

## Appendix D: Agency Correspondence – Section 106

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STATE HISTORIC PRESERVATION OFFICE

June 13, 2013

Ms. Teresa Martin  
MnDOT Cultural Resources Unit  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: SP 2515-21; Red Wing Bridge Project  
Red Wing, Goodhue County  
SHPO Number: 2011-1361

Dear Teresa:

Thank you for sending us the Bridge No. 9103 Rehabilitation Study Final Report. Our review of this report is based on the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing regulations at 36 CFR 800. Our comments are below.

1. We agree that Alternates 3 and 4 do not meet Standards. Replacement of the entire deck pretty much replaces the entire bridge and anything historically important about it.
2. We also agree that Alternates 1 and 2 will meet Standards.
3. Our architect thinks the additional railing in Alternative 2 is rather unobtrusive and acceptable.
4. We assume that the widening of the sidewalk would come out of the shoulders and is not an addition to the deck width.

Thank you for considering a wide range of rehabilitation alternatives. We look forward to consulting with you further on this project. If you have any questions about our design review, please contact Natascha Wiener at 651-259-3462

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Ann Heidemann', written over a printed name and title.

Mary Ann Heidemann, Manager  
Government Programs and Compliance

cc: Steve Kohn, Red Wing Heritage Preservation Commission



Using the Power of History to Transform Lives  
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STATE HISTORIC PRESERVATION OFFICE

November 15, 2013

Ms. Teresa Martin  
MnDOT Cultural Resources Unit  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: SP 2515-21; Red Wing Bridge Project  
Rehabilitation Study – Final Report  
Red Wing, Goodhue County  
SHPO Number: 2011-1361

Dear Ms. Martin:

Thank you for submitting the Bridge No. 9103 Rehabilitation Study Final Report (dated August 2013). Our review of this report is based on 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 per the terms of the general Section 106 Programmatic Agreement and the Historic Bridge Programmatic Agreement negotiated between the FHWA and SHPO.

We have reviewed this document and are not seeing any substantial changes from the earlier draft report (dated April 2013) for which we reviewed and provided comments to your office on 13 June 2013. Please see below for our comments:

1. We agree that Alternates 3 and 4 **do not** meet the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). Replacement of the entire deck does not meet the Standards.
2. We also agree that Alternates 1 and 2 **do** meet the Standards.
3. The additional railing in Alternative 2 is acceptable.

We look forward to further consultation regarding this project. If you have any questions regarding our review, please contact Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,

A handwritten signature in cursive script that reads 'Sarah J. Beimers'.

Sarah J. Beimers, Manager  
Government Programs and Compliance

cc: Steve Kohn, Red Wing Heritage Preservation Commission



**Office of Environmental Stewardship**

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

Office Tel: (651) 366-3620  
Fax: (651) 366-3603

February 23, 2015

Sarah J. Beimers  
Government Programs & Compliance Manager  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55102-3391

Re: SP 2512-21, Red Wing Bridge Project  
Phase I Archaeology and Adverse Effect to Bridge 9103  
SHPO No. 2011-1361

Dear Ms. Beimers:

I am writing to continue consultation with your office regarding our Section 106 review of the above-referenced undertaking on behalf of the FHWA.

As you are aware, MnDOT, in cooperation with WisDOT, has been studying alternatives for rehabilitation/replacement of the Mississippi River crossing in Red Wing. The existing river crossing Eisenhower Bridge (bridge 9040) is a fracture critical structure meeting Chapter 152 criteria and is slated for replacement in 2017-2019. After considering a range of rehabilitation and replacement options, MnDOT has identified a recommended alternative, which is the only option that meets the project's purpose as well as all of its primary needs. The recommended alternative is a new, two-lane, steel box girder structure that will be constructed adjacent to (on the west side) the existing crossing.

The selected alternative includes a new US 63 overpass of US 61 (replacing 9103), a buttonhook loop, which will establish a new US 61/US 63 at-grade intersection east of the downtown area, and a one-way slip ramp enabling traffic from Wisconsin to access downtown and TH 58 more directly via W. 3<sup>rd</sup> Street. I have enclosed draft conceptual layouts illustrating the recommended alternative (dated 10/1/2014) and the Minnesota approaches (dated 9/19/2014).

Summary of Cultural Resources Work

To date, MnDOT has completed the following cultural resources work:

- Phase I and II architecture-history investigations (Granger and Kelly 2011, 2014). Your office has concurred with our determination of the area of potential effects (APE) and our determinations of eligibility (10/28/2014 letter from Sarah L. Beimers to Teresa Martin).
- A rehabilitation alternatives study for Bridge 9103 (HDR Engineering, Inc., and Gemini Research 2013). Your office concurred with the study's recommendations

concerning which rehabilitation alternatives met or did not meet the Secretary of the Interior's Standards (11/15/2013 letter from Sarah L. Beimers to Teresa Martin).

- A pre-evaluation archaeology study identifying the portions of the project APE having the potential to contain intact resources (Terrell and Vermeer 2012). This study addresses our preliminary APE, which your office concurred with (10/28/2014 letter from Sarah L. Beimers to Teresa Martin). A copy of this study is enclosed for your review.
- A geomorphological investigation in conjunction with the pre-evaluation archaeology study to assess the potential for deeply buried archaeological resources within the preliminary APE (Foth Infrastructure and Environment 2011). I have enclosed a copy of this investigation.
- Phase I archaeological investigations which included geomorphological deep site testing by Stratamorph. Phase I investigations addressed the refined APE, which we have revised as project design has become more detailed. I have enclosed a copy of the Phase I investigations report (Terrell and Vermeer 2015). This copy is marked draft but no changes will be made before finalizing the document (in process). Because of the project schedule, we are requesting that you base your comments on the enclosed version of the report. We will provide you a finalized copy of the report by the end of March.

We concur with Two Pines Resource Group's recommendations concerning archaeological resources:

- Sites 21GD291, 21GD292, 21GD293, 21GD294 and 21GD295 warrant Phase II investigations to assess National Register eligibility.
- The following areas that could not be fully assessed due to physical constraints or lack of landowner permission require further investigation:
  - the YMCA locality
  - undeveloped portions of Blocks 41-44
  - Site lead 21GDbj (Area 10-Red Wing Shoe locality)
  - Area 25-Viking Coca Cola locality
  - 233 Bluff Street (Light Industrial locality)
  - 231 Bluff Street (Gas Works locality)
  - 228 E. 4<sup>th</sup> Street
  - 232 E. 4<sup>th</sup> Street
  - 236 E. 4<sup>th</sup> Street
  - 240 E. 4<sup>th</sup> Street
  - 250 E. 4<sup>th</sup> Street

#### Assessment of Effects

We have identified the National Register-listed and National Register-eligible architecture-history properties within the project APE. Removal of National Register-eligible Bridge #9103 (which forms the southern approach to the existing Eisenhower Bridge crossing) will be an adverse effect. However, there are features of the new crossing still being developed that have the potential to adversely affect (directly or indirectly) other historic properties. These project features include the new TH 63/TH 61 bridge, ramps, retaining walls, noise walls,

pond, bicycle-pedestrian trail, and landscaping. In addition, MnDOT has not yet completed a study to assess the potential effects of vibration during construction to historic properties.

We have not yet evaluated all archaeological resources within the APE as some areas remain to be assessed due to the lack of landowner permission and physical constraints that cannot be addressed at this stage of the project. Archaeological survey of some areas will not be possible until the properties can be acquired and we will not be able to fully assess project effects to archaeological resources until investigations are completed.

MnDOT, as the lead state agency, is completing an Environmental Assessment/ Environmental Assessment Worksheet for the project in compliance with the National Environmental Policy Act (NEPA). The letting date for the project is February 2017. Final plan turn in will be late 2016. FHWA needs the NEPA document completed before MnDOT can start final design. As the MnDOT CRU cannot fully determine the effects of the undertaking on historic properties before a NEPA decision is required, we are proposing to develop a Programmatic Agreement per 36 CFR 800.14(b)(1)(ii).

At this time we are requesting the following:

- Your concurrence with our finding that removal of National Register-eligible Bridge #9103 is an adverse effect.
- Your comments on the enclosed Pre-Evaluation Archaeological Study.
- Your concurrence with the refined archaeology APE (described on pages 1-3 of the enclosed Phase I report) and your comments on the Phase I archaeological survey.
- Your comments regarding development of a Section 106 Programmatic Agreement.

If you have any questions, you can contact me at 651-366-3620. We look forward to continuing consultation with your office in developing a programmatic agreement.

Sincerely,



Teresa Martin, Archaeologist  
Cultural Resources Unit (CRU)

Enclosures

cc: Chad Hanson, MnDOT D-6  
Abby Ginsberg, FHWA  
Phil Forst, FHWA



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STATE HISTORIC PRESERVATION OFFICE

March 26, 2015

Ms. Teresa Martin  
MnDOT Cultural Resources Unit  
395 John Ireland Boulevard, MS 620  
St. Paul MN 55155

RE: SP 2515-21; Red Wing Bridge Project  
Red Wing, Goodhue County  
SHPO Number: 2011-1361

Dear Ms. Martin:

Thank you for continuing consultation on the above project. Information recently received in our office has been reviewed pursuant to responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800 and per the terms of the general Section 106 Programmatic Agreement and the Historic Bridge Programmatic Agreement negotiated between the FHWA and SHPO.

We have completed our review of your correspondence dated 23 February 2015 and the accompanying reports including:

- *Geomorphic Investigation of the State Trunk Highway 63 Bridge over the Mississippi River, Red Wing, Minnesota*, Foth Infrastructure and Environment LLC, December 2011
- *Pre-Evaluation Study for Archaeological Potential for the Trunk Highway 63 Red Wing Bridge Project, Goodhue County, Minnesota and Pierce County, Wisconsin*, Two Pines Resource Group LLC, FINAL June 2012
- *TH 63 Red Wing Bridge Project Goodhue County, Minnesota and Pierce County, Wisconsin: Phase I Archaeological Survey*, Two Pines Resource Group LLC, Draft 2 January 2015

As requested, our comments and recommendations are as follows:

- ◀ We agree that the archaeological area of potential effect (APE), as defined and documented on pages 1-3 of the Phase I survey report, is generally appropriate for the proposed undertaking as we currently understand it. As the project is further designed, or if it is significantly altered from the current design, additional consultation with our office may be necessary in order to revise the archaeological APE.
- ◀ From our perspective, both the *Pre-Evaluation Study* and the *Phase I Archaeological Survey* appear to meet the "reasonable and good faith effort" for historic property identification pursuant to 36 CFR 800.4(b)(1) and we agree with the recommendations for additional field survey of archaeological sites as summarized on page 2 of your 2/23/2015 letter, specifically:
  - Archaeological sites 21GD291, 21GD292, 21GD293, 21GD294 and 21GD295 warrant Phase II investigations to evaluate for National Register eligibility;

- Localities described as YMCA, Blocks 41-44, Site Lease 21GDbj (Area 10-Red Wing Shoe), Area 25-Viking Coca Cola, Light Industrial (233 Bluff St), Gas Works (231 Bluff St), and parcels located at 228-232-236-240-250 East 4<sup>th</sup> St warrant Phase I survey.
- ◀ Per 36 CFR 800.4(a) and (b), please provide information regarding your agency's approach to identification and evaluation efforts in regards to properties within the APE which may be of religious or cultural significance to American Indians.
- ◀ We agree with your agency's determination that the removal of Bridge 9103, a historic property previously determined eligible for listing in the National Register of Historic Places, constitutes an **adverse effect**.

Due to the fact that your agency has made, and we have provided concurrence in this letter, a determination that the project will have an adverse effect on Bridge 9103 thus requiring continued consultation in order to resolve the adverse effect pursuant to 36 CFR 800.6, and that further identification and evaluation of historic properties within the APE will need to be completed as well as additional assessment of adverse effects to historic properties, we agree with your agency's suggestion that we continue to consult specifically in an effort to develop an agreement document which will establish a process for completion of the Section 106 review for this undertaking. Please notify the Advisory Council on Historic Preservation regarding this determination of "adverse effect" pursuant to 36 CFR 800.6(a)(1).

As we move forward into consultation on an agreement document, we recommend that your agency provide information regarding identification of consulting parties who may wish to participate in this process. Also, please provide an update regarding your agency's public participation in this review, including efforts completed thus far and plans for continued public participation.

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

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

cc: Steve Kohn, Red Wing Heritage Preservation Commission  
Michelle Terrell, Two Pines Resource Group  
Susan Granger, Gemini Research



Office of Environmental Services

Mail Stop 620  
395 John Ireland Boulevard  
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Cultural Resources Unit  
teresa.martin@dot.state.mn.us  
Mail Stop 620

February 2, 2011

To: Interested Tribal Representative

From: Teresa Martin, Mn/DOT Cultural Resources Unit

Re: S.P. 2515-21, Red Wing Bridge Project, Early Planning Stages

Mn/DOT D-6 is in the very early planning stages for the potential replacement rehabilitation of Bridge #9040 which carries TH 61 over the Mississippi River in Red Wing, Minnesota. This undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and under the National Environmental Policy Act (NEPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties (i.e., those properties eligible for or listed on the National Register of Historic Places). This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. On behalf of the FHWA, which has designated its Section 106 responsibilities to the Minnesota Department of Transportation (Mn/DOT) Cultural Resources Unit (CRU), we are now initiating review to determine the possible effects of the undertaking (if any) on historic properties. In accordance with 36 CFR 800.2(c) of the NHPA we are contacting you to see if you know of any historic properties of religious or historic significance in the area, and to see if you would like to participate in the Section 106 process for this project (i.e., to be a consulting party).

Mn/DOT is in the early stages of determining the disposition of Bridge #9040. Estimates show the bridge will not be adequate to accommodate increased traffic over the next 20 years. Several options are being considered including removing the current bridge and building a new crossing in the same or a different location, or constructing a new crossing and rehabilitating the current bridge for pedestrian or other use. The project may also redesign traffic patterns in downtown Red Wing to improve flow.

The area of potential effects (APE) for cultural resources is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Mn/DOT will consider viewshed impacts and how they affect the APE when the project scope is sufficiently developed.

The project APE for architectural history and archaeology was set deliberately large to include the many potential project scenarios (see attached map). There are hundreds of known historic properties in Red Wing and many areas with high potential for archaeological resources. The Mn/DOT Cultural Resources Unit (CRU) has retained Gemini Research to carry out a Phase I architectural survey of the APE.

The Mn/DOT CRU is currently contracting with Two Pines Resource Group, LLC, to complete any necessary archaeological studies for the project. The potential project APE is large and there are many potential archaeological impacts to consider, therefore, Mn/DOT and Two Pines will assess the presence/absence of archaeological potential before scoping a Phase I survey. The preliminary assessment of archaeological potential will be based on intensive background research as well as soils data. A soils scientist will collect 3-inch soil cores from

various portions of the APE to determine where there is potential both for surface and for buried archaeological resources. Once the preliminary assessment is completed and the APE has been refined based on engineering decisions, we will move forward to a Phase I archaeological investigation.

Mn/DOT is anticipating the consideration of Barnes Bluff as a Traditional Cultural Property (TCP). Two Pines has previous experience in nominating a TCP to the National Register of Historic Places (i.e., Pilot Knob in Dakota County, Minnesota). The Mn/DOT CRU will be working closely with the Prairie Island Community on this project and in particular with their new THPO, Whitney White. Ms. White is currently carrying out in-depth genealogical work for the community and has graciously offered to work with us on incorporating some of this information into the Mn/DLOT study as she deems appropriate. Whitney will be gathering oral histories related to Red Wing and to Barnes Bluff that will be key information in the TCP study.

As we move forward we would appreciate any comments you may have about historic, cultural, and archaeological resources and other concerns regarding this project. If you would like to be a consulting party to this undertaking please let us know within 30 days.

Thank you for your attention to this request. We look forward to working with you on this project.

cc: Prairie Island THPO  
Shakopee Mdewakanton CRD  
Lower Sioux THPO  
Upper Sioux THPO  
Santee Sioux THPO  
Sisseton-Wahpeton Oyate THPO  
Fort Peck CRD  
Chad Hanson, Mn/DOT D-6  
Joe Hudak, Mn/DOT CRU  
Mn/DOT CO File



Office of Environmental Services

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Cultural Resources Unit  
teresa.martin@dot.state.mn.us  
Mail Stop 620

February 8, 2011

To: Interested Tribal Representative

From: Teresa Martin, Mn/DOT Cultural Resources Unit

Re: S.P. 2515-21, Red Wing Bridge Project, Early Planning Stages

Mn/DOT D-6 is in the very early planning stages for the potential replacement rehabilitation of Bridge #9040 which carries TH 63 over the Mississippi River in Red Wing, Minnesota to Wisconsin. This undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and under the National Environmental Policy Act (NEPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties (i.e., those properties eligible for or listed on the National Register of Historic Places). This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. On behalf of the FHWA, which has designated its Section 106 responsibilities to the Minnesota Department of Transportation (Mn/DOT) Cultural Resources Unit (CRU), we are now initiating review to determine the possible effects of the undertaking (if any) on historic properties. In accordance with 36 CFR 800.2(c) of the NHPA we are contacting you to see if you know of any historic properties of religious or historic significance in the area, and to see if you would like to participate in the Section 106 process for this project (i.e., to be a consulting party).

Mn/DOT is in the early stages of determining the disposition of Bridge #9040. Estimates show the bridge will not be adequate to accommodate increased traffic over the next 20 years. Several options are being considered including removing the current bridge and building a new crossing in the same or a different location, or constructing a new crossing and rehabilitating the current bridge for pedestrian or other use. The project may also redesign traffic patterns in downtown Red Wing to improve flow.

The area of potential effects (APE) for cultural resources is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Mn/DOT will consider viewshed impacts and how they affect the APE when the project scope is sufficiently developed.

The project APE for architectural history and archaeology was set deliberately large to include the many potential project scenarios (see attached map). There are hundreds of known historic properties in Red Wing and many areas with high potential for archaeological resources. The Mn/DOT Cultural Resources Unit (CRU) has retained Gemini Research to carry out a Phase I architectural survey of the APE.

The Mn/DOT CRU is currently contracting with Two Pines Resource Group, LLC, to complete any necessary archaeological studies for the project. The project APE is large and there are many potential archaeological impacts to consider, therefore, Mn/DOT and Two Pines will assess the presence/absence of archaeological potential before scoping a Phase I survey. The preliminary assessment of archaeological will be based on intensive background research as well as soils data. A soils scientist will collect 3-inch soil cores from various

portions of the APE to determine where there is potential both for surface and for buried archaeological resources. Once the preliminary assessment is completed and the APE has been refined based on engineering decisions, we will move forward to a Phase I archaeological investigation.

Mn/DOT is anticipating the consideration of Barnes Bluff as a Traditional Cultural Property (TCP). Two Pines has previous experience in nominating TCP's to the National Register of Historic Places (i.e., Pilot Knob in Dakota County, Minnesota). The Mn/DOT CRU will be working closely with the Prairie Island Community on this project and in particular with their new THPO, Whitney White. Ms. White is currently carrying out in-depth genealogical work for the community and has graciously offered to work with us on incorporating some of this information into the Mn/DLOT study as she deems appropriate. Whitney will be gathering oral histories related to Red Wing and to Barnes Bluff that will be key information in the TCP study.

As we move forward we would appreciate any comments you may have about historic, cultural, and archaeological resources and other concerns regarding this project. If you would like to be a consulting party to this undertaking please let us know within 30 days.

Thank you for your attention to this request. We look forward to working with you on this project.

cc: Northern Cheyenne  
Ho-Chunk Nation  
St. Croix Chippewa  
Spirit Lake Band  
Sokagon Chippewa  
Three Affiliated Tribes  
Lac Vieux Desert Band  
Lac Courte Oreilles Band  
Lake Superior Band  
Bad River Band  
White Earth Band  
Red Lake Band  
Bois Forte Band  
Standing Rock Sioux  
Mille Lacs Band  
Leech Lake Band  
Grand Portage band  
Fond du Lac Band  
Chad Hanson, Mn/DOT D-6  
Joe Hudak, Mn/DOT CRU  
Mn/DOT CO File



Office of Environmental Services

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Cultural Resources Unit  
teresa.martin@dot.state.mn.us  
Mail Stop 620

September 8, 2014

Michael Bergervoet  
Prairie Island THPO  
5636 Sturgeon Lake Road  
Welch, MN 55089

Re: S.P. 2515-21, Red Wing Bridge Project, Potential Impacts of New Bridge Design

Dear Mike,

This letter is a follow-up to our discussion of the new Red Wing Bridge design. MnDOT is currently hosting meetings with a group of residences from Red Wing and our consultants to plan for the design of the new Mississippi River crossing bridge in Red Wing. Marc Mogan, has been attending these meetings on behalf of the Prairie Island Community.

A consultation request concerning the Red Wing Bridge project was sent to the THPO in February of 2011 when the project was in its early planning stages. No formal response was received back from the tribe at that time. We are now much further down the road in project planning and we are making design decisions about the new river crossing bridge. I want to reach out to your office again for a discussion about any potential impacts to the sacred Barnes Bluff and the burial areas on top of that bluff. There will be no physical impacts to the bluff but there could potentially be secondary effects from lighting for example.

It has been decided that the bridge will be a concrete box girder making it a simple overall design. The designs for the piers, rails, lighting and any façade applications are now under discussion. Our next meeting is Thursday September 11<sup>th</sup> from 9:00-2:00 at the Ignite Building at 419 Bush Street in Red Wing.

We value your insights as to any potential impacts to cultural properties important to the Community. Please let me know, in writing, of any concerns your office or Tribal Council may have with respect to the bridge design. I am also happy to meet with the elders at their next breakfast get together to present our concepts if you think it would be helpful. If you have any questions, please call me at (651) 366-3620.

Sincerely,

A handwritten signature in cursive script that reads 'Teresa Martin'.

Teresa Martin  
MnDOT Cultural Resources Unit

cc. Ed Fairbanks, MnDOT CO  
Chad Hanson, MnDOT D-6



**Division of Transportation  
Systems Development**  
Northwest Region – Eau Claire Office  
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**Mark Gottlieb, P.E., Secretary**  
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E-mail: [eauclaire.dtd@dot.state.wi.us](mailto:eauclaire.dtd@dot.state.wi.us)

February 5, 2015

**TRIBAL CONTACT**  
**TRIBAL ADDRESS**

Re: Opportunity for comment

Project Number:	7210-00-06/76	Project Name:	Red Wing/Mississippi River Bridge
Project Termini:	Red Wing – Ellsworth	Project Highway:	USH 63
Counties:	Pierce County		

In partnership, the Wisconsin Department of Transportation (WisDOT) and Minnesota Department of Transportation (MnDOT) are currently investigating alternatives to replace the US Highway 63 (Eisenhower) Bridge over the Mississippi River between Red Wing, MN and Pierce County, WI. MnDOT is the sponsoring lead agency and is responsible for ensuring environmental obligations are fulfilled and recorded in the environmental document. The Eisenhower Bridge provides the only regional crossing of the river for approximately 30 miles upstream and downstream for several communities on both the Wisconsin and Minnesota sides of the river.

Laws passed by the Minnesota legislature following the I-35W Bridge collapse provide funding for rehabilitation or replacement of certain types of bridges in the state. The Eisenhower Bridge is "fracture critical" by nature of its truss design and therefore is eligible for funding through the new State funding program.

Your tribe has requested to be notified of undertakings in this area of Wisconsin. Therefore, attached are the 'draft/interim' results of the archaeological investigations completed for this project (undertaking) by MnDOT's archaeological contractor. WisDOT would be pleased to receive any comments your tribe wishes to share regarding the information contained in this report, the area of potential effect (APE), and any potential impacts to historic properties and/or burials. These comments will be shared with the MnDOT Cultural Resources program delivery manager and taken under consideration. Upon request, a copy of the final Phase II architecture/structure study will be provided.

Currently, the Departments are in the preliminary design and environmental review phase, with a recommended alternative of replacing the bridges and realigning the approach roadways in Minnesota and Wisconsin. Progress is continuing to be made as MnDOT and WisDOT work toward completing the preliminary design and environmental review tasks and look ahead to construction anticipated to begin in late 2017 or 2018.

The Departments are beginning to finalize a draft Environmental Assessment (EA) document. To ensure your comments are considered during this early phase of project development, WisDOT is requesting a response within 30 days receipt of this letter.

Additional information regarding the project is available on-line at <http://www.dot.state.mn.us/d6/projects/redwing-bridge/>.

If you would like a copy of the draft EA or would like to receive additional information regarding this proposed project, please contact: **Mohamad Hayek, WisDOT Project Manager at 718 W. Clairemont Ave., Eau Claire, WI 54701, (715) 836-2065.**

Sincerely,



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**Mohamad Hayek**  
WisDOT Project Leader

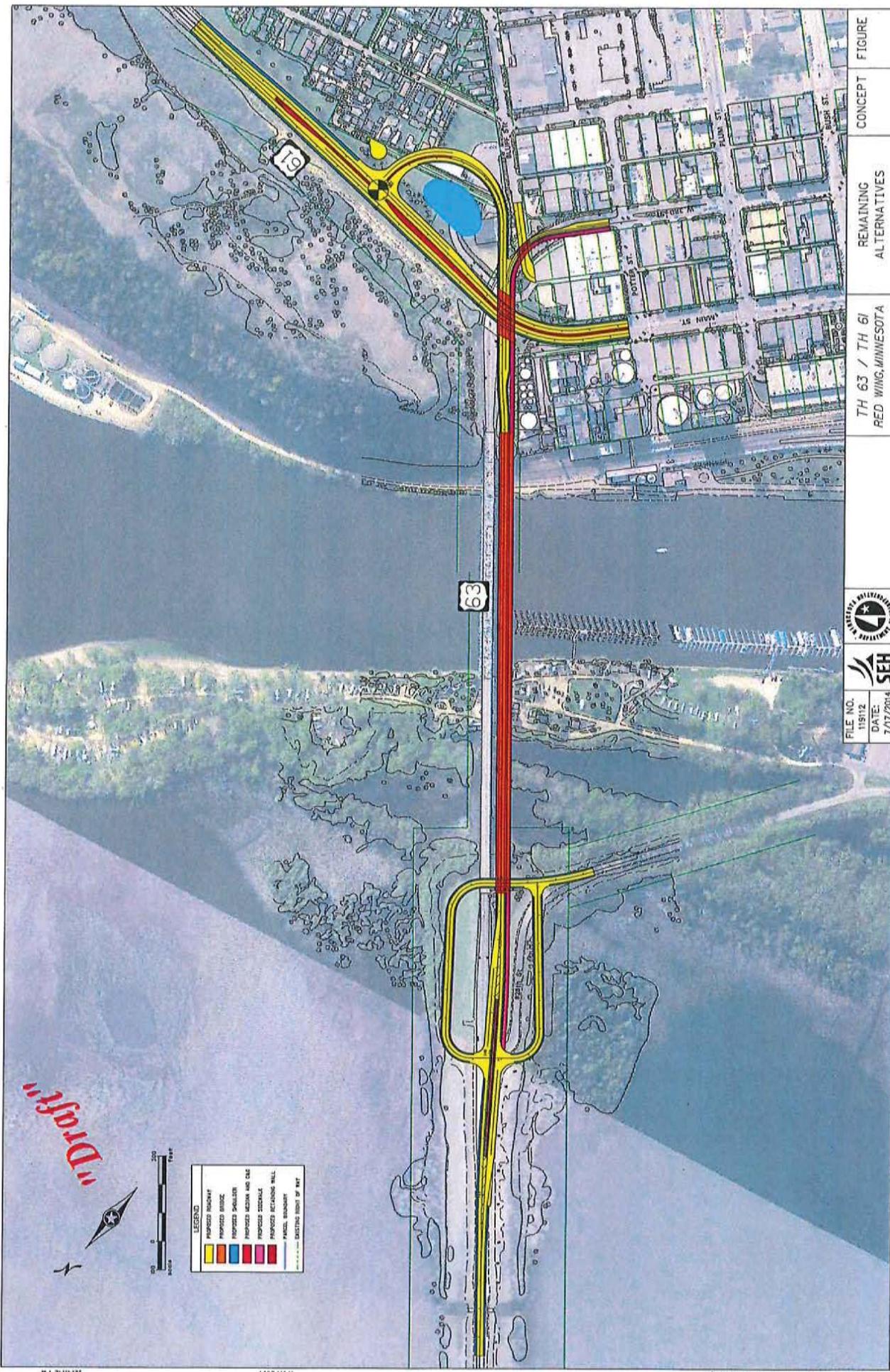


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**Teresa Martin**  
MnDOT Cultural Resources Mgr.

Cc: James Becker, WisDOT Environmental Services  
Nick Schaff, WisDOT NW Region Environmental Coordinator  
Brent Pickard, WisDOT NW Region Tribal Liaison

Enclosures:



FILE NO. 118112	STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION	TH 63 / TH 61 RED WING, MINNESOTA	REMAINING ALTERNATIVES	CONCEPT	FIGURE
DATE: 7/17/2014	SEH				

*"Draft"*

12/14/12 PM

7/17/2014

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Lac du Flambeau Band of Lake Superior Chippewa Indians  
Tribal Historic Preservation Office

February 13, 2015

Mohamad Hayek  
WisDOT Project Leader  
718 W. Clairemont Ave.  
Eau Claire, WI 54704

**Project ID: 7210-00-16/76; Red Wing - Ellsworth; Red wing/Mississippi River  
Bridge; USH 63; Pierce County, WI**

Dear Mr. Hayek:

The lac du Flambeau Tribal Historic Preservation Office received your requests for comments or interest concerning the National Historic Preservation Act, Section 106 request for review and comment to the effect on historic and cultural sites within the proposed project area. The Lac du Flambeau Tribal Historic Preservation Office has no interests documented at this time in the proposed project areas. Lac du Flambeau has conducted its database research, file research and find no sites within the project area at this time. However that does not mean that they do not exist. It is Lac du Flambeau's belief that many prehistoric sites and Indian historic sites in the area have not yet been identified or documented. Lac du Flambeau is among the many Tribes initiating the process of assisting in this endeavor. Lac du Flambeau urges you to consult other Indian Tribes in your immediate area that may have interests in your project area, if you have not already done so.

Please forward any future request for review of historic and cultural properties according to the National Historic Preservation Act Section 106 to Melinda J. Young, Tribal Historic Preservation Officer. Please keep us informed of future projects as Lac du Flambeau plans to increase our efforts to identify and document sites in the area. If the scope of work changes in any way, or if artifacts or human remains are discovered, please notify Lac du Flambeau immediately so we can assist in making an appropriate determination

Sincerely,

*Sarah Schuman for*

Melinda J. Young ←  
Tribal Historic Preservation Officer

P.O. Box 67  
Lac du Flambeau, WI 54538  
EA Appendix D Exhibit 9

Phone: (715) 588-2139 or (715) 588-2270

Fax: (715) 588-2419

Email: ldftppo@ldftribe.com

EA Appendix D Exhibit 9

**PROGRAMMATIC AGREEMENT PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT, AS AMENDED, AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE MINNESOTA DEPARTMENT OF TRANSPORTATION, THE WISCONSIN DEPARTMENT OF TRANSPORTATION, THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE, THE WISCONSIN STATE HISTORIC PRESERVATION OFFICE, THE U.S. ARMY CORP OF ENGINEERS, REGARDING THE REPLACEMENT OF THE EISENHOWER BRIDGE IN RED WING, GOODHUE COUNTY, MINNESOTA, AND PIERCE COUNTY, WISCONSIN (Minnesota State Project [S.P.] 2515-21)**

WHEREAS, the Federal Highway Administration (FHWA) is providing funding to the Minnesota Department of Transportation (MnDOT) and the Wisconsin Department of Transportation (WisDOT) for replacement of the Eisenhower Bridge over the Mississippi River in Red Wing, Goodhue County, Minnesota, and Pierce County, Wisconsin (Project); and

WHEREAS, FHWA has determined that the Project may affect historic properties listed in or eligible for the National Register of Historic Places and requires review under Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR 800; and

WHEREAS, the Project will require permits from the St. Paul District U.S. Army Corps of Engineers (Corps) pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC Sect. 403) and Section 404 of the Clean Water Act (33 USC Sect. 1344); and

WHEREAS, in accordance with 36 CFR 800.2(a)(2) and as per the terms of the 2015 Section 106 Programmatic Agreement (2015 Statewide PA) among FHWA, the Corps, the Minnesota Historic Preservation Office (MnSHPO), and the Advisory Council on Historic Preservation (ACHP) regarding implementation of the Federal-Aid Highway Program in Minnesota, FHWA is the lead Federal agency for the purposes of Section 106 review; and

WHEREAS, FHWA has delegated its responsibilities, to a certain extent, for compliance with Section 106 in accordance with Federal law to the professionally qualified staff (as per 36 CFR 61) in the MnDOT Cultural Resources Unit (CRU), although the FHWA remains legally responsible for all findings and determinations charged to the agency official in 36 CFR 800; and

WHEREAS, FHWA has determined that Bridge No. 9103 is eligible for the National Register of Historic Places and the Project will have an adverse effect on this historic property by demolishing the structure, and MnSHPO has concurred with FHWA's finding; and

WHEREAS, FHWA cannot fully determine all of the effects of the Project on historic properties before a decision is required under the National Environmental Policy Act (NEPA); therefore, execution of this Programmatic Agreement (Agreement) is appropriate pursuant to 36 CFR 800.14(b)(1)(ii); and

WHEREAS, FHWA has consulted with MnSHPO and the Wisconsin State Historic Preservation Office (WisHPO) and they are signatories to this Agreement; and

WHEREAS, FHWA has consulted with Project sponsors MnDOT and WisDOT, and MnDOT, as the lead state agency, has agreed to certain responsibilities stipulated in this Agreement; and

FHWA has invited MnDOT and WisDOT to be signatories to this Agreement; and

WHEREAS, FHWA has consulted with the City of Red Wing (City) pursuant to 36 CFR 800.2(c)(1)(i), and has invited them to concur with this Agreement; and

WHEREAS, FHWA has consulted with the Red Wing Heritage Preservation Commission (HPC) pursuant to 36 CFR 800.2(c)(1)(i), and has invited them to concur with this Agreement.

NOW, THEREFORE, FHWA, MnSHPO and WisSHPO agree the undertaking will be implemented in accordance with the following stipulations in order to satisfy the responsibilities of FHWA and the Corps under Section 106 of the National Historic Preservation Act:

#### STIPULATIONS

The FHWA will ensure that the following measures are carried out:

##### STIPULATION I. IDENTIFICATION OF HISTORIC PROPERTIES

A. As Project activities are further defined, the MnDOT CRU, on behalf of the FHWA, will refine the APE in consultation with MnSHPO, as needed.

B. If the APE is revised to include areas not previously subject to historic property identification efforts conducted as part of this Project' MnDOT CRU will conduct additional investigations in those areas pursuant to Stipulation 3 of the 2015 Statewide PA.

C. Once MnDOT acquires the Project right-of-way, MnDOT CRU will conduct additional archaeological investigations for areas that were not accessible due to lack of landowner permission. Similar investigations will be conducted if during the design process additional parcels are identified that may be impacted or acquired. If archaeological sites are identified within the APE, FHWA will reopen consultation with Indian tribes that might attach religious and cultural significance to those properties under 36 CFR 800.2(c).

D. Any historic properties newly identified within the APE by MnDOT CRU will be added to the list of properties included in Appendix A upon written concurrence by the MnSHPO. An amendment to this Agreement under Stipulation VI is not necessary unless agreed upon by the signatories to the Agreement.

##### STIPULATION II. DISCOVERY DURING CONSTRUCTION

A. If previously unidentified historic properties are encountered during the Project construction, all ground-disturbing activities will cease in the area where any property is discovered, as well as in the immediately adjacent area. The contractor will immediately notify the MnDOT project manager and the MnDOT CRU of the discovery. The MnDOT CRU will record, document and evaluate the National Register

eligibility of resources in accordance with 36 CFR 800. If eligible properties are identified, the MnDOT CRU, in consultation with the MnSHPO (and WisSHPO as appropriate), will design a plan for avoiding or mitigating any adverse effects prior to resuming ground-disturbing work in the area of discovery.

B. If any previously unidentified human remains are encountered during the Project construction, all ground-disturbing activities will cease in the area where such remains are discovered as well as in the immediately adjacent area. The contractor will immediately notify the MnDOT CRU of the discovery of human remains. The FHWA (with the assistance of the MnDOT CRU) will work with the Office of the State Archaeologist (OSA) to perform any necessary tribal consultation in order to meet FHWA's responsibilities under Section 106. The MnDOT CRU will develop a reburial plan in consultation with the FHWA, the OSA, the MnSHPO, and, if appropriate, the Minnesota Indian Affairs Council (MIAC), prior to ground-disturbing work being allowed to proceed in the area of discovery. The FHWA will ensure that the terms of any reburial plan are fully implemented.

C. MnDOT will include in appropriate construction contracts provisions to ensure that items established in this stipulation are carried out by the contractor.

#### STIPULATION III. BRIDGE 9103 (GD-RWC-1387)

A. The Project will require the removal of Bridge 9103 (GD-RWC-1387) and its associated approach ramp. MnDOT CRU, in consultation with MnSHPO, will complete Minnesota Historic Properties Record (MHPR) documentation for Bridge 9103 and its approach ramp, in accordance with current MHPR Guidelines. The documentation will be completed prior to the start of construction on the new river crossing bridge and before any alterations are made to Bridge 9103 or its approaches. The draft MHPR documentation will be completed in consultation with MnSHPO and submitted to MnSHPO for review and acceptance. MnDOT CRU will submit final copies of the documentation to MnSHPO, the CITY, and the HPC.

#### STIPULATION IV. MEASURES TO MINIMIZE EFFECTS TO HISTORIC PROPERTIES

Plans for the new river crossing bridge and its Minnesota approach are still under development. These new structures including the new TH63/TH61 bridge, ramps, retaining walls, noise walls, pond, bicycle-pedestrian trail, and landscaping, have the potential for adverse effects (direct or indirect) on the Red Wing Mall District, St. James Hotel Complex, CMSTPP Railroad Corridor Historic District, Red Wing Commercial Historic District, Barn Bluff, Kappel Wagon Works, Hedin House, Miller House, Burdick Grain Company Terminal Elevator, Red Wing Iron Works, Red Wing Shoe Company and other historic properties (as listed in Attachment A). Measures to minimize effects to historic properties include the following:

##### A. Project Design Development and Plan Review

The Project design will effectively meet the project purpose and need, while avoiding, minimizing, and/or mitigating adverse impacts to historic properties. Avoidance of adverse effects is preferable and will be considered to the extent feasible.

1) MnDOT District 6 and its design team shall consult with MnDOT CRU throughout the project design of those project elements near the identified historic properties. Concepts for these design elements are currently under development through MnDOT's Visual Quality Advisory Committee (VQAC) process. Staff from MnDOT CRU and representatives from the CITY and HPC attended the VQAC meetings and the Visual Quality process took into consideration compliance with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties (SOI Standards) for new construction adjacent to or near historic properties.

2) MnDOT CRU contracted with an historian to help ensure, throughout the design process, compliance with the SOI Standards for new construction adjacent to or near historic properties. These designs include the new river crossing bridge and elements of the Minnesota approach, including the new TH63/TH61 bridge ramps, retaining walls, noise walls, pond, bicycle-pedestrian trail, and landscaping.

3) MnDOT CRU and the historian have been and will continue to, review the initial plans and document any concerns or issues. MnDOT CRU has been and will continue to consult with the MnDOT District 6 Project Manager and submit documentation of concerns or issues; the District 6 Project Manager has been and will continue to work with CRU to address the changes and comments in the plans.

4) MnDOT CRU will again review draft final plans to ensure design elements agreed upon have been incorporated into the plans, and to determine if any areas beyond the reviewed APEs require survey work to determine if previously unidentified historic properties are present.

5) MnDOT CRU will submit final design plans and its findings of effect to MnSHPO for review and concurrence at the 30%, 60%, and 95% completion stage. The plans will be submitted to the other signatories and parties to this Agreement for review and comment. MnSHPO will have 30 days to review the plans.

6) If during Design Development and Plan Review, MnDOT CRU determines the SOI Standards are not able to be met and there are additional adverse effects, MnDOT CRU will provide any additional determinations to the MnSHPO, who will have 30 days to review and comment as per 36 CFR 800.3(c)(4). Any additional adverse effects identified will be addressed by amendment to this Agreement between MnDOT CRU and MnSHPO, after appropriate consultation with all signatories to the Agreement, the public, and the ACHP.

7) MnDOT CRU will submit final plans (i.e., 100% completion) to MnSHPO for the project record.

#### B. Design Changes After the Project is Underway

1) The project will be bid-built so changes to the plans are not anticipated. However, MnDOT District 6 will notify MnDOT CRU of any proposed changes to the final plans after the Project is underway. MnDOT CRU will determine the effect of these changes to historic properties and will provide any

additional determinations to the MnSHPO, who will have 30 days to review and comment as per 36 CFR 800.3(c)(4). Any additional adverse effects identified will be addressed by amendment to this Agreement between MnDOT CRU and MnSHPO, after appropriate consultation with all signatories to the Agreement, the public, tribes, and the ACHP.

#### C. Vibration Monitoring

MnDOT will develop and implement a Vibration Monitoring and Control and Mitigation Plan for Historic Properties, including Barn Bluff, to address potential issues related to vibrations caused by the project. MnDOT District 6 and its design team will consult with the MnDOT CRU, MnSHPO, the CITY, and HPC in the development of the plan. The plan will include a baseline vibration study to be conducted prior to any construction work. The plan will specify thresholds for vibration during construction and will include details about the preconstruction and post-construction building surveys, process, equipment (including crack-monitoring gauges), documentation standards, and frequency of monitoring. The draft plan will be submitted to MnDOT CRU for review and approval. MnDOT CRU will submit the plan to MnSHPO for review and concurrence, and to the CITY and HPC for review and comments.

#### STIPULATION V. STANDARDS

A. MnDOT CRU shall ensure that any products developed as mitigation for adverse effects to historic properties will meet the SOI Standards for Archaeology and Historic Preservation. Such products may include, but are not necessarily limited to, archaeological data recovery plans and final reports and MHPR documentation.

B. MnDOT CRU shall ensure that all work carried out pursuant to this Agreement will be done by or under the direct supervision of historic preservation professionals who meet the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61).

#### STIPULATION VI. AMENDMENTS

The FHWA, MnSHPO, and the invited signatories to this Agreement may request in writing that it be amended, whereupon the parties shall consult to consider the proposed amendment. The regulations at 36 CFR 800 shall govern the execution of any such amendment.

#### STIPULATION VII. DISPUTE RESOLUTION

A. Should the FHWA, MnSHPO, or the invited signatories object at any time to any action proposed or the manner in which the terms of this Agreement are implemented, FHWA shall consult with such party to resolve the objection. FHWA consultation shall take place within 10 days of receipt of said objection and shall be documented in the form of meeting notes and/or written letter of response. If FHWA

determines, within 30 days of documenting consultation efforts with the objecting party, that the objection cannot be resolved, FHWA shall:

1) Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any advice or comments from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.

2) If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period after receipt of adequate documentation, FHWA may render a final decision regarding the dispute and proceed accordingly. In reaching its decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the Agreement, and provide them and the ACHP with a copy of such written response.

3) FHWA's responsibilities to carry out all other actions subject to the terms of the Agreement that are not the subject of the dispute remain unchanged.

#### STIPULATION VIII. TERMINATION

The FHWA, MnSHPO, and the invited signatories to this Agreement may terminate the agreement by providing thirty (30) days' written notice to the other signatories, provided the signatories consult during the period prior to termination to agree on amendments or other actions that would avoid termination. If the agreement is terminated and the FHWA elects to continue with the undertaking, the FHWA will reinstate review of the undertaking in accordance with 36 CFR 800.3 through 800.13.

#### STIPULATION IX. DURATION

This agreement will terminate December 30, 2021 or upon mutual agreement of the FHWA, MnSHPO, and the invited signatories. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the Agreement and revise, amend, or extend it in accordance with Stipulation VI.

Execution of this agreement by the FHWA and the MnSHPO and implementation of its terms is evidence that the FHWA has taken into account the effects of its undertaking on historic properties and has afforded the Advisory Council on Historic Preservation opportunity to comment.

Signatories:

FEDERAL HIGHWAY ADMINISTRATION

\_\_\_\_\_ Date: \_\_\_\_\_

Dave Scott, Acting Division Administrator

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

\_\_\_\_\_ Date: \_\_\_\_\_

Barbara M. Howard, Deputy State Historic Preservation Officer

WISCONSIN STATE HISTORIC PRESERVATION OFFICE

\_\_\_\_\_ Date: \_\_\_\_\_

XXXXXXXXXXXXX, Deputy State Historic Preservation Officer

MINNESOTA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_ Date: \_\_\_\_\_

Charles A. Zellie, Commissioner

WISCONSIN DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_ Date: \_\_\_\_\_

Mark Gottlieb, P.E., Secretary of the Wisconsin Department of Transportation

UNITED STATES ARMY CORP OF ENGINEERS, ST. PAUL DISTRICT

\_\_\_\_\_ Date: \_\_\_\_\_

Daniel C. Koprowski, District Engineer and Comander

Concurring:

CITY OF RED WING

\_\_\_\_\_ Date: \_\_\_\_\_

Kay Kuhlmann, City Council Administrator

RED WING HERITAGE PRESERVATION COMMISSION

\_\_\_\_\_ Date: \_\_\_\_\_

Annette Martin, Chairperson

## ATTACHMENT A

## LIST OF NATIONAL REGISTER-LISTED AND –ELIGIBLE ARCHITECTURAL HISTORY PROPERTIES IN THE APE

## LETTERS CORRESPOND TO MAP 4 IN PHASE II REPORT

- A. Red Wing Mall District (GD-RWC-001)
- B. St. James Hotel Complex (GD-RWC-004)
- C. Red Wing Residential Historic District (GD-RWC-022)
- D. CMSTPP Railroad Corridor Historic District (GD-RWC-1371)
- E. Red Wing Commercial Historic District (GD-RWC-1451)
- F. Barn Bluff (GD-RWC-280)
- G. Mississippi River 9' Channel (GD-RWC-1452)
- H. Kappel Wagon Works (GD-RWC-008)
- I. Sheldon Memorial Auditorium (GD-RWC-002)
- J. Lawther House (GD-RWC-023)
- K. Red Wing City Hall (GD-RWC-009)
- L. Hedin House (GD-RWC-1407)
- M. Luft Doublehouse (GD-RWC-746)
- N. Gladstone Building (GD-RWC-007)
- O. Medical Block Clinic (GD-RWC-1417)
- P. Hewitt Laboratory (GD-RWC-026)
- Q. Bridge 9103 (GD-RWC-1387)
- R. Miller House (GD-RWC-1422)
- S. Burdick Grain Company Terminal Elevator (GD-RWC-1383)
- T. Red Wing Iron Works (GD-RWC-005)
- U. Red Wing Shoe Company (GD-RWC-019)
- V. Keystone Building (GD-RWC-006)
- W. Chicago Great Western Depot (GD-RWC-015)
- X. Red Wing City Hospital Stairway (GD-RWC-1423)
- Y. First National Bank of Red Wing (GD-RWC-1439)

## LIST OF ARCHAEOLOGICAL PROPERIES THAT WILL NEED ASSESSMENT OF ELIGIBILITY IF POTENTIALLY IMPACTED

## SITE AREAS ARE DEPICTED IN THE FIGURE 62. OF FINAL REPOT

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 21GD292  
 21GD293  
 21GD294  
 21GD295  
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