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## **Appendix F**

### Correspondence

- MnDNR Correspondence (dated March 21, 2013)
- MnDOT Office of Environmental Stewardship Correspondence (dated December 17, 2015)
- Draft Section 106 Programmatic Agreement
- SHPO Letter to MnDOT CRU (dated March 11, 2016)
- MnDOT CRU Letter to SHPO (dated February 11, 2016)
- SHPO Letter to MnDOT CRU (dated January 7, 2016)
- MnDOT CRU Letter to SHPO (dated December 8, 2015)
- SHPO Letter to MnDOT CRU (dated November 10, 2015)
- MnDOT CRU Letter to SHPO (dated October 6, 2015)
- SHPO Letter to MnDOT CRU (dated July 3, 2015)
- MnDOT CRU Letter to SHPO (dated June 2, 2015)
- SHPO Letter to MnDOT CRU (dated November 18, 2014)
- MnDOT CRU Letter to SHPO (dated September 18, 2014)
- Section 4(f) De Minimis Impact Finding for the Reverend Dr. Martin Luther King Jr. Memorial Park – FHWA Letter Seeking Concurrence from the MPRB (dated February 24, 2016)



DNR Comments on MnDOT Early Notification Memo, I-35W transitway & freeway rehabilitation (SP2782-278 et.al.) HennCo

Leete, Peter (DOT)

to:

Dalton, Rick (DOT)

03/21/2013 04:53 PM

Cc:

"Straumanis, Sarma (DOT)", "Sullivan, Dan (MPCA)", "Vogel, Mark (DOT)", "Troyer, Brett (DOT)", "Stenlund, Dwayne (DOT)", "Joyal, Lisa (DNR)", "Doperalski, Melissa (DNR)", "Ellison, Daryl G (DNR)", "Hintzman, Rachel (DNR)", "Gleason, John (DNR)", "Marion, Tim J (DNR)", "sturrentine@sehinc.com"

Hide Details

From: "Leete, Peter (DOT)" <peter.leete@state.mn.us> Sort List...

To: "Dalton, Rick (DOT)" <richard.dalton@state.mn.us>,

Cc: "Straumanis, Sarma (DOT)" <sarma.straumanis@state.mn.us>, "Sullivan, Dan (MPCA)" <dan.sullivan@state.mn.us>, "Vogel, Mark (DOT)" <mark.vogel@state.mn.us>, "Troyer, Brett (DOT)" <brett.troyer@state.mn.us>, "Stenlund, Dwayne (DOT)" <dwayne.stenlund@state.mn.us>, "Joyal, Lisa (DNR)" <Lisa.Joyal@state.mn.us>, "Doperalski, Melissa (DNR)" <melissa.doperalski@state.mn.us>, "Ellison, Daryl G (DNR)" <daryl.ellison@state.mn.us>, "Hintzman, Rachel (DNR)" <rachel.l.hintzman@state.mn.us>, "Gleason, John (DNR)" <john.gleason@state.mn.us>, "Marion, Tim J (DNR)" <tim.marion@state.mn.us>, "sturrentine@sehinc.com" <sturrentine@sehinc.com>

### 3 Attachments



ENM.pdf DNRbasemap.pdf plan.pdf

Rick,

This email is the DNR response for your project records. I have not sent this out for full DNR review, however I've looked at the information in the Early Notification memo regarding the proposed I-35W Transit/Access Project from the area of Lake Street through the junction with I-94. This project is being led by Hennepin County in partnership with the City of Minneapolis, Metropolitan Council/Metro Transit, and MnDOT. As such there may be DNR comments provided through other coordination or environmental review programs. However I have the following comments for MnDOT records:

1. For MnDOT planning purposes, I have attached a map of the project area (DNRbasemap.pdf) showing locations of DNR concern such as Public Waters (in dark blue), designated aquatic invasive species (red), snowmobile Trails (in pink), green shaded polygons for areas of Biodiversity Significance, and various polygons of rare features from the Natural Heritage Information System (NHIS) database (in magenta). In order to protect the inadvertent release of the location of listed species contained in the NHIS, I have not labeled any rare features on the attached maps. If you have any questions regarding proposed work near any of these polygons, please give me a call. Your GIS folks also can access most of this data from the DNR's Data Deli website at <http://deli.dnr.state.mn.us/>. The following files will allow the creation of the same map and ease your cross reference for road locations.

MCBS Native Plant Communities

MCBS Sites of Biodiversity Significance

Public Waters Inventory (PWI) Watercourse Delineations

Public Waters Inventory (PWI) Basin Delineations

DNR managed lands such as Wildlife Management Areas, Public Access, State Parks, State Forests, etc

2. There are no Public Waters in the project area. As such a DNR Public Waters permit will not be required. However, as you know this area currently drains via stormwater outfalls to the Mississippi River. I assume that the project will be designed to meet other state or local regulations for water resource issues such a flood capacity and stormwater treatment prior to discharge to the river.
3. The Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the project area. Based on this query, rare features have been documented within the search area. See the attached file 'DNRbasemap.pdf'. For details on any of the Magenta polygons shown, please contact me. However, given the nature and location of the proposed project, we do not believe the project will negatively affect any known occurrences of rare features. The NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. If information becomes available indicating additional listed species or other rare features, further review may be necessary.

DNR folks, if I've missed anything, or have any suggestions for MnDOT to consider, please respond ASAP to Rick, and myself.

Contact me if you have questions

**peter**

Peter Leete  
Transportation Hydrologist  
DNR Ecological & Water Resources  
Ph: 651-366-3634

Office location: MnDOT's Office of Environmental Stewardship

## Dalton, Richard (DOT)

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**From:** Graeve, Kenneth M (DOT)  
**Sent:** Thursday, December 17, 2015 9:47 AM  
**To:** Pedersen, Scott (DOT); Dalton, Richard (DOT)  
**Cc:** Lausche, Kendall (DOT)  
**Subject:** S.P. 2782-327 - ESA (Section 7) - Determination of No Effect

### No Effect Determination

S.P. 2782-327, I-35W from 43<sup>rd</sup> St to I-94

Replace pavement and numerous bridges; construct transit station, bike trail connection, exits to Lake St & 28th St, Stormwater facilities, MnPASS Lane, and noise walls.

City of Minneapolis, Hennepin County

In response to your request, the above referenced action has been reviewed for potential effect to federally-listed threatened, endangered, proposed, candidate species and listed critical habitat. As a result of this review, a determination of **No Effect** has been made.

### Federally-Listed Species/Designated Critical Habitat in the Action Area

Section 7 of Endangered Species Act of 1973, as amended (Act), requires each Federal agency to review any action that it funds, authorizes or carries out to determine whether it may affect threatened, endangered, proposed species or listed critical habitat. Federal agencies (or their designated representatives) must consult with the U.S. Fish and Wildlife Service (Service) if any such effects may occur as a result of their actions. Consultation with the Service is not necessary if the proposed action will not directly or indirectly affect listed species or critical habitat. If a federal agency finds that an action will have no effect on listed species or critical habitat, it should maintain a written record of that finding that includes the supporting rationale. According to the official County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list (revised in September 2015), maintained by the Service, the project county is within the distribution range of the following:

Hennepin	<a href="#">Northern long-eared bat</a> <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
	<a href="#">Higgins eye pearlymussel</a> <i>(Lampsilis higgins)</i>	Endangered	Mississippi River
	<a href="#">Snuffbox</a> <i>(Epioblasma triquetra)</i>	Endangered	Mississippi River

### Potential Impacts to Northern Long-Eared Bat Habitat

Amount of Tree Removal Anticipated	Potential Impacts to NLEB Hibernacula	Bridge/Box Culvert Work Involved
6.8 acres of trees will be removed. This work is inside the range of the NLEB but lacks suitable summer habitat due to its location in a high density urban area.	None Anticipated	This project includes work on several bridges. This work is inside the range of the NLEB but lacks suitable summer habitat due to its location in a high density urban area.

**Based on the information that you provided and the nature of the activities proposed, MnDOT on behalf of the FHWA, has made a determination of No Effect for the above referenced project. No further action under Section 7 of the Act is required. However, if information becomes available indicating that federally-listed species or designated critical habitat may be affected, please contact this office and consultation with the Service will be initiated if necessary.**

Ken Graeve  
Roadside Vegetation Management Unit  
MnDOT Office of Environmental Stewardship  
395 John Ireland Blvd  
St Paul, MN 55155

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

WHEREAS, the Federal Highway Administration (FHWA) proposes to provide Federal-Aid Highway Program funds to the Minnesota Department of Transportation (MnDOT) and Hennepin County to construct the Interstate 35W and Lake Street Improvement Project (S.P. 2782-327) (PROJECT) more fully described in Appendix A; and

WHEREAS, FHWA has determined that the PROJECT is a federal undertaking with the potential to affect historic properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP) and is therefore subject to review under Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR 800; and

WHEREAS, consultation for this PROJECT has been conducted under the terms of the 2005 *Programmatic Agreement Among the Federal Highway Administration; the Minnesota State Historic Preservation Office; the Advisory Council on Historic Preservation; the Department of the Army, Corps of Engineers, St. Paul District; and the Minnesota Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Minnesota* (as amended 2014) (Statewide PA), various stipulations of which are incorporated by reference; and

WHEREAS, the Federal Transit Administration (FTA) is a Cooperating Agency under the National Environmental Policy Act (NEPA) (40 CFR 1500-1508) and has an interest in the PROJECT as it has potential future undertakings within the footprint of PROJECT facilities that may use the results of FHWA's Section 106 review; and

WHEREAS, MnDOT's Cultural Resources Unit (MnDOT CRU), on behalf of FHWA and in consultation with the Minnesota Historic Preservation Office (MnHPO), has currently defined PROJECT areas of potential effects (APE) for architecture/history and archaeological resources illustrated in Appendices B and C; and

WHEREAS, MnDOT CRU, in consultation with MnHPO, has identified the following historic properties within the PROJECT APE: Healy Block Residential Historic District (HE-MPC-4899); Dunn House (HE-MPC-4378); Stewart Memorial Presbyterian Church (HE-MPC-4358); Chicago, Milwaukee and St. Paul Railroad Grade Separation District (HE-MPC-9959 to -9963); The Minerva (HE-MPC-5007); W. J. Jennison House (HE-MPC-4234); 24<sup>th</sup> Street Commercial Buildings (HE-MPC-5033); Washburn-Fair Oaks Heritage Preservation District (HE-MPC-4900); Hudson Apartments (HE-MPC-5030);

Apartments at 335-349 East 18<sup>th</sup> Street/1800-1804 4<sup>th</sup> Avenue South (HE-MPC-5029/HE-MPC-4867); Stevens Square Historic District (HE-MPC-5965); Amos B. Coe House (HE-MPC-5806); Clinton Flats (HE-MPC-5028); Benjamin S. Bull House (HE-MPC-0424); and Apartment Building, 1801 Elliot Avenue South (HE-MPC-4085); and

WHEREAS, MnDOT CRU, with concurrence from MnHPO, has determined that based on the PROJECT layout dated 10/28/2015 the PROJECT will have no adverse effect on the following properties: Healy Block Residential Historic District (HE-MPC-4899); Dunn House (HE-MPC-4378); Stewart Memorial Presbyterian Church (HE-MPC-4358); The Minerva (HE-MPC-5007); W. J. Jennison House (HE-MPC-4234); 24<sup>th</sup> Street Commercial Buildings (HE-MPC-5033); Washburn-Fair Oaks Heritage Preservation District (HE-MPC-4900); Hudson Apartments (HE-MPC-5030); Apartments at 335-349 East 18<sup>th</sup> Street/1800-1804 4<sup>th</sup> Avenue South (HE-MPC-5029/HE-MPC-4867); Stevens Square Historic District (HE-MPC-5965); Amos B. Coe House (HE-MPC-5806); Clinton Flats (HE-MPC-5028); Benjamin S. Bull House (HE-MPC-0424); Apartment Building, 1801 Elliot Avenue South (HE-MPC-4085); and

WHEREAS, MnHPO has not concurred with MnDOT CRU's determination that the segment of the NRHP-listed Chicago, Milwaukee and St. Paul Railroad Grade Separation District (CM&StP Grade Separation District) within the PROJECT APE is non-contributing, but has requested that MnDOT CRU defer its final determination until MnDOT CRU completes the reevaluation of the entire district as part of its Local Historic Bridge Study; and

WHEREAS, MnDOT CRU cannot complete reevaluation of the CM&StP Grade Separation District before a decision is required under NEPA, and, therefore, cannot fully determine the PROJECT's effects to historic properties; therefore, the execution of a Programmatic Agreement (AGREEMENT) for the PROJECT is appropriate pursuant to 36 CFR 800.14(b)(1)(ii); and

WHEREAS, FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its decision to enter into this AGREEMENT in accordance with 36 CFR 800.6(a)(1) and has provided the documentation specified in 36 CFR 800.11(e), and ACHP has chosen not to participate in the consultation; and

WHEREAS, upon initiation of the Section 106 consultation process and in accordance with 36 CFR 800.2(c)(2)(ii), MnDOT CRU, on behalf of FHWA, has, in a good faith effort, contacted the Fort Peck Tribes, the Lower Sioux Indian Community, the Santee Sioux Nation, the Sisseton-Wahpeton Oyate Community and the Turtle Mountain Band of Ojibwe, all federally recognized tribes, asking if they knew of any properties of historical and/or cultural significance within the APE and inviting their participation in consultation, and no tribe indicated such properties were present and none requested to participate; and

WHEREAS, Hennepin County and MnDOT are co-sponsors of the PROJECT and have agreed to certain responsibilities stipulated in this AGREEMENT, and FHWA has asked

Hennepin County and MnDOT to become invited signatories to this AGREEMENT pursuant to 36 CFR 800.6(c)(2); and

WHEREAS, FHWA has consulted with the Minneapolis Heritage Preservation Commission (HPC) and has asked them to concur with this AGREEMENT; and

WHEREAS, the Hennepin County Regional Railroad Authority (HCRRA) owns and maintains the CM&StP Grade Separation District and FHWA has asked them to concur with this AGREEMENT; and

WHEREAS, FHWA has conducted public participation in this review in coordination with the scoping, public review and comment, and public hearings conducted to comply with NEPA and its implementing regulations as allowed per 36 CFR 800.2(d)(3); and

WHEREAS, FHWA will be responsible for ensuring that all aspects of PROJECT implementation meet the terms of this AGREEMENT, and MnDOT CRU has assisted FHWA in coordinating the Section 106 process and will administer the implementation of this AGREEMENT; and

NOW, THEREFORE, FHWA and MnHPO agree that upon FHWA's approval of the undertaking, FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the PROJECT on historic properties, and that these stipulations shall govern the undertaking and all of its parts until this AGREEMENT expires or is terminated.

## STIPULATIONS

FHWA will ensure that the following measures are carried out:

### I. CM&StP GRADE SEPARATION DISTRICT

- A. MnDOT CRU, in consultation with the MnHPO and other signatories to this AGREEMENT, will complete a reevaluation of the CM&StP Grade Separation District per 36 CFR 800.4(c)(1-2). MnDOT CRU will ensure that the reevaluation is prepared by an individual or individuals meeting the Secretary of the Interior's *Professional Qualifications Standards* in history or architectural history (36 CFR 61) and in accordance with the Secretary of the Interior's *Standards and Guidelines for Evaluation*.
  - a. If the reevaluation results in no change to the CM&StP Grade Separation Historic District's NRHP listing, MnDOT CRU will work with Hennepin County and MnDOT Metro District to ensure that potential direct or indirect adverse effects to the CM&StP Grade Separation District are avoided and that the PROJECT is designed in conformance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties (SOI Standards)*, specifically in regard to new construction within, adjacent to,

or near historic properties and their environments, and with HCRRA's 2008 *Cultural Landscape Management and Treatment Guidelines for the Chicago Milwaukee and St. Paul Grade Separation Historic District of the Midtown Corridor, Minneapolis, Minnesota* (HCRRA *Treatment Guidelines*).

- b. If the reevaluation results in any changes to the CM&StP Grade Separation Historic District in terms of overall eligibility or boundary, period of significance, and/or contributing/non-contributing element determinations, MnDOT CRU will assess PROJECT effects on the CM&StP Grade Separation Historic District in accordance with 36 CFR 800.5 and provide documentation of its finding per 36 CFR 800.11 to MnHPO who will have thirty (30) calendar days from receipt of the finding to concur per 36 CFR 800.3(c)(4). MnDOT CRU will provide its finding concurrently to HPC and the other consulting parties who will have thirty (30) calendar days from receipt of the finding to provide comments.
- B. If MnDOT CRU determines in consultation with Hennepin County, MnDOT Metro District and FHWA that it is not practicable to avoid adverse effects to the CM&StP Grade Separation District, MnDOT CRU will ensure that the measures contained in Stipulation III of this AGREEMENT are carried out.

## II. COMPLETION OF PROJECT DESIGN

At the time of the execution of this AGREEMENT, MnDOT CRU, in consultation with MnHPO, has determined that the PROJECT at the 30-percent design stage, will have no adverse effects on 14 of the 15 historic properties shown in Appendix B. In order to preserve that determination, the following measures have been agreed upon.

- A. Hennepin County and MnDOT Metro District will work closely with MnDOT CRU throughout the completion of the PROJECT design process (including, but not limited to, design of any aesthetic treatments, landscaping, lighting, and streetscaping that may affect historic properties) to ensure that all potential direct or indirect adverse effects are avoided and that the PROJECT is designed in conformance with the SOI *Standards*, particularly in regard to new construction within, adjacent to, or near historic properties and their environments.
- B. MnDOT CRU will review final plan sets at the 60- and 90-percent completion stages to determine if the APE requires revision and to ensure that the plans conform with SOI *Standards* in order to preserve its finding of no adverse effect.
- C. Following internal review as outlined above, MnDOT CRU will submit plan sets and its finding of effect, documented pursuant to 36 CFR 800.11, to MnHPO for review and concurrence. MnDOT CRU will provide its finding and copies of plan sets concurrently to HPC for review and comment. Reviewers will have thirty (30) calendar days from receipt of materials to provide comments and recommendations.

- D. Hennepin County and MnDOT Metro District will incorporate comments and recommendations from MnDOT CRU, MnHPO and HPC, as feasible, into the design plans along with a summary of how comments have been addressed in the PROJECT design. If there are any portions of the PROJECT where it is not feasible to incorporate comments, Hennepin County and MnDOT Metro District will provide a written explanation.
- E. MnDOT CRU will submit final construction documents to MnHPO for the PROJECT record.
- F. If MnDOT CRU determines in consultation with Hennepin County, MnDOT Metro District and FHWA that it is not practicable to avoid adverse effects to historic properties, MnDOT CRU will ensure that the measures contained in Stipulation III of this AGREEMENT are carried out.

### **III. RESOLUTION OF ADVERSE EFFECTS**

FHWA, Hennepin County and MnDOT Metro District recognize that avoidance of adverse effects to historic properties is the preferred treatment and that all feasible, prudent and practicable measures will be taken to avoid adverse effects. PROJECT designers will use all practicable measures to minimize adverse effects that cannot be avoided.

- A. MnDOT CRU will provide documentation of its finding of adverse effect in accordance with 36 CFR 800.11 to MnHPO, who will have thirty (30) calendar days from receipt of the finding to provide comment. MnDOT CRU will provide its finding concurrently to HPC and the consulting parties who will have thirty (30) calendar days from receipt of the finding to provide comments.
- B. Following a finding of adverse effect, MnDOT CRU, in consultation with MnHPO and the consulting parties, will evaluate alternatives to the PROJECT that would avoid or minimize adverse effects. If alternatives result in avoidance and/or minimization of adverse effects, the MnDOT CRU will document such steps as per the terms of Stipulation 4 of the Statewide PA. If it is determined, through consultation, that avoidance of the adverse effect is not feasible, MnDOT CRU will consult with the MnHPO and consulting parties to develop an appropriate mitigation plan (Plan).
- C. MnDOT CRU will notify consulting parties when a Plan will be prepared pursuant to this stipulation. MnDOT CRU will develop the Plan within sixty (60) calendar days of such notification. MnDOT CRU will provide a draft copy of the Plan to the consulting parties who will have thirty (30) days from receipt of the draft Plan to provide comments and recommendations.
- D. During development of the final Plan, MnDOT CRU agrees to take into account any comments received on the draft Plan provided within the specified 30-day review

period. A Plan will be final upon acceptance by FHWA and MnHPO. MnDOT CRU will provide the parties to this AGREEMENT with copies of the final Plan. Consulting parties may also be invited to concur with the final Plan.

#### **IV. POST-REVIEW DISCOVERIES**

- A. If MnDOT CRU determines that the PROJECT will affect a previously unidentified property that may be historic or affect a known historic property in an unanticipated manner, MnDOT CRU will notify MnHPO and the consulting parties as soon as practicable. MnDOT CRU will ensure that the PROJECT activities affecting such properties are immediately stopped until consultation with MnHPO and the consulting parties is concluded.
- B. If MnDOT CRU identifies previously unidentified historic properties within the APE, FHWA will reinitiate consultation with Indian tribes that might attach religious or cultural significance to those properties pursuant to 36 CFR 800.2(c).
- C. MnDOT CRU will evaluate the NRHP eligibility of any previously unidentified properties, assess the PROJECT's effects on any properties determined to be historic and consult with Hennepin County and MnDOT Metro District to ensure that adverse effects to historic properties are avoided.
- D. If MnDOT CRU, in consultation with Hennepin County, MnDOT Metro District and FHWA, determines that it is not practicable to avoid adverse effects, MnDOT CRU, will ensure that the measures contained in Stipulation III of this AGREEMENT are carried out.

#### **V. TREATMENT OF HUMAN REMAINS**

If Hennepin County, MnDOT or their contractors discover human remains, possible human remains, or artifacts associated with mortuary features during PROJECT-related construction activities, MnDOT CRU will follow the terms and conditions of Stipulation 6 of the Statewide PA.

#### **VI. DISPUTE RESOLUTION**

Should any signatory or concurring party to this AGREEMENT object at any time to any actions proposed or the manner in which the terms of the AGREEMENT are implemented, MnDOT CRU on behalf of FHWA will consult with the objecting party (or parties) to resolve the objection. If objections cannot be resolved, FHWA will follow the steps outlined in Stipulation 7 of the Statewide PA. FHWA's responsibility to carry out all other actions subject to the terms of this AGREEMENT that are not subjects of the dispute remain unchanged pending resolution.

## **VII. AMENDMENTS AND TERMINATION**

- A. Any signatory to this AGREEMENT may propose to FHWA that the terms of the AGREEMENT be amended. FHWA will use the same consultation process exercised in creating the original AGREEMENT to consider the proposed amendment. If the signatories elect to amend this AGREEMENT, FHWA will file the amendment with ACHP upon execution.
- B. If another federal agency not initially a party to or subject to this AGREEMENT receives an application for funding, licensing, or permitting for the PROJECT, that agency may fulfill its Section 106 responsibilities by stating in writing that it concurs with the terms of this AGREEMENT and notifying FHWA and MnHPO that it intends to do so. Such agreement shall be evidenced by execution of an amendment to this AGREEMENT, implementation of the terms of this AGREEMENT, and filing of the executed amendment with ACHP by the federal agency.
- C. Any signatory to this AGREEMENT may terminate the AGREEMENT by providing sixty (60) 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 FHWA elects to continue with the undertaking, FHWA will reinstate review of the undertaking in accordance with 36 CFR 800.

## **VIII. ADDITIONAL CONSULTING PARTIES**

After execution of this AGREEMENT, organizations and members of the public may still request to formally participate as consulting parties by submitting their written request to FHWA. FHWA, in consultation with MnHPO, shall consider all such requests. Such parties may be asked to concur with this AGREEMENT.

## **IX. DURATION**

This AGREEMENT will remain in effect from the date of execution for a period not to exceed five (5) years. If FHWA anticipates that the terms of the AGREEMENT will not be completed within this timeframe, it will notify the signatories in writing at least sixty (60) days prior to the AGREEMENT's expiration date. The AGREEMENT may be extended by the written concurrence of the signatories. If the AGREEMENT expires and FHWA elects to continue with the undertaking, FHWA will reinstate review of the undertaking in accordance with 36 CFR 800.

## **X. IMPLEMENTATION OF THIS AGREEMENT**

- A. This AGREEMENT may be executed in counterparts, with a separate page for each signatory. This AGREEMENT will become effective on the date of the final signature.

FHWA will ensure each party is provided with a complete copy of the fully executed AGREEMENT, updates to appendices, and any amendments filed with ACHP.

- B. Execution and implementation of the terms of this AGREEMENT evidence that FHWA has taken into account the effects of the undertaking on historic properties and has afforded ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

DRAFT 3

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

**Signatory:**

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

By: \_\_\_\_\_  
Arlene Kocher  
Minnesota Division Administrator

\_\_\_\_\_ Date

DRAFT 3

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

**Signatory:**

MINNESOTA HISTORIC PRESERVATION OFFICE (MnHPO)

By: \_\_\_\_\_  
Barbara M. Howard  
Deputy State Historic Preservation Officer

\_\_\_\_\_ Date

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**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

**Invited Signatory:**

MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT)

By: \_\_\_\_\_  
Charles A. Zelle  
Commissioner

\_\_\_\_\_ Date

DRAFT 3

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

**Invited Signatory:**

HENNEPIN COUNTY

By: \_\_\_\_\_  
James N. Grube, P.E.  
County Engineer

\_\_\_\_\_ Date

DRAFT 3

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION  
AND  
THE MINNESOTA HISTORIC PRESERVATION OFFICE  
REGARDING THE  
INTERSTATE 35W AND LAKE STREET IMPROVEMENT PROJECT (S.P. 2782-327)  
MINNEAPOLIS, HENNEPIN COUNTY**

**Concurring Party:**

MINNEAPOLIS HERITAGE PRESERVATION COMMISSION (HPC)

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

DRAFT 3

## **APPENDIX A**

### **Description of Interstate 35W and Lake Street Improvement Project (S.P. 2782-327) Preferred Alternative<sup>1</sup>**

The Preferred Alternative, in general, provides for the rehabilitation/reconstruction of I-35W from 700 feet south of 42nd Street to 11th Avenue, Highway 65 from 26th Street to 15th Street, and on I-94 from 1st Avenue to Park Avenue.

The Preferred Alternative is defined by three geographic segments, which are listed below from south to north. Some of the proposed improvements overlap these geographic boundaries and are better described separately (e.g., MnPASS lanes, stormwater improvements, retaining walls, and noise wall improvements).

- I-35W Rehabilitation Project (from 700 feet South of 42nd Street to 32nd Street)
- I-35W Transit/Access Project (from 32nd Street to 26th Street)
- MnDOT Chapter 152 Bridge Project (from 26th Street to I-94)

The I-35W rehabilitation work includes:

- Removal/replacement of pavement along I-35W from approximately 700 feet south of 42nd Street to 32nd Street, including the ramps at 35th Street and 36th Street.
- Replacement of the 40th Street Pedestrian Bridge over I-35W.
- Re-decking of the 38th Street Bridge over I-35W.

The I-35W transit/access improvements include:

- Reconstruction of I-35W from 32nd Street to 26th Street.
- Construction of a multimodal transit station along the METRO Orange Line transitway in the center of I-35W near Lake Street.
- Construction of an off-street trail connection between the Midtown Greenway and 31<sup>st</sup> Street.
- Removal and replacement of the bridges at 31st Street, Lake Street, and 28th Street, as well as the replacement of the bridges at the Midtown Greenway.

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<sup>1</sup> Project description is adapted from the I-35W Rehabilitation Project, I-35W Transit/Access Project, MnDOT Chapter 152 Bridge Project Draft Environmental Assessment, January 2016.

- Removal of the 2nd Avenue South Bridge (Bridge No. 27648) over the Midtown Greenway based on the new I-35W northbound exit ramp providing a direct connection to 28<sup>th</sup> Street.
- Conversion of Stevens Avenue between the Midtown Greenway and Lake Street to a one-way street in the southbound direction. North of the Midtown Greenway, Stevens Avenue will remain a two-way street.
- Conversion of the Stevens Avenue Bridge over the Midtown Greenway from two-way traffic with sidewalks on both sides into a single southbound travel lane and repurposed remnant pavement on the bridge deck.
- Construction of a new southbound exit ramp from I-35W to Lake Street, with an auxiliary lane extension from the westbound I-94 entrance ramp.
- Construction of a new northbound exit ramp from I-35W to 28th Street.
- Reconstruction of portions of the Minneapolis street grid including 2nd Avenue, Stevens Avenue, 31st Street, Lake Street, 28th Street, 26th Street, 3rd Avenue, and Clinton Avenue.

The MnDOT Chapter 152 bridge work includes:

- Reconstruction of I-35W from 26th Street to 11th Avenue; I-35W will be reconstructed to facilitate an additional lane in the southbound direction.
- Reconstruction of Highway 65 from 26th Street to 15th Street.
- Reconstruction of I-94 from 1st Avenue to Park Avenue.
- Removal and replacement of the bridges located at 26th Street (due to the passing of the southbound exit auxiliary lane under 26th Street), the Pedestrian Bridge at 24th Street, Franklin Avenue Bridge (bridge must be replaced due to Braid Bridge replacement), and the bridge on Highway 65 over I-94.
- Replacement of the structurally deficient Braid Bridge;
- Replacement of the structurally deficient Flyover Bridge, which connects I-35W northbound to I-94 westbound.
- Reconstruction of portions of the Minneapolis street grid including 24th Street, Franklin Avenue, 4th Avenue, and 5th Avenue.

### **Proposed Managed Lane Improvements in the I-35W Corridor**

The Preferred Alternative will reconstruct the existing left northbound lane from a priced dynamic shoulder lane to a full MnPASS lane from 42nd Street to approximately the 26th Street overpass, extending the MnPASS lane in the I-35W corridor. The Preferred alternative will also construct a left southbound lane as a MnPASS lane from approximately the 26th Street overpass to the existing MnPASS lane near 42nd Street, where the MnPASS lane will then continue on to Lakeville.

### **Proposed Stormwater Improvements in the I-35W Corridor Area**

The Preferred alternative will construct two filtration basins as well as other stormwater treatment features.

### **Proposed Retaining Walls in the I-35W Corridor Area**

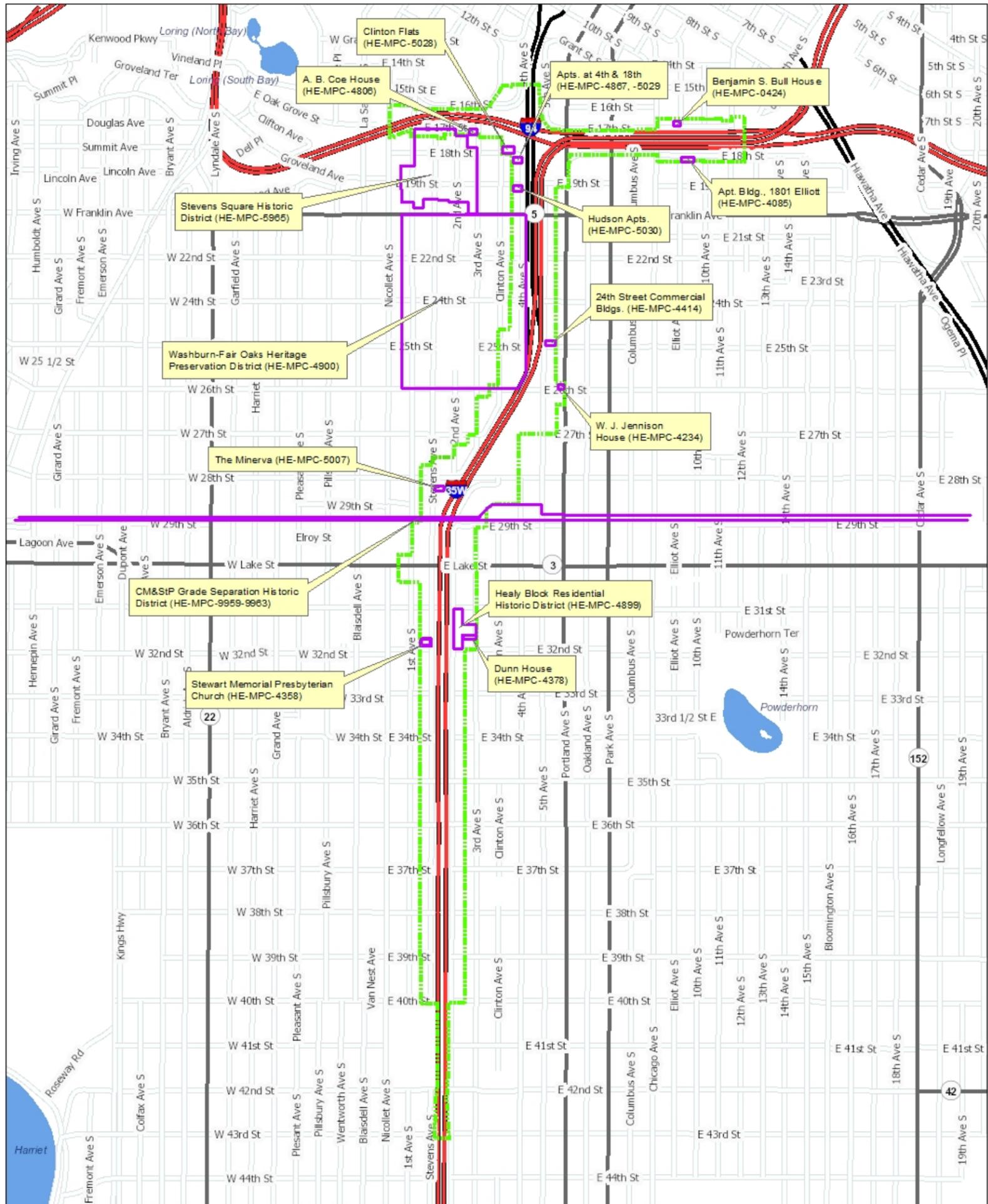
Retaining walls minimize roadway side slopes widths where right-of-way width is tight. Retaining walls are proposed along the following sections:

- the elevated sections of I-35W between 28th Street and 32nd Street;
- the southbound I-35W Braid Bridge;
- the northbound I-35W to westbound I-94 Flyover Bridge; and
- the depressed section of I-35W between Franklin Avenue and 28th Street.

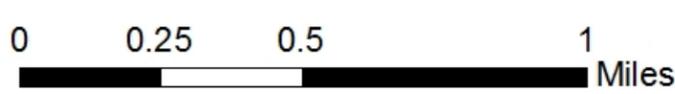
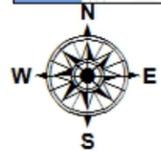
### **Proposed Noise Wall Improvements in the I-35W Corridor Area**

Noise barriers along I-35W northbound between 46<sup>th</sup> and 35<sup>th</sup> streets and along I-35W southbound between 46<sup>th</sup> and 38<sup>th</sup> streets were recently rebuilt and will remain in place. The remaining existing noise walls within the corridor will be replaced in kind. In addition, up to seven new noise walls may be constructed.

# APPENDIX B

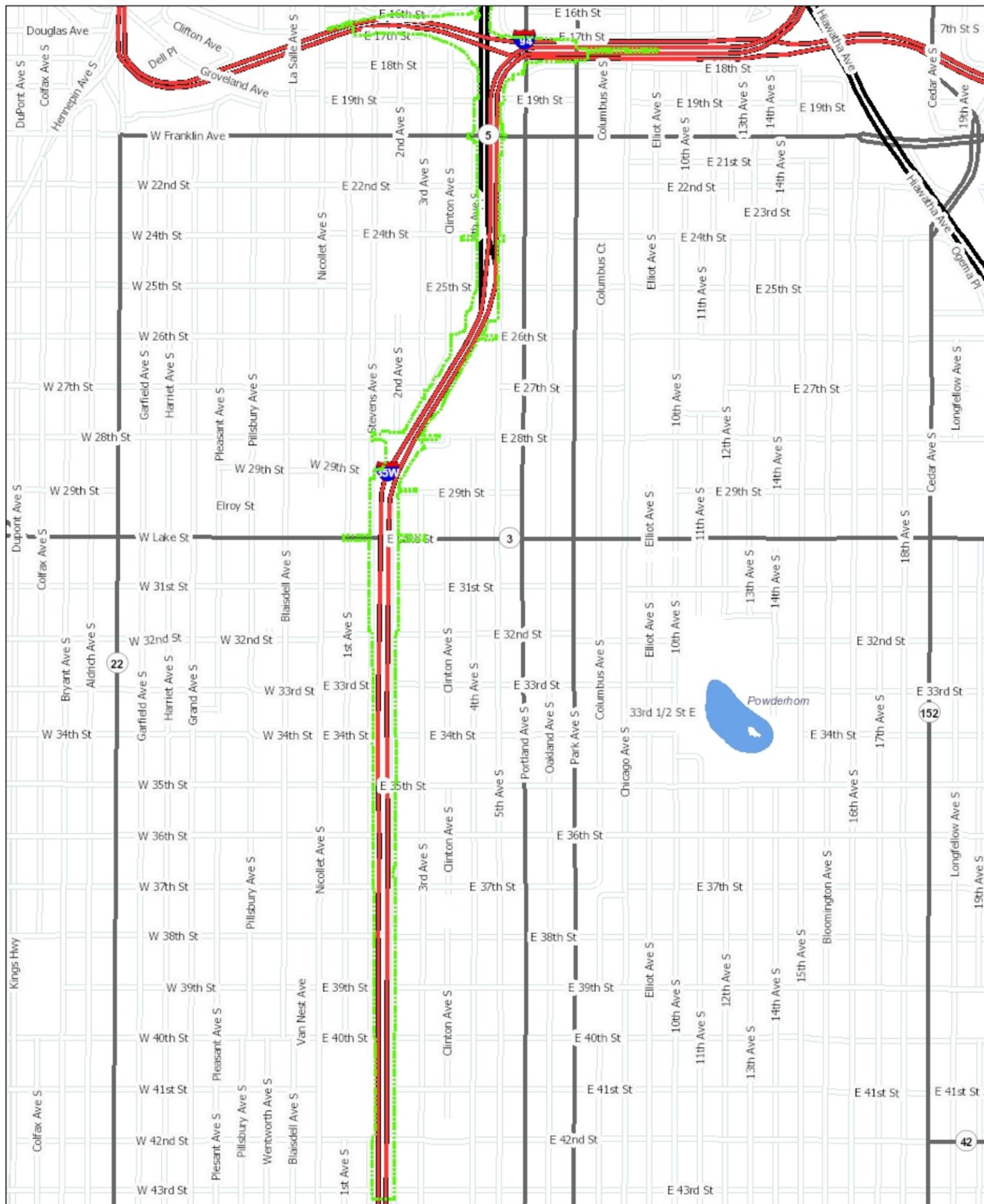


**S.P. 2782-327 Architecture/History Resources APE**

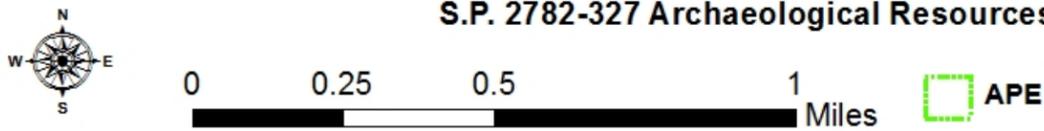


- APE
- Historic Property

# APPENDIX C



S.P. 2782-327 Archaeological Resources APE



STATE HISTORIC PRESERVATION OFFICE

March 11, 2016

Ms. Liz Abel  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: S.P. 2782-327; I-35W/Lake Street Transit/Access Improvements: 43<sup>rd</sup> Street to I-94 Commons  
Minneapolis, Hennepin County  
SHPO Number: 2014-0303

Dear Ms. Abel:

Thank you for continuing consultation on the above project. Information received in our office on 11 February 2016 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 (PA) negotiated between the FHWA and SHPO.

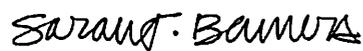
We have completed our review of your February 11<sup>th</sup> letter which included additional information regarding a revised noise wall design in the vicinity of the **Stewart Memorial Presbyterian Church** and a clarification of your agency's findings of effect in regards to this historic property.

Based upon our expressed concerns regarding the earlier proposed design of the freeway entrance ramp noise wall adjacent to the Stewart Memorial Presbyterian Church, your agency has now provided a revised plan for the noise wall which is now designed to terminate directly across from the north edge of the historic property. You have also provided detailed analysis of expected noise and atmospheric effects, based upon this revised noise wall design, and the potential impacts to the integrity and continued use of the historic property. While the detailed analysis of potential noise and particulate impacts is helpful in regards to potential detrimental physical effects to the historic building, which does not appear to be a factor here, we feel that it is also important to consider the potential adverse impacts that increased on-ramp moving and idling traffic may have on the setting, feeling, and association of this historic property which has already been compromised by the proposal to narrow the adjacent street as a result of moving the freeway entrance ramp. While a new wall may not always be a preferred design alternative adjacent to a historic property, we believe that potential adverse effects have been minimized through this revised design and there is an opportunity to further minimize effects as we continue to review subsequent design of project infrastructure adjacent to this historic property in order to ensure consistency with the Secretary of the Interior's *Standards for Rehabilitation*.

We appreciate the clarification also in regards to the existing retaining walls along the perimeter of the property, both as it pertains to the fact that the current walls are likely not historic fabric as well as notification that the walls will not be directly affected by the proposed project. Therefore, based upon information provided to our office at this time regarding the revised noise wall design, we concur with your agency's determination that the project, as currently proposed, will have **no adverse effect** on the Stewart Memorial Presbyterian Church.

We look forward to further consultation regarding this project as we continue to review 30% design documents which were received in our office on February 22<sup>nd</sup>, as well as the development of a Programmatic Agreement for this undertaking. If you have any questions regarding our comments or recommendations included in this letter, please feel free to contact me at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,

A handwritten signature in black ink that reads "Sarah J. Beimers". The signature is written in a cursive, slightly slanted style.

Sarah J. Beimers, Manager  
Government Programs and Compliance



## Minnesota Department of Transportation

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### Office of Environmental Stewardship

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Office Tel: (651) 366-3604

Fax: (651) 366-3603

February 11, 2016

Sarah J. Beimers, Manager  
Government Programs and Compliance  
Minnesota Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Boulevard West  
Saint Paul, MN 55102

Re: S.P. 2782-327 (I-35W/Lake Street Transit/Access Improvements)  
43rd Street to I-94 Commons, Minneapolis, Hennepin County  
SHPO No.: 2014-0303

Dear Ms. Beimers:

Thank you for continuing consultation with our office regarding this project. In my last letter to you (December 8, 2015), our office made a determination that the project will have no adverse effect on 14 of the 15 historic properties identified within the project area of potential effects. Our final assessment of adverse effects to the Chicago, Milwaukee & St. Paul Grade Separation District will be made once a reevaluation of that property is completed by MnDOT per agreement between our offices.

Your January 7, 2016, letter to me, indicates that you concur with our assessment of no adverse effect for all properties except the National Register-listed Stewart Memorial Presbyterian Church (Redeemer Baptist Church) (HE-MPC-4358), citing the potential for the project to increase the number of vehicles using the adjacent 31<sup>st</sup> Street freeway entrance ramp. We appreciate the concerns you raised that the planned reconfiguration of the ramp and associated noise walls has the potential to increase traffic volumes that, in turn, may result in atmospheric and/or auditory effects that would be detrimental to the historic character and use of the Church. The project traffic volume forecasts do indicate that building the project as proposed will result in an increase in ramp traffic over the next 20 years when compared to a no build scenario for the same period. However, the project traffic noise and air quality analyses do not indicate impacts that would result in measurable adverse effects to the Church. Our determination of no adverse effect is based on the lack of measurable impacts resulting from an increase in traffic noise or emissions, the primary contributors to auditory and/or atmospheric effects.

My December 8, 2015, submittal to you showed the northern end of the 31<sup>st</sup> Street ramp noise wall terminating at approximately the midpoint of the Church building. Since December, MnDOT has extended the wall an additional 60 feet so that it extends the full length of the Church (see attached construction plan sheet 6 of 16 dated January 27, 2016, and Figure B22 of the 2015 SEH project noise analysis report). This will improve the visual and physical separation of ramp traffic from the Church. The noise analysis study completed for the project and discussed below is based on the longer wall shown on the attached plans sheet.

A study entitled *Traffic Noise Analysis Report: I-35W Transit Access Project, Minneapolis, MN*, dated October 5, 2015, was prepared by SEH for Hennepin County in cooperation with FHWA, MnDOT, and the City of Minneapolis. The Stewart Memorial Presbyterian Church was included in the study as a receptor property, and noise analysis was done to determine if the reconfigured road and/or the increase in traffic volume would result in an auditory impact to the Church.

State and FHWA noise standards are determined based on general land use type (e.g., residential, commercial, industrial) and activity category (e.g., auditorium, office, place of worship) with more stringent criteria applied to areas with greater expectations of quietness. Noise criteria are expressed in terms of the L<sub>10</sub> noise descriptor value, which is measured in

decibels (dBA). The L<sub>10</sub> descriptor is the sound level exceeded 10 percent of the time (6 minutes) over the course of one hour. Minnesota and FHWA define a noise impact as occurring when the predicted L<sub>10</sub> value either approaches or exceeds the L<sub>10</sub> criterion value established for a particular property type, or when it substantially exceeds the existing noise level (5 dBA or more increase). For example, an L<sub>10</sub> criterion value of 65 dBA means that to avoid a noise impact, predicted sound levels cannot exceed 65 dBA for a total of more than 6 minutes during an hour.

The project noise analysis compared 2012 (existing) L<sub>10</sub> values with those modeled for 2038 (the project design year) using both no-build and preferred build alternative conditions (i.e., the project as proposed including noise walls). The results of SEH's analysis of noise data collected from the Church property and presented in their October 2015 report are summarized in the following table.

MN Standard/FHWA Criterion (L <sub>10</sub> ) for a Church	2012	2038	
	Existing (L <sub>10</sub> )	No Build (L <sub>10</sub> )	Build (L <sub>10</sub> )
70 dBA	66.2 dBA <sup>1</sup>	75.3 dBA	68.8 dBA

In auditory studies, a 3 dBA noise increase is considered barely perceptible to the average person, while a 5 dBA increase is clearly noticeable, and a 10 dBA increase is heard as twice as loud. For these reasons, both Minnesota and FHWA define a “noise impact” as an increase of 3 dBA or more over the L<sub>10</sub> criterion value for a particular property type or an increase of 5 dBA or more over existing noise levels. With no build, the predicted increase in the traffic noise level at the Church by 2038 is 9.1 dBA, an increase that would constitute a noise impact per state and FHWA criteria. If the preferred alternative is built, the predicted increase in the traffic noise level at the Church by 2038 is only 2.6 dBA. When comparing build vs. no build, the build alternative would result in a 6.5 dBA noise level reduction over the no build by 2038. The build alternative is predicted to result in a minimal (2.6 dBA) increase from the current traffic noise level by 2038, and in a significant noise level reduction (6.5 dBA) when compared to the no-build scenario over that same time period. Based on analysis of collected data and predictive modelling, the project as it is proposed to be built will result in no noise impact to the Church.

To minimize temporary noise impacts during project construction, the selected contractor will be required to comply with applicable Minnesota and Minneapolis noise regulations and ordinances. In addition, the contractor will be required to coordinate regularly with representatives of the Church to determine the schedule of noise sensitive events and minimize construction noise during those times.

In regard to atmospheric impacts to the Church, the air quality analyses<sup>2</sup> prepared for the project indicate that there will be no measurable effects resulting from vehicle emissions. The assessment of impacts is made by comparing projected concentrations of criteria pollutants to the Environmental Protection Agency's (EPA's) National Ambient Air Quality Standards (NAAQS). The project area has been identified by the EPA as a geographic area that meets the national health-based standards for ozone, particulate matter, and sulfur dioxide, and no quantitative analyses for these pollutants was required. Minnesota currently meets the EPA's annual NAAQS for nitrogen dioxide (NO<sub>2</sub>) as well as the newer one-hour standard for this pollutant which considers short-term exposures. The EPA estimates that tailpipe emissions of NO<sub>2</sub> and other pollutants will be significantly reduced over the next 20-30 years due to more stringent vehicle standards. Because it is unlikely that NAAQS NO<sub>2</sub> standards will be approached or exceeded in the project area based on the relatively low ambient

<sup>1</sup> These values are for the loudest daytime hour, identified by the study as 1-2 pm. Daytime hours are defined by MPCA as 7 am-10 pm.

<sup>2</sup> May 9, 2014, memorandum, revised December 16, 2015, from Katie Hill Brandt and Samuel Turrentine, SEH, to Peter Wasko and Marilyn Jordahl-Larson, MnDOT, regarding “I-35W Transit/Access Project: Air Quality Analysis,” and January 22, 2016, memorandum from Saumuel Turrentine, SEH, to Jim Grube, Hennepin County, and Scott Pedersen, MnDOT, regarding “Air Quality Analysis for Support of NEPA Documentation.”

concentrations in Minnesota and on the long-term trend toward reduction of NO<sub>x</sub> emissions, a specific analysis of NO<sub>2</sub> was not conducted. Based on federal and state rules and regulations, the project required no carbon monoxide modelling or analysis.

A quantitative analysis of mobile source air toxics (MSATs) was required for the project per FHWA requirements for NEPA documents. MSATs are compounds emitted from highway vehicles and non-road equipment which are known or suspected to cause cancer or other serious health and environmental effects. As with the air pollutants discussed above, MSATs are expected to decline long-term as a result of federal regulations and EPA-adopted control programs. The analysis indicates that MSAT levels are not projected to substantially increase due to the proposed project.

The presence of more vehicles using the 31<sup>st</sup> Street ramp in and of itself would not result in any impact to an adjacent historic property, unless the noise and emissions levels generated by the vehicles were predicted to reach or exceed state and federal criteria. The analysis of noise data collected at the Church predicts that the project as proposed will result in an increase of less than 3 dBA between 2012 and 2038; therefore, the project noise walls will effectively mitigate any perceptible increase in traffic noise. The analysis of potential pollutants indicates that the project will not result in an increase in levels that would approach or exceed state and federal standards.

In sum, the traffic noise and air quality analyses do not indicate auditory and/or atmospheric impacts to the Stewart Memorial Church that would constitute measurable adverse effects to the Church's historic character or use. Therefore, our determination that the project will have **no adverse effect** to the Church is appropriate.

On an additional note, during our phone conversation on January 6, 2016, you called my attention to the presence of the low concrete retaining walls associated with the Church along the sidewalks on 32<sup>nd</sup> Street and Stevens Avenue. Although the walls are part of the original design, they have been replaced and the materials are not original. A ca. 1973 photo of the Church in MNHS collections (negative #0724-20; location MH5.9 MP5.1 p220) clearly shows a large crack in the retaining wall adjacent to the entrance steps as well as damage to the wall's southeast corner (see attached). The existing concrete walls are undamaged and their color is indicative of their relatively recent construction. At present, the project does not include replacement of the retaining walls. However, if the walls are damaged or require replacement, work will be done in kind and will meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

We look forward to finalizing the Programmatic Agreement for this project and to continuing consultation with you as final design is completed. Please call (651/366-3604) or email me ([elizabeth.abel@state.mn.us](mailto:elizabeth.abel@state.mn.us)) if you have any questions or concerns.

Sincerely,

Elizabeth J. Abel  
Historian/Archaeologist  
Cultural Resources Unit

attachments

cc: Hilary Dvorak, Minneapolis HPC (w/attachments)  
Scott Pedersen, MnDOT Metro  
Jame Grube, Hennepin County  
Emeka Ezekwemba, FHWA  
Samuel Turrentine, SEH  
MnDOT CRU Project File

## STATE HISTORIC PRESERVATION OFFICE

January 7, 2016

Ms. Liz Abel  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: S.P. 2782-327; I-35W/Lake Street Transit/Access Improvements: 43<sup>rd</sup> Street to I-94 Commons  
Minneapolis, Hennepin County  
SHPO Number: 2014-0303

Dear Ms. Abel:

Thank you for continuing consultation on the above project. Information received in our office on 8 December 2015 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 (PA) negotiated between the FHWA and SHPO.

We have completed our review of your December 8<sup>th</sup> submittal which included documentation in support of your agency's determination that the project, as currently proposed, will not adversely affect fourteen (14) of the fifteen (15) historic properties listed in or eligible for listing in the National Register of Historic Places.

As noted in your letter regarding the pending re-evaluation for the National Register of Historic Places-listed **Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District** (Historic District), we will continue consultation with your agency and consulting parties in order to develop a Section 106 Programmatic Agreement (PA) which will incorporate findings of effect for the majority of historic properties within the area of potential effect and will include provisions for consultation regarding assessment of adverse effect once the re-evaluation of the Historic District has been completed.

**Assessment of Effects**

The Section 106 effect determinations presented by your agency at this time are based upon analysis of the current preliminary designs for the proposed project's Preferred Alternative. Provisions for your agency continuing adverse effects assessments and making final effect determinations, including consultation on these determinations, through the remaining stages of design development will be included in the Section 106 PA currently drafted for this project. Our comments and recommendations on these effect determinations are provided below.

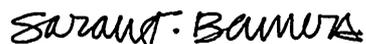
We agree with your agency's determination that the project, as currently designed, will have **no adverse effect** on the following thirteen (13) historic properties:

- Healy Block Residential Historic District
- Dunn House
- The Minerva
- W.J. Jennison House
- 24<sup>th</sup> Street Commercial Buildings
- Washburn-Fair Oaks Heritage Preservation District -
- Hudson Apartments
- Apartments at 335-349 East 18<sup>th</sup> Street/1800-1804 4<sup>th</sup> Avenue South
- Stevens Square Historic District
- Amos B. Coe House
- Clinton Flats
- Benjamin S. Bull House
- Apartment Building at 1801 Elliot Avenue South

Based upon information provided to our office at this time, we do not concur with your agency's "no adverse effect" determination for the **Stewart Memorial Presbyterian Church**. While we generally agree that the setting of this historic property has been compromised by the original freeway construction which resulted in the elimination of much of the surrounding neighborhood and construction of the existing noise wall, we believe that the proposed shift and reconfiguration of the southbound highway on-ramp and associated walls closer to the historic property has the potential to result in increased vehicular traffic - both moving and idle - at this ramp entrance which is proposed to be reconstructed directly across Stevens Avenue from this historic property. This has the potential to result in an increase in atmospheric and/or audible elements detrimental to the historic character and use of the historic property. We would appreciate the opportunity to further consult with your agency regarding the proposed project elements in the vicinity of this historic property in an effort to resolve our differing opinions regarding potential adverse effects.

We look forward to further consultation regarding this project. If you have any questions regarding our comments or recommendations included in this letter, please feel free to contact me at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



## Minnesota Department of Transportation

---

### Office of Environmental Stewardship

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Office Tel: (651) 366-3604

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December 8, 2015

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

Re: S.P. 2782-327 (I-35W/Lake Street Transit/Access Improvements)  
43<sup>rd</sup> Street to I-94 Commons, Minneapolis, Hennepin County  
SHPO No.: 2014-0303

Dear Ms. Beimers:

Thank you for your on-going consultation regarding the I-35W/Lake Street Transit/Access Improvements (Project). I am writing to continue consultation with your office regarding updates to the project design and our findings regarding effects to historic properties.

### **Project Update Regarding Potential New Noise Walls**

As noted in my June 2, 2015, letter to you, MnDOT is required to conduct a solicitation process regarding new noise wall construction. Voting by benefited receptors began in January 2015 and will remain open through the Environmental Assessment public review period. However, in locations where new noise walls could potentially affect historic properties or their settings, a sufficient percentage of votes has been cast to determine results. No new noise barriers will be built in the following locations (please refer to the enclosed preliminary plan sets and Figure 1):

- north side of I-94 between Nicollet Avenue South and 1<sup>st</sup> Avenue South (Wall nD);
- south side of I-94 between 3<sup>rd</sup> and 4<sup>th</sup> avenues South (Wall sE);
- north and south of I-94 between Chicago Avenue South and 11<sup>th</sup> Avenue South (Walls nJ and sJ); and
- east side of I-35W between E. 31<sup>st</sup> and 32<sup>nd</sup> streets (Wall eG).

No other new noise walls are proposed in locations where they have the potential to impact historic properties or their settings. The replacement of existing noise walls near historic properties is discussed below in our assessment of effects.

### **Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District**

Based on our recent discussions, MnDOT will proceed with developing a project-specific Section 106 Programmatic Agreement (PA) to resolve the National Register of Historic Places (NRHP) eligibility of the Chicago, Milwaukee, St. Paul and Pacific Railroad Grade Separation Historic District (Grade Separation District) and potential effects to the district. As part of Phase III of the Local Historic Bridge Study, MnDOT is in the process of reevaluating the Grade Separation District as a whole and as requested in your November 18, 2015, letter to me, we will defer our final determination until this reevaluation is completed. Because the reevaluation will not be completed until spring 2016, MnDOT will develop, in consultation with your office

and appropriate consulting parties, a PA that specifies how the final determination of eligibility and assessment of effects regarding the Grade Separation District will be completed. Execution of a PA will allow the Project to move forward and a Finding of No Significant Impact to be issued for the purposes of the National Environmental Policy Act (NEPA). For these reasons, my letter does not include discussion of Project impacts to the Grade Separation District.

### **Design of Project Bridges and Noise Walls**

The Project includes the replacement of several vehicular bridges and one pedestrian bridge. None of the bridges to be replaced is a historic property, however, some of the planned replacements will occur in proximity to historic properties (E. 31<sup>st</sup> and 26<sup>th</sup> streets, Franklin Avenue, and pedestrian bridge at E. 24<sup>th</sup> Street). The replacement bridges will use wingwall, abutment face, pier, railing and lighting treatments that have been used on the recently replaced bridges within the adjoining I-35W Crosstown Commons Corridor to the south (S.P. 2782-265 and 2782-281). The intent of the Project is to continue with the designs used in the Crosstown Commons in order to provide visual continuity throughout the I-35W corridor in Minneapolis. I have attached exhibits from the current Project's Visual Quality Manual (VQM) (Figures 2 through 6) and photos of bridges in the Crosstown Commons Corridor (Figures 7 and 8) to illustrate these details. The Project bridges to be replaced in the vicinity of historic properties carry local streets over the I-35W corridor, which will reduce their visibility from outside the freeway trench. However, the 31<sup>st</sup> Street bridge goes under I-35W and the replacement bridge will be more visible from outside the I-35W corridor. Because of its greater visibility, the details to be used on the new 31<sup>st</sup> Street bridge differ slightly and I have attached an exhibit from the VQM to illustrate these (Figure 9).

The Project includes both the construction of new noise walls and the replacement of existing barriers. Only replacement is proposed in the vicinity of historic properties. The new and replacement noise walls will be of the same design used in the recently reconstructed I-35W Crosstown Commons Corridor immediately south of the Project in order to provide visual continuity within the I-35W corridor. Currently, noise walls within the Project corridor are constructed of horizontal wooden planks with concrete posts spaced at regular intervals along the freeway-facing elevation and regularly spaced wooden battens along the non-freeway-facing elevation (Figures 10 and 11). New and replacement walls within the Project will consist of horizontal wooden planks with alternating sections of regularly spaced concrete posts and wooden battens (Figures 12a and 12b).

### **Assessment of Effects**

Please refer to the enclosed MnDOT preferred alternative layout (10-28-15) and two sets of preliminary construction plans (11-2-15 and 12-3-15; numbered sheets 1-16 of 16). The plan sets are the same, however, one set is overlaid on aerial photographs to aid in contrasting proposed with existing conditions. For quick reference, I have also attached a table summarizing our assessment of effects to each property.

**Healy Block Residential Historic District (HE-MPC-4899)** (NRHP listed, Criterion C; locally designated). The Healy Block is listed in the NRHP for its architecture as a distinctive collection of Queen Anne style houses constructed by master builder T. P. Healy. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the Healy Block.

The proposed work near the Healy Block includes reconstructing the northbound exit ramp from I-35W as well as northbound 2<sup>nd</sup> Avenue South between E. 32<sup>nd</sup> Street and Lake Street (plan sheet 6 of 16 and details sheet 1 of 3 and Figure 13). This work will include re-grading the existing berm between the freeway and the exit ramp, widening the existing median between the exit ramp and 2<sup>nd</sup> Avenue South, and extending the median through to 31<sup>st</sup> Street. Currently, there is only a short, narrow median at the top of the exit ramp and no separation of freeway and local traffic on 2<sup>nd</sup> Avenue. The Project will extend a raised median to 31<sup>st</sup> Street, separating exiting freeway traffic from local traffic and the Healy Block residences for the full length of the block. Further separation of ramp traffic from local traffic and the Healy Block will be achieved by the addition of landscaping to the median (landscaping details will be determined during final design). Second Avenue will be narrowed and reduced from two northbound through lanes (16 ft. and 10 ft.) to a single northbound through lane (12.3 ft.). The current 8-ft. parking lane will remain in place as will the 3-ft. wide boulevard and the 6-ft. wide concrete sidewalk. The concrete curb will be replaced in its existing location with the addition of extensions at 32<sup>nd</sup> and 31<sup>st</sup> streets.

In addition to the reduction of 2<sup>nd</sup> Avenue to a single northbound through lane, traffic-calming measures will be incorporated at 2<sup>nd</sup> Avenue and 32<sup>nd</sup> and 31<sup>st</sup> streets, including curb extensions and “right turn only” from 2<sup>nd</sup> Avenue at 31<sup>st</sup> Street. The volume of traffic using the exit ramp and 2<sup>nd</sup> Avenue is forecast to increase by 2038 even if no changes are made. However, the preferred Project alternative is expected to limit the increase in traffic volume significantly over the next 20 years when compared to a no-build scenario.<sup>1</sup> The design for the exit ramp and 2<sup>nd</sup> Avenue is the result of extensive public involvement and has been endorsed by residents of the Healy Block. The potential noise wall (wall eG) between 32<sup>nd</sup> and 31<sup>st</sup> streets has been voted down and will not be built.

The existing bridge carrying I-35W over 31<sup>st</sup> Street (Figure 14) will be replaced and the new bridge will be a slight change in the current setting of the Healy Block (see plan details sheet 1 of 3). However, the bridge is not part of the historic setting of the district, and the replacement bridge will not introduce new visual elements (see Figure 9), nor will it be out of character or scale with the existing conditions. Although the details of the architectural treatment of the abutment face will be determined through public consultation during Project final design, the proposed bridge structure will be comparable to the existing bridge in configuration and materials. Design will follow the guidelines developed for the I-35W corridor and discussed above. In addition, the Healy Block is significant for its architectural design qualities, and the proposed bridge will not obscure views of the district or from the district.

There will be no physical changes to properties that are contributing to the Healy Block Historic District. The roadway reconstruction will be a visual change for contributing properties within the district. However, the current setting of the Healy Block to the west consists of I-35W and the existing exit ramp, and the proposed reconstruction will be visually similar. Furthermore, traffic will be less intrusive to the district because the exit ramp will be about 2 ft. farther west than currently, and the new planted median will physically and visually separate exiting freeway traffic from local traffic and residences. In addition, the proposed traffic calming measures will discourage through traffic on 2<sup>nd</sup> Avenue. For these reasons, the Project will have **no adverse effect** on the Healy Block Historic District.

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<sup>1</sup> I-35W Traffic Forecast Memorandum, from SEH to I-35W Transit Access Project Technical Advisory Committee, June 26, 2014.

**Dunn House, 3128-3130 3<sup>rd</sup> Avenue South (HE-MPC-4378)** (NRHP eligible, Criterion C). The Dunn House has been determined eligible for NRHP listing for its significant architecture as a distinctive and early example of a Queen Anne style house in Minneapolis. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the Dunn House.

The proposed work near the Dunn House includes reconstructing the exit ramp and 2<sup>nd</sup> Avenue South between E. 32<sup>nd</sup> and E. 31<sup>st</sup> Streets (see description in discussion of Healy Block above) (preliminary plan sheet 6 of 16 and plan details sheet 1 of 3). There will be no physical changes to the Dunn House. There is no anticipated change in traffic on 3<sup>rd</sup> Avenue, and noise levels are not expected to change as a result of the work on 2<sup>nd</sup> Avenue. Because the Dunn House is on 3<sup>rd</sup> Avenue, work on the ramp and 2<sup>nd</sup> Avenue and the replacement of the 31<sup>st</sup> Street bridge will be obscured by the houses and trees on 2<sup>nd</sup> Avenue, and as a result, visual changes will be un-noticeable. For these reasons, the Project will have **no adverse effect** on the Dunn House.

**Stewart Memorial Presbyterian Church (HE-MPC-4358)** (NRHP-listed, Criterion C; locally designated). Stewart Memorial Presbyterian Church (Stewart Church) is listed in the NRHP for its architecture as a distinctive example of the Prairie style in a church building. The property is located on the northwest corner of E. 32<sup>nd</sup> Street and Stevens Avenue South, across Stevens Avenue from the 31<sup>st</sup> Street entrance ramp to I-35W. Historically, the Stewart Church was located within a residential neighborhood, surrounded by residential buildings and grid-patterned streets with sidewalks and street trees. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of Stewart Church.

The proposed work near the Stewart Church is shown on plan sheet 6 of 16 as well as in the attached preliminary typical section drawings dated 6-4-15 (Figure 15). The project will widen I-35W and shift the southbound I-35W entrance ramp westward closer to the church. Stevens Avenue will be narrowed from its existing width of 35 ft. to 20.3 ft. The current 11-ft. and 16-ft. southbound through lanes will be reduced to a single 12.3-ft. southbound through lane. The Project is not expected to increase traffic volume on Stevens Avenue beyond the 20-year forecasted level for the no build scenario.<sup>2</sup> The 8-ft. parking lane and 4-ft. boulevard along the west side of Stevens Avenue will be retained in their current locations. The concrete curb adjacent to the Church will be reconstructed in its existing location with the addition of a 4-ft. curb extension at the corner of Stevens Avenue and 32<sup>nd</sup> Street.

The current 16-ft. high noise wall running along the east side of Stevens Avenue will be reconstructed in its current location but will terminate approximately 145 ft. south of the point where the existing noise wall terminates and will be 4 ft. higher. From 32<sup>nd</sup> Street northward, the current noise wall separating southbound I-35W and the Stevens Avenue entrance ramp will be shifted approximately 25 ft. westward toward the church to accommodate the new ramp configuration. The current Stevens Avenue wall blocks the view of the current entrance ramp wall from Stewart Church. The shortening of the Stevens Avenue wall will allow a portion of the new ramp wall to be visible from the church. However, the new ramp wall visible from the church will be located farther from the historic property than the current Stevens Avenue wall and the net effect will be that the noise wall has shifted away from the church.

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<sup>2</sup> I-35W Traffic Forecast Memorandum, from SEH to I-35W Transit Access Project Technical Advisory Committee, June 26, 2014.

There will be no physical changes to Stewart Church. The narrowing of Stevens Avenue, including the curb extensions at 32<sup>nd</sup> Street, would reduce traffic speeds in the block between 31<sup>st</sup> and 32<sup>nd</sup> streets. Shifting the on-ramp and noise wall closer to Stewart Church will be a change in the current setting of the historic property, but the existing noise wall is not a part of the historic setting of the church. Moving the Stevens Avenue noise wall closer to the church will not introduce a new visual element, nor will it be out of character or scale with the existing conditions. The proposed noise wall will be comparable to the existing wall in design and materials (see Figures 10, 11, 12a and 12b). In addition, the church is significant for its design qualities, and the proposed noise wall will not obscure views of the church. Furthermore, the primary façade of the church is the south elevation, and when viewing the church from the south, the change to the noise wall will not be visible. For these reasons, the Project will have **no adverse effect** on Stewart Church.

**The Minerva, 2809 Stevens Avenue South (HE-MPC-5007)** (NRHP eligible, Criterion C). The Minerva apartment building has been determined eligible for NRHP listing for its significant architecture as a rare example of a pre-1912 brick apartment building in Minneapolis. Historically, the building was located within a residential neighborhood. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the Minerva.

Project construction in the vicinity of this property includes construction of a new southbound exit ramp from I-35W to Stevens Avenue South, replacement of the existing noise wall along I-35W, and reconstruction of E. 28<sup>th</sup> Street from Stevens Avenue to I-35W, including the bridge over I-35W (plan sheet 8 of 16). The new exit ramp will be located on the east side of the noise wall and, therefore, will not be visible from the Minerva. The new noise wall will be of comparable design and the same dimensions as the existing wall but will be about 30 ft. closer to the Minerva than the existing noise wall. Although construction of the new noise wall closer to the Minerva will be a change in the setting of the property, the change will not diminish the historic qualities of the property. The new wall will still be about 150 ft. east of the back of the building. In addition, the new ramp and noise wall will take the property at 2835 Stevens Avenue, resulting in the loss of the building. This building, however, is at the south end of the block and is not visible from the Minerva. Reconstruction of 28<sup>th</sup> Street includes new bituminous pavement and in-kind, in-place replacement of the existing concrete curb and sidewalk along both sides of 28<sup>th</sup> Street. Furthermore, because the Minerva is not adjacent to 28<sup>th</sup> Street, this construction will be nearly unnoticeable. Because the proposed Project work near the Minerva would be minor changes in the property's setting, the Project will not diminish the historic qualities of the property. Furthermore, there will be no changes in parking or traffic patterns. Therefore, the Project will have **no adverse effect** on the Minerva.

**W. J. Jennison House, 2546 Portland Avenue South (HE-MPC-4234)** (NRHP eligible, Criterion C). The Jennison House has been determined eligible for NRHP listing for its significant architecture as an exotic example of the Queen Anne style in Minneapolis. The house is located approximately one and a half blocks from I-35W and the E. 26<sup>th</sup> Street bridge that crosses over the freeway. Historically, the Jennison House was located within a residential neighborhood, surrounded by residential buildings and grid-patterned streets with sidewalks and street trees. Although the construction of I-35W in the 1960s truncated the neighborhood, the setting of the Jennison House remains intact.

The Jennison House faces east toward Portland Avenue South, with a secondary elevation facing south toward 26<sup>th</sup> Street. Currently, I-35W and the 26<sup>th</sup> Street bridge is visible from the back of the property looking west on 26<sup>th</sup> Street. The Project will

not result in any physical changes to the Jennison House or to the street, curb, or sidewalk adjacent to it. There will be no changes in the current traffic or parking patterns on Portland Avenue and 26<sup>th</sup> Street. The Project will remove the existing 26<sup>th</sup> Street bridge over I-35W, which is at grade with 26<sup>th</sup> street and crosses over the depressed freeway trench (plan sheet 9 of 16; please note, the Jennison House is beyond the extent of the plan sheet). The proposed 26<sup>th</sup> Street bridge is expected to be of a similar scale and profile as the existing bridge.

Because the existing 26<sup>th</sup> Street bridge will be replaced, the new bridge will be a slight visual change in the current setting of the historic property. However, the existing bridge is not a part of the historic setting of the house, and its replacement will not introduce a new visual element, nor will it be out of character or scale with the existing conditions. The proposed bridge will be comparable to the existing bridge in design and materials. In addition, the house is significant for its design qualities, and the proposed bridge will not obscure views of the house. Furthermore, the primary façade of the house is the east elevation, which faces away from the bridge. For these reasons, the Project will have **no adverse effect** on the Jennison House.

**24<sup>th</sup> Street Commercial Buildings (HE-MPC-5033)** (NRHP eligible, Criterion C). The 24<sup>th</sup> Street Commercial Buildings have been determined eligible for NRHP listing for their architecture. Historically, the buildings were a streetcar-oriented commercial node located within a residential neighborhood, surrounded by residential buildings, one- or two-story commercial buildings, and grid-patterned streets with sidewalks and street trees. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the 24<sup>th</sup> Street Commercial Buildings. That setting was further altered by the construction of a high-rise apartment building across E. 24<sup>th</sup> Street in the early 1970s and the addition of a pedestrian bridge over I-35W in the 1980s.

The 24<sup>th</sup> Street Commercial Buildings are located on the east side of 5<sup>th</sup> Avenue and the current I-35W noise wall is located on the west side of 5<sup>th</sup> Avenue. Project construction includes in-place replacement of the existing noise wall with a wall of comparable design and materials (plan sheet 10 of 16; see Figures 10, 11, 12a and 12b). Traffic on 5<sup>th</sup> Avenue South will continue in the same alignment, and no alteration to the curb or sidewalk adjacent to these buildings is proposed. The nearby pedestrian bridge over I-35W will be replaced. Currently, the east end of the bridge extends over 5<sup>th</sup> Avenue and the stairway and ramp touch down directly across 24<sup>th</sup> Street from the 24<sup>th</sup> Street Commercial Buildings (Figure 16). The new pedestrian bridge will not extend over 5<sup>th</sup> Avenue and its stairs and ramp will be located across 5<sup>th</sup> Avenue from the historic buildings and within existing MnDOT right of way. Although there will be an opening in the new noise wall to allow access to the replacement pedestrian bridge, the view from the historic buildings primarily will be the retaining walls and stairs of the bridge approach ramp (Figure 17). The visual change resulting from the Project will be to make the pedestrian bridge less visible. Overall, the retaining walls supporting the new pedestrian bridge will also act as noise barriers. The Project will repave a short segment of 5<sup>th</sup> Avenue South that will be disturbed by bridge removal and new bridge construction. Other than pavement replacement, there will be no changes to 5<sup>th</sup> Avenue or 24<sup>th</sup> Street. For these reasons, the Project will have **no adverse effect** on the 24<sup>th</sup> Street Commercial Buildings.

**Washburn-Fair Oaks Heritage Preservation District (HE-MPC-4900)** (NRHP listed, Criterion C; certified NRHP eligible and locally designated within the Project APE). The district is listed in the NRHP for its significant architecture as a distinctive collection of late nineteenth-century architect-designed residences. Historically, the

district was a residential neighborhood, with the park at the center, commercial buildings along Nicollet Avenue to the west, and mixed commercial and residential buildings along Franklin Avenue. The construction of I-35W in the 1960s dramatically changed the setting of the east edge of the neighborhood.

The Washburn-Fair Oaks District extends west of 4<sup>th</sup> Avenue South, and the current noise wall that separates I-35W from the district is runs along the east side of 4<sup>th</sup> Avenue. Project construction includes in-place replacement of the existing noise wall with a wall of comparable design and materials (plan sheets 9, 10 and 11 of 16; see Figures 10, 11, 12a and 12b). The Project will repave a short segment of 4<sup>th</sup> Avenue between E. 24<sup>th</sup> and E. 22<sup>nd</sup> streets and a small area at the 4<sup>th</sup> Avenue-Franklin Avenue intersection in association with replacement of the Franklin Avenue bridge. Traffic patterns on 4<sup>th</sup> Avenue will be unchanged and no alteration to the curb or sidewalk adjacent to the contributing buildings is proposed. There will be minor changes to the curb line at the 4<sup>th</sup> Avenue-Franklin Avenue intersection. Construction will include the addition of 4-ft. curb extensions at the intersection corners to enhance pedestrian safety and accommodate ADA-compliant ramp reconstruction.

The Project will replace the Franklin Avenue and E. 26<sup>th</sup> Street bridges over I-35W (Figures 18 and 19). The bridges are located outside the northeastern and southeastern boundaries of the district, respectively. Replacement bridges will be of the same approximate dimensions, elevation, materials and design. Because the existing 26<sup>th</sup> Street bridge will be replaced, the new bridge will be a slight visual change in the current setting of the district. However, the existing bridges are not a part of the historic setting of the district, and the replacement bridges will not introduce new visual elements, nor will they be out of character or scale with the existing conditions. The proposed bridges will be comparable to the existing bridges in design and materials. In addition, the district is significant for its design qualities, and the proposed bridge will not obscure views of the district or from the district.

As noted above in the discussion of the 24<sup>th</sup> Street Commercial Buildings, the existing pedestrian bridge over I-35W near 24<sup>th</sup> Street will also be replaced. Currently, the west end of the bridge extends over 4<sup>th</sup> Avenue and the stairway and ramp touch down within the district (Figure 20). The new pedestrian bridge will not extend over 4<sup>th</sup> Avenue and its stairs and ramp will be located within existing MnDOT right of way (plan sheet 10 of 16; see also Figure 17). Although there will be an opening in the new noise wall to allow access to the replacement bridge, the new structure will be largely screened from the district. Therefore, the only visual change resulting from the Project will be to make the pedestrian bridge less visible. In addition, the retaining walls supporting the new pedestrian bridge will act as noise barriers. For these reasons, the Project will have **no adverse effect** on the Washburn-Fair Oaks Heritage Preservation District.

**Hudson Apartments, 343 E. 19<sup>th</sup> Street (HE-MPC-5030)** (NRHP eligible, Criterion C). This property was previously found to be eligible for the NRHP for its architecture as a rare example of a pre-1912 brick apartment building in Minneapolis. Historically, the building was located within a mixed neighborhood, with commercial, multi-family residential, and single-family residential buildings along 4<sup>th</sup> Avenue South and residential buildings to the west and east. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of Hudson Apartments.

Project construction in the vicinity of this property includes replacement of the existing noise wall along the east side of 4<sup>th</sup> Avenue (plan sheet 11 of 16). The replacement noise wall will be comparable to the existing wall in design and materials (see Figures

10, 11, 12a and 12). In addition, the Project will reconstruct 4<sup>th</sup> Avenue between E. 19<sup>th</sup> Street and Franklin Avenue. Street reconstruction includes new bituminous pavement and in-kind, in-place replacement of the existing concrete curb and sidewalk along both sides of 4<sup>th</sup> Avenue. Because the proposed changes are in-place and in-kind replacement of existing features in the property's setting, the Project will perpetuate existing conditions. There will be no changes in the width of 4<sup>th</sup> Avenue or in parking or traffic patterns. Furthermore, the primary façade of the building is the north elevation, which faces 19<sup>th</sup> Street. Therefore, the Project will have **no adverse effect** on the Hudson Apartments.

**Apartments at 335-349 East 18<sup>th</sup> Street/1800-1804 4<sup>th</sup> Avenue South (HE-MPC-5029/-4867)** (NRHP eligible, Criterion C). This property was previously found to be eligible for the NRHP for its architecture as a rare example of a nineteenth century rowhouse in Minneapolis. Historically, the building was located within a mixed neighborhood, with commercial, multi-family residential, and single-family residential buildings along 4<sup>th</sup> Avenue South and residential buildings to the west and east. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the apartment building.

The Project will reconstruct the existing noise wall separating this property from the roadway corridor (plan sheets 11 and 14 of 16). The wall will be rebuilt in place and will be of comparable design as the current barrier and, therefore, will be a continuation of existing conditions (see Figures 10, 11, 12a and 12b). This barrier effectively blocks the view of the roadway corridor from the historic property, and no other roadway work will be visible. The Project will not bring traffic closer to the historic property and is not anticipated to increase traffic levels significantly. Therefore, the Project will have **no adverse effect** on this historic property.

**Stevens Square Historic District (HE-MPC-4965)** (NRHP listed, Criterion A; locally designated). The district is listed in the NRHP in the areas of community planning and development and social history as a distinctive representation of early twentieth-century high-density residential development. Historically, the district was a residential neighborhood, with the park at the center, commercial buildings along Nicollet Avenue to the west, and mixed commercial and residential buildings along Franklin Avenue. The construction of I-94 in the 1960s dramatically changed the setting of the north edge of the neighborhood.

The Project will be restricted to minor changes within the existing roadway corridor (plan sheets 12 and 13 of 16). No new right of way will be required and the potential new noise walls north of I-94 between 1st Avenue South and Nicollet Avenue, and south of I-94 between 1st Avenue South and 3rd Avenue South will not be constructed. The Project will introduce no new elements and will not result in changes to visual qualities or noise and traffic levels. Therefore, the Project will have **no adverse effect** on the historic property.

**Amos B. Coe House, 1700 3<sup>rd</sup> Avenue South (HE-MPC-5806)** (NRHP listed, Criterion C; locally designated). The property is listed in the NRHP for its architecture as a distinctive example of the Queen Anne style in Minneapolis. Historically, the building was located within a residential neighborhood, with mixed commercial and residential buildings one block to the east along 4<sup>th</sup> Avenue. The construction of I-35W in the 1960s truncated the neighborhood and, along with the high-rise public housing across 3<sup>rd</sup> Avenue, dramatically changed the setting of the Coe House.

The Project will be restricted to minor changes within the existing roadway corridor (plan sheet 13 of 16). No new right of way will be required and the potential new

noise wall south of I-94 between 1<sup>st</sup> Avenue South and 3rd Avenue South has been voted down by benefitted receptors and will not be constructed. The project will replace the existing noise wall that begins on the east side of the 3<sup>rd</sup> Avenue South Bridge. The existing noise wall, however, is not visible from the Coe House as it is situated the street grade of 3<sup>rd</sup> Avenue South, and it is obscured by the bridge structure. As a result, the Project will not result in changes to visual qualities or noise and traffic levels. Therefore, the Project will have **no adverse effect** on this historic property.

**Clinton Flats, 326-336 East 18<sup>th</sup> Street (HE-MPC-5028)** (NRHP eligible, Criterion C). This property was previously found to be eligible for the NRHP for its architecture as a rare example of a nineteenth century rowhouse in Minneapolis. Historically, the building was located within a mixed neighborhood, with commercial, multi-family residential, and single-family residential buildings along 4<sup>th</sup> Avenue South and residential buildings to the west and east. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the Clinton Flats.

The Project will reconstruct the existing noise wall separating this property from the roadway corridor (plan sheet 14 of 16). The proposed noise wall will be comparable to the existing wall in design and materials (see Figures 10, 11, 12a and 12b) and, therefore, will be a continuation of existing conditions. This barrier effectively blocks the view of the roadway corridor from the historic property, and no other roadway work will be visible. The Project will not bring traffic closer to the historic property and is not anticipated to increase traffic levels significantly. Therefore, the Project will have **no adverse effect** on this historic property.

**Benjamin S. Bull House, 1628 Elliot Avenue South (HE-MPC-0424)** (NRHP eligible, Criterion C). This property was previously found to be eligible for the NRHP for its architecture as a distinctive example of the Queen Anne style in Minneapolis. Historically, the building was located within a residential neighborhood, with mixed commercial and residential buildings one block to the west along Chicago Avenue. The construction of I-94/I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the apartment building.

The Project will be restricted to minor changes within the existing roadway corridor (plan sheet 16 of 16). No new right of way will be required and the potential new noise walls along either side of I-94 between 11<sup>th</sup> Avenue South and Chicago Avenue will not be constructed. The Project will introduce no new elements and will not result in changes to visual qualities or noise and traffic levels. Therefore, the Project will have **no adverse effect** on the historic property.

**Apartment Building, 1801 Elliot Avenue South (HE-MPC-4085)** (NRHP eligible, Criterion C). This property was previously found to be eligible for the NRHP for its architecture as part of a distinctive grouping of double three-decker apartments. Historically, the building was located within a residential neighborhood, with mixed commercial and residential buildings one block to the west along Chicago Avenue South. The construction of I-94/I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the apartment building.

The Project will be restricted to minor changes within the existing roadway corridor (plan sheet 16 of 16). No new right of way will be required and the potential new noise walls along either side of I-94 between 11<sup>th</sup> Avenue South and Chicago Avenue will not be constructed. The Project will introduce no new elements and will not result in changes to visual qualities or noise and traffic levels. Therefore, the Project will have **no adverse effect** on the historic property.

Although it has previously been determined not to be eligible for the NRHP and is therefore not considered a historic property per the Section 106 regulations, the **Louis Menage Cottage, 1808 4<sup>th</sup> Avenue South (HE-MPC-4868)**, is a locally designated landmark within the Project APE. Because we are consulting with the Minneapolis HPC via this letter, I am including an assessment of Project impacts to the Cottage for their comments. Historically, the building was located within a mixed neighborhood, with commercial, multi-family residential, and single-family residential buildings along 4<sup>th</sup> Avenue South and residential buildings to the west and east. The construction of I-35W in the 1960s truncated the neighborhood and dramatically changed the setting of the Louis Menage Cottage.

The Project will reconstruct the existing noise wall separating this property from the roadway corridor (plan sheet 11 of 16). The replacement wall will be of comparable design and materials as the current barrier, and, therefore, will be a continuation of existing conditions. The noise wall effectively blocks the view of the roadway corridor from the historic property, and no other roadway work will be visible. The Project will not bring traffic closer to the historic property and will actually shift the eastbound I-94 to southbound I-35W ramp away from the property.

### **Summary**

Our final determination of eligibility and assessment of effects regarding the Grade Separation District, as well as our final finding of effects for the Project overall, will be deferred until MnDOT's reevaluation of the entire district is completed as part of Phase III of the Local Historic Bridge Study. In the interim, we look forward to continuing consultation with your office in the development of a project-specific PA that will allow the Project to continue moving forward under the NEPA decision-making process.

At this time, we are requesting your concurrence with our determination that the preferred Project alternative as preliminarily designed will result in no adverse effects to 14 of the 15 historic properties within the APE (the 15<sup>th</sup> property being the Grade Separation District). We will include terms in the PA stipulating the process for consulting with your office and other appropriate parties in reviewing final Project design to ensure our determinations remain appropriate.

Please call (651/366-3604) or email ([elizabeth.abel@state.mn.us](mailto:elizabeth.abel@state.mn.us)) me if you have any concerns or questions.

Sincerely,



Elizabeth J. Abel  
Archaeologist/Historian  
Cultural Resources Unit

enclosures  
attachments

cc: Hilary Dvorak, Minneapolis HPC (with enclosures and attachments)  
Scott Pedersen, MnDOT  
James Grube, Hennepin County

Emeka Ezekwemba, FHWA  
Philip Forst, FHWA  
Samuel Turrentine, SEH  
Andrew Schmidt, Summit Envirosolutions

## STATE HISTORIC PRESERVATION OFFICE

November 10, 2015

Ms. Liz Abel  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: S.P. 2782-327; I-35W/Lake Street Transit/Access Improvements: 43<sup>rd</sup> Street to I-94 Commons  
Minneapolis, Hennepin County  
SHPO Number: 2014-0303

Dear Ms. Abel:

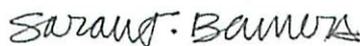
Thank you for continuing consultation on the above project. Information received in our office on 6 October 2015 has been reviewed pursuant to responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and per the terms of the general Section 106 Programmatic Agreement (PA) negotiated between the FHWA and SHPO.

We have completed our review of your correspondence dated October 6, 2015 which included a detailed description and assessment of integrity, including photographs of current conditions, for a segment of the NRHP-listed **Chicago Milwaukee and St. Paul Grade Separation Historic District** (Grade Separation District) between Stevens Avenue and 5<sup>th</sup> Avenue. We agree with your agency's determination that this particular segment, excluding the grade separation crossing structure for Stevens Avenue but beginning just east of the bridge to 5<sup>th</sup> Avenue, has compromised integrity and may ultimately be considered a "non-contributing" element to the Grade Separation District.

We are aware of the fact that your agency is currently contracting for a full evaluation of the Grade Separation District and that this study will not be completed until early 2016. The results of this district re-evaluation, including determinations regarding all contributing and non-contributing elements for and within the context of the entire district, will need to be considered before a final determination is made for this specific project. Therefore, we request deferral of any final decision regarding labeling this segment "non-contributing" until the time that your agency has completed the re-evaluation of the entire Grade Separation District and we have had a chance to review and consider the results.

We look forward to further consultation regarding this project. If you have any questions regarding our comments or recommendations included in this letter, please feel free to contact me at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



## Minnesota Department of Transportation

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### Office of Environmental Stewardship

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Office Tel: (651) 366-3604

Fax: (651) 366-3603

October 6, 2015

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

Re: S.P. 2782-327 (I-35W/Lake Street Transit/Access Improvements)  
43<sup>rd</sup> Street to I-94 Commons, Minneapolis, Hennepin County  
SHPO No.: 2014-0303

Dear Ms. Beimers:

Thank you for meeting with me and Andrew Schmidt, MnDOT's historical consultant, on July 28, 2015, for a field review of the project area and preliminary discussion of effects to historic properties.

Following our July site visit, I consulted with Andrew Schmidt and SHPO National Register Historians Denis Gardner and Ginny Way regarding the historic integrity of the National Register of Historic Places-listed (NRHP-listed) Chicago Milwaukee and St. Paul Grade Separation Historic District (Grade Separation District). The intent was to compare the historic conditions of the corridor with the current conditions in order to understand how the corridor has been altered since its period of significance (1912-1916). This informed MnDOT's assessment of the integrity of character-defining features and, consequently, will inform our assessment of effects. During this process, it became clear that the portion of the Grade Separation District between Stevens Avenue and 5<sup>th</sup> Avenue has experienced significant changes since its construction.

Although the NRHP nomination form for the Grade Separation District did not specify contributing vs. non-contributing segments, for the purpose of assessing effects under the Section 106 regulations, we believe it is appropriate to divide the linear district into segments based on integrity.

It is beyond the scope of the present undertaking to assess the integrity or eligibility of the Grade Separation District as a whole and without conducting an assessment of all of the potential contributing vs. non-contributing segments, we have assumed that some areas retain enough integrity to be contributing, while some do not. East of 5<sup>th</sup> Avenue 15 of the original 17 bridges (88 percent) remain, while west of Stevens Avenue 9 of the original 17 bridges (53 percent) are extant (including the Stevens Avenue bridge). In these segments removed original bridges have been replaced and no new bridge crossings have been added. In contrast, the five-block segment between Stevens Avenue and 5<sup>th</sup> Avenue retains none of its original four bridges (0 percent). Two bridges (2<sup>nd</sup> Avenue and 4<sup>th</sup> Avenue) have been replaced, two bridges (3<sup>rd</sup> Avenue and Clinton Avenue) have been removed and not replaced, and the comparatively oversized I-35W bridge has been added.

In determining if the Grade Separation District segment within the APE should be considered contributing or non-contributing, I referred to the "Railroads in Minnesota, 1862-1956" multiple property documentation form (MPDF) (Schmidt et al. 2007), a tool developed to assist in the evaluation of linear transportation corridors. The MPDF was not available at the time the district was listed in the NRHP in 2005 and the district is significant in the area of Community Planning rather than Transportation. For these reasons, our assessment of integrity uses the requirements contained in the Railroads MPDF as guidelines not as strict requirements.

The corridor as a whole retains its linear character, and the trench still conveys a depressed railroad corridor, which was the reason for its construction. The trench is fairly uniform throughout, measuring 110 to 120 feet wide at the top and 22 feet deep, with sloped walls. The bridges also were a key element because they provided the grade-separated crossings, and without which, the safety improvement would not have been achieved. The original bridges are three-span, continuous concrete slabs with modest Classical Revival details, and they were originally spaced one block apart, which provides a distinct visual rhythm. Overall, 26 of the original 38 bridges (68 percent) which crossed the trench remain.

Within the segment of the Grade Separation District that includes most of the APE, from Stevens Avenue to 5<sup>th</sup> Avenue, several aspects of integrity have been compromised. Per the Railroads MPDF, the key aspects of integrity for a railroad corridor historic district are location, design, and materials (in that order) and, to a lesser extent, setting. The location of the segment is intact – I-35W crossed over it but did not cause a realignment of the corridor. The design and materials have been partially compromised, and the setting has been compromised.

As noted in the Railroads MPDF, "physical changes to the railroad roadway... will affect its design." In the Grade Separation District, the railroad roadway consists of the former roadbeds, the grade of the trench floor, and the trench walls. Within the segment in question, physical changes to the roadway that post-date the period of significance include the loss of the track structures, elevation of the grade (relative to the original) on the north half of the trench floor to accommodate the recreational trail, and construction of abutments for the replacement bridges at I-35W, 2<sup>nd</sup> Avenue, and 4<sup>th</sup> Avenue. In addition, the trench walls were likely excavated around the new abutments but appear to have been returned to approximately the original slope (see Photo 1).

In addition to changes to the railroad roadway, the loss of original bridges and the construction of new bridges further diminish the integrity of design. Historic bridges at 3<sup>rd</sup> Avenue and Clinton Avenue have been removed but have not been replaced (see Photo 2). Consequently, the portion of the Grade Separation District between I-35W and 4<sup>th</sup> Avenue has lost the visual rhythm of bridges crossing over the corridor and is much more open than it was historically (see Photos 3 and 4). The I-35W and 2<sup>nd</sup> Avenue bridges cross the trench at an angle and do not conform to the city street grid as do the original bridges. Furthermore, the I-35W and 2<sup>nd</sup> Avenue bridges are completely out of scale with the original 2<sup>nd</sup> Avenue bridge, and due to the width of I-35W in particular, the bridges to the west are obscured and the rhythm is lost. Overall, the design of the segment has been compromised.

Regarding the integrity of materials within the segment, there are similar issues as with design. There is a loss of materials in the track structures and original bridges, and the trail grade represents an addition of later materials that obscure the original. The I-35W/2<sup>nd</sup>

Avenue and 4<sup>th</sup> Avenue abutments are new materials within the trench, and the span consists of new materials crossing over it (see Photos 5 and 6). Per the Railroads MPDF, "the modified ground of the railroad roadway, represented by cuts, fills, and grades, must retain its historic materials and they must be visible." The altered trail grade diminishes the material integrity of the roadway, and when combined with other losses of historic material, points to a loss of material integrity. East of I-35W, the corridor widens and was originally a railroad yard. This area has been redeveloped as a soccer field surrounded by a 10-foot mesh fence and, as a result, bears no resemblance to a railroad yard (see Photo 7). In addition, the land to the west of the soccer field has been re-landscaped with flowers and benches (see Photo 8). This redevelopment affects both the design and materials of the corridor.

Finally, the setting of the segment also has been compromised by the I-35W bridge and surrounding development. Although the bridge is functionally equivalent to the original crossings, it is at such a different scale that it overwhelms the segment in its vicinity. In addition, the multi-story parking ramp for Wells Fargo, located north of the corridor between Clinton and 4<sup>th</sup> Avenues, is clearly visible (see Photos 6 and 7). With a loss of integrity of design, materials, and setting, this segment has also lost integrity of feeling and association.

Because the segment of the Grade Separation District from Stevens Avenue to 5<sup>th</sup> Avenue does not retain historic integrity, our office has determined that it is a non-contributing segment within the listed Grade Separation District.

We look forward to receiving your comments regarding our determination and to continued consultation with your office in completing the Section 106 review of this undertaking.

Sincerely,



Elizabeth J. Abel  
Archaeologist/Historian  
Cultural Resources Unit

attachments (8): photos

cc: Scott Pederson, MnDOT Metro District  
Jim Grube, Hennepin County  
Hillary Dvorak, Minneapolis HPC  
Samuel Turrentine, SEH  
Andrew Schmidt, Summit Envirosolutions



Photo 1: I-35W and 2<sup>nd</sup> Avenue Bridges, looking east.



Photo 2: Abutment from removed 3<sup>rd</sup> Avenue Bridge, looking north.



Photo 3: Grade Separation District from 4<sup>th</sup> Avenue to 2<sup>nd</sup> Avenue Bridge, looking west.



Photo 4: Grade Separation District from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue Bridge, looking east.



Photo 5: 2<sup>nd</sup> Avenue and I-35W Bridges, looking west.



Photo 6: 4<sup>th</sup> Avenue Bridge, looking west.



Photo 7: Soccer field in former location of railroad yard, looking northeast.



Photo 8: Landscaping along north side of Grade Separation District and west of former railroad yard, looking east.

## STATE HISTORIC PRESERVATION OFFICE

July 3, 2015

Ms. Liz Abel  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul MN 55155

RE: S.P. 2782-327; I-35W/Lake Street Transit/Access Improvements: 43<sup>rd</sup> Street to I-94 Commons  
Minneapolis, Hennepin County  
SHPO Number: 2014-0303

Dear Ms. Abel:

Thank you for continuing consultation on the above project. Information received in our office on 3 June 2015 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 (PA) negotiated between the FHWA and SHPO.

We have completed our review of your correspondence dated June 2, 2015 and the accompanying information, including the letter report dated 4/20/15 entitled *APE and Historic Properties Updates for Additional Noise Wall Locations I-35W/Lake Street Transit/Access Project, S.P. 2783-327 (I-35W, I-94 and TH 65)* prepared by Summit EnviroSolutions.

Thank you for providing clarification regarding your agency's determination of the area of potential effect (APE) for indirect effects. This explanation and description is appropriate based upon our current understanding of the Federal undertaking.

Also, thank you for incorporating the applicable Federal designation of the Washburn-Fair Oaks Heritage Preservation District into project planning, as well as your submittal of unbound inventory forms for the properties requested.

**Area of Potential Effect (APE) Revisions**

We agree that your agency's revised determination and documentation of the area of potential effects (APE) for both direct and indirect effects, based upon project design provisions for construction of new noise walls, is appropriate based upon our current understanding of the Federal undertaking.

Regarding archaeological resources within the revised APE, we concur with your determination that there are no known archaeological resources within the revised APE and that there is a low potential for intact archaeological resources within the revised APE for direct effects.

Regarding architecture-history resources, we concur with the results of the additional Phase I and Phase II survey work as reported in the 4/20/15 letter report from Summit Envirosolutions. The Phase I & II survey results indicate the following properties are not individually eligible for listing in the National Register of Historic Places (NRHP):

- House, 1801 11th Avenue South (HE-MPC-5411)
- Apartment Building, 1802 11th Avenue South (HE-MPC-5412)
- Apartment Building, 1801-1807 10th Avenue South (HE-MPC-5413)
- Apartment Building, 1615 11th Avenue South (HE-MPC-7367)
- House, 926 East 17th Street (HE-MPC-5421)
- House, 918 East 17th Street (HE-MPC-5422)
- House, 912 East 17th Street (HE-MPC-5423)
- Carl Beckman House, 1617 10th Avenue South (HE-MPC-0325)
- August Ekman House, 1617 Elliot Avenue South (HE-MPC-5425) and Carriage House 910 East 17th Street (HE-MPC-5424)

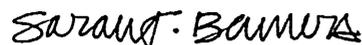
We concur with your determination that the following historic properties, which had previously been determined eligible for listing in the NRHP, remain individually eligible for listing in the NRHP:

- **Benjamin S. Bull House, 1628 Elliot Avenue South (HE-MPC-0424)** – built in 1887 and designed by architect Adam L. Door, this property is eligible for listing in the NRHP under Criterion C (design)
- **Apartment Buildings at 1801, 1807, and 1811 Elliot Avenue South (HE-MPC-4085)** – built in 1891-1892 and designed by C.S. Sedgewick and F.A. Clark, this historic property is eligible for listing in the NRHP under Criterion C (design)

We agree with your agency's decision to move forward with preliminary effect determinations for the proposed noise walls in order to incorporate them into the project's National Environmental Policy Act (NEPA) review process. It is our understanding that these effect determinations will not be finalized for purposes of Section 106 until further consultation with our office and other consulting parties has taken place further along in the design process.

We look forward to further consultation regarding this project. If you have any questions regarding our comments or recommendations included in this letter, please feel free to contact me at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



**Office of Environmental Stewardship**

Mail Stop 620  
395 John Ireland Boulevard  
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Office Tel: (651) 366-3604

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June 2, 2015

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

Re: S.P. 2782-327 (I-35W/Lake Street Transit/Access Improvements)  
43<sup>rd</sup> Street to I-94 Commons, Minneapolis, Hennepin County  
SHPO No. 2014-0303

Dear Ms. Beimers:

We last consulted with your office regarding this undertaking via letter dated September 18, 2014, which included a description of the project, our delineation of the APE, and results of the architecture/history and archaeological investigations completed by MnDOT to date.

We are now writing to provide you with an update on the current status of the project and our historic property identification efforts, and to ask your concurrence with our revisions to the project APE, our determinations of NRHP eligibility for properties within the revised APE, and our proposal to make a preliminary finding of effects for the draft Environmental Assessment (EA).

**Outstanding Items/Issues**

Before delving into new information, I am first addressing some items/issues brought up through our previous correspondence.

Indirect Effects APE. In your November 18, 2014, letter to me, you concurred in general with our determination of the project APE for direct and indirect effects, but requested clarification regarding our consideration of project effects that could potentially change the character of a historic property's use or physical features within a historic property's setting that contribute to its historic significance. Our determination of the APE did consider not only the effects of potential physical, visual, noise and traffic level changes on historic properties, but also how these changes might affect the use and/or setting of historic properties.

Washburn-Fair Oaks Heritage Preservation District. Thank you for informing me that the Washburn-Fair Oaks Heritage Preservation District has been determined National Register-eligible by the NPS for the purposes of certification for the federal tax

incentive program. I have added the district to the list of NRHP-listed and eligible properties identified within the project APE.

Updated Inventory Forms. As requested, we are submitting with this letter updated architecture-history inventory forms for the following seven NRHP-eligible properties that were originally surveyed within the project APE between 1991 and 1993:

**Carlton Apartments** (HE-MPC-5011); **Minerva Apartments** (HE-MPC-5007); **W. J. Jennison House** (HE-MPC-4234); **24<sup>th</sup> Street Commercial Buildings** (with correct inventory number HE-MPC-5033); **Hudson Apartments** (HE-MPC-5030); **Apartments at 335-349 18<sup>th</sup> Street East/1800 4<sup>th</sup> Avenue South (Russell Rowhouse)** (HE-MPC-5029/HE-MPC-4867); and **Clinton Flats** (HE-MPC-5028).

#### APE Revisions for Noise Walls

Since my last letter to you in September 2014, the locations and extent of proposed noise wall construction have been determined and I have revised the project APE for direct and indirect effects accordingly. As shown on the enclosed illustrations (Figures A-B and Maps A-G), the project proposes to construct new noise walls as well as replace some existing noise walls in kind. Project designers anticipate that new noise wall construction and reconstruction of existing noise walls will not require the acquisition of any new right of way or permanent easements and that related work activities will not extend beyond the current highway right of way limits.

The primary indirect effects of noise wall construction/reconstruction on historic properties and their settings will be visual. Consequently, our indirect effects APE was revised to include noise wall construction limits and surrounding areas where noise walls may affect views of, and/or viewsheds from, historic properties and their settings. Most areas that may be impacted by noise walls fall within the APE previously delineated and surveyed by MnDOT for the present project (9-18-14 letter from E. Abel to S. Beimers). Proposed noise wall installation along both sides of I-94 between Chicago Avenue South and 11<sup>th</sup> Avenue South and between Nicollet Avenue South and 1<sup>st</sup> Avenue South required extension of the indirect effects APE.

#### Architecture/History within Extended Portions of the APE

I have enclosed an April 20, 2015, letter report from Summit Envirosolutions summarizing the results of architecture-history survey of the extended portions of the APE. The survey identified no new NRHP-eligible properties within the extended APE and recommends that two previously documented properties remain eligible. Our office concurs with Summit's recommendation that the following two properties remain eligible for the NRHP:

- **Benjamin S. Bull House (HE-MPC-0424)**
- **Apartment Buildings at 1801, 1807 and 1811 Elliot Avenue South (HE-MPC-4085)**

I have enclosed completed inventory forms for the newly surveyed properties as well as updated forms for the Bull House and the apartments at 1801-1811 Elliot Avenue South.

The extended portion of the APE between Nicollet Avenue South and 1<sup>st</sup> Avenue South was included in an area surveyed by the Hennepin County Regional Rail Authority and the Metropolitan Council for the Southwest Transitway Project (SWLRT) in 2012. The SWLRT survey was overseen by the MnDOT CRU and identified no historic properties within the extended APE of the current project.<sup>1</sup> Our reconnaissance of the extended project APE indicates that there have been no changes to inventoried properties. Because there have been no changes to properties and because of the recent date of the SWLRT survey, we are not providing updated inventory forms for the properties within this portion of the revised APE.

### **Archaeology within Revised Portions of the APE**

The revised APE for direct effects includes areas where the ground is likely to be disturbed by noise wall construction activities, including potential staging and storage areas. Noise wall staging and construction work will be limited to existing MnDOT highway right of way. Most areas that may be directly impacted by noise wall construction activities fall within the direct effects APE previously delineated and surveyed by MnDOT for the present project (9-18-14 letter from E. Abel to S. Beimers).

Where noise wall construction activities will occur outside the previous APE limits, we have extended the APE to include the highway right of way where construction will occur. These extensions of the direct effects APE include the highway right of way north of I-94 between Nicollet Avenue South and 1<sup>st</sup> Avenue South (enclosed Map D), highway right of way south of I-94 between 1<sup>st</sup> Avenue South and 3<sup>rd</sup> Avenue South (enclosed Map E), and highway right of way both north and south of I-94 between Chicago Avenue South and 10<sup>th</sup> Avenue South (enclosed Maps F and G). There are no recorded archaeological resources within the extended direct effects APE. The right of way within the extended APE has been extensively disturbed by grading and other activities associated with the construction and maintenance of the interstate highway system. Therefore, the extended portions of the APE have low potential for containing intact archaeological resources.

### **Proposal to Make a Preliminary Finding of Effects**

Federal regulations governing the abatement of highway traffic noise require the solicitation of viewpoints from benefited receptors. Benefited receptors, identified through noise analysis studies, are provided the opportunity to vote for or against proposed noise abatement measures that would benefit them. This voting process will remain ongoing during the draft EA review and comment period.

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<sup>1</sup> *Phase I/Phase II Architecture History Investigation for the Proposed Southwest Transitway Project, Hennepin County, Minnesota. Volume Two: Minneapolis West Residential Survey Zone, Minneapolis South Residential/Commercial Survey Zone, Minneapolis Downtown Survey Zone, Minneapolis Industrial Survey Zone, Minneapolis Warehouse Survey Zone (Excluding Railroad Properties)*. Roise, et al., 2012. The current project APE between Nicollet and 1<sup>st</sup> was included within the 2012 Minneapolis Downtown Survey Zone.

As solicitation of viewpoints for or against noise walls will remain open during the draft EA review and comment period, MnDOT CRU will be unable to make a final finding of effects until voting ends and the results can be incorporated into project design. Therefore, as discussed in our phone conversation on May 8, 2015, I am proposing that MnDOT CRU make a preliminary finding of effects for the draft EA because noise wall issues will not yet be resolved. Our preliminary finding will assume that all proposed noise abatement measures will be constructed, and will consider the maximum extent of their potential effects to historic properties. Once the details of noise wall construction are determined, we will conduct additional consultation with your office to make a final finding of effects.

At this time, we are requesting your written concurrence with: (1) our delineation of the revised project APE; (2) our determinations of NRHP eligibility for properties within the revised APE; and (3) our proposal to make a preliminary finding of effects for the draft EA.

We look forward to continuing consultation with your office regarding this undertaking. Please call or email me if you have any questions or concerns.

Sincerely,



Elizabeth J. Abel  
Archaeologist/Historian  
Cultural Resources Unit  
651-366-3604  
[elizabeth.abel@state.mn.us](mailto:elizabeth.abel@state.mn.us)

encs.

cc: Scott Pederson, MnDOT Metro District  
Jim Grube, Hennepin County  
Hillary Dvorak, Minneapolis HPC (w/report and figures)  
Samuel Turrentine, SEH  
Andrew Schmidt, Summit Envirosolutions

## STATE HISTORIC PRESERVATION OFFICE

November 18, 2014

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

RE: S.P. 2782-327; I-35W/Lake Street Transit/Access Improvements: 43<sup>rd</sup> Street to I-94 Commons  
Minneapolis, Hennepin County  
SHPO Number: 2014-0303

Dear Ms. Abel:

Thank you for continuing consultation on the above project. Information received in our office on 18 September 2014 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 (PA) negotiated between the FHWA and SHPO.

We have completed our review of your correspondence dated September 18, 2014 and the accompanying architecture-history and archaeological survey reports, including:

- *DRAFT Historical Archaeological and Architectural History Survey and Evaluation and Assessment of Adverse Effects along I-35W from I-94 to 40<sup>th</sup> Street East for the I-35W/South Minneapolis New Access Project, Hennepin County, Minnesota, Volume I of II* (URS Corporation, March 2004)
- *Architecture-History Supplemental Study for the I-35W/Lake Street Transit Access Project, Minneapolis, Hennepin County, Minnesota* (Summit Envirosolutions, June 2014)

Our comments and recommendations are provided below.

**Area of Potential Effect**

We concur with your determination for the area of potential effect (APE) for direct effects as documented on the *I-35W Transit Project – Project Layout* (8/14/2014) plans which indicate the project's construction limits as well as existing and proposed new right-of-way limits.

Regarding the APE for indirect effects, you have indicated that the map identified as *Figure 2. Area of Potential Effects* in the architecture-history supplemental study report has been determined taking into account the project's potential impacts resulting from changes in visual qualities, noise levels, and traffic patterns. It is our understanding that this APE may be further modified as locations for noise walls are identified at a later design stage.

In general, we agree with the approach taken thus far to determine the APE for indirect effects. Because these were not called out specifically in your analysis, please provide clarification regarding your agency's consideration of adverse effects resulting from potential changes to the character of a property's use or

physical features within the property's setting, and whether or not these were considered in your determination of the APE.

### **Identification and Evaluation of Historic Properties**

Regarding archaeological resources, we concur with your determination that there are no known archaeological resources identified and that there is a low potential for intact archaeological resources within the APE for direct effects.

Regarding architecture-history resources, we concur with the results of the additional Phase I and Phase II surveyed properties that were not surveyed as part of the 2004 study. The Phase I survey results for properties determined not eligible for listing in the NRHP as listed on *Table 1. Phase I Survey Results* on p. 9 of the 2014 supplemental study. We concur with the results of the Phase II evaluation for the Franklin Towers Apartment (HE-MPC-4869) which determined that this property is not eligible for listing in the NRHP.

We concur with your determination that the following historic properties have been identified within the current APE:

- **Stewart Memorial Presbyterian Church (HE-MPC-4358)** – listed in the National Register of Historic Places (NRHP)
- **Dunn House (HE-MPC-4378)** – eligible for listing in the NRHP under Criterion C
- **Healy Block Residential Historic District (HE-MPC-4899)** – listed in the NRHP
- **Chicago, Minneapolis and St. Paul Grade Separation Historic District (HE-MPC-9959 to -9963)** – listed in the NRHP
- **The Carlton Apartments (HE-MPC-5011)** – eligible for listing in the NRHP\*
- **Minerva Apartments (HE-MPC-5007)** – eligible for listing in the NRHP\*
- **W.J. Jennison House (HE-MPC-4234)** – eligible for listing in the NRHP\*
- **24<sup>th</sup> Street Commercial Buildings (please update report with correct inventory number: HE-MPC-5033)** – eligible for listing in the NRHP\*
- **Hudson Apartments (HE-MPC-5030)** – eligible for listing in the NRHP\*
- **Apartments at 335-349 18<sup>th</sup> Street East (HE-MPC-5029)/1800-1804 4<sup>th</sup> Avenue South (HE-MPC-4867)** – eligible for listing in the NRHP as the **Russell Rowhouse\***
- **Clinton Flats (HE-MPC-5028)** – eligible for listing in the NRHP\*
- **Amos B. Coe House (HE-MPC-4806)** – listed in the NRHP
- **Stevens Square Historic District (HE-MPC-4965)** – listed in the NRHP

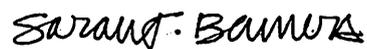
Please note that although the NRHP-listed Washburn Fair Oaks Mansion Historic District is located outside the current APE, the larger **Washburn Fair Oaks Heritage Preservation District** was formally determined NRHP-eligible in 1980 by the National Park Service for purposes of certification for the federal tax incentive program. This NRHP-eligible district is within the project APE.

As you are aware, the properties indicated with an asterisk (\*) above were determined eligible for listing in the NRHP between 1991 and 1993 as part of a larger Interstate 35W improvement project's Section 106 review. While the recently completed architecture-history supplemental study provided updated information regarding the physical integrity of the buildings, we were only provided one (1) updated inventory form for the Hudson Apartments (HE-MPC-5030) which meets our current level of identification and evaluation documentation. It is important for our office to have access to updated information on these properties as it

will assist in assessment of adverse effects and perhaps in resolution of any adverse effects, if these are encountered as part of this project. Updated information would include: geographic data, current photographs, location/property map, date of original construction, a physical property description, statement of significance, a determination of NRHP criteria eligibility, and period of significance.

We look forward to further consultation regarding this project. If you have any questions regarding our comments or recommendations included in this letter, please feel free to contact me at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,

A handwritten signature in black ink that reads "Sarah J. Beimers". The signature is written in a cursive, slightly slanted style.

Sarah J. Beimers, Manager  
Government Programs and Compliance



## Minnesota Department of Transportation

---

### Office of Environmental Stewardship

Mail Stop 620  
395 John Ireland Boulevard  
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September 18, 2014

Sarah Beimers, Manager  
Government Programs and Compliance  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Boulevard W.  
St. Paul, MN 55102-1903

Re: S.P. 2782-327 (I-35W/Lake Street Transit/Access Improvements)  
43<sup>rd</sup> Street to I-94 Commons, Minneapolis, Hennepin County  
Ref. SHPO No. 2002-3810

Dear Ms. Beimers:

The MnDOT Cultural Resources Unit (CRU) is reviewing the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the applicable Section 106 Programmatic Agreements between the FHWA and the Minnesota State Historic Preservation Office. The Section 106 review fulfills MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-.666), the Field Archaeology Act of Minnesota (MS 138.40), and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10). We initiated project consultation with you via letter dated October 31, 2013, followed by a November 19, 2013, meeting among staff from our offices and MnDOT CRU's historical consultant regarding the project area of potential effects (APE) and consulting parties.

The project is being planned by Hennepin County in partnership with the City of Minneapolis, MnDOT, and the Metropolitan Council. Hennepin County planned transit/access improvements along this corridor in the early 2000s; however, the County did not move forward with the project at that time.

The present project extends along I-35W from the I-94 commons area to 43<sup>rd</sup> Street East. I have enclosed the most recent project layout (Sheets 1-3, dated 8-14-14) for your reference. Project components include:

- Constructing a new transit station on I-35W at Lake Street
- Providing new service interchange ramps to and from the north at Lake Street
- Constructing a new bridge carrying 28<sup>th</sup> Street East over northbound entrance to I-35W from Lake Street
- Reconstructing Lake Street in proximity to I-35W
- Constructing a ped/bike connection from Lake Street to the Midtown Greenway
- Adding a new north-bound exit to East 28<sup>th</sup> Street
- Extending MnPASS lanes through the project area
- Constructing noise walls where required (exact locations are in the process of being determined)

In addition, the project proposes to replace the following bridges (from south to north):

- Bridge No. 9733            I-35W over Lake Street
- Bridge No. 27867        I-35W over Midtown Greenway

- Bridge No. 27869 28<sup>th</sup> Street over I-35W
- Bridge No. 27870 26<sup>th</sup> Street over I-35W
- Bridge No. 27868 24<sup>th</sup> Street pedestrian bridge over I-35W and TH 65
- Bridge No. 27871 I-35W southbound over TH 65 northbound
- Bridge No. 27872 Franklin Ave. over I-35W and TH 65
- Bridge No. 27842 TH 65 northbound to westbound I-94 ramp

MnDOT CRU has determined these bridges are not eligible for the National Register based on the Advisory Council on Historic Preservation's Section 106 Exemption Regarding Effects to the Interstate Highway System and MnDOT's statewide bridge studies.

Working in consultation with MnDOT CRU, the County completed architecture/history and archaeological surveys of the project corridor in 2004 (Tidlow et al. 2004). This included Phase I and II architecture/history investigations as well as a Phase Ia assessment of historical archaeological potential. I have enclosed two copies of the 2004 study report: *Draft Historical Archaeological and Architectural History Survey and Evaluation and Assessment of Adverse Effects along I-35W from I-94 to 40<sup>th</sup> Street East for the I-35W/South Minneapolis New Access Project, Hennepin County, Minnesota* (Tidlow et al. 2004) (Volume II of the report contains forms that have already been submitted as well as material that is no longer relevant to the present review). It is not generally MnDOT CRU's practice to submit draft reports to your office for comment, however, the 2004 survey report was not finalized before the project was discontinued. We have reviewed the 2004 draft report and concur with the methodology and recommendations regarding archaeological resource potential and National Register eligibility of architecture/history properties.

In 2013-2014, MnDOT completed an architecture/history study for the current project and I have enclosed a copy of that report: *Architecture-History Supplemental Study for the I-35W/Lake Street Transit/Access Project, Minneapolis, Hennepin County, Minnesota* (Schmidt and Nelson 2014) along with a set of completed inventory forms. The 2014 investigation is meant to supplement the 2004 study and addresses: (1) properties within the present project APE but not within the 2004 APE; (2) properties within the present APE that were within the 2004 APE but were not yet 45 years old when the 2004 survey was conducted; and (3) properties within the present APE that were previously evaluated for the National Register of Historic Places to confirm that they remain eligible/not eligible. Most of the present project APE for direct impacts was addressed by the 2004 study and no supplemental archaeological investigation is required.

### **Architecture/History**

The present project APE encompasses the area within the project construction limits, as well as the area around the construction limits to account for indirect effects, including changes in visual qualities, noise levels, and traffic patterns for surrounding properties. The properties adjacent to I-35W front onto the project corridor and are currently impacted by the visual, noise, and traffic patterns of the interstate. However, there will be changes resulting from the project, particularly the construction of new noise walls, replacement of existing noise walls, and reconstruction of bridges, cross streets, and curbs and sidewalks. To account for those changes, the APE encompasses the first tier of properties adjacent to the proposed project work between 40<sup>th</sup> Street East and the I-94 Commons. Due to the relatively recent installation of noise walls from 40<sup>th</sup> Street East south and project construction being limited to the existing roadway here, the project APE between 40<sup>th</sup> Street and 43<sup>rd</sup> Street is limited to the roadway footprint.

We concur with the recommendations regarding National Register eligibility contained in the enclosed 2014 report (Schmidt and Nelson 2014). In sum, the recommendations are: (1) there are no previously unidentified or unevaluated properties within the APE that are eligible for the National Register; and (2) all properties within the APE that have been previously recommended or determined eligible for the National Register remain eligible. The present APE includes the following 13 properties listed in, or eligible for listing in, the National Register (from south to north; please refer to Figure 3 on page 8 of the 2014 report):

- Stewart Memorial Presbyterian Church (HE-MPC-4358)
- Dunn House (HE-MPC-4378)
- Healy Block Residential Historic District (HE-MPC-4899)
- Chicago, Minneapolis and St. Paul Grade Separation Historic District (Midtown Greenway) (HE-MPC-9959 to -9963)
- The Carlton (HE-MPC-5011);
- Minerva Apartments (HE-MPC-5007)
- W. J. Jennison House (HE-MPC-4234)
- 24<sup>th</sup> Street Commercial Buildings (HE-MPC-4414)
- Hudson Apartments (ME-MPC-5030)
- Apartments at 335-349 18<sup>th</sup> Street East (HE-MPC-5029)/1800-1804 4<sup>th</sup> Avenue South (HE-MPC-4867)
- Clinton Flats (HE-MPC-5028)
- Amos B. Coe House (HE-MPC-4806)
- Stevens Square Historic District (HE-MPC-4965)

Please note that the 2014 investigation recommends that the Peppard Apartments (26<sup>th</sup> Street East and 3<sup>rd</sup> Avenue South) (HE-MPC-9511) remains eligible, however, this property fell out of the current APE as a result of design changes made after the survey had been conducted.

The present project APE also includes the following City of Minneapolis designated landmarks and districts:

- Stewart Memorial Presbyterian Church
- Healy Block Local Historic District
- Washburn Fair Oaks Local Historic District
- Louis Menage Cottage
- Amos B. Coe House
- Stevens Square Local Historic District

### **Archaeology**

The APE includes direct impacts such as project construction and removal of structures or buildings, as well as temporary and permanent easements. The enclosed 8-14-14 layout sheets show the project construction limits together with existing and proposed new right of way limits. Much of the APE is existing roadway and related infrastructure and has low potential for containing unidentified intact archaeological resources. In addition, due to the intensity of urban development beginning in the 19<sup>th</sup> century, the APE is unlikely to contain intact precontact/contact period archaeological resources.

The 2004 Phase Ia study identified known sites and determined post-contact archaeological potential within the APE. The 2004 APE for archaeology included all

areas of potential physical impact outside existing I-35W right of way (Tidlow et al. 2004:404; the 2004 archaeology APE is shaded in green on the enclosed layout sheets). The present footprint for direct impacts is more limited than that of the 2004 project and most of the present APE was included within the 2004 APE (see enclosed layout sheets). The present APE includes a portion of the I-94 commons area that was not part of the 2004 project. This portion of the APE is comprised of roadway structures and disturbed roadway rights of way and has low potential for containing intact archaeological resources.

The present project will remove three buildings: 2835 Stevens Avenue South (formerly Wold Weatherstripping Inc.); 2827 Stevens Avenue South (residential garage); and 120-122 Lake Street East (Carefree Rental) (see enclosed layouts). The lots associated with these three locations were part of the 2004 APE and the Phase Ia assessment recommended that these areas have low archaeological potential (Tidlow et al. 2004:4-41-42; 4-25-4-26).

In sum, there are no known archaeological resources within the present project APE (the two sites within the 2004 APE do not fall within the present APE). The 2004 Phase Ia study recommended no areas within the present APE as having potential for containing unidentified, significant and intact archaeological resources. We concur with the recommendations regarding archaeological potential included in the 2004 report (Tidlow et al. 2004). Areas within the present APE that were not addressed by the 2004 Phase Ia study include roadway structures and disturbed roadway rights of way that have low potential for containing unidentified intact archaeological resources.

At this time, we are requesting your concurrence with:

- 1) our determination of the project APE for direct and indirect effects (with acknowledgment that we will consult with you regarding APE adjustments when more precise noise wall locations have been identified);
- 2) our determinations of National Register eligibility for properties within the present APE; and
- 3) our assessment of archaeological potential within the APE.

We look forward to receiving your comments and to continuing consultation regarding the effects of this project on historic properties.

Sincerely,



Elizabeth J. Abel  
Archaeologist/Historian  
Cultural Resources Unit

Enclosures

cc: Scott Pederson, MnDOT Metro District  
Jim Grube, Hennepin County  
Hilary Dvorak, Minneapolis HPC (w/enclosures)  
Samuel Turrentine, SEH  
Andrew Schmidt, Summit EnviroSolutions



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**Minnesota Division**

February 24, 2016

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[www.fhwa.dot.gov/mndiv](http://www.fhwa.dot.gov/mndiv)

Adam R. Arvidson  
Minneapolis Park and Recreation Board  
Parks and Trails Division  
2117 West River Road  
Minneapolis, Minnesota 55411

Re: Minnesota State Project Number 2782-327  
Pedestrian Bridge 9618 – 40<sup>th</sup> Street Pedestrian Bridge over Interstate 35W

Dear Mr. Arvidson:

This letter is regarding the proposed impacts, of the Interstate 35W reconstruction project and the replacement of the 40<sup>th</sup> Street Pedestrian Bridge over Interstate 35W (Bridge 9618 as part of State Project 2782-327), to Reverend Dr. Martin Luther King Jr. Memorial Park. Hereafter in this letter, Reverend Dr. Martin Luther King Jr. Memorial Park is referred to as THE PARK. A location map is enclosed identifying the location of the existing bridge (Bridge 9618), the proposed location and design of the pedestrian-trail bridge at 40<sup>th</sup> Street (Bridge 27700), and the impacts to THE PARK with respect to the proposed design of the new pedestrian bridge.

As a recreational resource, THE PARK is subject to Section 4(f) of the U.S. Department of Transportation Act of 1966. The Section 4(f) process is simplified when there are only *de minimis* (very minor impacts) to Section 4(f) properties. If the Federal Highway Administration (FHWA) makes a *de minimis* determination of a project's Section 4(f) impacts, the Section 4(f) process is satisfied and no further action is needed.

The I-35W reconstruction project (SP 2782-327) includes the replacement of the pedestrian-trail bridge. The proposed alignment and design of the pedestrian-trail bridge will require the relocation of an existing trail within the limits of Reverend Dr. Martin Luther King Jr. Memorial Park. The relocation of the trail will require the trail to be constructed within the limits of THE PARK.

The following mitigation is proposed:

- 1) All construction within the limits of THE PARK will be returned to its current condition, including but not limited to:
  - a. Removal of all construction materials,
  - b. Protection of all existing trees and plants that will not be impacted during construction,
  - c. Re-establishment of all turf disturbed during the construction activities.
- 2) Any re-routing of pedestrian traffic during construction will be addressed with advanced signing and notification.
- 3) The duration of construction will be minimized to reduce the adverse impacts to the pedestrians and bicycles.

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, THE PARK is considered a Section 4(f) resource. A review of the project impacts and proposed construction show that, in FHWA's opinion, the impact to the trail will be minimal and will not adversely alter or affect the use of the facility. Based on this assessment, FHWA intends to make a *de minimis* determination.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed *de minimis* finding will be provided as part of the Environmental Assessment process. The 30 day public comment period is expected to begin on March 21, 2016 and go through April 20, 2016.

In order to make the Section 4(f) *de minimis* finding, your written concurrence that this project will not adversely affect the activities, features, and attributes of the facility is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) *de minimis* finding and your agreement that the activities, features, and attributes of the facility will not be adversely affected, please sign below and return the signed copy to Nnaemeka Ezekwemba at the letterhead address. Your prompt response is appreciated, no later than 15 days after the close of the comment period.

If you have any questions, please call me at (651) 291-6108.

Sincerely,

Nnaemeka Z. Ezekwemba  
  
2/24/2016

Nnaemeka Ezekwemba  
FHWA MN, Area Engineer

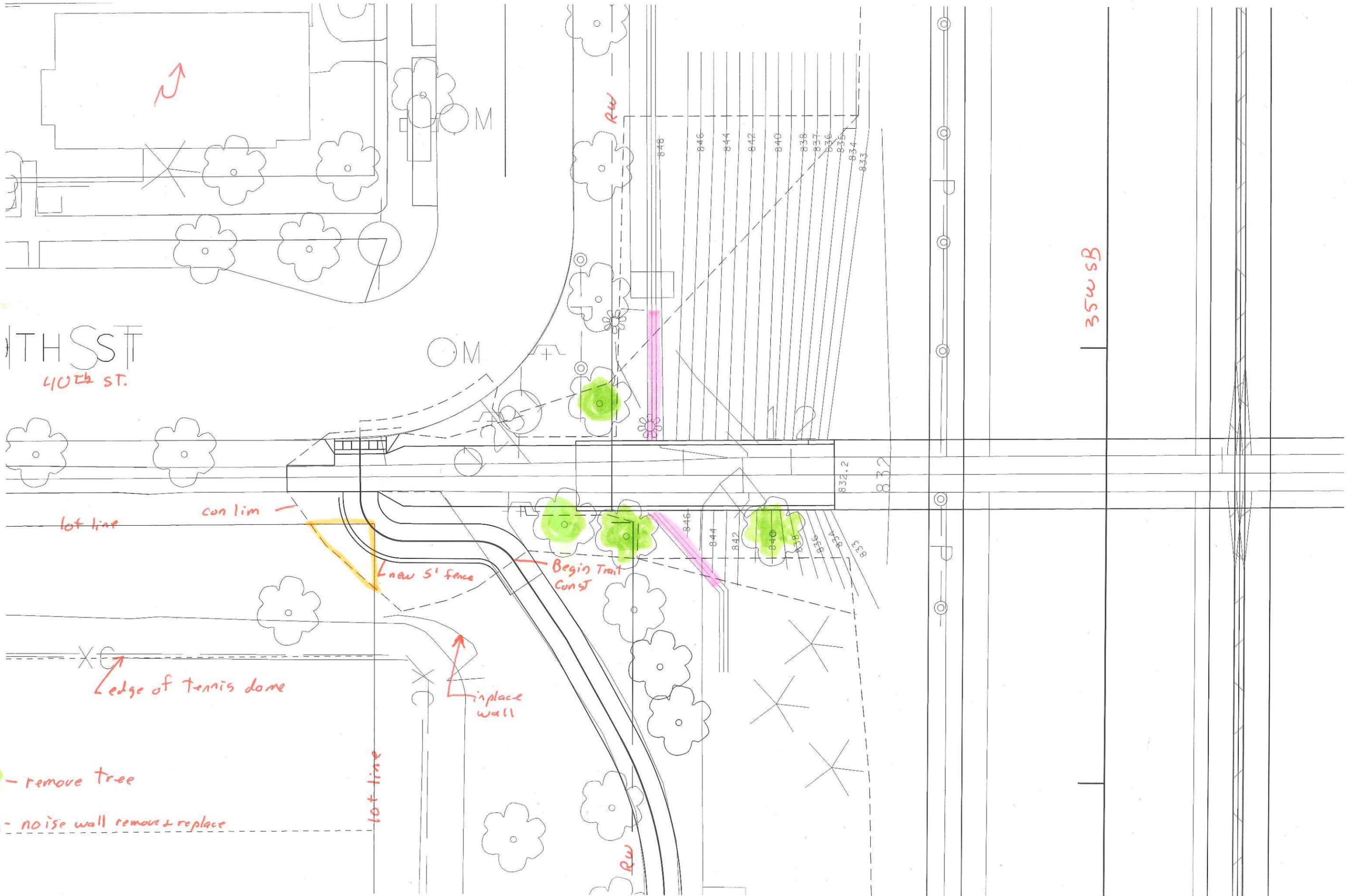
As the official with jurisdiction over Reverend Dr. Martin Luther King Jr. Memorial Park, I hereby concur that the use and impacts of the construction of the pedestrian-trail bridge associated with this project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Martin Luther King Jr. Park for protection under Section 4(f). I understand that concurrence with the FHWA's assessment of the impact to Martin Luther King Jr. Park will result in the FHWA making a Section 4(f) *de minimis* determination for the impacts to Reverend Dr. Martin Luther King Jr. Memorial Park.

---

Adam R. Arvidson  
Minneapolis Parks and Recreation Board

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Date:



40th ST

35w sB

- - remove tree
- noise wall removed + replace

Edge of Tennis dome

inplace wall

Begin Trail Const

lot line

con lim

lot line

Rw

Rw

M

M

832.2

832

848

846

844

842

840

838

837

836

835

834

833

846

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842

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