

Appendix E
Agency Coordination Letters

APPENDIX E**Agency Coordination Letters**

1. Letter to U.S. Fish and Wildlife Service requesting concurrence – No Effect Determination – Higgins eye pearlymussel for the Southwest Light Trail Transit Project, July 23, 2012
2. Response from U.S. Fish and Wildlife Service indicating that there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project, August 21, 2012
3. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology Report for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, February 14, 2013
4. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology Report for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, March 12, 2013
5. Invitation letter to U.S. Army Corps of Engineers to become a cooperating agency for the Southwest Light Rail Transit Project, June 14, 2013
6. Letter of acceptance from the U.S. Army Corps of Engineers to become a cooperating agency for the Southwest Light Rail Transit Project, July 18, 2013
7. Minnesota State Historic Preservation Office letter regarding Phase I/II Architecture History Investigations, Volume 5, Supplemental Report Number Two, SHPO Number 2009-0080, April 2, 2014
8. Minnesota State Historic Preservation Office letter regarding Phase II Archaeological Survey, SHPO Number 2009-0080, April 2, 2014
9. Minneapolis Park and Recreation Board letter regarding comments on the April 2014 Section 106 consultation package, May 16, 2014
10. City of Minneapolis comment email regarding comments on the April 2014 Section 106 consultation package, May 16, 2014
11. Minnesota State Historic Preservation Office letter regarding the Section 106 consultation package materials and meeting, SHPO Number 2009-0080, May 21, 2014
12. Minnesota State Historic Preservation Office letter providing concurrence on Grand Rounds and other property boundaries, SHPO Number: 2009-0080, June 5, 2014
13. Minnesota State Historic Preservation Office review letter regarding Phase I/Phase II Architecture History Investigation and Phase 1a Archaeological Investigation for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, June 5, 2014
14. Minnesota State Historic Preservation Office review letter providing clarification on Phase II investigations in the vicinity of archaeological sites 21HE0436 and 21HE0437, SHPO Number: 2009-0080, July 3, 2014
15. FTA letter to Surface Transportation Board seeking concurrence to rescind its cooperating agency status due to project changes, July 9, 2014
16. Response from the Surface Transportation Board to FTA concurring on rescinding cooperating agency status, August 22, 2014
17. Federal Railroad Administration letter regarding FRA safety jurisdiction determination, October 6, 2014

18. MnDOT CRU letter to Minnesota State Historic Preservation Office letter regarding consulting party comments on April 2014 Section 106 consultation package, SHPO Number: 2009-0080, October 13, 2014
19. United States Army Corps of Engineers letter to FTA regarding the Southwest Light Rail Transit Concurrence Points package, October 16, 2014
20. Minnesota State Historic Preservation Office letter regarding Phase I Archaeology report for Area C for the Southwest Light Rail Transit Project, SHPO Number: 2009-0080, November 7, 2014
21. Kenwood Isles Area Association (KIAA) letter regarding comments on April 2014 Section 106 consultation package, and regarding October 17, 2014 adjustments to the Area of Potential Effect. Sent on behalf of KIAA by Preservation Design Works, LLC, November 12, 2014
22. Kenwood Isles Area Association (KIAA) letter regarding comments on November 2014 Section 106 consultation package. Sent on behalf of KIAA by Preservation Design Works, LLC, December 10, 2014
23. Minneapolis Park and Recreation Board letter regarding comments on November 2014 Section 106 consultation package, December 12, 2014
24. Minnesota State Historic Preservation Office review letter regarding comments on November 2014 Section 106 consultation package, and regarding October 17, 2014 revisions to the Area of Potential Effect and research design addendum, SHPO Number: 2009-0080, December 12, 2014
25. FTA letter to United States Army Corps of Engineers (USACE) inviting USACE to delegate Section 106 responsibilities to FTA, December 16, 2014
26. MnDOT CRU letter to Hennepin County (HC), inviting HC to become a Section 106 consulting party, December 16, 2014
27. Hennepin County letter to MnDOT CRU accepting consulting party status, December 17, 2014
28. Minneapolis Parks and Recreation Board letter to FTA regarding request for meeting to discuss legal jeopardy to the FTA New Starts Program Created by the Implementation of the Program for the Southwest Light Rail Project ("SWLRT Project") in Minneapolis, Minnesota by the FTA and the Metropolitan Council, January 2, 2015.
29. FTA letter to Minneapolis Parks and Recreation Board in response to MPRB letter dated January 2, 2015, regarding the Southwest Light Rail Project in Minneapolis, Minnesota, January 15, 2015.
30. United States Army Corps of Engineers (USACE) letter to Federal Transit Administration (FTA) accepting Section 106 Delegation to FTA for the Southwest LRT Project and requesting continuing involvement as a Section 106 consulting party, January 15, 2015
31. Minnesota State Historic Preservation Office email to MnDOT CRU concurring with consulting party status for Cedar-Isles-Dean Neighborhood Association, February 2, 2015
32. FTA letter to Cedar-Isles-Dean Neighborhood Association concurring on consulting party status, February 17, 2015
33. United States Army Corps of Engineers letter to SPO regarding the Southwest Light Rail Transit Preliminary Jurisdictional Determination, February 18, 2015



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)

July 23, 2012

Tony Sullins, Field Supervisor
U.S. Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425

RE: Request for Concurrence - No Effect Determination – Higgins eye pearlymussel
Southwest Transitway Project, Hennepin County, Minnesota

Dear Mr. Sullins:

The Federal Transit Administration (FTA) is requesting concurrence from the U.S. Fish and Wildlife Service (Service) that the above referenced action will have no effect on federally-listed species.

Project Description

Hennepin County and the Metropolitan Council are proposing to construct a light rail transit (LRT) facility connecting the southwestern suburbs of the Twin Cities metropolitan area to downtown Minneapolis. Five build alternatives are being considered in the Draft Environmental Impact Statement. These alternatives are presented in the attached figure. None of these alternatives would cross or touch the Mississippi River. The project components would include:

- Between 14 and 16 miles of trackway and overhead catenary power (depending on the alternative selected)
- Up to 21 light rail stations
- Up to 15 park and ride lots
- Approximately 17 traction power substations
- An operations and maintenance facility

All project components would be located within Hennepin County. The end of the line for four of the alternatives would be the Target Field Station located between 5th Avenue North and I-394 on North 5th Street and approximately 0.6 of a mile from the Mississippi River. The end of line for the fifth alternative would be at the intersection of Washington Avenue and Nicollet Mall approximately 0.3 of a mile from the river. (See attached detailed graphic for line locations.)

The closest construction staging area would be located in the vicinity of 6th Avenue North and North 4th Street approximately 0.5 of a mile from the Mississippi. (See attached detailed graphic for construction staging location.) The project elements and construction limits do not cross the Mississippi River; therefore no direct impacts to the river are anticipated. The only potential

impacts that appear possible at this time would be uncontrolled runoff from within the project construction limits reaching the Mississippi River. Should this occur, limited temporary incremental degradation of river water quality could occur. However, this is unlikely due to the distance of the project construction limits from the river and the fact that best management practices (BMPs) would be employed during construction to eliminate uncontrolled runoff.

Listed Species within the Project Area

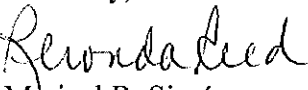
According to the "County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed and Candidate Species" list provided by the Service, the only federally-listed species within Hennepin County is the Higgins eye pearlymussel (*Lampsilis higginsii*), a federally-listed endangered species. This species occurs within the Mississippi River, which is outside the limits of the proposed LRT project.

Determination

Based on the fact that the Higgins eye pearlymussel does not occur within the project limits and that the project will not impact Higgins eye pearlymussel habitat, the FTA has determined that the proposed action will have no effect on federally-listed species. We are requesting concurrence that consultation with your office under Section 7 of the Endangered Species Act of 1973, as amended, is complete.

If you require additional information, please contact Maya Sarna, AICP, Environmental Protection Specialist at (202) 366-5811.

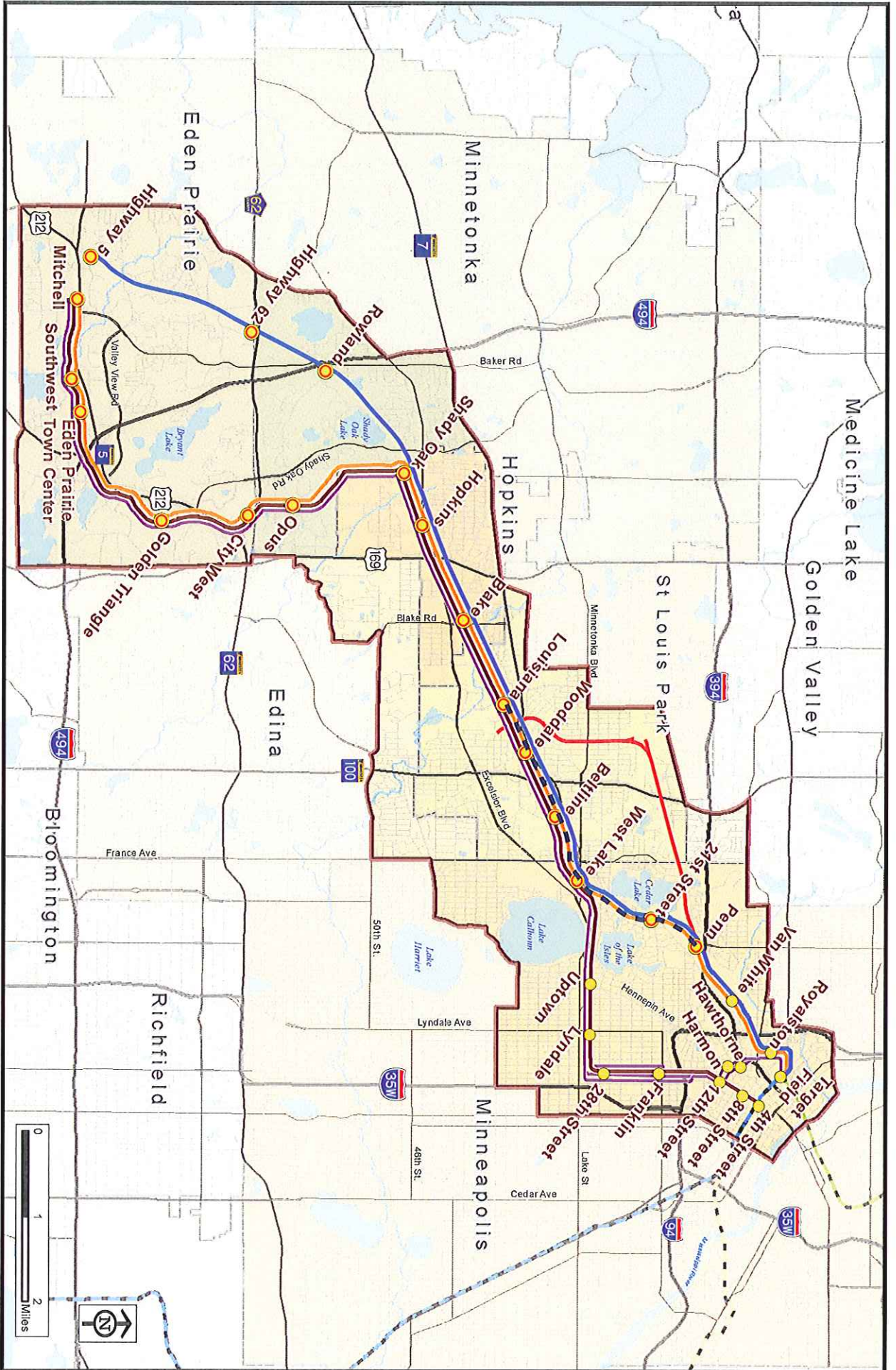
Sincerely,


Marisol R. Simón
Regional Administrator

for

cc:
USFWS – Nick Rowse
Hennepin County – Katie Walker
Metropolitan Council – Nani Jacobson
HDR – Janet Kennison, Scott Reed
file

Southwest Transitway Study Area



Draft Environmental Impact Statement

- Study Area
- Station
- Park & Ride Station
- Freight Rail Relocation
- LRT 1A
- LRT 3A
- Colocation area with 3A-1
- LRT 3C-1 (Niccollet Mall)
- LRT 3C-2 (11th/12th Street)
- Hiawatha Light Rail
- Northstar Commuter Rail
- Central Corridor Light Rail
- Municipal Boundaries

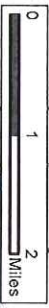
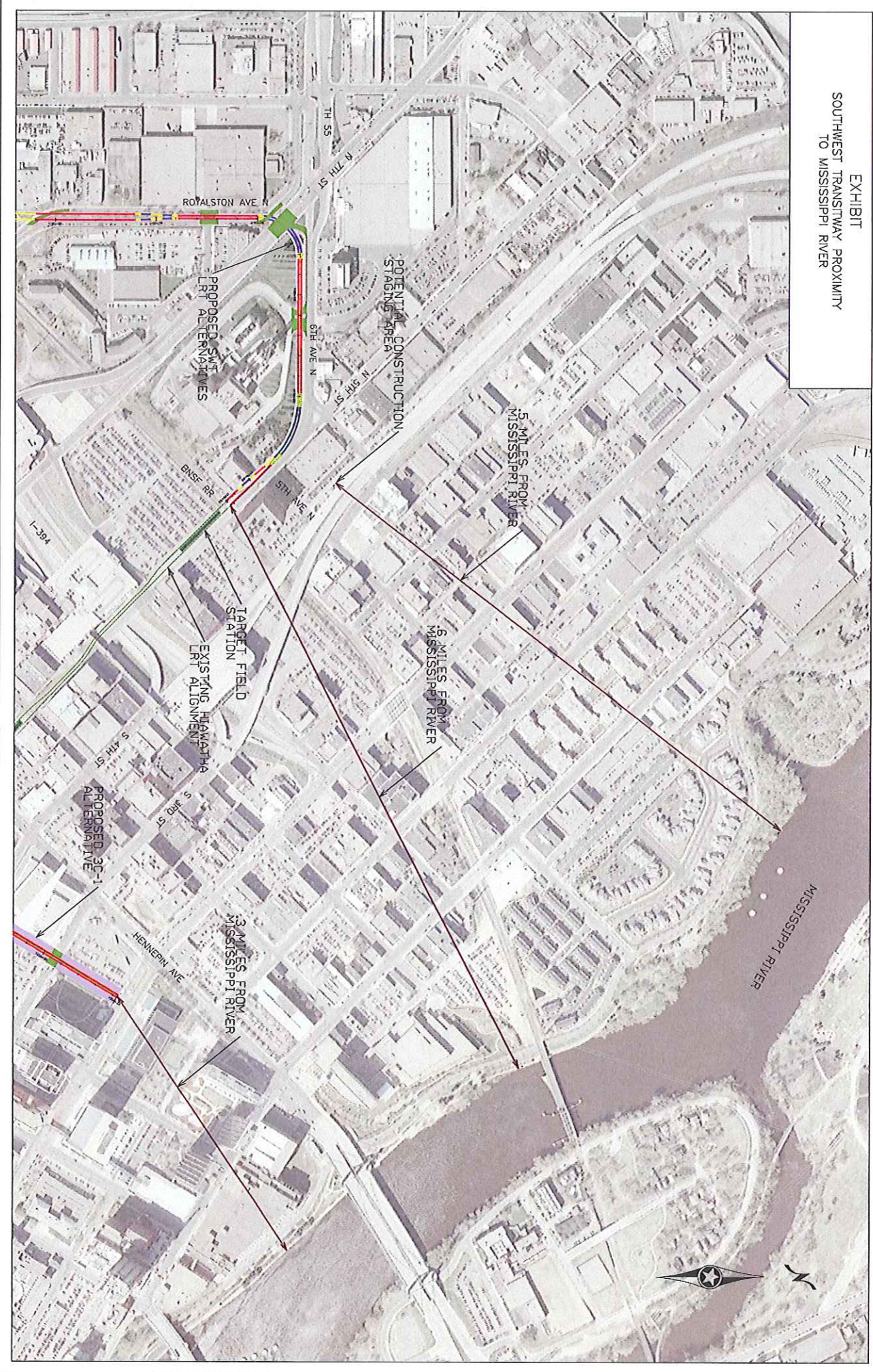


EXHIBIT
SOUTHWEST TRANSITWAY PROXIMITY
TO MISSISSIPPI RIVER



From: Andrew.Horton@fws.gov [mailto:Andrew.Horton@fws.gov]

Sent: Tuesday, August 21, 2012 4:01 PM

To: Simon, Marisol (FTA)

Cc: Maya.Sarna@fta.dot.gov

Subject: Southwest Transitway Project

Ms. Simon,

I have reviewed the Southwest Transitway Study Area and our records indicate there are no federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated. This concludes section 7 consultation for proposed construction at the above location. Thank you for your cooperation in meeting our joint responsibilities under section 7 of the Endangered Species Act. If you have any further endangered species questions, please contact me at (612) 725-3548 x2208

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



State Historic Preservation Office

February 14, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Phase I Archaeology Report for Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for providing the Phase I Archaeology Report dated December 2012, prepared for the above-referenced project by SWCA Environmental Consultants, to cover the locally preferred route alternative. We previously reviewed two Phase IA reports, in 2010 and 2012. Those investigations formed the basis of the Phase I archaeological survey presented in the December 2012 report.

It is difficult to review this report, because the maps and photographs are not included. They are listed in the Table of Contents as Appendices A-E, but they are not in the report we received. Instead, there is a page at the back that says: "Appendices A through E – Due to the sensitive nature of the information provided in the appendices, these maps will not be provided except by request to the Metropolitan Council." We need to have these materials to complete our review.

On the basis of the text, it appears that the Phase I archaeological survey was thorough. Forty areas identified in the Phase IA investigations were surveyed. Four other areas were found to be outside the APE, or too disturbed to warrant survey. A total of eight archaeological sites were identified, and recommended by the consultant for Phase II evaluation. Mn/DOT is currently planning Phase II studies for seven of these sites. **We agree that this is appropriate.**

The report states that a Phase II evaluation will not be performed on one of the sites identified in area 3:k (21HE0410), because it is located at the edge of the APE, and will thus not be affected by the project. We will need to see the maps, photographs, and construction drawings to determine whether we agree. If a Phase II evaluation will not be conducted at this site, protective fencing or other measures should be depicted in the construction plans. If protective fencing will not be provided, the site should be evaluated or the APE revised.

We look forward to receiving the missing information and site documentation. Meanwhile, please call David Mather at 651-259-3454 if you have any further questions on this review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Ann Heidemann'.

Mary Ann Heidemann, Manager
Government Programs and Compliance

State Historic Preservation Office

March 12, 2013

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Phase I Archaeology Report for the Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

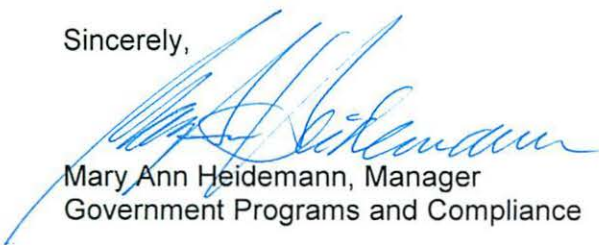
Dear Mr. Gimmestad:

Thank you for providing the missing maps and appendices prepared for the above-referenced project by SWCA Environmental Consultants, to cover the locally preferred route alternative. We previously reviewed two Phase IA reports, in 2010 and 2012. Those investigations formed the basis of the Phase I archaeological survey presented in the December 2012 report.

Based on the supplemental information provided, we now can understand and agree with the report, which states that a Phase II evaluation will not be performed on one of the sites identified in area 3:k (21HE0410), because it is located at the edge of the APE, and will thus not be affected by the project. In fact, we now see that the sites of concern are located on the opposite side of TH 62, and therefore will not be affected. We agree that protective fencing will not be required, based on site location.

Please call David Mather at 651-259-3454 if you have any further questions on this review.

Sincerely,


Mary Ann Heidemann, Manager
Government Programs and Compliance



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)

June 14, 2013

Ms. Tamara Cameron, Chief, Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101



Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in Minneapolis, Minnesota

Dear Ms. Cameron:

For the purposes of complying with the National Environmental Policy Act (NEPA), the Federal Transit Administration (FTA) and the Metropolitan Council (Council) are preparing a Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement (FEIS) for the proposed Southwest Light Rail Transit (SWLRT) Project. The SWLRT SDEIS will follow the October, 2012 Draft Environmental Impact Statement (DEIS), completed by FTA in partnership with Hennepin County Regional Railroad Authority (HCRRRA) and the Council. HCRRRA served as the local lead governmental agency during the Alternatives Analysis and DEIS phases, until transitioning the project to the Council upon the close of the public comment period for the DEIS on December 31, 2012. The U.S. Army Corps of Engineers (USACE) had previously prepared a Preliminary Jurisdictional Determination in July, 2009 for the DEIS, at the request of HCRRRA. The USACE also submitted comments on the DEIS in December, 2012. Pursuant to those comments regarding the likely need for a Clean Water Act Section 404 permit, SWLRT was selected as a "Nationally or Regionally Significant Project" as part of the Federal Infrastructure Projects Permitting Dashboard. A copy of the Dashboard is attached.

The USACE has jurisdiction and expertise with respect to the discharge or fill material into Waters of the United States (WOUS). With this letter, and subsequent to our initial request for the USACE to become a cooperating agency sent September 25, 2008, we are formally requesting the USACE to participate in the SWLRT Project as a Cooperating Agency in preparation of the SDEIS and FEIS, in compliance with sections of the CEQ Regulations addressing cooperating agencies status (40 CFR 1501.6 and 40 CFR 1508.5).

The SWLRT Project will operate from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to the city of Edina (map attached). The proposed alignment will be primarily at-grade and will include 17 new stations and approximately 15.8-miles of double track. The line will

Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in Minneapolis, Minnesota

connect major activity centers in the region including downtown Minneapolis, Methodist Hospital in St. Louis Park, the Opus/Golden Triangle employment area in Minnetonka and Eden Prairie, and , the Eden Prairie Center Mall. Ridership in 2030 is projected at 29,660 weekday passengers. The project will interline with the Green Line (Central Corridor LRT), which will provide a one-seat ride to destinations such as the University of Minnesota, the State Capitol, and downtown St. Paul. The proposed SWLRT will be part of an integrated system of transitways, including connections to the METRO Blue Line, the Northstar Commuter Rail line, a variety of major bus routes along the alignment, and proposed future transitway and rail lines. The FTA is the lead federal agency and the Council is the project sponsor and grantee of Federal funds.

By becoming a Cooperating and Participating Agency, we invite the USACE to become more directly involved in the development of SWLRT Project in the following ways:


1. Continue to provide timely review and written comments, as the SDEIS 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 USACE may adopt without re-circulating the SWLRT SDEIS or FEIS when the USACE concludes that its comments and suggestions have been satisfied.

The Council's manager for the SDEIS and FEIS, Ms. Nani Jacobson, has been in contact with your agency's local representative, Ms. Melissa Jenny, over the last few months. We believe the best interests of both the SWLRT Project and the USACE are served by your agency's active participation as a Cooperating Agency.

Please respond to FTA in writing an acceptance or denial of the invitation prior to July 19, 2013. If you elect not to become a Cooperating Agency, you must decline this invitation in writing, indicating your agencies reason for declining, specifically that the USACE 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,


for Marisol Simon
Regional Administrator

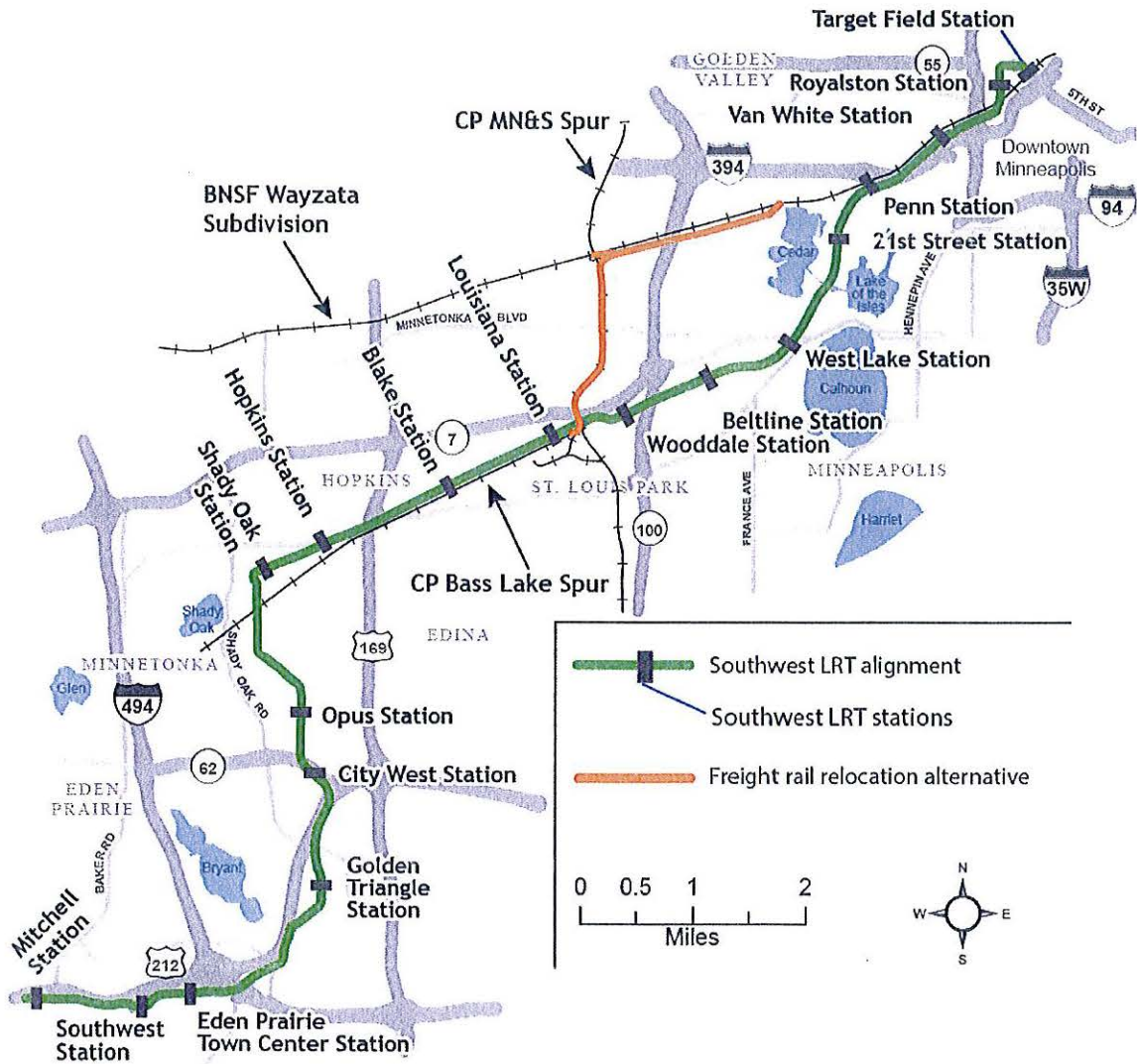
Cc:Melissa Jenny, St. Paul District, Corps of Engineers

Re: Invitation to Become a Cooperating Agency for the Southwest Light Rail Transit Project in
Minneapolis, Minnesota

Maya Sarna, FTA HQ
Bill Wheeler, FTA, Region V
Nani Jacobson, Metropolitan Council

Attachments:
SWLRT Project Map
Federal Infrastructure Projects Permitting Dashboard

Southwest LRT Project Map (DEIS Alternative LRT3A)



**Federal Infrastructure Projects
Permitting Dashboard**
Beta

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SOUTHWEST LIGHT RAIL TRANSIT LINE (NATIONALLY OR REGIONALLY SIGNIFICANT PROJECTS)

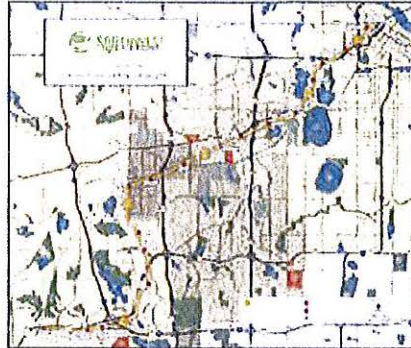
Coordinating Agency
Department of Transportation

Accountable POC
Bill Wheeler

Project Status
In Progress

Download
XML Excel

Project Website
<http://www.southwesttransitway.org/>



Description

The Southwest Light Rail Transitway (LRT) Project will greatly improve access to major employment centers and all area attractions for residents and commuters in greater Minneapolis by building new light rail service running between Read More

Reviews, Approvals and Permits

Click on the ▼ icon to view more information

Title	Responsible Agency	Responsible Agency POC Name	Target Completion Date	Status
Notice of Availability - FEIS	Department of Transportation	Maya Sarna	10/15/2014	Planned
Section 4(f) Determination	Department of Transportation	Maya Sarna	07/01/2014	Planned
Section 404 Permit	Department of Defense	Tamara Cameron	07/01/2014	Planned
Section 9 of the Rivers and Harbors Act Permit	Department of Homeland Security	Eric Washburn	07/01/2014	Planned
Section 106 Process	Department of Transportation	Maya Sarna	09/30/2014	Planned
Section 10 of the Rivers and Harbors Act	Department of Defense	Tamara Cameron	07/01/2014	Planned
Public Comment Period on DEIS	Department of Transportation	Maya Sarna	12/31/2012	Complete
SURFACE TRANSPORTATION BOARD APPROVAL	Department of Transportation	Christa Stoebner	11/10/2014	Planned
Availability of the FEIS	Department of Transportation	Maya Sarna	11/17/2014	Planned
Input on DEIS & FEIS content from Participating Agencies	Department of Transportation	Colleen Vaughn, Emeka Ezekwemba	11/14/2014	Planned
Publish Record of Decision	Department of Transportation	Maya Sarna	11/15/2014	Planned

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

JUL 18 2013

REPLY TO
ATTENTION OF

Operations
Regulatory (MVP-2009-01283-MMJ)

Ms. Marisol Simon
U.S. Department of Transportation
Federal Transit Administration, Region V
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 the Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement (FEIS) for the Southwest Light Rail Transit (SWLRT) 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 SWLRT project corridor. 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 SDEIS, the FEIS and other NEPA documents completed for this project.

We commented on the SWLRT Draft Environmental Impact Statement (DEIS) in December 2012. In our letter we concurred with the SWLRT Project Purpose & Need, as well as the Array of Alternatives & Alternatives Carried Forward for Further Analysis, points 1 & 2 as described in the NEPA/Clean Water Act (CWA) Section 404 merger process. We were unable to concur with point 3 of the merger process, Identification of the Selected Alternative, because the SWLRT Locally Preferred Alternative (LPA) as described in the DEIS is not the Least Environmentally Damaging Practicable Alternative (LEDPA), as defined in the 404(b)(1) Guidelines (Guidelines).

We understand that the SWLRT SDEIS will be analyzing additional route and Operations and Maintenance Facility (OMF) alternatives that were not discussed in the DEIS. Therefore, we will be revisiting point 2 of the merger process to determine if the range of alternatives evaluated in the SDEIS, and potentially carried forward into the FEIS, would satisfy CWA Section 404 regulatory requirements.

We are also committed to continuing coordination with you and the local SWLRT project team on concurrence point 3 of the NEPA/CWA Section 404 merger process, through technical review of the SDEIS, and through evaluation of impact avoidance measures.

Again, we appreciate and accept your invitation to become a cooperating agency in preparation of the SDEIS and FEIS for the SWLRT Project. If you have any questions, contact Melissa Jenny at (651) 290-5363. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:

Maya Sarna, FTA HQ
Bill Wheeler, FTA, Region V
Nani Jacobson, Metropolitan Council

STATE HISTORIC PRESERVATION OFFICE

April 2, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080 (Phase I/II Architecture History Investigations)

Dear Mr. Gimmestad,

Thank you for continuing consultation on above-referenced project. It is being reviewed under Section 106 of the National Historic Preservation Act (36CFR800) and provisions of the Minnesota Historic Sites Act.

We have completed our review of the survey report entitled *Phase I/Phase II Architecture History Investigation for the Proposed Southwest Light Rail Transit Project, Hennepin County, Volume 5, Supplemental Report Number Two, Additional Areas/Properties in the Following Survey Zones: St. Louis Park Survey Zone, Minneapolis West Residential Survey Zone* (February 2014) which was submitted to our office on 25 February 2014.

We concur with your agency's determination that the following properties are eligible for listing in the National Register of Historic Places (NRHP):

- **Mahalia and Zachariah Saveland House** (HE-MPC-6766), 2405 West 22nd Street, Minneapolis - eligible under criterion C (architecture);
- **Frank W. and Julia C. Shaw House** (HE-MPC-6603), 2036 Queen Avenue South, Minneapolis - eligible under criterion C (architecture);
- **Kenwood Parkway Residential Historic District** (HE-MPC-18059), 1805 – 2206 Kenwood Parkway, Minneapolis – the residential historic district is eligible under criterion A (community planning and development). For clarification to what is stated in the report regarding the residential district's eligibility under criterion C, this parkway section is part of the contributing Kenwood Parkway Sub-segment of the Grand Rounds, a property previously determined eligible for listing in the NRHP under both criteria A and C.

We also concur with the determination that both the Nora C. and William Klein House (HE-MPC-6761) and the B'nai Abraham Synagogue (HE-SLC-566) are **not eligible** for listing in the NRHP.

Again, we thank you for your agency's commitment to completing high-quality identification and evaluation survey reports for the proposed light rail project. Feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,



Sarah J. Beimers
Manager, Government Programs and Compliance

cc: Hilary Dvorak, Minneapolis Heritage Preservation Commission
Heather Goodson, Mead and Hunt

STATE HISTORIC PRESERVATION OFFICE

April 2, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080 (Phase II Archaeological Survey)

Dear Mr. Gimmestad,

Thank you for continuing consultation on above-referenced project. It is being reviewed under Section 106 of the National Historic Preservation Act (36CFR800) and provisions of the Minnesota Historic Sites Act.

We have completed our review of the survey report entitled *Phase II Archaeological Survey for the Southwest Light Rail Transit Project* (February 2014) which was submitted to our office on 27 February 2014.

We concur with your agency's determination that the following properties are **not eligible** for listing in the National Register of Historic Places (NRHP):

- **Brookview Terrace (21HE0413)**, St. Louis Park
- **Upton Avenue Ridge (21HE0412)**, Minneapolis
- **M&StL Cedar Lake Yards (21HE0408)**, Minneapolis
- **Kenwood Station (21HE0414)**, Minneapolis

We also concur with the determination that the following properties are **eligible** for listing in the NRHP:

- **St. Paul & Pacific Rail Bed (21HE0435)**, St. Louis Park, eligible under criteria C and D
- **Cedar Lake Ice Company (21HE0409)**, Minneapolis, eligible under criterion D

Regarding the sites identified as **Royalston North (21HE0436)** and **Royalston South (21HE0437)** in Minneapolis, your agency has indicated that additional field survey is necessary in order to determine NRHP eligibility and that this additional survey would potentially be combined with Phase III treatment. While we do agree that additional Phase II evaluation work may be warranted for these sites, we believe that the current information is sufficient to demonstrate that the two Royalston sites are **eligible** for

listing in the NRHP under criterion D. If future investigation does take place in the existing Royalston Road street bed and intact archaeological deposits are found, then they may contribute to the significance of these two sites. However, it is our feeling that if additional intact deposits are not found, the two sites would still be eligible.

Again, we thank you for your agency's commitment to completing high-quality identification and evaluation survey reports for the proposed light rail project. In particular, this Phase II archaeological survey and evaluation is an excellent report and provides a significant contribution to the archaeology of the Minneapolis and St. Louis Park metropolitan area.

Feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,



Sarah J. Beimers
Manager, Government Programs and Compliance



**Minneapolis
Park & Recreation Board**

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

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Secretary to the Board
Pamela French



May 16, 2014

Dennis Gimmestad
MNDOT Cultural Resources Unit
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
Saint Paul, MN 55155

RE: Southwest Light Rail Transit Project, Minneapolis Park and Recreation Board Comments on April 18, 2014 Consultant Materials

Dear Mr. Gimmestad:

Thank you for the opportunity to review the Section 106 materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office and to participate in the April 30, 2014 consultant meeting for the Southwest Light Rail Transit (SWLRT) Project. Minneapolis Park and Recreation Board (MPRB) staff provide the following comments on the materials:

Table of Potential Effects on Historic Properties (4/15/14)

- 1) *No 8, Grand Rounds/Lake Calhoun (eligible) HE-MPC-01811:* No adverse effect is indicated for this portion of the Grand Rounds Historic District based on preliminary engineering and station area plans. This property is close to the station area in an area of the city that has poor vehicle, pedestrian and bicycle circulation. The MPRB is concerned that this property will be adversely impacted by changes to traffic and parking patterns that result from the SWLRT project in this area. We request continued consultation on this property throughout the final design and development of the SWLRT, similar No 21, Grand Rounds/Kenwood Parkway (eligible) HE-MPC-01796 in the table.
- 2) *No 9, Grand Rounds/Cedar Lake Parkway (eligible) HE-MPC-01833:* The MPRB is concerned about the long-term noise and visual intrusion at this intersection and its impacts on adjacent park land. We understand this it is currently a quiet zone. We also understand that this status is unique and are concerned that this designation may not carry over into the SWLRT project. The MPRB is welcomes the opportunity to continue the consultation on this intersection.
- 3) *No 13, Grand Rounds/Kenilworth Lagoon/Channel (eligible) HE-MPC-1822:* The MPRB agrees with the need for continued consultation on the impacts to the Kenilworth Channel and Lagoon. The size and scale of the proposed bridge structures are not consistent with the design intent and historic cultural landscape of the channel. The MPRB would

like to include the introduction of massive portals on each side of the channel to this review, as well as the noise and vibration impacts that will result from the SWLRT moving in and out of the shallow tunnels and crossing the channel. The MPRB is concerned that it will not be possible to mitigate the impacts of bridge structures and portals that co-locate freight, light rail and trail over the channel. To assist with defining the design intent and historic landscape character of the Kenilworth Channel and Lagoon, the MPRB provides the following information:

The creation of the Kenilworth Lagoon was driven by rising interest in “water sports of all kinds on the lakes and streams,” according to Theodore Wirth, writing in his 1944 history of the park system. As early as 1906, Wirth’s first year as superintendent, one of his main goals was to connect Isles, Calhoun, Cedar, and Brownie together, an idea called the “Venice of America”—with specific reference to the “beautiful drives and bridges”—in the 1908 Board President’s Report.

Excavation of the Kenilworth Lagoon as far as the Minneapolis and St. Louis Railroad was completed in 1911 and extended to Cedar Lake by 1913. In his 1914 Superintendent’s Report, Wirth notes the adoption of the name “Kenilworth Lagoon” for the entire water connection between Isles and Cedar, and describes its original design:

“During the winter season the grounds along the south shore of the lagoon, between Bridge No. 4 [Lake of the Isles Parkway over the Kenilworth Lagoon] and the railroad, were graded, and in the spring seeded and planted, and they have become very attractive in their new garb of lawn and shrubbery. During the fall months the north side of the main lagoon and the banks of the waterway between the railroad bridge and Cedar Lake have also been graded, dressed with loam, planted, and seeded. Walks along both shores have been established leading from Lake of the Isles Boulevard to Cedar Lake Avenue, or what is now called ‘Burnham Avenue.’ Pipe rails were erected along the walks where they come close to the narrow channel under the railroad bridge.

This work was completed less than a year after similar planting and grading was done around Lake of the Isles and along the channel between Isles and Calhoun. Wirth viewed the dredging and interconnection of the four lakes as a single grand project with similar design parameters. In 1907 he envisioned that the Isles-Calhoun connection would have a “natural picturesque appearance.” This design style would have been applied to the entire chain of lakes.

The interconnection of the lakes required six bridges, which were enumerated in the 1909 Annual Report. A competition was held to design them, and designs were selected and built over the Lake Calhoun inlet (bridge #1), Lake of the Isles outlet to Calhoun (bridge #3), and the Kenilworth Lagoon at Lake of the Isles (bridge #4). The railroad bridge over the Isles-Calhoun channel (bridge #2) was built by the railroad. These four bridges were completed in 1911. A design was purchased for the Burnham Road (then

“Cedar Lake Avenue”) bridge (bridge #6) but it was never built. Bridge #5, the railroad bridge over the Kenilworth Lagoon at the present day location of the proposed Southwest LRT crossing, was completed in 1913 and considered temporary.

Though in 1909 Wirth agreed to focus efforts and money on the more prominent Bridges 1, 3, and 4, by 1913 he “[hopes that the railroad company will replace [the temporary timber structure] in due time with a better and safer structure.” In 1916, two years after completion of the Kenilworth Lagoon with its plantings and trails, the railroad bridge continued to bother Wirth: “I wish to renew my suggestion that the city be requested to build a suitable permanent bridge across the channel on Cedar Lake Avenue (Burnham Road), and that the Minneapolis and St. Louis Railway Company replace the unsightly wooden bridge with a permanent, neat looking concrete structure.”

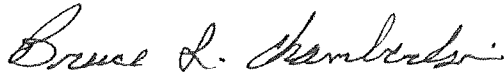
The Kenilworth Lagoon was originally envisioned as a recreational water and pedestrian connection in the picturesque style that predominated throughout the Isles/Calhoun area. All the bridges in the area—including the railroad bridges—were considered key features of that recreational connection. In the 1914 Annual Report, Wirth sets forth his grand vision specifically for the Kenilworth Lagoon:

“After permanent ornamental bridges have been established to replace the present unsightly wooden structures [of the Burnham Road and Minneapolis and St. Paul Railroad bridges], this waterway between the two lakes will be one of the most attractive features of the entire park system, viewed alike from land or water.”

- 4) *No 14 – 18, Grand Rounds*: The MPRB agrees with the need for continued consultation on the visual impacts of the bridge structures over the Kenilworth Channel from surrounding properties. The MPRB is concerned that the visual impact of the bridges over the Kenilworth Channel from Burnham Road Bridge are not evaluated in the consultation materials. The MPRB recommends that this be included in the consultation.

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Trail Transit Project.

Sincerely,



Bruce L. Chamberlain, ASLA
Assistant Superintendent for Planning

cc: Sarah Beimers, Minnesota State Historic Preservation Office

From: [Byers, Jack P.](#)
To: [Gimmestad, Dennis \(DOT\)](#)
Cc: sarah.beimers@mnhs.org; [Jacobson, Nani \(Nani.Jacobson@metrotransit.org\)](mailto:Jacobson.Nani@metrotransit.org); [Hager, Jenifer A](#); [Schaffer, Brian C.](#)
Subject: Southwest LRT 106 Consultation - Your request for comments from Minneapolis by May 18th
Date: Friday, May 16, 2014 11:02:32 AM

Dennis,

Thank you for convening all of the consulting parties on the Southwest Transitway Section 106 process on April 30th. We appreciate your presentation of the updated Potential Effects table and we appreciate the research and chronology that the 106 Group presented during that meeting. Both were illuminating and very helpful. Thank you for your hard work on this project.

As you are aware, the City of Minneapolis and the other municipalities along the proposed corridor are currently engaged the Municipal Consent process; one that includes a specific set of proposals from SPO. City of Minneapolis staff are reviewing the SPO package and preparing our comments for subsequent review and consideration by our City Council. City staff are certainly keeping matters related to historic resources in mind as we conduct our Municipal Consent review. However, given that the Municipal Consent process is formally underway, it would be premature for us to comment specifically on 106 matters separately and before our City Council's review and decision on Municipal Consent is completed.

Thank you for understanding. Please feel free to contact me if you have any questions or require further clarification.

Regards,
Jack Byers

Jack Byers, AICP

Long Range Planning Manager

City of Minneapolis – Community Planning and Economic Development

105 Fifth Avenue South – 200
Minneapolis, MN 55401-2534

Office: 612-673-2634

jack.byers@minneapolismn.gov

www.minneapolismn.gov/cped



STATE HISTORIC PRESERVATION OFFICE

May 21, 2014

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

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for continuing consultation on the above project. It is being 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, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of the consultation package you submitted to our office on 18 April 2014. This submittal included:

- Consultation letter dated 18 April 2014
- Table of Potential Effects on Historic Properties
- Photo Log of Historic Properties
- Historic Properties Maps 1-6
- Attachment A: Additional Project Information in the Vicinity of Hopkins M&StL Depot
- Attachment B: Additional Project Information in the Vicinity of Cedar Lake Parkway/Grand Rounds Historic District
- Preliminary Track Drawings: East Segments 1-4

In addition to reviewing these materials, we participated in the Section 106 Consulting Parties meeting held at the Southwest Project Office on 30 April 2014. Thank you for convening all of the consulting parties for this meeting, it was very beneficial. Our comments and recommendations are outlined below.

Archaeological Phase II Evaluation

We concur with your determination that archaeological sites 21HE0436 and 21HE0437 are eligible for listing in the National Register of Historic Places (NRHP) under Criterion D. It is our understanding that your agency will complete additional Phase II investigations at these sites in order to determine site boundaries which will assist in the resolution of potential adverse effects to these sites. We agree with this approach.

Area of Potential Effects Revisions

We have taken into account the various adjustments to the project's area of potential effect (APE) which you have summarized in your letter and are illustrated on the Historic Properties Maps. As you have indicated, one of the most significant adjustments to the project APE is in the location of the new light rail bridge crossings over the Kenilworth Lagoon/Channel. We appreciate the fact that, due to the change in scope for this segment of the project, the APE has been expanded in order to comprehensively apply the criteria of adverse effect to significant characteristics of the historic Grand Rounds. We look forward to continuing consultation regarding potential effects to historic properties in these additional areas.

Preliminary Project Effects Assessments

You have indicated that the assessments of potential effects on historic properties have been determined based upon preliminary project engineering plans and that final adverse effect determinations will be made by the Federal Transit Administration. In general, we agree with many of the assessments that have been completed thus far and it is our opinion that these assessments will provide a basis for provisions to be included in a Section 106 agreement document, perhaps in the form of a programmatic agreement, for the Southwest Light Rail Transit Project. Our comments and recommendations on your April 18th correspondence are outlined below:

- Based on our review of the current preliminary engineering and station area plans, we concur with your determination that the project will not adversely affect the following nine (9) properties: Hopkins City Hall (Hopkins), Hoffman Callan Building (St. Louis Park), Minikahda Club (Minneapolis), Grand Rounds-Lake Calhoun Segment (Minneapolis), Mac Martin House (Minneapolis), Dunwoody Institute (Minneapolis), Minneapolis St. Paul & Manitoba Railroad Historic District (Minneapolis), Osseo Branch/Minneapolis St. Paul & Manitoba Railroad Historic District (Minneapolis), and the Minneapolis Warehouse District (Minneapolis). We agree that no further consultation is required for these properties unless subsequent project plan development results in effects to these historic properties.
- Please Note: Based upon discussions at the April 30th consulting parties meeting, we do not concur with the "no adverse effect" finding for the CM&StP Saint Louis Park Depot (Saint Louis Park), due to the fact that project plans have changed in the vicinity of this historic property which may necessitate additional effect assessment and/or design changes. We look forward to continuing consultation at this location.
- We agree with your agency's determination that avoidance of adverse effects for the following four (4) properties may be possible through appropriate design modifications and/or protection measures during construction: M&StL Hopkins Depot (Hopkins), Peavey-Haglin Experimental Concrete Grain Elevator (Saint Louis Park), Grand Rounds-Cedar Lake Parkway Segment (Minneapolis), and Archaeological Site 21HE0409. We will continue to consult with your agency as project plans are further developed.
- In regards to the proposed location of the two (2) new Lake of the Isles-Cedar Lake Channel Bridges, you have indicated that we will continue to consult with your agency on ways to minimize or avoid adverse effects to the six (6) historic properties identified within the APE for these bridges. These historic properties include: the Kenilworth Lagoon/Channel, Cedar Lake, Lake of the Isles, Lake of the Isles Parkway, and Park Board Bridge No. 4 which are contributing elements to the Grand Rounds, as well as the Lake of the Isles Residential Historic District. We agree that avoidance or minimization of adverse effects is the most desirable outcome, but we

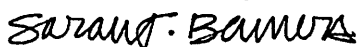
also recommend that continued consideration be given to potential mitigation of any adverse effects resulting from this segment of the project's construction.

- We agree with your recommendation for continued consultation regarding avoidance or minimization of potential adverse effects which may result from construction of the Penn LRT Station. It is our opinion that your agency should continue to consider potential mitigation of adverse effects at this station location as well. We agree that further consideration of effects resulting from the design and development of access routes between the Penn LRT Station and Kenwood Parkway will need to be assessed. The four (4) historic properties located within the Penn LRT Station APE include: the Kenwood Parkway Historic District, and three contributing elements to the Grand Rounds which include Kenwood Parkway, Kenwood Park, and Kenwood Water Tower. You have also indicated that additional assessment of potential auditory effects will be completed for the northern section of the Kenwood Parkway Historic District.
- We will continue to consult with your agency and consulting parties in the City of Hopkins regarding continued assessment of potential effects to the Hopkins Commercial Historic District resulting from the Downtown Hopkins LRT Station area development. We agree that a provision for listing the historic district in the National Register of Historic Places is an acceptable strategy for avoiding adverse effects and look forward to continuing consultation with your agency and the City of Hopkins.
- We agree with your determination that archaeological sites 21HE0436 and 21HE0437 will be directly affected by construction of the Royalston LRT Station and that avoidance of adverse effects has been considered and deemed infeasible. Therefore, we need to further consult regarding minimizing or mitigating for the adverse effect. Perhaps through the additional archaeological survey which is to be completed in the near future. The boundaries of these sites will be clarified which may allow for avoidance of direct impacts and continued preservation of site elements. We agree that a logical mitigation strategy for destruction of these sites will be a provision in a future agreement document for Phase III Data Recovery. We also recommend continued consultation with our office and consulting parties from the City of Minneapolis to develop additional relevant mitigation strategies.
- We agree with your determination that impacts to the following four (4) non-contributing elements, either directly or indirectly, will not adversely affect the Grand Rounds: the two (2) Railroad Bridges over Kenilworth Lagoon, the Burnham Road Bridge, and The Parade.

Again, thank you for your agency's efforts in bringing all of the Section 106 consulting parties together on April 30th to discuss the preliminary effects assessments, the proposed light rail route from Hopkins to Minneapolis, as well as providing a project update regarding the proposed Lake of the Isles-Cedar Lake Channel Bridges. We are aware of the fact that your agency will be in receipt of comment letters from the various consulting parties regarding the preliminary effects assessments and we look forward to continuing consultation as all comments and recommendations are taken into account.

If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance

STATE HISTORIC PRESERVATION OFFICE

June 5, 2014

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

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

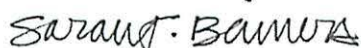
Thank you for continuing consultation on the above project. It is being reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of your correspondence dated 2 April 2014 in which you provide clarification regarding the historic property boundaries for segments of the Grand Rounds and the M&StL RR Depot, properties previously determined eligible for listing in the National Register of Historic Places and located within the area of potential effects (APE) for the Southwest Light Rail Transit Project. Our comments are summarized below:

- **Grand Rounds-Kenilworth Lagoon/Channel (HE-MPC-1822)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14;
- **Grand Rounds-Cedar Lake Parkway (HE-MPC-1833)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14;
- **M&StL RR Hopkins Depot (HE-HOC-0014)** – we concur with your determination of the historic property boundary as described in your correspondence and illustrated on the map dated 02/13/14.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance

STATE HISTORIC PRESERVATION OFFICE

June 5, 2014

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

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for continuing consultation on the above project. It is being 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, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of additional transit project materials received in our office on 8 May 2014 which included:

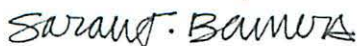
- Correspondence letter dated 8 May 2014
- Report entitled *Phase I/Phase II Architectural History Investigation, Southwest LRT Project, Hennepin County, Minnesota: Volume Six, Supplemental Report Number Three (SDEIS)* (CH2M HILL, April 2014)
- Report entitled *Phase 1a Archaeological Investigation: Southwest Light Rail Transit, Hennepin County, Minnesota: SDEIS Areas Eden Prairie Segment, Hopkins Operations and Maintenance Facility, St. Louis Park/Minneapolis Segment* (CH2M HILL, March 2014)

You have indicated that these additional cultural resources studies have been completed as a result of scope adjustments which have been made to the proposed light rail transit project and that a Supplemental Draft Environmental Impact Statement (SDEIS) is currently being finalized.

Based upon information provided to us at this time, we concur with your determination that, in the SDEIS project areas surveyed for architecture/history resources, no additional properties listed or eligible for listing in the National Register of Historic Places (NRHP) were identified. Also, we concur with the determination that Phase 1 archaeological surveys should be completed for Areas A, B, and C identified in the Phase 1a archaeological report and that outside these three (3) areas targeted for survey, there are no additional NRHP listed or eligible properties identified.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance

STATE HISTORIC PRESERVATION OFFICE

July 3, 2014

Mr. Dennis Gimmestad
MnDOT Cultural Resources Unit
Transportation Building, MS620
395 John Ireland Boulevard
St. Paul, MN 55155

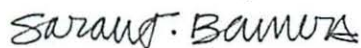
Re: Southwest Transitway Project
Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park & Downtown Minneapolis
Hennepin County
SHPO Number: 2009-0080

Dear Mr. Gimmestad:

Thank you for your letter of 2 June 2014 that provided clarification on additional Phase II investigations in the vicinity of archaeological sites 21HE0436 and 21HE0437 and clarification on the properties that will require further consultation on design and/or protective measures to avoid adverse effects as project planning moves forward.

We look forward to continuing consultation on this project. Please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org if you have any questions or concerns regarding our review.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance

cc: Greg Mathis, MnDOT CRU



U.S. Department
of Transportation
Federal Transit
Administration

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

July 9, 2014

Victoria Rutson
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423

Re: Rescinding Cooperating Agency Status for the Southwest Light Rail Transit (SWLRT) Project and Invitation to Become a Participating Agency for the SWLRT Project

Dear Ms. Rutson:

Federal Transit Administration (FTA), in cooperation with the Metropolitan Council, is developing a public transit project that will benefit the residents of the Minneapolis/St. Paul Region. A Draft Environmental Impact Statement (DEIS) was published on October 12, 2012 with the public comment period ending on December 31, 2012. The Surface Transportation Board (STB) is currently included as a cooperating agency for the SWLRT (METRO Green Line Extension) Project under the National Environmental Policy Act (NEPA). Due to modifications to the project since publication of the DEIS, the FTA and Metropolitan Council intend to publish a Supplemental Draft Environmental Impact Statement (SDEIS). It is anticipated that the SDEIS scope will include, but not be limited to, an evaluation of the following areas: Eden Prairie Light Rail Transit (LRT) alignment and stations, LRT Operations and Maintenance Facility (OMF) site, freight rail alignments (i.e., Re-location and Co-location), and other areas where FTA and the Metropolitan Council determine that there is a need to be supplemented with additional information which was not included in Project's October 2012 DEIS. This letter serves to rescind STB as a cooperating agency due to adjustments in the project scope made since publication of the DEIS in October 2012.

On April 9, 2014, the Metropolitan Council adopted a project scope and budget which includes retaining current operations for freight rail on the Bass Lake Spur and Kenilworth Corridor. As STB noted in their comment letter on the Draft EIS from December 2012, "[STB] board approval is not required to improve, upgrade, or realign an existing line without extending the territory or markets that the railroad serves." Under the LPA, there would be the following general areas of freight rail modifications:

- Existing freight rail tracks would be shifted to the north approximately 40-45 feet on the Canadian Pacific (CP)-owned Bass Lake Spur, beginning in Hopkins and extending through St. Louis Park. The freight rail and light rail shift would continue into Minneapolis on the Hennepin County Regional Railroad Authority (HCRRA)-owned Cedar Lake Junctions (commonly referred to as the Kenilworth Corridor) (see Exhibits 1-3). This shift allows the proposed light rail alignment to be located south of the freight rail tracks thereby providing better LRT station connections to local activity centers.

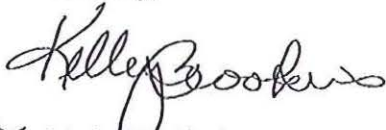
- o A portion of the northern leg of the existing Skunk Hollow switching wye between the Bass Lake Spur and Oxford Street would be removed and replaced with a new southerly connection between the Bass Lake Spur and the MN&S Spur (which is also owned by CP) that would cross over the proposed light rail alignment on a structure, which would allow freight trains traveling on the Bass Lake Spur tracks to continue to access the MN&S Spur tracks (see Exhibit 3)¹.

The Supplemental Draft EIS, planned for publication later this year, includes the above adjustments of freight rail as part of the Locally Preferred Alternative (LPA). FTA believes the changes made to the LPA no longer require STB approval. FTA is seeking concurrence to rescind cooperating agency status, eliminating the need for STB's role as a cooperating agency under NEPA, as previously identified under 40 CFR § 1501.6.

Pursuant to Section 6002 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (23 USC § 139), FTA would like to invite STB to become a participating agency in the on-going environmental review process for the project. FTA believes STB may have an interest in this project because of the operational effects to freight rail carriers located within the project corridor. STB does not have to accept this invitation. If STB elects not to become a participating agency, STB must decline this invitation in writing by August 25, 2014, indicating that STB has no jurisdiction or authority with respect to the project, no expertise or information relevant to the project, and does not intend to submit comments to the project. The declination may be transmitted electronically to Mr. William Wheeler of the FTA at william.wheeler@dot.gov; please include the title of the official responding.

Please contact me if you have questions or need additional information. Thank you for your support and expertise provided to the project.

Sincerely,



for Marisol R. Simón
Regional Administrator

Cc: Maya Sarna, FTA HQ
Nani Jacobson, SWLRT Project Office

Enclosures: Exhibit 1: Proposed Southwest LRT Alignment
Exhibit 2: Freight Rail Owners and Operators in the Southwest LRT Project Area
Exhibit 3: Proposed Freight Rail Modifications

¹ Removal of a portion of the northern leg of the Skunk Hollow switching wye would be required to accommodate the placement of the light rail alignment south of the freight rail alignment on the existing northern switching wye alignment. The southern leg of the Skunk Hollow switching wye would remain in place, providing the continuation of freight rail service to the Robert B. Hill Company salt facility at the west end of the switching wye.

Exhibit 1. Proposed Southwest LRT Alignment

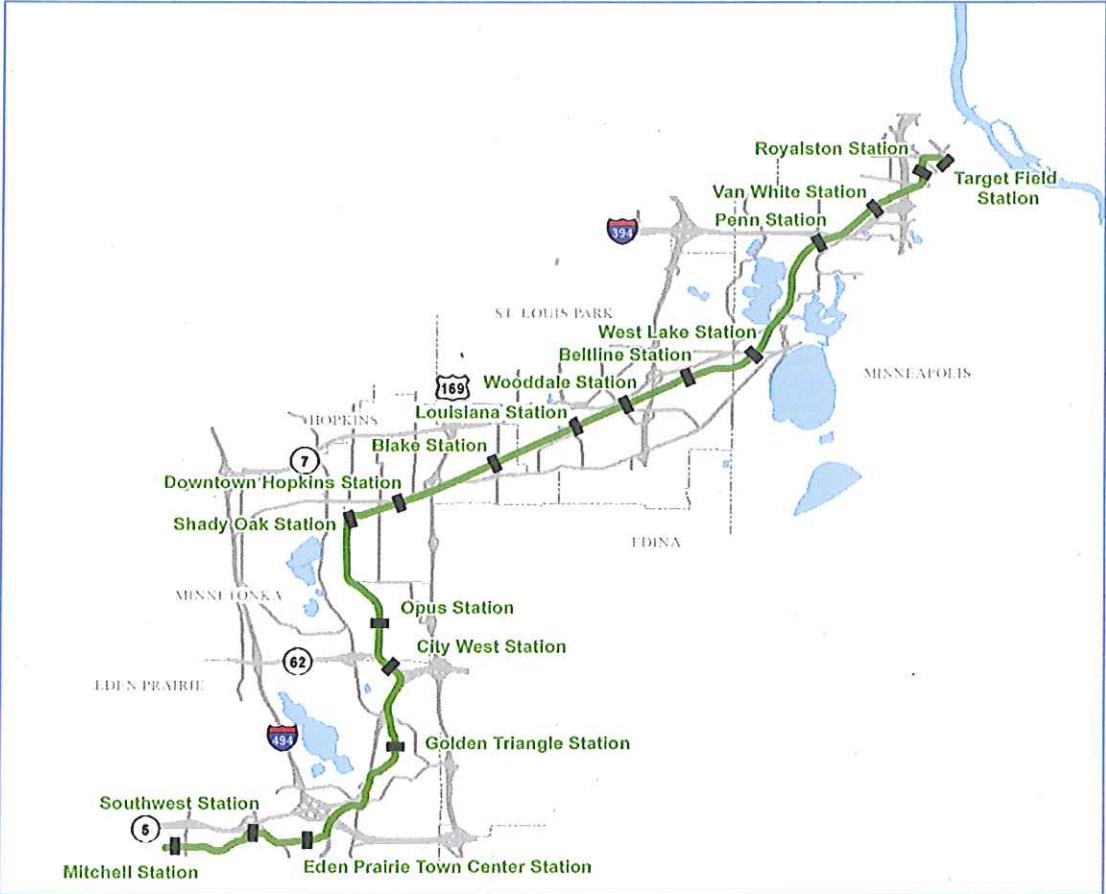


Exhibit 2. Freight Rail Owners and Operators in the Southwest LRT Project Area

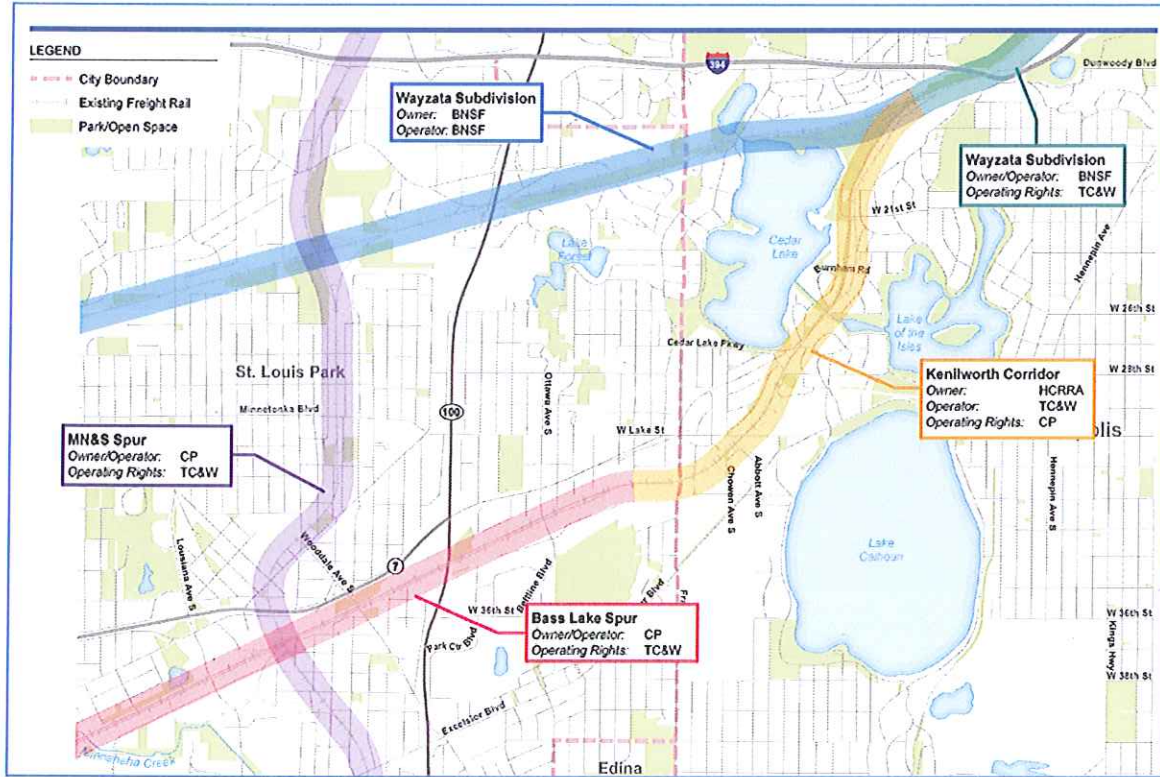
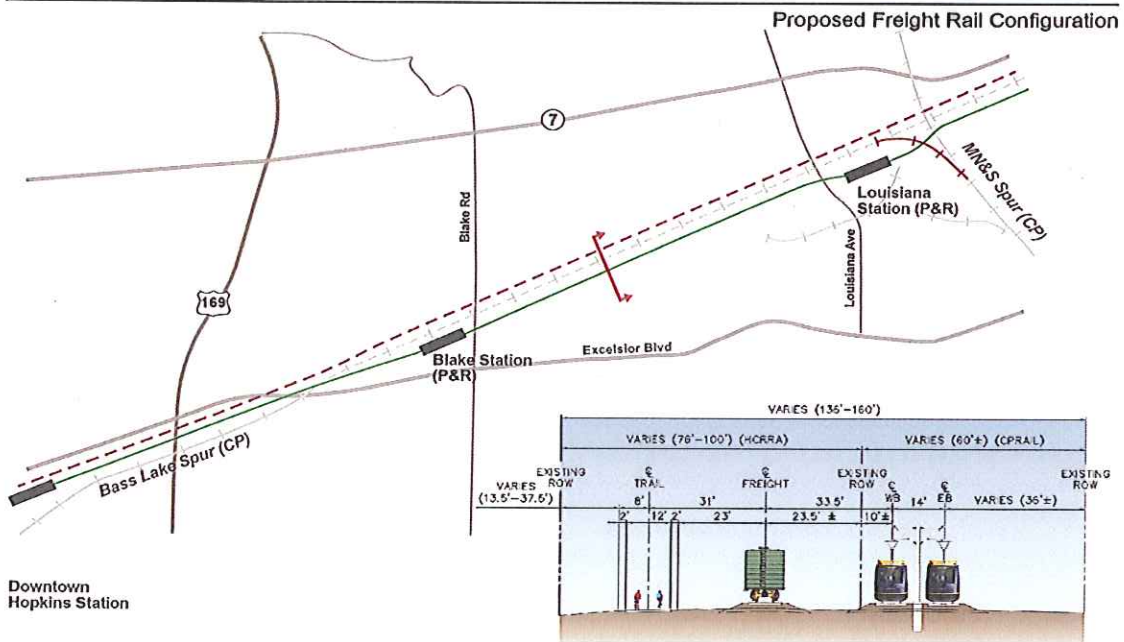
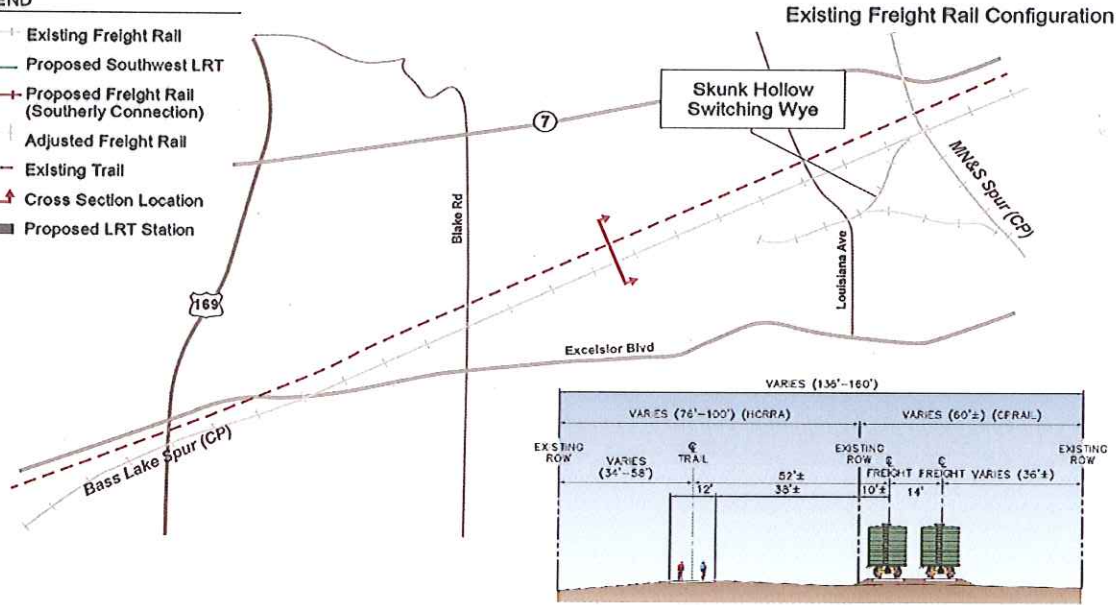


Exhibit 3. Proposed Freight Rail Modifications

LEGEND

- Existing Freight Rail
- Proposed Southwest LRT
- Proposed Freight Rail (Southerly Connection)
- Adjusted Freight Rail
- Existing Trail
- Cross Section Location
- Proposed LRT Station



	<p>Southwest LRT Supplemental Draft EIS Proposed Freight Rail Modifications</p>	<p>Exhibit 2.2-5</p>		
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-----Original Message-----

From: Vicki.Rutson@stb.dot.gov [mailto:Vicki.Rutson@stb.dot.gov]

Sent: Friday, August 22, 2014 12:09 PM

To: Sarna, Maya (FTA)

Cc: Wheeler, William (FTA)

Subject: RE: SWLRT: Rescinding of Cooperating Agency status and Invitation to Participate in Environmental Review Process

Maya, since it appears that the only potential Board licensing action would involve trackage rights (Mike Higgins will be getting back to you on that issue), there's no need for the Board to be involved in the environmental review--under the Board's environmental rules, trackage rights are categorically excluded from NEPA review by the Board.

Please call or email if this doesn't make sense.

Best, Vicki

Victoria Rutson

Director, Office of Environmental Analysis Surface Transportation Board

(202) 245-0295 (phone)

(202) 245-0454 (fax)



U.S. Department
of Transportation

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

**Federal Railroad
Administration**

OCT - 6 2014

Mr. Mark W. Fuhrmann
New Starts Program Director–Metro Transit
SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Federal Railroad Administration Safety Jurisdiction–Proposed Southwest Light
Rail Transit Line

Dear Mr. Fuhrmann:

I write in response to the Metropolitan Council’s (Met Council) request for a preliminary jurisdiction determination concerning the proposed Southwest Light Rail Transit Line (SWLRT), 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 Met Council provided in its letters dated June 12, 2014, and August 15, 2014, the Federal Railroad Administration (FRA) has concluded that the proposed SWLRT will be an urban rapid transit (URT) operation; therefore, FRA will not exercise its safety jurisdiction over the SWLRT, except to the extent that it is necessary to ensure railroad safety at any limited shared connections between the SWLRT and other railroad carriers that operate on the general railroad system of transportation (general system),¹ as discussed below.

I. General Factual Background

Met Council’s Metro Transit operating division operates and maintains the METRO system (described by Met Council as an LRT system) that serves the Minneapolis-St. Paul Twin Cities region of Minnesota. The existing METRO system consists of three lines, the METRO Blue Line, the METRO Red Line,² and the METRO Green Line.³ The Blue Line is 12 miles in length with 19 stations between Target Field in

¹ 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.

² The METRO Red Line is a bus rapid transit line with five stations providing service from the Mall of America to and from points to the south.

³ The Green Line opened for revenue operations on June 14, 2014.

downtown Minneapolis and the Mall of America in Bloomington.⁴ The Green Line is 11 miles in length with 18 stations offering service between Target Field and downtown St. Paul, sharing 5 stations with the Blue Line and bringing the METRO LRT system's total to 22 miles of exclusive right-of-way and 37 stations.

II. General Description of the SWLRT

Based upon the written correspondence from Met Council, FRA has the following understanding of the SWLRT. The SWLRT is a proposed extension of the Green Line from downtown Minneapolis to Eden Prairie, which would add approximately 15.8 miles of standard gage revenue service track and 17 new stations to the region's METRO transit system. The SWLRT will connect to the Green Line at the Target Field/Interchange station in the central business district of downtown Minneapolis and will terminate at Mitchell Station in Eden Prairie. The SWLRT will be located completely within Hennepin County, Minnesota, extending from downtown Minneapolis and serving the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie.

SWLRT service is proposed to operate 22 hours per day, 7 days per week. The SWLRT will provide service every 10 minutes during peak periods⁵ on weekdays, every 15-20 minutes in the early morning and evening hours,⁶ and every 30-60 minutes in the late evening hours.⁷ On weekends and holidays, the service will have 10-minute headways between 9:00 a.m. and 7:00 p.m., with 15-20 minute headways on mornings from 4:30 a.m. to 9:00 a.m. and evenings from 7:00 p.m. to 9:00 p.m., and 30-60 minute headways in the late evening hours between 11:00 p.m. and 2:00 a.m.

Seventeen new rail stations will be located on the SWLRT. Met Council chose the station locations based primarily on employment concentrations, strong connections to arterial bus service, compatibility with existing and future land uses, connectivity to walkable urban neighborhoods with multiple activity centers, as well as for the potential for transit-oriented development. Met Council estimates that the non-work-related trips⁸ on the SWLRT will constitute approximately 15 percent of the total trips, while it

⁴ In addition, the Bottineau Transitway, currently under development and expected to be operational as soon as 2019, is a proposed 13-mile extension to the Blue Line, adding approximately 10 stations, connecting at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at 97th Avenue, the site of Target Corporation's north campus. FRA provided a jurisdiction determination on September 19, 2013, explaining that the Bottineau Transitway, as proposed, is considered a URT operation with limited connections to the general system.

⁵ The peak period runs from 5:30 a.m. to 10:00 p.m.

⁶ The early morning hours are between 4:00 a.m. and 5:30 a.m. The evening hours are between 9:00 p.m. and 11:00 p.m.

⁷ The late evening hours are between 11:00 p.m. and 2:00 a.m.

⁸ These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

estimates that the work-related trips⁹ will constitute the remaining 85 percent of the total trips.

Three freight railroad carriers (freight rail) own or operate lines in the area in which SWLRT will be operated: Canadian Pacific Railway (CP); BNSF Railway Company (BNSF); and Twin Cities & Western Railroad Company (TC&W). There are four active freight lines within the area: the CP-owned Bass Lake Spur; the CP-owned Minneapolis, Northfield and Southern (MN&S) Spur; the Cedar Lake Junction (Kenilworth Corridor), owned by Hennepin County Regional Railroad Authority (HCRRA); and a piece of the BNSF-owned Wayzata Subdivision.

Approximately 7.7 miles of the proposed SWLRT line, between the 5th Avenue crossing in Hopkins and Royalston Avenue in Minneapolis, will be constructed adjacent to operating freight rail tracks in the CP-owned Bass Lake Spur, HCRRA-owned Kenilworth Corridor, and BNSF-owned Wayzata Subdivision. Approximately 3.9 miles of the proposed SWLRT alignment, between the 5th Avenue crossing in Hopkins and Beltline Station, will be constructed adjacent to CP-owned tracks. Approximately 2.3 miles of the proposed SWLRT alignment, between the Beltline Station and Cedar Lake Junction near Penn Station, will be constructed adjacent to HCRRA-owned tracks. Finally, from Cedar Lake Junction near Penn Station to Royalston Avenue, the SWLRT will run adjacent to BNSF-owned tracks for approximately 1.5 miles.

The SWLRT will not share track with railroad carriers that operate on the general system. There will be no shared stations between the SWLRT and freight rail, and no shared freight rail-SWLRT rail (diamond) at-grade crossings. Rather, the SWLRT's vehicles will operate on their own double mainline tracks, which will be approximately 33.5 feet (measured from center line to center line) away from freight rail on most areas along the SWLRT.¹⁰

There are five proposed highway-rail crossings at grade through which freight rail traffic will operate in the corridor that it will share with the SWLRT. The highway-rail grade crossings that will be shared between freight rail and the SWLRT will be located at 5th Avenue South, Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street.¹¹ These crossings are proposed to be signalized crossings with gates.¹² A single set

⁹ These trips will originate at the passenger's home and will terminate at the passenger's place of employment or at an institutional campus.

¹⁰ The distance separating the SWLRT track from freight rail track varies from 25 feet to 110 feet on CP's Bass Lake Spur, from 20 feet to 50 feet on HCRRA's Kenilworth Corridor, and from 22.5 feet to over 50 feet on BNSF's Wayzata Subdivision. Crash walls are proposed at locations closer than 25 feet.

¹¹ Note that the crossing at 8th Avenue South is only ¼ mile west of the 5th Avenue South crossing, but the freight rail track does not cross the highway at this location.

¹² The existing signal control at the 5th Avenue South, Blake Road North, Wooddale Avenue, and Beltline Boulevard freight highway-rail grade crossings is composed of cantilevered flashers and gates. The existing signal control at the 21st Street freight highway-rail grade crossing is composed of crossbucks and stop signs.

of gate arms and flashing lights will be used at Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street¹³ for protection of both the freight rail and the SWLRT operations. Train detection circuitry on the freight tracks will be interfaced with the SWLRT's grade crossing warning system at the shared crossings. Similarly, train detection circuitry on the SWLRT's tracks will be interfaced with the freight railroad carriers' grade crossing warning systems at the shared crossings. The 5th Avenue South highway-rail grade crossing has approximately 200 feet of separation between the SWLRT track centerline and CP's track centerline. Each crossing at 5th Avenue South will have its own active warning device consisting of flashing lights and gates. There will be an interconnection between the SWLRT bungalow and the CP bungalow to facilitate the operation of both sets of warning devices. Crossing details will be evaluated and further refined as the project progresses.¹⁴ Freight railroad carriers currently have maintenance responsibilities for the highway-rail grade crossing warning systems.¹⁵

The CP-owned Bass Lake Spur¹⁶ currently consists of Class 2 freight track with approximately 19-20 TC&W trains per week, operating at a maximum authorized operating speed of 25 miles per hour (mph). TC&W also operates 19-20 trains through the Kenilworth Corridor,¹⁷ which is comprised of Class 2 track at a maximum speed of 10 mph. The MN&S Spur currently has Class 1 freight track and a maximum operating speed of 10 mph, with approximately 10 CP trains per week. The Wayzata Subdivision currently has Class 4 freight track with a maximum authorized operating speed of 45 mph, with approximately 19 BNSF trains per week. The maximum proposed operating speed for the SWLRT is 55 mph.

The SWLRT would also have five highway-rail grade crossings that would be grade separated from freight rail: Excelsior Boulevard, Trunk Highway 100, Oxford

¹³ The 21st Street crossing is currently subject to an active 24-hour Pre-Rule Quiet Zone per 49 C.F.R. § 222.43. Met Council believes that the construction along the corridor at the 21st Street crossing would make this a Partial Pre-Rule Quiet Zone during working hours. Met Council anticipates that the 21st Street crossing would become a New Quiet Zone upon completion due to the addition of active warning devices, roadway medians, and the operation of SWLRT trains to the existing crossing.

¹⁴ The City of St. Louis Park and the City of Hopkins have expressed interest in implementing new Quiet Zones at shared freight rail and SWLRT crossings in their communities.

¹⁵ It is proposed that maintenance responsibilities for the highway-rail grade crossing warning systems will be shared by the SWLRT and the freight railroad carriers. It is proposed that freight railroad carriers will provide and maintain the active warning devices for freight rail tracks. Similarly, it is proposed that the SWLRT will provide and maintain the active warning devices for its tracks. Negotiations with freight carriers regarding future maintenance responsibilities on the shared crossings and which entity will provide and maintain the active warning devices will occur as the project progresses through the Federal Transit Administration (FTA) New Starts process.

¹⁶ The shared freight-SWLRT highway-rail grade crossings of 5th Avenue South, Blake Road North, Wooddale Avenue, and Beltline Boulevard are located on the CP-owned Bass Lake Spur.

¹⁷ The shared freight-SWLRT highway-rail grade crossing of 21st Street in Minneapolis is located on the HCRRA-owned Kenilworth Corridor.

Street, Louisiana Avenue, and Cedar Lake Parkway.¹⁸ Finally, there are currently two at-grade recreational trail crossings on the corridor east of Beltline Boulevard and west of Cedar Lake Junction, but the crossings are proposed to be permanently closed.

Met Council has worked closely with FTA Region V and Headquarters staff and representatives of CP, BNSF, TC&W, and FRA to work out the details and design of the SWLRT. Per 49 C.F.R. Part 659, the Minnesota Department of Public Safety¹⁹ will provide State oversight regarding the operation of the SWLRT.

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

The Federal railroad safety laws apply to “railroad carriers.” A “railroad carrier” is defined, in pertinent part, 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 or other short-haul railroad passenger service in a metropolitan or suburban area (a commuter or short-haul railroad) is within FRA’s jurisdiction, even if it is not connected to another railroad. 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 railroad passenger service in a metropolitan or suburban area” 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).²⁰ In FRA’s Policy Statement, FRA establishes certain presumptions regarding

¹⁸ The Cedar Lake Parkway crossing is currently subject to an active 24-hour Pre-Rule Quiet Zone per 49 C.F.R. § 222.43. Met Council believes that the construction along the corridor at this crossing would make this a Partial Pre-Rule Quiet Zone during working hours. Met Council anticipates that the 24-hour Pre-Rule Quiet Zone would be in effect following construction activities at the Cedar Lake Parkway crossing.

¹⁹ 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. Met Council will coordinate with the Minnesota Department of Public Safety as the project progresses.

²⁰ 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.”

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 SWLRT. Second, if an operation is a subway or elevated system that has its own separate track system, has no highway-rail grade crossings, and moves passengers from station to station within an urban area, then FRA will presume that the system is URT. The SWLRT will not be a subway or elevated operation, and it will have five shared 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.”²¹ 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 may also serve its suburbs), 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 exercise of limited jurisdiction occurs because such a connection presents sufficient intermingling between the URT system and the general

²¹ 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 SWLRT because, as described below, it has the characteristics of a URT operation.

system railroad to pose hazards to either or both rail 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 and laws that are necessary to ensure safety at the crossings, as further specified below.

IV. Application of FRA's Jurisdiction Policy to the SWLRT Operation

FRA's review of all of the relevant materials indicates that the SWLRT 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 SWLRT

One of the characteristics of a URT system is that it serves an urban area. Met Council's correspondence makes it clear that the SWLRT will provide service to a single urban area, not a sprawling metropolitan region. The SWLRT will be located completely within Hennepin County, Minnesota, extending from downtown Minneapolis and serving the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie. The SWLRT is a proposed extension of the existing METRO Green Line, beginning at the Target Field/Interchange station in the central business district of downtown Minneapolis and terminating at Mitchell Station in Eden Prairie. The SWLRT would add approximately 15.8 miles of standard gage revenue service track and 17 new stations to the region's METRO transit system. Stations will be spaced between 0.45 and 1.86 miles apart.

The SWLRT 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 SWLRT will serve the Twin Cities in a similar fashion and within the range of other transit systems that FRA considers to be URT systems. Consequently, FRA has determined that the geography of the SWLRT is consistent with the geography of a URT operation.

B. Function of the SWLRT

The second characteristic of a URT system is its function of moving passengers from station to station within an urban area. Met Council's description of the SWLRT 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 SWLRT 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 SWLRT will provide passengers with access to centers of employment. However, transporting passengers to and from work will not be the sole function of the SWLRT. 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. Met Council has explained that those activity centers and neighborhoods include transit-supported neighborhoods with access to recreational facilities and with mixed commercial, residential, and industrial uses,²² as well as connections to the north end of downtown Minneapolis.²³ Met Council estimates that the non-work-related trips²⁴ on the SWLRT will constitute approximately 15 percent of the total trips, while it estimates that the work-related trips²⁵ will constitute the remaining 85 percent of the total trips.²⁶

The station environment for the SWLRT will also be oriented towards providing passengers with non-work-related service throughout the day. Met Council intends to develop stations along the alignment with limited public parking. Ten of the proposed seventeen 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 primarily non-motorized access to the stations, it will be less likely that suburban commuters will use the SWLRT as an intermediate or final leg of a much longer journey to and from work.

²² Station stops include access to housing developments, city halls, cultural establishments and amenities, museums, galleries, multiple shopping centers (including retail stores and restaurants), health care providers, farmers’ markets, lakes, public parks, and land designated as future mixed office/retail/residential use.

²³ The SWLRT terminates at the Target Field/Interchange station (developed as part of a separate project), 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 Green Line, of which the SWLRT is an extension, include the University of Minnesota and Union Depot. The SWLRT will also offer a one-seat ride to downtown St. Paul. Passengers who transfer will be able to ride the Blue Line to the Minnesota Vikings National Football League stadium, the Hennepin County Government Center, the Minneapolis City Hall, the Minneapolis-St. Paul International Airport, Veterans Administration Medical Center, and the Mall of America.

²⁴ These trips will be comprised of non-home-based errands, shopping, and entertainment-related trips.

²⁵ These trips will originate at the passenger’s home and will terminate at the passenger’s place of employment or at an institutional campus.

²⁶ The fact that Met Council projects that the percentage of work-related trips will exceed the percentage of non-work-related trips does not preclude a finding that the SWLRT’s function reflects an URT operation. This is one characteristic that FRA considers when analyzing the function of an operation; it is not determinative. Indeed, data taken from a transit on-board survey (2005-2006) of the Sacramento Regional Transit District system, an existing URT operation, revealed that 52 percent of all of its passengers made work-related trips, yet the system is still considered URT by FRA. Moreover, the overall function of the SWLRT, including the station stops and equipment, support a finding of URT.

Finally, the type of equipment that will be used on the SWLRT 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, Met Council plans to operate electric light rail vehicles²⁷ to take advantage of the greater acceleration and deceleration rates and the increased ability to negotiate steeper gradients.

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

C. Frequency of Operations for the SWLRT

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

SWLRT service is proposed to operate 22 hours per day, 7 days per week. The SWLRT will provide service every 10 minutes during peak periods²⁸ on weekdays, every 15-20 minutes in the early morning and evening hours,²⁹ and every 30-60 minutes in the late evening hours.³⁰ On weekends and holidays, the service will have 10-minute headways between 9:00 a.m. and 7:00 p.m., with 15-20 minute headways on mornings from 4:30 a.m. to 9:00 a.m. and evenings from 7:00 p.m. to 9:00 p.m., and 30-60 minute headways in the late evening hours between 11:00 p.m. and 2:00 a.m. Based upon this proposed schedule, it is clear that the SWLRT 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. Moreover, the Santa Clara Valley Transportation Authority in San Jose, California operates with headways of 15 minutes peak and 30 minutes off peak.

²⁷ Electric light rail vehicles would run on two new sets of tracks (eastbound and westbound) separate from freight rail tracks owned by CP, BNSF, and HCRRA. Electric light rail vehicles may include those currently in use on the Blue and Green Lines, such as Bombardier Flexity Swift and Siemens S70 vehicles.

²⁸ The peak period runs from 5:30 a.m. to 10:00 p.m.

²⁹ The early morning hours are between 4:00 a.m. and 5:30 a.m. The evening hours are between 9:00 p.m. and 11:00 p.m.

³⁰ The late evening hours are between 11:00 p.m. and 2:00 a.m.

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

D. The SWLRT's Connections to the General System

All of the factors described above support a conclusion that the SWLRT, 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 SWLRT will provide frequent train service, even outside of the morning and evening peak periods.

Although the SWLRT will be a URT operation, it will have limited connections to the general system; the SWLRT will share five highway-rail grade crossings with a railroad that operates on the general system.³¹ FRA does not, however, consider these connections sufficient to warrant a full assertion of its jurisdiction on the entirety of the SWLRT. 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 SWLRT that will have the connection with the general system. Moreover, the relevant FRA regulations that will apply to the SWLRT will apply only to its operations that occur at those limited connections with the general system. At all other locations on the SWLRT, FRA's regulations will not apply.

Here, the points of connection will be the five shared highway-rail grade crossings at 5th Avenue South, Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street. Consequently, FRA's highway-rail grade crossing regulations (49 C.F.R. Part 234) will apply to the SWLRT, 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 the hours of service recordkeeping and reporting provisions at 49 C.F.R. Part 228),³² the roadway

³¹ These five shared highway-rail grade crossings are the only connections that the SWLRT will have with the general system. As mentioned above, the SWLRT will not share track with a railroad that operates on the general system. In fact, at grade, the horizontal track separation between the SWLRT and the nearest freight track will be at least 20 feet (from center line to center line). Moreover, there will be no shared stations between the SWLRT and the freight operation, and there will be no rail-rail crossings at grade.

³² FRA expects that SWLRT dispatchers will have direct communications (such as through a radio) with freight rail dispatchers and/or freight train crews. The SWLRT 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

worker 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 SWLRT at the five shared highway-rail grade-crossings; these regulations will not apply at any other locations on the SWLRT. For example, FRA's accident reporting regulations will only apply for accidents or incidents that occur at the shared highway-rail grade crossings.³³ To the extent that an accident or incident occurs elsewhere on the SWLRT, Met Council would not have to comply with FRA's accident reporting regulations.

Despite FRA's limited assertion of jurisdiction over the SWLRT, 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 Met Council believes that there are some requirements applicable to the SWLRT 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 Met Council believes that it 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 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.³⁴

V. Conclusion

FRA has concluded that, under the Federal railroad safety laws, if the SWLRT is built and operated as proposed, it will be a URT system with limited connections to the general system. As a result, 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 SWLRT and the general system. Additionally, as mentioned above, Met Council may

the general system.

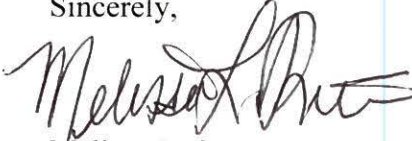
³³ For example, when reporting the train miles, the worker hours, and the number of passengers transported on Form FRA F 6180.55, pursuant to the section entitled "Operational Data & Accident Incident Counts for Report Month," the SWLRT should only submit data that corresponds to the highway-rail grade crossings that are shared between freight rail and the SWLRT. FRA understands that it may be difficult to determine the actual train miles, the worker hours, and the number of passengers transported through the shared highway-rail grade crossings. To minimize such difficulties, FRA requests that the SWLRT estimate the portion of the SWLRT's connection with the general system at the subject highway-rail grade crossings as a percentage of the entirety of the SWLRT, and then calculate the requisite operational data based upon this percentage.

³⁴ 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.

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 SWLRT operation changes in any meaningful manner, FRA expects 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 Trial Attorney Veronica Chittim of my office at 202-493-0273.

Sincerely,



Melissa L. Porter
Chief Counsel



Minnesota Department of Transportation

Office of Environmental Services

Mail Stop 620
395 John Ireland Boulevard

Office Tel: (651) 366-4292

Fax: (651) 366-3603

greg.mathis@state.mn.us

October 13, 2014

Sarah Beimers
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; comments received in response to April 2014 consultation on project effects, SHPO #2009-0080

Dear Ms. Beimers,

We are writing to continue our consultation regarding the Southwest Light Rail Transit (LRT) project. First, let me thank you for your participation at the Section 106 consulting parties meeting held on 30 April 2014 and for your comments of 21 May 2014 regarding this meeting and the consultation materials submitted on 18 April 2014. Subsequent to the consulting parties meeting, we received additional comments from the City of Minneapolis (City) and the Minneapolis Park and Recreation Board (MPRB), which are summarized below. Since other Section 106 consulting parties were not copied on these communications, we are submitting them to your office and copying all Section 106 consulting parties so that everyone has the same materials. No response is required.

On 16 May 2014 the City provided comments indicating that it would be premature for the City to provide separate comments under Section 106 prior to its decision as part of the municipal consent process (Attachment A). While not required by NEPA or Section 106, municipal consent is a process established by Minnesota Statute 473.3994, whereby the governing body of each statutory and home rule charter city, county, and town in which a LRT route is proposed to be located is provided an opportunity to review the preliminary design plans and either approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans must also describe specific amendments to the plans that, if adopted, would cause it to withdraw its disapproval. The City approved municipal consent for the project on 29 August 2014, but has not provided any comments under Section 106 since that time.

On 18 May 2014 the MPRB issued comments pertaining to potential effects to several National Register eligible properties in Minneapolis (Attachment B). Specific comments were provided on three properties, all of which are contributing resources to the National Register eligible Grand Rounds Historic District (XX-PRK-001):

- Lake Calhoun (HE-MPC-01811)
 - Concerned about potential impacts from changes in traffic and parking patterns related to the West Lake Station; and
 - Request for continued consultation through final design of new and/or improved access routes to the station to achieve no adverse effect from traffic and parking changes.
- Cedar Lake Parkway (HE-MPC-01833)
 - Concerned about long-term noise and visual effects at the intersection of the project and this resource;

- Impacts to adjacent park land; and
- Request for continued consultation on potential effects to this resource.
- Kenilworth Lagoon/Channel (HE-MPC-1822)
 - Concerns:
 - Size and scale of the proposed new bridge structures crossing over the lagoon/channel and their inconsistency with the design intent and historic cultural landscape of the channel;
 - Visual impacts of tunnel portals on each side of the channel
 - Noise and vibrations from LRT vehicles entering/exiting the tunnels; and
 - May not be possible to mitigate impacts of new bridges.
 - Request continued consultation to further consider potential impacts to the lagoon/channel.

The MPRB also requested continued consultation related to the potential impacts of the new bridge structures over the Kenilworth Lagoon/Channel to five National Register eligible properties:

- Cedar Lake (Grand Rounds) (HE-MPC-1820)
- Lake of the Isles (Grand Rounds) (HE-MPC-1824)
- Lake of the Isles Parkway (Grand Rounds) (HE-MPC-1825)
- Park Board Bridge No. 4 (Grand Rounds) (HE-MPC-6901)
- Lake of the Isles Residential Historic District (HE-MPC-9860)

The Federal Transit Administration (FTA) and the Minnesota Department of Transportation Cultural Resources Unit, as designated authority by FTA, will take these comments, as well as those provided by your office, into account as Project planning moves forward. We look forward to continuing to consult with your office to consider potential effects to these and other listed and eligible historic properties as Project planning moves forward.

Sincerely,



Greg Mathis
MnDOT Cultural Resources Unit

Enclosures: Two (2)

cc (via email): Maya Sarna, Federal Transit Administration
 Bill Wheeler, Federal Transit Administration
 Nani Jacobson, Metropolitan Council
 Caroline Miller, Metropolitan Council
 Katie Walker, Hennepin County
 Regina Rojas, City of Eden Prairie
 Nancy Anderson, City of Hopkins
 Brian Schaffer, City of Minneapolis
 John Byers, City of Minneapolis
 Elise Durbin, City of Minnetonka
 Meg McMonigal, City of St. Louis Park
 Kathy Low, Kenwood Isles Area Association
 Jennifer Ringold, Minneapolis Park and Recreation Board
 Bill Walker, Three Rivers Park District

ATTACHMENT A

From: [Byers, Jack P.](#)
To: [Gimmestad, Dennis \(DOT\)](#)
Cc: sarah.beimers@mnhs.org; [Jacobson, Nani \(Nani.Jacobson@metrotransit.org\)](mailto:Jacobson.Nani@metrotransit.org); [Hager, Jenifer A](#); [Schaffer, Brian C.](#)
Subject: Southwest LRT 106 Consultation - Your request for comments from Minneapolis by May 18th
Date: Friday, May 16, 2014 11:02:32 AM

Dennis,

Thank you for convening all of the consulting parties on the Southwest Transitway Section 106 process on April 30th. We appreciate your presentation of the updated Potential Effects table and we appreciate the research and chronology that the 106 Group presented during that meeting. Both were illuminating and very helpful. Thank you for your hard work on this project.

As you are aware, the City of Minneapolis and the other municipalities along the proposed corridor are currently engaged the Municipal Consent process; one that includes a specific set of proposals from SPO. City of Minneapolis staff are reviewing the SPO package and preparing our comments for subsequent review and consideration by our City Council. City staff are certainly keeping matters related to historic resources in mind as we conduct our Municipal Consent review. However, given that the Municipal Consent process is formally underway, it would be premature for us to comment specifically on 106 matters separately and before our City Council's review and decision on Municipal Consent is completed.

Thank you for understanding. Please feel free to contact me if you have any questions or require further clarification.

Regards,
Jack Byers

Jack Byers, AICP

Long Range Planning Manager

City of Minneapolis – Community Planning and Economic Development

105 Fifth Avenue South – 200
Minneapolis, MN 55401-2534

Office: 612-673-2634

jack.byers@minneapolismn.gov

www.minneapolismn.gov/cped





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 16 2014

Operations
Regulatory (2009-01283-MMJ)

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

Dear Ms. Simon:

We have reviewed the Southwest Light Rail Transit (SWLRT) Concurrence Points package dated May 5, 2014, as well as additional materials received at the SWLRT Wetland Regulatory Coordination meetings in June and September of this year. After reviewing this additional information we can now concur with Point 3 (Identification of the Selected Alternative) for the SWLRT Project, as outlined in the National Environmental Policy Act (NEPA) / Section 404 Clean Water Act (404) merger process.

After reviewing the SWLRT Draft Environmental Impact Statement (DEIS), we concurred with Point 1 (Project Purpose and Need) and Point 2 (Array of Alternatives and Alternatives Carried Forward) of the merger process for the SWLRT project in a letter dated December 20, 2012. As stated in our 2012 letter, to comply with Clean Water Act 404(b)(1) Guidelines, the alternatives analysis for the SWLRT project must describe how you considered 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 alternatives were considered for the SWLRT project. The SWLRT DEIS included alignments LRT 3A (freight rail re-location), and LRT 3A-1 (freight rail co-location), as potential locally preferred alternatives (LPA) for this project. In our 2012 letter we stated that as proposed, alignment LRT 3A would not comply with the 404(b)(1) Guidelines because it would have resulted in greater impacts to WOUS when compared to LRT 3A-1. At that time, we suggested that alignment LRT 3A-1 (co-location) would be the LEDPA for this project.

In addition, in a letter dated July 18, 2013, after learning that the SWLRT project team was working on a Supplemental DEIS (SDEIS), we indicated that we would revisit concurrence Point 2 of the merger process to confirm that the updated SDEIS alternatives analysis would still satisfy CWA Section 404 regulatory requirements. After reviewing your Concurrence Points Package, we have determined that we still concur with Point 2 of the merger process for the SWLRT project, as referenced above.

The SWLRT SDEIS is now proceeding with the LRT 3A-1 (co-location) alignment as the LPA. After reviewing more refined wetland impact calculations, we have confirmed that alignment LRT 3A-1 will still result in fewer impacts to WOUS when compared to LRT 3A. Therefore, we have again made a preliminary determination that alignment LRT 3A-1 is the LEDPA for this project. As is typical of a NEPA/404 merger process, if substantial new information regarding alignment LRT 3A-1 is brought forward later in the project development process, we may revisit this decision and our concurrence that the selected alternative is the LEDPA.

The SWLRT project team recently provided us with an updated preliminary wetland impact figure for this project indicating that impacts to WOUS associated with the LPA have risen from approximately 8.7 acres, identified as of April 2014, to approximately 18.5 acres, as a result of further project development. Due to this significant increase in expected impacts, we anticipate greater emphasis being placed on maximizing avoidance and minimization measures as the LPA is further refined, and we work towards Concurrence Point 4 of the merger process (Design Phase Impact Minimization).

We look forward to reviewing the SDEIS 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, FTA, HQ
Bill Wheeler, FTA, Region V
Virginia Laszewski, EPA
Nani Jacobson, Metropolitan Council
Ben Hodapp, Anderson Engineering

STATE HISTORIC PRESERVATION OFFICE

November 7, 2014

Greg Mathis
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Mathis:

Thank you for continuing consultation on the above project. Information received in our office on 7 October 2014 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, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

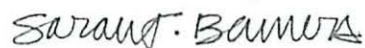
We have completed our review of additional transit project information including your correspondence dated October 3rd and the archaeological survey report entitled *Phase I Archaeological Investigation Southwest Light Rail Transit, Hennepin County, Minnesota, SDEIS Areas: Eden Prairie Segment, Archaeological Potential Area C* (CH2M Hill, September 2014).

We agree with the results of the archaeological survey which indicate that there were no archaeological resources identified and that further archaeological investigation is not warranted for Area C. We concur with your determination that there are no additional historic properties identified in this area.

It is our understanding that Phase 1 archaeological surveys will be completed for Areas A & B and the results will be submitted to our office for review and comment.

We look forward to continuing consultation on this important project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,



Sarah Beimers, Manager
Government Programs & Compliance

PRESERVATION DESIGN WORKS, LLC

November 12, 2014

Greg Mathis
Minnesota Department of Transportation
Office of Environmental Services-Cultural Resources Unit
Mailstop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155
greg.mathis@state.mn.us

CC: Kathy Low, Kenwood Isles Area Association, KIAA, lowmn@comcast.net

RE: Southwest Light Rail Transit Project 2014
Kenwood Isles Area Association Comments on October 14, 2014 Comments Received in
Response to April Consultation on Project Effects and October 17, 2014 Adjustments to the
Area of Potential Effect

Dear Mr. Mathis,

Thank you for the opportunity to review the Section 106 materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office. The October 14, 2014 Comments Received in Response to April 2014 Consultation on Project Effects, SHPO #2009-0080 and the October 17, 2014 Adjustments to the Area of Potential Effect have the potential to have a significant impact on the identified historic resources located within the Kenwood neighborhood.

- KIAA agrees with the May 18, 2014 comments issued by the Minneapolis Park and Recreation Board (MPRB) regarding the size and scale of the proposed new bridge structures crossing the Kenilworth Channel and Lagoon [HE-MPC-1822] and their inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge, and the fact that it may not be possible to mitigate the impacts of the new bridge. KIAA welcomes the opportunity to continue consultation on the bridge and its impact on the Kenilworth Channel and Lagoon.
- The re-introduced light rail station at 21st Street (Station) has the potential to impact the Kenwood Parkway Residential Historic District (District). The station infrastructure and related development has the potential to change traffic and parking patterns in the neighborhood, introduce long-term visual and audible intrusion, and adversely impact the District's historic setting—potential effects that extend beyond the currently proposed APE. KIAA welcomes the opportunity to continue consultation on this station.

- The re-introduced light rail station at 21st Street (Station) has the potential to adversely impact Kenwood Parkway/Grand Rounds [HE-MPC-01796]. KIAA welcomes the opportunity to continue consultation on this station.
- KIAA agrees with MNDOT's assertion that the Kenilworth Corridor is located in a park-like setting and believes that the Kenilworth Channel is a significant feature of this setting. The proposed at-grade bridge over the Kenilworth Channel [HE-MPC-1822] has significant potential to adversely impact the historic landscape of the channel. KIAA welcomes the opportunity to continue consultation on this bridge.
- KIAA agrees that lighting and security improvements throughout the corridor in the proximity of station areas will be necessary and welcomes the opportunity to continue consultation on these improvements.
- KIAA welcomes the opportunity to continue consultation on the "high quality aesthetic design, including community engagement, of all fence and railings throughout the corridor."

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Rail Transit Project.

Sincerely,
PRESERVATION DESIGN WORKS



Tamara Halvorsen Ludt
Research Associate

PRESERVATION DESIGN WORKS, LLC

10 December 2014

Greg Mathis
Minnesota Department of Transportation
Office of Environmental Services
Cultural Resources Unit
Mailstop 620
395 John Ireland Boulevard
St. Paul, Minnesota 55155
greg.mathis@state.mn.us

RE: Kenwood Isles Area Association (KIAA) Comments on November 12, 2014 Consultation on Potential Effects of Southwest Light Rail Transit Project, SHPO #2009-0080

Dear Mr. Mathis,

Thank you for the opportunity to review the materials provided to Sarah Beimers of the Minnesota State Historic Preservation Office and to participate in the 24 November 2014 consultant meeting for the Southwest Light Rail Transit Project. Your warm welcome at the meeting was greatly appreciated. The Kenwood Isles Area Association (KIAA) has the following comments on the materials:

Table of Potential Effects on Historic Properties (12 November 2014):

1. KIAA contends that the language used in the Effects Analysis and Preliminary Determination of Effect is problematic. For example, it is inconsistent to write that access routes to the stations from Kenwood Parkway may "result in potential minor effects from construction of access routes... and from visual effects of access route elements" and then reach a determination of "no adverse effect." The 106 process allows for two possible determinations of effect: no adverse effect and adverse effect (36 CFR 800.5). There are not grades of adverse effects. In accordance with the regulations, KIAA asserts that "minor effects" are adverse effects and, as such, does not agree to a determination of "no adverse effect" on Kenwood's historic resources.
2. KIAA disagrees with the preliminary determination, based on preliminary plans, of no adverse effect on the Kenwood Parkway Residential Historic District (*HE-MPC-18059*), Kenwood Parkway (*HE-MPC-01796*), Kenwood Park (*HE-MPC-01797*), the Frank & Julia Shaw House (*HE-MPC-6603*), the Frieda & Henry J. Neils House (*HE-MPC-6068*), and the Mahalia & Zacharia Saveland House (*HE-MPC-6766*). KIAA agrees that changes in traffic and parking patterns created by the 21st Street Station and Penn Station need further assessment. Further, KIAA agrees that the impact of light and noise from the trains on these historic resources also requires further study. Because these potential adverse effects require further assessment, KIAA asserts that it is premature to reach a preliminary

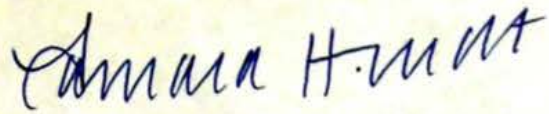
determination of "no adverse effect." If MnDOT, for the FTA, is requesting comment without a memorandum of agreement, additional documentation is required pursuant to 36 CFR 800.11. KIAA looks forward to continued consultation on all issues related to these historic resources, and requests to be a signatory to any memorandum of agreement or programmatic agreement that may be developed for this undertaking in the future.

3. KIAA believes that it is premature to reach a determination of "no adverse effect with continued consultation" because "continued consultation" is not clearly defined. At this time, plans for continued consultation have not been specified, there is not a proposed timetable, and it is not stated whether effects are going to be determined prior to, during, or after construction. While KIAA appreciates that 106 consultation is an ongoing process, it has concerns about the suggestion made during the consultant meeting that "continued consultation" could include traffic monitoring after construction as it is impossible to avoid adverse effects once stations are operational. KIAA asserts that either a memorandum of agreement pursuant to 36 CFR 800.11 or a program agreement pursuant to 36 CFR 800.14 is desirable if effects cannot be determined prior to approval of the undertaking.
4. KIAA is concerned about the impact of construction on Kenwood Parkway, the Kenwood Parkway Residential Historic District, Kenwood Park, the Frank and Julia Shaw House, the Frieda & Henry J. Neils House, and the Mahalia & Zacharia Saveland House. Do the vibration studies account for increased truck and construction equipment traffic and the resulting vibrations and potential impacts on historic resources? If not, KIAA requests preparation of a construction protection plan that incorporates guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction.
5. Assuming that the vibration studies account for the impact of construction and construction-related traffic, KIAA agrees with the finding of "no adverse effect" on the Kenwood Water Tower (*HE-MPC-06475*). If the vibration studies do not account for construction and related equipment, KIAA does not agree with a finding of "no adverse effect" on the Kenwood Water Tower until development of a construction protection plan that incorporates guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as a memorandum of agreement or a programmatic agreement that specifies how these potential impacts will be monitored following approval of the undertaking.
6. KIAA agrees with the determination of "adverse effect" on the Kenilworth Lagoon. KIAA would like to reiterate the Minneapolis Park and Recreation Board and SHPO concerns, expressed during the November 24, 2014 consultants meeting, regarding the setting and visitor experience of the lagoon. "Setting" and "feeling" are criteria of integrity that are used to determine National Register of Historic Places eligibility and KIAA is concerned that an increase in sound will adversely alter the setting and feeling of the Kenilworth Lagoon and will adversely impact how people use this historic resource. KIAA looks forward to continuing consultation on all issues related to the Kenilworth Lagoon.

Again, thank you for the opportunity to review these materials and to participate in future consultation for the Section 106 review of the Southwest Light Rail Transit Project.

Sincerely,

PRESERVATION DESIGN WORKS

A handwritten signature in blue ink that reads "Tamara Halvorsen Ludt". The signature is written in a cursive, flowing style.

Tamara Halvorsen Ludt
Architectural Historian
& Research Associate

cc: Kenwood Isles Area Association
Cedar Isles Dean Neighborhood Association
Minneapolis Park and Recreation Board
Sarah Beimers, Minnesota State Historic Preservation Office



**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

December 12, 2014

Greg Mathis
MnDOT Cultural Resources Unit
Office of Environmental Stewardship
Mail Stop 620
395 John Ireland Boulevard
Saint Paul, MN 55155

**Re: Minneapolis Park and Recreation Board Comments on the
Southwest LRT Section 106 Review**

Dear Greg:

The Minneapolis Park and Recreation Board (MPRB) welcomes this opportunity to comment further on the Section 106 Review for the Southwest Transitway (SWLRT) project. We remain concerned about the archaeological and architecture/historic resources on MPRB land that will be adversely affected by the SWLRT project route and construction plans.

With respect to the adverse effects to the Kenilworth channel of all bridge changes, MPRB staff have the following comments:

- Burnham Road Bridge (HE-MPC-1832) - Although the bridge is a non-contributing feature of the Grand Rounds Historic District, we feel the views from and to it of the SWLRT Project are an important component of the historic nature of the channel, and need to be considered an adverse effect overall.
- Lake Calhoun (HE-MPC-01811) – We continue to be concerned about the traffic and safety impacts of the West Lake Station on this important element of the Grand Rounds, as discussed in our May 16, 2014 comment letter.
- Cedar Lake Parkway (HE-MPC-01833) – We reiterate our comments in our May 16, 2014, comment letter of concern about the ‘quiet zone’ nature of this area and the need to be sure the construction design and documents reflect this unique designation and need.

President
Liz Wielinski

Vice President
Scott Vreeland

Commissioners
Brad Bourm
John Erwin
Meg Forney
Steffanie Musich
Jon C. Olson
Anita Tabb
M. Annie Young

Superintendent
Jayne Miller


Secretary to the Board
Pamela French

- Kenilworth Lagoon (HE-MPC-1822) – The MPRB agrees with the determination of adverse effect of the SWLRT project on the Kenilworth Channel and Lagoon. Noise, dust and views throughout the area will be significantly impacted. We are concerned that no amount of mitigation will offset these adverse effects on the quiet, naturalistic and picturesque nature of the park experience and use.
- Cedar Lake (HE-1820) – We disagree with the preliminary determination of no adverse effect to Cedar Lake at this time. There has not been sufficient study of the sound and visual effects of the proposed project at the Kenilworth Channel nor at the westerly end of the Channel at Cedar Lake to make this conclusion at this time.
- Park Board Bridge #4 (HE-MPC-6901), Lake of the Isles Parkway (HE-MPC-1825), and Lake of the Isles (HE-MPC-1824) – For all three Grand Rounds elements, the preliminary determination remains ‘to be determined.’ All three seem to anticipate the design of the new bridges may avoid, minimize or mitigate any adverse effects. So far, we have seen no evidence that significant mitigation can be achieved.

We recognize that the project office provided potential bridge designs at the consultation meeting on November 24, 2014. Overall, it seems premature for the MPRB to provide comment on designs for the Kenilworth Channel bridges. We would appreciate knowing when the official comment period for these designs is going to begin and end. In the interim, as described above, it appears impossible to mitigate adverse effects based on the features of these designs.

Thank you for this opportunity to comment on the Section 106 review for the LRT. If you have any questions, please do not hesitate to contact Jennifer Ringold, Director of Strategic Planning, at 612-230-6464 or jringold@minneapolisparcs.org.

Sincerely,



Jennifer Ringold
Director of Strategic Planning

STATE HISTORIC PRESERVATION OFFICE

December 12, 2014

Greg Mathis
MnDOT Cultural Resources Unit
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155-1899

RE: Southwest Light Rail Transit Project
Multiple Communities, Hennepin County
SHPO Number: 2009-0080

Dear Mr. Mathis,

Thank you for continuing consultation on the above project which is being 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, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have completed our review of the two (2) project consultation packages which were submitted to our office on 17 October 2014 and 12 November 2014. Our comments are provided below.

In addition to reviewing these materials, we participated in the Section 106 Consulting Parties meeting held at the Southwest Project Office on November 24, 2014. Thank you for convening all of the consulting parties and agency representatives for this meeting.

Area of Potential Effects Revisions

As indicated and agreed to in the project's 2010 research design for cultural resources, you have recently completed a reevaluation of the area of potential effect (APE) determinations for this project. The APE reassessment at this time is a result of completion of the 30% Preliminary Plans and several adjustments to the project scope as outlined in the memorandum of understanding (MOU) between the Metropolitan Council and the City of Minneapolis. Although there are previously identified historic properties within the revised APEs, it is our understanding that your agency will continue with identification and evaluation efforts within previously un-surveyed areas and submit these for our review upon completion. At this time, we concur with your determinations for and documentation of the revised APEs as submitted.

You have also provided documentation regarding the establishment of additional parameters for continued analysis of potential adverse effects and adjustments to the APE as project design development continues. We agree with your determination that these additional parameters will provide consistency in the applicability of APE determinations for common project elements.

Preliminary Project Effects Assessments

It is our understanding that the assessments of adverse effect and preliminary determinations of effect provided in your November 12th correspondence have been determined based upon project engineering at the 30% design stage and that adverse effect determinations will be made by the Federal Transit Administration.

We acknowledge that we have previously provided concurrence with what your agency defined, and therefore we perceived, as "assessments of potential effect" which included commonly used Section 106 terminology of "no adverse effect" and "adverse effect". These are now presented in Section 1 of the table entitled *Southwest Light Rail Transit Project: Section 106 Review – Preliminary Determination of Effects on Historic Properties 11/12/2011* (Table) as effect determinations and defined as such in your correspondence. To date, the FTA has not provided final effect determinations for our review and concurrence, therefore these determinations should not be presented as final.

For the historic properties listed under Section 2 and Section 3 of the Table, we agree that the assessment of potential effects and proposed action steps are appropriate at this time. To reiterate, it is our opinion that the preliminary effect determinations provided in this Table serve only to provide a basis for continuing project design development in an effort to avoid or minimize potential adverse effects. We will defer concurrence with any "no adverse effect" or "adverse effect" determinations, preliminary or otherwise, until such time as the FTA provides these determinations to our office for review.

We took the time to review the original correspondence dated May 4, 2010 which, pursuant to 36 CFR 800.2(c)(4), designated your agency to act on behalf of the FTA to complete the following, in consultation with our office, identified consulting parties, and the public:

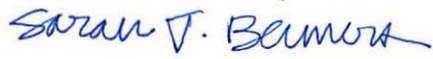
- Initiate the Section 106 process;
- Identify the area potential effect (APE);
- Conduct appropriate inventories to identify historic properties within the APE;
- Make determinations of eligibility to the National Register of Historic Places;
- Make assessments of potential effect.

The FTA indicated in this letter that they would retain authority to "make determinations of adverse effect" and negotiate the terms and conditions of a Section 106 agreement, if necessary. We respectfully request clarification from the FTA and your agency addressing our concerns and expectations for consultation regarding the results of assessment of adverse effect pursuant to 36 CFR 800.5(d).

Regarding our review of the *Kenilworth Lagoon/Channel Context, History, and Physical Description* report, we agree that this report provides critical information regarding the historic context, physical description, and identification of character-defining features of the Kenilworth Lagoon/Channel property which is a sub-segment of the Chain of Lakes Segment of the National Register-eligible Grand Rounds Historic District. While this report provides identification of the cultural landscape's character-defining features, we recommend that the final version of this report include information regarding identification and evaluation, following National Register criteria, for features in terms of those which may be considered "contributing" or "non-contributing" elements to the eligible historic district. This information will be essential as we continue to consult regarding the assessment of adverse effects and resolution of potential adverse effects.

We look forward to continuing consultation on this project. If you have any questions or concerns regarding this comment letter, please feel free to contact me at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

A handwritten signature in blue ink that reads "Sarah J. Beimers". The signature is written in a cursive style with a large initial "S" and a distinct "J" and "B".

Sarah Beimers, Manager
Government Programs & Compliance



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)

December 16, 2014

Ms. Tamara Cameron, Chief Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
180 5th St. E., Suite 700
St. Paul, MN 55101

RE: Section 106 compliance for the Southwest Light Rail Transit Project, Hennepin County,
Minnesota, SHPO #2009-0080

Dear Ms. Cameron,

The Metropolitan Council is proposing to construct the Southwest Light Rail Transit Project (Project), an approximately 16-mile light rail transit line linking the cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, all located in Hennepin County, Minnesota. The Project anticipates receiving Federal funding assistance from the Federal Transit Administration (FTA) and, therefore, must meet the requirements of Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. Section 470(f), as amended. In accordance with 36 CFR Part 800, the head of the FTA, as the Agency Official, has legal responsibility for complying with the Section 106 process. As such, it is the responsibility of the Agency Official to identify and evaluate undertakings on historic properties, to resolve adverse effects, and coordinate with the Advisory Council on Historic Preservation (ACHP), if appropriate.

The FTA has initiated consultation with the Minnesota State Historic Preservation Office (MnSHPO) and consulting parties to consider effects to historic properties that are listed in and eligible for inclusion in the National Register for Historic Places (NRHP). In accordance with 36 CFR Part 800.2, the Agency Official may use the services of grantees, applicants, consultants, or designees to prepare the necessary information and analysis, but remains responsible for Section 106 compliance. FTA has delegated Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) to act on its behalf for the Section 106 review for the Project. Under this delegation, MnDOT CRU is authorized to initiate the Section 106 process, identify the area of potential effect (APE), make determinations of eligibility for the National Register of Historic Places (NRHP), make assessments of potential effect, and conduct consultation with MnSHPO, interested parties and the public. MnDOT CRU will also work with FTA to designate consulting parties, make determinations of adverse effect, and negotiate the terms and conditions of a Section 106 agreement. FTA retains full authority in all these areas to make all final decisions and remains legally responsible for all findings and determinations charged to the Agency Official under 36 CFR Part 800. MnDOT CRU will also assist FTA in Section 106 tribal consultation, consistent with the requirements of 36 CFR Part 800. FTA will handle formal coordination with the ACHP.

Only staff employed as part of MnDOT's CRU that meet the qualifications of 36 CFR Part 61 can act on behalf of FTA. These responsibilities cannot be delegated to other MnDOT personnel or consultants acting on MnDOT's behalf.

In accordance with 36 CFR Part 800.2, which encourages Federal agencies to efficiently fulfill their obligations under Section 106, if more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the Agency Official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

In accordance with 36 CFR Part 800.2(a)(2), the United States Army Corps of Engineers (USACE) may choose to designate FTA as the lead Federal agency for the Project and to act on its behalf for meeting the requirements of Section 106. Under this designation, the USACE will remain a signatory party to the Section 106 Agreement for the Project. Please respond to FTA, in writing by January 15, 2015, on whether USACE will designate FTA as the lead Federal agency for purposes of meeting USACE compliance under Section 106 or if USACE will remain solely responsible for meeting its compliance on Section 106. Your response may be sent electronically to William Wheeler, Community Planner, at William.Wheeler@dot.gov; please include the title of the official responding. We further request that you copy Sarah Beiners, MnSHPO Manager of Government Programs and Compliance, at sarah.beiners@mnhs.org, and Greg Mathis with MnDOT CRU at greg.mathis@state.mn.us on your response. Please contact Mr. Wheeler at (312) 353-2639, or Mr. Mathis at (651) 366-4292 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,



Marisol R. Simón
Regional Administrator

cc: Melissa Jenny, St. Paul District, Corps of Engineers
Maya Sarna, Federal Transit Administration
Bill Wheeler, Federal Transit Administration
Greg Mathis, MnDOT Cultural Resources Unit
Nani Jacobson, Metropolitan Council



Minnesota Department of Transportation

Office of Environmental Services

Mail Stop 620

395 John Ireland Boulevard

Office Tel: (651) 366-4292

Fax: (651) 366-3603

greg.mathis@state.mn.us

December 16, 2014

Ms. Debra Brisk
Assistant County Administrator – Public Works
Hennepin County
A-2003 Government Center
300 S. 6th St.
Minneapolis, MN 55487-0233

RE: Consulting party status; Section 106 review for the Southwest Light Rail Transit Project, SHPO No. 2009-0080

Dear Ms. Brisk,

On behalf of the Federal Transit Administration (FTA), I am extending an invitation to Hennepin County to participate in the Section 106 review process for the Southwest Light Rail Transit Project (Project). As you know, the Project is an approximately 16-mile long transit facility linking the cities of Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, sponsored by the Metropolitan Council, with funding from the FTA. The Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) is acting on behalf of FTA in carrying out many aspects of the Section 106 review.

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

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

We would welcome the involvement of Hennepin County in the Section 106 consultation for the Project. The County was involved in the consultation while the Hennepin County Regional Railroad Authority was the Project sponsor; however, this official involvement ended when the Metropolitan Council assumed Project sponsorship. 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, appearing to read 'Greg Mathis', written over a light blue horizontal line.

Greg Mathis
Minnesota Department of Transportation
Cultural Resources Unit

cc: William Wheeler, Federal Transit Administration
Sarah Beimers, Minnesota State Historic Preservation Office
Nani Jacobson, Metropolitan Council
David Jaeger, Hennepin County



**Hennepin County Public Works
Strategic Planning & Resources Department**

701 Fourth Avenue South, Suite 700
Minneapolis, Minnesota 55415-1842

www.hennepin.us

Mr. Greg Mathis
MnDOT Cultural Resources Unit
Office of Environmental Services
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155

RE: Consulting Party status: Section 106 review for the Southwest Light Rail Transit Project,
SHPO No. 2009-0080

Dear Mr. Mathis,

We would like to accept and thank you for the invitation extended by you to Debra Brisk on December 16, 2014 to participate as consulting party in the Section 106 review process for the Southwest Light Rail Transit (LRT) project. We acknowledge that the MnDOT Cultural Resources Unit is continuing to act on behalf of the Federal Transit Administration in carrying forward the efforts of the Section 106 review for this project, and that this invitation acceptance letter formalizes Hennepin County's instatement of consulting party status in lieu of what had been the Hennepin County Regional Rail Authority.

The proposed project will utilize property both owned by and adjacent to facilities/land owned by the Hennepin County's regional railroad authority. In addition, Hennepin County through the Southwest LRT community works program will be actively pursuing development opportunities within the ½ mile radius of the proposed Southwest LRT line and would benefit from participation in the 106 review process. The following Hennepin County staff should be used as the contacts for the 106 review process; myself, Nelrae Succio and Katie Walker.

If you have questions, please contact me at 612-348-5714 or at david.jaeger@hennepin.us. Thank you again for your invitation, we look forward to continuing working with you on this significant project.

Sincerely,

David Jaeger
Environmental Coordinator

CC: William Wheeler, Federal Transit Administration
Sarah Beimers, Minnesota State Historic Preservation Office
Nani Jacobson, Metropolitan Council
Debra Brisk, Hennepin County



**Minneapolis
Park & Recreation Board**

Administrative Offices

2117 West River Road
Minneapolis, MN 55411-2227

Operations Center

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President

Liz Wielinski

Vice President

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Meg Forney

Steffanie Musich

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Anita Tabb

M. Annie Young

Superintendent

Jayne Miller

Secretary to the Board

Jennifer B. Ringold



January 2, 2015

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, IL 6060

RE: Request for Meeting to Discuss Legal Jeopardy to the Federal Transit Administration (FTA) New Starts Program Created by the Implementation of the Program for the Southwest Light Rail Project ("SWLRT Project") in Minneapolis, Minnesota by the FTA and the Metropolitan Council

Dear Administrator Simon:

This letter is written on behalf of the Minneapolis Park and Recreation Board ("MPRB") an elected body responsible for protecting and preserving the Minneapolis park system. We, the MPRB, respectfully request a meeting with the FTA to begin the consultation and coordination required under federal law for the SWLRT Project under federal regulations. (See 23 CFR § 774.3.) The current implementation of the FTA's New Starts Program by the Metropolitan Council is in violation of federal laws including the National Environmental Policy Act (NEPA), Section 4(f) of the Federal Transportation Act (Section 4(f)), Section 106 of the National Historic Preservation Act (NHPA), as well as Minnesota statutory and administrative laws regulating the environment and the light rail system.

The Metropolitan Council's failure to follow federal laws under the guise of the FTA's New Starts projects places the SWLRT Project at a great risk for further delay. We believe the FTA's intervention is necessary to avoid delaying this project and obviate the need for proceedings in other venues.

Currently, the SWLRT Project is scheduled for conclusion of preliminary engineering (PE) and completion of the environmental review documents by the end of March 2015. Yet, despite numerous demands by the MPRB and other community stakeholders, the Metropolitan Council has refused to engage in the public notice and comment procedures required under federal and Minnesota laws.¹ Unless the FTA intervenes, the Metropolitan Council will complete PE, allowing the SWLRT Project to be

¹ For a more detailed factual and procedural history of the MPRB's actions in this respect, see attached Exhibit A.

de facto approved by the FTA² before the required environmental and Section 4(f) planning and consultation procedures have taken place.

If the FTA does not intervene now and engage in the required consultation and coordination or require the Metropolitan Council to engage in the required consultation and coordination, the SWLRT Project will continue to run afoul of Section 4(f)'s clear substantive and procedural requirements. The SWLRT Project has failed to engage in any meaningful evaluation of feasible and prudent avoidance alternatives, or make plans to ensure that the least overall harm alternative is adopted with respect to federally protected parkland. Unless the FTA acts now, a park and historic resource that receives over 5 million visits annually—serving local, regional, state-wide and national visitors—will likely be irreparably harmed. Moreover, the legal validity of FTA's New Starts Program generally will be jeopardized by its flawed implementation here in Minnesota.

The MPRB has a legitimate legal right to address any inadequacies in PE before the Section 4(f) evaluation and environmental review processes are subject to comment and completed. The current implementation of the New Starts program for the SWLRT Project is scheduled to result in the completion of PE and Section 4(f) review before the required consultation and coordination by the FTA can occur. For well over one year, the Metropolitan Council has ignored the MPRB's requests for additional review and consultation necessary to evaluate design alternatives to avoid impacts or at least minimize overall harm to the Section 4(f) resources affected by the SWLRT. As a result of this failure to consult and coordinate, the MPRB has been forced to fund engineering studies with up to \$500,000 to develop the design alternatives required by Section 4(f).³ Not only that, but the Met Council has also proposed an expedited implementation schedule designed to deprive the MPRB of a fair opportunity to develop the design alternatives which Section 4(f) requires. Therefore, the FTA must intervene now, to require the Metropolitan Council to extend the PE Phase and comply with Section 4(f) and environmental review mandates, to allow the consultations, coordination and additional PE required to identify avoidance and least harm design alternatives.

Accordingly, pursuant to 23 C.F.R §§ 774.3(a), (c), (d) and 774.17 and the FTA's Section 4(f) Policy Paper § 1.2.2, the MPRB respectfully requests a meeting as soon as possible to present additional facts and information in support of the MPRB's request for consultation and

² The FTA's Office of Program Management has published a fact sheet on preliminary engineering for FTA Major Capital Transit Investment Projects which states that the transition from preliminary to advanced engineering constitutes defacto approval by the FTA of a design affecting 4(f) property: "The quality and reliability of the project information generated during the PE for New Starts projects is essential to FTA's decision to fund a project, which typically occurs shortly after the completion of preliminary engineering and once a project is approved into **final design**. (Emphasis original.) This approach requires a different perspective...than has traditionally been associated with PE for major capital investments. For example, varying definitions of preliminary engineering such as "the engineering necessary to complete NEPA" or "30% design" is supplanted—for New Starts projects—**by the expectation that the New Starts preliminary engineering phase will result in a project scope, cost estimate and financial plan that have little, if any, need for change after approval of the project into final design**. PE for New Starts projects generally takes between 15 and 30 months, **depending on...a commitment on the part of project stakeholders to not revisit past planning decisions...."** (emphasis added) [attach copy of fact sheet]

³ See Attached Exhibit A.

coordination. Consistent with the mandate of *Overton Park*,⁴ we strongly urge the FTA to engage in these meetings before it makes any de facto or actual approvals of the Project, makes a finding of Section 4(f) "use" of parkland, determines whether any feasible and prudent avoidance alternatives exist, and makes plans to ensure that the SWLRT Project adopts the least overall harm alternative.

Respectfully submitted,



Liz Wielinski
President, Minneapolis Park & Recreation Board

cc. FTA Administrator, Washington DC

⁴ See *Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 401 (1971)). For a recent discussion of the extensive procedural and substantive requirements of Section 4(f), see also *Defenders of Wildlife v. North Carolina Dept. of Transportation*, No. 13-2215, 2014 WL 3844086, at *19 (4th Cir. May 13, 2014) (citations omitted) (finding that FHWA approval of a transportation project violated Section 4(f)).



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)

January 15, 2015

Liz Wielinski
President
Minneapolis Park & Recreation Board
2117 West River Road
Minneapolis, MN 55411-2227

RE: Southwest Light Rail Project in Minneapolis, Minnesota

Dear Ms. Wielinski:

The Federal Transit Administration (FTA) appreciates your interest in the Southwest Light Rail Transit Project in Minneapolis, MN (the "SWLRT Project"). Thank you for your letter dated January 2, 2015, regarding the Project and requesting a meeting with FTA.

FTA, in coordination with the Metropolitan Council, is preparing a Supplemental Draft Environmental Impact Statement (EIS) for the SWLRT Project in accordance with the National Environmental Policy Act (NEPA). At the current time, there have been no NEPA determinations made regarding the SWLRT Project. Thus, while FTA appreciates your desire to coordinate with FTA during the environmental review process for the SWLRT Project, it would be inappropriate for FTA to have an independent meeting with an individual stakeholder to the project during the pre-decisional phase of the process. Additionally, the New Starts process is separate and apart from the NEPA process and prior to receipt of a Full Funding Grant Agreement (FFGA), FTA does not make a commitment to fund a New Starts project. Completion of NEPA is a prerequisite for receipt of an FFGA.

FTA understands your concerns and will continue to work closely with the Metropolitan Council to complete the required consultation and coordination for the SWLRT Project under NEPA, Section 4(f) of the Federal Transportation Act, and Section 106 of the National Historic Preservation Act. I encourage the Minneapolis Park and Recreation Board (MPRB) to work with the Metropolitan Council in the coming months to further develop the Section 4(f) analysis. FTA will ensure full consideration of MPRB's concerns as part of the development of that analysis. FTA understands the importance of MPRB's role in the environmental review process, including its role as a consulting party, and is seeking MPRB's cooperation in advancing aspects of both the Section 106 consultation process towards a programmatic agreement and a comprehensive Section 4(f) analysis reviewing the areas of concern for MPRB.

SWLRT Project
FTA Response to MPRB's Request for a Meeting
January 15, 2015
Page 2 of 2

If you have any questions related to the project, please contact Ms. Nani Jacobson, Assistant Director, SWLRT Project Office, at (612) 373-3800 or nani.jacobson@metrotransit.org.

Sincerely,



Marisol R. Simón
Regional Administrator

CC: Brian Lamb, Metropolitan Council
Mark Fuhrmann, Metropolitan Council
Nani Jacobson, SWLRT Project Office



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

REPLY TO
ATTENTION OF

Operations - Regulatory (2009-01283-MMJ)

Ms. Marisol R. Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street
Chicago, Illinois 60606

JAN 15 2015

Dear Ms. Simon:

The U.S. Army Corps of Engineers, St Paul District, Regulatory Branch has received your letter dated December 16, 2014, concerning the designation of lead Federal agency pursuant to 36 CFR § 800.2. for the Southwest Light Rail Project. We agree that it is appropriate for the U.S. Department of Transportation, Federal Transit Administration to act as the lead Federal agency for the purposes of fulfilling our collective responsibilities under section 106 of the National Historic Preservation Act.

We appreciate your efforts to consider potential effects to historic properties and the expertise of the MnDot Cultural Resource Unit in that regard. We would still like to remain a consulting party during the review of this project and would only become more involved in historic property issues if for example measures to avoid effects to a historic property involved regulated impacts to waters of the United States.

If you have any questions concerning our role in the section 106 review please call Brad Johnson at (651) 290-5250. If you have questions about our regulatory program, please call Melissa Jenny at (651) 290-5363.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron".

for Tamara E. Cameron
Chief, Regulatory Branch

Copies furnished:
Sarah Beimers, Mn SHPO
Greg Mathis, MnDOT CRU
Maya Sarna, FTA
Bill Wheeler, FTA
Nani Jacobson, Metropolitan Council

Wheeler, William (FTA)

From: Sarah Beimers <sarah.beimers@mnhs.org>
Sent: Monday, February 02, 2015 8:57 AM
To: Mathis, Gregory (DOT)
Cc: Wheeler, William (FTA); Sarna, Maya (FTA); Zaref, Amy CTR (FTA)
Subject: Re: Southwest LRT: consulting party request

Greg,

We concur with FTA's decision to grant consulting party status to the Cedar-Isles-Dean Neighborhood Association for participation in the Section 106 review process for the Southwest Light Rail Transit Project.

-Sarah

Sarah J. Beimers

Manager of Government Programs & Compliance | State Historic Preservation Office
Minnesota Historical Society | 345 Kellogg Blvd W | St. Paul MN 55102
tel: 651-259-3456 | fax: 651-282-2374 | e: sarah.beimers@mnhs.org

On Thu, Jan 29, 2015 at 10:54 AM, Mathis, Gregory (DOT) <greg.mathis@state.mn.us> wrote:

Sarah,

Under MnDOT CRU's authority delegated by the FTA to assist it many aspects of the Section 106 process for the Southwest Light Rail Transit Project, we have received a request from the Cedar-Isles-Dean Neighborhood (CIDNA) in Minneapolis to become a consulting party for the Section 106 process for this project (attached email). The portion of the project roughly between the 21st Street and West Lake stations is within CIDNA's boundaries (attached map). Specifically, CIDNA has documented its interest in project effects on two historic properties within its boundaries: Kenilworth Lagoon and Cedar Lake Parkway, both of which are contributing elements to the National Register eligible Grand Rounds. For your reference, there are a number of other listed and eligible properties in the project APE that are within CIDNA's boundaries. These include the Neils House, Grand Rounds (Park Board Bridge No. 4 and portions of Lake of the Isles Parkway, Lake of the Isles, and Cedar Lake,), and a portion of the Lake of the Isles Residential Historic District.

FTA has reviewed and concurs with CIDNA's request. Per 36 CFR 800.2, we request your concurrence with granting consulting party status to CIDNA.

Regards,

Greg

Greg Mathis

Cultural Resources Unit

Office of Environmental Stewardship

Minnesota Department of Transportation

395 John Ireland Boulevard, Mail Stop 620

St. Paul, MN 55155

Office: [651-366-4292](tel:651-366-4292) / Fax: [651-366-3603](tel:651-366-3603)

greg.mathis@state.mn.us



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)

February 17, 2015

Mr. Craig Westgate
Chair
Cedar-Isles-Dean Neighborhood Association
3523 St. Paul Ave.
Minneapolis, MN 55416

RE: Consulting party status; Section 106 review for the Southwest Light Rail Transit Project, SHPO No. 2009-0080

Dear Mr. Westgate,

In your email dated January 21, 2015 to the Minnesota Department of Transportation's Cultural Resources Unit (MnDOT CRU) and forwarded to the Federal Transit Administration, you requested consulting party status for the Section 106 process for the Southwest Light Rail Transit Project. After consultation with the Minnesota State Historic Preservation Office, we concur in this request and hereby offer you consulting party status to your organization.

It is our understanding that the project sponsor, the Metropolitan Council, will share with you copies of all Section 106 documents related to this project.

If you have any questions, please contact Bill Wheeler of my staff at (312) 353-2639 or William.Wheeler@dot.gov, or Greg Mathis with MnDOT CRU at (651) 366-4292 or greg.mathis@state.mn.us.

Sincerely,

Marisol R. Simón
Regional Administrator

cc: Maya Sarna, FTA
William Wheeler, FTA
Sarah Beimers, Minnesota State Historic Preservation Office
Greg Mathis MnDOT CRU
Nani Jacobson, Metropolitan Council



REPLY TO
ATTENTION OF

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

FEB 18 2015

Operations
Regulatory (2009-01283-MMJ)

Ms. Nani Jacobson
SWLRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, Minnesota 55416

Dear Ms. Jacobson:

This letter is in response to your request for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed within the Southwest Light Rail Transit (SWLRT) project area. The SWLRT project area includes a 15-mile corridor through Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis (the Corridor), in Hennepin County, Minnesota.

We have reviewed the SWLRT Delineation Report submitted on December 11, 2013, and the SWLRT Supplemental Delineation Report submitted on October 28, 2014. We have determined that the limits of the aquatic resources within the Corridor have been accurately identified in accordance with current agency guidance including the *Corps of Engineers Wetland Delineation Manual* (1987 Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region. This concurrence is only valid for the review area shown on the attached Figure labeled as SWLRT Delineation Concurrence and PJD (2/18/2015) - Figure 1. The boundaries shown on the attached Figures 2 – 18 accurately reflect the limits of the aquatic resources in the review area.

This concurrence may generally be relied upon for five years from the date of this letter. However, we reserve the right to review and revise our concurrence in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. Our concurrence may be renewed at the end of this period provided you submit a written request and our staff are able to verify that the determination is still valid.

Please note that the discharge of dredged or fill material into waters of the United States without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

We have also completed a preliminary jurisdictional determination (JD) for the majority of wetlands identified within the Corridor. This preliminary JD presumes that all of the aquatic resources identified on the attached Preliminary JD form are subject to Corps of Engineers'

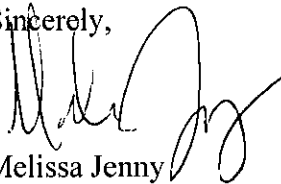
jurisdiction under the Clean Water Act. Since the determination is considered preliminary it is not appealable under our administrative appeal procedures (33 CFR 331). If you prefer an appealable approved jurisdictional determination that verifies the jurisdictional status of these aquatic resources you may request one by contacting the Corps representative identified in the final paragraph of this letter.

If this preliminary JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination Form and return one copy to the letterhead address within 15 days from the date of this letter.

We are in the process of completing an approved jurisdictional determination for the remaining waterbodies that were delineated within the Corridor, but not identified on the attached preliminary JD form.

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact me in our St. Paul office at (651) 290-5363, or Melissa.m.jenny@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

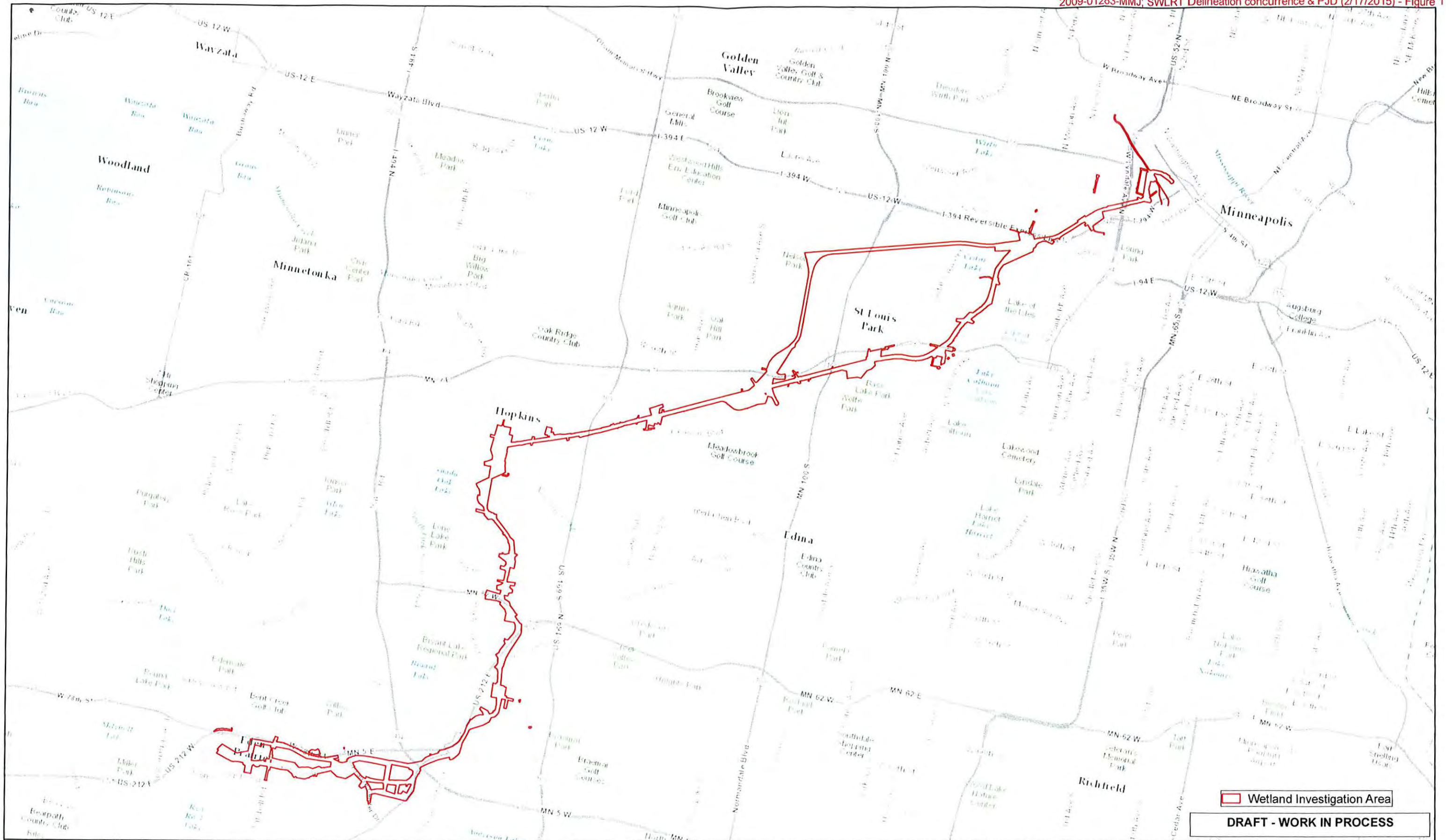


Melissa Jenny
Project Manager

Copy furnished:
Maya Sarna, FTA
Ben Meyer, BWSR
Stacey Lijewski, Hennepin Co.
LGUs within SWLRT project corridor
Anderson Engineering

Wetland ID	Cowardin	HGM	Meas	Amount	Unit	Waters type	Lat	Long
DOT-EP-01	PEM	DEPRESS	Area	0.27	ACRE	RPWWD	44.86363	93.46118
DOT-EP-02	PEM	DEPRESS	Area	0.22	ACRE	RPWWD	44.86039	93.45261
DOT-EP-03	PEM	DEPRESS	Area	0.27	ACRE	RPWWD	44.8604	93.44886
DOT-EP-04	PEM	DEPRESS	Area	0.74	ACRE	RPWWD	44.86122	93.44479
DOT-EP-07	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86691	93.41663
DOT-EP-08	PEM	DEPRESS	Area	0.84	ACRE	RPWWD	44.88442	93.41068
DOT-EP-09	PEM	DEPRESS	Area	0.7	ACRE	RPWWD	44.88343	93.41263
DOT-SLP-10	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.94064	93.34796
DOT-EP-12	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86187	93.47227
DOT-EP-13	PEM	DEPRESS	Area	0.02	ACRE	RPWWD	44.86214	93.47045
DOT-EP-14	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86125	93.45195
DOT-EP-15	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86113	93.45047
DOT-EP-16	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.86156	93.44886
DOT-EP-17	PEM	DEPRESS	Area	2.21	ACRE	RPWWD	44.86196	93.4409
DOT-EP-18	PEM	DEPRESS	Area	0.1	ACRE	RPWWD	44.86191	93.42481
DOT-EP-19	PEM	DEPRESS	Area	0.1	ACRE	RPWWD	44.86606	93.41999
DOT-EP-20	PEM	DEPRESS	Area	0.08	ACRE	RPWWD	44.86658	93.41867
DOT-EP-21	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.89206	93.41789
DOT-EP-22	PEM	DEPRESS	Area	0.08	ACRE	RPWWD	44.89212	93.41541
EP-EP-03	PEM	DEPRESS	Area	0.16	ACRE	RPWWD	44.86019	93.46539
EP-EP-07	PEM	DEPRESS	Area	4.36	ACRE	RPWWD	44.85743	93.4616
EP-EP-08	PEM	DEPRESS	Area	1.72	ACRE	RPWWD	44.85841	93.45883
EP-EP-09	PEM	DEPRESS	Area	0.57	ACRE	RPWWD	44.85914	93.45922
EP-EP-11	PEM	DEPRESS	Area	9.89	ACRE	RPWWD	44.85832	93.45444
EP-EP-12	PEM	DEPRESS	Area	2.75	ACRE	RPWWD	44.85727	93.45683
EP-EP-14	PUB	DEPRESS	Area	1.09	ACRE	RPWWD	44.85773	93.44919
EP-EP-15	PEM	DEPRESS	Area	90	ACRE	RPWWD	44.85835	93.44834
EP-EP-16	PEM	DEPRESS	Area	8	ACRE	RPWWD	44.85884	93.44673
EP-EP-17	PEM	DEPRESS	Area	2.23	ACRE	RPWWD	44.85907	93.44839
EP-EP-20	PUB	LACUSTRI	Area	15.86	ACRE	RPWWD	44.86142	93.43177
EP-EP-22	PEM	DEPRESS	Area	0.2	ACRE	RPWWD	44.86028	93.44542
EP-EP-23	PEM	DEPRESS	Area	3.74	ACRE	RPWWD	44.85676	93.45879
EP-EP-24	PUB	DEPRESS	Area	0.38	ACRE	RPWWD	44.85974	93.44511
DIG-EP-EP-04	PUB	DEPRESS	Area	0.65	ACRE	RPWWD	44.86085	93.44738
NM-EP-01	PEM	DEPRESS	Area	1.8	ACRE	RPWWD	44.87263	93.41123
NM-EP-02	PEM	DEPRESS	Area	6.22	ACRE	RPWWD	44.87278	93.41402
NM-EP-03	PEM	DEPRESS	Area	2.16	ACRE	RPWWD	44.87277	93.41146
NM-EP-04	PEM	DEPRESS	Area	1.17	ACRE	RPWWD	44.87263	93.41123
NM-EP-05	PUB	DEPRESS	Area	0.31	ACRE	RPWWD	44.87428	93.41362
NM-EP-06	PEM	DEPRESS	Area	4.12	ACRE	RPWWD	44.87719	93.4113
NM-EP-08	PEM	DEPRESS	Area	2.25	ACRE	RPWWD	44.878	93.41011
NM-EP-09	PEM	DEPRESS	Area	0.66	ACRE	RPWWD	44.87941	93.41117
NM-HOP-13	PEM	DEPRESS	Area	2.67	ACRE	RPWWD	44.91378	93.42063
NM-HOP-16	R1UB	DEPRESS	Linear	9	MILE	RPWWD	44.9186	93.41666
MTA-MTA-05	PUB	DEPRESS	Area	0.99	ACRE	RPWWD	44.89733	93.41472
MTA-MTA-06	PEM	DEPRESS	Area	0.01	ACRE	RPWWD	44.89894	93.41391

Wetland ID	Cowardin	HGM	Meas	Amount	Unit	Waters type	Lat	Long
MTA-MTA-07	PEM	DEPRESS	Area	0.18	ACRE	RPWWD	44.89932	93.41399
MTA-MTA-08	PEM	DEPRESS	Area	0.34	ACRE	RPWWD	44.89971	93.41361
MTA-MTA-09	PEM	DEPRESS	Area	36.2	ACRE	RPWWD	44.90153	93.41321
MTA-MTA-10	PUB	DEPRESS	Area	0.55	ACRE	RPWWD	44.90587	93.42214
MTA-MTA-11	PEM	DEPRESS	Area	11.79	ACRE	RPWWD	44.90786	93.42274
MTA-MTA-12	PUB	DEPRESS	Area	2.8	ACRE	RPWWD	44.91456	93.42308
MTA-MTA-13	PUB	DEPRESS	Area	0.25	ACRE	RPWWD	44.9115	93.42296
MC-SLP-01	R1UB	DEPRESS	Linear	22	MILE	RPWWD	44.93011	93.3805
MC-SLP-02	R1UB	DEPRESS	Linear	22	MILE	RPWWD	44.93013	93.36633
MC-SLP-03	PUB	DEPRESS	Area	0.2	ACRE	RPWWD	44.93221	93.36684
MC-SLP-05	PEM	DEPRESS	Area	1.9	ACRE	RPWWD	44.93233	93.36497
MC-MPL-13	R1UB	DEPRESS	Linear	1600	FOOT	RPWWD	44.95523	93.31603



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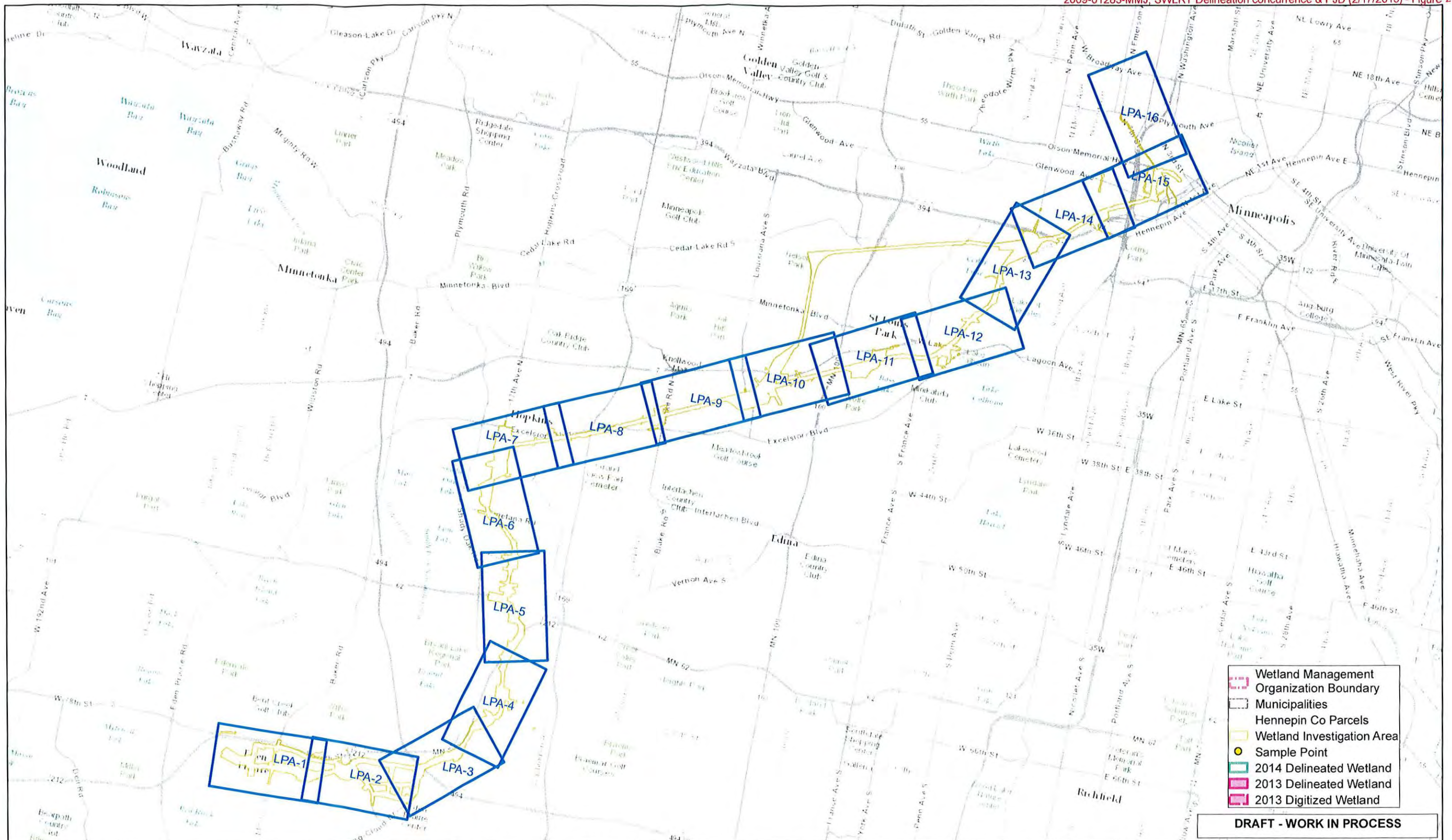
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Wetland Investigation Area

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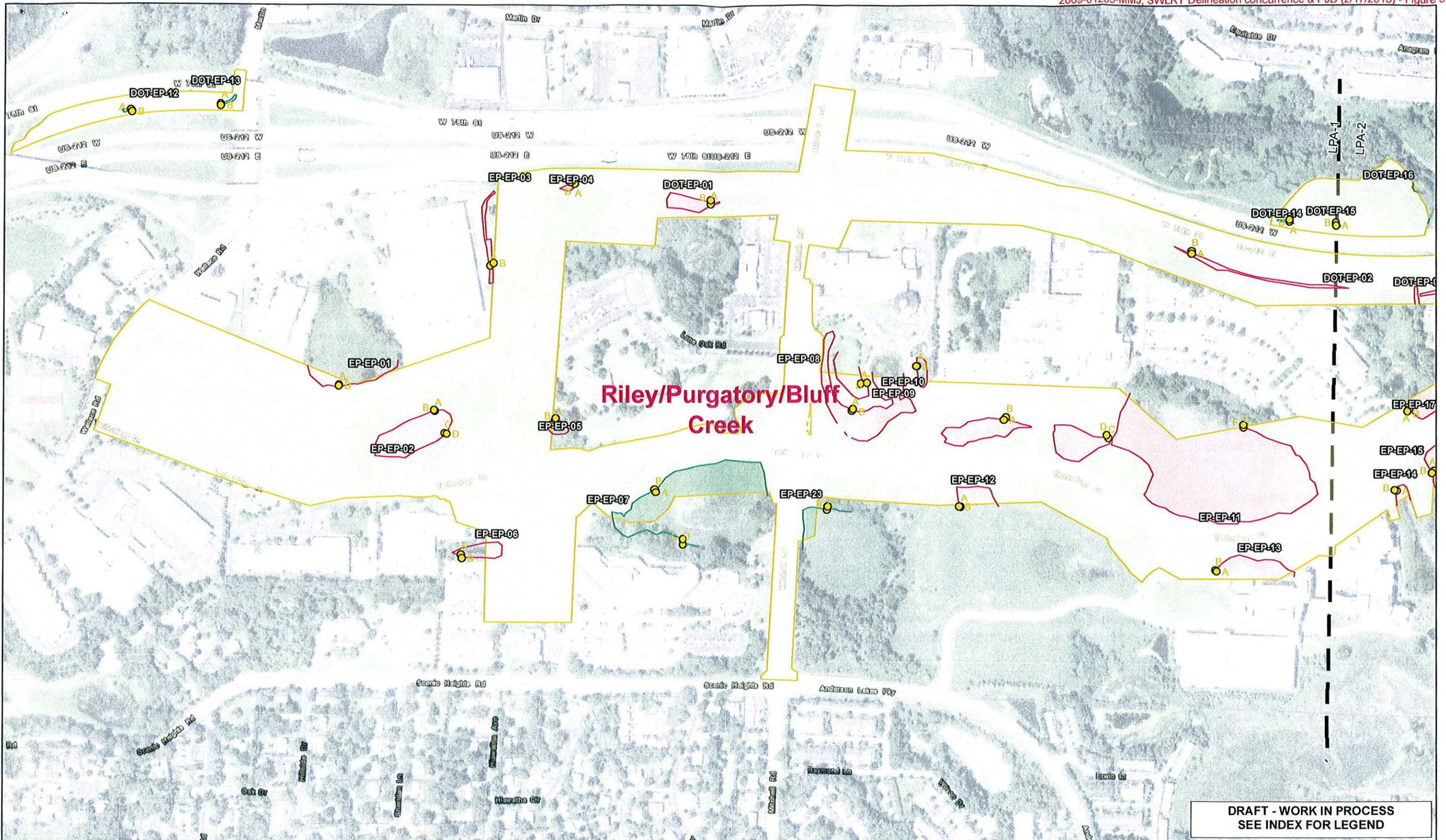


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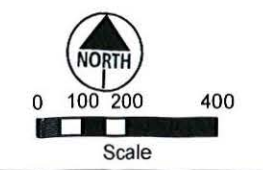


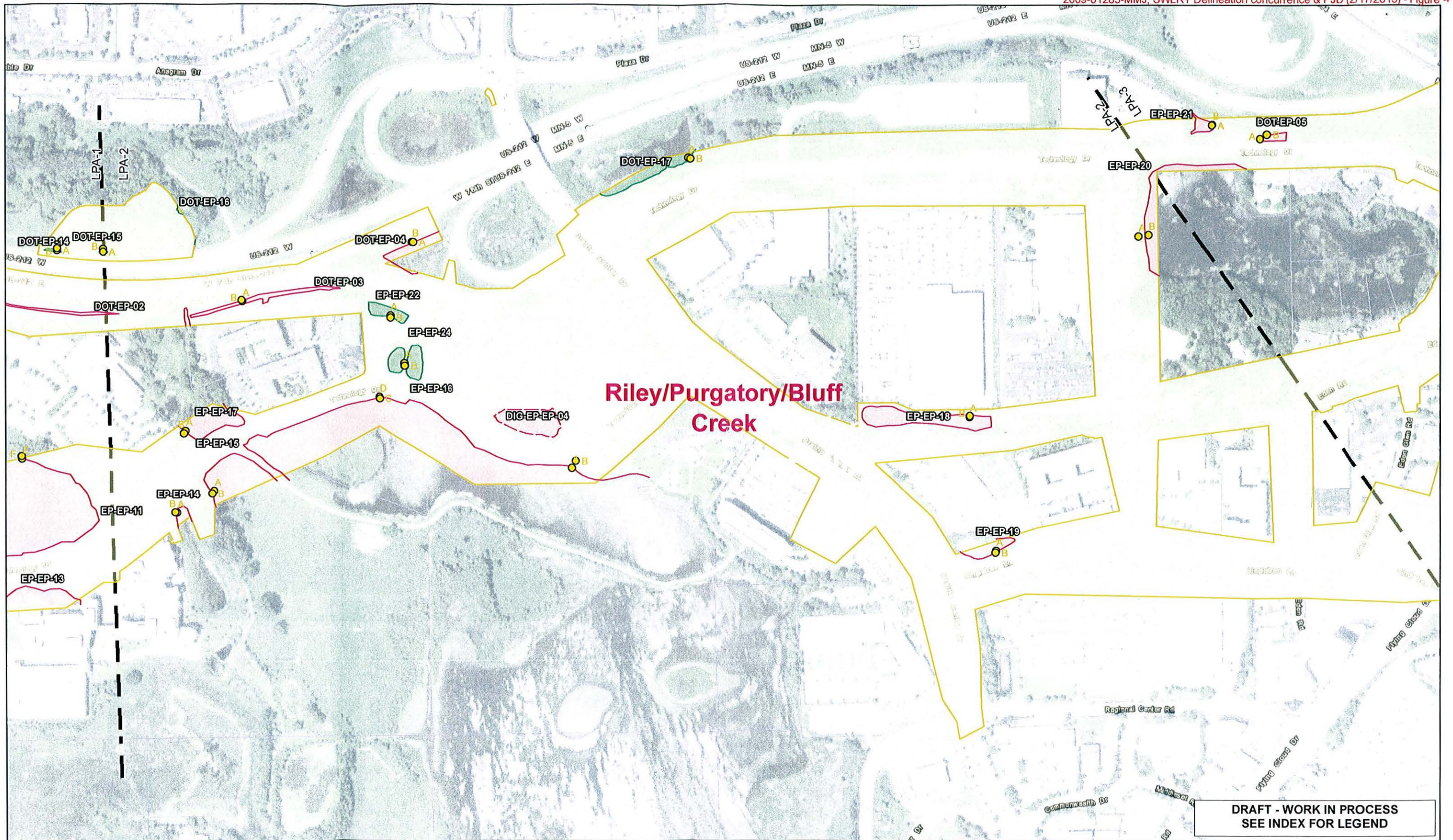
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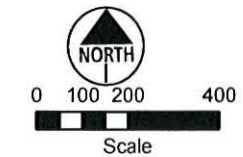
**Riley/Purgatory/Bluff
Creek**

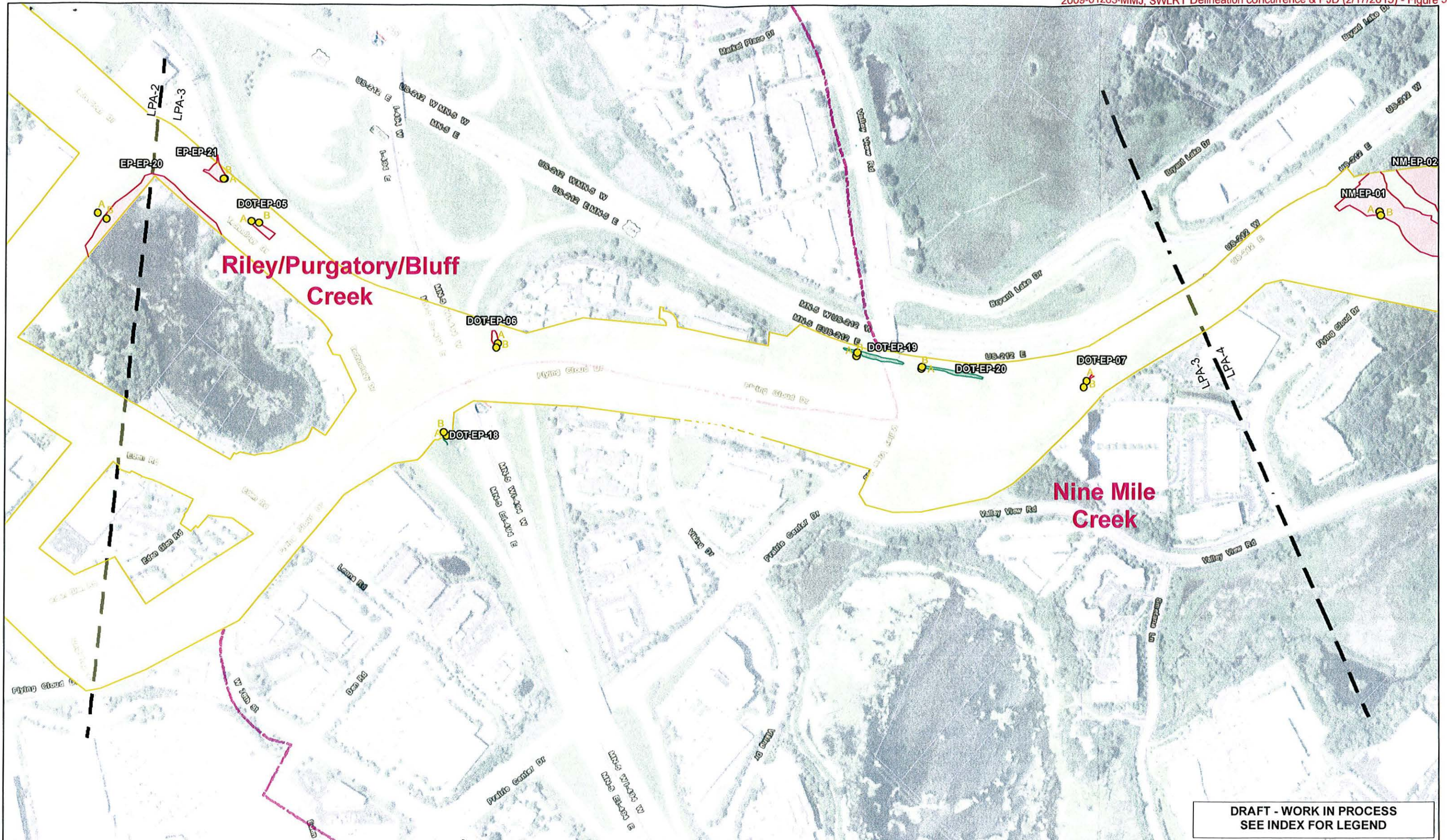
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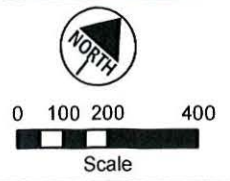


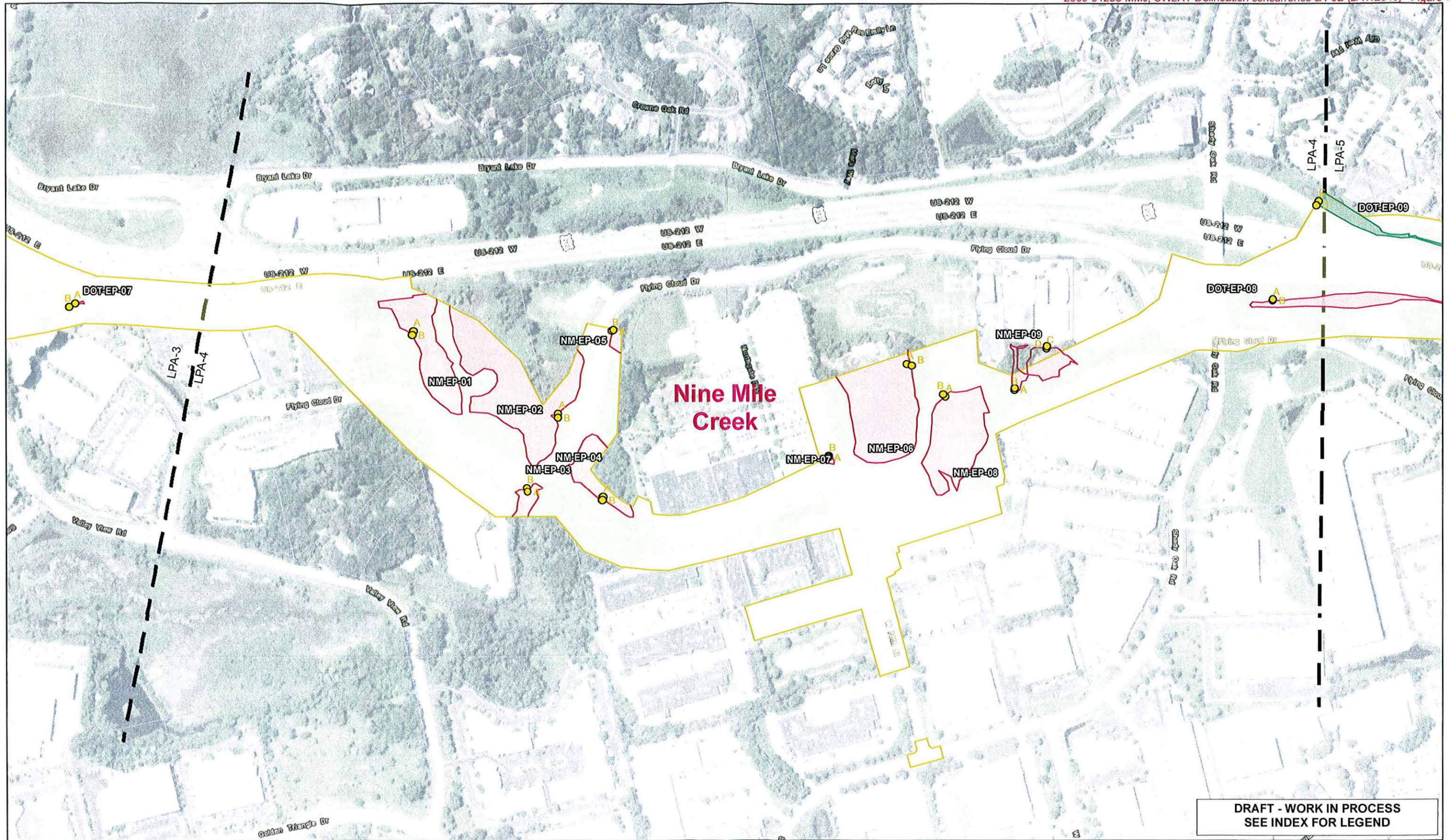
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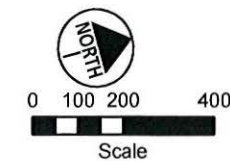
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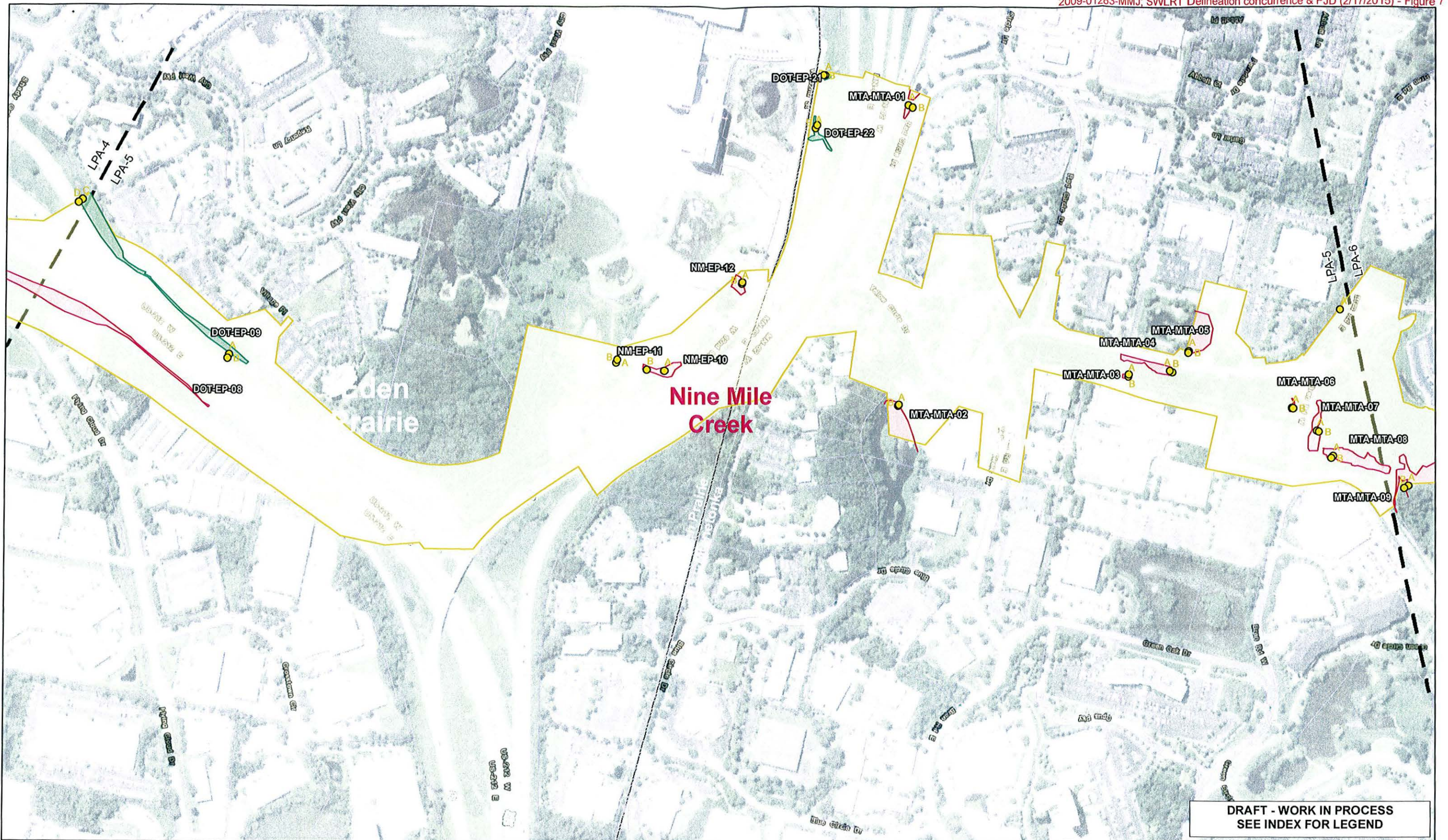


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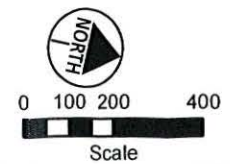




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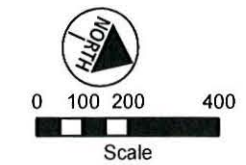


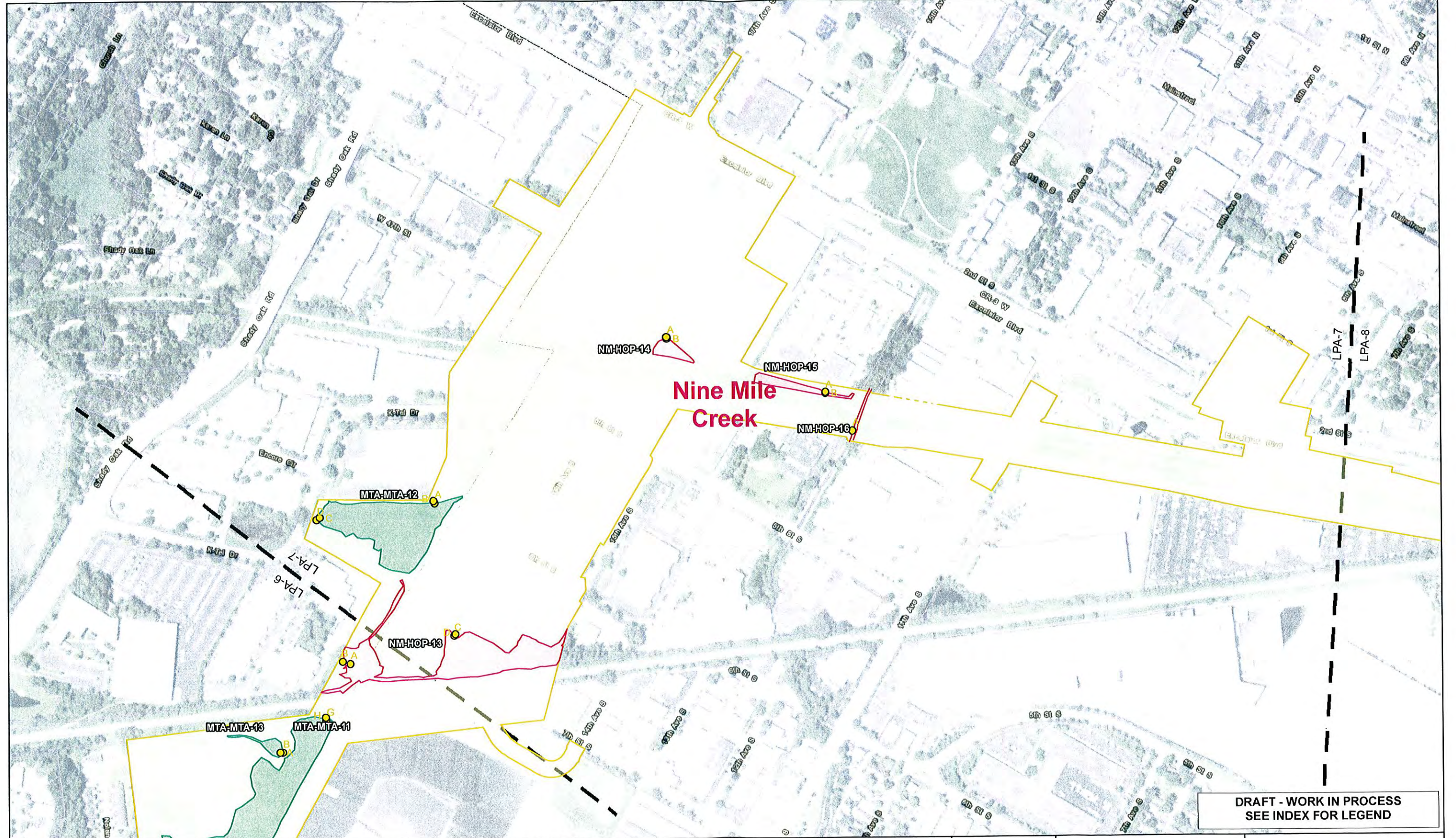
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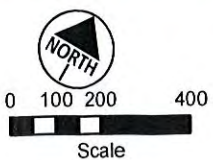


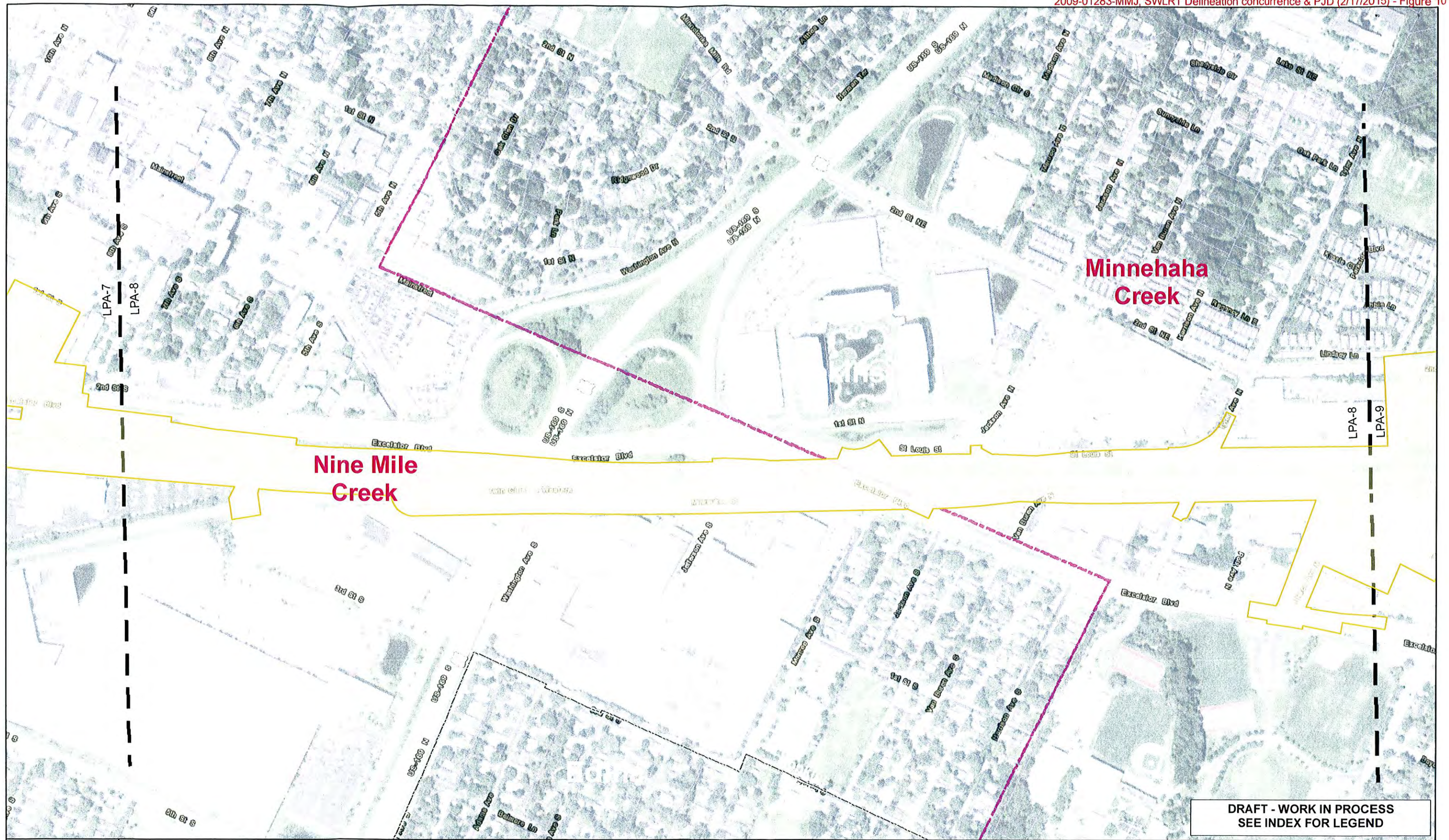
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**Nine Mile
Creek**

**Minnehaha
Creek**

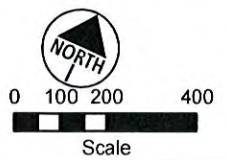
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**Minnehaha
Creek**

MC-SLP-01

MC-SLP-02

MC-SLP-03

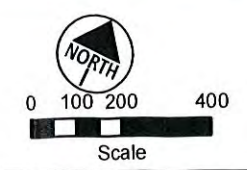
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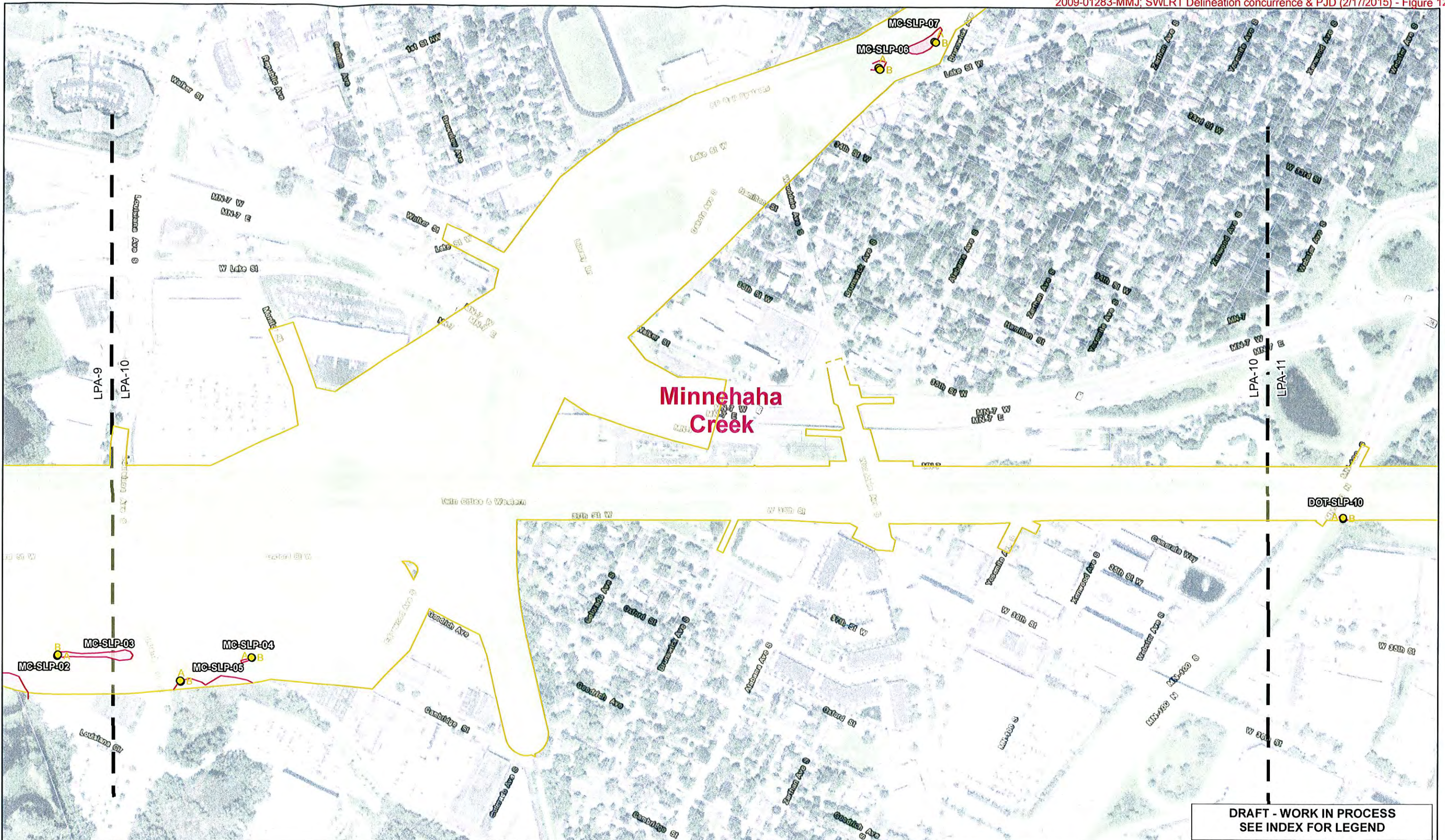
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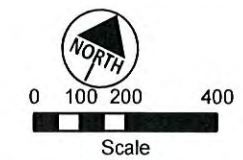


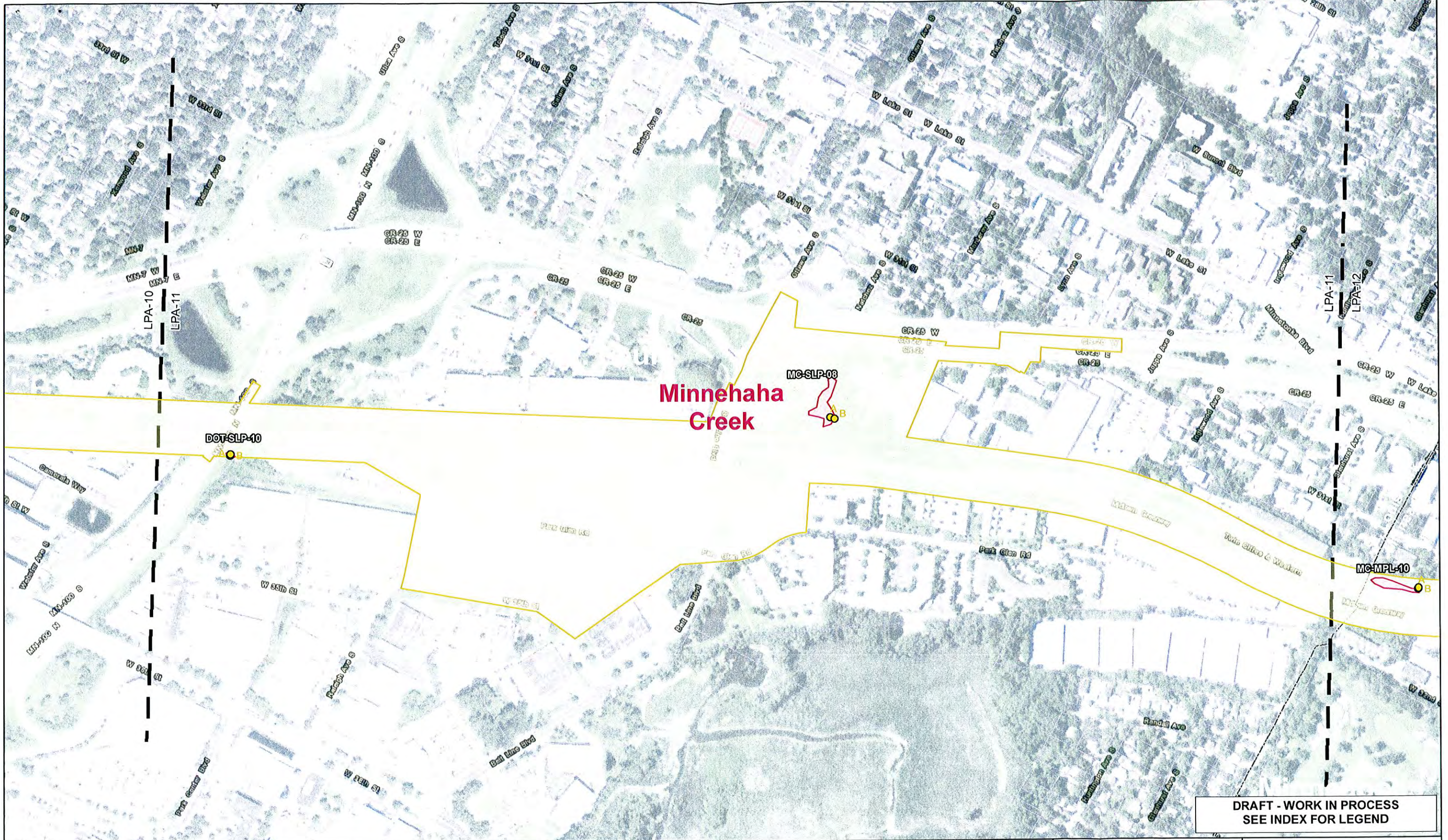
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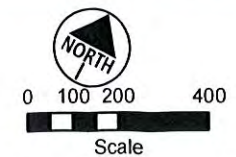


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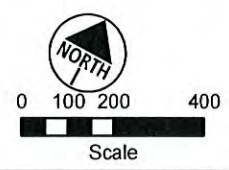


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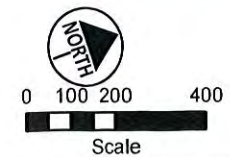


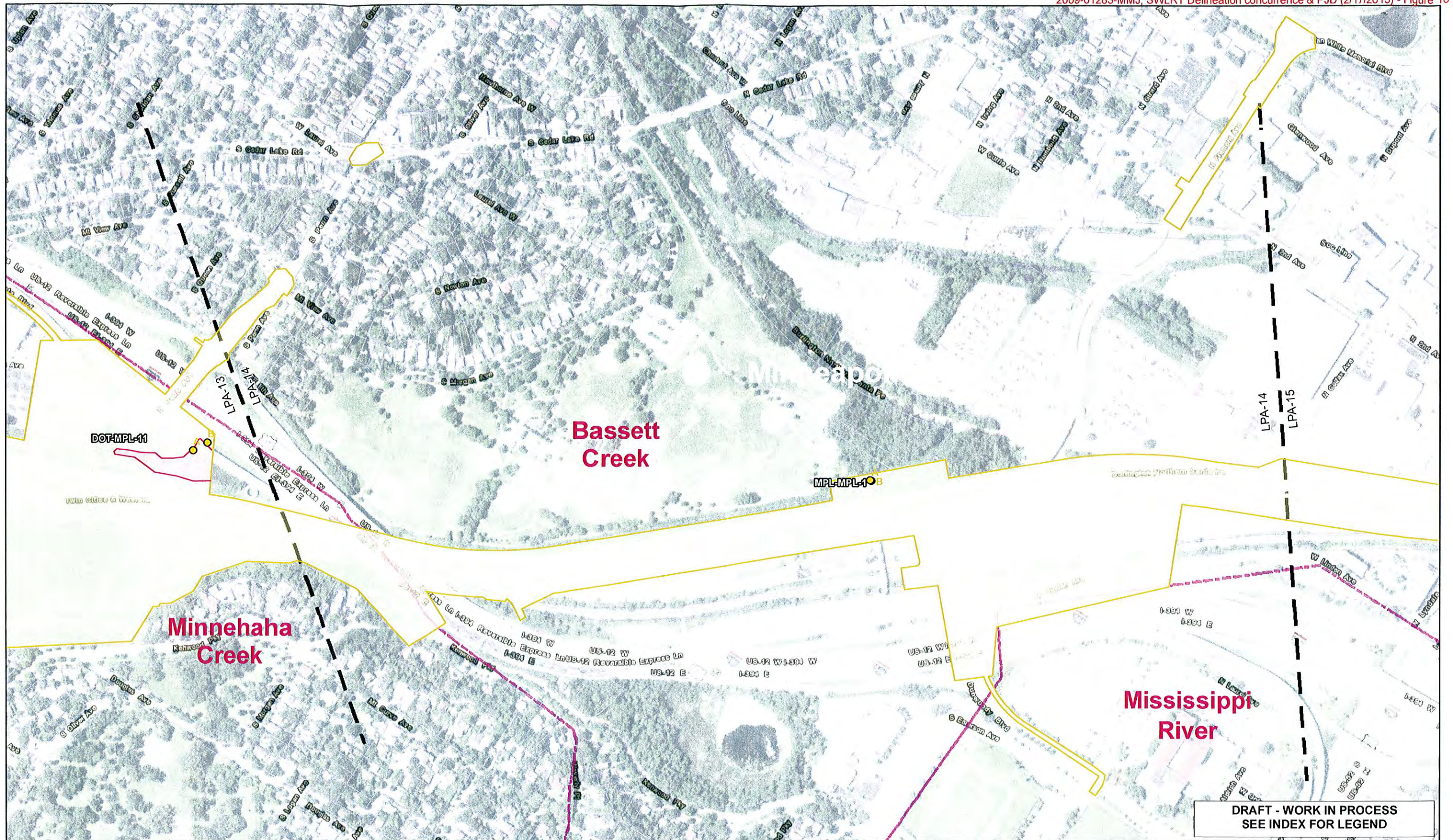
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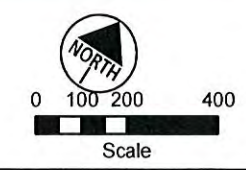


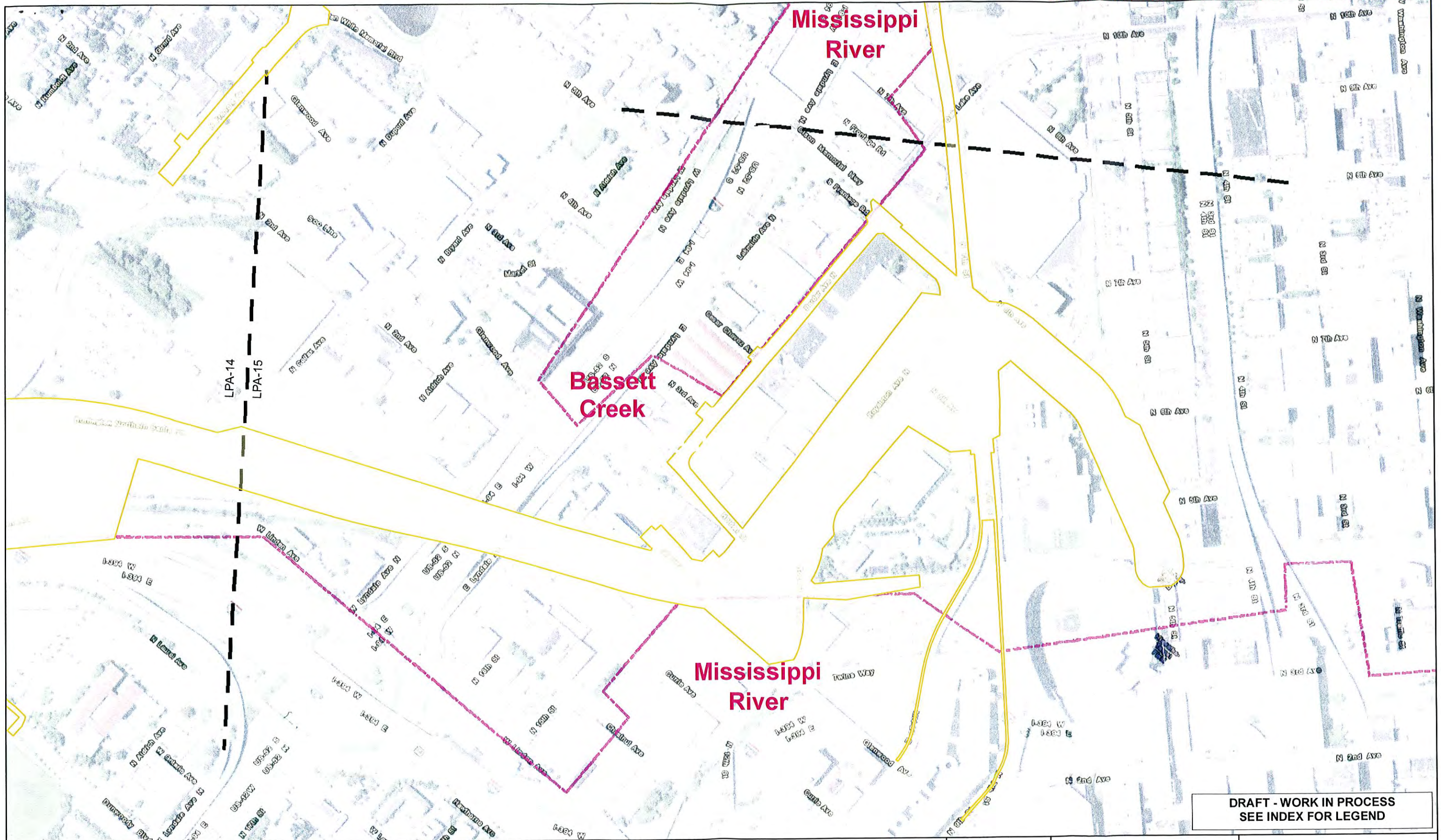
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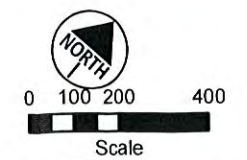


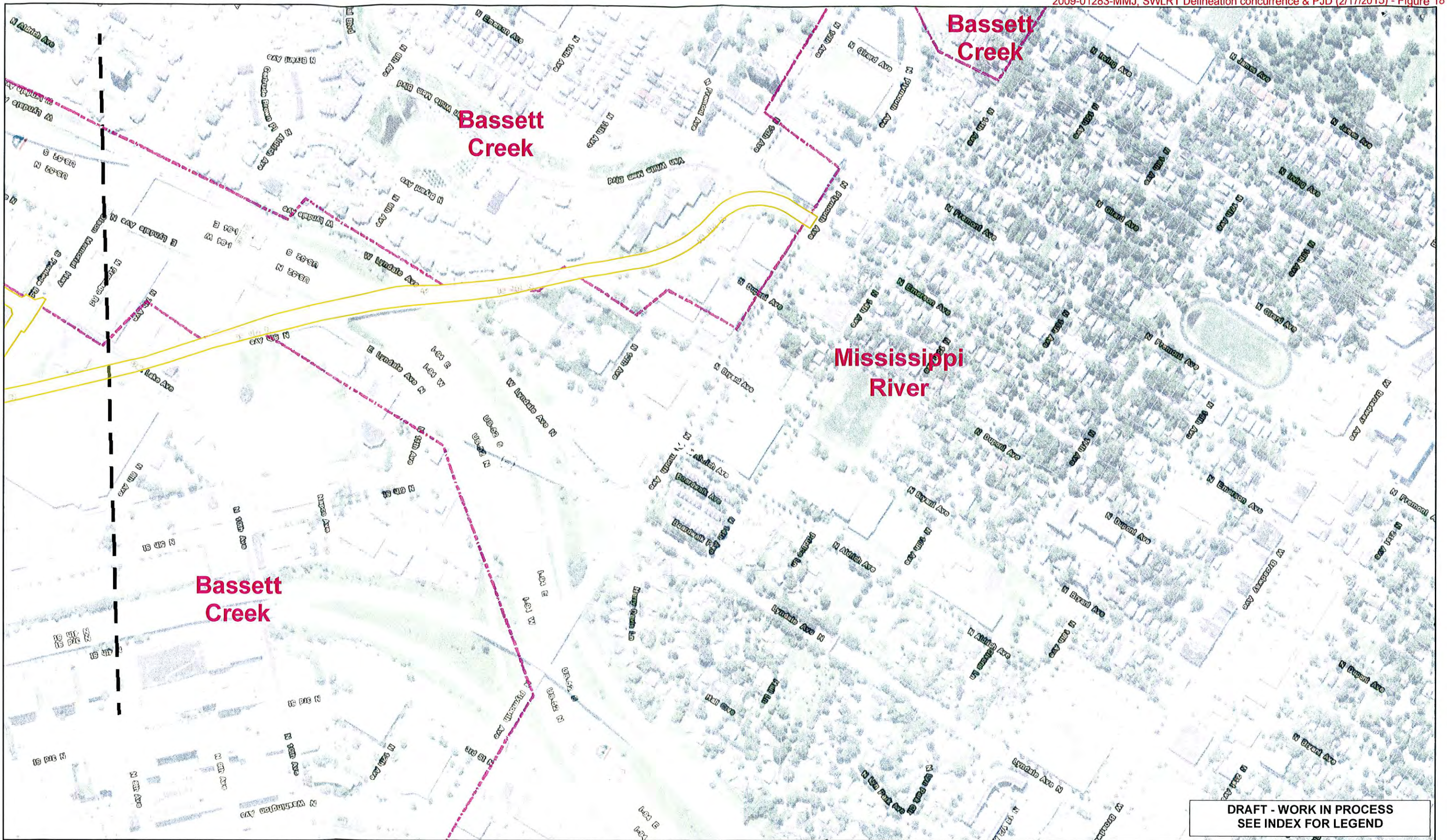
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