



*Gold Line*

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

# **ENVIRONMENTAL RE-EVALUATION**

April 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 percent design and FTA determined the 30 percent 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 90 percent since the 30 percent re-evaluation. 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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## 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. Since the 30 percent design Re-evaluation, the Council advanced design to 90 percent and additional modifications were identified. Changes include station design advancement, design advancement for the Maple Street pedestrian bridge, utility connections and relocations, stormwater Best Management Practices (BMPs) and various grading refinements.

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 (See Appendix A).

This document has been prepared in accordance with FTA and FHWA joint NEPA regulations (23 CFR 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 by the FTA to determine if the agency's issued FONSI remains valid at 90 percent design.

## 2 DESIGN CHANGES SINCE THE 30 PERCENT DESIGN RE-EVALUATION

This section describes design changes and anticipated impacts based on 90 percent design. Section 2.1 provides a detailed discussion of the impacts of each design change.

### 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; freight rail; aviation
- **Community and social:** Land use plan and compatibility; community facilities, character, and cohesion environmental justice; safety and security; business and economic resources
- **Physical and environmental:** Floodplains; Geology; groundwater and soils; noise and vibration; air quality; energy; farmlands
- **Construction**
- **Section 6(f)**

Based on the 90 percent design changes, the following resources were potentially affected and described in this Re-evaluation:



- **Transportation:** Traffic; Pedestrian and bicycle facilities; parking and driveways
- **Community and social:** Acquisitions, displacements, and relocations; cultural resources; visual quality and aesthetics
- **Physical and environmental:** Stormwater and water quality; surface waters; hazardous materials and contamination; biological environment
- **Indirect effects and cumulative impacts**
- **Section 4(f)**

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.



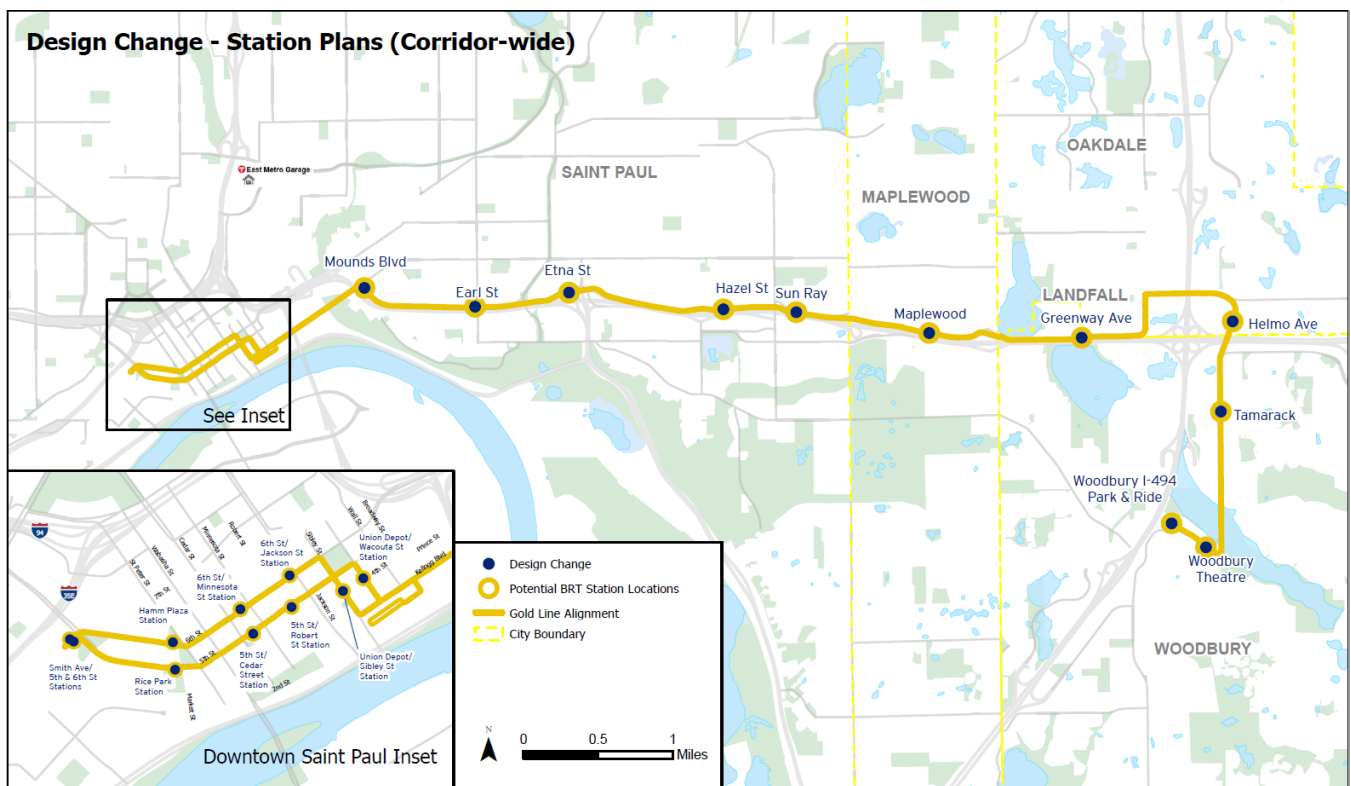


### 2.1.1 Design Change #1: Stations

The EA/FONSI identified proposed station locations at the 15 percent concept design. Through ongoing coordination with local communities as part of formal Design Advancement and Refinement Teams (DART), the 90 percent design provides more detail about the station type, features, site plan and landscaping. The 90 percent design changes are maintained within 15 percent Limits of Disturbance (LOD).

The Project includes 21 stations: 15 in Saint Paul, of which ten will be in the downtown; one in Maplewood; two in Oakdale; and three in Woodbury (See Figure 2-1). The Project includes 17 walk-up stations that do not have designated parking for transit riders and four stations with park-and-ride facilities that include either a new or existing parking facility designated for transit riders.

FIGURE 2-1: DESIGN CHANGE #1: STATION LOCATION MAP



There are five typical station shelter designs for the Project. Table 2-1 summarizes stations by shelter type, size, and location. The shelter types primarily vary by size and footprint based on station location. Each station includes one of five typical shelters. The stations all have off-board fare collection, annunciators, fiber connections, heat, lighting, bike racks, digital information panel (ride alerts and schedules) and enhanced security. All of the stations will have Americans with Disabilities Act (ADA) accessible facilities, including ramps, where needed, to access platforms. Figure 2-2 through Figure 2-6 show the five shelter types. Figure 2-7 and Figure 2-8 show typical station amenities.

The Project includes both side and center platform stations. Most downtown (urban) stations will have a single shelter. Station and platform dimensions vary, depending on location, to fit available space. Stations outside of downtown Saint Paul (suburban) will have one or two platforms with larger dimensions compared to downtown stations (see Table 2-1). Most station platforms will be built to 10-inches in height at all locations except for specific stations noted in Table 2-1. A 10-inch platform height is anticipated to facilitate faster boarding and



stations will still be accessible to non-BRT buses to maintain operational flexibility. All stations will include one shelter in each direction except for Sun Ray Station as described in Table 2-1.

**TABLE 2-1: SHELTER TYPE BY STATION LOCATION**

Shelter Type	Station Locations	Example
Shelter Type 1 (Urban Station)	<ul style="list-style-type: none"> <li>• Union Depot/Sibley Street Station</li> <li>• 6<sup>th</sup> Street/Jackson Street Station</li> <li>• 6<sup>th</sup> Street/Minnesota Street Station</li> <li>• Smith Avenue/5<sup>th</sup> Street Station</li> <li>• 5<sup>th</sup> Street/Cedar Street Station</li> <li>• 5<sup>th</sup> Street/Robert Street Station</li> <li>• Union Depot/Wacouta Street Station</li> </ul>	<p>Figure 2-2: Shelter Type 1 is a four bay side station shelter separated by a structural element without overhangs on either end. It is approximately 30 feet long and 11 feet wide.</p> <p>The Smith Avenue/5<sup>th</sup> Street station features a 10-inch platform for platooning BRT vehicles and a 6-inch platform where non-BRT vehicles stop.</p>
Shelter Type 2 (Urban Station)	<ul style="list-style-type: none"> <li>• Hamm Plaza Station</li> <li>• Rice Park Station</li> </ul>	<p>Figure 2-3: Shelter Type 2 is a three bay side station shelter separated by a structural element with a two and a half foot roof overhang on either end. The shelter is approximately 27 feet long and 10.5 feet wide. This is the smallest shelter type.</p> <p>The Hamm Plaza station maintains a six-inch curb instead of the standard ten-inch BRT curb to avoid impacts to Hamm Plaza due to grading constraints.</p>
Shelter Type 3 (Suburban Station)	<ul style="list-style-type: none"> <li>• Mounds Boulevard Station Westbound (WB)</li> <li>• Earl Street Station Eastbound (EB)</li> <li>• Etna Street Station EB &amp; WB</li> <li>• Hazel Street Station EB &amp; WB</li> <li>• Maplewood Station EB &amp; WB</li> <li>• Greenway Avenue Station EB &amp; WB</li> <li>• Helmo Avenue Station EB &amp; WB</li> <li>• Woodbury Theatre Station EB &amp; WB</li> </ul>	<p>Figure 2-4: Shelter Type 3 is a five bay side station shelter separated by a structural element with a five foot roof overhang on either end. The shelter is approximately 47 feet long and 13 feet wide. This is the largest shelter type for side platform stations and sits on a 12-inch knee-wall that extends the length of the platform.</p>
Shelter Type 4 (Suburban Station)	<ul style="list-style-type: none"> <li>• Sun Ray Station</li> </ul>	<p>Figure 2-5: Shelter Type 4 is a center platform station that includes two shelter structures. Each shelter includes four bays separated by a structural element with a two and a half foot roof overhang on either end. The shelters are approximately 35 feet long and 11 feet wide. They are slightly offset, face opposite directions and are separated by approximately 12 feet for circulation, which is referred to as a crossover platform.</p>
Shelter Type 5 (Suburban Station)	<ul style="list-style-type: none"> <li>• Mounds Boulevard Station EB</li> <li>• Earl Street Station WB</li> <li>• Tamarack Road Station EB &amp; WB*</li> </ul>	<p>Figure 2-6: Shelter Type 5 is a five bay side station shelter similar to Shelter Type 3. Type 5 sits on a raised concrete back wall approximately two feet high that extends the length of the platform.</p>

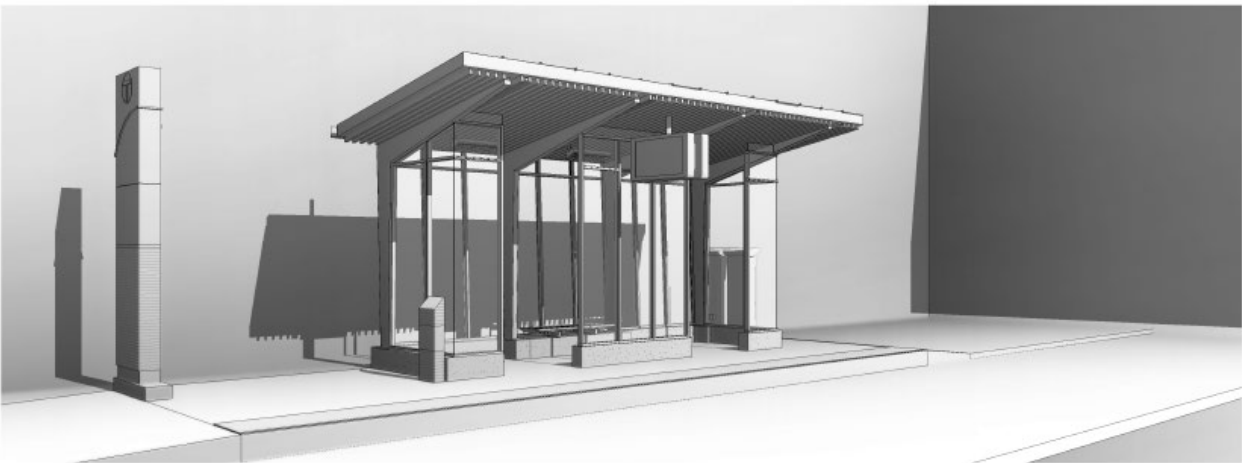


**FIGURE 2-2: SHELTER TYPE 1 (URBAN STATION)**



NOTE: PLATFORM LAYOUT MAY VARY FROM THE PERSPECTIVE VIEW SHOWN. REFER TO 60% SUBMITTAL FOR PLATFORM LAYOUT BY STATION.

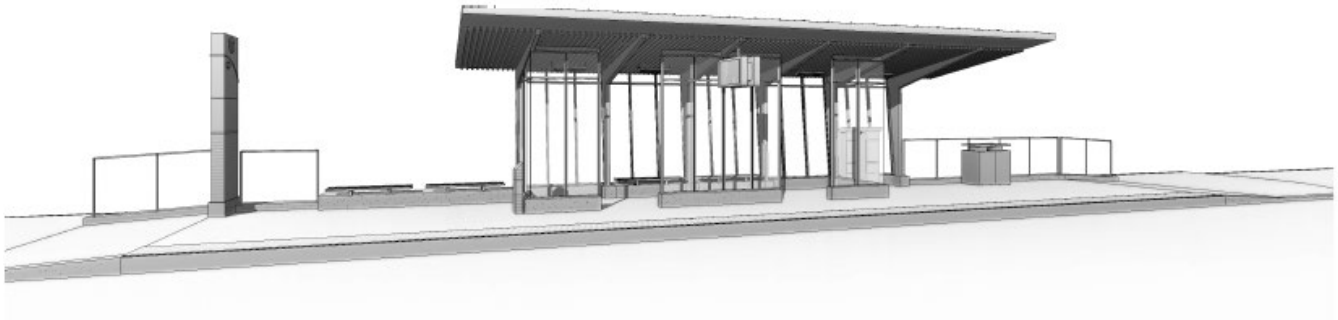
**FIGURE 2-3: SHELTER TYPE 2 (URBAN STATION)**



NOTE: PLATFORM LAYOUT MAY VARY FROM THE PERSPECTIVE VIEW SHOWN. REFER TO 60% SUBMITTAL FOR PLATFORM LAYOUT BY STATION.



FIGURE 2-4: SHELTER TYPE 3 (SUBURBAN STATION)



NOTE: PLATFORM LAYOUT MAY VARY FROM THE PERSPECTIVE VIEW SHOWN. REFER TO 60% SUBMITTAL FOR PLATFORM LAYOUT BY STATION.

FIGURE 2-5: SHELTER TYPE 4 (SUBURBAN STATION)

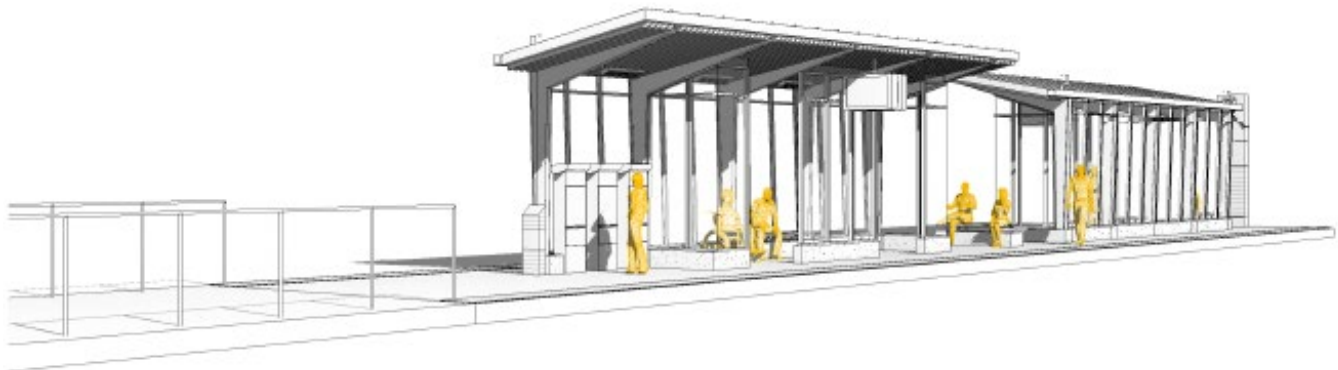


FIGURE 2-6: SHELTER TYPE 5 (SUBURBAN STATION)

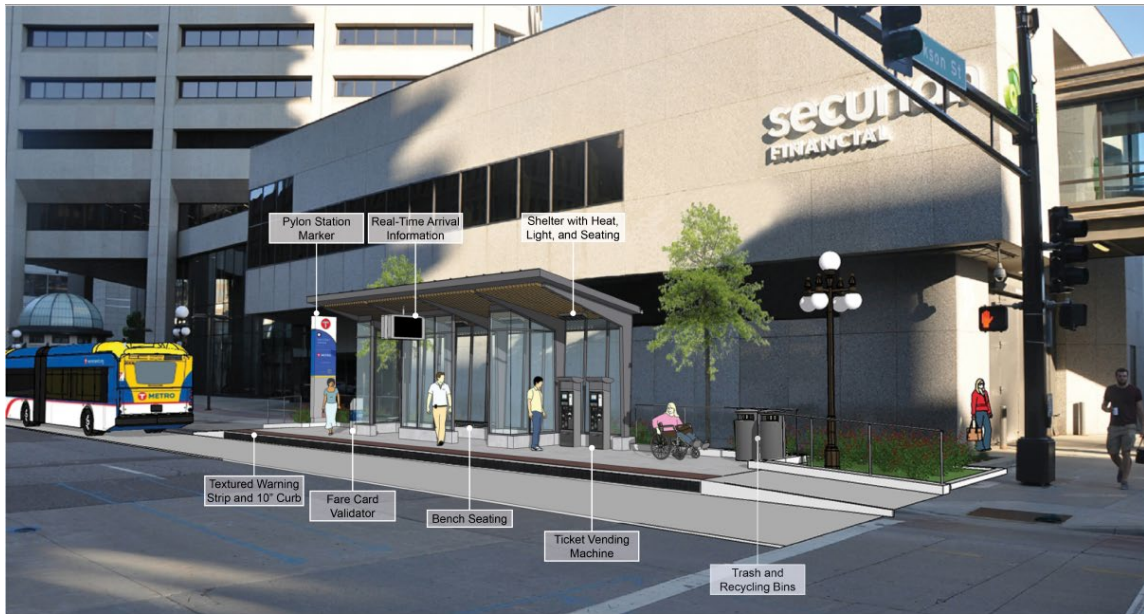


NOTE: PLATFORM LAYOUT MAY VARY FROM THE PERSPECTIVE VIEW SHOWN. REFER TO 60% SUBMITTAL FOR PLATFORM LAYOUT BY STATION.





FIGURE 2-7: TYPICAL SHELTER TYPE 1 WITH AMENITIES IN URBAN SETTING



DRAFT - WORK IN PROCESS



DOWNTOWN ST. PAUL - 6th ST & JACKSON ST  
Station Area Features



September 22, 2020

FIGURE 2-8: TYPICAL SHELTER TYPE 3 WITH AMENITIES IN SUBURBAN SETTING



DRAFT - WORK IN PROCESS



MAPLEWOOD STATION  
Station Area Features



September 16, 2020



Table 2-2 summarizes resources potentially impacted by station design updates since the EA/FONSI. In the downtown area, project stations 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 shelter height, roof shape, and architectural design for the station shelters and system components on historic properties 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: BRT STATIONS – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Traffic	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.	Station and intersection bump outs at downtown stations to better define two thru travel lanes and the bus lane at Hamm Plaza and 5 <sup>th</sup> Street/Robert Street stations.	Design refinements defined: Intersection bump outs
	Work within MnDOT ROW identified, but specific sign relocations not identified.	Greenway station infrastructure relocates MnDOT traffic management sign within MnDOT ROW.	MnDOT sign relocation
Parking and Driveways	Rice Park Station: No parking impacts.	Rice Park Station: Wider sidewalk at station for improved pedestrian environment; 6 spaces removed on north side of 5th Street.	An additional 8 parking spaces lost for a net loss of 35 on-street parking spaces.
	Sibley Street Station between 4 <sup>th</sup> and 5 <sup>th</sup> streets: remove 4 spaces on east side.	Sibley Street Station: Wider sidewalk at station for improved pedestrian environment; 5 spaces removed on east side between 4 <sup>th</sup> and 5 <sup>th</sup> streets.	



Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
	6 <sup>th</sup> Street between Washington and 7 <sup>th</sup> streets: remove 3 spaces on south side.	None	
	5 <sup>th</sup> Street between Robert and Jackson streets: remove 13 spaces on south side.	None	
	Wacouta Street Station between 4 <sup>th</sup> and 5 <sup>th</sup> streets: remove 4 spaces on east side, 3 spaces on west side.	Wacouta Street Station: Wider sidewalk at station for improved pedestrian environment; 4 spaces removed on west side between 4 <sup>th</sup> and 5 <sup>th</sup> streets.	
	Hamm Plaza Station: No parking impacts.	Hamm Plaza Station: 4 spaces removed; 3 on south side of 6th Street and 1 on north side.	
	Total of 27 Spaces Removed.	Total of 35 Spaces Removed.	
Cultural Resources	All stations: assessment of effects on historic properties will be conducted per the terms of the Project's PA.	All stations: assessment of effects is ongoing per the terms of the Project's PA.  Hamm Plaza station: 6-inch platforms avoid impacts to Hamm Plaza. Station also shifted west to avoid blocking sight lines to Landmark Center.  5 <sup>th</sup> Street/Robert Street station: sited to avoid blocking views of the Arcade Building.	Station refinements to avoid adverse impacts to historic properties. Station refinements will be coordinated following the Project's PA.



Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Stormwater and Water Quality	BMPs recommended but not defined.	BMPs added at following stations: Smith Avenue/5 <sup>th</sup> Street station: above ground landscaped planters provide short term stormwater storage 5 <sup>th</sup> Street/Cedar Street station: underground filtration BMP 5 <sup>th</sup> Street/Robert Street station: above ground BMP 6 <sup>th</sup> Street/Jackson Street station: underground filtration BMP	No change. Refined location of recommended BMPs will avoid and minimize impacts to stormwater and water quality.
Visual Quality and Aesthetics	All stations: Low to moderate visual contrast for visual resources because stations would introduce similar visual elements, buses and stations are part of the existing visual environment.	All stations: Station design and landscaping developed in consultation with local communities.	No substantial change: Station refinements are based on ongoing coordination as noted in the EA/FONSI.

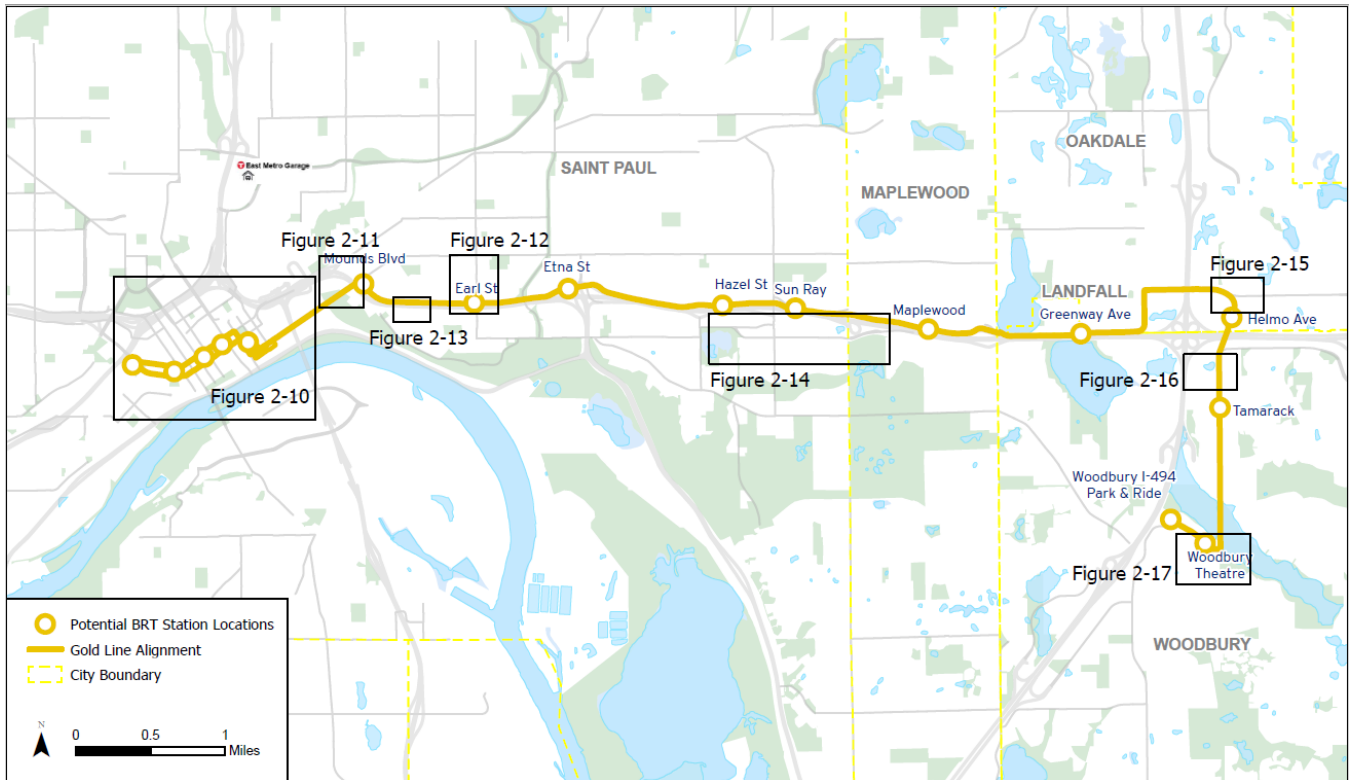




## 2.1.2 Design Change #2: Utility Connections and Relocations (Multiple Locations)

The EA/FONSI identified potential utility impacts at the 15 percent concept design. The 90 percent design identified underground utility connections and relocations for fiber and traffic signal communications and storm sewers that are outside the 15 percent LOD. Figure 2-9 shows the location of design changes in the context of the corridor.

**FIGURE 2-9: DESIGN CHANGE #2: UTILITY CONNECTIONS AND RELOCATION MAP**



Connections are underground and primarily in existing transportation ROW. Table 2-3 summarizes long-term impacts to resources potentially affected by 90 percent design changes for utility connections and relocations since evaluation in the EA/FONSI. Figure 2-10 through Figure 2-17 show locations of utility connections.



**TABLE 2-3: UTILITY CONNECTIONS AND RELOCATIONS – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 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.	All connections/relocation sites: Assessment of effects are ongoing per the terms of the Project's PA. The MnDOT CRU reviewed 60 percent design plans, including utility connections and determined no additional survey is required. <sup>1</sup>	Refinements coordinated following the Project's PA.
Utilities	<p>Long-term impacts: Relocation of buried fiber optic cable in Alignment C. Potential to impact buried oil pipeline in Alignment D3. Potential relocation of changeable message sign and equipment. Potential impact to accessibility of utility vaults at station in downtown Saint Paul.</p> <p>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.</p>	Utility relocations and connections identified in EA/FONSI confirmed.	Utilities relocated to avoid operation and maintenance conflicts.

<sup>1</sup> MnDOT CRU 8/4/20 and 12/21/20 email communication: No additional architecture/history or archaeology fieldwork is needed. MnDOT CRU has cleared areas of utility work from needed additional archeological work. (Note: there are no substantial changes between 60 percent and current design.)



Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Traffic	<p>Short term impacts such as lane closures associated with new utility connections and existing utility relocations.</p> <p>Utility relocations and connections not defined in MnDOT ROW.</p> <p>Traffic signal connections not defined.</p>	<p>MnDOT Conway Storm Sewer Connection, Minnesota IT Services (MNIT) relocations: Short term construction may require temporary lane closures for construction along I-94, but the long term traffic operations will not be impacted.</p> <p>Underground traffic signal connections at: Earl Street, Helmo Avenue/4<sup>th</sup> Street and Bielenberg Drive interconnect at Currell Boulevard.</p>	No change.
Stormwater and Water Quality	<p>Stormwater BMPs in the vicinity of the Mounds Boulevard BRT station. Stormwater connections not specifically identified.</p>	<p>Connect into MnDOT's existing storm sewer as part of a pavement rehabilitation project on I-94.<sup>2</sup> The Project extends storm sewer connection in two phases. MnDOT will install a storm sewer underneath I-94 in Phase 1. During Phase 2, the Project connects to the Phase 1 storm sewer by extending storm sewer pipe from the Mounds Boulevard BRT station, along the southwest side of Mounds Boulevard and across MnDOT ROW.</p> <p>Storm sewer stub connection to an existing stormwater BMP constructed as a part of the development site that provides water quality treatment for a portion of the project's impervious surfaces.</p>	No change. Refinements improve efficient stormwater management.

<sup>2</sup> State Project Number: 6283-247, 6283-255



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.	<p>All connections/relocation sites (except MNIT relocation): Design modifications are within the 500-foot study area for the Phase I Environmental Site Assessment (ESA). No additional impacts. Incidental encounters addressed through materials handling in plan specifications.</p> <p>MNIT relocation, south of I-94, between White Bear Avenue and McKnight Road: In 2020, additional investigations identified 4 sites containing regulated material, 1 site containing regulated reuse material, 7 sites contain unregulated material.</p> <p>In March 2021, the Council received a “No Association Determination for Acquisition Properties”, from the Minnesota Pollution Control Agency (MPCA) that is based, in part, on the Response Action Plan/Construction Contingency Plan (RAP/CCP) the Council will implement. See Appendix C.</p>	<p>12 additional sites identified for the Phase II addendum. No change to mitigation. Incidental encounters addressed through materials handling in plan specifications.</p> <p>In March 2021, MPCA provided “No Association Determination for Acquisition Properties”, which will not associate the Council with the release or threatened release of hazardous substances, pollutants, or contaminants for the purpose of Minn. Stat. Section 1158.03, subd.3(4).</p>



FIGURE 2-10: DOWNTOWN SAINT PAUL FIBER CONNECTIONS – CURRENT

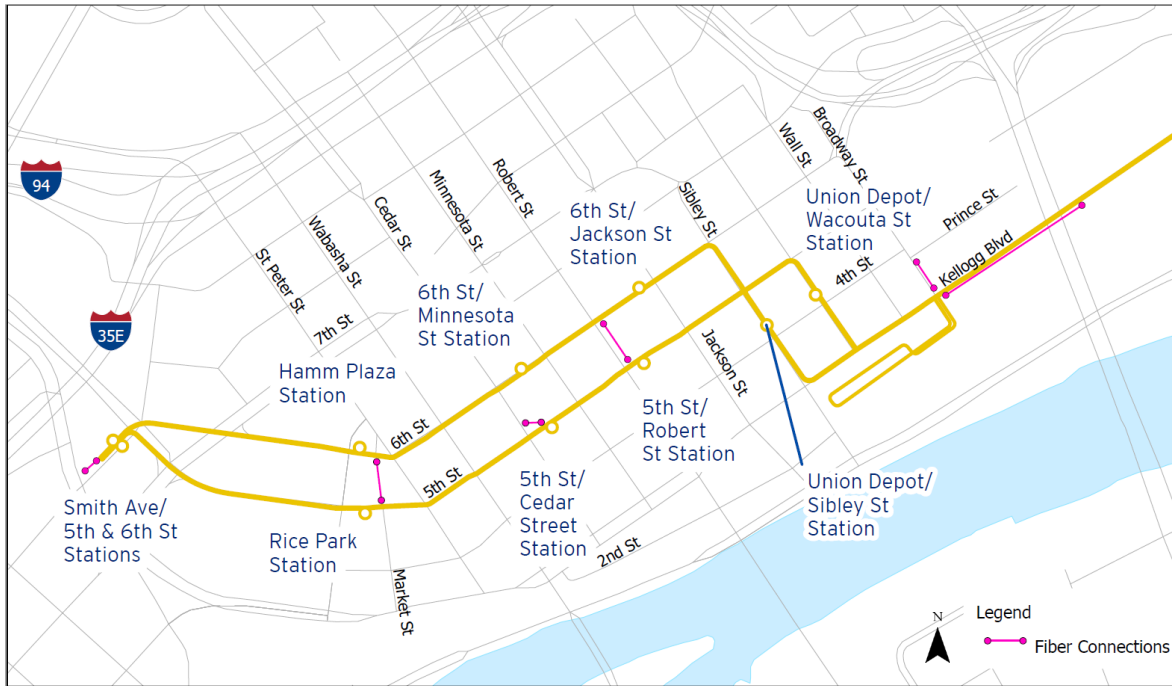


FIGURE 2-11: STORM SEWER CONNECTION – CURRENT

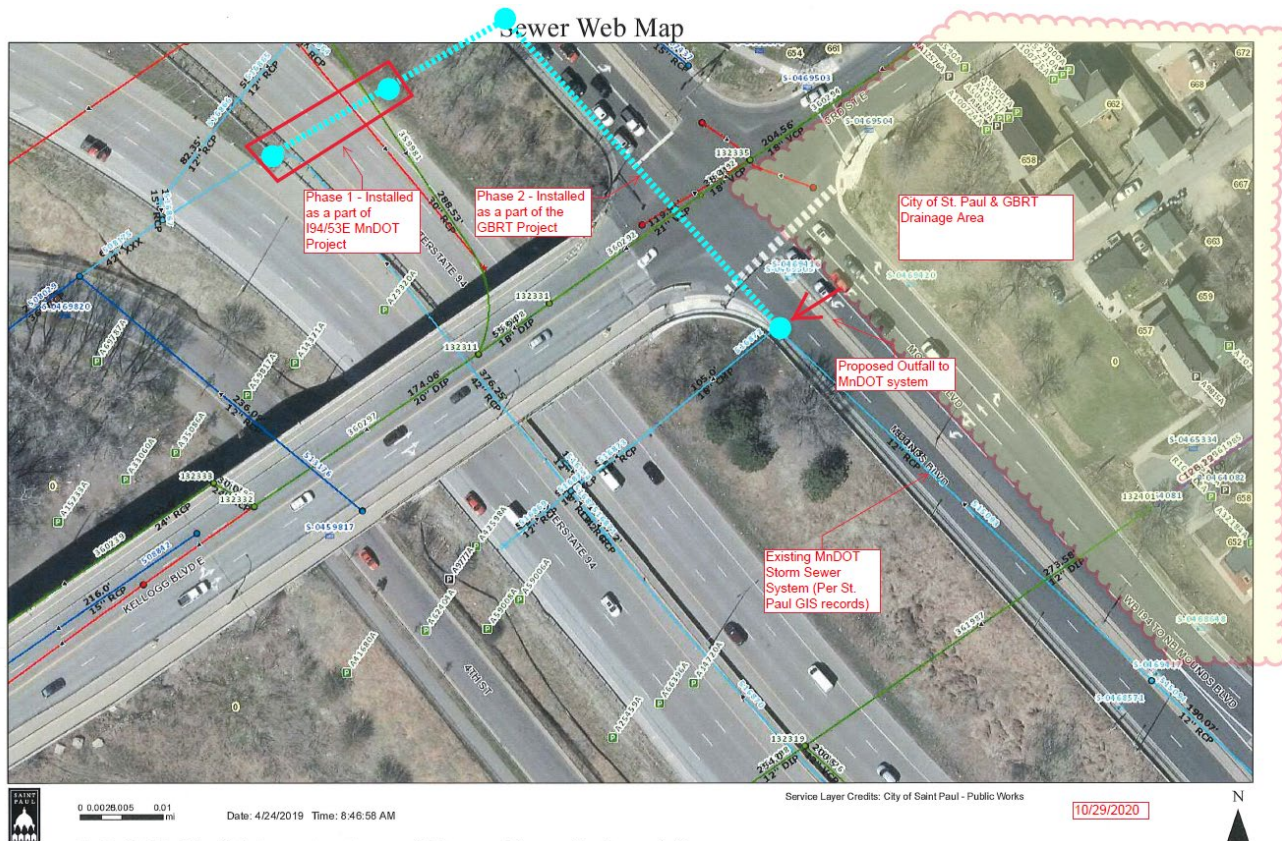
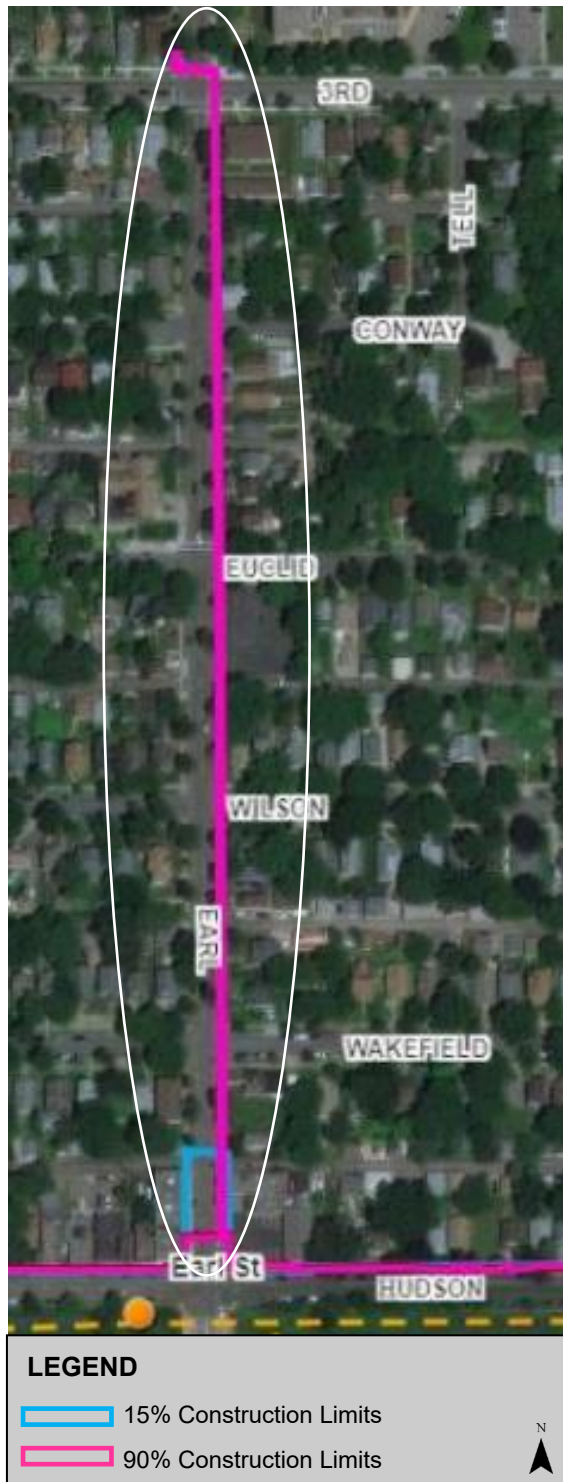






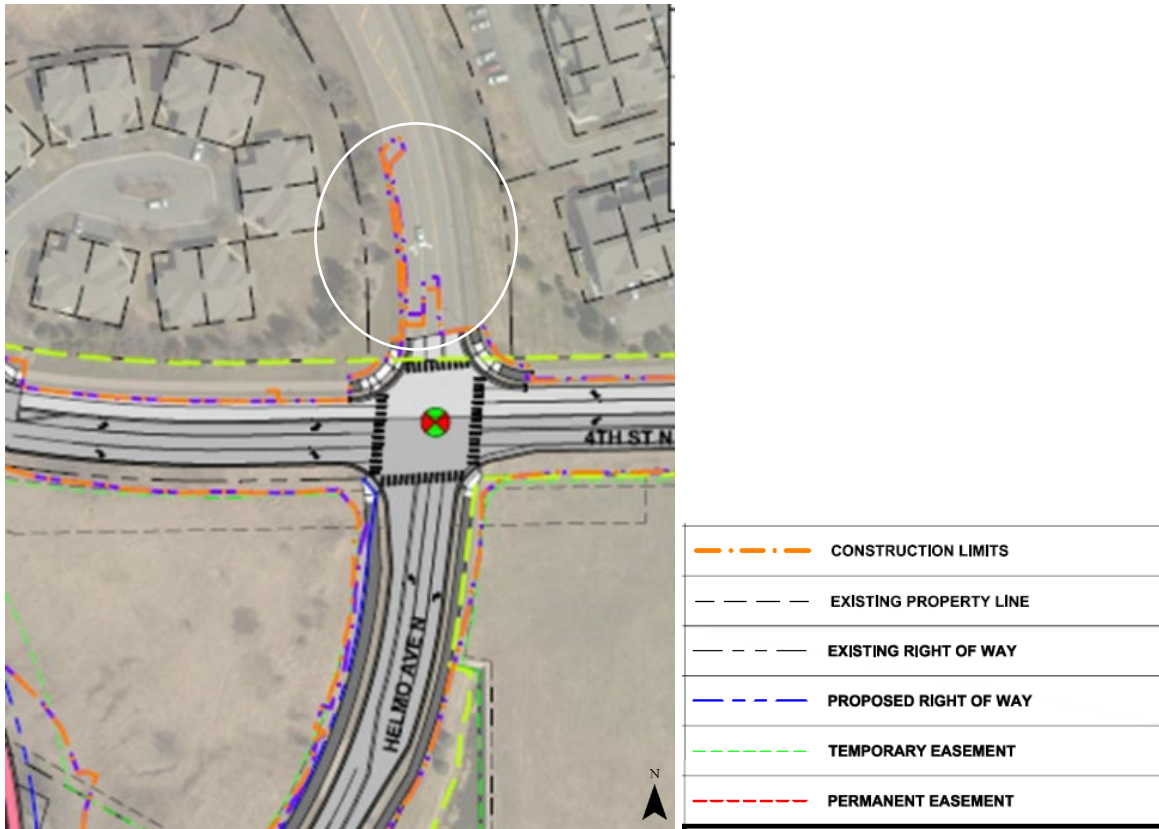
FIGURE 2-12: EARL STREET FIBER CONNECTION – CURRENT







**FIGURE 2-15: HELMO AVENUE/4TH STREET FIBER CONNECTION - CURRENT**



**FIGURE 2-16: BIELENBERG DRIVE STORM SEWER STUB - CURRENT**

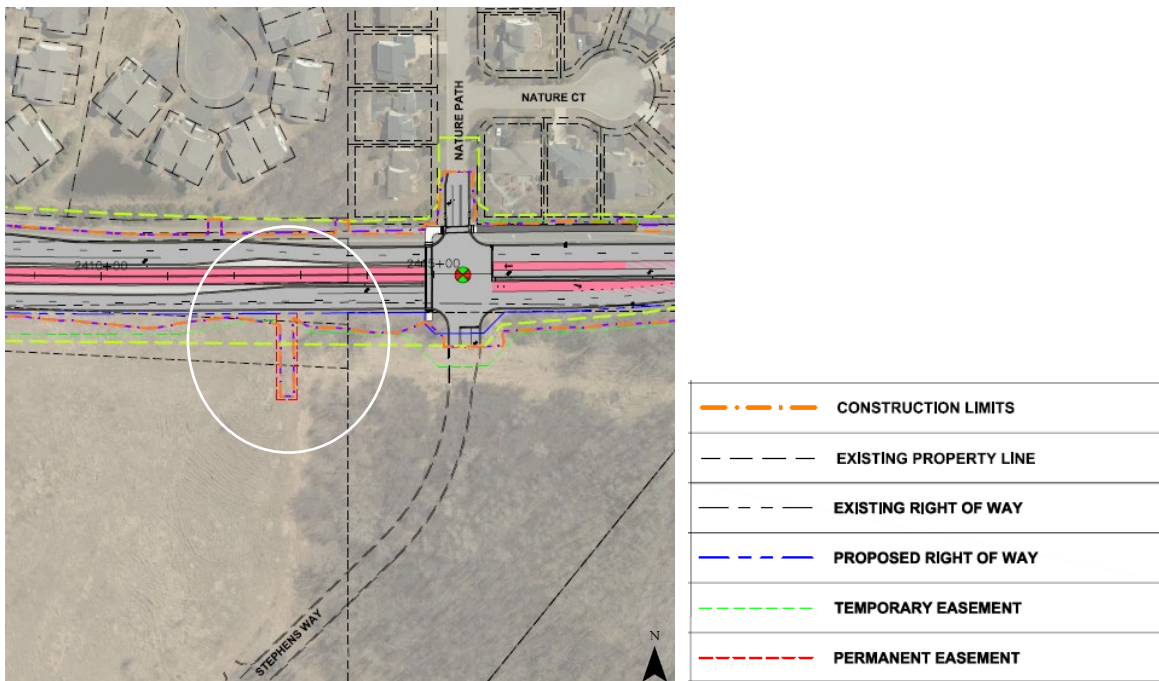
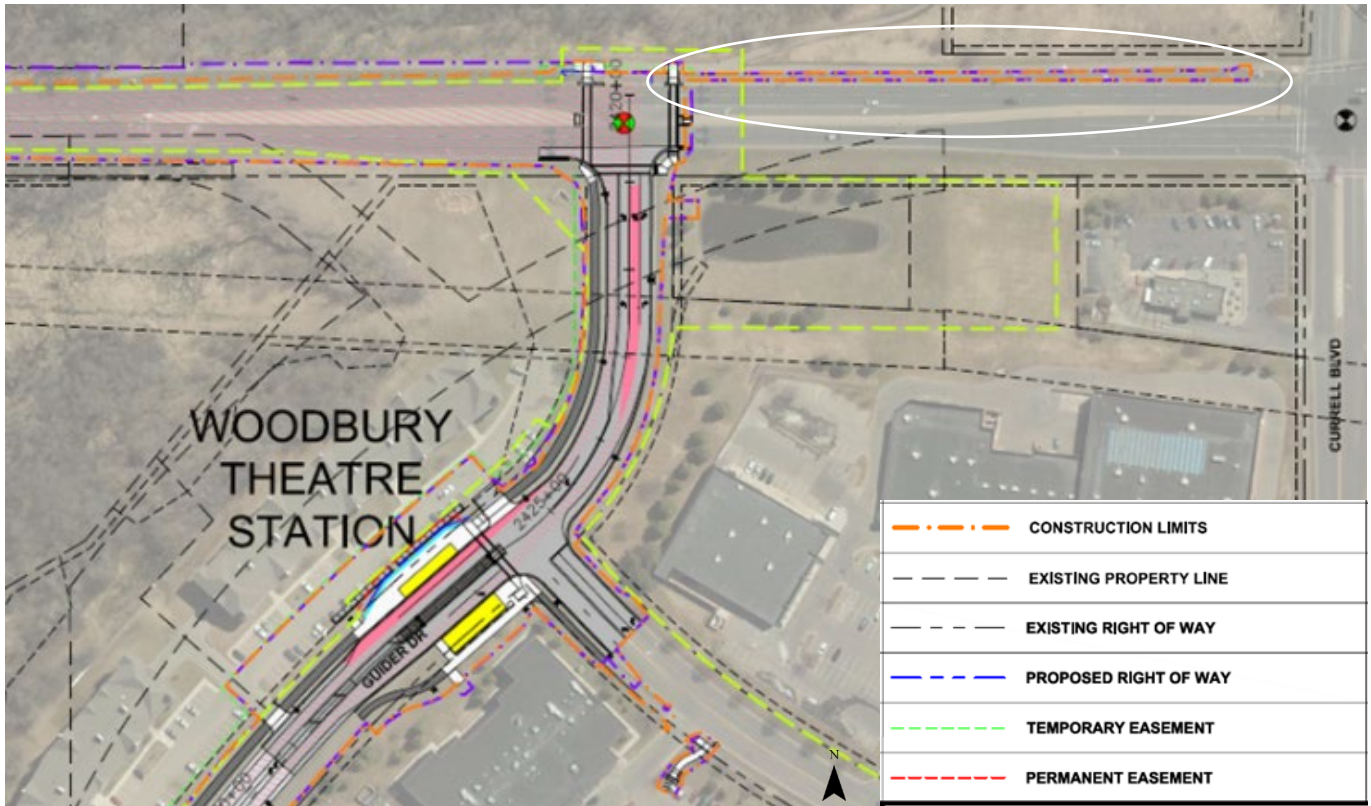






FIGURE 2-17:-BIELENBERG DRIVE TRAFFIC SIGNAL INTERCONNECT - CURRENT





### 2.1.3 Design Change #3: Maple Street Pedestrian Bridge

The Maple Street pedestrian bridge type was changed at 90 percent design to a truss style bridge in order to remove a pier in the center of I-94. The change, which is located within MnDOT ROW, was requested by MnDOT to allow more flexibility in future construction projects on I-94. The 90 percent design changes remain within the 15 percent LOD. Table 2-4 summarizes changes in impacts to resources affected since the 30 percent re-evaluation.

FIGURE 2-18: DESIGN CHANGE #3: MAPLE STREET PEDESTRIAN BRIDGE LOCATION MAP

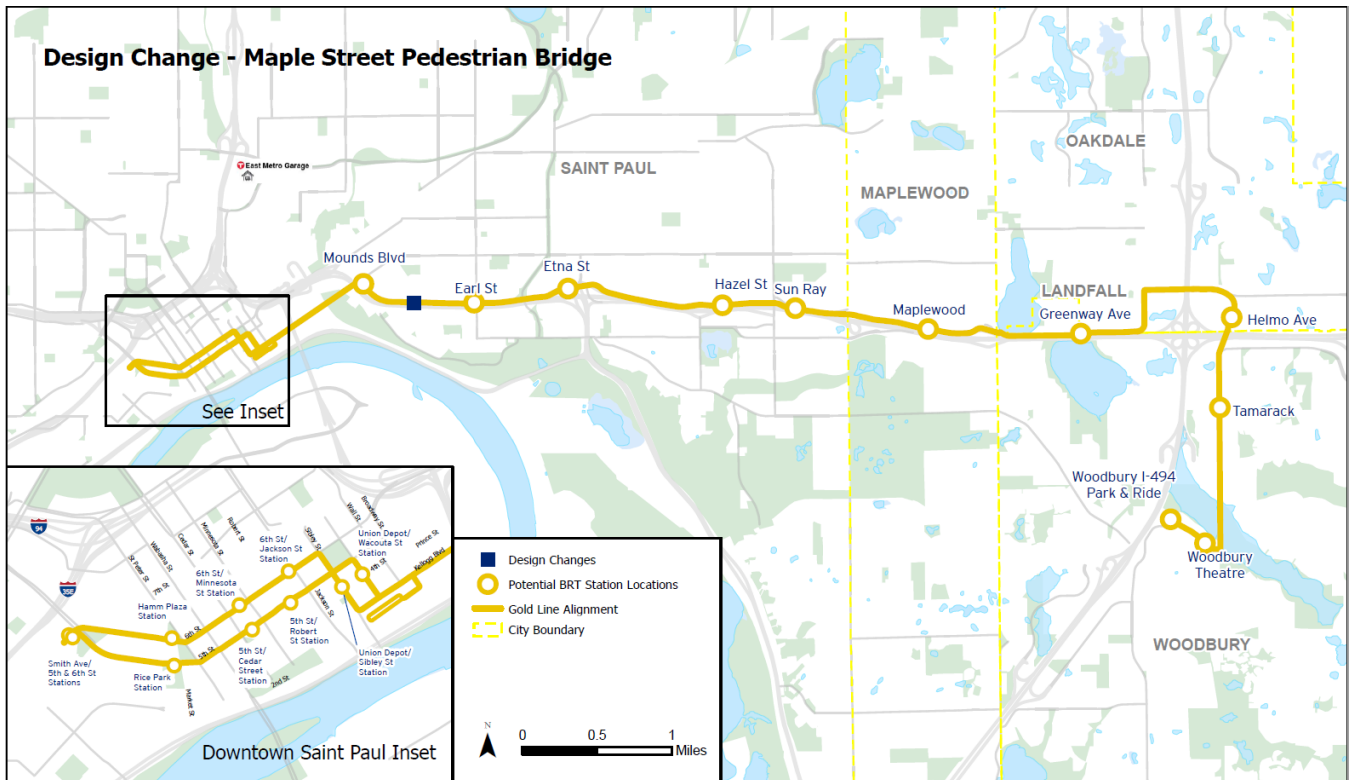


Figure 2-19 shows the 30 percent design and Figure 2-20 shows 90 percent design, respectively.



FIGURE 2-19: 30% MAPLE STREET PEDESTRIAN BRIDGE PROFILE

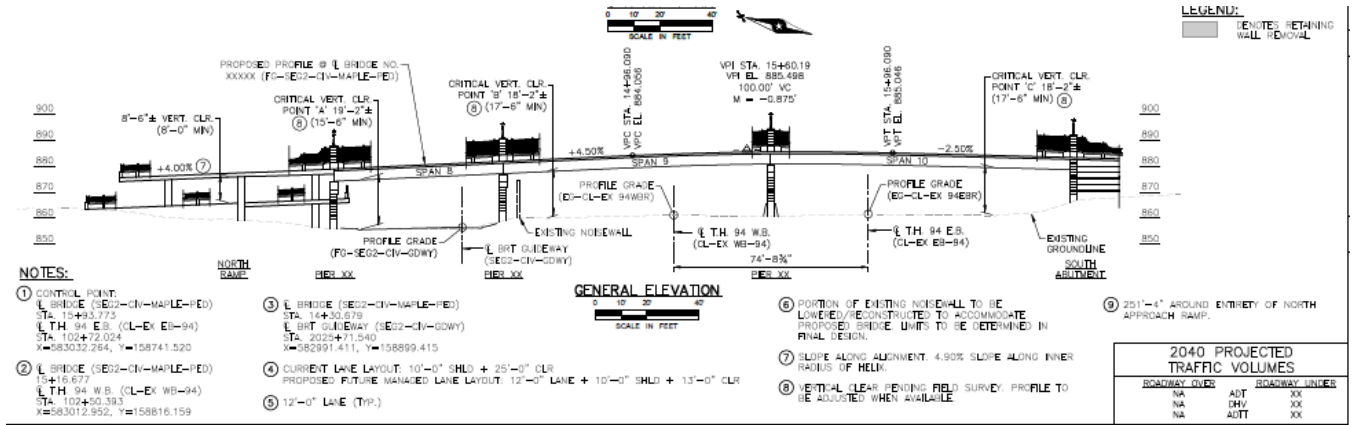


FIGURE 2-20: MAPLE STREET PEDESTRIAN BRIDGE PROFILE – CURRENT

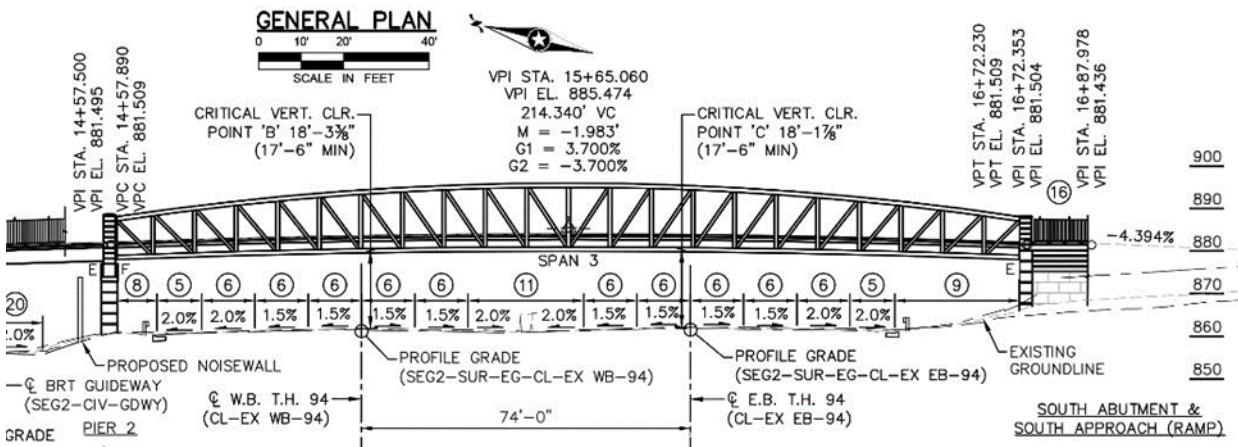


TABLE 2-4: MAPLE STREET PEDESTRIAN BRIDGE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES

Potential Resource Areas Impacted	30 Percent Re-evaluation Impacts	New Impacts	Change in Impacts since 30 Percent Re-evaluation
Cultural Resources	No change.	Proposed truss bridge will be evaluated as part of the ongoing assessment of effects on historic properties per the terms of the Project's executed PA.	Refinements coordinated following the Project's PA.



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<b>Potential Resource Areas Impacted</b>	<b>30 Percent Re-evaluation Impacts</b>	<b>New Impacts</b>	<b>Change in Impacts since 30 Percent Re-evaluation</b>
Visual Quality	No change	Design change will not substantially change views of the bridge from neighborhoods. The low visual contrast for travelers on I-94 will remain similar to existing conditions	No change.

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### 2.1.4 Design Change #4: Stormwater BMP at Grace Lutheran Church

The EA/FONSI identified an acquisition for a stormwater BMP at Grace Lutheran Church (see Figure 2-21). The 90 percent design currently identifies the need for an additional permanent easement for grading outside the 15 percent LOD to match the existing maintained lawn area outside the BMP. Table 2-5 summarizes changes in impacts to resources affected by the design change since evaluation the EA/FONSI.

**FIGURE 2-21: DESIGN CHANGE #4: STORMWATER BMP AT GRACE LUTHERAN CHURCH LOCATION MAP**

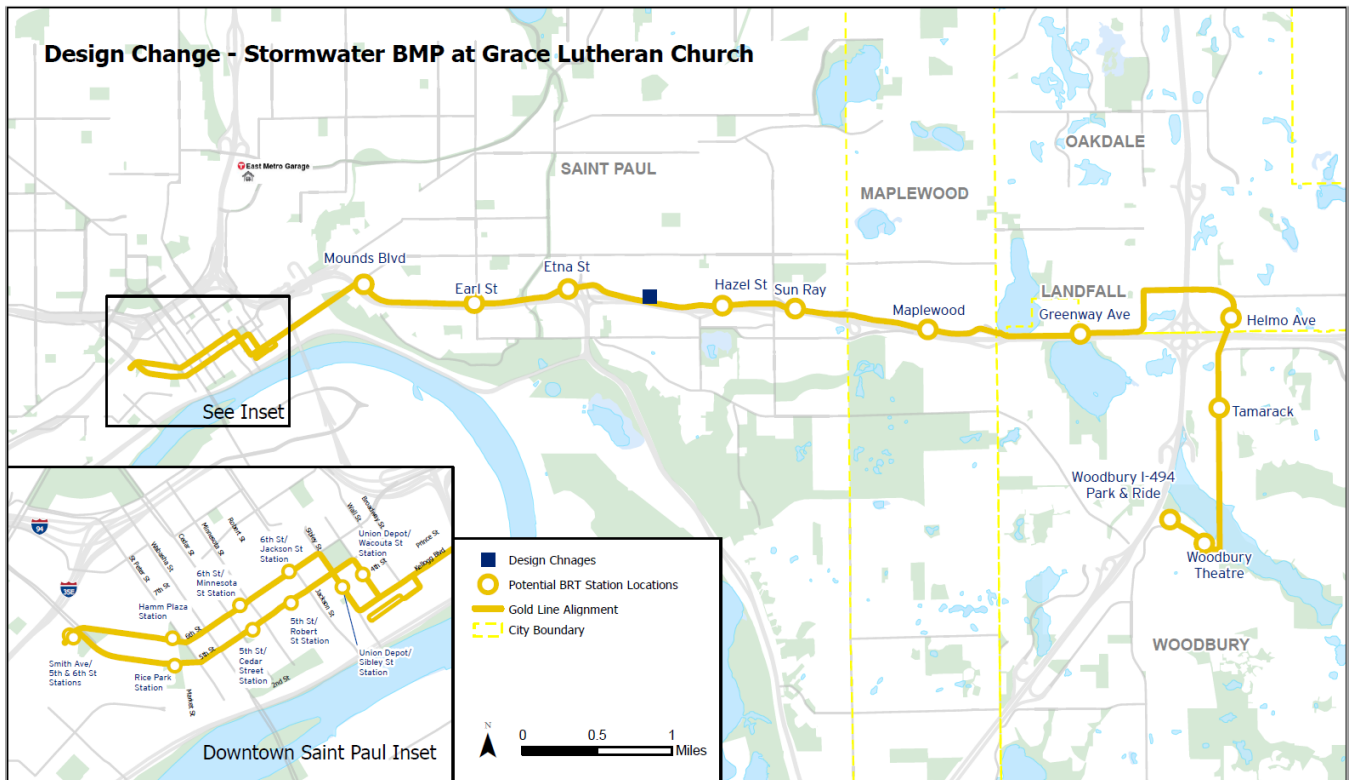


Figure 2-22 and Figure 2-23 show the 15 percent concept design and 90 percent design, respectively.





FIGURE 2-22: 15% DESIGN- STORMWATER BMP AT GRACE LUTHERAN CHURCH

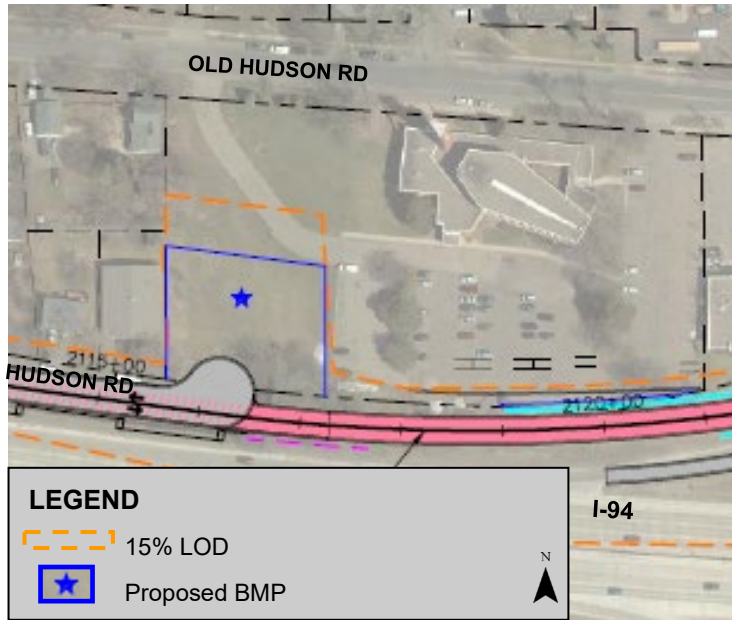
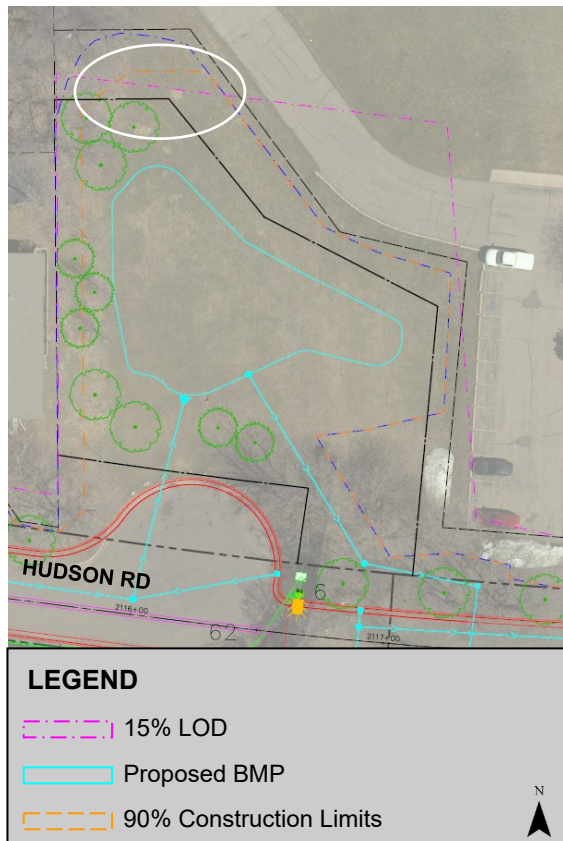


FIGURE 2-23: STORMWATER BMP AT GRACE LUTHERAN CHURCH – CURRENT





**TABLE 2-5: STORMWATER BMP AT GRACE LUTHERAN CHURCH – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Acquisitions, Displacements and Relocations	Approximately 0.5 acres acquired for stormwater BMP at Grace Lutheran Church.	Permanent easement for grading of 0.01 acres outside the 15 percent LOD to tie into the existing slope of the maintained lawn area outside the BMP.	Additional 0.01 acres of a permanent easement.
Stormwater and Water Quality	Approximately 0.5-acre stormwater BMP site proposed at Grace Lutheran Church property to control stormwater volume and rates. Specific BMP size not defined.	BMP accommodates approximately 0.5 acres of stormwater.	No change.
Cultural Resources	BMP is located within the area of potential effect (APE) for the historic Grace Lutheran Church.  Assessment of effects on historic properties will be conducted per the terms of the Project's PA.	Design changes are also within the APE; the additional permanent easement will respond to the context of the church property setting.  The assessment of effects on historic properties is ongoing per the terms of the Project's PA	Refinements coordinated following the Project's PA.



### 2.1.5 Design Change #5: 3M Center Driveway Realignment

The 90 percent design includes additional design refinements at an entrance into the 3M Center (see Figure 2-24) and a proposed BMP. Changes realign an existing driveway approximately 75 feet east of its existing location requiring additional grading and the addition of a traffic signal box at 8<sup>th</sup> Street. The BMP at the 19<sup>th</sup> Street entrance is no longer required to manage project stormwater. The 90 percent design changes are maintained within the 15 percent LOD. Table 2-6 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

FIGURE 2-24: DESIGN CHANGE #5: 3M CENTER DRIVEWAY REALIGNMENT LOCATION MAP

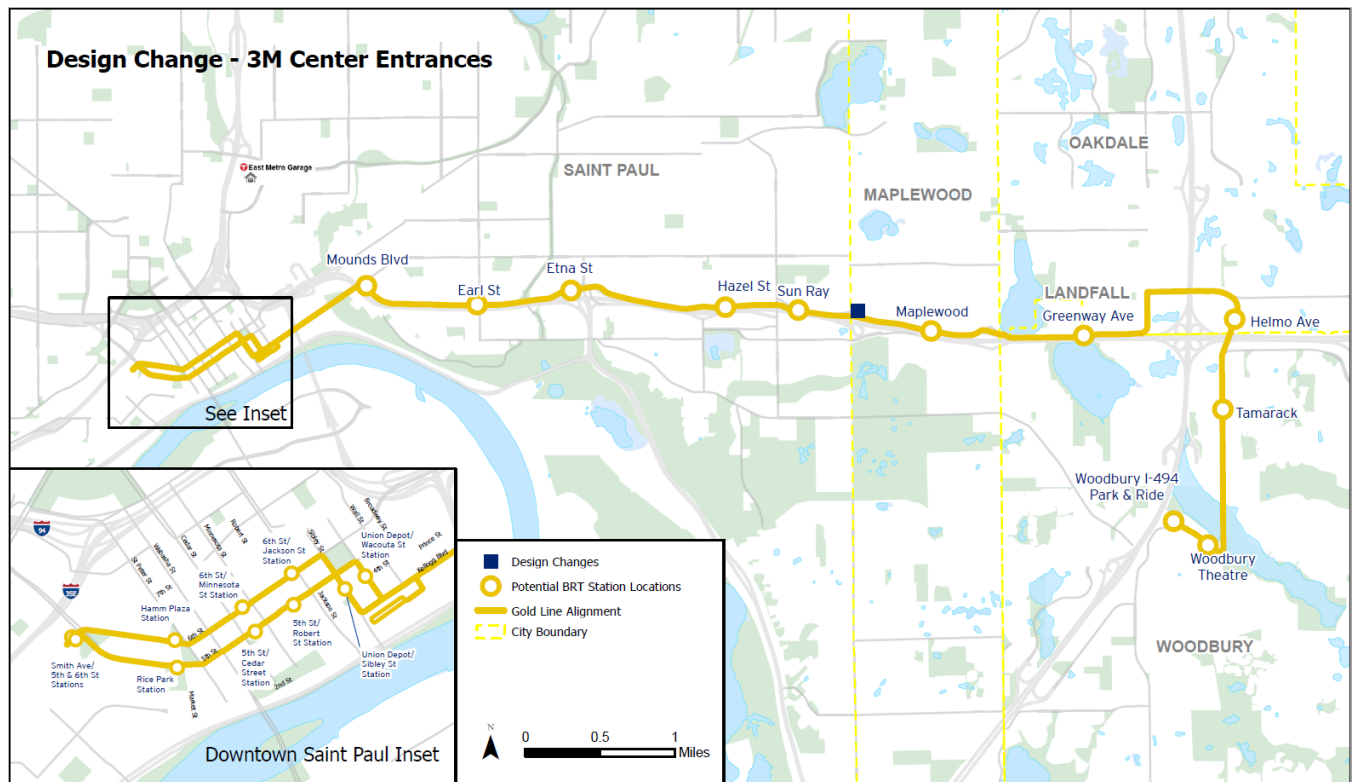


Figure 2-25 and Figure 2-26 show the 15 percent concept design and 90 percent design, respectively.





FIGURE 2-25: 15 % DESIGN-3M CENTER ENTRANCES

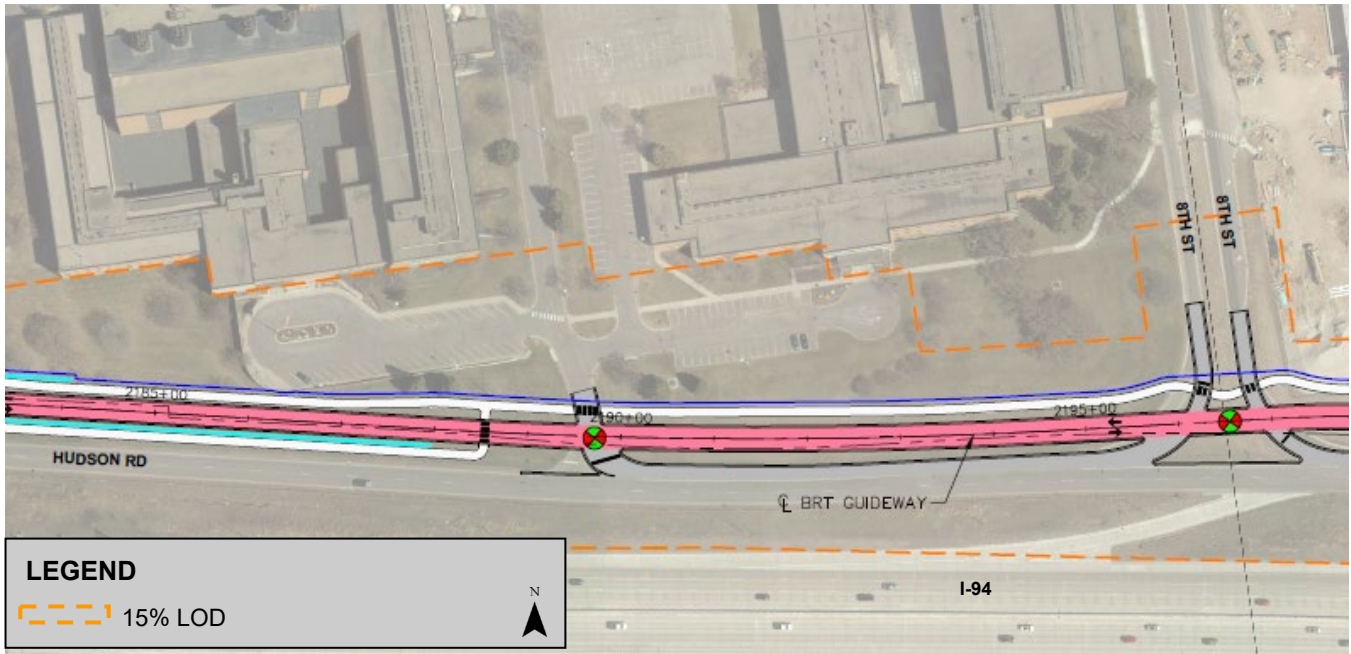


FIGURE 2-26: 3M CENTER ENTRANCES – CURRENT



LEGEND			
<span style="color: red;">■</span> CIVIL DISCIPLINE	<span style="color: green;">■</span> ARCHITECTURE DISCIPLINE	<span style="color: orange;">- - -</span> PROPOSED GRADING LIMITS	
<span style="color: cyan;">■</span> SYSTEMS DISCIPLINE	<span style="color: purple;">■</span> UTILITIES DISCIPLINE	<span style="color: blue;">- - -</span> PROPOSED RIGHT OF WAY (MNDOT)	
<span style="color: blue;">■</span> STRUCTURES DISCIPLINE	<span style="color: yellow;">■</span> LIGHTING DISCIPLINE	<span style="color: black;">- - -</span> EXISTING RIGHT OF WAY	
<span style="color: magenta;">■</span> TRAFFIC DISCIPLINE	<span style="color: grey;">■</span> EXISTING TOPO	<span style="color: black;">- - -</span> PROPERTY LINE	
<span style="color: cyan;">■</span> WATER RESOURCES DISCIPLINE	<span style="color: orange;">■</span> PIPE REMOVAL	<span style="color: black;">- - -</span> PROPOSED TEMPORARY EASEMENT	
<span style="color: darkblue;">■</span> TRAFFIC MANAGEMENT SYSTEM		<span style="color: black;">- - -</span> PROPOSED PERMANENT EASEMENT	
	<span style="color: blue;">- - -</span> PROPOSED GRADING LIMITS SIDE PLANS	<span style="color: red;">- - -</span> PROPOSED GRADING LIMITS 15% PLANS	





**TABLE 2-6: 3M CENTER DRIVEWAY REALIGNMENT – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Cultural Resources	<p>Maintaining entrance drives to the 3M Center and installing a stormwater BMP at the 19<sup>th</sup> Street entrance are in the APE for the historic 3M Center.</p> <p>Assessment of effects on historic properties will be conducted per the terms of the Project's PA.</p>	<p>Entrance shifted 75 feet east, additional grading and added a traffic signal box. BMP is no longer required.</p> <p>Design changes are within the APE. The assessment of effects on historic properties is ongoing per the terms of the Project's PA.</p>	<p>Entrance shifted 75 feet east of existing entrance grading and added traffic signal box.</p> <p>BMP at 19<sup>th</sup> Street entrance removed.</p> <p>Refinements coordinated following the Project's PA.</p>



## 2.1.6 Design Change #6: Menomini Park BMP

The EA/FONSI identified the location of a stormwater BMP in Menomini Park at the 15 percent concept design. The 90 percent design refinements result in changes to permanent and temporary easements in the park (see Figure 2-27). The 90 percent design changes are maintained within the 15 percent LOD. Table 2-7 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

**FIGURE 2-27: DESIGN CHANGE #6: MENOMINI PARK BMP LOCATION MAP**

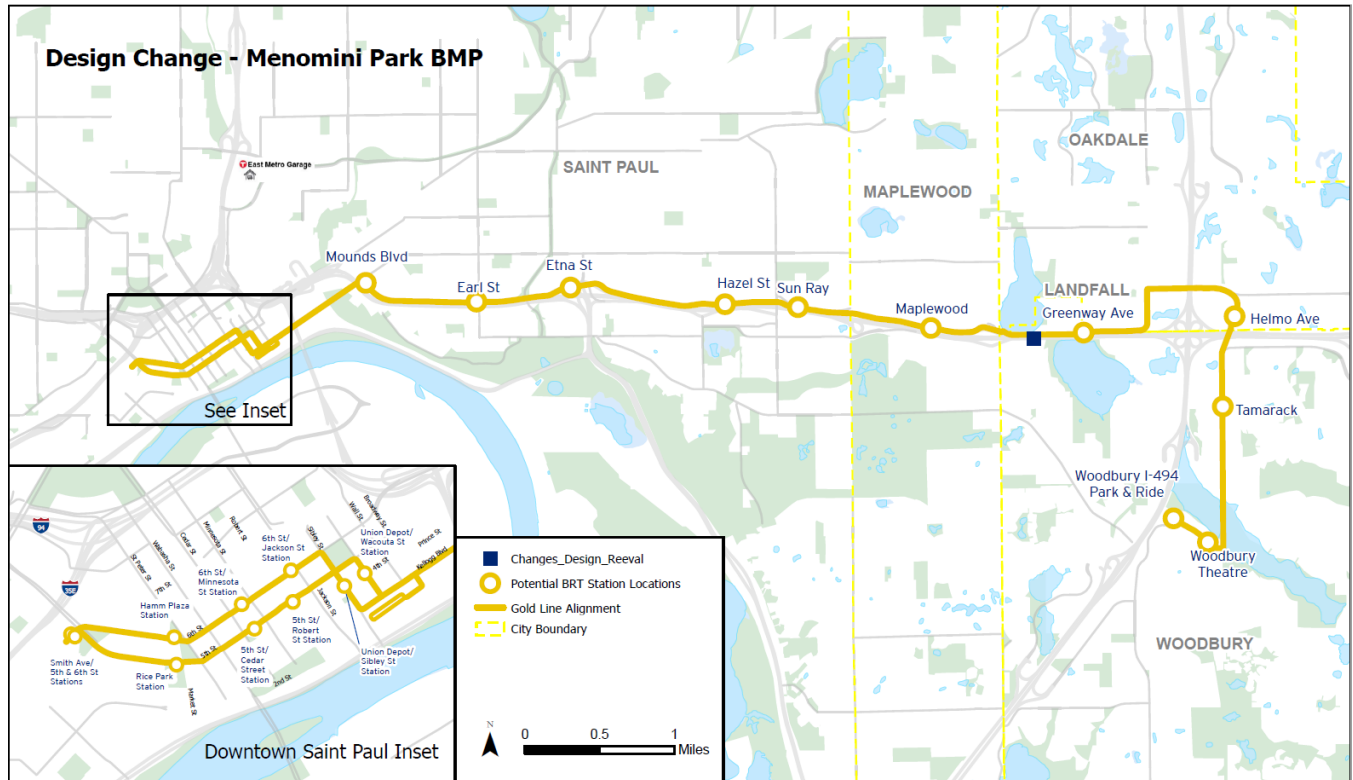


Figure 2-28 and Figure 2-29 show the 15 percent concept design and 90 percent design, respectively.





FIGURE 2-28: 15% DESIGN-MENOMINI PARK BMP

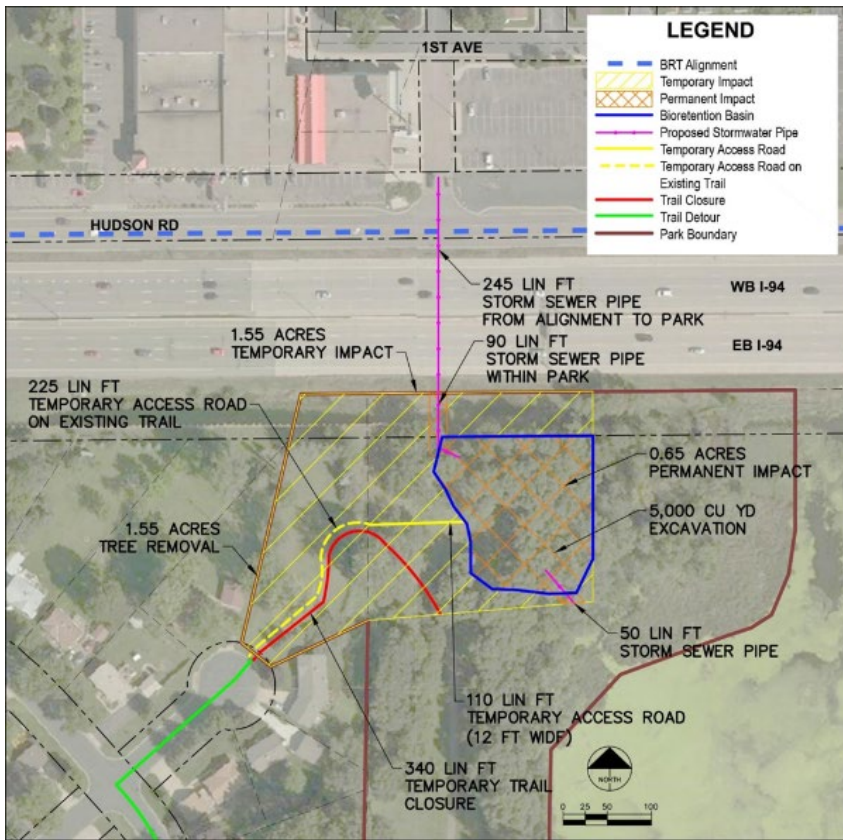
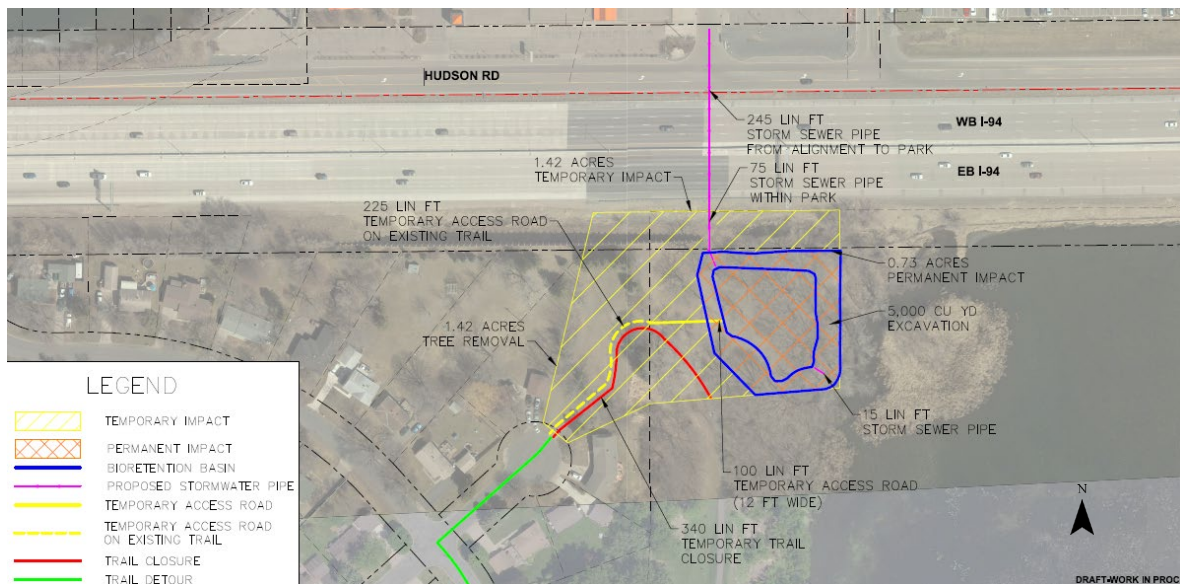


FIGURE 2-29: MENOMINI PARK BMP – CURRENT





**TABLE 2-7: MENOMINI PARK BMP – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Acquisitions, Displacements and Relocations	0.65 acres of permanent easement and 1.55 acres temporary easement to construct a stormwater BMP and restore trail access in Menomini Park.	0.73 acres permanent easement; 1.42 acres temporary easement.	Permanent easement increased by 0.08 acres. Temporary easement decreased by 0.13 acres.
Section 4(f)	The City of Woodbury concurred with FTA <i>de minimis</i> use determination in Menomini Park	Design refinements will not adversely affect the activities, features, or attributes that qualify Menomini Park for Section 4(f) protection; FTA concluded a <i>de minimis</i> use determination remains appropriate for Menomini Park. The City of Woodbury concurred with the updated determination (See Appendix D).	No change in determination.



### 2.1.7 Design Change #7: Grading Refinements on 4<sup>th</sup> Street

The EA/FONSI identified grading easements on private property along 4<sup>th</sup> Street between Hadley Avenue and I-694 at the 15 percent concept design. The 90 percent design refines temporary grading easements and restores an access road to an existing billboard west of I-694 (see Figure 2-30). Portions of grading are outside the 15 percent LOD. Table 2-8 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

**FIGURE 2-30: DESIGN CHANGE #7: GRADING REFINEMENTS ON 4<sup>TH</sup> STREET LOCATION MAP**

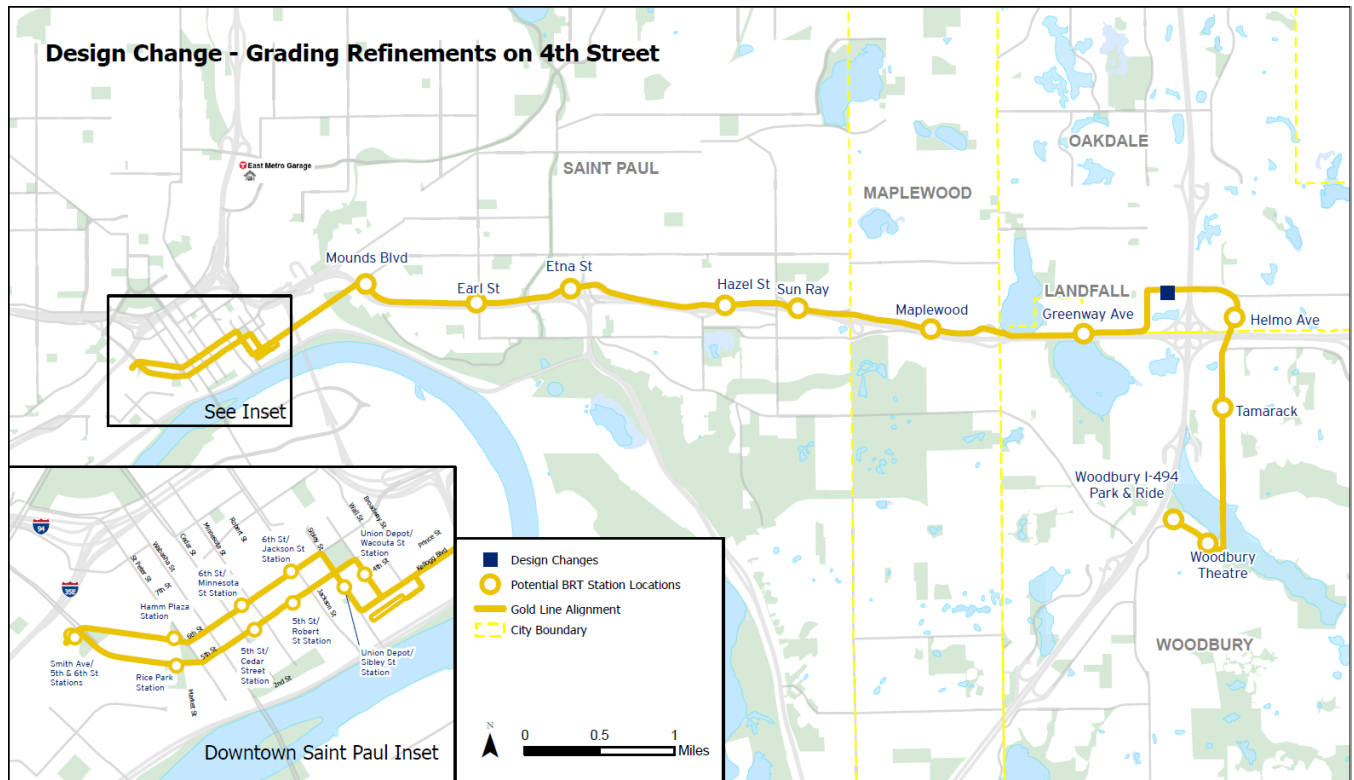


Figure 2-31 and Figure 2-32 show the 15 percent concept design and 90 percent design, respectively.



FIGURE 2-31: 15% DESIGN - GRADING REFINEMENT ON 4<sup>TH</sup> STREET

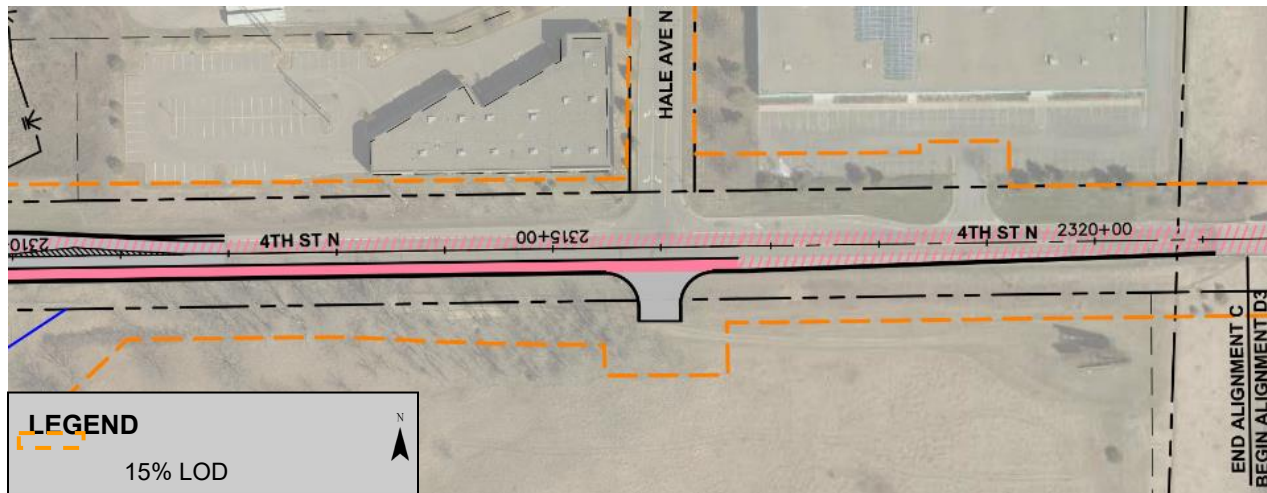
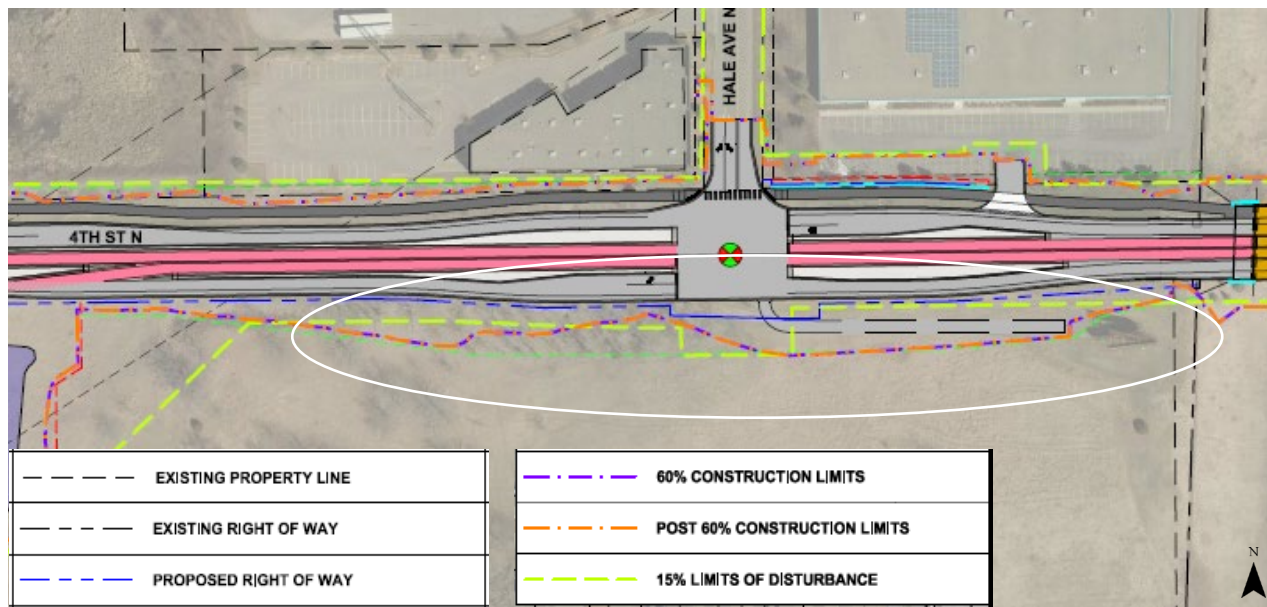


FIGURE 2-32: GRADING REFINEMENT ON 4<sup>TH</sup> STREET – CURRENT







**TABLE 2-8: GRADING REFINEMENTS ON 4<sup>TH</sup> STREET – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Acquisitions, Displacements and Relocations	0.65 acres temporary easement to construct the BRT guideway along 4 <sup>th</sup> Street and the approach to the guideway bridge over I-694.	1.15 acres temporary easement to accommodate grading and restore an access road to a billboard on private property.	Temporary easement increased by 0.5 acres.
Biological Environment	Approximately 0.6 acres RPBB HPZ permanently impacted and 0.3 acres temporarily impacted.	Approximately 0.69 acres RPBB HPZ permanently impacted and 0.51 acres temporarily impacted.  The U.S. Fish and Wildlife Service (USFWS) determined the areas are highly disturbed and any potential RPBB nesting or foraging habitat that may be present is of low quality. See Section 3.3 and Appendix C.	Permanent impact to RPBB HPZ increased 0.09 acres and temporary impact increased by 0.21 acres.  USFWS concurred there are no additional impacts to the RPBB as a result of the expanded HPZ, 90 percent design construction limits, and proposed conservation measures. See Appendix E.





### 2.1.8 Design Change #8: Grading for Future City of Oakdale Trail

The EA/FONSI identified intersection improvements at the BRT guideway/4<sup>th</sup> Street intersection with Hayward Avenue and Hudson Road. At the City of Oakdale’s request, the 90 percent design extends grading outside the 15 percent LOD in the southeast quadrant of the intersection for a future bicycle/pedestrian trailhead to be constructed by the city (see Figure 2-33). Table 2-9 summarizes changes in impacts to resources affected by the design change since the EA/FONSI.

**FIGURE 2-33: DESIGN CHANGE #8: GRADING FOR FUTURE CITY OF OAKDALE TRAIL LOCATION MAP**

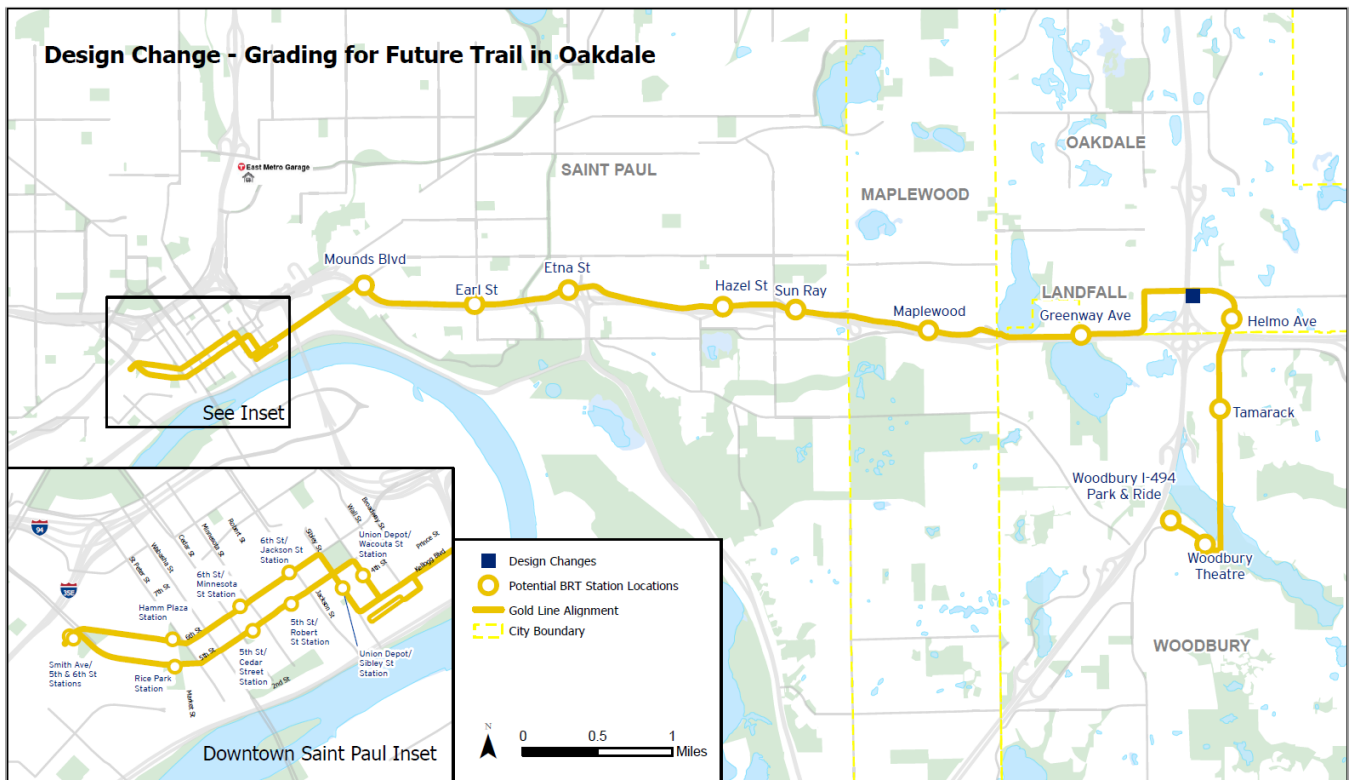


Figure 2-34 and Figure 2-35 show the 15 percent concept design and 90 percent design, respectively.



FIGURE 2-34: 15% DESIGN - GRADING FOR FUTURE CITY OF OAKDALE TRAIL

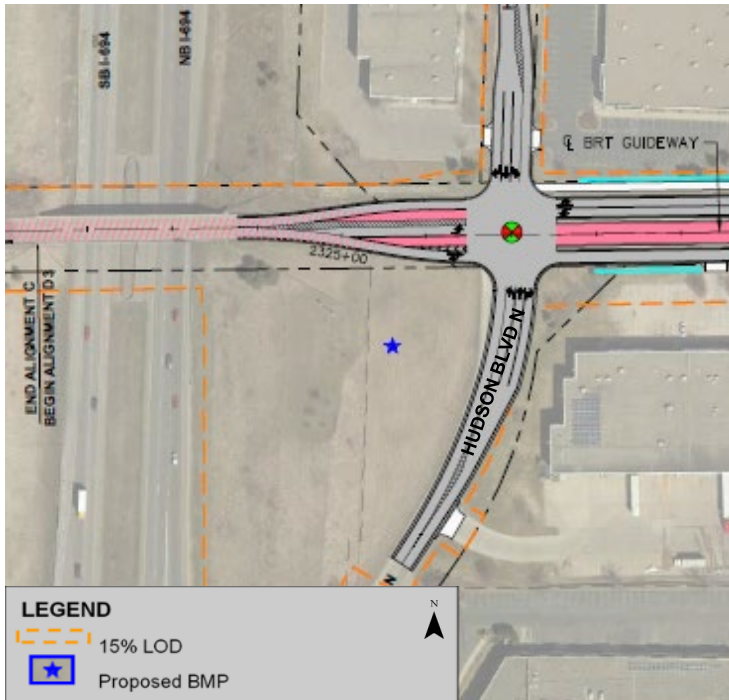
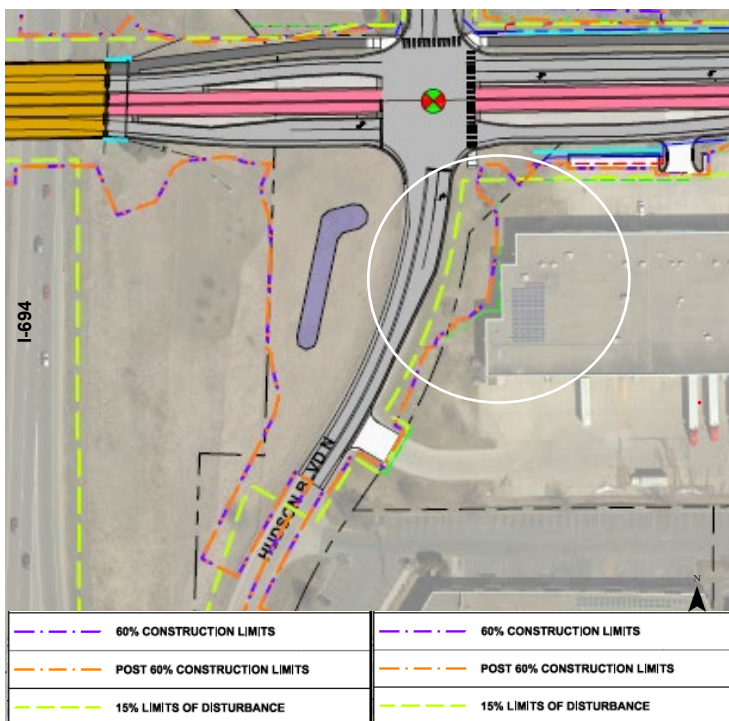


FIGURE 2-35: GRADING FOR FUTURE CITY OF OAKDALE TRAIL – CURRENT





**TABLE 2-9: GRADING FOR FUTURE CITY OF OAKDALE TRAIL – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Acquisitions, Displacements and Relocations	Reconstructs the 4 <sup>th</sup> Street/Hayward Avenue/Hudson Road intersection within existing ROW.	0.10 acres temporary easement necessary for construction grading to accommodate the city’s future bicycle and pedestrian trail.	Added 0.17 acres temporary easement.



### 2.1.9 Design Change #9: 500 Bielenberg Drive BMP Refinement

The 30 percent design re-evaluation of the EA/FONSI identified an expanded BMP. The 90 percent design updates the BMP design, which extends beyond the 30 percent LOD (see Figure 2-36). Table 2-10 summarizes changes in impacts to resources affected by the design change since the 30 percent re-evaluation.

**FIGURE 2-36: DESIGN CHANGE #9: 500 BIELENBERG DRIVE BMP REFINEMENT LOCATION MAP**

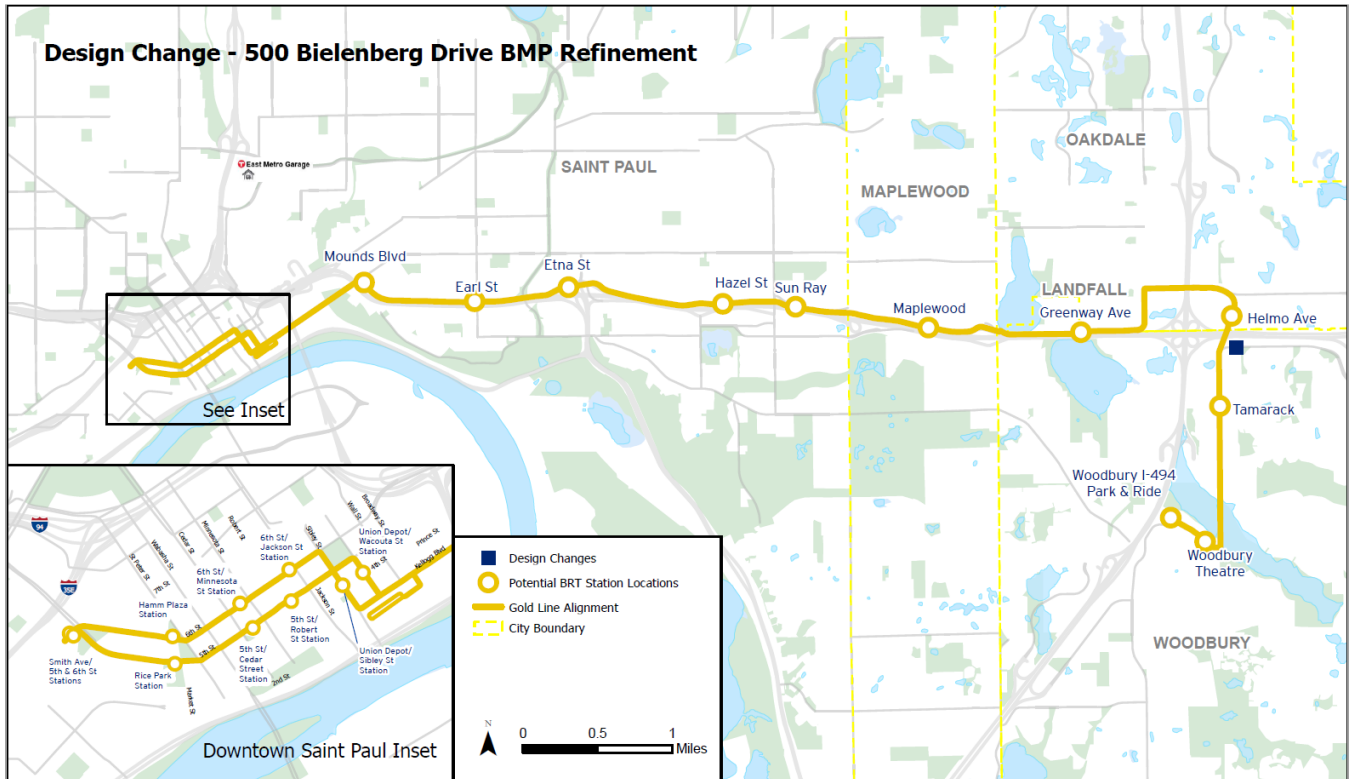
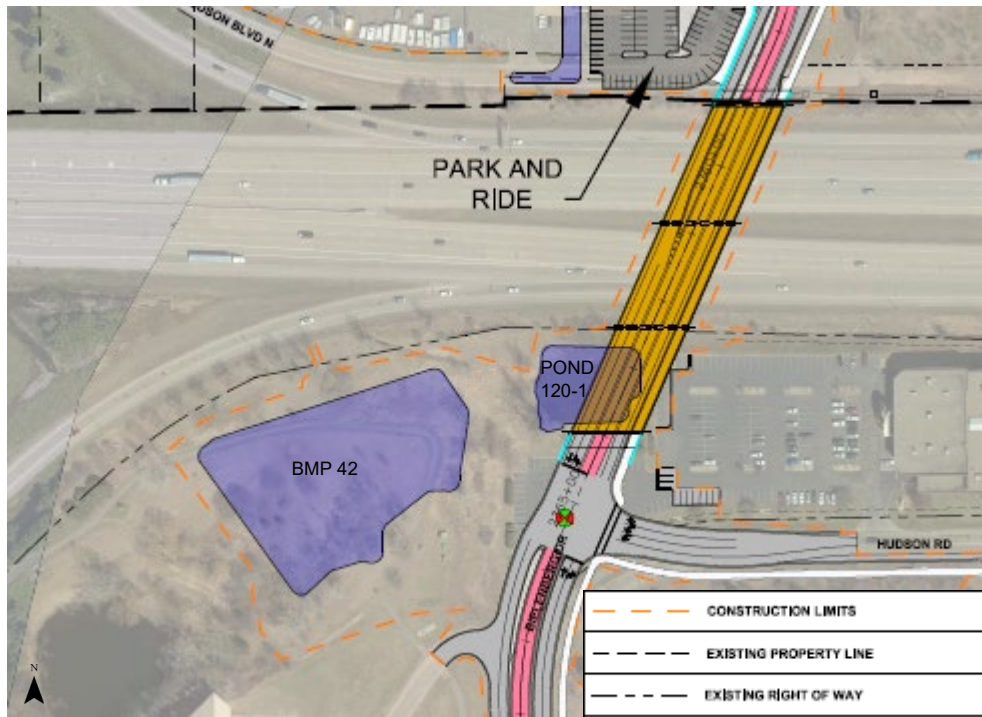


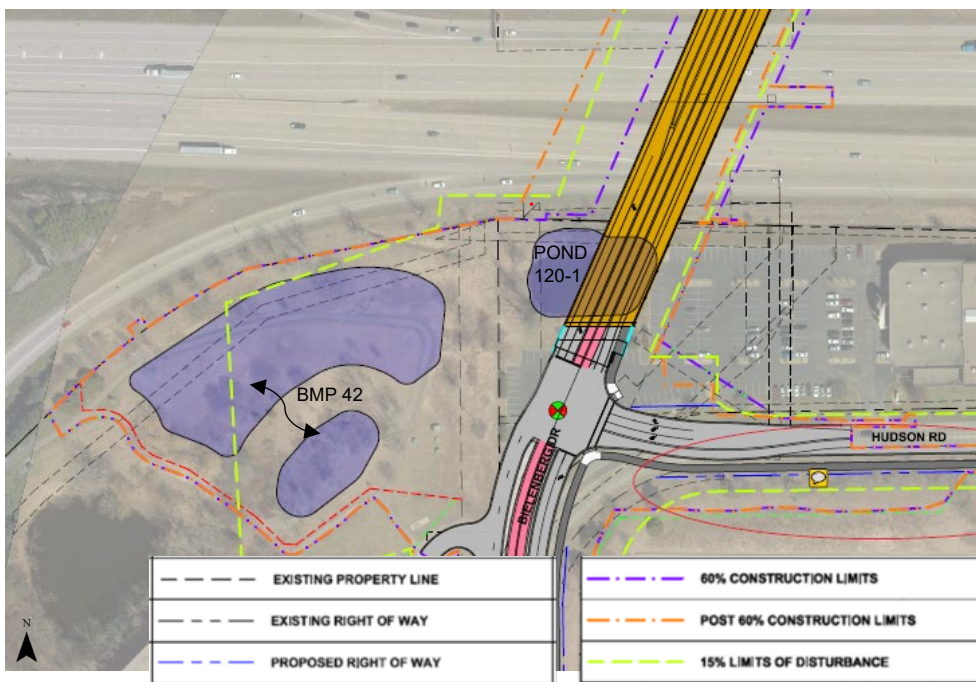
Figure 2-37 and Figure 2-38 show the 30 percent concept design and 90 percent design, respectively.



**FIGURE 2-37: 30% DESIGN – 500 BIELENBERG DRIVE BMP REFINEMENT**



**FIGURE 2-38: 500 BIELENBERG DRIVE BMP REFINEMENT – CURRENT**







**TABLE 2-10: 500 BIELENBERG DRIVE BMP REFINEMENT – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	30 Percent Re-evaluation Impacts	New Impacts	Change in Impacts since 30 Percent Re-evaluation
Acquisitions, Displacements and Relocations	Permanent easement of approximately 1.5 acres for expanding the BMP on parcels already identified in the EA. Which resulted in approximately 0.8 acres additional permanent easement required within and along existing transportation corridor.	The BMP reconfiguration is now located in an area not previously included in 30 percent LOD. BMP reconfiguration maintains approximately 1.5 acres of total permanent easement within the same parcel for acquisition.	No change.
Surface Water	Pond 120-1 under proposed Bielenberg Drive/Helmo Avenue bridge over I-94 expanded by 0.24 acres. The Joint WCA/404 permit accounts for 30 percent design impacts.	No additional existing surface waters impacted.	No change.
Stormwater and Water Quality	Proposed BMP-42 expanded by approximately 0.63 acres for a total 1.3 acres.	Increase BMP-42 by 0.23 acres and split into two separate areas totaling 1.5 acres.	0.23 acre increase in BMP size.
Biological Environment	LOD in RPBB HPZ is approximately 4.1 acres.	LOD includes 5.1 acres of RPBB HPZ.  Based on vegetation surveys conducted in 2020, USFWS concluded the RPBB HPZ areas impacted by the Project are highly disturbed and any potential RPBB nesting or foraging habitat that may be present is of low quality. See Appendix E.	Impact in RPBB HPZ increased by 1 acre.  USFWS concurred there are no additional impacts to the RPBB as a result of the expanded HPZ, 90 percent design construction limits, and proposed conservation measures. See Appendix E.





Potential Resource Areas Impacted	30 Percent Re-evaluation Impacts	New Impacts	Change in Impacts since 30 Percent Re-evaluation
Hazardous Materials and Contamination	Phase II ESA testing was conducted on this property at the proposed BMP location and a Response Action Plan has been prepared per the mitigation commitment in the FONSI.	<p>Design changes are within the 500-foot study area for the Phase I ESA. Subsequent design changes did not require additional Phase II ESA testing because previous analysis was sufficient; thus, there would be no further impacts or changes to the Response Action Plan (RAP).</p> <p>In March 2021, the Council received a “No Association Determination for Acquisition Properties”, from the MPCA that is based, in part, on the Response Action Plan/Construction Contingency Plan (RAP/CCP) the Council will implement. See Appendix C.</p>	<p>No change in impacts.</p> <p>In March 2021, MPCA provided “No Association Determination for Acquisition Properties”, which will not associate the Council with the release or threatened release of hazardous substances, pollutants, or contaminants for the purpose of Minn. Stat. Section 1158.03, subd.3(4).</p>



## 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 30 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 90 percent design and anticipated long-term impacts are discussed at the Project's established teams and committees, including the DART, 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. The DARTs meet frequently to address design refinements throughout the corridor. The remaining committees meet monthly or as needed. Through the DARTs, as well as project advisory committees, the Council maintains regular coordination with local communities and governments, including:

- City of Saint Paul
- City of Maplewood
- City of Landfall
- City of Oakdale
- City of Woodbury
- Ramsey County
- Washington County
- MnDOT

### 3.2 Federal Highway Administration

In addition to MnDOT noted above, FTA and the Council coordinate with the FHWA 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) 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. Appendix A summarizes changes within the MnDOT ROW to assist FHWA's FONSI re-evaluation.

### 3.3 United States Fish and Wildlife Service

The Council also obtained an updated USFWS list of threatened and endangered species that may occur in the area likely to be affected by the Project (See Appendix E). The updated list identified the following species:

- Northern Long-eared Bat (Threatened)
- Higgins Eye (pearlymussel) (Endangered)
- Rusty Patched Bumble Bee (Endangered)



The Project will not affect habitat where the Higgins Eye (pearlymussel) may occur. 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) (See Appendix E). The Council will also include NLEB avoidance, minimization, and mitigation measures (AMMs) in contractor specifications (See AMMs listed in Appendix E).

The USFWS concurred the Project may affect, but is not likely to adversely affect, the RPBB based on the 30 percent LOD. As part of its Section 7 consultation for the RPBB, FTA and the Council committed to continued coordination with the USFWS to complete surveys for the presence of the RPBB in HPZs within the Project's 30 percent LOD. The Council developed a survey approach and schedule with USFWS. Due to delays in field reviews during the COVID-19 pandemic, the habitat assessment of HPZs within the 30 percent LOD wasn't completed until Summer 2020, at which time the results were provided to the USFWS. The USFWS determined the areas are highly disturbed and any potential RPBB nesting or foraging habitat that may be present is of low quality and concluded that additional surveys or assessments in 2021 are unlikely to present new information (See Appendix E).

The Council conducted consultation with USFWS based on the 90 percent LOD and identified additional commitments for conservation measures in overwintering habitat potentially used by the RPBB. Consultation with the USFWS local field office will continue as design and construction sequencing advances to further minimize and reduce the potential for conflict to the RPBB. The construction schedule will be reviewed for areas of unmanicured upland grassland potentially used by the RPBB to identify timeframes and locations where construction will be avoided or sequenced to minimize RPBB conflict during the active season. Construction activities during the overwintering months (October 16 to March 14) will be avoided in woodland habitat potentially used by the RPBB. The Council will reseed temporarily disturbed areas in the HPZ with native seed mix, with preferred plant species nectar sources. The USFWS concurred there are no additional impacts to the RPBB as a result of the expanded HPZ, 90 percent design construction limits, and proposed conservation measures (See Appendix E).

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 90 percent design changes.

### 3.4 Minnesota Pollution Control Agency (MPCA)

The MPCA provided a "No Association Determination for Acquisition Properties" (NAD), which will not associate the Council with the release or threatened release of hazardous substances, pollutants, or contaminants for the purpose of Minn. Stat. Section 1158.03, subd.3(4). The Council received a project wide NAD and a site specific NAD for the Johnson Dump Parcels (See Appendix C).

### 3.5 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 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 (See Appendix C). Consultation on subsequent design advancement is ongoing following the terms of the PA.

### 3.6 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. Due to COVID-19 restrictions, in-person indoor meetings and events were canceled, and communications were maintained via the Project website, phone calls and email communications.

Based on public feedback received in April and May 2020 on the 30 percent design, the Council continued design advancement and hosted a series of 60 percent Design In-person Outdoor Neighborhood Pop-up Events on September 26, 2020; September 30, 2020; October 3, 2020 and October 7, 2020. The pop-up events were held socially-distanced and outdoors in the Gold Line corridor.

The Council hosted two virtual open houses on Zoom on October 8, 2020 and October 13, 2020 to present the 60 percent site plans at stations. The session included an opportunity for a question and answer session with meeting attendees. The meetings were recorded and are available on the project website. A recorded presentation of design plans for the full route was also provided and is available on the project website, as are transcripts in English, Spanish, Somali, Hmong and Karen. The Council will use public comments to inform design as it advances to 100 percent completion.

A number of digital, print and social media ads to advertise the open houses and comment options were done in Spanish, Hmong, Somali and Karen. Digital and print ads were placed in the following publications: Star Tribune, The Patch, Dayton's Bluff District Forum, Hmong Times, 3Hmong TV, La Matraca News, Lo Voz Latina, Somali American Newspaper, AccessPress and MN Spokesman Recorder. Comment forms and an online survey were available on the project website. Surveys were available in English, Spanish, Somali, Hmong and Karen. Additionally, a direct mailing was sent out to approximately 9,000 households, apartment complexes and businesses throughout the corridor to advertise the events and comment options.

A complete summary of ongoing public engagement activities is provided at the Project website <sup>3</sup>.

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<sup>3</sup> <https://www.metrotransit.org/gold-line-public-engagement>



## **4 INDIRECT AND CUMULATIVE EFFECTS**

### **4.1 Indirect Effects**

The 90 percent design changes do not substantially change the anticipated indirect effects of the Project. Most 90 percent design changes consist primarily of refinements.

### **4.2 Cumulative Impacts**

Similar to the indirect effects discussion, because most 90 percent design changes are refinements presented in the EA/FONSI, they do not substantially change the anticipated cumulative impacts of the Project. 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.

April 2, 2021

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Charles Carlson  
Director, BRT Projects  
Metropolitan Council

Date of Approval

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Kelley Brookins  
Regional Administrator  
Federal Transit Administration, Region V

Date of Approval





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

**Environmental Re-evaluation**

## **Appendix A. Changes within MnDOT ROW**

April 2021



## A. CHANGES WITHIN THE MNDOT RIGHT-OF-WAY

The Project runs parallel to and traverses MnDOT ROW, including I-94, I-694, Trunk Highway (TH) 61/Etna Street, and TH 120/Century Avenue. In addition, two new BRT bridges would be constructed in proximity to existing I-94 bridges at Johnson Parkway and McKnight Road. As part of the project development process, the both FHWA and MnDOT areas Cooperating Agencies on the EA/FONSI. The Council, FHWA and MnDOT will enter into a ROW Use Agreement which documents final agreement on the BRT alignment within MnDOT ROW and preservation of space accommodate future improvements on the Trunk Highway and Interstate highway systems where the Project crosses MnDOT ROW.

FHWA adopted FTA's EA and issued their own FONSI regarding the actions within MnDOT ROW on March 5, 2020. FHWA and MnDOT will complete a separate review of the changes to the EA/FHWA FONSI as it relates to actions requiring agency approval. This section summarizes changes to the MnDOT ROW since the EA/ FHWA FONSI to support FHWA's adoption of FTA's re-evaluation and determination that the FHWA FONSI remains valid. The changes listed below include design updates from 15 percent concept plans to 90 percent design.<sup>1</sup>

### A.1. Storm Sewer Connection to MnDOT Conway Connection

The EA/FONSI identified the need for storm water BMPs in the vicinity of the Mounds Boulevard BRT station. The Council and MnDOT identified an opportunity to connect into MnDOT's existing storm sewer as part of a pavement rehabilitation project on I-94.<sup>2</sup> The connection will be within MnDOT ROW. See Figure A-1 for storm sewer connection and Table A-1 for summary of impacts.

**TABLE A-1: UTILITY CONNECTIONS AND RELOCATIONS – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Cultural Resources	Assessment of effects on historic properties will be conducted per the terms of the Project's PA.	All connections/relocation sites: Assessment of effects are ongoing per the terms of the Project's PA.  The MnDOT CRU reviewed 60 percent design plans, including utility connections and determined no additional survey is required. <sup>3</sup>	Refinements coordinated following the Project's PA.
Utilities	Utility relocations, depending outcomes of further design refinements	Utility relocations and connections identified.	Utilities relocated to avoid operation and maintenance conflicts.

<sup>1</sup> There are no changes to the MnDOT ROW at Johnson Parkway since the EA/FONSI.

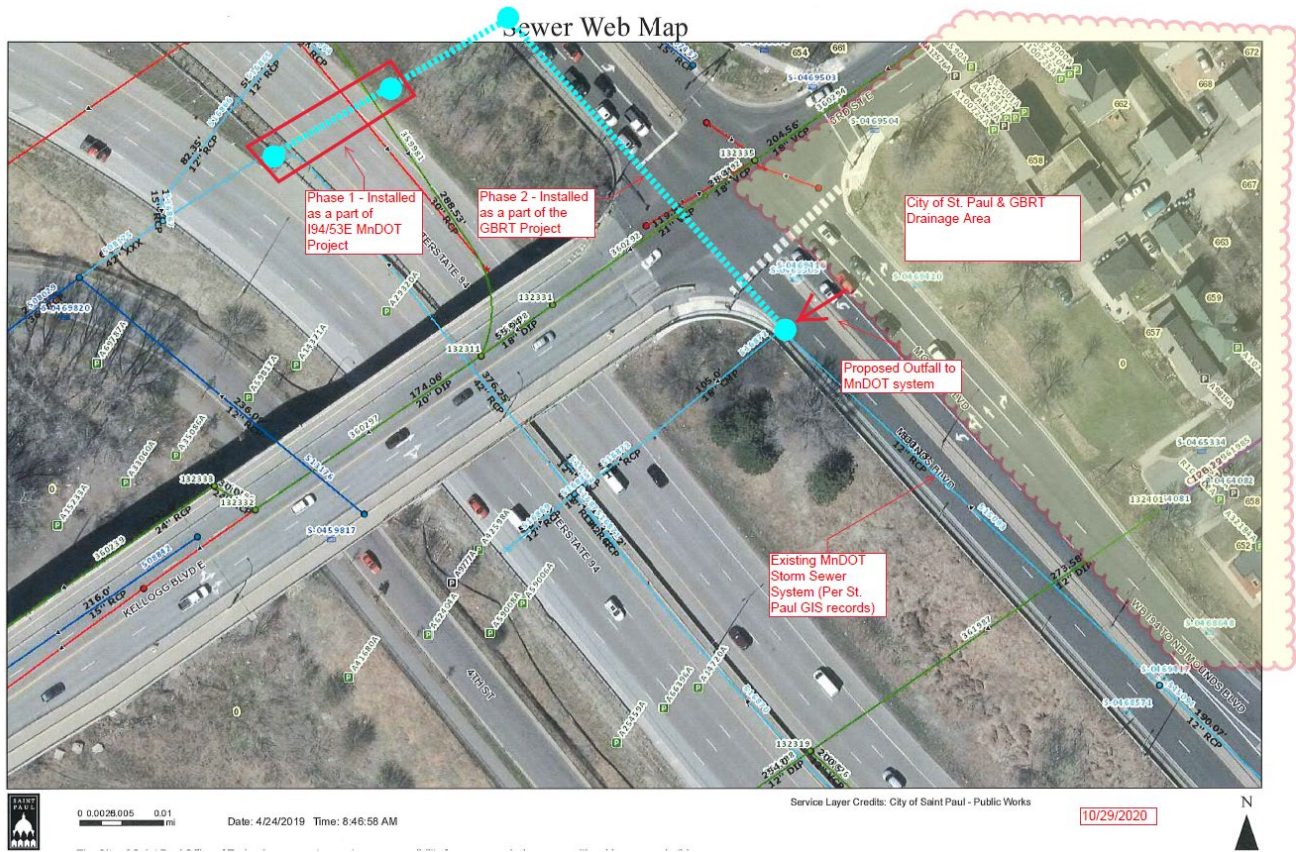
<sup>2</sup> State Project Number: 6283-247, 6283-255

<sup>3</sup> MnDOT CRU 8/4/20 and 12/21/20 email communication: No additional architecture/history or archaeology fieldwork is needed. MnDOT CRU has cleared areas of utility work from needed additional archeological work. (Note: there are no substantial changes between 60 percent and current design)

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Traffic	<p>Short term impacts such as lane closures associated with new utility connections and existing utility relocations.</p> <p>Utility relocations and connections not defined in MnDOT ROW.</p> <p>Traffic signal connections not defined.</p>	MnDOT Conway Storm Sewer Connection, MNIT relocations: Construction may require temporary lane closures for construction along I-94, but long term traffic operations will not be impacted.	No change.
Stormwater and Water Quality	Stormwater BMPs in the vicinity of the Mounds Boulevard BRT station. Stormwater connections not specifically identified.	Connect into MnDOT's existing storm sewer as part of a pavement rehabilitation project on I-94. <sup>4</sup> The Project extends storm sewer connection in two phases. MnDOT will install a storm sewer underneath I-94 in Phase 1. During Phase 2, the Project connects to the Phase 1 storm sewer by extending storm sewer pipe from the Mounds Boulevard BRT station, along the southwest side of Mounds Boulevard and across MnDOT ROW.	No change. Refinements improve efficient stormwater management.
Hazardous Materials and Contamination	Depending on location, sites of low, medium or high-risk occur in the study area.	All connections/relocation sites: Design modifications are within the 500-foot study area for the Phase I ESA. No additional impacts. Incidental encounters addressed through materials handling in plan specifications.	No change. Incidental encounters addressed through materials handling in plan specifications.

<sup>4</sup> State Project Number: 6283-247, 6283-255

FIGURE A-1: STORM SEWER CONNECTION – CURRENT



### A.3. Maple Street Pedestrian Bridge

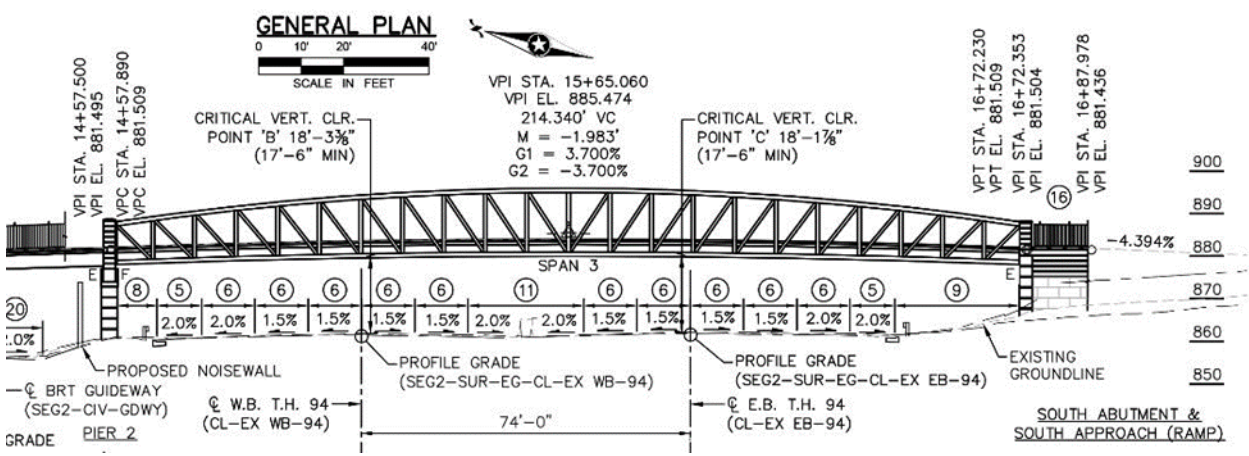
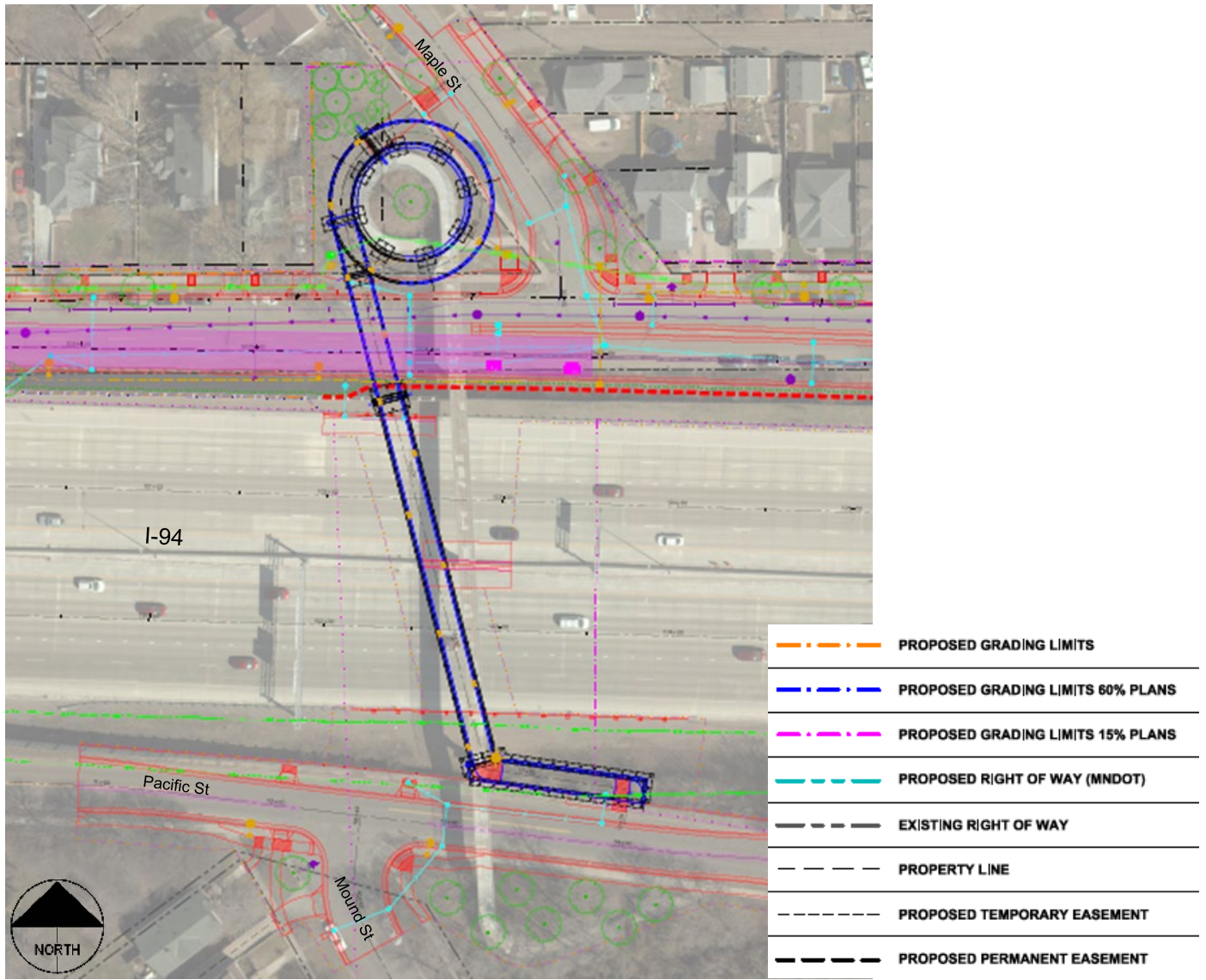
The existing pedestrian bridge described at the 15 percent design and in the EA/FONSI would be reconstructed over I-94 and Pacific Street. The current design changes created a longer, less steep ADA ramp along Maple Street and replaces the ramp on the south side of I-94 with a ramp on a retaining wall and a switchback on the north side of Pacific Street. Design changes are based on input from the City of Saint Paul and MnDOT to improve the pedestrian experience and minimize impacts to the historic Giesen-Hauser House on the south side of I-94. Pacific Street will be reconstructed to accommodate the south ramp. The Council continued coordination with MnDOT and FHWA and the pedestrian bridge will be a truss style bridge, which would remove the existing center pier in the I-94 median. The design change will provide more flexibility for future construction projects on I-94. The current design occurs within existing transportation ROW evaluated in the EA/FONSI and changes do not impact freeway functions. Table A-2 summarizes resources impacted by the current design.

**TABLE A-2: MAPLE STREET PEDESTRIAN BRIDGE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Pedestrian/Bicycle	Existing pedestrian/bicycle connection maintained.	Connection maintained with modified ramps.	Access maintained and improved. Grade separation on Pacific Street replaced with at-grade crossing.
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.	No change.
Visual Quality and Aesthetics	Moderate visual contrast for neighborhoods. Low visual contrast for I-94 travelers.	Views of the bridge not substantially changed from neighborhoods. Views of truss bridge for travelers on I-94.	No substantial change.
Stormwater/Water Quality	The bridge is located on Alignment B, which anticipates a total of 18.2 acres of new impervious or reconstructed impervious area (compared to 10.2 acres of existing impervious area).	The revised ramp design will add less than 0.01 acres impervious area.	Impervious area increased by less than 0.01 acres.



**FIGURE A-2: MAPLE STREET PEDESTRIAN BRIDGE PLAN AND ELEVATION – CURRENT**



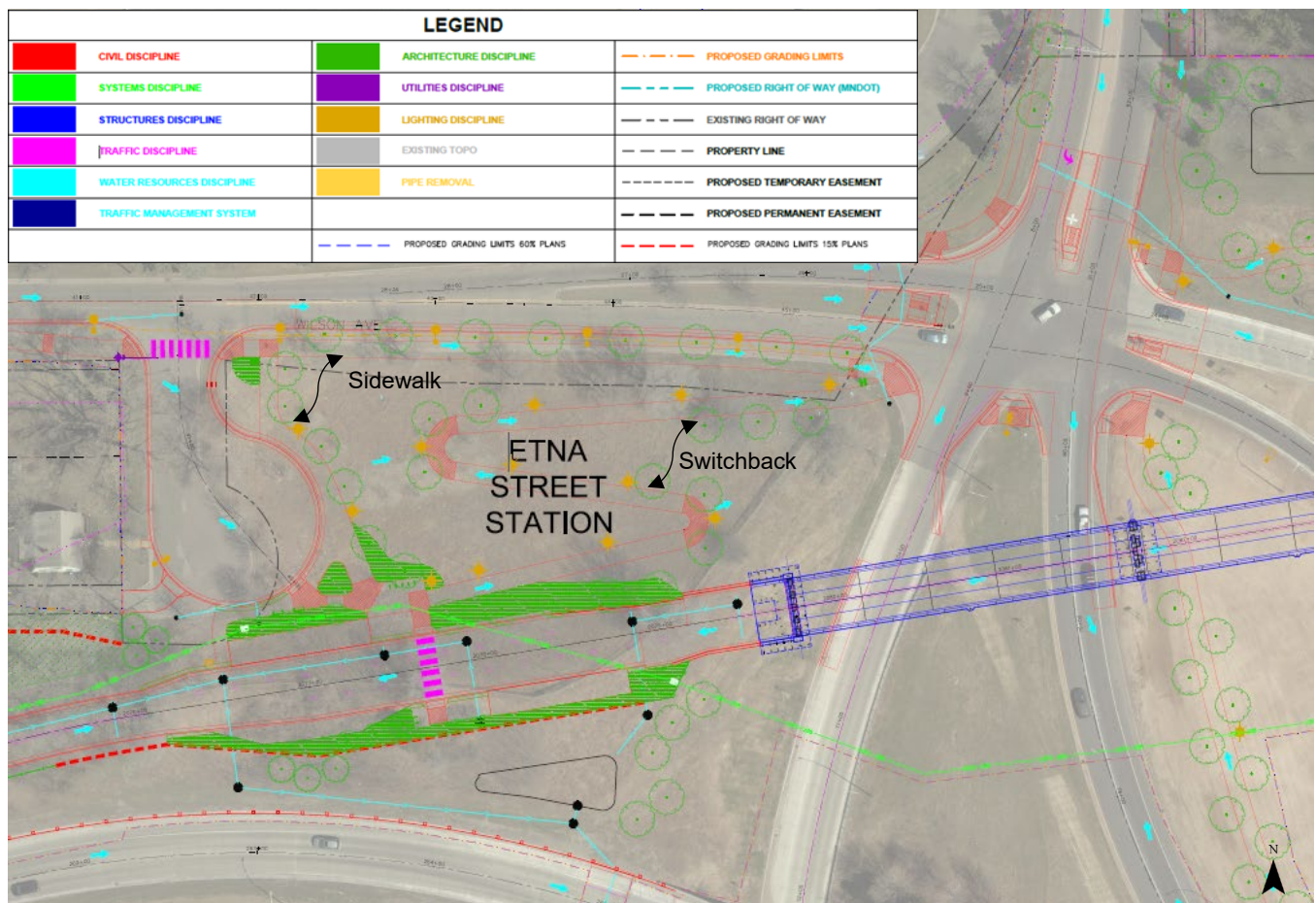
## A.4. Etna Street Station

The EA/FONSI proposed pedestrian and bicycle access to the Etna Street Station via a sidewalk network and ramps on a retaining wall to maintain space for a proposed stormwater BMP on the site. The current design no longer requires this site for a BMP to meet project stormwater requirements. To reduce project costs, the Council coordinated with City of Saint Paul to replace the proposed the pedestrian/bike switchback (which required substantial retaining walls) with at-grade trail to access the Etna Street Station. The changes are maintained within existing transportation ROW evaluated in the EA/FONSI and do not impact roadway functions. Table A-3 summarizes resources impacted by the current design.

**TABLE A-3: ETNA STREET STATION – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Pedestrian and Bicycle Facilities	Pedestrian and bicycle access with ramp on retaining wall.	Ramp no longer on retaining wall.	No change. Access remains ADA-compliant.
Visual Quality and Aesthetics	Views of substantial retaining walls.	Reduced visual impact by removing retaining walls.	Reduced visual impact.

**FIGURE A-3: ETNA STREET STATION - CURRENT**





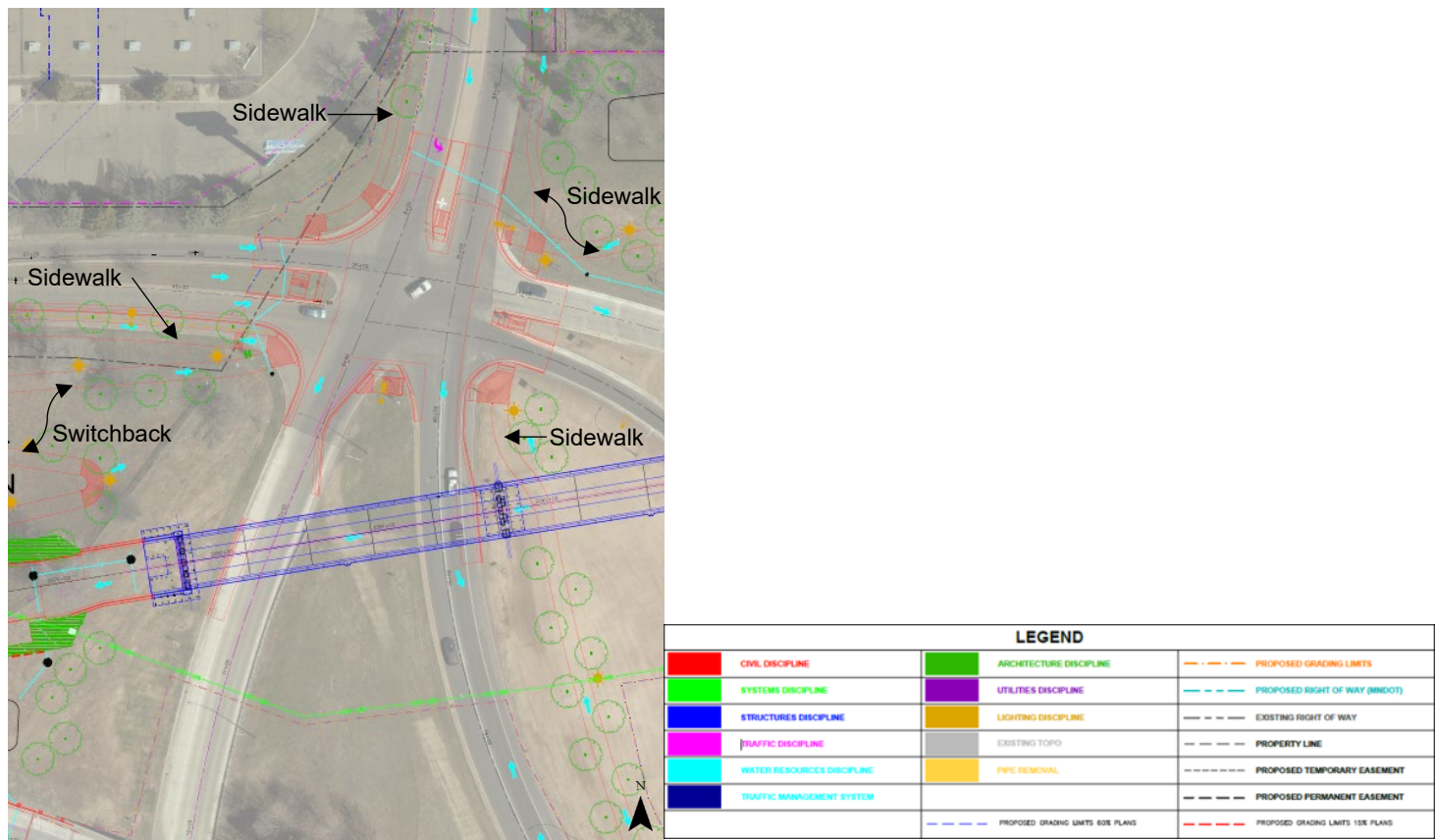
## A.5. TH 61/Etna Street and Wilson Street

The EA/FONSI maintained the existing eastbound Wilson Avenue right-turn lane onto TH 61/Etna Street. The current design removes the right-turn lane from Wilson Avenue to shorten the pedestrian crossing distance across Wilson Avenue by approximately 12 feet. The changes are maintained within existing transportation ROW evaluated in the EA/FONSI and do not impact roadway functions on TH 61/Etna Street. Refer to Figure A-3 of this location. Table A-4 summarizes resources impacted by the current design.

**TABLE A-4: ETNA STREET AND WILSON STREET – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Pedestrian and Bicycle Facilities	Sidewalks and crosswalks proposed throughout intersection.	Crossing width reduced by approximately 12 feet.	Reduced street width improves safety of pedestrian and bicyclist crossing.
Traffic	Existing right-turn lane from Wilson Avenue to Etna Street is retained.	Removed right-turn lane due to low traffic volume.	No change to traffic level of service.

**FIGURE A-4: TH 61/ETNA STREET AND WILSON STREET - CURRENT**



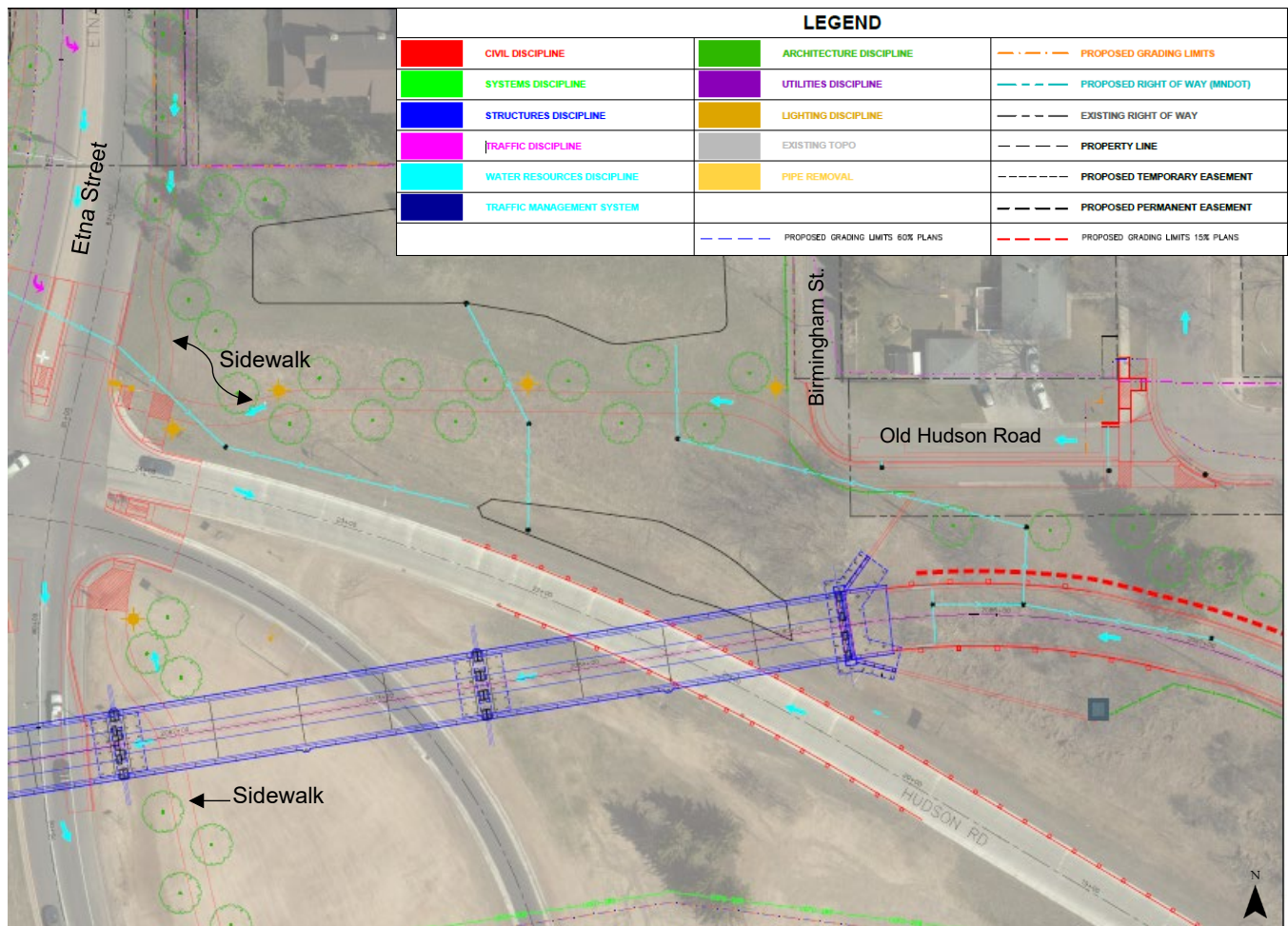
## A.6. Old Hudson Road and Birmingham Street

The EA/FONSI proposed a trail connection on the north side of Old Hudson Road, extending from Birmingham Street west to TH 61/Etna Street. The current design moves the trail to the south side of Old Hudson Road and narrows the connection to better indicate it is a trail connection and not a through street for motorists. The changes are maintained within existing transportation ROW evaluated in the EA/FONSI and do not impact roadway functions on TH 61/Etna Street. Table A-5 summarizes resources impacted by the current design.

**TABLE A-5: OLD HUDSON ROAD AND BIRMINGHAM STREET – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Pedestrian and Bicycle Facilities	Pedestrian/bicycle access provided along north side of Old Hudson Road to connect TH 61.	Trail connection moved to south side of Old Hudson Road. Connection to TH 61 retained.	No change.

**FIGURE A-5: OLD HUDSON ROAD AND BIRMINGHAM STREET - CURRENT**



## A.7. Burns Avenue

The EA/FONSI proposed pedestrian connections from the Etna Street Station on either side of TH 61 that terminated on the north side of the Burns Avenue intersection. The connection on the west side of TH 61 required an underpass under the I-94 exit ramp. The Council, in coordination with MnDOT and the City of Saint Paul, agreed to remove the proposed pedestrian connection on the west side of TH 61 between the Etna Street Station and Burns Avenue. The underpass proposed in the 15 percent plans presented maintenance, safety and cost concerns. Removing the underpass reduces project costs and addresses maintenance and safety concerns. The Council modified the pedestrian connection on the east side of TH 61 to create as much separation from TH 61 as possible. The current design added pedestrian connection improvements at the Burns Avenue/TH 61 intersection. ADA-compliant ramps, pedestrian signal upgrades, and wider refuge islands will be added in all quadrants of the intersection. The changes are maintained within existing transportation ROW evaluated in the EA/FONSI, do not impact roadway functions on TH 61, and improve bike/pedestrian environment. Table A-6 summarizes resources impacted by the current design.

**TABLE A-6: BURNS AVENUE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Pedestrian and Bicycle Facilities	Pedestrian/bicycle connections on both sides of TH 61, north of Burns Avenue.	Removed west side connection. Added ramps, signals and refuge at TH 61/Burns Avenue intersection.	Removed west side connection. East side connection maintained, along with improved intersection modifications.
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.	No change.
Hazardous Materials and Contamination	The proposed work is not located in medium or high-risk sites.	No additional impacts anticipated.	No change.
Section 4(f)	No impacts identified to Section 4(f) properties south of Burns Avenue.	Proposed ADA changes are within existing ROW; no impact on Section 4(f) properties.	No change.



FIGURE A-6: PEDESTRIAN CONNECTIONS TO BURNS AVENUE – CURRENT





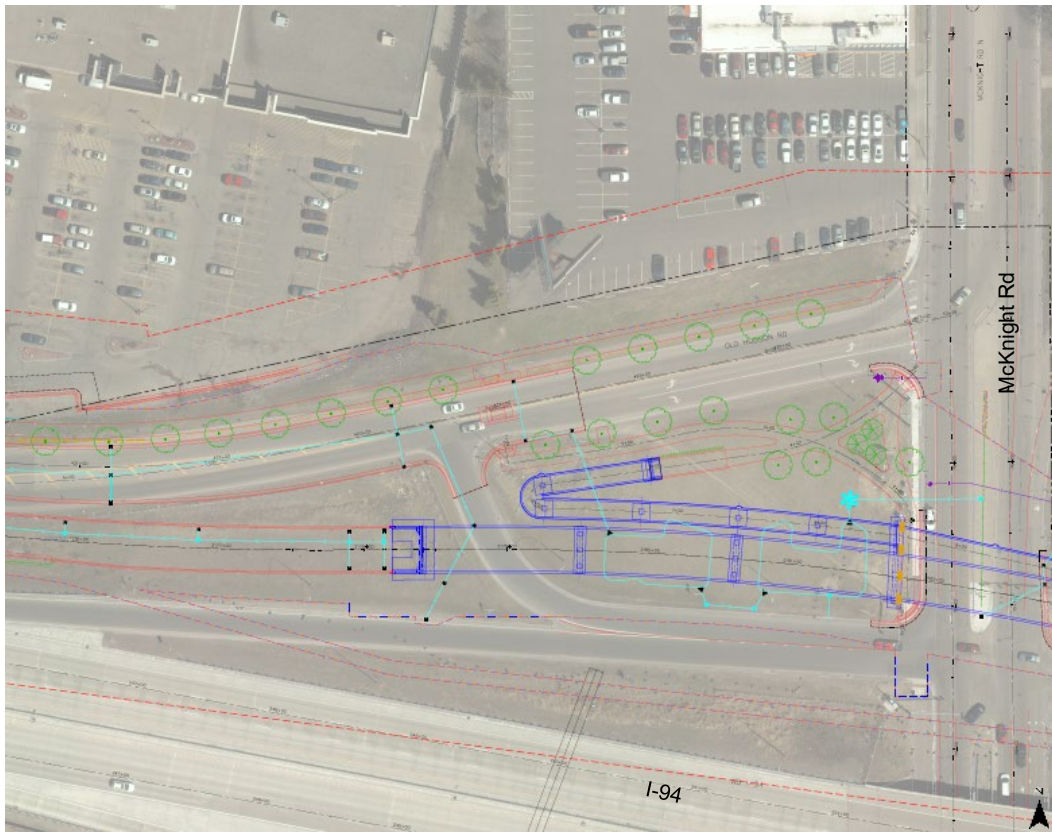
## A.8. McKnight Trail Alignment on 3M Campus

The EA/FONSI proposed two local trail connections at McKnight Road, one on the south side of the guideway to allow an at-grade crossing and one on the north to access the BRT bridge crossing. The current design moved both trails to the north side of the guideway to remove the at-grade crossing of McKnight Road based on input from the City of Maplewood. On the west side of McKnight Road, the current design modifies the bike trail to improve connections from the BRT alignment to north-south access on McKnight Road. The design change increases pedestrian and bike safety by allowing grade separated pedestrian crossing of this busy roadway. Access to both sides of McKnight Road is retained for pedestrians. Based on input obtained through consultation under the PA, the grading for the shifted trail will respond to the historic context of 3M campus. The changes are maintained within existing transportation ROW evaluated in the EA/FONSI and do not impact roadway functions on McKnight Road or I-94. Table A-7 summarizes resources impacted by the current design.

**TABLE A-7: MCKNIGHT TRAIL ALIGNMENT ON 3M CAMPUS – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since the EA/FONSI
Acquisitions, Displacements and Relocations	0.34 acre acquisition anticipated.	0.52 acre acquisition on same parcel.	0.18 acre additional acquisition.
Pedestrian and Bicycle Facilities	Trail with at-grade crossing to north side of guideway.	Trail shifted to the north side of the guideway.	Improved pedestrian/bicycle access.
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.	No change.

**FIGURE A-7: MCKNIGHT TRAIL ALIGNMENT - CURRENT**



LEGEND		
<span style="display:inline-block; width:15px; height:15px; background-color:red;"></span> CIVIL DISCIPLINE	<span style="display:inline-block; width:15px; height:15px; background-color:green;"></span> ARCHITECTURE DISCIPLINE	<span style="display:inline-block; width:15px; border-bottom:1px dashed orange;"></span> PROPOSED GRADING LIMITS
<span style="display:inline-block; width:15px; height:15px; background-color:limegreen;"></span> SYSTEMS DISCIPLINE	<span style="display:inline-block; width:15px; height:15px; background-color:purple;"></span> UTILITIES DISCIPLINE	<span style="display:inline-block; width:15px; border-bottom:1px dashed cyan;"></span> PROPOSED RIGHT OF WAY (MNDOT)
<span style="display:inline-block; width:15px; height:15px; background-color:blue;"></span> STRUCTURES DISCIPLINE	<span style="display:inline-block; width:15px; height:15px; background-color:gold;"></span> LIGHTING DISCIPLINE	<span style="display:inline-block; width:15px; border-bottom:1px dashed black;"></span> EXISTING RIGHT OF WAY
<span style="display:inline-block; width:15px; height:15px; background-color:magenta;"></span> TRAFFIC DISCIPLINE	<span style="display:inline-block; width:15px; height:15px; background-color:gray;"></span> EXISTING TOPO	<span style="display:inline-block; width:15px; border-bottom:1px dashed black;"></span> PROPERTY LINE
<span style="display:inline-block; width:15px; height:15px; background-color:cyan;"></span> WATER RESOURCES DISCIPLINE	<span style="display:inline-block; width:15px; height:15px; background-color:yellow;"></span> PIPE REMOVAL	<span style="display:inline-block; width:15px; border-bottom:1px dashed black;"></span> PROPOSED TEMPORARY EASEMENT
<span style="display:inline-block; width:15px; height:15px; background-color:darkblue;"></span> TRAFFIC MANAGEMENT SYSTEM		<span style="display:inline-block; width:15px; border-bottom:1px dashed black;"></span> PROPOSED PERMANENT EASEMENT
	<span style="display:inline-block; width:15px; border-bottom:1px dashed blue;"></span> PROPOSED GRADING LIMITS 60% PLANS	<span style="display:inline-block; width:15px; border-bottom:1px dashed red;"></span> PROPOSED GRADING LIMITS 15% PLANS

## A.10. Century Avenue Bridge

The EA/FONSI proposed a new BRT guideway bridge over Century Avenue. The 15 percent concept design retained the existing Hudson Road and I-94 westbound exit ramp configurations. The EA/FONSI also proposed relocating a private trail on the 3M Campus in addition to and generally independent of the public trail system adjacent to the BRT guideway. In coordination with 3M, the current design combined the public trail and the 3M private trails for a short segment due to site constraints. These trail modifications occur outside the MnDOT ROW, with the exception of an access connection to the 3M trail system. The changes are maintained within existing MnDOT ROW evaluated in the EA/FONSI and do not impact roadway functions.

As design advanced, modification of the Century Avenue BRT bridge structure was required. The Century Avenue/I-94 westbound ramp/Hudson Road intersection shifts about 150 feet south and the westbound off ramp will be reconstructed. The roadway section under the bridge is narrowed to eliminate a center pier to improve traffic sightlines. Shifting the intersection south reduced the northbound Century Avenue left-turn lane storage capacity. The left-turn storage lane south of the bridge at the signalized intersection is extended 150 feet to accommodate turning lane queuing. The FHWA concurred the design changes do not impact I-94 and therefore do not require an Interstate Access Request (see Appendix A in 30 Percent Re-evaluation<sup>5</sup>).

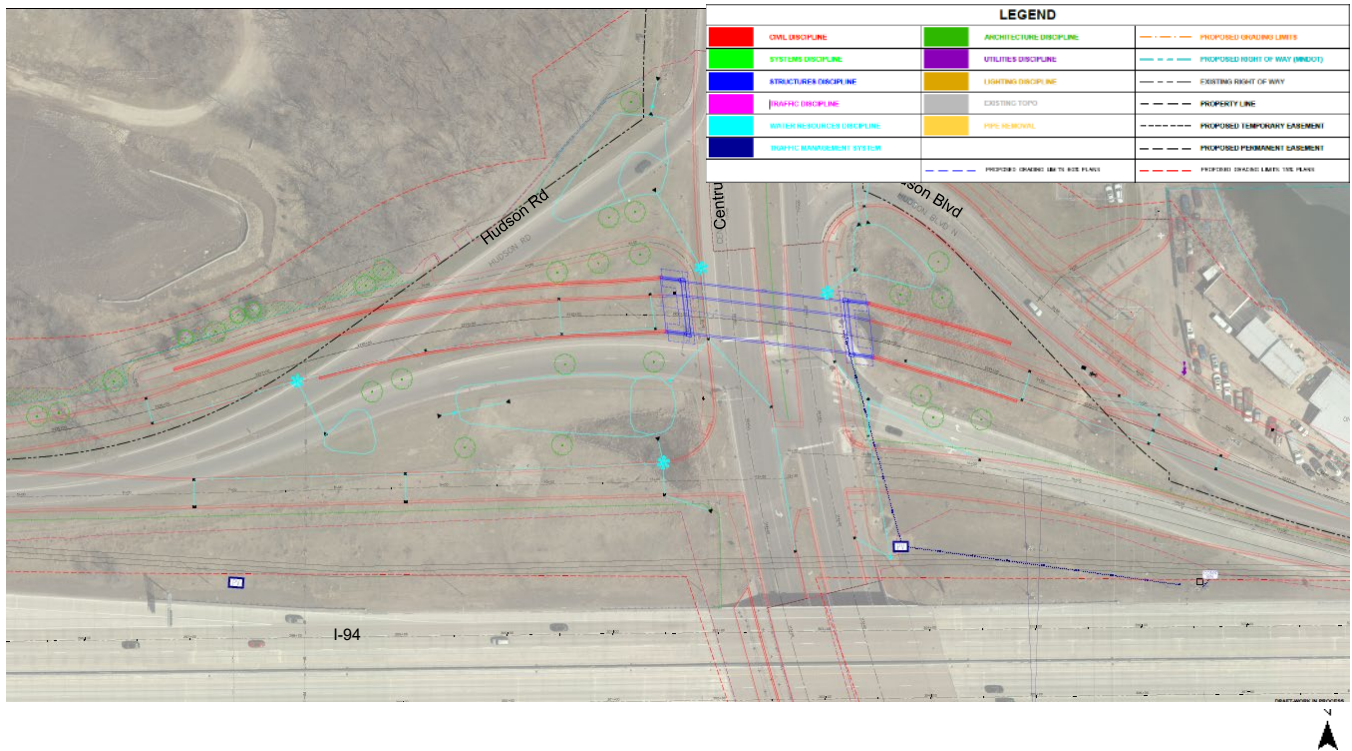
The current design reconfigures and expands existing MnDOT stormwater BMPs. The BMPs will maintain MnDOT stormwater system function and accommodate the stormwater requirements for the Project in this area. Most of the BMPs are retained within the existing MnDOT ROW, except for one BMP located west of Century Avenue and north of the BRT alignment. The Project cost includes reconfiguration of the existing BMPs as well as acquisition of approximately 0.08 acres of additional ROW to accommodate the BMP. The Council and MnDOT are developing agreements regarding long term ownership and maintenance of BMPs. Table A-8 summarizes resources impacted by the current design.

**TABLE A-8: CENTURY AVENUE – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Acquisitions, Displacements	ROW identified at Century Avenue for BMP.	0.08 acres ROW defined for BMP.	No change.
Traffic	Intersection operates at LOS D or better.	Left-turn storage lane extended 150 feet south of I-94 eastbound ramps.	150-foot left-turn lane. Traffic operations at intersection maintained.
Stormwater and Water Quality	Stormwater BMP identified at Century Avenue.	Reconfigured and expanded BMPs to accommodate both MnDOT and Project volume requirements.	Expanded and reconfigured BMPs at Century Avenue.

<sup>5</sup> <https://www.metrotransit.org/Data/Sites/1/media/about/improvements/gold-line/2020-08-10-mc-gold-line-brt-nepa-reevaluation---signed.pdf>

**FIGURE A-8: CENTURY AVENUE – CURRENT**



### A.11. 4th Street Over I-694

The EA/FONSI proposed a reconstructed multimodal bridge over I-694 to carry the BRT alignment between Hale Avenue and Hayward Avenue. There are no changes to the structure since the 15 percent plans, but the current plans update the structure pier protection in the I-694 median consistent with recent construction upgrades to the freeway. The EA/FONSI included a commitment that the Council maintain space beneath the proposed bridge to accommodate three through lanes and two auxiliary lanes in each direction on I-694. The Project design maintains the space underneath the 4<sup>th</sup> Street bridge to accommodate future improvements on I-694 as specified in the EA/FONSI. Table A-9 summarizes resources impacted by the current design.

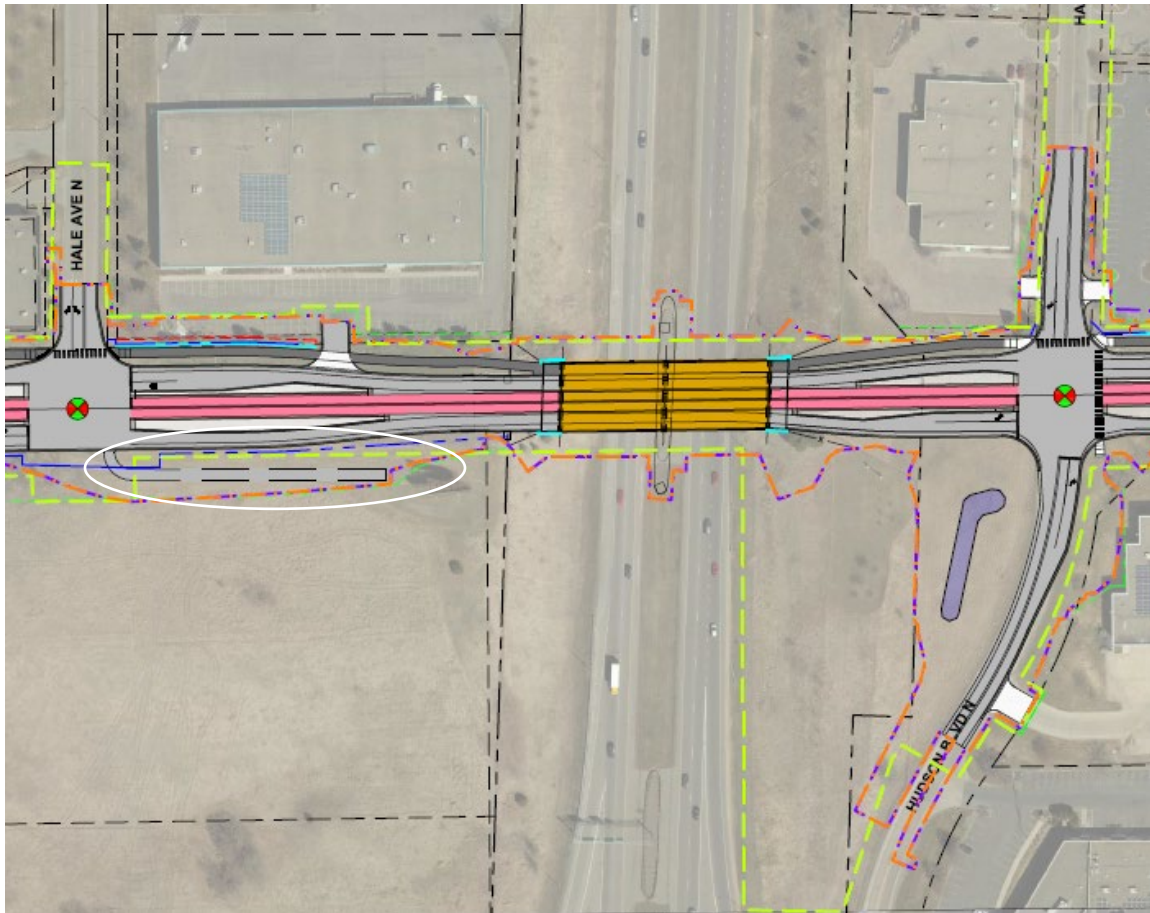
**TABLE A-9: GRADING REFINEMENTS ON 4TH STREET – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Traffic	Maintain space for 3 through lanes and 2 auxiliary lanes	Space maintained; pier protection updated per freeway upgrades.	No change to space for future lanes. Updated pier protection.
Acquisitions, Displacements, and Relocations	Temporary grading easement of approximately 0.65 acres required for BRT guideway.	Temporary grading easement of approximately 0.50 acres to replace the existing aggregate driveway to signage located in the southwest quadrant of I-694 and 4 <sup>th</sup> Avenue.	Additional 0.50 acres temporary grading easement required.



Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Biological Environment	Approximately 1.7 acres of the LOD is in the HPZ for the RPBB.	Approximately 1.1 acres of the LOD is in the HPZ for the RPBB.	Impact within HPZ reduced by 0.6 acres. Section 7 concurrence remains valid.

**FIGURE A-9: 4TH STREET BRIDGE OVER I-694 - CURRENT**



— — — —	EXISTING PROPERTY LINE	— · — · —	60% CONSTRUCTION LIMITS
— — — —	EXISTING RIGHT OF WAY	— · — · —	POST 60% CONSTRUCTION LIMITS
— · — · —	PROPOSED RIGHT OF WAY	— · — · —	15% LIMITS OF DISTURBANCE

## A.13. Helmo Avenue/Bielenberg Drive Over I-94

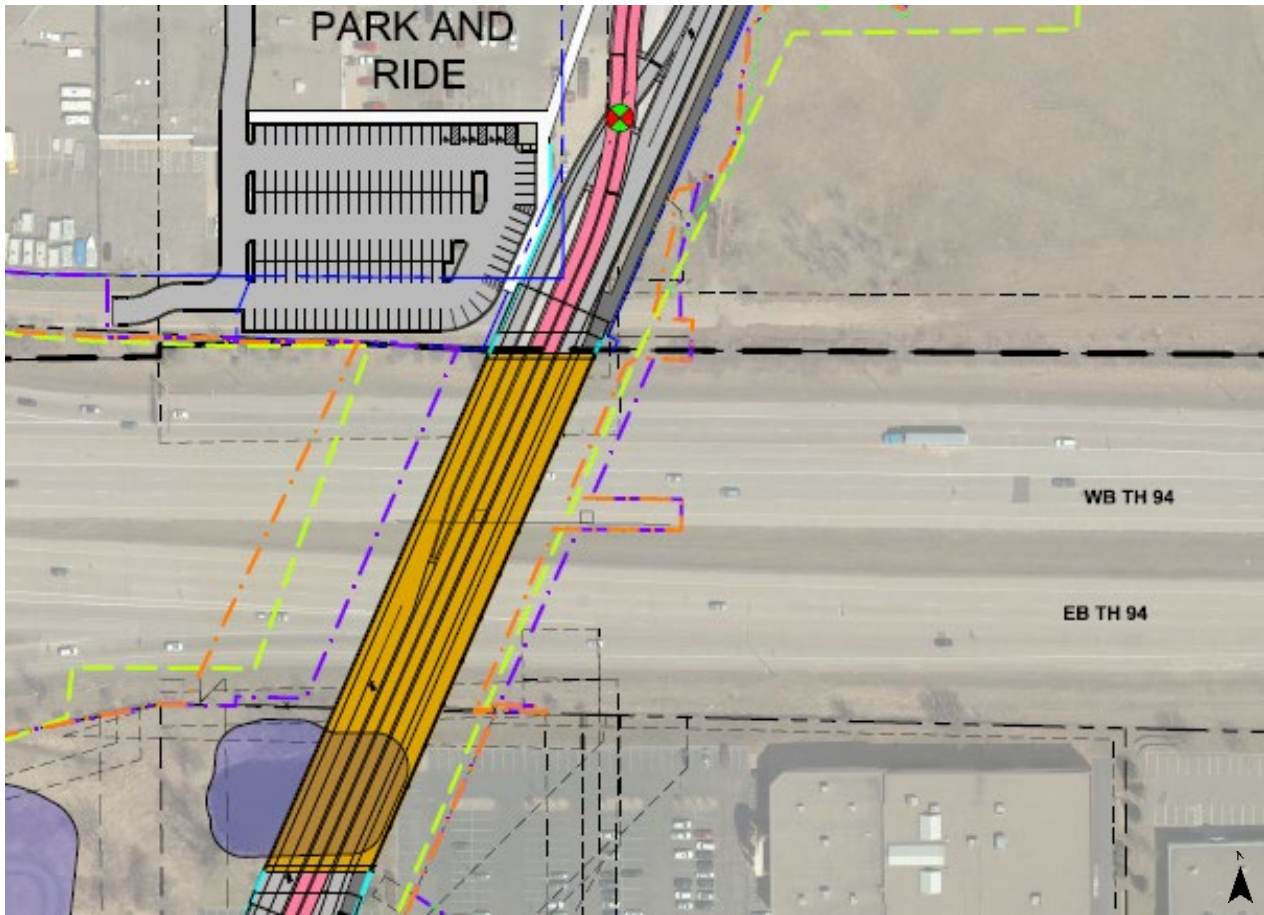
The EA/FONSI proposed a new BRT and roadway bridge over I-94 to connect guideway along Helmo Avenue on the north side of the freeway with Bielenberg Drive on the south side. The current design shifts the northern end of the bridge 50 feet east to address concerns from Minnesota Pipeline LLC maintenance staff regarding underground oil pipelines (MN Pipeline) crossing the freeway in the same vicinity. The Helmo Avenue extension and BRT guideway are also shifted east by 33.5 feet since the EA/FONSI at 90 percent design. The current plans update the structure pier protection consistent with recent construction upgrades to I-94. The EA/FONSI included a commitment that the Council maintain space beneath the proposed bridge to accommodate five through lanes and two auxiliary lanes in each direction on I-94. The Project design maintains the space underneath the Helmo Avenue/Bielenberg Drive bridge to accommodate future improvements on I-94 as specified in the EA/FONSI. Table A-10 summarizes resources impacted by the current design.

**TABLE A-10: HELMO AVENUE/BIELENBERG DRIVE OVER I-94 – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Utilities	MN Pipeline oil pipeline and other utilities in LOD.	Northern end of guideway bridge shifted to avoid MN Pipeline impact.	Utility impact reduced. No change to commitments for ongoing coordination.
Traffic	Maintain space for 5 through lanes and 2 auxiliary lanes	Space maintained; pier protection updated per freeway upgrades.	No change to space for future lanes. Updated pier protection.
Hazardous Materials and Contamination	The proposed guideway is adjacent to medium risk site. No additional risk identified in Phase II ESA.	Design modifications are within the 500-foot study area for the Phase I ESA. No additional impacts.	No change.



**FIGURE A-10: HELMO AVENUE/BIELENBERG DRIVE OVER I-94 - CURRENT**



— — — —	EXISTING PROPERTY LINE
— — — —	EXISTING RIGHT OF WAY
— — — —	PROPOSED RIGHT OF WAY

— · — · — ·	60% CONSTRUCTION LIMITS
— · — · — ·	POST 60% CONSTRUCTION LIMITS
— · — · — ·	15% LIMITS OF DISTURBANCE

## A.15. MNIT Relocations Within MnDOT Right-Of-Way

The EA/FONSI identified the potential need for utility relocations, depending on outcomes of further design refinements. The 90 percent design refinements have identified four areas where MNIT fiber optic cables will require relocation within the MnDOT ROW. Available drawings of the MNIT relocation work is included in Appendix B.

Area 1 at the reconstructed Maple Street pedestrian bridge will shift approximately 250 feet of utility conduit to accommodate the new bridge infrastructure. An open trench construction is anticipated to relocate the conduit.

Area 2 relocates the MNIT cable from the north side of I-94 to the south side of the freeway between White Bear Avenue and McKnight Road. An open trench construction is anticipated to relocate the conduit for most of the utility work, except for underground boring under Ruth Street and at McKnight Road to avoid traffic disruption or where there is insufficient space for open trench construction.

Area 3 shifts the MNIT conduit south of the westbound ramps at Century Avenue to accommodate the southward shift of the ramps. Most of the construction to shift the conduit would be via underground boring, but there are potential areas of open trench construction, depending on final design.

Area 4 shifts the MNIT cable south to accommodate BRT construction along Hudson Road between Greenway Avenue and Hadley Avenue. An open trench construction is anticipated to relocate the conduit.

The utility work to shift and relocate the MNIT cables may require temporary detours around staging areas, but traffic access will be maintained during construction. Construction contractors will post proper signing to warn drivers of temporary construction activities and implement appropriate safety measures. There will be two periods of short term construction-related impacts: First, for MNIT relocations, which occur in advance of the Project construction; and then for Project construction. There will be no long term impacts to traffic operations in MnDOT ROW. Table A-11 summarizes resources impacted by the current design.

**TABLE A-11: MNIT RELOCATIONS WITHIN MNDOT ROW – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 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.	All sites: Assessment of effects are ongoing per the terms of the Project's PA.  The MnDOT CRU reviewed 60 percent design plans, including utility connections and determined no additional survey is required. <sup>6</sup>	Refinements coordinated following the Project's PA.

<sup>6</sup> MnDOT CRU 8/4/20 and 12/21/20 email communication: No additional architecture/history or archaeology fieldwork is needed. MnDOT CRU has cleared areas of utility work from needed additional archeological work. (Note: there are no substantial changes between 60 percent and current design.)

Utilities	Utility relocations, depending on outcomes of further design refinements	MNIT relocations and connections identified.	Utilities relocated to avoid conflicts and connections made to access service.
Traffic	Temporary lane closures during construction.	Temporary lane closures during construction.	No change.
Hazardous Materials and Contamination	The proposed guideway is adjacent to medium risk site. No additional risk identified in Phase II ESA.	Design modifications are within the 500-foot study area for the Phase I ESA. No additional impacts.	No change.

## A.16. MnDOT Sign Structure Relocations and Protection

The EA/FONSI did not identify the need to relocate sign structures within the MnDOT ROW until design had advanced enough to better understand necessary relocations. The current design identifies specific locations where existing overhead sign structures require relocation because of improvements or design accommodations to roadways in the corridor. No long term impacts are anticipated because signs will be replaced, and impacts would be limited to construction. Short term construction impacts will likely require temporary lane closures to accommodate construction equipment. Construction contractors will post proper signing to warn drivers of temporary construction activities and implement appropriate safety measures. The relocated sign structures will not impact long term traffic operations on I-94. Sign structures are relocated at the following locations:

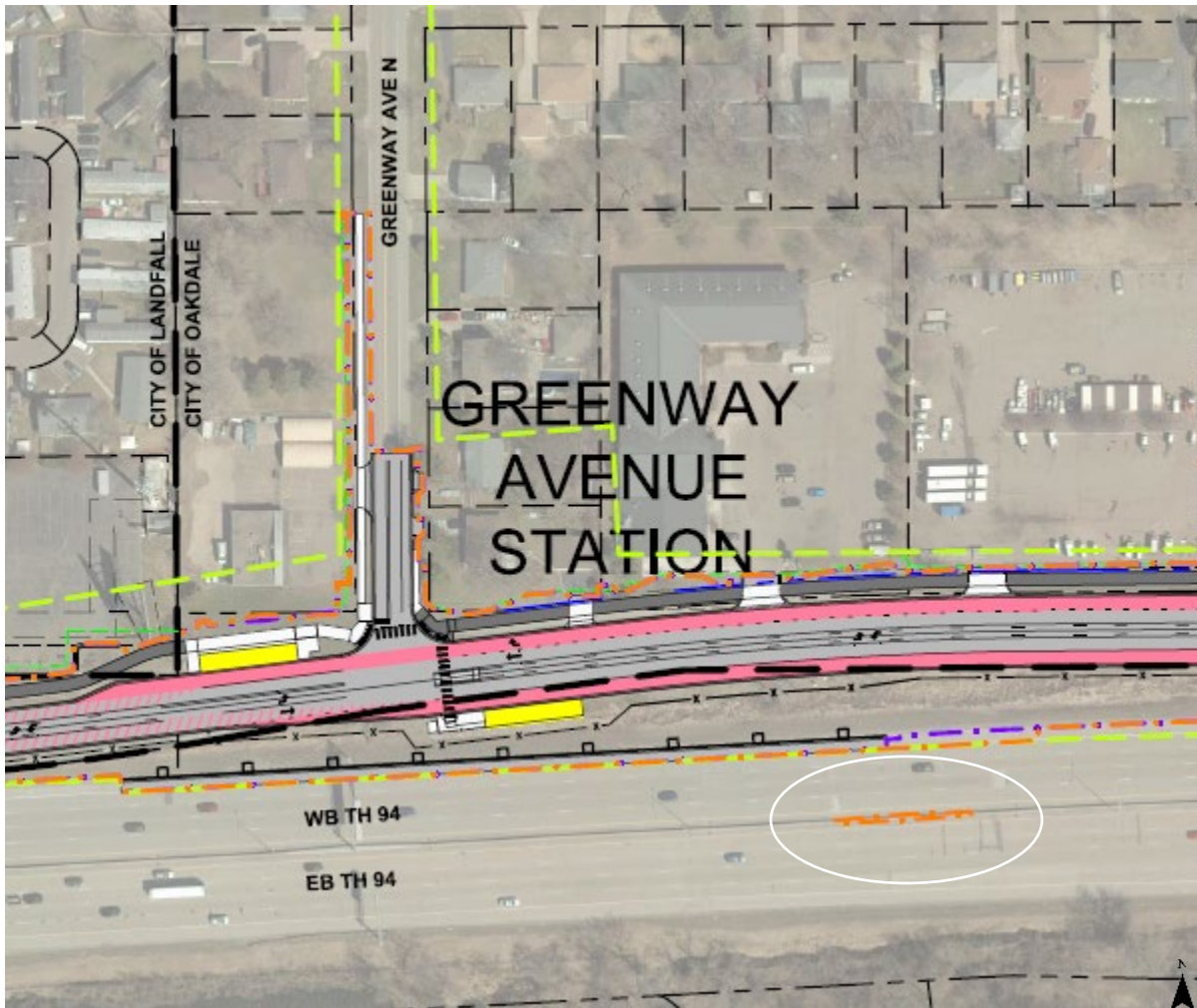
- Greenway Avenue Station: Relocate message sign approximately 455 feet east of existing location to accommodate the guideway and station construction and maintenance.
- Mounds Boulevard: east of Mounds overhead signage being relocated east. Sign structure protection will either be via guardrail or incorporated into retaining wall.
- Frank Road: East of Frank Road additional guardrail protection and a maintenance pull out pad will be placed next to an existing sign structure and communications cabinet replacing the MnDOT Transportation Management System (TMS) infrastructure (cabinets, conduits, cables, source of power).
- TH 61: A sign bridge for the eastbound entrance ramp to I-94 will be replaced.

Table A-12 summarizes resources impacted by the current design.

**TABLE A-12: MNDOT SIGN STRUCTURE RELOCATIONS – SUMMARY OF RESOURCES POTENTIALLY IMPACTED BY 90 PERCENT DESIGN CHANGES**

Potential Resource Areas Impacted	EA/FONSI Impacts	New Impacts	Change in Impacts since EA/FONSI
Traffic	Temporary lane closures during construction.	Temporary lane closures during construction.	No change.

**FIGURE A-11: SIGN RELOCATION ON I-94 NEAR GREENWAY AVENUE STATION**

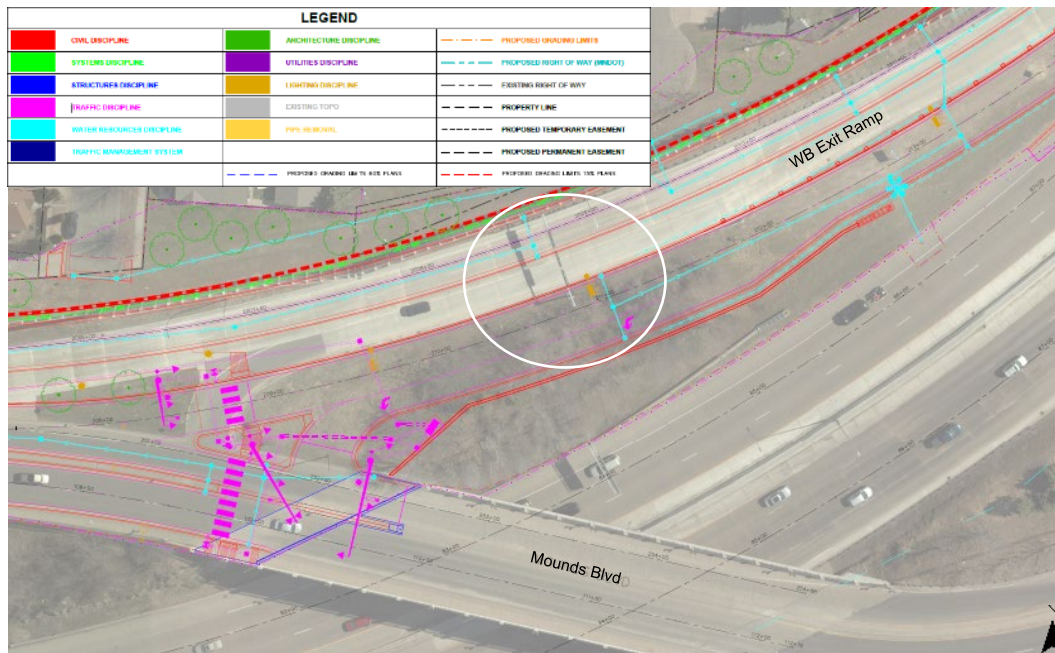


--- ---	EXISTING PROPERTY LINE
- - - -	EXISTING RIGHT OF WAY
--- ---	PROPOSED RIGHT OF WAY

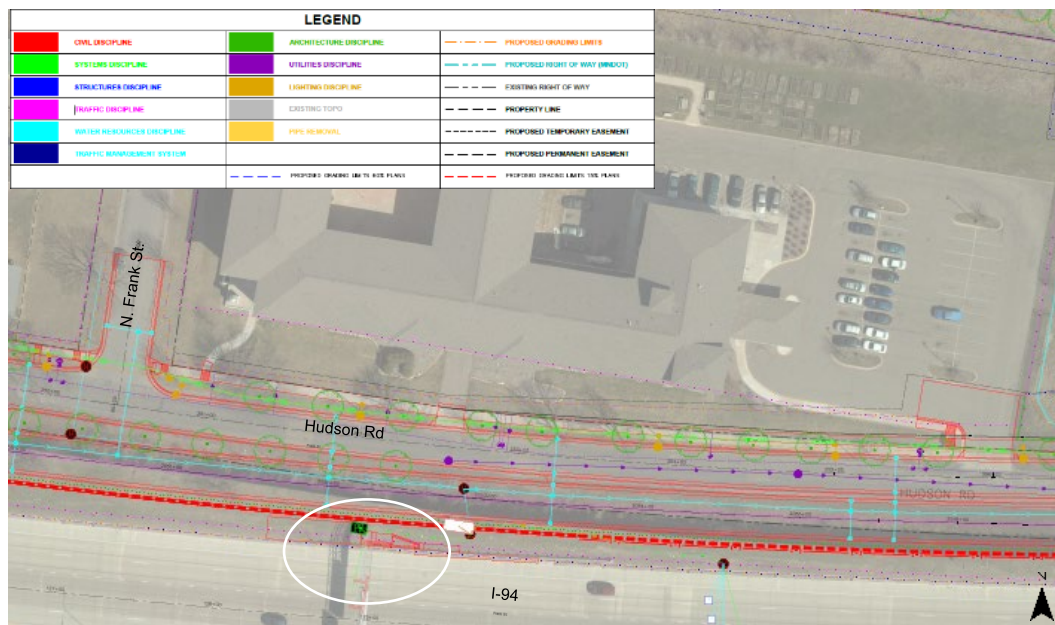
--- ---	60% CONSTRUCTION LIMITS
--- ---	POST 60% CONSTRUCTION LIMITS
--- ---	15% LIMITS OF DISTURBANCE



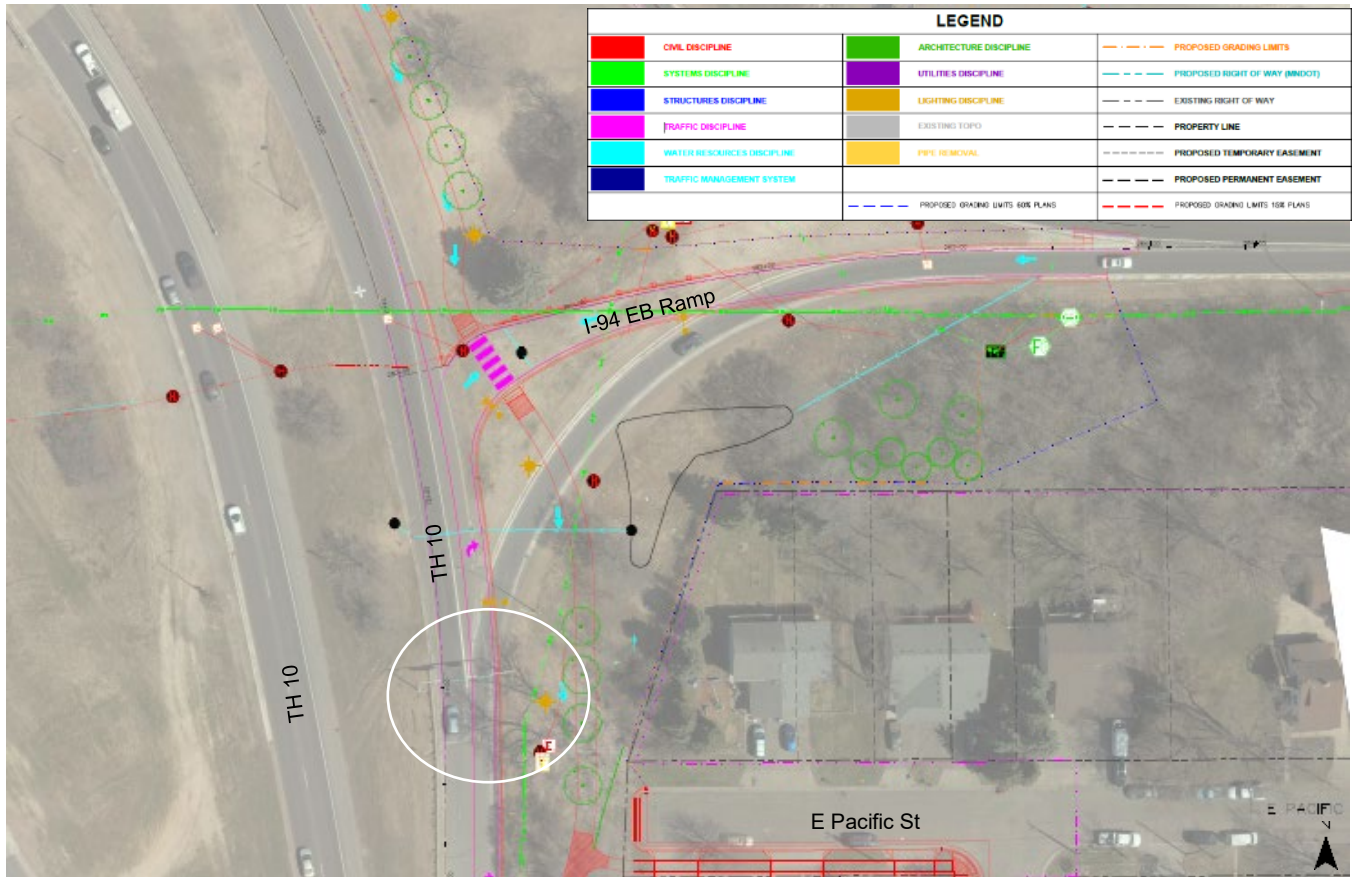
**FIGURE A-12: SIGN RELOCATION ON I-94 WESTBOUND EXIT RAMP NEAR MOUNDS BOULEVARD**



**FIGURE A-13: SIGN PROTECTION AND PULL-OFF PAD ON I-94 WESTBOUND SOUTH OF HUDSON ROAD AND FRANK STREET**



**FIGURE A-14: SIGN REPLACEMENT ON TRUNK HIGHWAY 61 NORTHBOUND AND EASTBOUND ENTRANCE RAMP TO I-94**







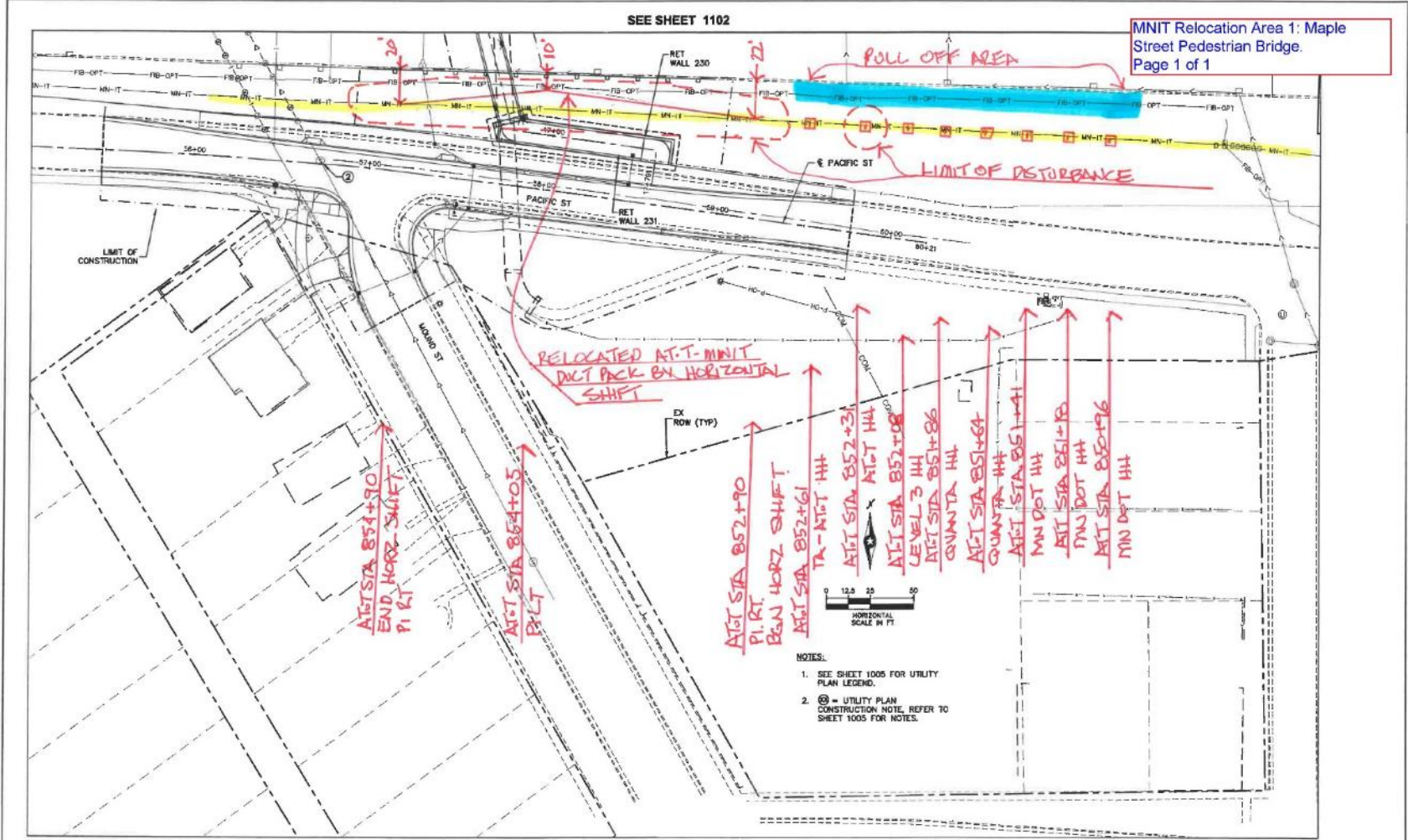
BUS RAPID TRANSIT PROJECT ENVIRONMENTAL ASSESSMENT (EA)/  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**Environmental Re-evaluation**

## **Appendix B. Draft MNIT Relocation Plans**

April 2021





Jul. 28. 2020 02:12 pm C:\cadd\ab\p\4\10000002\p\metrolink\1102\1103\1102-1103-UT-1001.dwg By: rfrerom

NO.	REVISIONS	BY	APP	DATE

DRAWN: \_\_\_\_\_

DESIGNED: **Kimley-Horn**

CHECKED: **Sambatak**

**METRO** **Gold Line**

**METROPOLITAN** **60% SUBMITTAL**

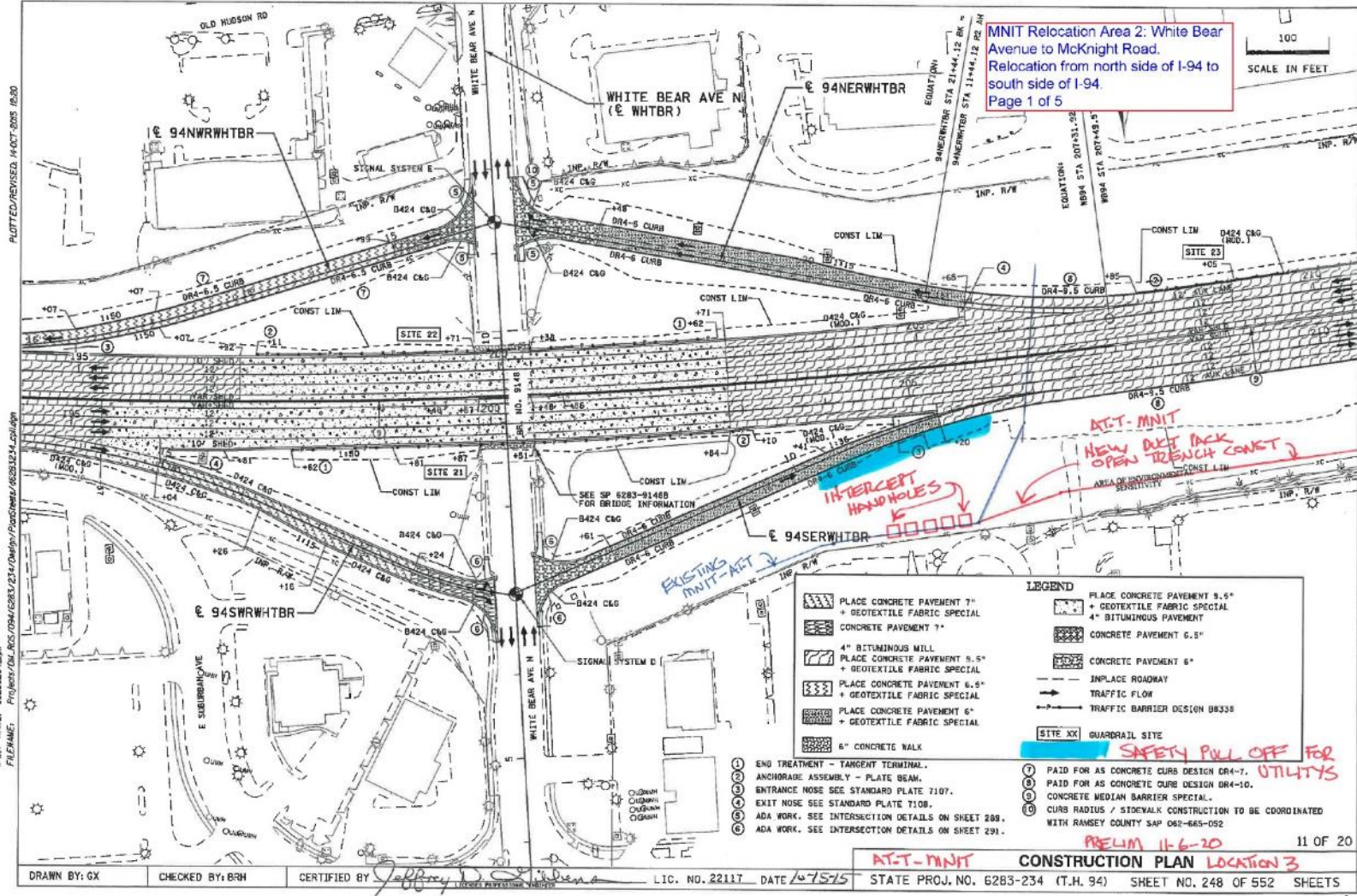
DRAFT-WORK IN PROCESS

UTILITY PLAN **11-7-20**

**AT-T-MNIT LOCATION 1 HORIZONTAL SHIFT (LOP)**

STATE PROJ. NO. 6263-254 (TH 94), 6262-139 (TH 94), 6221-110 (TH 61), 6217-45 (TH 3), 6266-93 (TH 694)

1103 OF 1659



MNIT Relocation Area 2: White Bear Avenue to McKnight Road.  
Relocation from north side of I-94 to south side of I-94.  
Page 1 of 5

100  
SCALE IN FEET

PLOTTED/REVISED: 14 OCT 2009 10:00

DISTRICT 4, METRO  
PROJECT NAME: 6283-234  
FILE NAME: Proj\6283-234\Design\Construction\6283-234\_01.dwg

LEGEND	
[Symbol]	PLACE CONCRETE PAVEMENT 7" + GEOTEXTILE FABRIC SPECIAL
[Symbol]	CONCRETE PAVEMENT 7"
[Symbol]	4" BITUMINOUS MILL
[Symbol]	PLACE CONCRETE PAVEMENT 9.5" + GEOTEXTILE FABRIC SPECIAL
[Symbol]	PLACE CONCRETE PAVEMENT 6.5" + GEOTEXTILE FABRIC SPECIAL
[Symbol]	PLACE CONCRETE PAVEMENT 6" + GEOTEXTILE FABRIC SPECIAL
[Symbol]	6" CONCRETE WALK
[Symbol]	PLACE CONCRETE PAVEMENT 9.5" + GEOTEXTILE FABRIC SPECIAL
[Symbol]	4" BITUMINOUS PAVEMENT
[Symbol]	CONCRETE PAVEMENT 6.5"
[Symbol]	CONCRETE PAVEMENT 6"
[Symbol]	INPLACE ROADWAY
[Symbol]	TRAFFIC FLOW
[Symbol]	TRAFFIC BARRIER DESIGN UB338
[Symbol]	SITE XX GUARDRAIL SITE

- |   |  |   |  |
|---|--|---|--|
| ① | END TREATMENT - TANGENT TERMINAL.                | ⑦ | PAID FOR AS CONCRETE CURB DESIGN OR4-7.  |
| ② | ANCHORAGE ASSEMBLY - PLATE BEAM.                 | ⑧ | PAID FOR AS CONCRETE CURB DESIGN OR4-10.   |
| ③ | ENTRANCE NOSE SEE STANDARD PLATE 7107.           | ⑨ | CONCRETE MEDIAN BARRIER DESIGN.  |
| ④ | EXIT NOSE SEE STANDARD PLATE 7108.               | ⑩ | CURB RADIUS / SIDEWALK CONSTRUCTION TO BE COORDINATED WITH RAMSEY COUNTY SAP 082-645-092 |
| ⑤ | ADA WORK. SEE INTERSECTION DETAILS ON SHEET 288. |   |  |
| ⑥ | ADA WORK. SEE INTERSECTION DETAILS ON SHEET 291. |   |  |

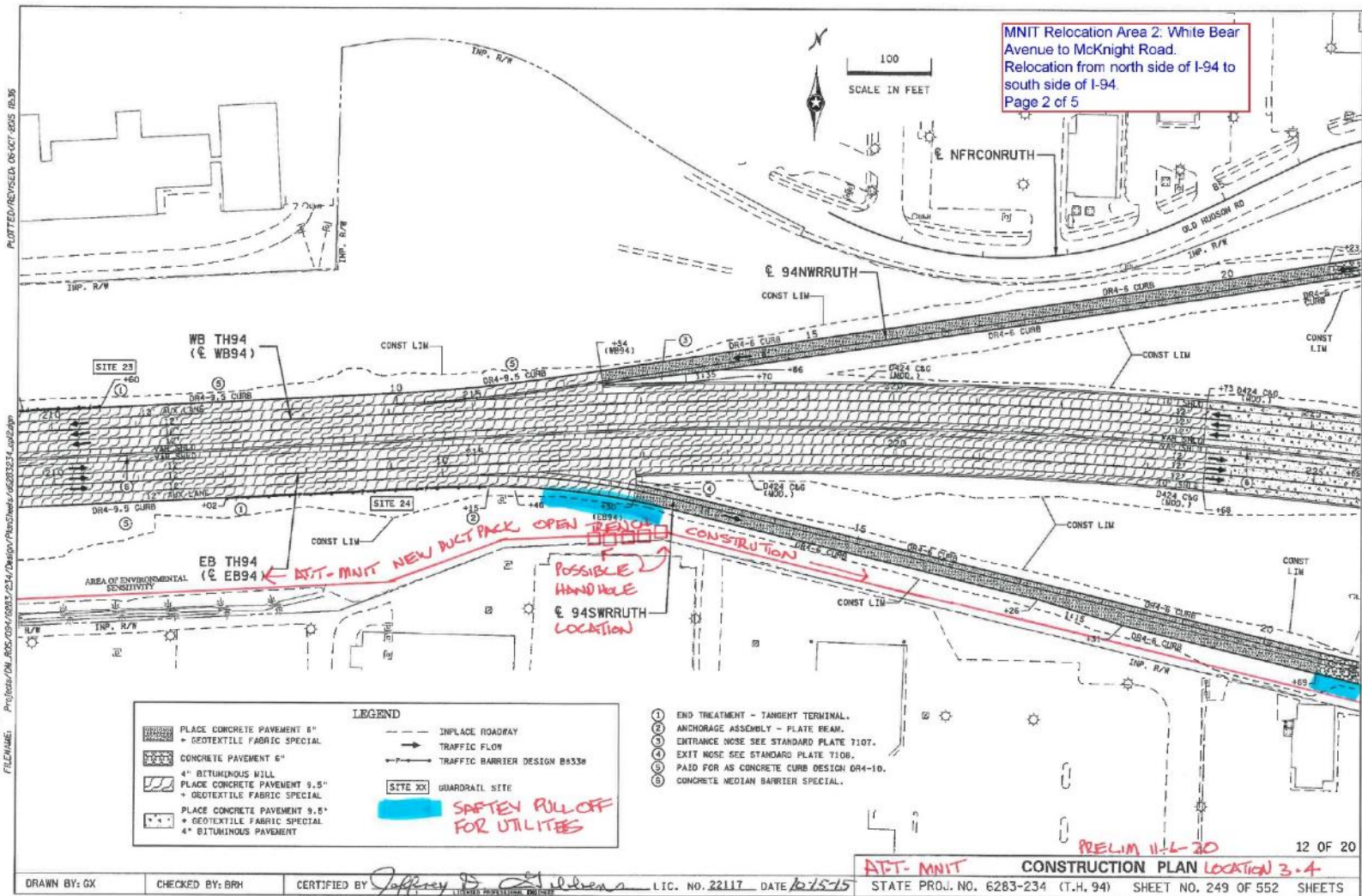
AT-T-MNIT CONSTRUCTION PLAN LOCATION 3  
STATE PROJ. NO. 6283-234 (T.H. 94) SHEET NO. 248 OF 552 SHEETS

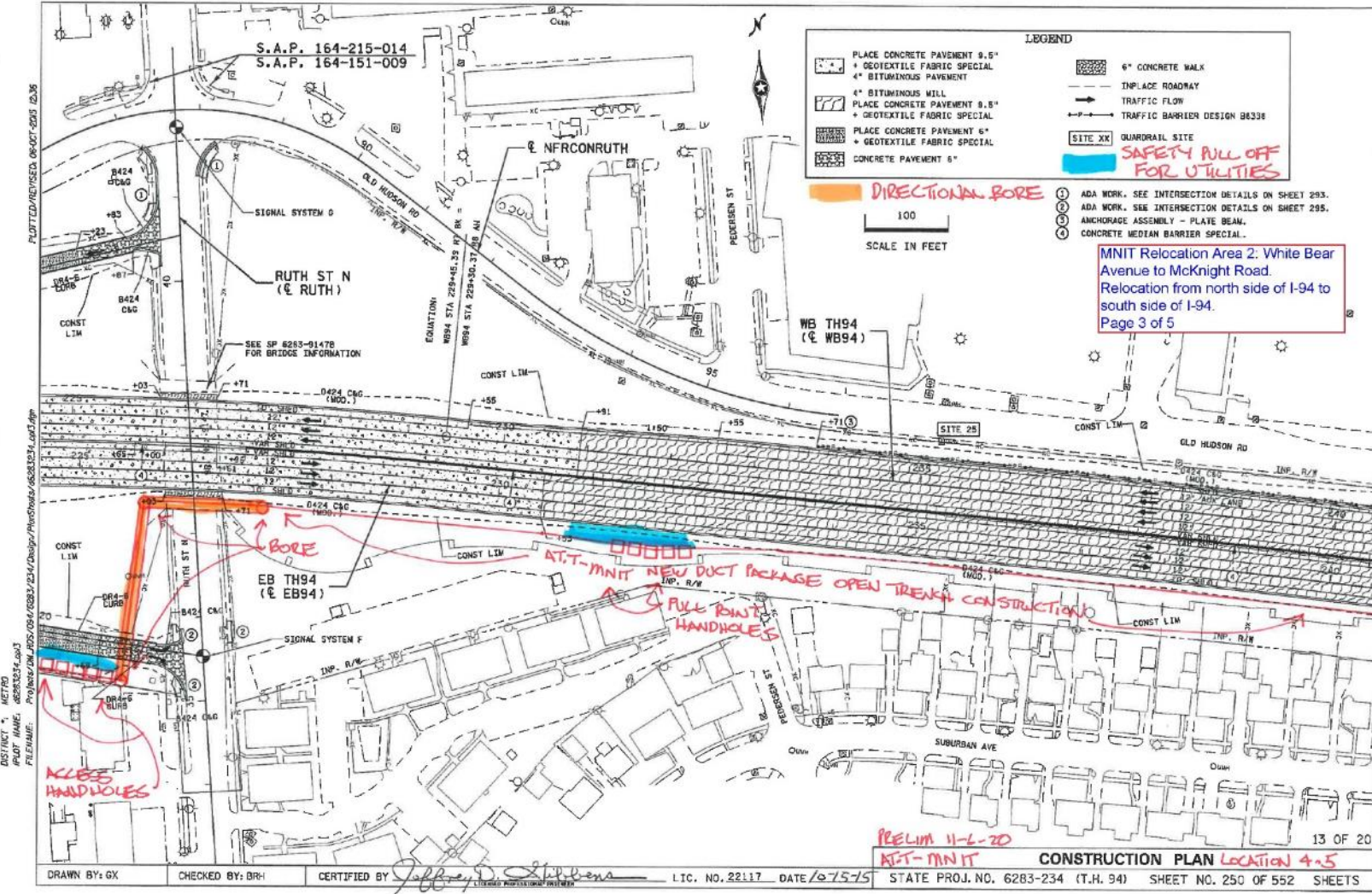
DRAWN BY: GX CHECKED BY: BRH CERTIFIED BY: Jeffrey D. ... LIC. NO. 22117 DATE 10/15/15

PRELIM 11-6-20

11 OF 20







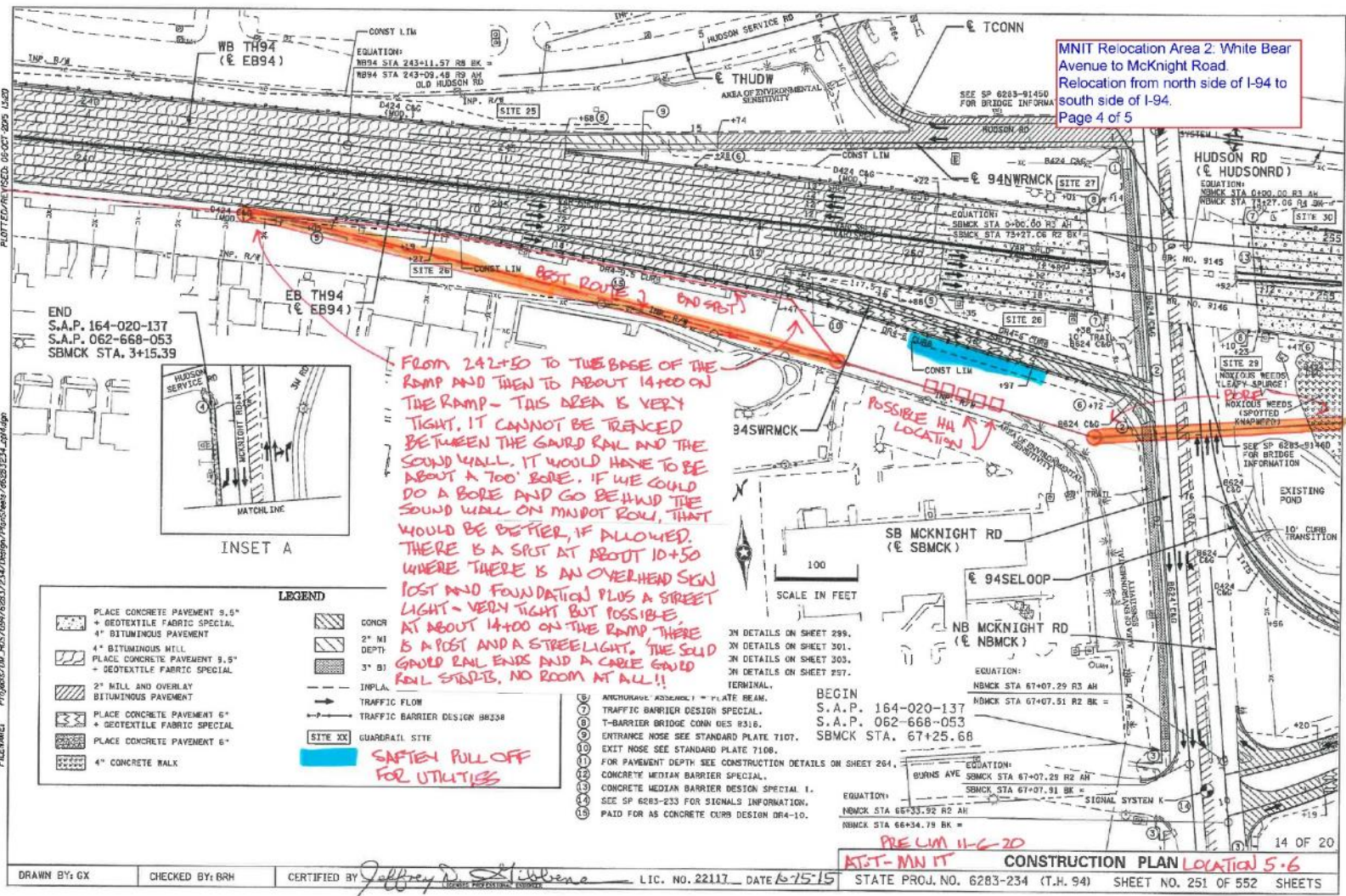
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S.A.P. 164-215-014  
 S.A.P. 164-151-009

DRAWN BY: GX    CHECKED BY: BRH    CERTIFIED BY: *Jeffrey D. Stephens*    LIC. NO. 22117    DATE: 10/5/15    STATE PROJ. NO. 6283-234 (T.H. 94)    SHEET NO. 250 OF 552    SHEETS



**MNIT Relocation Area 2: White Bear Avenue to McKnight Road**  
 Relocation from north side of I-94 to south side of I-94.  
 Page 4 of 5



*FROM 242+50 TO THE BASE OF THE RAMP AND THEN TO ABOUT 14+00 ON THE RAMP - THIS AREA IS VERY TIGHT, IT CANNOT BE TRENCHED BETWEEN THE GUARD RAIL AND THE SOUND WALL. IT WOULD HAVE TO BE ABOUT A 700' BORE. IF WE COULD DO A BORE AND GO BEHIND THE SOUND WALL ON MINDOT ROW, THAT WOULD BE BETTER, IF ALLOWED. THERE IS A SPOT AT ABOUT 10+50 WHERE THERE IS AN OVERHEAD SIGN POST AND FOUNDATION PLUS A STREET LIGHT - VERY TIGHT BUT POSSIBLE. AT ABOUT 14+00 ON THE RAMP THERE IS A POST AND A STREETLIGHT. THE SOLID GUARD RAIL ENDS AND A CABLE GUARD RAIL STARTS. NO ROOM AT ALL!!*

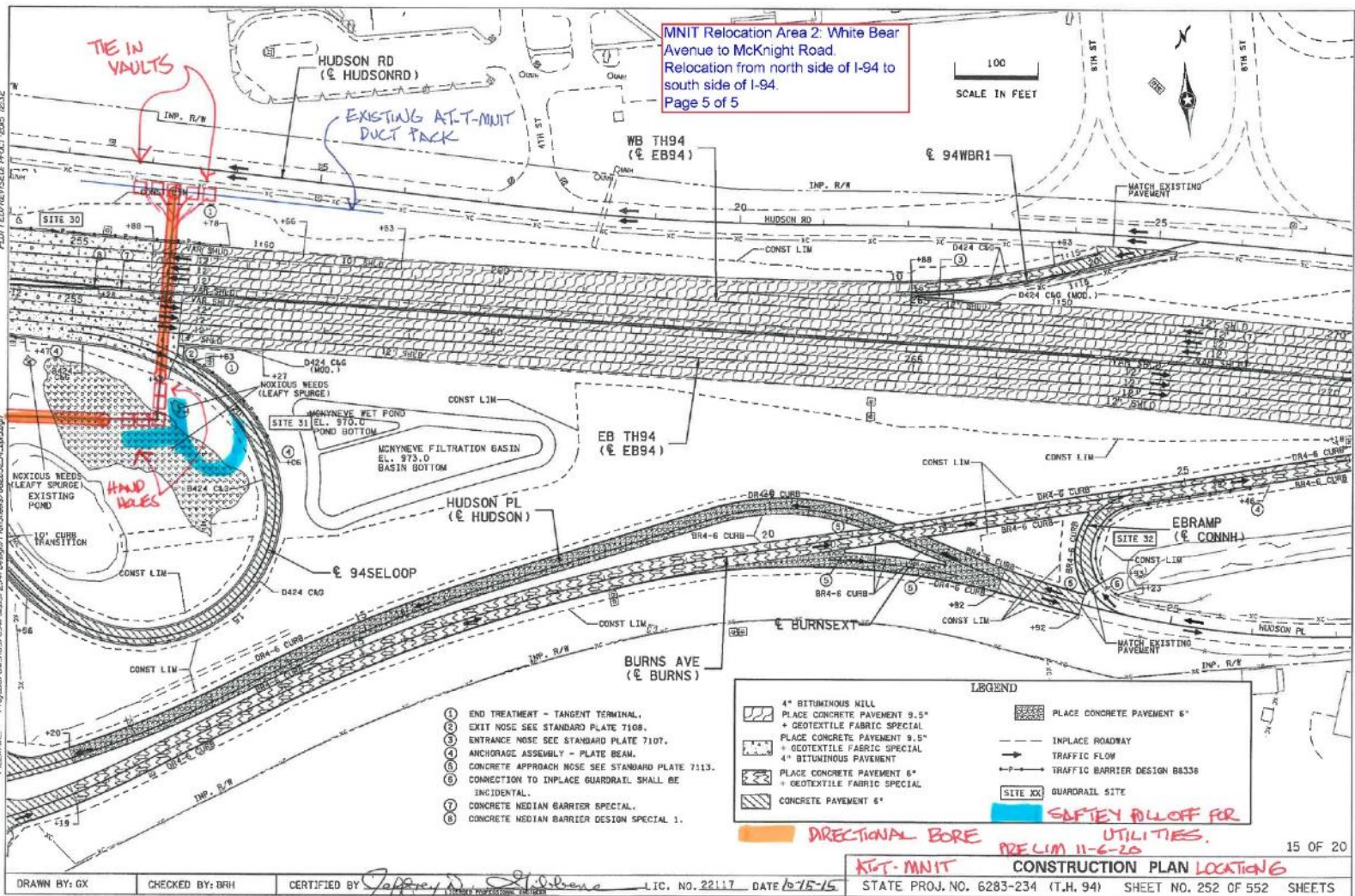
*SAFETY PULL OFF FOR UTILITIES*

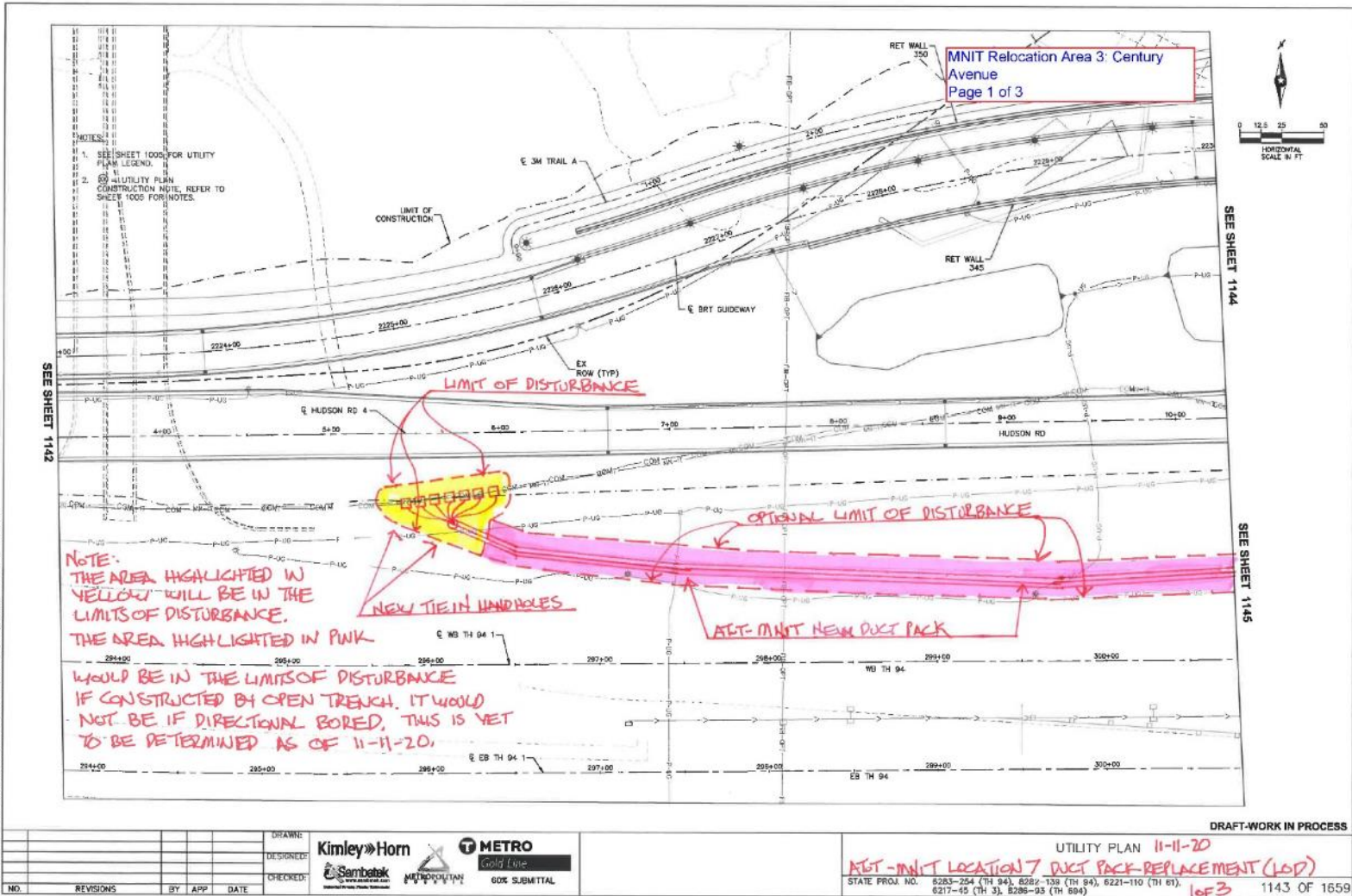
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 PROJECT #: 6283234  
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 PLOT DATE: 06/02/2015 14:20

DRAWN BY: GX    CHECKED BY: BRH    CERTIFIED BY: *Jeffrey D. Silbren* LIC. NO. 22117 DATE: 6/25/15

STATE PROJ. NO. 6283-234 (T.H. 94) SHEET NO. 251 OF 552 SHEETS

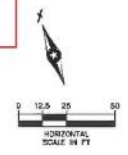




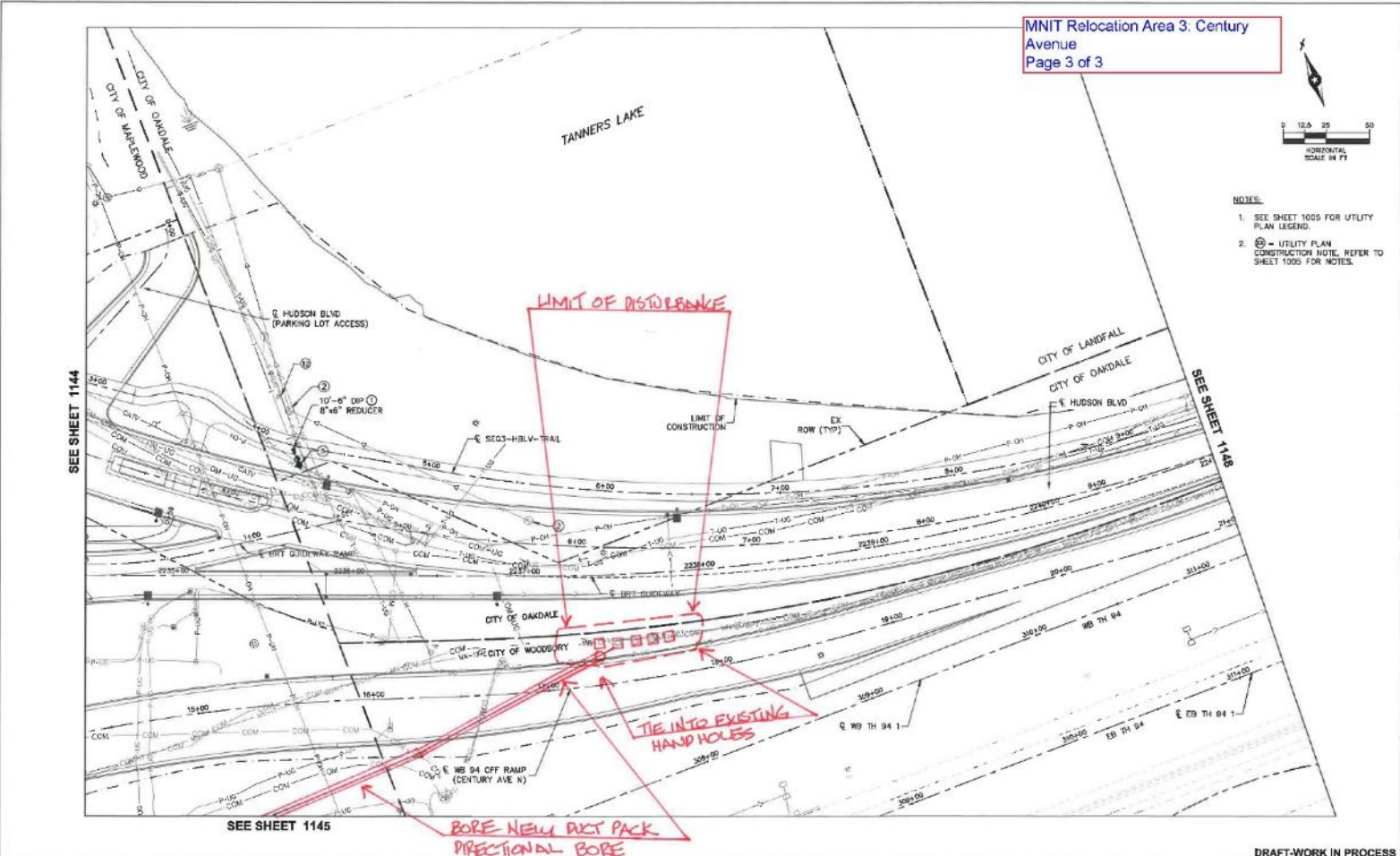








- NOTES:
- SEE SHEET 1005 FOR UTILITY PLAN LEGEND.
  - ⊗ - UTILITY PLAN CONSTRUCTION NOTE, REFER TO SHEET 1005 FOR NOTES.



ALL: 2020 01-28 pm C:\projects\11-11-20\11-11-20\11-11-20.dwg - JTK:eng By: rpw:eng

NO.	REVISIONS	BY	APP	DATE

DRAWING: **Kimley Horn**  
 DESIGNED BY: **Sambatak**  
 CHECKED BY: **METRO**  
 60% SUBMITTAL

UTILITY PLAN 11-11-20  
**MNIT-MNIT LOCATION 7 DUCT PACK REPLACEMENT (LOD)**  
 STATE PROJ. NO. 6283-254 (TH 94), 6282-139 (TH 94), 6221-110 (TH 61), 6217-45 (TH 3), 6268-65 (TH 684)

DRAFT-WORK IN PROCESS  
 1147 OF 1659



















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

**Environmental Re-evaluation**

## **Appendix C. Agency Correspondence**

April 2021



**From:** Hadiaris, Amy (MPCA) <amy.hadiaris@state.mn.us>  
**Sent:** Monday, March 1, 2021 7:57 AM  
**To:** Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>; DeLuca, James <James.DeLuca@metrotransit.org>; DeLuca, James (DOT) <james.deluca@state.mn.us>  
**Cc:** Christine R. Carlson <ccarlson@sehinc.com>; Smokovitz, Jacob (MPCA) <Jacob.Smokovitz@state.mn.us>  
**Subject:** Metro GBRT NADs

Greetings,  
Please find attached the two requested No Association Determinations for the Metro Transit Gold Line Bus Rapid Transit project.  
Best,  
Amy

*Amy Hadiaris, P.G. | Supervisor  
Voluntary Investigation and Cleanup Program  
Minnesota Pollution Control Agency  
520 Lafayette Road | Saint Paul, MN | 55155  
Office: 651-757-2402 | Cell: 651-592-1808  
Email: [amy.hadiaris@state.mn.us](mailto:amy.hadiaris@state.mn.us)*

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800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

March 1, 2021

VIA EMAIL

Chelsa Johnson  
Metro Transit  
METRO Gold Line Bus Rapid Transit Office  
121 7th Place E, Suite 102  
Saint Paul, MN 55101

James Deluca  
Minnesota Department of Transportation  
METRO Gold Line Bus Rapid Transit Office  
121 7th Place E, Suite 102  
Saint Paul, MN 55101

RE: No Association Determination for Acquisition Properties  
(excluding PINs 332922420182 and 332922420183)  
Gold Line Bus Rapid Transit (GBRT)  
Interstate 94 & 494 Corridor – Saint Paul, Maplewood, Landfall, Oakdale, & Woodbury  
MPCA Site ID: BF0001599  
Billing ID: 235993

Dear Chelsa Johnson and James Deluca:

This letter is in response to the request from Christine Carlson of SEH Inc. for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by the Metropolitan Council and the Minnesota Department of Transportation (the Parties) during reconstruction of Interstate 94 (I-94) and Interstate 494 (I-494) in Saint Paul, Maplewood, Landfall, Oakdale, and Woodbury will not constitute conduct associating the Parties with the release or threatened release of hazardous substances, pollutants, or contaminants for the purpose of Minn. Stat. § 115B.03, subd. 3(4).

Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the documents submitted for the Gold Line Bus Rapid Transit (GBRT) construction corridor (Project). The Parties intend to construct an approximate ten-mile Transitway along I-94 and I-494 in Saint Paul, Maplewood, Landfall, Oakdale, & Woodbury, as shown on Attachment B, incorporated herein. The Project will also include construction of new bus rapid transit stations, four park-and-ride lots, Americans with Disabilities Act pedestrian improvements, a bus terminal, maintenance/garage facilities, and stormwater management infrastructure. The Parties intend to complete numerous permanent and temporary easements within the Project area in or before 2024, the anticipated end date of the Project (collectively referred to as the "Properties that will be acquired for the Project" or "Acquisition Properties"). Some of the Acquisition Properties are shown on Figures 2-1 through 2-18 and described in Table 1 of the Proposed Actions Letter that was submitted for the Project, as prepared by Christine Carlson of SEH, Inc. and dated September 4, 2020. Other Acquisition Properties may be identified during the course of the Project. The Parties will include a figure showing all of the Acquisition Properties in the pending Implementation Report that will be submitted for the Project.

The Project area has been developed since at least the mid-1800s for residential, commercial, and industrial use. Historical operations within the Project area include railroad yards and roundhouses, filling stations, auto repair shops, car dealerships, bulk fuel facilities, machine and metalwork shops, a foundry, dry cleaners, printers, photo shops, paint shops, several factories and manufacturers, and

t-rem-vic2-25 - LB 1714 - 9/3/20

lumber yards. Three former dumps, collectively known as the “Johnson Parkway Dump”, are present near the intersection of Johnson Parkway and I-94 in St. Paul. Within the Project boundary, these dumps are primarily located on two parcels (PINs 332922420182 and 332922420183) that the Parties intend to acquire in full for permanent ownership. A separate No Association Determination is being issued for proposed actions related to these two parcels.

A total of 107 soil borings, 10 hand auger borings, and 43 test pits were completed within the Project area between May and December 2019. Soil borings encountered fill soil to depths up to 30 feet below ground surface, often intermixed with debris such as bricks, concrete, glass, wood, metal, slag, and bituminous. Samples were collected from MnDOT’s existing right-of-way and within the footprint of some planned Acquisition Properties. Selected soil samples were analyzed for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), Resource Conservation and Recovery Act (RCRA) metals or Priority Pollutant metals, diesel range organics (DRO), and gasoline range organics (GRO). A smaller number of samples were also analyzed for Toxicity Characteristic Leaching Procedure (TCLP) lead, polychlorinated biphenyls (PCBs), pesticides, and herbicides. Hazardous substances detected in one or more soil samples include PAHs, arsenic, cadmium, chromium, lead, mercury, PCBs, pesticides, and herbicides. VOCs in soil, when detected, were petroleum-related. The majority of identified soil impacts relate to samples collected on parcels 332922420182 and 332922420183, which contain large portions of the former dumps. It is possible that dump materials and related soil impacts extend onto the larger Project corridor. For the purpose of this No Association Determination (which excludes PINs 332922420182 and 332922420183), soil contamination identified on these two parcels forms the basis for a threatened release relative to Acquisition Properties within the larger Project corridor. Also included in the threatened release to soil, as defined below, are contaminants typically associated with historical businesses that operated within the Project area.

Groundwater samples were collected from 17 temporary wells within the Project corridor and analyzed for VOCs, PAHs, RCRA metals, DRO, and GRO. Low concentrations of DRO and petroleum-related PAHs were detected in several groundwater samples. VOCs detected in groundwater were limited to trihalomethanes in one sample and are not considered a release of contaminants. A portion of the Project area borders the Lake Elmo/Oakdale Special Well and Boring Construction Area (SWBCA), which was established due to the presence of poly- and perfluoroalkyl substances (PFAS) in groundwater in this area. It is possible that PFAS, as well as VOCs typically associated with nearby historical businesses, may be present in groundwater on some Properties that will be acquired for the Project.

For the purpose of this letter, the threatened release at Properties that will be acquired for the Project consists of PAHs, RCRA metals, PCBs, and chlorinated VOCs in soil and PFAS and chlorinated VOCs in groundwater (Threatened Release). This letter does not address petroleum compounds or agricultural chemicals. Assurances for petroleum and agricultural compounds can be requested from the MPCA’s Petroleum Brownfields Program and the Minnesota Department of Agriculture’s Voluntary Investigation and Cleanup Program, respectively.

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1 that the proposed actions (Proposed Actions) listed below will not associate the Parties with the Threatened Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4). This determination applies only to the following Proposed Actions:



- Acquisition of all Properties that will be acquired for the Project, as necessary for the Project;
- Demolition of buildings and other structures on Properties that will be acquired for the Project, subject to proper pre-demolition abatement of regulated materials;
- Construction and maintenance of the roadway and transit system and other Project components on Properties that will be acquired for the Project, in accordance with an MPCA-approved Response Action Plan/Construction Contingency Plan (RAP/CCP); and
- Implementation of response actions on Properties that will be acquired for the Project, in accordance with an MPCA-approved RAP/CCP.

This determination is made in accordance with Minn. Stat. § 115B.178, subd. 1, and is subject to the following conditions:

1. The Proposed Actions shall be carried out as described herein.
2. The Parties shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Acquisition Properties to address the Threatened Release or any other as yet unidentified release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to Properties that will be acquired for the Project so that response actions can be taken.
3. The Parties shall avoid actions that contribute to the Threatened Release or that interfere with response actions required under any MPCA-approved response action plan to address the Threatened Release.
4. The Parties shall include in the pending RAP Implementation Report a figure showing all Properties that were acquired for the Project and a synopsis of each Acquisition Property. The latter shall include historical information (from Phase I Environmental Site Assessment) and a description of any contamination identified/response actions taken (if any) during the Parties' activities.

Pursuant to Minn. Stat. § 115B.178, subd.1, when the Parties take the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate the Parties with the Threatened Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4).

The determination made in this letter applies to the Parties' successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Threatened Release at the Acquisition Properties; 2) do not engage in activities with respect to the Threatened Release which are substantially different from the activities which the Parties propose to take, as described herein; and 3) comply with the conditions set forth in this letter.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein.

Chelsa Johnson & James Deluca  
Page 4  
March 1, 2021

If you have any questions about this letter, please contact me at 651-757-2402 or [amy.hadiaris@state.mn.us](mailto:amy.hadiaris@state.mn.us).

Sincerely,

*Amy K. Hadiaris*

This document has been electronically signed.

Amy K. Hadiaris, P.G.

Supervisor

Redevelopment Unit

Remediation Division

AKH:akh

Enclosure

cc: Christine Carlson, SEH, Inc. (electronic)

Disclaimers

Gold Line Bus Rapid Transit (GBRT)

MPCA Site ID: BF0001599

1. Reservation of authorities

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA assumption of liability

The MPCA, its Commissioner, and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter based on current information

All statements, conclusions, and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer regarding use or development of the property

The MPCA, its Commissioner, and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer regarding investigative or response action at the property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.



March 1, 2021

VIA EMAIL

Chelsa Johnson  
Metro Transit  
METRO Gold Line Bus Rapid Transit Office  
121 7th Place E, Suite 102  
Saint Paul, MN 55101

James Deluca  
Minnesota Department of Transportation  
METRO Gold Line Bus Rapid Transit Office  
121 7th Place E, Suite 102  
Saint Paul, MN 55101

RE: No Association Determination – Johnson Dump Parcels  
Gold Line Bus Rapid Transit (GBRT)  
Billing ID: 235993  
PIN: 332922420182 and 332922420183

Dear Chelsa Johnson and James Deluca:

This letter is in response to the request from Christine Carlson of SEH Inc. for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by the Metropolitan Council and the Minnesota Department of Transportation (the Parties) on a portion of the Gold Line Bus Rapid Transit (GBRT) site, will not constitute conduct associating the Parties with the release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4). Specifically, this letter pertains to the two parcels with property identification numbers (PIN) 332922420182 and 332922420183 (the Site).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the documents submitted for the Site. The southern parcel (PIN 332922420182) has an address of 1143 Hudson Road and is currently occupied by the Parkway Gardens Senior Living apartment building, which was constructed in 2004. Environmental information collected prior to and during construction of the apartment building can be found in the MPCA's files for former VIC project numbers VP12450 and VP12451. The south parcel was previously developed with single family homes, a filling station, and retail stores. The filling station was removed circa 1950, and the remaining former structures were razed by the early 2000s when the current apartment building was constructed. The northern parcel (PIN 332922420183) is vacant wooded land. Both parcels have a history of unpermitted dumping. Buried debris observed during environmental investigations conducted at the Site include concrete, brick, wood boards and tree debris, metal, glass, slag, bituminous, and asbestos-containing material. The areas of buried debris are not well-defined but appear to encompass the northwest portion of the Site and much of eastern half of the Site. The depth of buried debris is likely variable but extends up to at least 20 feet below ground surface in a portion of the Site that was likely a former ravine. The Parties intend to acquire the entire Site as part of the larger Gold Line Bus Rapid Transit project for construction of a large stormwater pond.

A number of soil borings and test pits were completed at the Site between May and December 2019. Selected soil samples were analyzed for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), Resource Conservation and Recovery Act (RCRA) metals or Priority Pollutant metals, diesel range organics (DRO), and gasoline range organics (GRO). A smaller number of samples were also analyzed for Toxicity Characteristic Leaching Procedure (TCLP) lead, polychlorinated biphenyls



(PCBs), pesticides, and herbicides. Hazardous substances detected in one or more soil samples include PAHs, arsenic, cadmium, chromium, lead, mercury, PCBs, pesticides, and herbicides. VOCs in soil, when detected, were petroleum-related. Buried ACM is known to be present at the Site based on environmental investigations completed in the early 2000s. Groundwater was not encountered during the 2019 investigations.

For the purpose of this letter, the identified release consists of PAHs, arsenic, cadmium, chromium, lead, mercury, PCBs, and asbestos in soil (Identified Release). This letter does not address petroleum-related contaminants or agricultural chemicals. Petroleum contamination detected at the Site is under the oversight of the MPCA's Petroleum Brownfield Program. Technical assistance for agricultural chemicals may be requested from the Minnesota Department of Agriculture.

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1 that the proposed actions (Proposed Actions) listed below will not associate the Parties with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4). This determination applies only to the following Proposed Actions:

- Acquisition of the Site;
- Demolition of the existing Site building and related infrastructure, subject to proper abatement of hazardous building materials;
- Construction of a stormwater pond and related infrastructure at the Site, in accordance with an MPCA-approved Response Action Plan/Construction Contingency Plan (RAP/CCP);
- Implementation of response actions at the Site, in accordance with an MPCA-approved RAP/CCP.

This determination is made in accordance with Minn. Stat. § 115B.178, subd. 1, and is subject to the following conditions:

1. The Proposed Actions shall be carried out as described herein.
2. The Parties shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Site to address the Identified Release or any other as yet unidentified release or threatened release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to the Site so that response actions can be taken.
3. The Parties shall avoid actions that contribute to the Identified Release or that interfere with response actions required under any MPCA-approved response action plan to address the Identified Release.

Pursuant to Minn. Stat. § 115B.178, subd.1, when the Parties take the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate the Parties with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4).

The determination made in this letter applies to the Parties' successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Identified Release at the Site; 2) do not engage in activities with respect to the Identified Release which are substantially different from the activities

Chelsa Johnson  
Page 3  
March 1, 2021

which the Parties propose to take, as described herein; and 3) comply with the conditions set forth in this letter.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein.

If you have any questions about this letter, please contact me at 651-757-2402 or [amy.hadiaris@state.mn.us](mailto:amy.hadiaris@state.mn.us).

Sincerely,

*Amy K. Hadiaris*

This document has been electronically signed.

Amy K. Hadiaris, P.G.  
Supervisor  
Redevelopment Unit  
Remediation Division

AKH:akh

Enclosure

cc: Christine Carlson, SEH, Inc. (electronic)

Disclaimers

Gold Line Bus Rapid Transit (GBRT)

MPCA Site ID: BF0001599

1. Reservation of authorities

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA assumption of liability

The MPCA, its Commissioner, and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter based on current information

All statements, conclusions, and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer regarding use or development of the property

The MPCA, its Commissioner, and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer regarding investigative or response action at the property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.

March 8, 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 November 24, 2020 and February 16, 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 November 24, 2020, a submission which included the following documentation in support of your agency's Section 106 finding of effect for the federal undertaking based upon the 30% Plans, as required under Stipulation VII of the PA:

- Report titled *METRO Gold Line Bus Rapid Transit Project: Section 106 Assessment of Effects and Final Determination of Effect for Historic Properties* (November 2020) as prepared by the Minnesota Department of Transportation's Cultural Resources Unit for your agency.

Following the November 24<sup>th</sup> submission, and in response to concerns expressed by our office, your agency made several revisions to the previous effects assessment report and reissued an updated report to our office and all consulting parties on February 18, 2021. The updated report also included a new section titled *Appendix A: Existing and Proposed Conditions for Select Properties*. We sincerely appreciate your agency's efforts to consider our recommendations and revise the final effects assessment report. Our comments in this letter are in response to the effect assessments and findings of effect (including Table 10. Summary of Effects Findings on pages 133-135) as included in the February 18<sup>th</sup> version of the report.

#### Assessment of Adverse Effect and Finding of Effect

As acknowledged in a January 8, 2021 letter to your agency following our review of your Section 106 findings of effect for the METRO Rush Line BRT Project, we reiterate for the administrative record of this review that temporary and permanent physical, visual, and other potential effects to historic properties associated with the construction of bus rapid transit elements in locations shared by both the METRO Rush Line and Gold Line projects within the downtown St. Paul Area of Potential Effect (APE) are assessed and effect findings made as part of this undertaking's Section 106 review and consultation.

---

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 [mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

Based upon information provided in your November 24<sup>th</sup> letter and the updated effects assessment report, we concur with the agency finding that the federal undertaking, as it is currently proposed at the 30% Plan phase, will have no adverse effect on the following twenty (20) historic properties:

1. Grace Lutheran Church (RA-SPC-8465)
2. Giesen\_Hauser House/Peter & Mary Giesen House (RA-SPC-4693)
3. Frederick Reinecker House #1 (RA-SPC-2491/5204)
4. Frederick Reinecker House #2 (RA-SPC-2490/5207)
5. Peter Bott House and Garage (RA-SPC-2040)
6. Tandy Row (RA-SPC-2619/5232)
7. Finch, Van Slyck and McConville Dry Goods Company Building (RA-SPC-5462)
8. U.S. Post Office and Custom House (RA-SPC-4518)
9. Merchants National Bank Building (RA-SPC-1979)
10. First Farmers and Merchants Bank (RA-SPC-3168)
11. First National Bank of Saint Paul (RA-SPC-4645)
12. Saint Paul Athletic Club (RA-SPC-0050)
13. Osborn Building (RA-SPC-5446/8096)
14. Minnesota Mutual Life Insurance Company Building (RA-SPC-8907)
15. Northern States Power Company Building (RA-SPC-5445)
16. Germania Bank (RA-SPC-5444)
17. Saint Paul Public Library/James J. Hill Reference Library (RA-SPC-5245)
18. Saint Paul Hotel (RA-SPC-3493)
19. New Palace Theater/Saint Francis Hotel (RA-SPC-5360)
20. Saint Paul Auditorium Addition (RA-SPC-11103)

We would like to provide clarification regarding the Pioneer and Endicott Buildings (RA-SPC-5223) and the Endicott Arcade Addition (RA-SPC-6903). The agency letter and effects assessment report clearly state that the Pioneer and Endicott Buildings, which also include the Endicott Building's interior arcade, are two (2) separate buildings listed together as "Buildings" on the National Register of Historic Places (NRHP) Nomination Form from 1974. This is what our records indicate as well. The Endicott Arcade Addition, although inventoried as a separate building, was constructed in 1910 and it is our understanding that the permit records indicate the original building permit for the Endicott Arcade Addition was specifically issued for the construction of an addition to the Endicott Building. Also, through recent reviews of applications for Federal Historic Rehabilitation Tax Incentive Program, it has been determined that the Endicott Arcade Addition is significant and retains historic integrity as an extension of the current Pioneer and Endicott Buildings property listing.

As such, and per 36 CFR 800.4(c)(1), we consider the earlier evaluation and NRHP nomination an "incomplete prior evaluation" and, although if fully evaluated and listed today the Pioneer Building and Endicott Building including addition would likely be two separate NRHP listings, our office approaches the assessment of effect for the buildings together as one historic property. Therefore, since the agency finding of effect for the Endicott Arcade Addition was "no adverse effect with conditions" we will move this property from the above list and add it to the list below.

Based upon information provided in your November 24<sup>th</sup> letter and the supporting documentation, we concur with the agency finding that the federal undertaking, as it is currently proposed at the 30% Plan phase, will have no adverse effect on the following twelve (12) historic properties provided that conditions specified for each property are met in accordance with Stipulation IX of the PA. At this time, we provide concurrence based upon



the agency's conditions as described in the revised effects assessment report(dated November 2020, reissued February 18, 2021):

1. 3M Center (RA-MWC-0010)
2. Johnson Parkway (RA-SPC-8497)
3. Texaco Company Service Station (RA-SPC-2284)
4. Bell-Weber House (RA-SPC-2481/5204)
5. Lowertown Historic District (RA-SPC-4580)
6. Saint Paul Union Depot (RA-SPC-5225/6907)
7. Saint Paul Urban Renewal Historic District (RA-SPC-8364)
8. Pioneer and Endicott Buildings (RA-SPC-5223) including Endicott Arcade Addition (RA-SPC-6903)
9. Manhattan Building (RA-SPC-3170)
10. Rice Park Historic District (RA-SPC-4423)
11. U.S. Post Office, Court House and Customs House [Landmark Center] (RA-SPC-5266)
12. Hamm Building (RA-SPC-3495)

Finally, as acknowledged in your November 24<sup>th</sup> letter and on page 47 of the report, we understand that your agency is continuing efforts to evaluate an additional property within the APE, the Eastern Heights State Bank (RA-SPC-11099), and will consult with our office and other consulting parties when the evaluation is ready for review and comment.

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](mailto: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, MnDOT Cultural Resources Unit



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

**Environmental Re-evaluation**

## **Appendix D. Section 4(f) OWJ Concurrence Letter Woodbury**

April 2021





U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5253  
312-353-2789  
312-886-0351 (fax)

December 7, 2020

Janelle Schmitz  
Assistant Community Development Director  
City of Woodbury  
8301 Valley Creek Road  
Woodbury, MN 55125

RE: Section 4(f) *de minimis* Use Determination for Menomini Park – City of Woodbury Concurrence

**METRO Gold Line Bus Rapid Transit Project, Ramsey and Washington counties, Minnesota**

Dear Ms. Schmitz:

On December 12, 2019, the City of Woodbury Engineering Director concurred with the FTA's determination that the Metro Gold Line BRT Project would result in a Section 4(f) *de minimis* use on Menomini Park and the multi-use trail on Bielenberg Drive (see Attachment 1). This determination was based on 15% Concept Plans presented in the Environmental Assessment/Finding of No Significant Impact (EA/FONSI).

The Project is currently at 60% design and no further consultation is anticipated as the Metropolitan Council (Council) refines design to 100 percent completion in 2021. This letter provides the background and rationale supporting FTA's conclusion that design refinements continue to meet the *de minimis* impact determination. Please respond in writing to this request for concurrence by **December 28, 2020**.

**Menomini Park Updates**

The text below describes impacts to Menomini Park in the EA/FONSI and our November 25, 2019 letter to you (See also Attachment 2):

*"The Project includes a stormwater facility at Menomini Park. The stormwater facility would require removing approximately 5,000 cubic yards of soil for a 0.62-acre bioretention (or stormwater detention) pond on the south side of I-94 within Menomini Park. A 335-foot storm sewer inlet pipe would extend under I-94 to convey stormwater to the pond in Menomini Park. Approximately 90 feet of the pipe would be located within Menomini Park. Another 50-foot storm sewer outlet pipe would drain from the pond to Battle Creek Lake located east of the pond. The pond and pipe installation require approximately 0.65 acres in permanent easement from the City of Woodbury. Based on discussions with the City, the proposed pond would be in an area not used for recreational purposes. A temporary construction access road from Woodbine Court to the proposed pond site would temporarily close about 340 feet of an existing 8-foot wide bike and pedestrian trail in the park for one construction season (approximately six months)."*

As summarized in the table below, the 60% design has reduced infrastructure and tree removal, but increased permanent easement by 0.08 acres (See Attachment 3).

Condition	15% Impacts	Revised Impacts	Increase	Reduction
Permanent Easement	0.65 acres	0.73 acres	0.08 acres	
Temporary Impacts	1.55 acres	1.42 acres		0.13 acres
Storm Sewer Pipe within Park	90 linear feet	75 linear feet		15 linear feet
Storm Sewer Outlet from BMP	50 linear feet	15 linear feet		35 linear feet
Temporary Access Road	110 linear feet	100 linear feet		10 linear feet
Tree Removal	1.55 acres	1.42 acres		0.13 acres

The FTA has determined that the Project design refinements will not adversely affect the activities, features, or attributes that qualify Menomini Park for Section 4(f) protection. Based on the analysis, design, and avoidance, minimization, and mitigation measures identified to date as summarized in the Project's Environmental Assessment (EA) and consistent with the requirements of 23 CFR 774.5(b), FTA has concluded that a *de minimis* use determination remains appropriate for Menomini Park.

This letter, as signed by the City of Woodbury, serves as documented concurrence by the City of Woodbury that Project actions would result in *de minimis* impacts at Menomini Park.

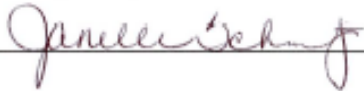
If you require additional assistance, please contact Tony Greep at (312) 353-1646 or [anthony.greep@dot.gov](mailto:anthony.greep@dot.gov). Thank you for your consideration of this request.

Sincerely,

**JASON M CIAVARELLA** Digitally signed by JASON M CIAVARELLA  
Date: 2020.12.07 11:03:59 -06'00'

Jay M. Ciavarella  
Director, Office of Planning and Program Development

**Concurrence:** The City of Woodbury, as owner and manager of Menomini Park and owner of the multi-use trail on Bielenberg Drive, concurs with the FTA's determination that the METRO Gold Line Bus Rapid Transit Project will result in a Section 4(f) *de minimis* use on Menomini Park and on the multi-use trail on Bielenberg Drive, as defined in 23 CFR 774.17 and as demonstrated in this letter.

Signature:  Date: 12-9-2020

Name: Janelle Schmitz Title: Community Development Director

City of Woodbury, MN



cc: Tony Greep, FTA  
Elizabeth Brieseth, FTA  
Eric Searles, City of Woodbury  
Tony Kutzke, City of Woodbury

Chris Beckwith, METRO Gold Line  
Charles Carlson, METRO Gold Line  
Lyssa Leitner, METRO Gold Line  
Chelsa Johnson, METRO Gold Line

**Attachment 1:** November 25, 2019 FTA correspondence; 12/12/19 Concurrence

**Attachment 2:** Impacts at Menomini Park as presented in Gold Line BRT EA/FONSI

**Attachment 3:** Updated Impacts at Menomini Park at 60% Design

Attachment 1- November 25, 2019 FTA correspondence; 12/12/19 Concurrence



U.S. Department  
of Transportation  
Federal Transit  
Administration

REGION V  
Illinois, Indiana,  
Michigan, Minnesota,  
Ohio, Wisconsin

200 West Adams Street  
Suite 320  
Chicago, IL 60606-5253  
312-353-2786  
312-886-0351 (fax)

November 25, 2019

Janelle Schmitz  
Assistant Community Development Director  
City of Woodbury  
8301 Valley Creek Road  
Woodbury, MN 55125

RE: Section 4(f) *de minimis* Use Determination for Menomini Park and on the multi-use trail on Bielenberg Drive – City of Woodbury Concurrence METRO Gold Line Bus Rapid Transit Project, Ramsey and Washington counties, Minnesota

Dear Ms. Schmitz:

The Federal Transit Administration (FTA) is writing to request formal concurrence for the METRO Gold Line Bus Rapid Transit Project (Project) Section 4(f) *de minimis* impact determination for Menomini Park and for the multi-use trail on Bielenberg Drive from the City of Woodbury. This letter provides the background and rationale that supports the *de minimis* impact determination. Please respond in writing to this request for concurrence by December 13, 2019.

The Metropolitan Council (Council) is seeking federal funding under the Capital Investment Grant program from the FTA; therefore, the Project must comply with the federal statute for Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966.

#### A. Section 4(f) Description

Section 4(f) of the USDOT Act is a federal law that protects publicly-owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by the USDOT. As a USDOT agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are located in 23 CFR Part 774.

*De minimis* impacts to parks are defined as those that do not adversely affect the activities, features, or attributes qualifying the property for protection under Section 4(f) (23 CFR 774.17). The official(s) with jurisdiction over the property and the public must be informed of the intent to make a *de minimis* use determination. If the official(s) with jurisdiction concurs in writing that the project will not adversely affect the activities, features, or attributes of the property eligible for Section 4(f) protection, then the FTA may finalize the *de minimis* impact determination. Upon City of Woodbury concurrence on the *de minimis* determination for Menomini Park and for the multi-use trail on

Section 4(f) *de minimis* Use Determination for Menomoni Park and on the multi-use trail on Bielenberg Drive – City of Woodbury Concurrency METRO Gold Line Bus Rapid Transit Project, Ramsey and Washington counties, Minnesota

Bielenberg Drive, FTA will publish the *de minimis* determination and your agency's final concurrence will be reported in the environmental decision document.

#### **B. Section 4(f) Property Description**

Both of these facilities are located within the City of Woodbury. Menomoni Park is located on the south side of I-94. The multi-use trail runs on the south side of Tamarack Road to the east side of Bielenberg Drive and continues south to Tamarack Nature Preserve. Menomoni Park is located directly west of Battle Creek Lake. The long and narrow, 10.82-acre neighborhood park features an accessible play structure, basketball court, fishing pier, and picnic tables with a paved trail running the length of the park. The park is owned and managed by the City of Woodbury.

The paved multi-use trail on Bielenberg Drive trail is within and owned by the City of Woodbury. The trail is part of a larger network of paved trails connecting Woodbury's parks. Near the Project area the trail runs on the south side of Tamarack Road to the east side of Bielenberg Drive and continues south to Tamarack Nature Preserve. The trail is accessible to bicyclists and pedestrians.

#### **C. Description of Project Changes to Menomoni Park and the multi-use trail on Bielenberg Drive**

##### *Menomoni Park*

The Project includes a stormwater facility at Menomoni Park. The stormwater facility would require removing approximately 5,000 cubic yards of soil for a 0.62-acre bioretention (or stormwater detention) pond on the south side of I-94 within Menomoni Park. A 335-foot storm sewer inlet pipe would extend under I-94 to convey stormwater to the pond in Menomoni Park. Approximately 90 feet of the pipe would be located within Menomoni Park. Another 50-foot storm sewer outlet pipe would drain from the pond to Battle Creek Lake located east of the pond. The pond and pipe installation require approximately 0.65 acres in permanent easement from the City of Woodbury. Based on discussions with the City, the proposed pond would be in an area not used for recreational purposes. A temporary construction access road from Woodbine Court to the proposed pond site would temporarily close about 340 feet of an existing 8-foot wide bike and pedestrian trail in the park for one construction season (approximately six months).

##### *Multi-use Trail on Bielenberg Drive*

Approximately 1,475 feet of the multi-use trail from Tamarack Road to about 450 feet south of Nature Path would be temporarily closed for one construction season (approximately six months) to construct Bus Rapid Transit (BRT) infrastructure.

The trail would be reconstructed within the existing public right-of-way. Approximately 845 feet of the trail would be reconstructed in its existing location. About 250 feet of the trail that approaches the Tamarack Road intersection would shift about 4.5 feet east of the existing trail to accommodate ramps to comply with the Americans with Disability Act (ADA). Similarly, 380 feet of the trail at

Section 4(f) *de minimis* Use Determination for Menomini Park and on the multi-use trail on Bielenberg Drive – City of Woodbury Concurrence METRO Gold Line Bus Rapid Transit Project, Ramsey and Washington counties, Minnesota

Nature Path (160 feet north and 220 feet south of the intersection) would shift about 2 feet east of the existing trail to accommodate ramps at the intersection.

#### **D. Section 4(f) *de minimis* Use Determination**

The Council met with the City of Woodbury on September 13, 2018, to review Project impacts and receive input on the preliminary assessment of *de minimis* impact on Menomini Park and on the multi-use trail on Bielenberg Drive. The city did not provide input on the preliminary assessment of *de minimis* impacts to these resources. The FTA has determined that the construction and operation of the Project will not adversely affect the activities, features, or attributes that qualify Menomini Park and on the multi-use trail on Bielenberg Drive for Section 4(f) protection. Based on the analysis, design, and avoidance, minimization, and mitigation measures identified to date as summarized in the Project's Environmental Assessment (EA) and consistent with the requirements of 23 CFR 774.5(b), FTA has concluded that a *de minimis* use determination is appropriate for Menomini Park and for the multi-use trail on Bielenberg Drive.

The public has been afforded an opportunity to review and comment on the potential effects of the Project on the protected activities, features, or attributes of the Section 4(f) property. The METRO Gold Line Bus Rapid Transit Project EA was distributed for public review on October 7, 2019, and the comment period concluded November 6, 2019. The project impacts were also presented at public meetings held on October 22 and 23, 2019, and drop-in hours on October 28, 2019. No comments specific to the *de minimis* finding were received.

In consideration of the lack of public comment, combined with the fact that there have not been any changes to the Project's preferred alternative which alter our assessment of impacts to your facility, FTA has concluded that a *de minimis* use determination is appropriate for Menomini Park and for the multi-use trail on Bielenberg Drive.

This letter, as signed by the City of Woodbury, serves as documented concurrence by the City of Woodbury that Project actions would result in *de minimis* impacts at Menomini Park and at the multi-use trail on Bielenberg Drive.

If you require additional assistance, please contact Tony Greep at (312) 353-1646 or [anthony.greep@dot.gov](mailto:anthony.greep@dot.gov). Thank you for your consideration of this request.

Sincerely,

**JASON M  
CIAVARELLA**

Digitally signed by JASON M  
CIAVARELLA  
Date: 2019.11.25 14:30:12 -06'00'

Jay Ciavarella  
Director, Office of Planning and Program Development

Section 4(f) de minimis Use Determination for Menomoni Park and on the multi-use trail on Bielenberg Drive - City of Woodbury  
Concurrence METRO Gold Line Bus Rapid Transit Project, Ramsey and Washington counties, Minnesota

Concurrence: The City of Woodbury, as owner and manager of Menomoni Park and owner of the multi-use trail on Bielenberg Drive, concurs with the FTA's determination that the METRO Gold Line Bus Rapid Transit Project will result in a Section 4(f) de minimis use on Menomoni Park and on the multi-use trail on Bielenberg Drive, as defined in 23 CFR 774.17 and as demonstrated in this letter.

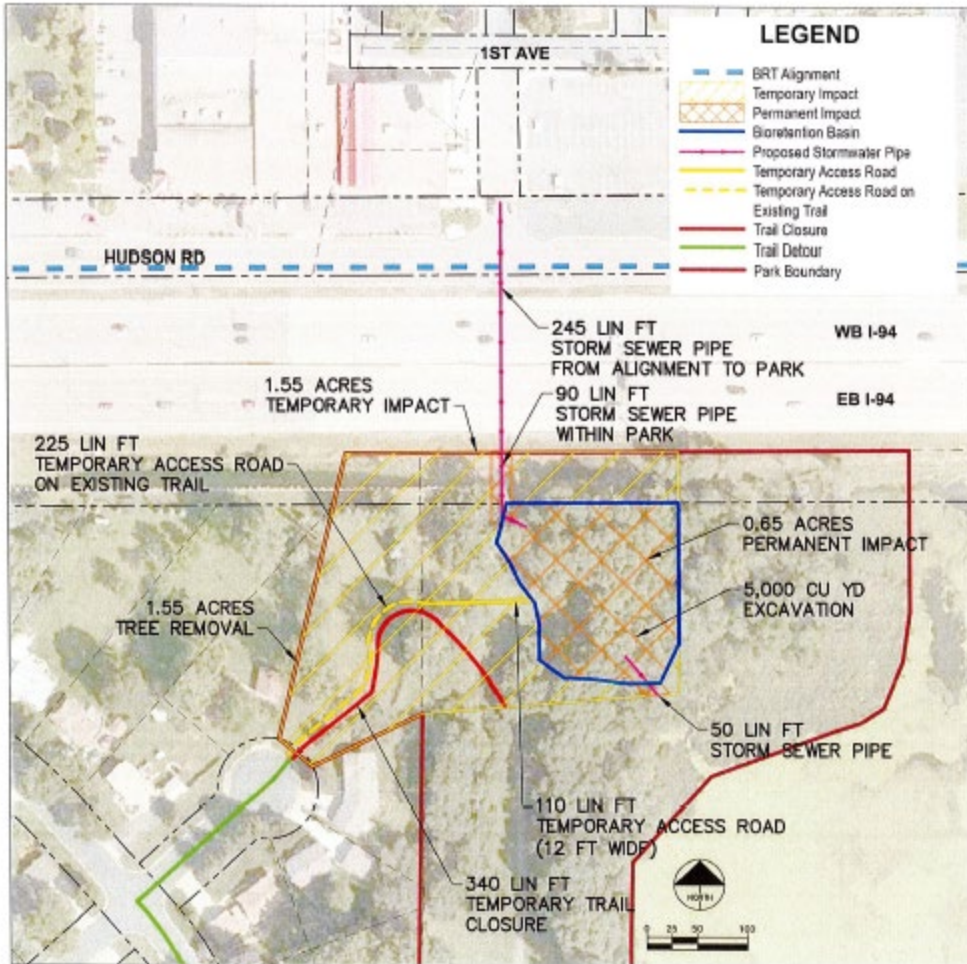
Signature: *[Signature]* Date: 12/12/19

Name: Chris Hartell Title: Engineering Director  
City of Woodbury, MN

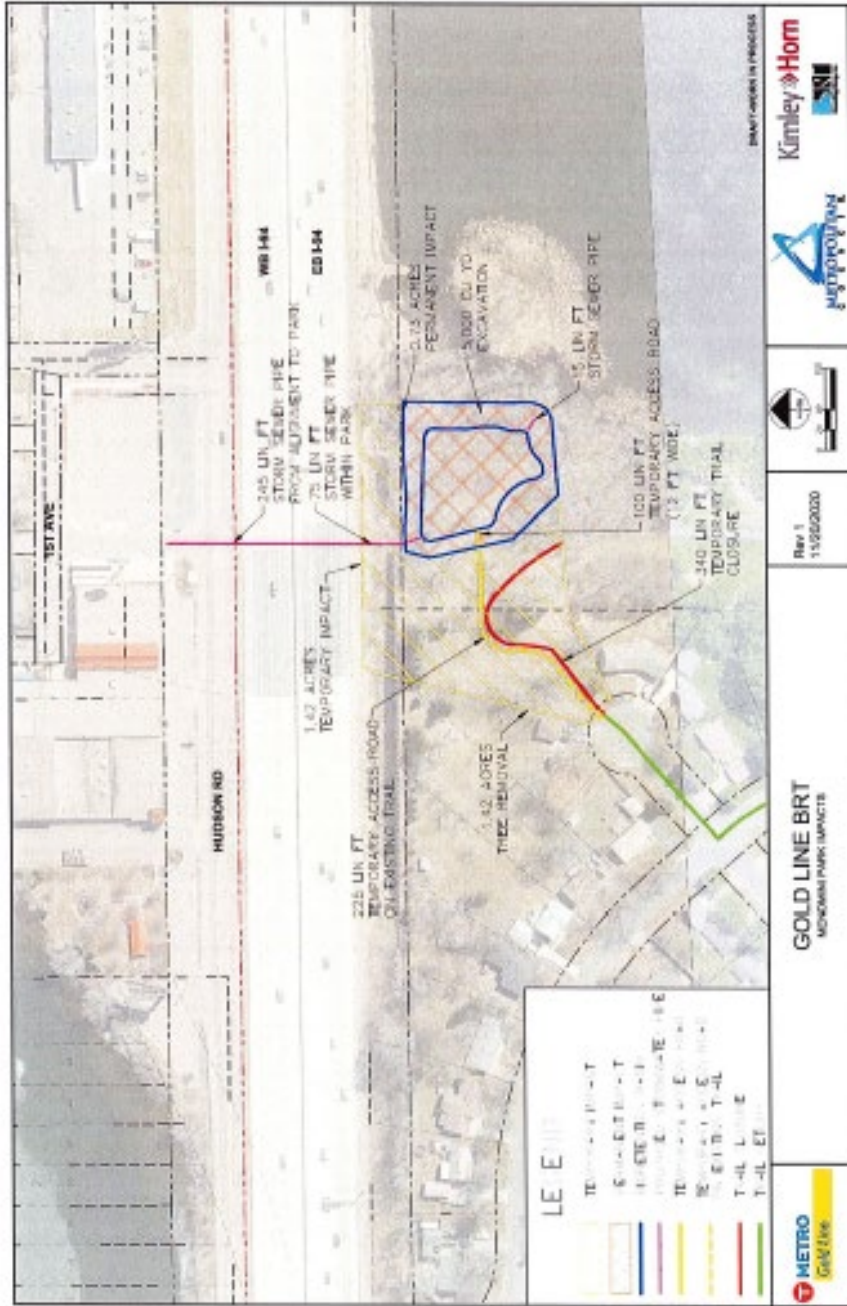
- cc: Anthony Greep, FTA
- Elizabeth Brieseth, FTA
- Dwight Picha, City of Woodbury
- Eric Searles, City of Woodbury
- Tony Kutzke, City of Woodbury
- Chris Beckwith, METRO Gold Line
- Charles Carlson, METRO Gold Line
- Lyssa Leitner, METRO Gold Line
- Chelsea Johnson, METRO Gold Line



Attachment 2 – Impacts at Menomoni Park as Presented in Gold Line BRT EA/FONSI



Attachment 3 – Updated Impacts at Menomoni Park







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

**Environmental Re-evaluation**

## **Appendix E. USFWS Correspondence**

April 2021





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**From:** Marsh, Dawn S <dawn\_marsh@fws.gov>  
**Sent:** Monday, March 15, 2021 12:14 PM  
**To:** Johnson, Chelsa <Chelsa.Johnson@metrotransit.org>  
**Subject:** Re: [EXTERNAL] Gold Line BRT Project - Updated RPBB Memo

Good afternoon,

The U.S. Fish and Wildlife Service has reviewed the information provided in your March 11, 2021 memorandum 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 expanded high potential zones, 90 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.

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Thank you,

Dawn

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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

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**From:** Johnson, Chelsa <[Chelsa.Johnson@metrotransit.org](mailto:Chelsa.Johnson@metrotransit.org)>  
**Sent:** Thursday, March 11, 2021 10:21 AM  
**To:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Subject:** [EXTERNAL] Gold Line BRT Project - Updated RPBB Memo

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Dawn,

Thanks for the discussion last week regarding RPBB mitigation measures. I've updated the memo (clean and redline version attached) and it's been reviewed by FTA so if the updated language addresses your concerns, I'd like to move forward with concurrence validation for 90% design. FTA confirmed an email will be sufficient for our Reevaluation. We also resubmitted the determination key in IPaC for NLEB last week (3/4) so we have that documentation to include in our reevaluation. I believe the USFWS review timeframe on NLEB ends by 3/19 so I am hoping you can confirm RPBB concurrence by that date as well. Please let me know if you can review and confirm by March 19<sup>th</sup> so I can let FTA know if we need to revise our schedule.

Thanks so much for your assistance and I'll be in touch next month regarding construction schedules so we can continue our consultation on the RPBB.



**Chelsa Johnson, AICP**

Pronouns: she/her/hers  
Environmental Lead | Gold Line Project Office  
Metro Transit, a service of the Metropolitan Council  
Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101  
P. 651-602-1997 | C. 602-370-3622

[metrotransit.org](http://metrotransit.org) | [facebook](https://www.facebook.com/metrotransit) | [twitter](https://twitter.com/metrotransit)



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
4101 American Blvd E  
Bloomington, MN 55425-1665  
Phone: (952) 252-0092 Fax: (952) 646-2873



<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

March 01, 2021

Consultation Code: 03E19000-2018-SLI-1423

Event Code: 03E19000-2021-E-02737

Project Name: METRO Gold Line Bus Rapid Transit Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area – the area that is likely to be affected by your proposed project. The list also includes any designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat. Agencies must confer under section 7(a)(4) if any proposed action is likely to jeopardize species proposed for listing as endangered or threatened or likely to adversely modify any proposed critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions that will help you

determine if your project will have an adverse effect on listed species or critical habitat and will help lead you through the Section 7 process.

**For all wind energy projects and projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**  
4101 American Blvd E  
Bloomington, MN 55425-1665  
(952) 252-0092



## Project Summary

Consultation Code: 03E19000-2018-SLI-1423

Event Code: 03E19000-2021-E-02737

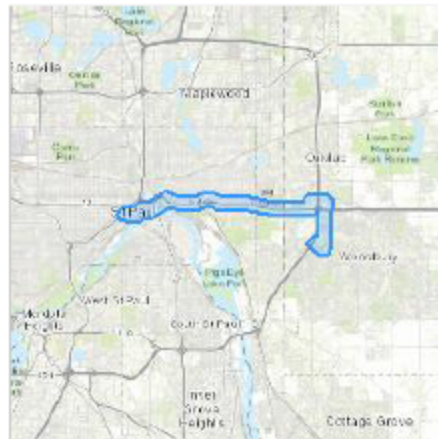
Project Name: METRO Gold Line Bus Rapid Transit Project

Project Type: TRANSPORTATION

Project Description: The Gold Line BRT project is a planned nine-mile transitway located in Ramsey and Washington Counties in the eastern part of the Twin Cities Metropolitan Area, Minnesota. The corridor is generally parallel to Interstate 94 (I-94) and would better connect downtown Saint Paul with its east side neighborhoods and the suburban cities of Maplewood, Landfall, Oakdale, and Woodbury.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.94110968277038,-92.95432439953058,14z>



Counties: Ramsey and Washington counties, Minnesota

## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Clams

NAME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5428">https://ecos.fws.gov/ecp/species/5428</a>	Endangered

### Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9383">https://ecos.fws.gov/ecp/species/9383</a> General project design guidelines: <a href="https://ecos.fws.gov/docs/tess/ipac_project_design_guidelines/doc5967.pdf">https://ecos.fws.gov/docs/tess/ipac_project_design_guidelines/doc5967.pdf</a>	Endangered

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10

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NAME	BREEDING SEASON
<p>Eastern Whip-poor-will <i>Antrostomus vociferus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Golden-winged Warbler <i>Vermivora chrysoptera</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a></p>	Breeds May 1 to Jul 20
<p>Henslow's Sparrow <i>Ammodramus henslowii</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a></p>	Breeds May 1 to Aug 31
<p>Least Bittern <i>Ixobrychus exilis</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/6175">https://ecos.fws.gov/ecp/species/6175</a></p>	Breeds Aug 16 to Oct 31
<p>Lesser Yellowlegs <i>Tringa flavipes</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a></p>	Breeds elsewhere
<p>Long-eared Owl <i>asio otus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/3631">https://ecos.fws.gov/ecp/species/3631</a></p>	Breeds Mar 1 to Jul 15
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p>Rusty Blackbird <i>Euphagus carolinus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Semipalmated Sandpiper <i>Calidris pusilla</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Willow Flycatcher <i>Empidonax traillii</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/3482">https://ecos.fws.gov/ecp/species/3482</a></p>	Breeds May 20 to Aug 31
<p>Wood Thrush <i>Hylocichla mustelina</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

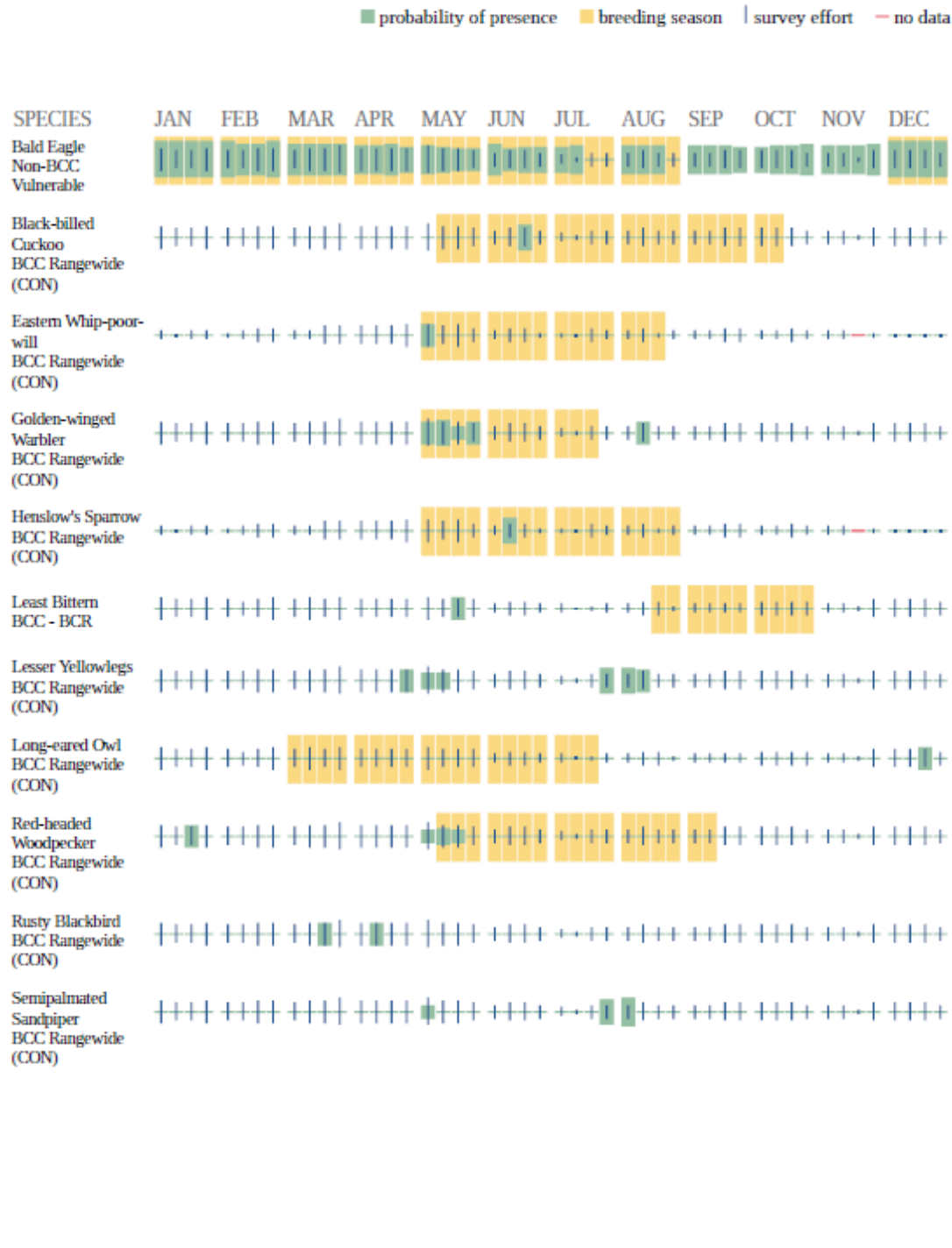
### No Data (—)

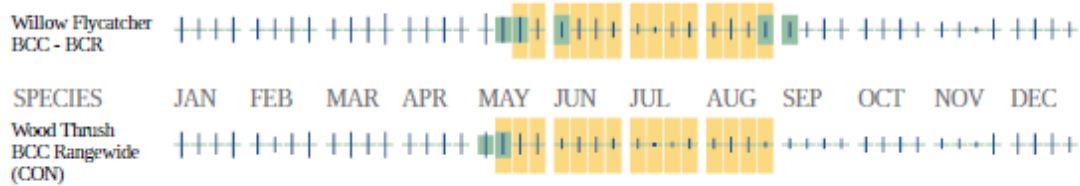
A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe



Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical](#)

[Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

#### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

#### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office

4101 American Blvd E

Bloomington, MN 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

In Reply Refer To:

March 04, 2021

Consultation code: 03E19000-2018-TA-1423

Event Code: 03E19000-2021-E-02881

Project Name: METRO Gold Line Bus Rapid Transit Project

Subject: Verification letter for the 'METRO Gold Line Bus Rapid Transit Project' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Christine Meador:

The U.S. Fish and Wildlife Service (Service) received on March 04, 2021 your effects determination for the 'METRO Gold Line Bus Rapid Transit Project' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take" prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.



This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Higgins Eye (pearlymussel) *Lampsilis higginsii* Endangered
- Rusty Patched Bumble Bee *Bombus affinis* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

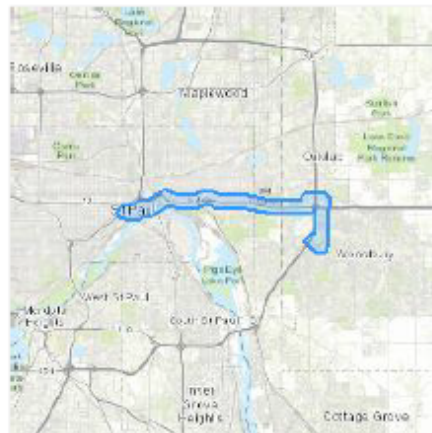
METRO Gold Line Bus Rapid Transit Project

### 2. Description

The following description was provided for the project 'METRO Gold Line Bus Rapid Transit Project':

The Gold Line BRT project is a planned nine-mile transitway located in Ramsey and Washington Counties in the eastern part of the Twin Cities Metropolitan Area, Minnesota. The corridor is generally parallel to Interstate 94 (I-94) and would better connect downtown Saint Paul with its east side neighborhoods and the suburban cities of Maplewood, Landfall, Oakdale, and Woodbury.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.94110968277038,-92.95432439953058,14z>



### Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

### Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?  
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")  
No
3. Will your activity purposefully **Take** northern long-eared bats?  
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?  
Automatically answered  
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html).

- Yes
6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?  
No
7. Will the action involve Tree Removal?  
Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

*No*

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

*No*

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

*No*



## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

4

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

## **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.

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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:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Sent:** Tuesday, October 27, 2020 3:28 PM  
**To:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Cc:** Johnson, Chelsa <[Chelsa.Johnson@metrotransit.org](mailto:Chelsa.Johnson@metrotransit.org)>; 'Leitner, Lyssa' <[Lyssa.Leitner@metrotransit.org](mailto:Lyssa.Leitner@metrotransit.org)>  
**Subject:** Re: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

Dawn,

Sounds great, I will be sending the individual survey forms in the mail this week.

Also, based on the results from this year, will you want any surveys conducted next year? Please let me know if you would rather discuss next steps on the phone with Chelsa and I.

Cheers,

Dan MacSwain  
Natural Resource Coordinator  
651-472-2585

---

**From:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Sent:** Monday, September 14, 2020 4:38 PM  
**To:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Cc:** Johnson, Chelsa <[Chelsa.Johnson@metrotransit.org](mailto:Chelsa.Johnson@metrotransit.org)>; 'Leitner, Lyssa' <[Lyssa.Leitner@metrotransit.org](mailto:Lyssa.Leitner@metrotransit.org)>  
**Subject:** Re: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

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Hi Dan,

Thank you for summarizing the habitat assessment results. It appears that the surveyed areas consist largely of disturbed and compacted soils with a limited amount of low value floral resources available during the rusty patched bumble bee active season. Could you please send

the individual site forms for our records?

The email from Tamara was about the recent critical habitat decision. This does not change mapped high potential zones or how our office reviews projects for potential impacts to rusty patched bumble bees.

Thank you again!

Dawn

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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

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**From:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Sent:** Wednesday, September 2, 2020 8:18 AM  
**To:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Cc:** Johnson, Chelsa <[Chelsa.Johnson@metrotransit.org](mailto:Chelsa.Johnson@metrotransit.org)>; 'Leitner, Lyssa' <[Lyssa.Leitner@metrotransit.org](mailto:Lyssa.Leitner@metrotransit.org)>  
**Subject:** RE: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

Dawn,

1. I updated the GIS viewer to include photos for site #4 location #2  
<https://wcmn.maps.arcgis.com/apps/instant/attachmentviewer/index.html?appid=d7c84ca077a740e09b7a078f0901f7ef>
2. Also, based on your responses in the email I updated the table with a summary of all of the survey sites. We also have the individual site forms as well (but didn't change much at all between 3 – 7.

**Rusty Patched Bumble Bee Habitat Assessment Totals**

Location	West Central Service Center (North and South Parcel)	Area 1 (1.1 acre)	Area 2 (7.1 acre)	Area 3, 4, 5, 6, 7
Date of Survey	6/30/20	6/30/20	6/30/20	6/30/20
Notes			This site shows the most potential	
Section 1	3	1	1	3
Section 2	2	5	2	12
Section 3*	6	6	6	6
Section 4	13	12	13	9
Section 5a	0	0	0	0
Section 5b	0	0	0	0
<b>TOTAL</b>	<b>24</b>	<b>24</b>	<b>22</b>	<b>30</b>

\*Foraging Habitat only includes flowering species found on site that bloom in *summer*. Does not include spring or fall.

3. I received an email from Tamara in regards to changes to the RPBB, does this impact this project?

Thanks for your help,

**Dan MacSwain** | Natural Resource Coordinator  
Washington County Public Works Department  
11660 Myeron Rd North, Stillwater, MN 55082  
Phone: 651-430-4323 | Cell: 651-472-2585

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**From:** Marsh, Dawn S [[mailto:dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)]  
**Sent:** Wednesday, August 12, 2020 8:38 AM  
**To:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Subject:** Re: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

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Dan,

I'm available all day Thursday, August 20 and Tuesday, August 25. Please pick the day and time that you prefer.

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

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**From:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Sent:** Tuesday, August 11, 2020 3:35 PM  
**To:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Cc:** Johnson, Chelsa <[Chelsa.Johnson@metrotransit.org](mailto:Chelsa.Johnson@metrotransit.org)>  
**Subject:** RE: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up



Dawn,

Thank you for the response, I know how it goes with the field season underway!

I'll try to send over the survey results and look into a photo for site 4 area location 2. If we don't have one, I'll make sure to go and take a picture.

Would you have time to discuss the results? Below are some openings in my schedule. I cc'd Chelsa so she knows we are meeting but doesn't necessarily need to join.

Wednesday August 12 – Noon to 4

Monday August 17 – Noon to 4

Thursday August 20 Open for now, may have one meeting to schedule around

Monday August 24 – Open

Tuesday August 25- Open

Cheers,

**Dan MacSwain** | Natural Resource Coordinator  
Washington County Public Works Department  
11660 Myeron Rd North, Stillwater, MN 55082  
Phone: 651-430-4323 | Cell: 651-472-2585

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**From:** Marsh, Dawn S [[mailto:dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)]  
**Sent:** Thursday, July 16, 2020 1:39 PM  
**To:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Subject:** Re: [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

Hi Dan,

It's been an unusually busy week. To answer your questions,

1. Birdsfoot trefoil can be classified as non-native, invasive. There is some documentation that rusty patched bumble bees have used birdsfoot trefoil historically, so it may be used as foraging habitat if higher quality sources are not available nearby.
2. Yes, please leave Section 5 of the protocol empty.
3. The link worked – thank you for taking the photos! It looks like much of the survey area is of low-quality habitat. I don't see a photo for the fourth st., site 4, area 2 location. Is there one you could send along?

I'm happy to schedule a time to talk through your survey findings next week, if you'd like. I am

currently available the mornings of Monday, Tuesday, and Thursday. Please let me know if you'd like to schedule a time to talk and if there's a time that works best for you.

Thank you again,  
Dawn

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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

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**From:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Sent:** Friday, July 10, 2020 3:17 PM  
**To:** Marsh, Dawn S <[dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)>  
**Subject:** [EXTERNAL] RE: Metro Gold Line RPBB Habitat Assessment Follow-up

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Dawn,

No worries on the delay, it's been just as busy for me as well! Maybe we can connect sometime next week? Otherwise, below are a few questions/comments.

A few quick questions/comments.

- 1) I was viewing Birdsfoot trefoil as non-native invasive as part of the Xerces protocol. Is this okay? In many cases it was next to Canadian thistle ect.
- 2) Just to confirm, you do you want me to leave Section 5 of the xerces protocol empty? I can probably comment on likelihood of herbicide use on adjacent properties, but I think it's a stretch for me to know for certain.
- 3) I took pictures for each site, pretty disturbed invasive ect, no remnants. Are you able to access this link in one of the supported browsers? If not, I'll try getting another way for you to access <https://wcmn.maps.arcgis.com/apps/instant/attachmentviewer/index.html?appid=d7c84ca077a740e09b7a078f0901f7ef>

Cheers,

**Dan MacSwain** | Natural Resource Coordinator | Parks Division  
Phone: 651-430-4323 | Cell: 651-472-2585 | Fax: 651-430-4350  
[Dan.macswain@co.washington.mn.us](mailto:Dan.macswain@co.washington.mn.us)

**Washington County Public Works Department**  
11660 Myerson Rd North | Stillwater, MN 55082

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---

**From:** Marsh, Dawn S [[mailto:dawn\\_marsh@fws.gov](mailto:dawn_marsh@fws.gov)]  
**Sent:** Tuesday, July 7, 2020 11:54 AM  
**To:** Dan MacSwain <[Dan.MacSwain@co.washington.mn.us](mailto:Dan.MacSwain@co.washington.mn.us)>  
**Subject:** Metro Gold Line RPBB Habitat Assessment Follow-up

Hi Dan,

I received your voicemail from last Thursday. My apologies for the delay in response. I should be available to talk on Thursday, July 9. Is there a time that works best for you to talk about your survey results from last week? I can also answer your questions via email.

Please let me know what works best for you.

Thank you,  
Dawn

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Dawn Marsh (she/her/hers) | Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service | Minnesota-Wisconsin Field Office  
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Tel: (952) 252-0092 x 202

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