
Meeting Title: SWLRT Section 106 Consultation

Date: 2/25/2016 **Time:** 1:30 PM **Duration:** 2 hours

Location: Southwest LRT Project Office , Conference Room A
6465 Wayzata Boulevard, Suite 500
St Louis Park, MN 55426

Meeting called by: Greg Mathis, MnDOT CRU

Attendees: MnHPO: Sarah Beimers
Hennepin County: Dave Jaeger
Eden Prairie: Lori Creamer
Hopkins: Jason Lindahl
St. Louis Park: Meg McMonigal
MPRB: Michael Schroeder
CIDNA: Craig Westgate
KIAA: Tamara Ludt, Shawn Smith
SLPHS: John Olson
FTA: Reggie Arkell (on phone)
SPO: Nani Jacobson, Ryan Kronzer, Sophia Ginis, Dan Pfeiffer, Jenny Bring,
Kelcie Campbell, Kelly Wilder

Purpose of Meeting: Review Memorandum of Agreement and answer consulting party questions

--- Agenda & Discussion ---

1. Welcome & Introductions

Greg Mathis from the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) welcomed attendees and led introductions. He then provided a brief overview of the Section 106 process and the parts of a Memorandum of Agreement (MOA).

2. MOA Q&A

Nani Jacobson from the Southwest Project Office (SPO) explained that the goal of the meeting was to introduce consulting parties to the MOA and answer any questions about the MOA. Comments on the draft MOA are due to MnDOT CRU by March 7, 2016.

- An execution-ready version of the MOA will then be included in the Final Environmental Impact Statement (EIS), and an executed version will be included in the Record of Decision (ROD).
- Greg noted that although the draft MOA provided to consulting parties contains a placeholder for involvement by the Advisory Council on Historic Preservation (ACHP) involvement, the ACHP notified the Federal Transit Administration (FTA) on February 16, 2016 that it chose not to participate.
- Sarah Beimers from the Minnesota Historic Preservation Office (MnHPO) explained that although the MOA is a complex document, she reviews many of them and this is a very good first version. She said that MnDOT CRU and the Metropolitan Council (Council) have worked hard to develop an agreement that is close to a final draft, particularly since it has already gone through FTA legal review, but she urged consulting parties to discuss and ask questions about the stipulations to assist with identifying any issues or points that need clarification.
- Lori Creamer with the City of Eden Prairie asked what the Project would do if they came across a potential archaeological site other than human remains during construction. If an artifact is found, but the site is determined not eligible for NRHP listing, and the City would like to have it due to its local significance, is that possible?
 - Greg directed Lori to MOA Stipulation XII.C.i Non-Human Remains, which requires that work would stop and that a MnDOT archaeologist would do an initial inspection of the site within 72 hours. Subsequently, the Council would contract with a qualified archaeologist to do an excavation or dig test pits to determine if the find is a potential archaeological site. If it is a potential site, consultation would resume under Stipulation XII.D, and within 10 days, FTA, with MnDOT CRU assistance, would issue a determination of eligibility. MnHPO and interested tribes would then have 10 days to provide concurrence or comments.
 - Lori asked for clarification that the locality would not have involvement in the above process. Sarah said they had not considered localities wanting to be involved, but if a city has a heritage preservation commission (HPC) like Eden Prairie, they could be involved, though not formally in the process of determining a property eligible for the National Register of Historic Places (NRHP). Nani explained that the Project will keep localities involved in the process regardless, so it is not a problem to specify this in the MOA.
 - Lori asked if the City could keep an artifact, under the appropriate circumstances. Greg explained that if an adverse effect is determined, the Project would develop a mitigation plan that would include curation details. Typically, artifacts would be curated at the Minnesota Historical Society, but if a local historical society has appropriate active facilities, that could be an option. Nani and Greg responded that the

MOA will not include this level of specificity, but this stipulation could be revised to include text that would enable development of these details through consultation should the situation arise.

- Sarah asked if a revised draft will be developed after comments are received on March 7, 2016. Nani said comments received will be incorporated, as appropriate, but there is not another formal round of review planned. The execution-ready MOA will be published in the Final EIS, the MOA will then be routed for signatures, and an executed version will be included in the ROD.
- Lori asked for clarification on how each party will sign the MOA. Greg referred her to Stipulation XV.A, which enables implementation in counterparts with a separate page for each signatory or party, who will then each receive a complete copy with all signatures.
- Nani then requested confirmation from each consulting party on who will sign the MOA on behalf of each consulting party.
 - FTA Region 5 Administrator Marisol Simon will sign for FTA.
 - Sarah said that Deputy State Historic Preservation Officer, Barbara Mitchell Howard, will sign for MnHPO.
 - Greg said that Commissioner Charles Zelle will sign for MnDOT.
 - Dave Jaeger from Hennepin County said that Assistant County Administrator for Public Works Debra Brisk would sign for the county.
 - Lori said that the Eden Prairie City Council has not yet made a decision on who will sign for the City and its HPC on their respective signature pages. Sarah said that for a recent Section 106 agreement concerning a bridge crossing in Red Wing, the city administrator and the chair of the HPC signed the agreement. Lori agreed that City Manager Rick Getschow will likely sign on behalf of the City, and Chair Steven Olson will likely sign for the HPC. Lori added that the HPC meets March 21, 2016, and that she will discuss this question ahead of time with the chair. She will share that in addition to the properties identified so far, the MOA includes pretty straightforward procedures for addressing properties identified going forward. She noted that the City West area could contain undisturbed areas, or areas they were unsure had been surveyed.
- Jason Lindahl with the City of Hopkins commented that the timeline for preparing an NRHP nomination for the Hopkins Commercial Historic District is left open ended in the MOA, but the City would like it to be done sooner.
 - Nani said that SPO met with a group from the City and determined that the Project will begin the nomination as soon as possible after the ROD is published. She explained that when they discussed the necessary review and revision cycles involving the MnHPO and the Minnesota Historical Society's State Review Board, which only meets

three times a year, as well as property owners notifications, they determined that it will likely be completed toward the end of 2017. Sarah added that this was likely the most streamlined schedule as possible.

- Greg explained that there are some items in the MOA that, by necessity, must happen before construction begins, such as implementation of construction protection plans, so these items have defined dates. Adding other dates could help ensure commitment from the Project to complete items in a certain timeframe; however, the Project has been very responsive and is aiming to have stipulations implemented before service begins.
- Ryan Kronzer from SPO clarified that the Project will only prepare the nomination, and there is no guarantee it will be listed in the NRHP.
- Sarah commented that under Stipulation VIII.B Public Education, the required materials should also include information about other financial incentives, like Legacy Amendment grants, not just historic preservation tax incentives.
- Sarah said that the MOA could contain a timeline for beginning preparation of the NRHP nomination form. Nani said the Project could commit to beginning it within six months of the ROD. Jason agreed this would be satisfactory to the City.
- The discussion then returned to who will sign the MOA for each consulting party.
 - Jason said that City Manager Mike Mornson will sign the MOA for Hopkins.
 - Meg McMonigal from St. Louis Park said that City Manager Tom Harmening will sign the MOA.
 - Greg said that for the City of Minneapolis, judging from previous agreements, a representative from the HPC and the mayor will likely sign their respective signature pages; however he will confirm this with City staff.
 - Michael Schroeder from the Minneapolis Park and Recreation Board (MPRB) confirmed that President Liz Wielinski and Secretary to the Board of Commissioners Jennifer Ringold will sign.
 - John Olson from the St. Louis Park Historical Society confirmed that President Ted Ekkers will sign.
 - Craig Westgate of the Cedar-Isles-Dean Neighborhood Association confirmed that he will sign as Chair.
 - Shawn Smith from the Kenwood Isles Area Association (KIAA) said he would confirm with Chair Jeanette Colby that she will sign on their behalf.
 - Nani asked if anyone had other questions on this topic.
 - Shawn asked what happens if someone declines to sign the MOA. Greg referred back to his description of the three types of signatories, explaining that technically the only Signatories are required, which are MnHPO and FTA. It is also preferable to get the signatures of Invited Signatories who have

responsibilities for implementing the MOA. While it is preferable to have Concurring Parties sign, a Concurring Party cannot prevent implementation of the MOA through declining to sign.

- Shawn asked if declining to sign would preclude a party's involvement going forward. Greg responded that is the reason Concurring Parties typically sign is to show their support and commitment to continued involvement. Sarah added that an MOA focuses on the process, so by signing, a party is concurring that the process has considered ways to avoid, minimize or mitigate any adverse effects on historic properties under Section 106.
- Greg presented the one new mitigation measure that has been added to the MOA for the Kenilworth Lagoon/Grand Rounds Historic District. He explained that during their last meeting in December 2015, the Project proposed minimization and mitigation measures, that include repair and reconstruction of the WPA Rustic Style retaining walls within and outside the Project limits, including the complete reconstruct the collapsed wall on the north side of the waterway between the Kenilworth Crossing and the Burnham Road Bridge. However, consulting parties expressed some concerns, so the Project has explored alternative mitigation measures that would have an effective, publically beneficial impact that would enhance the historic property. Possible mitigation measures were discussed and developed in consultation with both MnHPO and MPRB.
 - Michael referred to page 14 of the MOA and pointed out that although MPRB recognizes the Grand Rounds Historic District as a historic district, they do not have the ability to develop a plan that outlines what elements are worthy of being preserved and associated treatment options. Therefore, MPRB discussed with the Project ideas for developing a preservation and treatment plans that would address water-facing parkland properties along the Cedar Lake outlet, the Kenilworth Lagoon, Lake of the Isles, and the channel into the north end of Lake Calhoun (map included in Attachment D of the MOA). This plan would provide MPRB guidance for responding to, and maintaining, historic features. This is an acceptable approach to them because it provides a new tool and strong guidance.
 - Sarah described the potential plans as having multiple public benefits. MPRB could use the plans as a template for other parts of the Grand Rounds. Federal standards are instructive, but not very specific, and these plans would apply those standards specifically to a park system that serves as the centerpiece to this area. They would detail how to preserve resources while maintaining their usability and would filter Federal standards into applicable treatments for contributing features up to the edge of the water. The treatment plan will also provide detail maintenance, so it will inform everyday activities, further benefiting the public.

- Michael described that the MPRB has to manage both the contemporary and evolving use of these resources, while accommodating and respecting their historical significance, and it is a given that many of their 5.5 million annual visitors may not recognize the historical features as part of their experiences.
- Craig asked how the proposed plans impacts the 200-foot area of focus that the Project will impact. Michael referred to Stipulations VII.A and VII.C for minimization and mitigation measures applicable to the Kenilworth Lagoon crossing.
- Craig asked if final architectural plans have been developed. Sarah said they have not, but that review of the plans is stipulated in the MOA.
- Related to plans for the walls and for noise mitigation elements of the LRT bridge, Michael asked if Stipulation VII.B Additional Design Consultation changes what MPRB and the Council previously agreed to in their Memorandum of Understanding (MOU) regarding continuing collaboration on design of the bridges.
 - Nani clarified that the MOU is still in place and, as the owner of the property, the Project would continue to consult with the MPRB on the bridge design. The MOA only relates to the effects to historic properties.
 - Nani further explained that VII.A concerns noise mitigation, VII.B concerns design review, and VII.C concerns treatments for the WPA Rustic Style retaining walls. She referred participants to a graphic that shows the portions of the walls to be rehabilitated and the portions to be documented, deconstructed, and reconstructed in-kind.
- Shawn asked about the duration of the Kenilworth Lagoon closure in Stipulation IV.C.i. Nani explained that the Project is currently determining the specific schedule.
 - Shawn asked if construction will occur all at once or in discrete build/remove phases. Ryan explained that construction will occur in phases and that the new freight rail bridge will be built first to keep freight rail operational.
 - Michael asked how trail and waterway users will be accommodated, and Shawn similarly asked how the trail and water will be accessed and whether they will be inaccessible for any periods of time. Sophia Ginis with SPO explained that once construction begins on the tunnel, in the corridor from the Midtown Greenway to the 21st Street split, there will be a detour to accommodate a number of construction activities. There will be some amount of staging, so access may be restored intermittently, but the detour will be in place for a minimum of two construction seasons, or two years.
- Michael asked if the MOA means the Project does not have to obtain MPRB permits. Nani said it does not, clarifying that obtaining permits and other similar activities will happen outside the Section 106 process.



- Shawn asked where people will be able to direct questions during construction. Michael said there will be information on the MPRB website. Even though MPRB does not own the trail nor the land, they still expect to receive calls. Sophia said that the SWLRT Communications Steering Committee will coordinate key messages, and Dan Pfeiffer, also with SPO, said there will be adequate signage and a 24-hour hotline.

3. Next Steps

Greg closed the meeting by noting that comments are due by March 7, 2016. He also reiterated that the execution-ready MOA will be included in the Final EIS, which is expected to be published in Quarter 2 2016. After the Final EIS is published, the MOA will be circulated for signatures and the executed MOA will be included in the ROD. The next consultation meeting, which will likely be after MOA execution, will focus on Project design.

ACTION ITEMS:	PERSON RESPONSIBLE:	DEADLINE:
1. Clarify who will sign the MOA on behalf of each consulting party	Applicable consulting parties	
2. Revise MOA to respond to comments received, as appropriate.	FTA/MnDOT CRU	
4.		
5.		
6.		