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January 10, 2022

Margaret Anderson Kelliher
Commissioner of Transportation
Department of Transportation
MS 120, Transportation Building
St. Paul, MN 55155

Re: 100% Design Gold Line Bus Rapid Transit
Re-evaluation of FTA Environmental Assessment
From Downtown St. Paul to Woodbury
In Ramsey and Washington Counties, Minnesota

Dear Commissioner Margaret Anderson Kelliher:

This is a response to the October 2021 FTA re-evaluation of the subject project based on 100% design. An anticipated right-of-way agreement requiring Federal Highway Administration (FHWA) approval is the primary FHWA nexus to the proposed project.

FTA issued a FONSI for the Gold Line project in January 2020. The FTA at that time was based upon 15% design. The FHWA partially adopted the FTA EA on March 5, 2020, by issuing a FHWA FONSI. FTA instituted a revaluation process under 23 CFR 771.129 to determine if the 100% design level enables the FTA January 2020 FONSI to remain valid. MnDOT and FHWA have reviewed the documentation produced for this reevaluation process as the means of consultation under 23 CFR 771.129. This documentation addresses the changes in project limits, design, and impacts since the May 20, 2021, letter addressing the adequacy of the 90% design.

Based upon MnDOT Metro District's November 17, 2021, analysis of the FTA re-evaluation and FHWA's review of the documentation with a focus on elements that have a FHWA nexus, it is our position that:

- The changes in design do not necessitate a FHWA Interstate Access Request process
- The changes in design do not necessitate a FHWA Interstate Access Request process
- The changes in design and impact assessment specific to the FHWA nexus (a right-of-way action) have not substantially changed.
- There is not a need to reissue an updated Environmental Assessment
- There is not a need to issue a new FONSI or mitigated FONSI
- The project will not significantly impact the human or natural environment.

Therefore, it is FHWA's determination that the March 2020 FHWA FONSI is still valid provided any changes in measures to avoid, minimize, and mitigate impacts because of the design refinements in the 100% design will be incorporated into the project delivery process.

This Finding concludes that the project will not significantly impact the human or natural environment.

This project is still subject to reevaluation if the significant changes occur or if construction is delayed. Furthermore, the application of the March 5, 2020, FONSI and this Re-evaluation is limited to the scope of work (i.e. Right-of-Way for Use Agreement). Any additional changes to the scope of the FHWA Right-of-Way agreement are subject to additional review and determinations in distinct National Environmental Policy Act processes.

Digitally signed by
WILLIAM R LOHR
Date: 2022.01.10
11:17:30 -06'00'

William R. Lohr
Field Operations Team Leader

Enclosure

PJF/wrl

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METRO
Gold Line

BUS RAPID TRANSIT PROJECT • ENVIRONMENTAL ASSESSMENT (EA)/
FINDING OF NO SIGIFICANT IMPACT (FONSI)

ENVIRONMENTAL RE-EVALUATION

December 2021

MANAGEMENT SUMMARY

The Metropolitan Council (the Council) proposes to construct the METRO Gold Line Bus Rapid Transit (BRT) Project (Project), formerly known as the Gateway Corridor Project, an approximately 10-mile-long BRT line located in Ramsey and Washington counties, Minnesota that will connect the east Twin Cities Metropolitan Area to the greater regional transit network via connections in downtown Saint Paul. The Project will parallel Interstate 94 (I-94) for approximately 10 miles, predominately in a dedicated guideway in Ramsey and Washington counties on or next to Hudson Road and 4th Street, then travel south along Helmo Avenue in Oakdale to Bielenberg Drive in Woodbury. The Project received a Finding of No Significant Impact (FONSI) from the Federal Transit Administration (FTA) in January 2020. The Council completed a re-evaluation of the FONSI at 30 and 90 percent design and FTA determined these design changes did not result in a significant change to the proposed action, the affected environment, or the anticipated impacts, and that the FONSI remained valid. The Council has advanced design to 100 percent since the 30 percent and 90 percent re-evaluations. The Federal Transit Administration (FTA) has re-evaluated the environmental impacts in light of the design changes made to the Project and determined that the FONSI remains valid.

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FIGURES

ACRONYMS

ADA	Americans with Disability Act
AMM	Avoidance, Minimization and Mitigation measures
APE	Area of Potential Effect
BMP	Best Management Practice
BRT	Bus Rapid Transit
CBAC	Community and Business Advisory Committee
CCP	Construction Contingency Plan
CMC	Corridor Management Committee
Council	Metropolitan Council
CPIP	Community and Public Involvement Plan
DART	Design and Refinement Team
EA	Environmental Assessment
ESA	Environmental Site Assessment
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
HPZ	High Potential Zone
LOD	Limit of Disturbance
LOS	Level of Service
MnDOT	Minnesota Department of Transportation
MnDOT CRU	Minnesota Department of Transportation Cultural Resources Unit
MNIT	Minnesota IT Services
MPCA	Minnesota Pollution Control Agency
NAD	No Association Determination
NLEB	Northern Long-Eared Bat
NRHP	National Register of Historic Places
PA	Programmatic Agreement
PBO	Programmatic Biological Opinion
Project	METRO Gold Line BRT Project
RAP	Response Action Plan
Re-evaluation	Environmental Re-evaluation
RGU	Responsible Governmental Unit
ROW	Right-of-Way
RPBB	Rusty Patched Bumble Bee
SFA	Subordinate Funding Agreement
SHPO	State Historic Preservation Officer

TAC	Technical Advisory Committee
TH	Trunk Highway
USFWS	U.S. Fish and Wildlife Service

1 INTRODUCTION

The Federal Transit Administration (FTA) is the lead federal agency for the METRO Gold Line Bus Rapid Transit (BRT) Project (Project). The Metropolitan Council (Council) is the Project sponsor, federal grant applicant and the designated Responsible Governmental Unit (RGU). The FTA and the Council published an Environmental Assessment (EA) for public comment in October 2019 and issued a Finding of No Significant Impact (FONSI) in January 2020.

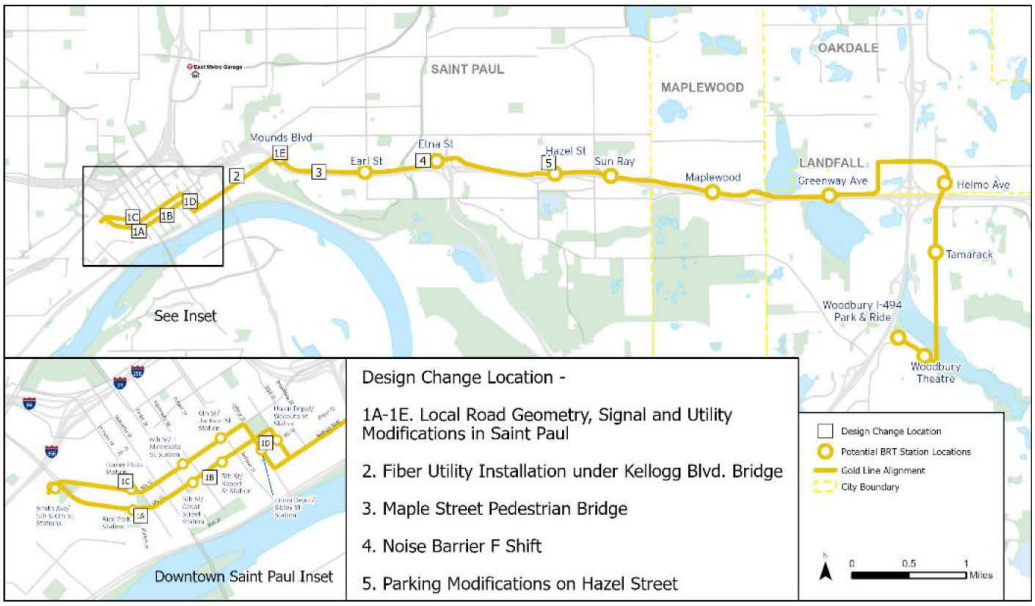
The EA/FONSI presented environmental impact analyses based on Project design plans at the 15 percent concept design phase. FTA completed a 15 percent to 30 percent environmental re-evaluation (re-evaluation) of the FONSI on August 10, 2020, and a 30 percent to 90 percent re-evaluation on April 2, 2021. Since the Federal Highway Administration (FHWA) is a Cooperating Agency on the Project EA/FONSI, this re-evaluation includes changes within the Minnesota Department of Transportation (MnDOT) right-of-way (ROW) for FHWA to validate its separate environmental decision document for actions within the ROW. FHWA reviewed both FTA's reevaluations (August 2020 and April 2021) and validated FONSI on May 20, 2021. Since the 90 percent design re-evaluation, the Council advanced design to 100 percent and additional modifications were identified. Changes include design advancement for local streets, utility connections and relocations, noise barrier refinements and the addition of electric buses to the vehicle fleet.

This document has been prepared in accordance with FTA and FHWA joint NEPA regulations (23 CRF part 771.129) for re-evaluating environmental documents or decisions to determine whether the original document or decision remains valid, or a supplemental or new analysis is needed. This document examines the changes to the proposed action, affected environment, and the environmental impacts. It is used to determine if the agency's issued FONSI remains valid at 100 percent design.

2 DESIGN CHANGES SINCE THE 90 PERCENT DESIGN RE-EVALUATION

This section describes design changes and anticipated impacts based on 100 percent design. Section 2.1 provides a detailed discussion of the impacts of each design change. Figure 2-1 shows design change locations.

FIGURE 2-1: 100 PERCENT DESIGN CHANGE LOCATIONS



2.1 Environmental Consequences of Design Changes

The Council reviewed all resource categories where the design changes could potentially result in additional long-term impacts or change the long-term impacts reported in the EA/FONSI. The re-evaluation analysis found there would be no impacts to the following resource categories and were not evaluated further:

- **Transportation**: Transit; aviation
- **Community and social**: Land use plan and compatibility; community facilities, character, and cohesion; acquisitions, displacements and relocations; visual quality and aesthetics; environmental justice; safety and security; business and economic resources
- **Physical and environmental**: Floodplains; geology; groundwater and soils; stormwater and water quality; surface waters; biological environment; farmlands
- **Construction**
- **Section 6(f)**
- **Section 4(f)**

Based on the 100 percent design changes, the following resources were potentially affected and described in this Re-evaluation:

- **Transportation**: Traffic; freight rail; pedestrian and bicycle facilities; parking and driveways
- **Community and social**: Cultural resources

- **Physical and environmental**: noise and vibration; air quality; hazardous materials and contamination
- **Indirect effects and cumulative impacts**

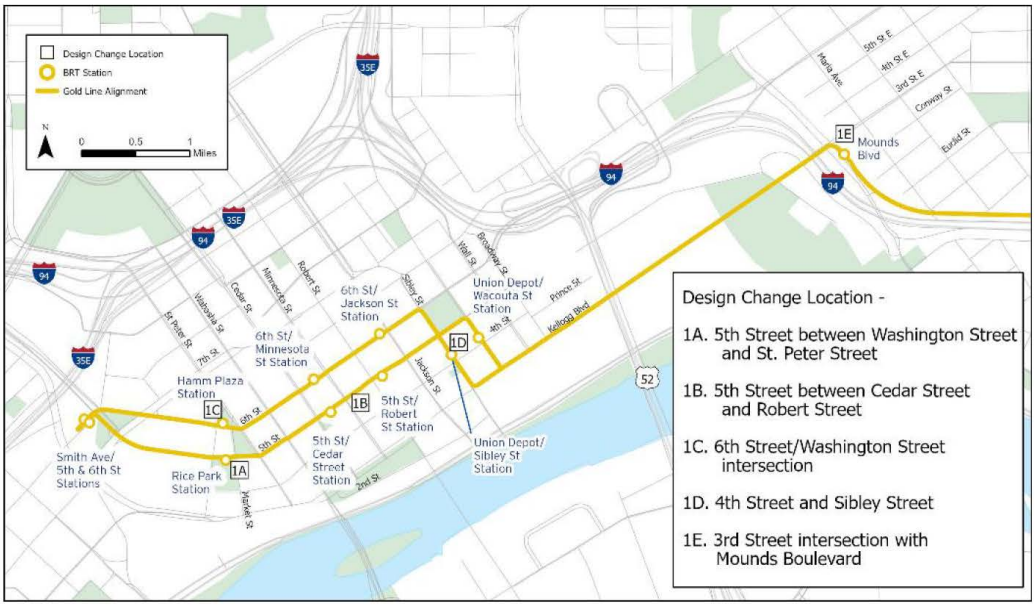
Short-term impacts identified in the EA/FONSI are anticipated to be the same because they are temporary and associated with construction activities typical for the Project.

The following sections describe changes in environmental impacts, if any, by each design change.

2.1.1 Design Change #1: Local Road Geometry, Signal and Utility Modifications in Saint Paul

The EA/FONSI did not identify detailed roadway geometry, signal and utility design at the 15 percent concept design. Through ongoing coordination with the City of Saint Paul as part of formal Design Advancement and Refinement Teams (DART), the 100 percent design provides more detail about the roadway geometry, signals and utility connections. The 100 percent design changes are maintained within 15 percent Limits of Disturbance (LOD). Figure 2-2 shows locations of individual design change locations.

FIGURE 2-2: DESIGN CHANGE #1: ROADWAY, SIGNAL AND UTILITY MODIFICATION LOCATIONS



There are five locations where there are changes to roadway and signal design, and utility connections in or near downtown Saint Paul. Table 2-1 summarizes the existing condition, the proposed improvements identified in the EA/FONSI and 100 percent design updates. The 100 percent design for each modification is presented in Figure 2-3 through Figure 2-9.

TABLE 2-1: 100 PERCENT MODIFICATIONS SUMMARY - LOCAL ROAD GEOMETRY, SIGNAL AND UTILITY MODIFICATIONS IN SAINT PAUL

Location	Existing Condition	Improvements defined in EA/FONSI	100 Percent Design Modifications
5th Street between Washington Street and St. Peter Street (Figure 2-3)	Pavers define cross walks at 5th Street/Washington Street and 5th Street/Market Street intersections. 5th Street consists of three through lanes; 5th Street between Market Street and St. Peter Street used to have a former Bus Access Transit (BAT) lane.	No changes at existing curbs or crosswalks. BRT would operate in mixed traffic between Washington Street and St. Peter Street.	In coordination with the City of Saint Paul, the pedestrian experience will be improved along 5th Street. The Project adds bump outs in the southwest and northwest corners of 5th Street/Washington Street intersection. Crosswalk pavers in 5th Street/Washington Street intersection are replaced, as are west and south pavers in the 5th Street/Market Street intersection. The Project will restripe 5th Street for two through lanes and establish a dedicated Bus Access Transit (BAT) lane on 5th Street between Washington Street and and St. Peter Street.
5th Street between Cedar Street and Robert Street (Figure 2-4)	5th Street is striped as three through lanes, with an exclusive left and shared left/thru lane onto Minnesota Street. The existing exclusive left turn lane is frequently used for parking, making the shared left/thru lane an exclusive turn lane.	No changes to lane definition for turning or through travel lanes, except BRT would operate in dedicated bus lane.	City of Saint Paul is completing the following work as part of a larger improvement project on 5th Street: restriping lanes to provide one left turn lane, two through lanes and one BAT lane. The former exclusive left turn lane will become used for parking and loading.
6th Street/Washington Street intersection (Figure 2-5)	There are no Reflecting Flashing Beacons (RRFB) present in the intersection.	Project would include sidewalk bump-outs at Hamm Plaza.	In coordination with City of Saint Paul, pedestrian signals will be added, which requires installation of mast head and signal poles (Figure 2-6).
4th Street and Sibley Street (Figure 2-7)	Signal cabinet on Sibley Street.	No changes identified; Signal cabinet anticipated to remain on Sibley Street.	In coordination with the City of Saint Paul, signal cabinet will be moved to 4th Street (Figure 2-8). Moving signal box from behind the bus platform because it would be inaccessible for future maintenance. Fiber will be within existing conduit.

Location	Existing Condition	Improvements defined in EA/FONSI	100 Percent Design Modifications
3rd Street intersection with Mounds Boulevard (Figure 2-9)	3rd Street as it approaches Mounds Boulevard consists of two northbound and two southbound travel lanes. On-street parking on the south side of 3rd Street accommodates approximately 16 parking places during off-peak hours.	No changes to 3rd Street approach.	In coordination with City of Saint Paul, the 3rd Street approach to the intersection will be restriped with exclusive southbound left, through, and right turn lanes and one northbound through lane. Approximately 100 feet east of the intersection, 3rd Street will then be restriped to two lanes with a median barrier. Restriping will remove about 200 feet of parking lane on the south side of 3rd Street, or up to approximately ten parking spaces.

FIGURE 2-3: 5TH STREET BETWEEN WASHINGTON STREET AND ST. PETER STREET – 100% DESIGN

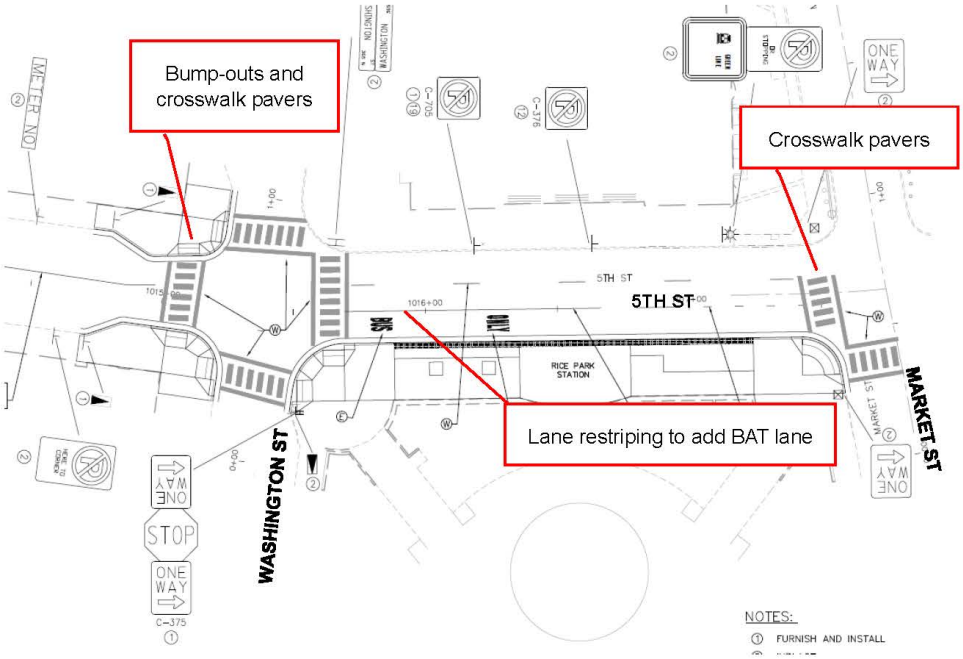


FIGURE 2-4: 5TH STREET BETWEEN CEDAR STREET AND ROBERT STREET – 100% DESIGN

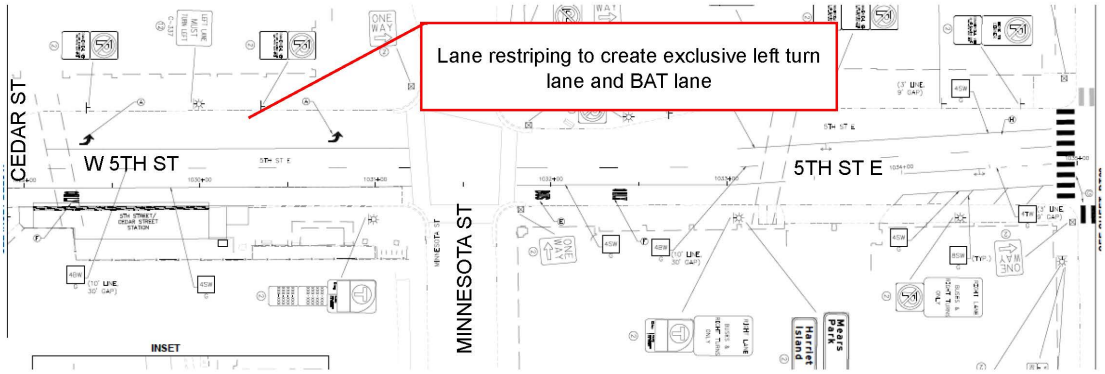


FIGURE 2-5: 6TH STREET/WASHINGTON STREET INTERSECTION – 100% DESIGN

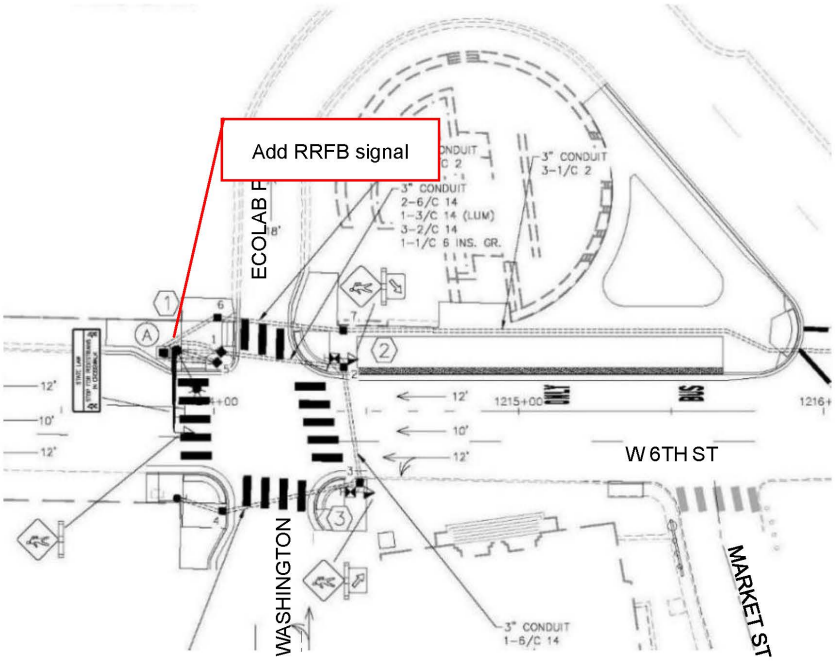


FIGURE 2-6: 6TH STREET/WASHINGTON STREET INTERSECTION – 100% DESIGN

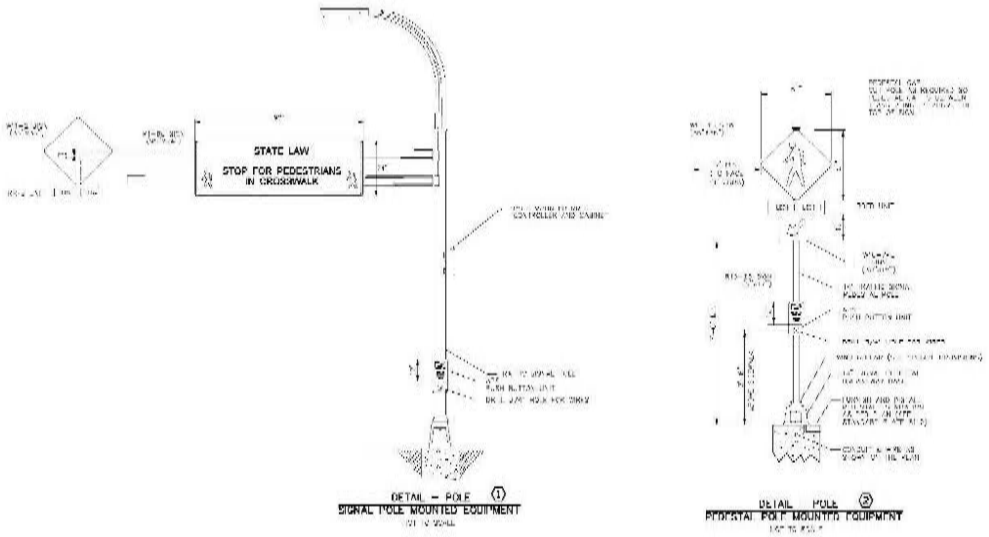


FIGURE 2-7: 4TH STREET AND SIBLEY STREET SIGNAL CABINET LOCATION – EXISTING CONDITIONS

FIGURE 2-8: 4TH STREET AND SIBLEY STREET – 100% DESIGN

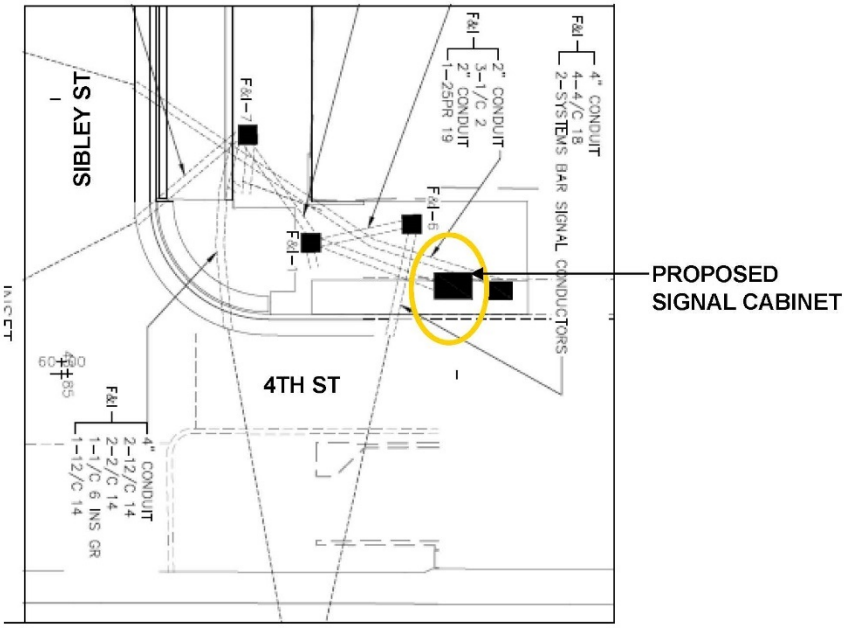


FIGURE 2-9: 3RD STREET INTERSECTION WITH MOUNDS BOULEVARD – 100% DESIGN

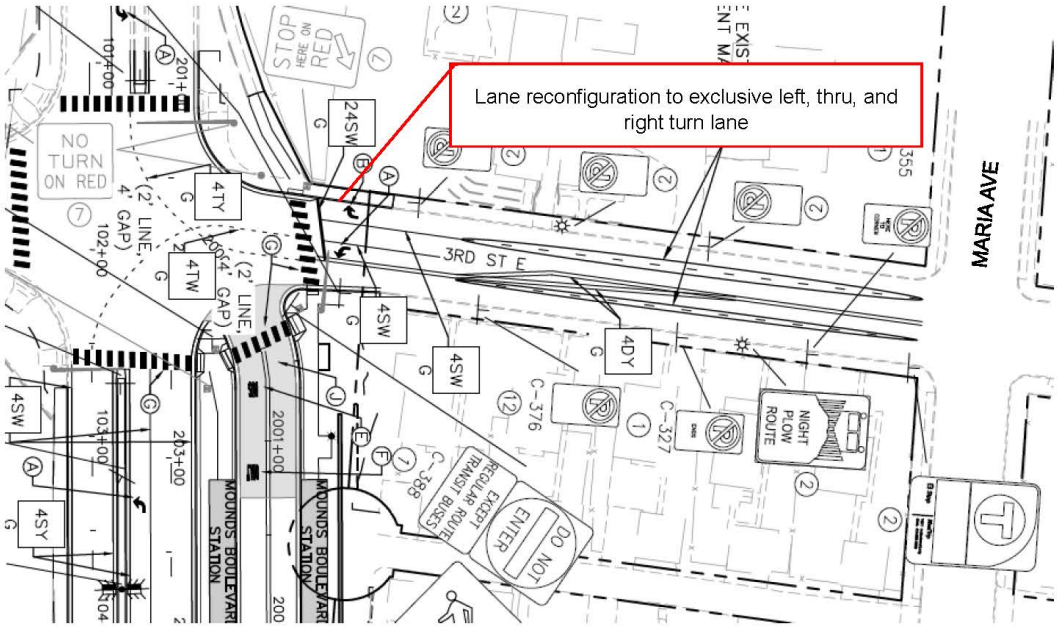


Table 2-2 summarizes resources potentially impacted by roadway geometry, signals and utility connection updates since the EA/FONSI. In the downtown area, the modifications are adjacent to several historic properties. FTA, the Council, the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) and the Minnesota State Historic Preservation Officer (SHPO) consulted with other consulting parties to prepare a Section 106 Programmatic Agreement (PA) for the Project. The PA establishes roles and responsibilities for implementation and includes processes for identifying and evaluating properties for the National Register of Historic Places (NRHP), assessing effects on historic properties, and resolving any adverse effects. The PA also spells out design development and review processes and requirements for protecting historic properties during Project construction. FTA, with assistance from MnDOT CRU, is assessing effects of the Project on historic properties that are listed or are eligible for inclusion in the NRHP. The effects of the modifications are being assessed under the terms of the Project's PA.

In locations where the Project alignment and stations are next to historic properties, the Section 106 consultation process will inform the design as it advances to avoid, minimize and mitigate visual impacts.

TABLE 2-2: LOCAL ROAD GEOMETRY, SIGNAL AND UTILITIES - SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 100 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Traffic	BRT operates in mixed traffic on 5th Street between west project terminus and Wabasha Street. Project would incorporate improvements to roadways and intersections to provide Level of Service (LOS) D or better traffic operations in the Project corridor, and to provide safe and efficient traffic and BRT operations. Future a.m. and p.m. LOS ranges from A to C, which is free flowing traffic.	5th Street between Washington Street and St. Peter Street: Travel lanes defined as two through travel lanes and BAT lane. No impact to traffic due to low traffic volumes.	Improved travel lane definition. Added BAT lane between Washington Street and St. Peter Street. No change to traffic operations.
		5th Street between Cedar Street and Robert Street: No impact to traffic due to low traffic volumes.	Improved travel lane definition. No change to traffic operations.
		6th Street/Washington Street intersection: Some traffic queues anticipated during short duration of RRFB activation, but no substantial impacts to traffic operations.	No change in impact to traffic operations.
		3rd Street intersection with Mounds Boulevard: Travel lane assignment reflects current and future turning movements and will not decrease future operations, which are LOS C.	Improved travel lane assignment. No change in impact to traffic operations.
Pedestrian and bicycle facilities	No bump out or crosswalk improvements identified on 5th Street between Washington Street and Market Street.	5th Street between Washington Street and St. Peter Street: Bump outs and crosswalk pavers at define pedestrian refuge.	Improved pedestrian crossing environment.
	No RRFBs identified.	6th Street RRFB: signals facilitate pedestrian crossing.	Improved pedestrian crossing environment.

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Parking and Driveways	Total of 27 spaces removed in downtown Saint Paul. (Note: The 90 Percent Re-evaluation reported an additional 8 spaces removed at various stations, for a total of 35 spaces removed in downtown Saint Paul.)	3rd Street intersection with Mounds Boulevard: Approximately 200 feet, an estimated ten parking spaces, of off-peak parking removed.	An additional ten parking spaces lost for a net loss of 45 on-street parking spaces in downtown St. Paul.
Cultural Resources	Downtown Saint Paul historic resources: assessment of effects on historic properties will be conducted per the terms of the Project's PA.	6th Street/Washington Street intersection: assessment of effects of RRFB is ongoing per the terms of the Project's PA.	Added signal will be coordinated following the Project's PA.

2.1.2 Design Change #2: Fiber Utility Installation under Kellogg Boulevard Bridge

The EA/FONSI identified potential utility impacts at the 15 percent concept design. Ongoing design maintained the fiber installation attached underneath the Kellogg Boulevard bridge. The bridge will be reconstructed independently by the City of Saint Paul and is anticipated to be complete prior to Project opening. The 100 percent design relocated the fiber north of the bridge, underground within an existing utility corridor, to avoid construction phase coordination efforts and potential service disruption during future bridge maintenance activities. The underground fiber installation will cross under I-94 and the BNSF railroad corridor. The fiber installation is outside the 15 percent LOD. Figure 2-10 shows the 100 percent utility location.

FIGURE 2-10: DOWNTOWN SAINT PAUL FIBER INSTALLATION – 15% DESIGN AND 100% DESIGN

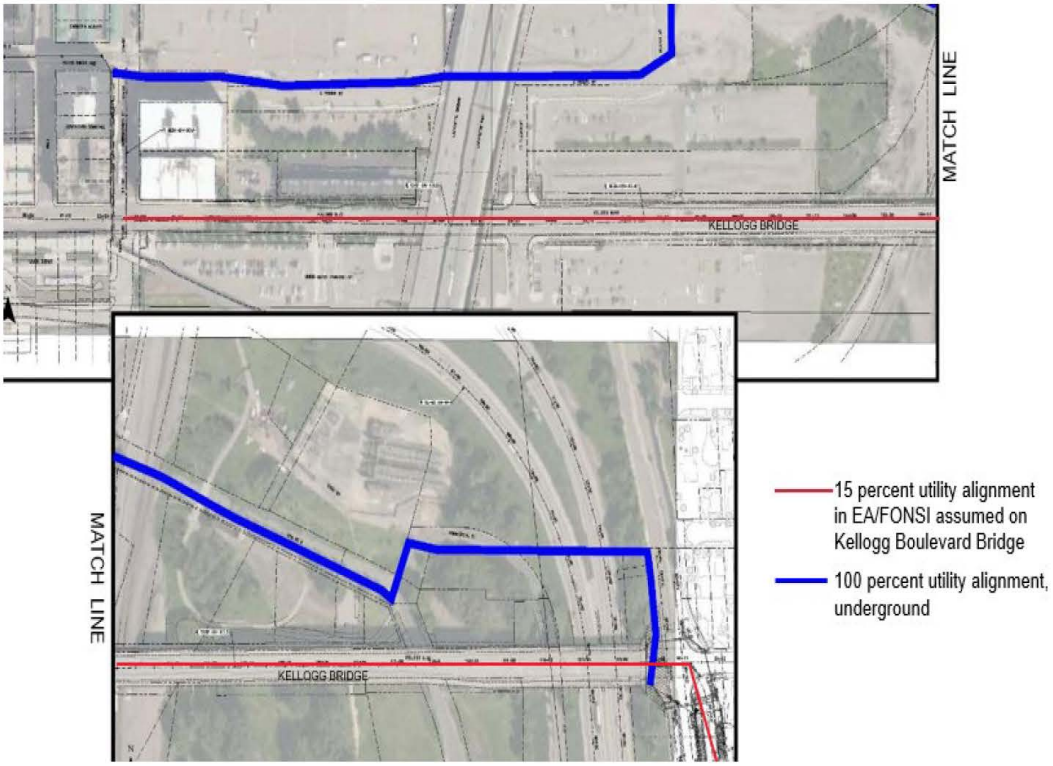


Table 2-3 summarizes long-term impacts to resources potentially affected by 100 percent design change for the fiber utility installation since evaluation in the EA/FONSI.

100 percent utility alignment, underground

TABLE 2-3: FIBER UTILITY INTALLATION UNDER KELLOGG BOULEVARD BRIDGE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 100 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Cultural Resources	Assessment of effects on historic properties will be conducted per the terms of the Project's PA.	Assessment of effects are ongoing per the terms of the Project's PA.	Refinements coordinated following the Project's PA.
Utilities	Long-term impacts along Kellogg Boulevard not identified. Short-term impacts: Construction activities such as excavation and grading, placing structural foundations and using large-scale equipment could affect utilities. Service disruptions throughout construction.	Fiber utility installation in new underground conduit will follow an existing utility corridor. The utility corridor will be proximate to existing utilities, but will not impact other utilities.	Utilities relocated to avoid potential service disruptions during construction and maintenance on Kellogg Boulevard bridge.
Transportation	General impacts with other MnDOT infrastructure described. No impact to BNSF infrastructure under Kellogg Boulevard bridge anticipated.	New fiber utility crossing under MnDOT and BNSF ROW. No impacts to operations, but additional City of Saint Paul and MnDOT permits anticipated. Locating the utility off the bridge will reduce bridge reconstruction schedule delays.	No operational impacts to I-94 or BNSF operations. MnDOT and City of Saint Paul approvals required prior to construction.

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Hazardous Materials and Contamination	Depending on location, sites of low, medium, or high-risk occur in the study area.	Additional Phase I investigations completed. Sites with high and medium risk identified. Phase II investigations will be completed for high and medium risk sites in or near the fiber utility installation.	Additional Phase II Envnironmental Site Assessment (ESA) will be completed for high and medium risk sites in or near the fiber utility installation. If contaminants are present, the Council will enroll into the Minnesota Pollution Control (MPCA) Brownfields Program to obtain technical assistance and to issue applicable regulatory assurance letters. Pending outcome of Phase II ESA, the Council will develop a Response Action Plan (RAP) for construction activities and include results of the Phase II ESA in Special Provisions and plans for construction activities to manage identified contamination.

2.1.2.1 MnDOT ROW Considerations

The fiber utility installation requires boring a utility connection under the MnDOT ROW. As noted in Table 2-3, the utility work is not expected to disrupt traffic operations or ongoing maintenance activities; however, the Council will coordinate with MnDOT to obtain approvals for work within the MnDOT ROW prior to construction.

2.1.3 Design Change #3: Maple Street Pedestrian Bridge

The Maple Street pedestrian bridge alignment was altered during the 30 percent re-evaluation (see Figure 2-11) and the bridge type changed to a truss bridge at the 90 percent re-evaluation (see Figure 2-12).The southern bridge touchdown point in the 100 percent design requires narrowing Pacific Street and prohibiting parking on the south side of the street in the vicinity of the touchdown point. The 100 percent design changes are within the 90 percent LOD re-evaluated previously. Figure 2-13 shows the 100 percent design.

FIGURE 2-11: 30% MAPLE STREET PEDESTRIAN BRIDGE

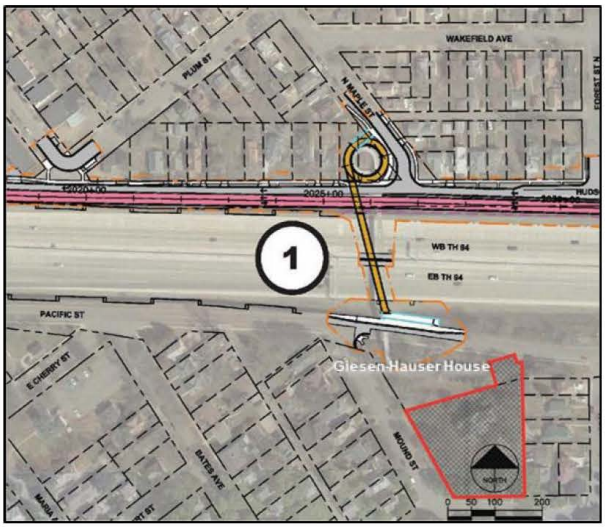
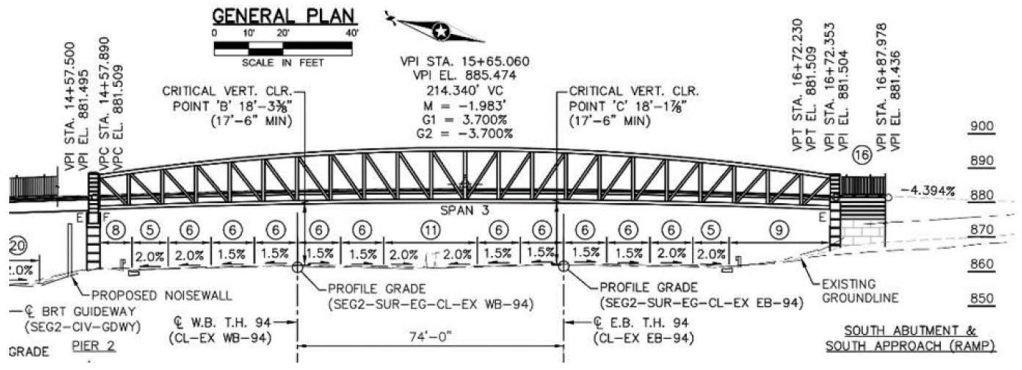


FIGURE 2-12: 90% MAPLE STREET PEDESTRIAN BRIDGE*



*100 percent plan view is unchanged from 30 percent and 90 percent re-evaluation

FIGURE 2-13: MAPLE STREET PEDESTRIAN BRIDGE PLAN VIEW – 100% DESIGN

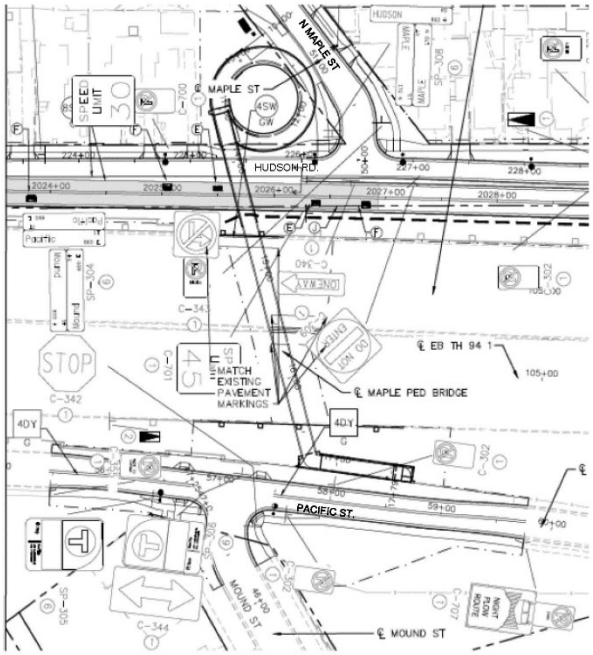


Table 2-4 summarizes changes in impacts to resources affected since the 30 percent and 90 percent re-evaluations.

TABLE 2-4: MAPLE STREET PEDESTRIAN BRIDGE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 100 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	30 Percent Re-evaluation Impacts	90 Percent Re-evaluation Impacts	New Impacts	Change in Impacts since 90 Percent Re-evaluation
Parking and Driveways	27 parking spaces removed on north side of Pacific Street.	No change.	Narrowing Pacific Street eliminates approximately 16 parking spaces. Street parking is available nearby on Mound Street.	16 additional parking spaces removed for a total of 43 parking spaces removed on Pacific Street.

2.1.4 Design Change #4: Parking Modifications on Hazel Street

The EA/FONSI did not identify parking impacts on Hazel Street. The 100 percent design currently identifies the need for grading to match existing driveway profiles on the east side of Hazel Street between Old Hudson Road and Wilson Avenue. The additional grading bumps out curbs and driveways for a distance of approximately 125 feet, which removes on-street parking. The modifications are within the 15 percent LOD. Figure 2-14 shows 100 percent design. Table 2-5 summarizes changes in impacts to resources affected by the design change since evaluation the EA/FONSI.

FIGURE 2-14: PARKING MODIFICATIONS ON HAZEL STREET – 100% DESIGN

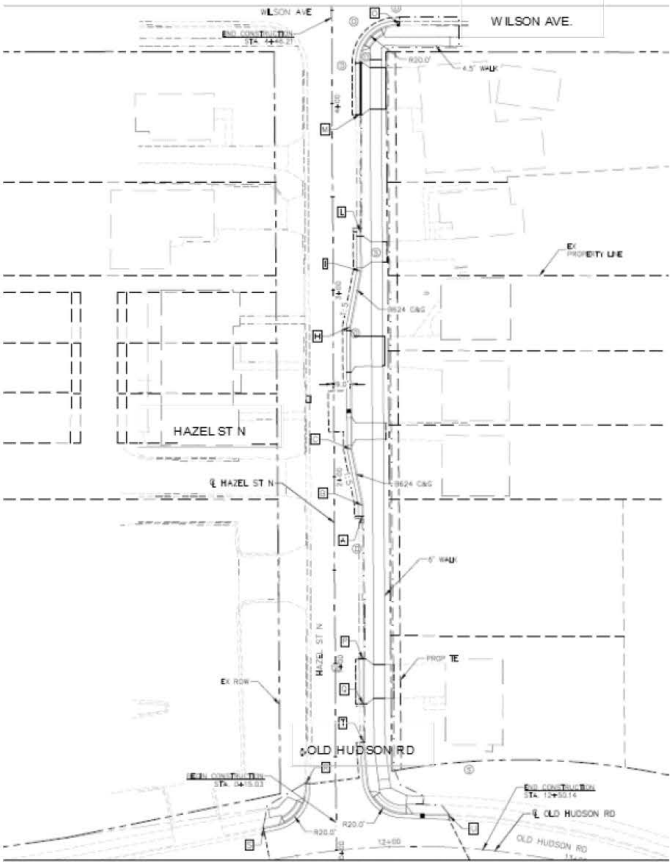


TABLE 2-5: PARKING MODIFICATIONS ON HAZEL STREET – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 100 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Parking and Driveways	No parking or driveway impacts identified on Hazel Street.	The 125-foot bump out at Hazel street removes approximately three on-street parking spaces.	Three parking spaces removed.

2.1.5 Design Change #5: Noise Barrier F Shift

The EA/FONSI identified existing noise barriers to be relocated and replaced, including Noise Barrier F at the Etna Street station (see Figure 2-15). The 100 percent design change improves the sightlines for the BRT guideway by shifting the west end of Noise Barrier F about 37 feet south of the location shown in the EA/FONSI. The 100 percent design change is maintained within the 15 percent LOD. Figure 2-16 shows the 100 percent design. Table 2-6 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

FIGURE 2-15: 15% - NOISE BARRIER F

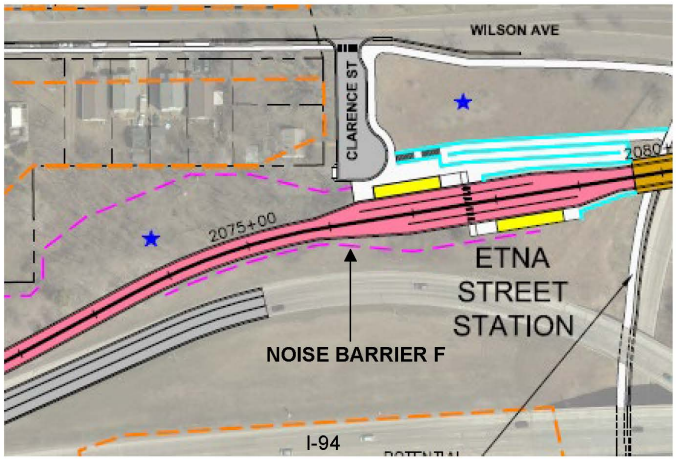


FIGURE 2-16: NOISE BARRIER F – 100% DESIGN

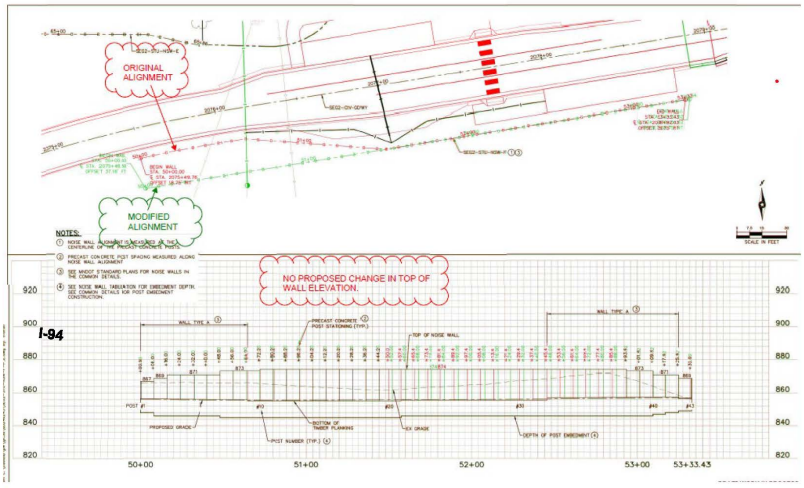


TABLE 2-6: NOISE BARRIER F SHIFT – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 100 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Noise and Vibration	The noise analysis shows the relocated noise barriers are designed to the same effectiveness as in the existing case. The future modeled sound levels were compared to the existing modeled sound levels. Noise level increases within 0.5 dB are considered to be within tolerance of providing the same effectiveness.	The updated noise model identified increased noise levels by 0.1 dB, which is below the threshold of no more than 0.5 dB increase from existing conditions.	No change.

2.1.5.1 MnDOT ROW Considerations

The design change shifts the noise barrier location within MnDOT ROW. As noted in Table 2-6, the change in the noise barrier location will not substantially change the noise reduction benefit compared to existing conditions.

2.1.6 Design Change #6: Electric Bus Fleet

The EA/FONSI noted the Project would procure 12 articulated bus vehicles that would be either diesel, hybrid or electric fueled. The EA evaluated diesel buses for the Project and acknowledged Metro Transit could decide later if the Project will use electric buses. At the 100 percent design, the Council determined the Project would add 5 electric buses to the 12 diesel-fueled buses, for a total fleet of 17 buses.

The EA/FONSI noted if Metro Transit added electric buses, then charging stations would be considered at the Smith Avenue Transit Center and the Woodbury 494 Park-and-Ride Station, as well as the existing East Metro Transit Facility. The 100 percent design determined charging stations are not required at the Smith Avenue Transit Center or the Woodbury 494 Park-and-Ride Station. The charging stations will be provided within the existing East Metro Transit Facility. Table 2-7 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

TABLE 2-7: ELECTRIC BUS PURCHASE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Noise and Vibration	The noise analysis shows the relocated noise barriers are designed to the same effectiveness as in the existing case. The future modeled sound levels were compared to the existing modeled sound levels. Noise level increases within 0.5 dB are considered to be within tolerance of providing the same effectiveness.	Electric buses would produce lower noise levels compared to diesel buses.	No change.
Air Quality	CO Hot Spot analysis determined the Project would not produce long-term impacts to air quality. The Project would not cause CO concentrations to exceed state or federal standards, nor would it cause exceedances of other criteria pollutants. The Council does not anticipate that the Project would produce impacts to Mobile Source Air Toxics emissions.	Electric buses would produce lower air pollutant emissions compared to diesel buses.	No change.

3 AGENCY AND PUBLIC COORDINATION

As part of ongoing design advancement beyond the 15 percent concept plans presented the EA/FONSI and the design plans evaluated in the 90 percent re-evaluation, the Council continued coordination based on the Project Communications and Public Involvement Plan (CPIP). The Council also continued coordination on project development and environmental issues requiring specific agency input and approvals. This section summarizes engagement and coordination activities supporting the Project design advancement.

3.1 Project Teams and Committees

Information regarding 100 percent design and anticipated long-term impacts are discussed at the Project's established teams and committees, including the DART and Technical Advisory Committee (TAC). Recommendations from the DART and TAC are presented to the Community and Business Advisory Committee (CBAC) and Corridor Management Committee (CMC) for further input as needed. The Saint Paul DARTs meet with the project team to address final design refinements within the city of St. Paul.

3.2 Federal Highway Administration

FTA and the Council coordinate with the FHWA and MnDOT to communicate design issues and resolution where the Project will cross or use ROW of federally funded state and federal highways, including I-94 and I-694. Coordination ensures the design meets federal design standards, where applicable. The FHWA issued its own FONSI (March 2020) and a re-evaluation of the 90 percent design (May 2021) for federal decisions related to use of I-94 ROW. FHWA would re-evaluate its FONSI if significant changes occur in final design or construction is delayed.

3.3 United States Fish and Wildlife Service

The USFWS concurred the Project may affect, but is not likely to adversely affect, the RPBB based on the 90 percent LOD and proposed conservation measures. The conservation measures include seasonal restrictions of earth disturbance and vegetation clearing and reseeding temporarily disturbed areas in the HPZ with native seed mix containing preferred plant species nectar sources. The Council provided the USFWS with mapping of vegetation restriction areas and the USFWS responded with no additional concerns about proposed tree clearing between August 1 through September 31 (See Appendix A). Further consultation with the USFWS confirmed no additional impacts to the RPBB are anticipated as a result of the 100 percent design construction limits and proposed conservation measures (See Appendix A).

The Council received a verification letter from USFWS under the January 5, 2016 Programmatic Biological Opinion (PBO) on Final 4(d) Rule for the northern long-eared bat (NLEB) and activities excepted from take prohibitions. The USFWS found the Project is consistent with activities analyzed in the PBO. The Project may affect the NLEB; however, any take that may occur as a result of the Project is not prohibited under the Endangered Species Act (ESA) Section 4(f) rule adopted for the species at 50 CFR § 17.40(o). The Council will also include NLEB avoidance, minimization, and mitigation measures (AMMs) in contractor specifications (See AMMs listed in Appendix A). In August 2021, the Council completed a wooded habitat evaluation and pre-construction bridge inspection for the presence of bats. The assessment evaluated individual trees and woodlots for the presence of trees that could provide suitable habitat for the NLEB. Bridges were inspected for the use of structure by bats. No evidence of bats utilizing bridges were noted. The assessment identified areas for seasonal restrictions of tree clearing between June 1 and July 31 for this project. FTA is continuing consultation with USFWS to confirm area of seasonal construction restrictions to avoid impacts to the NLEB.

The USFWS recently determined the Monarch Butterfly is a candidate species for listing as endangered or threatened under the ESA. The USFWS will continue reviewing its status each year until a listing decision is made. The Project may affect suitable Monarch Butterfly habitat, but disturbances are anticipated to be temporary in nature and/or insignificant given available foraging and breeding habitat in the surrounding landscape. Furthermore, the Council will reseed temporarily disturbed land within the RPBB HPZ with native seed mix, which includes milkweed species, that will also benefit the Monarch Butterfly.

The USFWS Section 7 concurrence is still valid with the 100 percent design changes.

3.4 Section 106 Consultation

The Council held a meeting with FTA and consulting parties in September 2018 to review 15 percent plans to include input for 30 percent design. In January, February and March 2019, the Council coordinated with FTA, the SHPO and the City of Maplewood to review bridge and trail design plans on the 3M Center campus. The Council held three consulting party meetings in April, May and June 2020 to review draft shelter design in Maplewood and St. Paul.

Since the completion of the 30 percent design re-evaluation, FTA and MnDOT CRU submitted the 30 percent Assessment of Effects for SHPO review and comment. The FTA, MnDOT CRU and the Council held a 30 percent Assessment of Effects consultation meeting on January 4, 2021 and supplied additional information to SHPO and Consulting Parties on February 16, 2021. On March 8, 2021, SHPO concurred the Project will have no adverse effect on 20 historic properties. SHPO further indicated the Project would have no adverse effect on another twelve historic properties, provided conditions specified for the property are met in accordance with Stipulation IX of the PA.

In May 2021, the SHPO concurred with the revised Area of Potential Effect (APE) based on 60 percent design plans for the Project and the evaluation of properties within areas of the expanded APE. In areas where the APE was reduced, SHPO concurred that 19 properties for which previous No Adverse Effect findings were made are no longer within the revised APE (See Appendix B).

On July 19, 2021 the FTA, MnDOT CRU and the Council held the 60 percent Assessment of Effects consultation meeting. The SHPO concurred with the Re-Assessment of Adverse Effect and Finding of Effect for the Project on August 5, 2021. The Project will have no adverse effect on three properties. The Project will have no adverse effect on nine historic properties provided that the conditions specified for each property are met in accordance with Stipulation IX of the PA. (See Appendix B).

On October 6, 2021, FTA, MnDOT CRU and the Council held a consultation meeting on the 90 percent Assessment of Effects and related APE expansion. The expanded APE included two additional properties recently determined eligible for listing in the National Register of Historic Places. On October 13, 2021, the SHPO concurred with the expanded APE and that historic properties identified within the expanded APE will not be affected by the undertaking. There were no design changes to the undertaking between the 60 percent and 90 percent and conditions imposed at the 60 percent assessment of effects have been met. (See Appendix B).

3.5 Additional Public Engagement

The Council continued engagement with local communities, interest groups, property owners and the public at large as the Project design continues to advance. Public engagement after 60% design focused on individual property owners in conjunction with the ROW acquisition process. Virtual meetings and presentations were held for community and business groups and organizations. Some in-person community events and in-person presentations were held in the summer and fall of 2021 to share post-60% design refinements. Future engagement for 2021 and early 2022 will continue to focus on property owner engagement throughout the

remainder of the ROW acquisition process, preparing for construction communications and outreach, as well as contractor engagement.

A complete summary of ongoing public engagement activities is provided at the Project website [1].

[1] https://www.metrotransit.org/gold-line-public-engagement

4 INDIRECT AND CUMULATIVE EFFECTS

4.1 Indirect Effects

The 100 percent design changes do not substantially change the anticipated indirect effects of the Project. Most 100 percent design changes consist primarily of refinements.

4.2 Cumulative Impacts

The purchase of electric buses will have a cumulative benefit of reduced air pollutant emissions. Similar to the indirect effects discussion, because most 100 percent design changes are refinements presented in the EA/FONSI, they do not substantially change the anticipated cumulative impacts of the Project on other resources. Mitigation measures presented in the EA/FONSI will similarly offset potential cumulative effects related to the Project.

5 CONCLUSION

There have been no significant changes to the proposed action, the affected environment, or the anticipated impacts since the FONSI was issued in January 2020. Changes in impacts and/or mitigation described in this re-evaluation have been found to be minor. The FONSI issued in January 2020 remains valid.

Nick Thompson
Nick Thompson (Dec 15, 2021 12:05 CST)

Dec 15, 2021

Nick Thompson
Deputy General Manager, Capital Program
Metropolitan Council

Date of Approval

KELLEY BROOKINS

Digitally signed by KELLEY BROOKINS
Date: 2022.01.05 19:15:17 -06'00'

January 5, 2022

Kelley Brookins
Regional Administrator
Federal Transit Administration, Region V

Date of Approval

METRO
Gold Line

BUS RAPID TRANSIT PROJECT ENVIRONMENTAL ASSESSMENT (EA)/
FINDING OF NO SIGIFICANT IMPACT (FONSI)

Environmental Re-evaluation

Appendix A. USFWS Correspondence

October 2021

From: Marsh, Dawn S <dawn_marsh@fws.gov>
Sent: Thursday, October 21, 2021 9:01 AM
To: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>
Cc: Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>; Greep, Anthony (FTA) <anthony.greep@dot.gov>
Subject: Re: [EXTERNAL] Gold Line BRT Project - NLEB Habitat Assessment

Chelsa,

Thank you for clarifying the methodology for selecting trees to assess in the project area. I agree that most trees (119.4 acres) within the limits of disturbance are unsuitable summer roost trees for northern long-eared bats (*Myotis septentrionalis*) because of their proximity to the existing roadway and the lack of contiguous forested habitat. The seven forested areas identified (29.8 acres) for seasonal tree clearing restrictions may contain suitable northern long-eared bat summer roosting habitat.

Impacts to the northern long-eared bat have already been evaluated and covered by the final 4(d) rule. Any potential impacts are further reduced by avoiding tree removal in the identified forested areas (29.8 acres) from June 1 to July 31 to avoid the bat pupping season. If any information regarding tree removal (acreages and timing of removal) has changed, I suggest re-evaluating the project using the northern long-eared bat 4(d) rule determination key in IPaC for the most up-to-date verification letter from the Service.

I'm happy to answer any questions.

Thank you,

Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425
Tel: (952) 252-0092 x 202*
*Teleworking - please email to schedule a call

From: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>
Sent: Thursday, September 30, 2021 3:52 PM
To: Marsh, Dawn S <dawn_marsh@fws.gov>
Cc: Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>; Greep, Anthony (FTA) <anthony.greep@dot.gov>
Subject: [EXTERNAL] Gold Line BRT Project - NLEB Habitat Assessment

Hi Dawn,

Thanks in advance for your continued involvement with the Gold Line BRT Project. As previously discussed our next step was to conduct a habitat assessment, which was completed based on our 100% design plans, for the NLEB to determine specific locations where tree removal would be in place during project construction. We collected data on locations that were not deemed suitable habitat and the GIS data associated with the survey is available. Please let me know if you would like me to submit that data as well. Bridges were also evaluated so the bridge assessment forms are included as an attachment. If you could please review the assessment and habitat mapping conducted for the project by October 21st that would be appreciated. FTA is seeking concurrence from USFWS on these seasonal tree clearing restrictions within the project corridor. Once this review and concurrence with USFWS is finalized, the tree removal restriction maps in the assessment will be included in our Division 1 Specifications for the construction contractor.

I also have an update regarding our final design plans. Due to the large attached document, I'll need to send the information in another email so check for a second one from me!

Thanks and please let me know if you have any questions or if a call would be helpful.

Chelsa Johnson, AICP
Pronouns: she/her/hers
Environmental Lead
Metro Transit, a service of the Metropolitan Council

From: Johnson, Chelsa
To: Haider, Josh; Caron Kloser; Catherine Judd; Christine Meador
Cc: Leitner, Lyssa
Subject: FW: [EXTERNAL] Gold Line BRT Project - RPBB Consultation for Construction Activities
Date: Tuesday, May 11, 2021 9:26:28 AM

From: Marsh, Dawn S <dawn_marsh@fws.gov>
Sent: Tuesday, May 11, 2021 9:07 AM
To: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>
Cc: Greep, Anthony (FTA) <anthony.greep@dot.gov>; Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>
Subject: Re: [EXTERNAL] Gold Line BRT Project - RPBB Consultation for Construction Activities

Hi Chelsa,

Thank you for the opportunity to review the proposed tree removal restrictions for the rusty patched bumble bee. Based on the information provided, we have no additional concerns about the proposed tree clearing (August 1 – September 31) in the area identified on the map.

I've included additional information about suitable northern long-eared bat summer roosting habitat below. Please let me know if you have any questions or would like to schedule a time to discuss.

The northern long-eared bat hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During

the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

Thank you,
Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425
Tel: (952) 252-0092 x 202*
*Teleworking - please email to schedule a call

From: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>
Sent: Wednesday, April 28, 2021 1:59 PM
To: Marsh, Dawn S <dawn_marsh@fws.gov>
Cc: Greep, Anthony (FTA) <anthony.greep@dot.gov>; Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>
Subject: [EXTERNAL] Gold Line BRT Project - RPBB Consultation for Construction Activities

Hi Dawn,

Thanks again for your recent review and validation of the USFWS concurrence letter for the Rusty Patched Bumble Bee (RPBB). With this confirmation, GPO finalized the Reevaluation for 90% Plans which was approved by FTA earlier this month. For your reference, Gold Line BRT Project reevaluation documentation is available for download on the project website: https://www.metrotransit.org/gold-line-environmental. I would like to discuss consultation for Gold Line's construction schedule as it relates to our mitigation measures for RPBB and the Northern Long-Eared Bat (NLEB). I'll provide an overview of the next steps we'd like to take with USFWS; however, if a meeting is preferred please let me know your availability so I can arrange a call.

Next Steps Overview:

As previously discussed, I mentioned that GPO would like to map the boundaries of vegetation removal restrictions so we can consult on the timeframe and spatial extent with USFWS as well as use the maps in our construction specs. In addition to reviewing the seasonal restrictions and maps, we also need to consult on the overall construction schedule based on 90% Plans. Our construction schedule is still under development so I thought it would make sense to start consultation by reviewing the vegetation restrictions timeframe and map to incorporate feedback into our schedule. Right now our current schedule to provide an updated construction schedule for consultation is early June. Ideally we'd incorporate feedback by mid-May if your schedule permits. If this approach makes sense, let's start by reviewing the attached map which outlines vegetation removal restrictions for RPBB. I've provided some background on the rationale for the timeframe and extent shown below.

RPBB Vegetation Removal Restrictions Map:

I worked with our biologist and Washington County pollinator expert Dan MacSwain to develop a map detailing the vegetation restriction areas for Gold Line. These restrictions are mapped based on the USFWS recommended survey areas for RPBB and Dan's field visit observations from 2020. We also included applicable NLEB tree removal restrictions since both RPBB and NLEB utilize woodland habitat in the Oakdale area. Based on the habitat data, field observations, and presence of similar landscape conditions for RPBB, we recommend earth disturbance and tree clearing restrictions (see hatched area on the map) occur from October 1 through July 31.

Or stated differently, we propose the timeframe between August 1 – September 31 for earth moving activity and tree removal for construction at the area near the Helmo Station in Oakdale where you noted concern for the woodland habitat removal and RPBB. We feel this timeframe is the best opportunity to complete construction activities to avoid potential impacts to the bee because we will avoid disturbance during two key times: 1) during the early active season when floral resources may not be widely abundant and 2) during the time the queen may seek and/or occupy overwintering habitat. Once this vegetation has been cleared, GPO assumes construction may proceed without additional restrictions. Once we can provide an updated schedule with these assumptions incorporated in June, we can discuss other considerations that may be a factor for Gold

Line, such as mowing.

NLEB Tree Removal Restrictions:

When preparing the map for RPBB we considered the overlap of NLEB restrictions and discussed the need to consult with USFWS regarding tree clearing restrictions for NLEB. GPO assumes that all NLEB tree clearing restrictions will occur from June 1 – July 31 throughout the corridor. Gold Line has not completed a tree inventory so mapping this detail becomes difficult to complete for use in consultation and construction specifications. As our Deputy Project Manager put it, "what is a tree?", so I thought we should confirm if there are additional parameters for NLEB tree removal restrictions to consider. Is there a NLEB tree species list that we can use to identify trees that cannot be removed during this timeframe? Are there other age considerations to this restrictions or is applicable to all trees regardless of age/species? We will include a specification for the construction contractor that trees will need to be identified, flagged, and removal restricted during this time so I'd like to be specific as possible. I don't think we have the time to entirely avoid a 2 month window where no vegetation can be removed. To maintain our schedule, we may have to partially clear vegetation (grasses and shrubs) during the NLEB tree restriction timeframe. We'll want to ensure that a qualified biologist or arborist identifies trees for avoidance since it's unlikely we can remove these trees in advance. GPO is also trying to be mindful of public perception associated with vegetation clearing in advance of construction so an early package to remove vegetation to avoid the restriction won't be favored by our project partners. Any thoughts or suggestions based on other linear projects with the same mitigation measure would be appreciated.

If you can review and confirm our assumptions by May 14th that would be greatly appreciated. Thanks in advance for your review and guidance. If a meeting would be helpful please let me know and I'll send out an invite!

Chelsa Johnson, AICP
Pronouns: she/her/hers
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Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101
P. 651-602-1997 | C. 602-370-3622

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NLEB Avoidance And Minimization Measures (AMMs)

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/ rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or documented foraging habitat any time of year.

From: Johnson, Chelsa
To: Caron Kloser; Catherine Judd
Subject: FW: [EXTERNAL] Gold Line BRT Project - 100% Design Update
Date: Tuesday, October 12, 2021 2:34:59 PM

FYI – please add this correspondence to our 100% reevaluation.

Chelsa Johnson, AICP
Pronouns: she/her/hers
Environmental Lead
Metro Transit, a service of the Metropolitan Council
P. 651-602-1997 | C. 602-370-3622

From: Marsh, Dawn S <dawn_marsh@fws.gov>
Sent: Tuesday, October 12, 2021 2:30 PM
To: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>; Greep, Anthony (FTA) <anthony.greep@dot.gov>; Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>
Subject: Re: [EXTERNAL] Gold Line BRT Project - 100% Design Update

Good afternoon,

The U.S. Fish and Wildlife Service has reviewed the information provided in your September 30, 2021, email regarding the updated Metro Gold Line project in Ramsey and Washington counties, Minnesota.

No additional impacts to the rusty patched bumble bee (*Bombus affinis*) are anticipated as a result of the 100 percent design construction limits and proposed conservation measures.

Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request. If you have any questions regarding our response or if you need additional information, please contact me at 952-252-0092 (extension 202) or via email at dawn_marsh@fws.gov.

Thank you,

Dawn

Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist
U.S. Fish & Wildlife Service | Minnesota Wisconsin Field Office
4101 American Blvd. E., Bloomington, MN 55425

Tel: (952) 252 0092 x 202*
*Teleworking - please email to schedule a call

From: Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>
Sent: Thursday, September 30, 2021 3:53 PM
To: Marsh, Dawn S <dawn_marsh@fws.gov>
Cc: Greep, Anthony (FTA) <anthony.greep@dot.gov>; Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>
Subject: [EXTERNAL] Gold Line BRT Project - 100% Design Update

Hi,

I also have an update regarding our 100% design plan milestone. Due to a few more project changes since 90% design was completed earlier this year, we are working with FTA to complete a Reevaluation for 100% design. Similar to our last review and validation of the USFWS concurrence letter for the reevaluation, we seek validation for RPBB concurrence based on the 100% design plans to include in our final NEPA reevaluation. I've attached the 100% design GIS files for your reference. *The Rusty Patched Bumble Bee (Bombus affinis) High Potential Zones and Habitats Within the Limits of Disturbance of the Gold Line Project Update for 90% Design Construction Limits* (March 2021) and the final 100% Limits of Disturbance as presented in the draft *Environmental Reevaluation* (September 2021) were reviewed to determine if design changes would impact the USFWS on a determination of "may affect, not likely to adversely affect" with conservation measures determination for the rusty patched bumble bee (RPBB). Within the area of potential habitat for RPBB there have been no substantive changes from the 90% Design to 100% design which would alter the original finding. Design changes occur in the urban areas east of the RPBB high potential area and are not changes which would result in increased levels of disturbance for RPBB. The Metropolitan Council recommends that FTA request concurrence from the USFWS that the original determination of "may affect, not likely to adversely affect" determination for the RPBB. If you could provide a response to this request by October 21st that would also be greatly appreciated.

Thanks and please let me know if a follow up call or meeting would be preferred.

Chelsa Johnson, AICP
Pronouns: she/her/hers
Environmental Lead
Metro Transit, a service of the Metropolitan Council
Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101
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METRO
Gold Line

BUS RAPID TRANSIT PROJECT ENVIRONMENTAL ASSESSMENT (EA)/
FINDING OF NO SIGIFICANT IMPACT (FONSI)

Environmental Re-evaluation

Appendix B. Section 106 Correspondence

October 2021

DEPARTMENT OF ADMINISTRATION
STATE HISTORIC PRESERVATION OFFICE

May 11, 2021 **VIA E-MAIL**

Jay Ciavarella
Federal Transit Administration, Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253

RE: METRO Gold Line Bus Rapid Transit (BRT) Project (Project)
Saint Paul to Woodbury
Ramsey and Washington Counties
SHPO Number: 2014-0398 PA

Dear Mr. Ciavarella,

Thank you for continuing consultation regarding the above-referenced Project. Information received in our office via e-mail on March 10, 2021 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and the 2020 Programmatic Agreement (PA) executed for this federal undertaking.

We have completed a review of your letter dated March 10, 2021, a submission which included documentation (Attachments A-H) in support of the following agency determinations and findings:

- Pursuant to Stipulations IV(B)(i) and VI(C)(i) of the PA, revised definitions of and documentation for the Area of Potential Effect (APE) for both architecture/history and archaeology based upon 60% Project design;
- Pursuant to Stipulation IV(C) of the PA, the results of efforts to identify historic properties, both archaeological and architectural/historic, in previously un-surveyed, newly added APE areas;
- Pursuant to Stipulation V of the PA, the results of additional efforts to identify architectural/historic properties constructed between 1973-1974 within the revised APE in order to account for expected 2024 commencement of Project operations;
- Pursuant to Stipulation V(B) of the PA, a full evaluation and final determination regarding the Eastern Heights State Bank (RA-SPC-11099) property; and
- Pursuant to Stipulation VII(A) of the PA, updated effect findings based upon the revised APE.

Our comments are provided below.

Revised Area of Potential Effect (APE)
We understand by your March 10th letter that as a result of extensive, comparative assessment of both the previously defined APEs, especially for architecture/history, and the current 60% design plans for the Project, a fairly significant reduction in the APE has been made. We agree that the narrative rationale provided in your March 10th letter, along with the table provided in Attachment A of the submission, is appropriate justification for the APE reductions. The extensive map documentation provided, especially the maps included in Appendix D, is appreciated.

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We also understand by your letter that the APE has been expanded in some areas in order to account for Project scope additions, primarily a new Park and Ride joint facility in Woodbury and installation of underground fiber optic line in several locations along the Project's route. We agree that the expanded APE areas are appropriate based upon the narrative description provided in your March 10th letter and as documented on map sets, primarily those included in Appendix D.

Historic Property Identification

Follow-Up Evaluation

Based upon information provided in the Phase II survey and evaluation for the property, the Minnesota Individual Property Inventory Form for the **Eastern Heights State Bank (RA-SPC-11099)**, we concur with your agency's determination that the property is **not eligible** for listing in the National Register of Historic Places (NRHP).

Additional Historic Property Evaluation Efforts

In areas where the APE has been expanded to take into account Project scope additions, we agree that the efforts to identify historic properties as described in your March 10th letter, including the additional documentation included in Appendix E as it pertains to archaeology, are reasonable and we agree that no further survey is warranted based upon the scope and nature of the proposed, additional fiber optic work associated with the Project.

We understand that there was only one architectural/historic property identified within the revised APE and expanded time period of 1973-1974. We have completed a review of the Phase I reconnaissance survey for this property, the **Kentucky Fried Chicken Restaurant (RA-SPC-11199)** property located at 1985 Old Hudson Road, as documented Minnesota Individual Property Inventory Form, and agree with the agency determination that no further survey and evaluation for the property is warranted at this time.

If your agency has not done so already, please send final, unbound inventory forms for Easter Heights State Bank (RA-SPC-11099) and Kentucky Fried Chicken Restaurant (RA-SPC-11199) to our office.

Assessment of Adverse Effect and Finding of Effect

We understand by your March 10th letter that the following nineteen (19) historic properties, for which previous No Adverse Effect findings were made, are now no longer within the revised APE for the Project:

1. **Frederick Reinecker House #1 (RA-SPC-2491/5204)**
2. **Frederick Reinecker House #2 (RA-SPC-2490/5207)**
3. **Peter Bott House and Garage (RA-SPC-2040)**
4. **Tandy Row (RA-SPC-2619/5232)**
5. **Finch, Van Slyck and McConville Dry Goods Company Building (RA-SPC-5462)**
6. **U.S. Post Office and Custom House (RA-SPC-4518)**
7. **Merchants National Bank Building (RA-SPC-1979)**
8. **First Farmers and Merchants Bank (RA-SPC-3168) and First National Bank of Saint Paul (RA-SPC-4645)**
9. **Saint Paul Athletic Club (RA-SPC-0050)**
10. **Osborn Building (RA-SPC-5446/8096)**
11. **Minnesota Mutual Life Insurance Company Building (RA-SPC-8907)**
12. **Northern States Power Company Building (RA-SPC-5445)**
13. **Germania Bank (RA-SPC-5444)**
14. **Saint Paul Public Library/James J. Hill Reference Library (RA-SPC-5245)**
15. **New Palace Theater/Saint Francis Hotel (RA-SPC-5360)**

16. **Saint Paul Auditorium Addition (RA-SPC-11103)**
17. **Saint Paul Hotel (RA-SPC-3493)**
18. **Saint Paul Union Depot (RA-SPC-5225/6907)**
19. **Bell-Weber House (RA-SPC-2481/5204)**

We appreciate the additional narrative explanation and clarification as provided in your March 10th letter regarding reduction in potential impacts caused by the Project in the vicinity of the Saint Paul Hotel, the Saint Paul Union Depot, and the Bell-Weber House.

We look forward to continuing consultation with your office and others on this important project. If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager

cc via email:
Bill Wheeler, FTA
Elizabeth Breiseth, FTA
Katherine Haun Schuring and Barbara Howard, MnDOT Cultural Resources Unit

DEPARTMENT OF ADMINISTRATION
STATE HISTORIC PRESERVATION OFFICE

August 6, 2021 **VIA E-MAIL**

Mr. Jay Ciavarella
Federal Transit Administration, Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253

RE: METRO Gold Line Bus Rapid Transit (BRT) Project (Project)
Saint Paul to Woodbury
Ramsey and Washington Counties
SHPO Number: 2014-0398 PA

Dear Mr. Ciavarella,

Thank you for continuing consultation regarding the above-referenced Project. Information received in our office via e-mail on June 2, 2021 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and the 2020 Programmatic Agreement (PA) executed for the federal undertaking.

We last wrote to your agency on May 11, 2021 following our review of the revised Area of Potential Effect (APE)

Per Stipulation III of the PA, our office has completed a review of your letter dated June 2, 2021, a submission which included the report titled *METRO Gold Line Bus Rapid Transit Project: Section 106 Assessment of Effects – 60% Addendum* (June 2021) in support of your agency's revised finding of effect for the federal undertaking based upon the Project's 60% Plans.

We appreciated the opportunity to discuss the recent submission with your agency and others during the July 19th Section 106 consultation meeting.

Re-Assessment of Adverse Effect and Finding of Effect
We understand by your June 2nd letter that, in response to the Minnesota Department of Transportation's Cultural Resources Unit (MnDOT CRU) review and comparison of the Project's 60% Plans to the 30% Plans pursuant to Stipulation VI.C of the PA, your agency has revised its Section 106 finding of effect for the undertaking pursuant to Stipulation VII.A of the PA.

Based upon information provided in your June 2nd letter, as documented in the effects assessment report, we concur with the agency finding that the federal undertaking, as it is currently proposed at the 60% Plan phase, the previous finding of **no adverse effect** for the following properties remains valid for **Grace Lutheran Church** (RA-SPC-8465) and the **Giesen_Hauser House/Peter & Mary Giesen House** (RA-SPC-4693).

Based upon information provided in your June 2nd letter and as supported by design documentation provided in the effects assessment report, we concur with the agency finding that the federal undertaking, as it is currently proposed at the 60% Plan phase, will have **no adverse effect** on the **Johnson Parkway** (RA-SPC-8497). We

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understand that subsequent design review conditions have been removed for this historic property and agree that this is appropriate.

Based upon information provided in your June 2nd letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed at the 60% Plan phase, will have **no adverse effect** on the following nine (9) historic properties provided that the conditions specified for each property are met in accordance with Stipulation IX of the PA:

1. **3M Center (RA-MWC-0010)**
2. **Texaco Company Service Station (RA-SPC-2284)**
3. **Lowertown Historic District (RA-SPC-4580)**
4. **Saint Paul Urban Renewal Historic District (RA-SPC-8364)**
5. **Pioneer and Endicott Buildings (RA-SPC-5223)** including **Endicott Arcade Addition (RA-SPC-6903)**
6. **Manhattan Building (RA-SPC-3170)**
7. **Rice Park Historic District (RA-SPC-4423)**
8. **U.S. Post Office, Court House and Customs House [Landmark Center] (RA-SPC-5266)**
9. **Hamm Building (RA-SPC-3495)**

We look forward to continuing consultation with your office and others on this important project. If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager

cc via email:
Tony Greep, FTA
Elizabeth Breiseth, FTA
Barbara A.M. Howard, MnDOT Cultural Resources Unit

DEPARTMENT OF ADMINISTRATION
STATE HISTORIC PRESERVATION OFFICE

October 13, 2021 **VIA E-MAIL**

Mr. Jay Ciavarella
Federal Transit Administration, Region V
200 West Adams St., Suite 320
Chicago, IL 60606-5253

RE: METRO Gold Line Bus Rapid Transit (BRT) Project (Project)
Saint Paul to Woodbury
Ramsey and Washington Counties
SHPO Number: 2014-0398 PA

Dear Mr. Ciavarella,

Thank you for continuing consultation regarding the above-referenced Project. Information received in our office via e-mail on September 13, 2021 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and the 2020 Programmatic Agreement (PA) executed for the federal undertaking.

We last wrote to your agency on August 6, 2021 following our review of your agency's finding of No Adverse Effect at the 60-percent plan phase for the proposed undertaking.

Per Stipulation III of the PA, our office has completed a review of your letter dated September 13, 2021, a submission which included the following two (2) documents in support of your agency's continued finding that the proposed undertaking will have No Adverse Effect on historic properties:

- Memorandum *Section 106 Review of the Gold Line Bus Rapid Transit Project's 90% Plans* dated 09/13/2021 and prepared by the Minnesota Department of Transportation's Cultural Resources Unit (MnDOT CRU) and Mead & Hunt; and
- Memorandum *Section 106 Update to Area of Potential Effects for the Gold Line Bus Rapid Transit Project* dated 09/13/2021 and prepared by the MnDOT CRU and Mead & Hunt.

We appreciated the opportunity to discuss the recent submission with your agency and consulting parties during the October 6th Section 106 consultation meeting. Our comments on the September 13th submission are provided below.

Revised Area of Potential Effect (APE)
We understand by your September 13th letter that recent comparative analysis of the undertaking's 60-percent and 90-percent plans revealed several areas where the limits of disturbance slightly exceed the previously delineated LOD. As such, per Stipulation IV.B-C, your agency has adjusted the APE, provided documentation in support of this APE revision, and completed historic property identification efforts within the new APE areas.

Based upon information provided to our office at this time, we concur with your agency's identification of the following historic properties, both of which have recently been determined eligible for listing in the National

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Register of Historic Places as part of the Section 106 review for the proposed Rush Line BRT Project, being located within the expanded APE:

- St. Paul, Stillwater, & Taylors Falls/Omaha Road Railroad Corridor Historic District (XX-RRD-CNW001); and
- Lake Superior & Mississippi Railroad Corridor Historic District (XX-RRD-NPR001).

Re-Assessment of Adverse Effect
Pursuant to Stipulation VI.C, your September 13th letter makes the following findings at the 90-percent design stage:

- Historic properties identified within the expanded APE will not be affected by the proposed undertaking;
- There were no design changes to the undertaking between the 60-percent and 90-percent; and
- Conditions imposed at the 60-percent assessment of effects have been met.

As such, based upon information provided to our office at this time, we concur with your agency's determination that the previous No Adverse Effect finding remains valid for the federal undertaking as it is currently proposed.

We look forward to continuing consultation with your office and others on this important project. If you have any questions regarding our review or comments provided in this letter, please contact me at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager

Cc via email:
Tony Greep, FTA
Elizabeth Breiseth, FTA
Chelsa Johnson, Gold Line Project Office
Kristen Zschomler, Mead & Hunt