, IL 60606-5253

September 27, 2013

Mark Nelson, AICP  
Director, Office of Statewide Multimodal Planning  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

RE: Amendment to Metropolitan Council's Transportation Policy Plan

Dear Mr. Nelson,

The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) have reviewed the Minnesota Department of Transportation's (MnDOT) request to amend the Metropolitan Council's Transportation Policy Plan (TPP) dated May 22, 2013. This amendment includes the following:

- Light Rail Transit (LRT) as the locally preferred alternative for the Bottineau Transitway Project (alternative LRT B-C-D1).
  - The TPP states that three corridors could be built as LRT or dedicated busways, one to be completed by 2020, one possibly begun before 2020 and completed soon after, and a third possibly completed by 2030. The Bottineau Transitway Corridor potentially represents one of the three corridors.
- The addition of three potential arterial bus rapid transit (BRT) routes (Lake Street, Hennepin Avenue, and Penn Avenue North) and the extension of Chicago Avenue BRT to include Emerson and Fremont Avenues North.
  - While the TPP expands the number of potential arterial BRT routes from nine to twelve, it continues to assume that six arterial BRT routes will be built and in operation by 2020, and three more by 2030.

The FTA and FHWA concur with the changes made to the TPP. The Metropolitan Council is commended for their efforts in including FTA and FHWA early in the process for amending the TPP. If you have any questions, please contact Bill Wheeler, FTA, at (312) 353-2639, or Susan Moe, FHWA, at (651) 291-6109.

Sincerely,

Marisol R. Simón,  
FTA Regional Administrator

Ec: Susan Moe, FHWA  
Bobbi Retzlaff, MnDOT  
Arlene McCarthy, Metropolitan Council