APPENDIX B

AGENCY COORDINATION

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

February 11, 2021

Regulatory File No. MVP-2019-00363-BBY

Ramsey County
c/o Andrew Gitzlaff
15 West Kellogg Boulevard, Suite 210
St. Paul, Minnesota 55102

Dear Mr. Gitzlaff:

This letter regards an approved jurisdictional determination for the Rush Line Bus Rapid Transit Project in Ramsey County. The project site is in Sections 14, 23, 26, 27, and 34, Township 30 North, Range 22 West, Sections 2, 3, 10, 15, 22, 27, 28, 29, 31, and 32, Township 29 North, Range 22 West, Sections 5 and 6, Township 28 North, Range 22 West, Ramsey County, Minnesota. The review area for our jurisdictional determination is limited to the wetlands labeled W-15, W-16, W-17, W-19, W-20, W-28, W-59, W-68, W-69, W-70, W-72, W-74, W-75, and W-97 on the enclosed figures labeled MVP-2019-00363-BBY Page 1 of 9 through 9 of 9.

The review area consists of wetlands W-15, W-16, W-17, W-19, W-20, W-28, W-59, W-68, W-69, W-70, W-72, W-74, W-75, and W-97, which are not waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the boundary in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

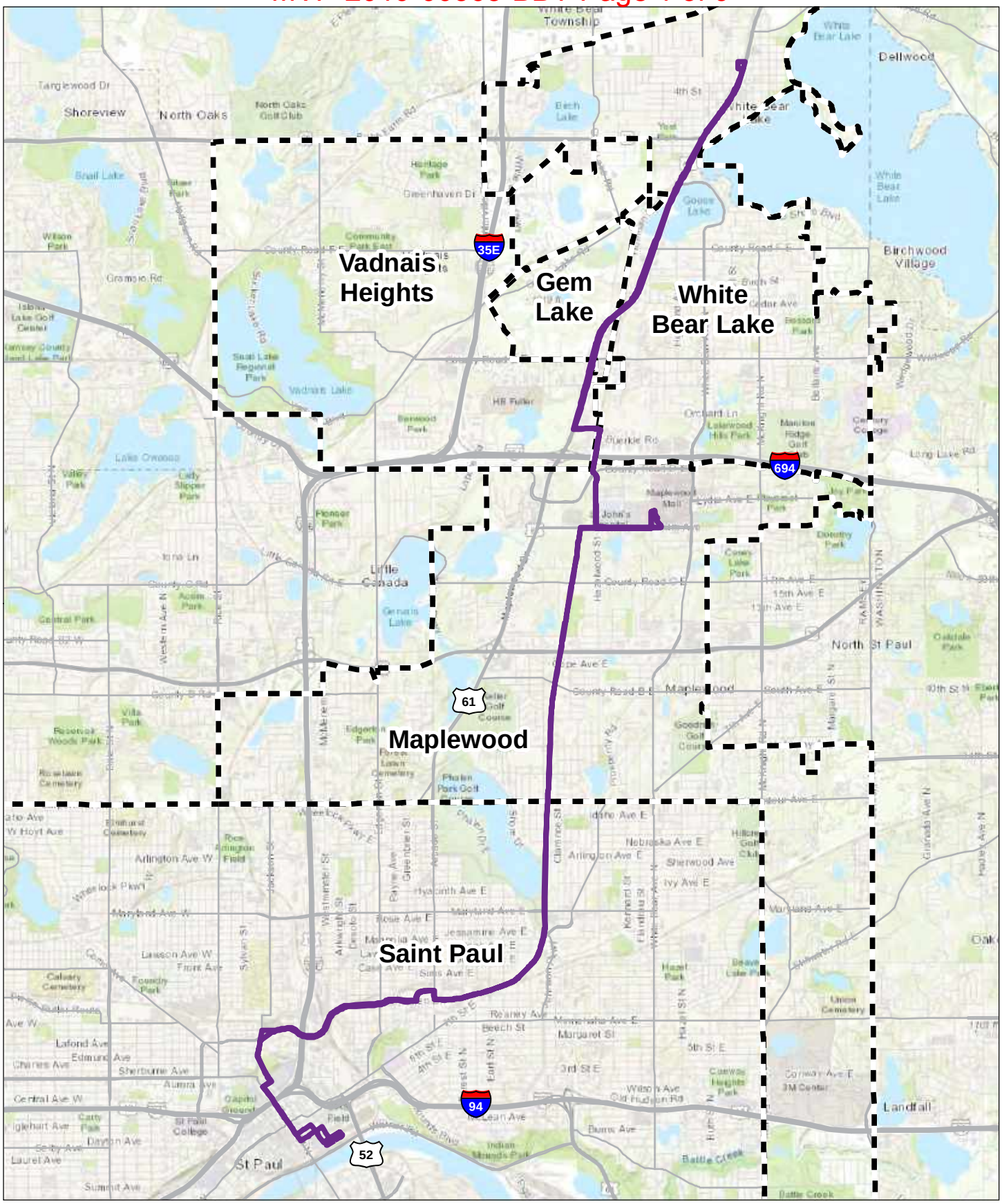
If you have any questions, please contact me in our St. Paul office at (651) 290-5975 or Brian.B.Yagle@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Brian Yagle
Lead Project Manager

Enclosures

cc:
Aaron Stolte – Agent
Jeanne Witzig – Agent
Ashley Payne – Agent
Frank Alarcon – Ramsey County
Rachel Haase – Agent
Amy Waters – BWSR
Ben Meyer – BWSR



Legend

Proposed Route

City Boundaries

Figure 1. Project Location

0 1 2 Miles

Study Area
Potential Area of Disturbance
Proposed Route
Proposed Platforms
Estimated Wetland Boundaries
Wetland Within Potential Area of Disturbance
Federal Emergency Management Agency 100-year Floodplain
Floodplain Within Potential Area of Disturbance

Figure 2. Surface Water and Floodplains Within the Potential Area of Disturbance

0 200 400 Feet

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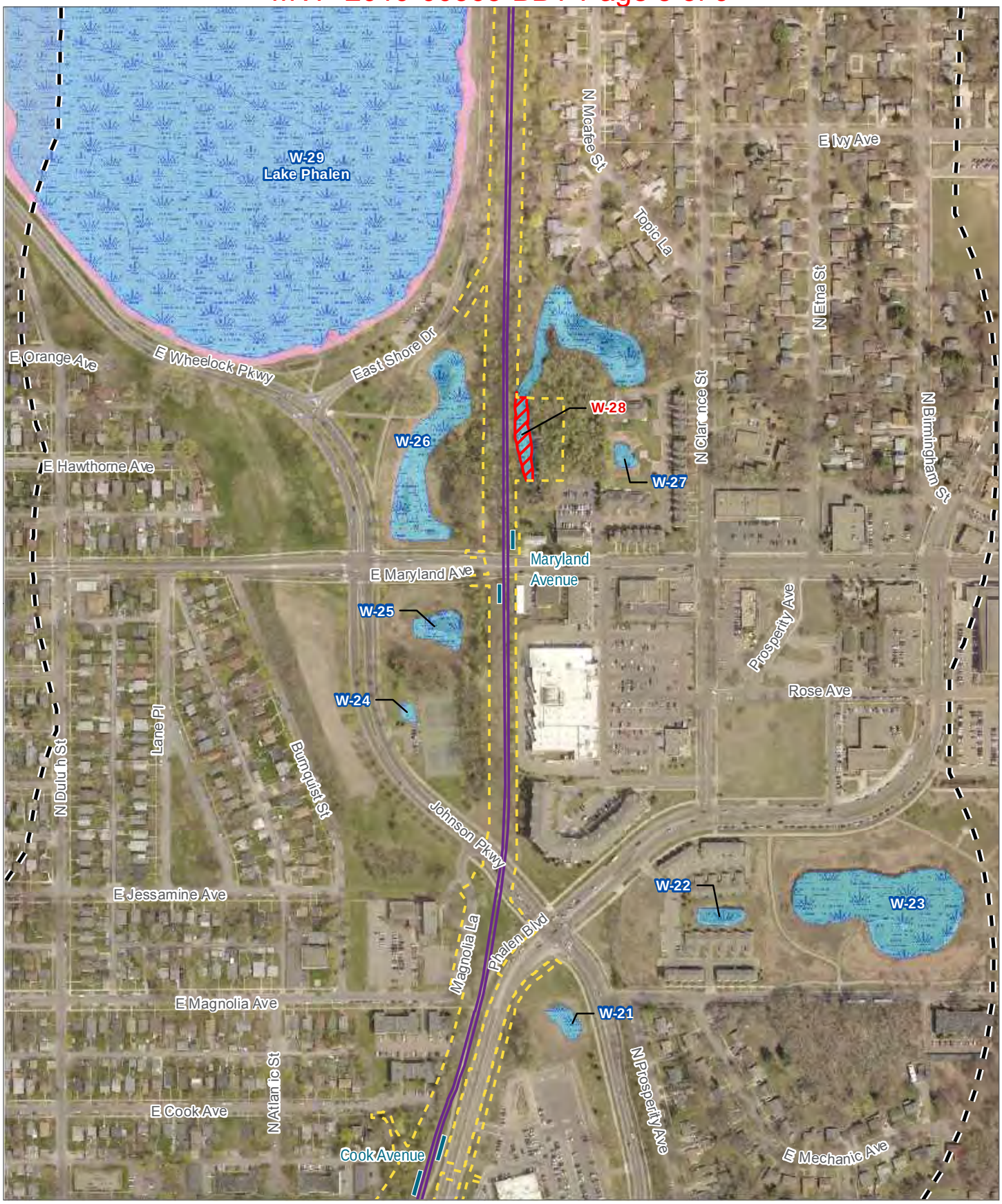

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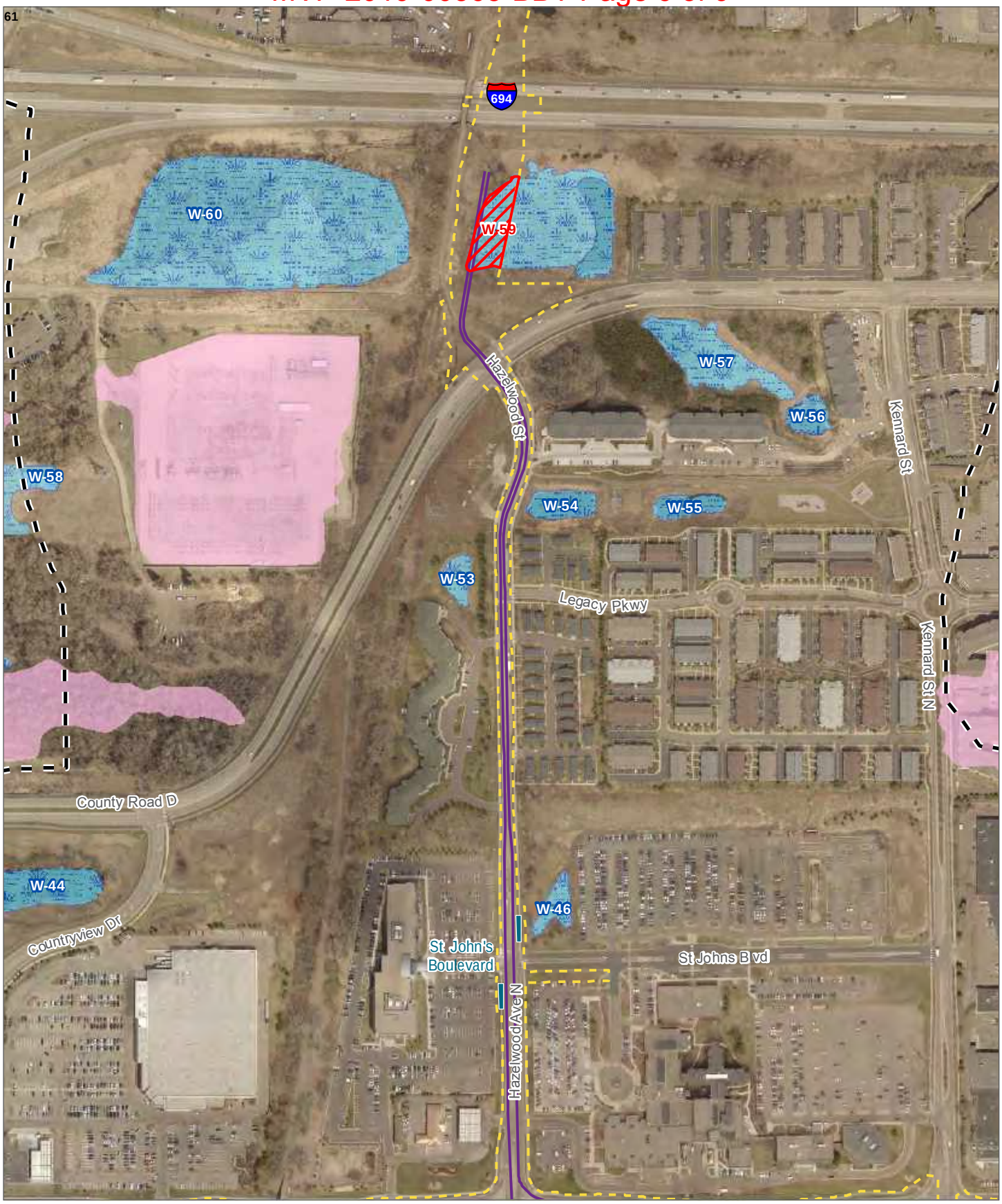

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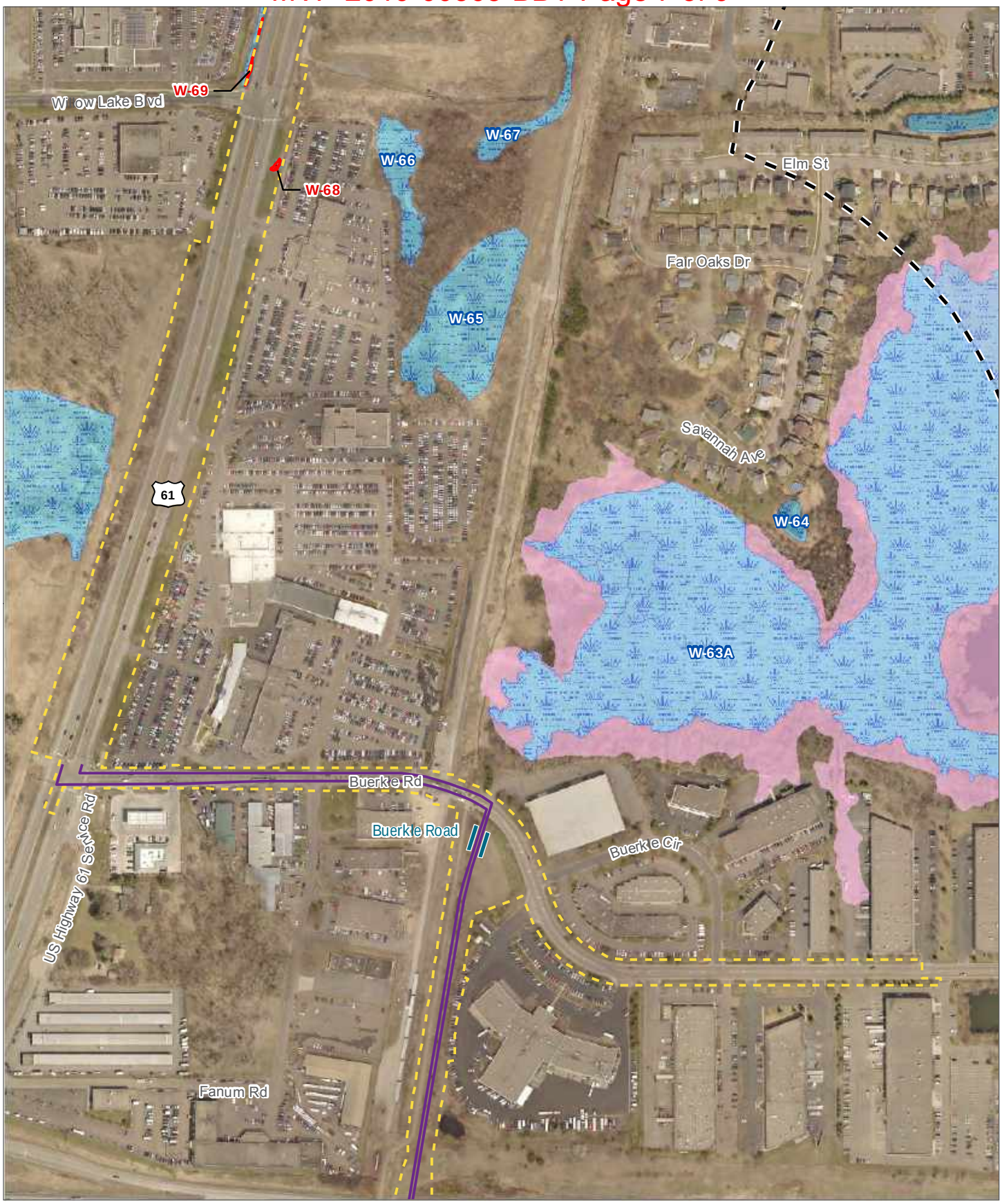

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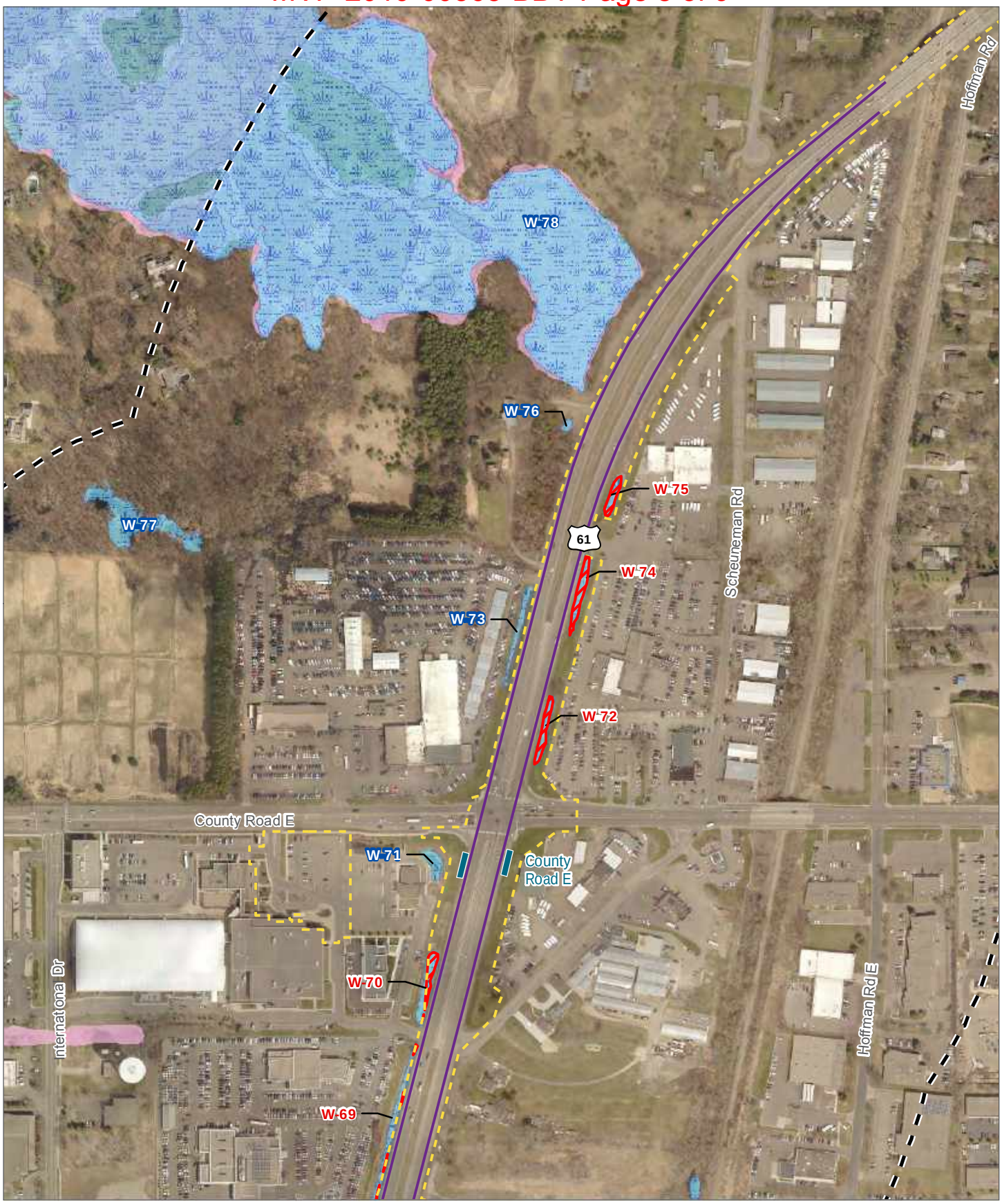

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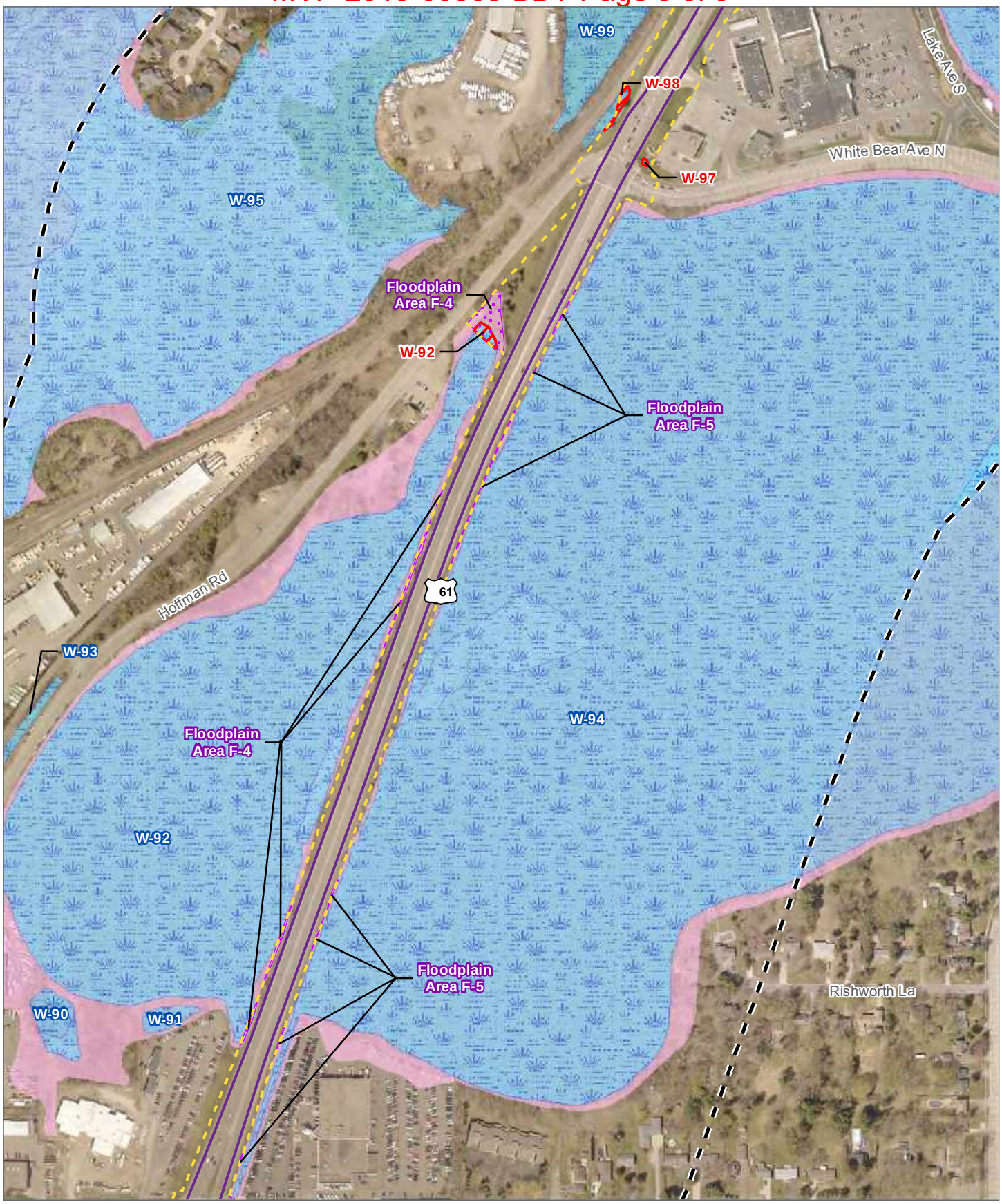

Figure 2. Surface Water and Floodplains Within the Potential Area of Disturbance

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 2/11/2021
ORM Number: MVP-2019-00363-BBY
Associated JDs: N/A
Review Area Location[1]: State/Territory: Minnesota City: St. Paul, Maplewood, Vadnais Heights, Gem Lake, White Bear Lake, and White Bear Township County/Parish/Borough: Ramsey
Center Coordinates of Review Area: Latitude 45.007813 Longitude -93.044130

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
W-28 and W-59	4.0	acre(s)	(b)(1) Non-adjacent wetland.	The joint application states that that review of NHD, LiDAR, and aerial mapping indicates wetlands W-28 and W-59 are isolated wetland basins that do not share a surface water connection to Waters of the U.S. Corps review of LiDAR shows that wetlands W-28 and W-59 are depressional basins, surrounded by upland. Neither wetland is adjacent to an a(1)-a(3) water. The application also states that the National Map NHD Viewer only identifies storm sewer connections between wetlands W-28 and W-59 and any surrounding water. Corps review of the submitted NHD map confirms these findings. W-28 shares a storm sewer connection with W-26 which is not an a(1)-a(3) water and is not adjacent to an a(1)-a(3) water. W-59 shares a storm sewer connection with W-57 which is not an a(1)-a(3) water and is not adjacent to an a(1)-a(3) water. Neither W-28 or W-59 share a surface water connection with an a(1)-a(3) water. Therefore, wetlands W-28 and W-59 are not considered waters of the U.S. under the Navigable Waters Protection Rule.
W-68, W-69, W-70, W-72, W-74, W-75, and W-97	0.56	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The joint application states that wetlands W-68, W-69, W-70, W-72, W-74, W-75, and W-97 are roadside ditches that were constructed in upland and completely dependent on the roadway for hydrology. Review of 1940 historic aerial imagery indicates that these wetlands were constructed in uplands. These ditches that meet the definition of “ditch” under paragraph c(2) of the Navigable Waters Protection Rule. The ditches listed are therefore not jurisdictional because they meet the requirements of the exclusion for ditches in paragraph b(5).
W-15, W-16, W-17, W-19 and W-20	0.5	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional	The application states that wetlands W-15, W-16, W-17, W-19 and W-20 were excavated in uplands for the purpose of stormwater treatment. The applicant submitted historic aerial imagery (1940) and stated that the imagery indicated that wetlands W-15 and W-16 appear to be located in an old railroad corridor, W-17 appears to be

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water to convey, treat, infiltrate, or store stormwater runoff.	located in an old railroad yard, W-19 appears to be located in an old parking lot, and W-20 appears to be located in an old rail corridor. Google Earth aerial imagery confirmed the applicant's findings. Google Earth imagery indicated that W-15 and W-16 were likely constructed in uplands between 2003-2006, W-17 between 2004-2005, W-19 between 2004-2006, and W-20 between 1991-2002. Based on this information, W-15, W-16, W-17, W-19 and W-20 are not waters of the U.S. under the Navigable Waters Protection Rule.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: The Approve Jurisdictional Determination Joint Application request dated December 23, 2020 and submitted by Kimley- Horn on January 8, 2021.

This information is and is not sufficient for purposes of this AJD.

Rationale: Additional Google Earth aerial imagery was needed to determine if the stormwater features were constructed in uplands.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial: Google Earth 1991, 2002-2006, 2008-2020; Historic Aerials 1940

☐ Corps site visit(s) conducted on: Date(s).

☐ Previous Jurisdictional Determinations (AJDs or PJDs):

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☐ USDA NRCS Soil Survey: Title(s) and/or date(s).

☐ USFWS NWI maps: Title(s) and/or date(s).

☐ USGS topographic maps: Title(s) and/or date(s).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	NHD map submitted in the application.

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: The review area for our jurisdictional determination is limited to wetlands labeled W-15, W-16, W-17, W-19, W-20, W-28, W-59, W-68, W-69, W-70, W-72, W-74, W-75, and W-97. During the review process for this AJD, a possible connection from Lake Phalen to W-28 via W-26 was examined. It was determined by reviewing the submitted LiDAR and the NHD maps that the only hydrologic connection that existed between Lake Phalen and these wetlands was a storm sewer connection, no surface water connection was evident.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: Ramsey County (Andrew Gitzlaff)	**File No.: MVP-2019-00363-BBY**	**Date:** February 11, 2021

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact the Division Engineer through:
Brian Yagle Regulatory Project Manager U.S. Army Corps of Engineers, St. Paul District 180 5th Street East, Suite 700 St. Paul, MN 55101 651-290-5975	Administrative Appeals Review Officer Mississippi Valley Division P.O. Box 80 (1400 Walnut Street) Vicksburg, MS 39181-0080 601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

From: Horton, Andrew <andrew_horton@fws.gov>
Sent: Thursday, April 25, 2019 9:20 AM
To: Payne, Ashley
Cc: andrew.gitzlaff@CO.RAMSEY.MN.US; William.Wheeler@dot.gov; elizabeth.breiseth@dot.gov; Laabs, Jessica; Dammel, Rachel
Subject: Re: [EXTERNAL] Rush Line BRT project, Ramsey County, MN Section 7 Consultation

Categories: External

Ashley,

I have reviewed the information provided and we concur that this project may affect, but is not likely to adversely affect the rusty patched bumble bee (*Bombus affinis*; RPBB). Based on the information provided, the action area is unlikely to have high value floral resources for much of the proposed route and where potential RPBB habitat inside the action area insects with the High Potential Zones, seasonal avoidance will limit impacts to RPBB. If this species was present in the area, we do not anticipated the temporary loss of this sub-optimal habitat to have a significant impact to the species. You have proposed a conservation measure to revegetate disturbed natural areas with a pollinator friendly seed mix that would benefit the species in the area.

This concludes consultation under Section 7 of the Endangered Species Act, as amended. 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.

- Andrew

Andrew Horton
U.S. Fish and Wildlife Service
Minnesota-Wisconsin Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(952) 252-0092, ext. 208

On Wed, Mar 27, 2019 at 2:07 PM Payne, Ashley <Ashley.Payne@kimley-horn.com> wrote:

> Hi Andrew,
>
> Kimley-Horn is preparing an EA for the Rush Line BRT project located in Ramsey County, MN. The Rush Line BRT Project is a proposed 14-mile transit route led by Ramsey County with stations between Union Depot in Saint Paul and downtown White Bear Lake. The proposed project would include 21 stops during the peak periods and three park-and-rides. See the attached flier for a more information and a map depicting the proposed project alignment. On behalf of FTA, we would like to initiate consultation with USFWS for the Rush Line BRT Project.

Kimley-Horn reviewed the Federal T&E species list to determine if any species would be potentially impacted as a result of project construction. Below is a summary of our analysis:

Federally Listed Species

Higgins Eye Pearlymussel

Since the project would not involve work within the Mississippi River or its tributaries, it has been determined that the project would have no adverse impacts to the Higgins eye pearly mussel.

Snuffbox Mussel

Since the project would not involve work within the Mississippi River or its tributaries, it has been determined that the project would have no adverse impacts to the snuffbox mussel.

Winged Mapleleaf Mussel

Since the project would not involve work within the St. Croix River or its tributaries, it has been determined that the project would have no adverse impacts to the winged mapleleaf mussel.

Northern Long-Eared Bat

The project does not appear to be within ¼ mile of known hibernacula or 150 feet from known maternity roost trees. Potential disturbance to other hardwood trees may affect the northern long-eared bat during the roosting season; therefore, the total amount of tree removal for the project was evaluated. About 10 percent of the total potential area of disturbance for the project is forested areas. All tree removal would be completed outside of the roosting season (winter months). Therefore, no adverse impacts to the northern long-eared bat are anticipated.

Rusty Patched Bumble Bee (RPBB)

Portions of the project area are located within the RPBB high potential zone. Minimal RPBB suitable habitat is located within the potential limits of disturbance and most of that habitat is high disturbed by mowing and human activity. Only a few of the areas within the high potential zone are undisturbed grassland with flowering species or undisturbed wooded areas that could be used for overwintering areas for the queens. Activities to minimize the potential impacts to the RPBB include minimizing the initial disturbance of potential habitat areas within the high potential zones to timeframes outside of the active season for the RPBB (April to October) and reseeding disturbed areas within native seed mixes. No significant adverse impacts are anticipated for the rusty patched bumble bee.

Kimley-Horn, on behalf of FTA, requests confirmation of the statements above regarding adverse impacts to the federally listed species identified above. Please let me know if you have any questions or would like to discuss in further detail.

Thank you!

Ashley

Ashley Payne, CWD
Kimley-Horn | 767 Eustis Street, Suite 100, Saint Paul, MN 55114
Direct: 507-216-0763 | Mobile: 507-251-6096

From: Bump, Samantha (DNR) <samantha.bump@state.mn.us>
Sent: Tuesday, September 3, 2019 7:06 PM
To: Stolte, Aaron
Cc: Hoaglund, Erica (DNR); Horton, Becky (DNR); Parris, Leslie (DNR)
Subject: RE: Rush Line BRT project, Ramsey County - NHIS Review
Attachments: 2019 04 EAP Flyer English.pdf

Categories: External

Hi Aaron,

I have reviewed your assessment regarding the above project. I concur with your assessment and have the additional comments:

- As Blanding's turtles have been documented in the vicinity and the project has the potential to impact wetlands, to avoid any incidental take, the following are required:
    - Avoid filling or dewatering wetlands from October 15th to April 15th when turtles may be hibernating;
    - The Blanding's turtle flyer should be given to all contractors working in the area;
    - Implement stringent sediment and erosion control methods. Use of erosion control blanket shall be limited to 'bio-netting' or 'naturalnetting' types, and specifically not products containing plastic mesh netting or other plastic components. Also be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic (plastic) fiber additives in areas that drain to Public Waters;
    - Monitor for turtles during construction and report any sightings to the DNR Regional Nongame Specialist, Erica Hoaglund at 651-259-5772 or Erica.Hoaglund@state.mn.us;

  For specific recommendations pertaining to transportation projects, please refer to Curb Design and Small Animals, Preventing Entanglement, & Reducing Wildlife Vehicle Collisions in Chapter One of the Minnesota Department of Transportation's Best Practices Manual. If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise they are to be left undisturbed. For further assistance regarding the Blanding's turtle, please contact the DNR Regional Nongame Specialist.
- The rusty patched bumble bee (*Bombus affinis*), a federally-listed endangered species, was documented in the vicinity of the proposed project. The rusty patched bumble bee typically occurs in grasslands and urban gardens with flowering plants from April through October. This species nests underground in abandoned rodent cavities or in clumps of grasses. Please reference the guidance at the USFWS rusty patched bumble bee website to determine if the project has the potential to impact this protected species.

The reference number for this correspondence is ERDB #20200032. Thank you for notifying us of this project, and for the opportunity to provide comments. Please let me know if you have any questions.

Have a great day,
Samantha Bump
NHIS Review Specialist | Ecological & Water Resources
Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, MN 55155
Phone: 651-259-5091
Samantha.Bump@state.mn.us

DEPARTMENT OF NATURAL RESOURCES

From: Stolte, Aaron <Aaron.Stolte@kimley-horn.com>
Sent: Friday, April 26, 2019 2:12 PM
To: MN_NHIS, Review (DNR) <Review.NHIS@state.mn.us>
Cc: Payne, Ashley <Ashley.Payne@kimley-horn.com>; Dammel, Rachel <Rachel.Dammel@kimley-horn.com>; Laabs, Jessica <jessica.laabs@kimley-horn.com>
Subject: Rush Line BRT project, Ramsey County - NHIS Review

Hello,

Ramsey County is preparing an EA for the Rush Line Bus Rapid Transit (BRT) Project. The Rush Line BRT Project is a 14-mile long BRT corridor connecting Saint Paul, Maplewood, Vadnais Heights, Gem Lake, White Bear Township and White Bear Lake. It would include 21 stations, and the route would generally run in dedicated guideway along Robert Street, Jackson Street, Phalen Boulevard, Ramsey County rail right-of-way and Highway 61. See the attached flier for a more information and a map depicting the proposed project alignment.

A review of the DNR Natural Heritage Inventory System database was conducted (LA-843) for the project. The review area for this analysis is defined as the area within one mile of the Build Alternative alignment, referred to as the "review area."

Species
There are five endangered species, six threatened species and seven species of special concern within the Natural Heritage Information System review area, shown in the table below.

Scientific Name	Common Name	Group	Status
Arcidens confragosus	Rock Pocketbook	Clams	Endangered
Elliptio crassidens	Elephant-ear	Clams	Endangered
Fusconaia ebena	Ebonyshell	Clams	Endangered
Juncus articulatus	Jointed Rush	Plants	Endangered
Plethobasus cyphyus	Sheepnose	Clams	Endangered
Actinonaias ligamentina	Mucket	Clams	Threatened
Emydoidea blandingii	Blanding's Turtle	Reptiles	Threatened
Lasmigona costata	Fluted-shell	Clams	Threatened
Quadrula metanevra	Monkeyface	Clams	Threatened
Quadrula nodulata	Wartyback	Clams	Threatened
Truncilla donaciformis	Fawnsfoot	Clams	Threatened
Anguilla rostrata	American Eel	Fish	Special Concern
Baptisia lactea var. lactea	White Wild Indigo	Plants	Special Concern
Eleocharis quinqueflora	Few-flowered Spikerush	Plants	Special Concern
Etheostoma microperca	Least Darter	Fish	Special Concern

Falco peregrinus	Peregrine Falcon	Bird	Special Concern
Lepomis peltastes	Northern Sunfish	Fish	Special Concern
Ligumia recta	Black Sandshell	Clams	Special Concern

Of the 18 state-listed species identified, 11 have a completely aquatic life cycle and are associated with the Mississippi River. Since the project would not result in impacts to the Mississippi River or its tributaries, no impacts to these species are anticipated. The seven other species identified within 1 mile of the project are discussed below.

Jointed Rush
Jointed rush is a plant species listed as endangered that was observed along the shores of White Bear Lake in 1926. The project would not affect the shoreline of White Bear Lake; therefore, impacts to jointed rush are not anticipated.

Blanding's Turtle
There are 11 occurrences of Blanding's turtles within the NHIS review area, two of which are also within the potential area of disturbance. One occurrence was in a backyard in Maplewood between Larpenteur Avenue and Frost Avenue, and the other was near the interchange of Highway 61 and I-694 in White Bear Lake. The number of occurrences suggest that Blanding's turtles have the potential to be present within the potential area of disturbance; however, due to the urbanized nature of the project area and the habitat needs of the Blanding's turtle, it is unlikely that the species would be impacted by the project. To minimize any potential impacts, measures identified in the Blanding's turtle fact sheet will be evaluated and wildlife friendly erosion control methods will be used during construction.

White Wild Indigo
White wild indigo is a plant species listed as a special concern that was most recently observed in the NHIS review area in 1986. Due to the lack of potential habitat and recorded observations within the potential area of disturbance, impacts to white wild indigo are not anticipated.

Few-Flowered Spikerush
Few-flowered spikerush is a plant species listed as a special concern that was observed along the shores of White Bear Lake in 2013. The project would not affect the shoreline of White Bear Lake; therefore, impacts to few-flowered spikerush are not anticipated.

Least Darter
The least darter was observed in 2013 in Lake Phalen, which will not be impacted by this project. Therefore, impacts to this species are not anticipated.

Peregrine Falcon
The NHIS review area included two occurrences of peregrine falcon, and there are several records of falcons nesting on buildings and structures around Saint Paul near the Mississippi River. Based on this information, peregrine falcons have the potential to be present within the potential area of disturbance. However, the project would not impact cliffs or involve the demolition of any buildings near the Mississippi River; therefore, it is unlikely that the species would be impacted by the project.

Northern Sunfish
Northern sunfish were observation in 1978 in Keller Lake, which will not be impacted by this project. Therefore, no impacts to this species are anticipated.

Habitat Quality
RSEA
There is one regionally significant ecological area within 1/4 mile of the project, which is associated with a large wetland located north of Buerkle Road. The area is ranked as a 2, indicating an area of moderate size that may be at risk due to adjacent land uses or is an isolated site with some biodiversity significance. The area is not located within the potential area of disturbance; therefore, no impacts to the area is anticipated.

MCBS Sites of Biodiversity Significance
There are three sites of biodiversity significance within 1/4 mile of the project. Of these sites, two received a biodiversity significance rating of moderate and one received a ranking of below. One site with a moderate rating is associated with a large wetland located north of Buerkle Road. The second site with a moderate rating is associated with a large

unnamed wetland complex north of Goose Lake. The site with a below ranking is associated with Willow Lake. None of the three identified sites are located within the potential area of disturbance; therefore, no impacts to these areas are anticipated.

DNR Public Waters
Several DNR Waters and Waterways are located within one mile of the project. None of these resources are located within the potential area of disturbance and would not be directly impacted by the project. Additionally, best management practices and permanent stormwater controls would reduce sedimentation to a level that is acceptable for an NPDES permit and other local requirements, therefore, no indirect adverse impacts on aquatic habitat and associated aquatic wildlife of these resources area anticipated.

Based on the information listed above, no adverse impacts are anticipated to the species identified through the NHIS search or to nearby RSEAs, MCBS Sites of Biodiversity Significance, and DNR Public Waters. We request confirmation of these conclusions. Please let us know if you have any questions.

Thank you,

Aaron Stolte
Kimley-Horn | 767 Eustis Street, Suite 100, St. Paul, MN 55114
Direct: 612 326 9510 | Mobile: 651 491 4798 | www.kimley-horn.com

From: Ries, Natalie (DOT) <natalie.ries@state.mn.us>
Sent: Thursday, January 16, 2020 10:23 AM
To: Justin Sebens
Cc: Brett Danner
Subject: RE: Rushline AQ Analysis
Attachments: EPA Ramsey County PM10.pdf; RamseyCoMN_PM10.jpg

Hi Justin,

I agree with the proposed methodology for the Rush Line project. Heads up on a few things that are in the pipeline:

- We are working on updating the HPDP guidance and standard text for criteria pollutants write-up. Goal is to have this ready in February but it may end up rolling into March.
- See attached letter from the EPA. We recently found out that transportation is now being considered for PM10 maintenance area in Ramsey County (see attached map). From a quick check, it looks like the Rush Line project area is just outside of the boundary. But because it is close, it would be a good idea to send a coordination email to Met Council and MPCA (Innocent Eyoh) to confirm there are no PM10 hot spot requirements for the Rush Line project. CC: me and Pete Wasko on this coordination too…we're still figuring out how this will work.

Thanks!

Natalie Ries
Noise/Air Quality Program Supervisor
MnDOT Metro District
Address: 1500 West County Road B2 • Roseville, MN 55113
Email: Natalie.Ries@state.mn.us
Phone: (651) 234-7681

DEPARTMENT OF TRANSPORTATION

From: Justin Sebens [mailto:jsebens@srfconsulting.com]
Sent: Thursday, January 16, 2020 7:40 AM
To: Ries, Natalie (DOT) <natalie.ries@state.mn.us>
Cc: Brett Danner <bdanner@srfconsulting.com>
Subject: Rushline AQ Analysis

Natalie,

Hope you are fully recovered from the holidays and 2020 is treating you well. I wanted to run a methodology by you for the Rushline air quality EA section.

As part of the Rushline environmental process, we propose to analyze air quality in the following way.

- We will provide the stock background information on the six criteria pollutants.

    - Because we are in attainment for criteria pollutants, air quality is not a concern for this project. A qualitative assessment stating this (i.e., air quality is not a concern) will be provided for the Build Alternative. This is consistent with guidance on FTA's website.
- We will not perform a CO hotspot analysis as we are in attainment for CO and we are not touching any of the top ten intersections.
- We will not perform a quantitative MSAT analysis, as we are below the 140,000 AADT threshold within our project area. We will follow the qualitative process that Goldline completed.

As a note the original process was to follow what Goldline did, however since the Metro is in attainment some of the processes laid out by Goldline do not apply.

Please let us know if you have any questions or comments on the air quality approach for the Rushline BRT project. We realize MnDOT is not the regulating authority on the EA, but wanted your thoughts on this.

Thanks and stay warm today,

Justin Sebens PE (MN)
Senior Engineer
SRF Consulting Group, Inc.
1 Carlson Parkway North, Suite 150, Minneapolis, MN 55447-4453
763.249.6743 direct | 763.475.0010 main | 217.898.5409 cell | jsebens@srfconsulting.com

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From: Eyoh, Innocent (MPCA) <innocent.eyoh@state.mn.us>
Sent: Wednesday, January 29, 2020 10:31 AM
To: Justin Sebens
Cc: Ehrlich, Jonathan (Jonathan.Ehrlich@metc.state.mn.us); Ries, Natalie (DOT); Wasko, Peter (DOT); deAlwis, Deepa (MPCA); Rahman, Mehjabeen (MPCA); Brett Danner; Adele Hall
Subject: FW: Rushline BRT Air Quality Methodology
Attachments: EPA Ramsey County PM10.pdf; RamseyCoMN_PM10.jpg

Hi Justin,
I have reviewed your planned air quality analysis methodology for the proposed Rushline RBT corridor and I have agreed that taking a qualitative approach to air quality for this specific project " Rushline EA" is acceptable. Most of the intersections along the corridor are below the Intersection Screening Manual threshold of 82,300 volumes per a day. If the intersections along the corridor were to exceed the above threshold volumes, hot-spot analysis would have been required. Even though we are in attainment for CO, Minnesota NEPA process must still be addressed depending on the magnitude of the project. No air quality conformity analysis determinations for CO are required except within the PM10 area boundary.

Therefore, qualitative discussion of criteria pollutants as well as MSATs in the air quality section of the EA is acceptable. There should also be a statement that the proposed project lies just outside PM10 maintenance area boundary. Please give me a call if you have further questions or seeking an additional clarification.

Thanks,

Innocent

Innocent and Jonathan,

Due to the recent changes within the metro area from maintenance to attainment we do not anticipate to complete any quantitative analyses as part of the Rushline EA process. Based on guidance from FTA, we are not required to analyze air quality while in attainment. The only potential issue with this approach is that there is a section of Ramsey County that is still in the maintenance phase for PM 10. The project lies just outside of the maintenance area boundary. Natalie suggested we contact you to verify that taking a qualitative approach to air quality for the Rushline EA is acceptable? The air quality section of the EA will include a qualitative discussion of criteria pollutants and MSATs. We will also not complete a CO hot spot analysis.

Please let us know if you have any concerns with this approach.

Justin Sebens PE (MN)
Senior Engineer
SRF Consulting Group, Inc.
1 Carlson Parkway North, Suite 150, Minneapolis, MN 55447-4453
763.249.6743 direct | 763.475.0010 main | 217.898.5409 cell | jsebens@srfconsulting.com

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312-886-0351 (fax)

August 10, 2020

Wendall Meyer
Minnesota Division Administrator
Federal Highway Administration
380 Jackson Street
Cray Plaza, Suite 500
St. Paul, MN 55101-4802

RE: NEPA Cooperating Agency Request – Rush Line Bus Rapid Transit Project

Dear Mr. Meyer,

The Federal Transit Administration (FTA) in cooperation with Ramsey County and the Metropolitan Council is preparing an Environmental Assessment (EA) for the Rush Line Bus Rapid Transit Project (The Project). The Project is a proposed 15-mile long BRT route connecting Saint Paul, Maplewood, White Bear Township, Vadnais Heights, Gem Lake and White Bear Lake. It would include 21 stations, and the route would generally run along Robert Street, Jackson Street, Phalen Boulevard, Ramsey County rail right-of-way and Highway 61. Additional information on the Project may be found at: https://www.ramseycounty.us/residents/roads-transit/transit-corridors-studies/rush-line-brt-project.

The Project includes proposed transit bridges over I-694 and Trunk Highway 36. FTA and the Federal Highway Administration (FHWA) participated in two coordination meetings to discuss the proposed bridges. It was determined that a gaps analysis for I-694 is required as part of the EA to obtain a Right-of-Way Use approval. Although no approval is required, FHWA also expressed interest in design of the bridge over Trunk Highway 36 and associated impacts. A revised draft EA available in the Fall of 2020 for cooperating agency review will provide analysis related to the proposed bridges over I-694 and Trunk Highway 36.

FTA is requesting FHWA to become a Cooperating Agency in the National Environmental Policy Act (NEPA) and the Minnesota Environmental Policy Act (MEPA). Please provide a response accepting or declining the invitation to become a Cooperating Agency within 30 days of receipt of this letter. If FHWA accepts the invitation, please provide the name, title, and

contact information for the person(s) serving as the point(s) of contact. If you have any questions, please contact Bill Wheeler, Community Planner, at (312) 353-2639 or william.wheeler@dot.gov.

Sincerely,

Kelley Brookins
Regional Administrator

Enclosures: 15% Design Plan – I-694 Transit Bridge
15% Design Plan – Trunk Highway 36

cc (via email): Bill Wheeler, Federal Transit Administration
Elizabeth Breiseth, Federal Transit Administration
Philip Forst, FHWA-Minnesota Division
Joe Campbell, FHWA-Minnesota Division
Andrew Gitzlaff, Ramsey County
Charles Carlson, Metropolitan Council/MetroTransit

U.S. Department of Transportation
Federal Highway Administration

Minnesota Division

380 Jackson Street
Cray Plaza, Suite 500
St. Paul, MN 55101-4802

651.291.6100
Fax 651.291.6000

www.fhwa.dot.gov/mndiv

September 16, 2020

Kelley Brookins
Regional Administrator
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Re: Cooperating Agency Request
Rush Line Bus Rapid Transit Project
Ramsey County, Minnesota

Dear Ms. Brookins:

We received your August 10, 2020 letter requesting the Federal Highway Administration (FHWA) become a Cooperating Agency (40 C.F.R. §1501.6) in the National Environmental Policy Act (NEPA) process for the subject project.

Based upon our review of your letter and our knowledge of the proposed project, we agree to become a Cooperating Agency for the NEPA process. Please send us a draft of any SAFETEA-LU 6002 coordination plan for review and comment. We are assuming any coordination plan will include the latest version of the project schedule.

The FHWA primary point of contact for the project will be Joe Campbell. If you have any questions, please contact me at joe.w.campbell@dot.gov, 651-291-6121 or Philip Forst, Environmental Specialist, at phil.forst@dot.gov,651-291-6110.

Sincerely,

Joe Campbell
Transportation/Assistant Division Bridge Engineer

cc: 1 FTA – Breiseth (e-copy) – Elizabeth.breiseth@dot.gov
1 FTA – Wheeler (e-copy) – William.Wheeler@dot.gov
1 FHWA – Forst (e-copy) – phil.forst@dot.gov
1 Ramsey County – Gitzlaff (e-copy) andrew.gitzlaff@co.ramsey.mn.us
1 Metro Transit – Carlson (e-copy) charles.carlson@metrotransit.org

U.S. Department of Transportation
Federal Highway Administration

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September 15, 2020

Kelley Brookins
Regional Administrator
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Re: Rush Line Project - Ramsey County, Minnesota
Request to Designate Federal Transit Administration as Lead Federal Agency for the Section 106 Process

Dear Ms. Brookins:

The Ramsey County Regional Railroad Authority, in conjunction with Ramsey County, is proposing to construct the Rush Line Bus Rapid Transit (BRT) Project (Project), an approximately 15-mile long BRT facility between Saint Paul and White Bear Lake in Ramsey County, Minnesota, using Federal Transit Administration (FTA) funds. The proposed alignment generally connects St. Paul, Maplewood, White Bear Township, Vadnais Heights, Gem Lake, and White Bear Lake.

The Federal Highway Administration (FHWA) nexus to the Project is a right-of-way agreement which approves the use of Interstate right-of-way to be used for a portion of the anticipated preferred alternative. This agreement requires FHWA to issue a NEPA determination prior to approval of any right-of-way agreement. Therefore, the requirements of the National Historic Preservation Act (54 USC § 306108) must be met as part of FHWA arriving at a NEPA determination.

We understand the FTA has initiated Section 106 consultation with the Minnesota State Historic Preservation Office (MnSHPO) and consulting parties to consider effects to historic properties as defined in 36 CFR § 800. Furthermore, we understand that FTA has used the qualified staff (36 CFR Part 61) at MnDOT Cultural Resources Unit to assist in preparing documentation. The consulting parties process will include all the federally-recognized tribes FHWA has committed to engaging in FHWA (Minnesota) undertakings and materially followed the terms of any current FHWA (Minnesota Division) Section 106-centric agreements with federally-recognized tribes. The FHWA nexus does not currently have any known Section 106-centric concerns based on the feedback (to date) during engagement of the consulting parties.

With this letter, we hereby invite the FTA to be designated as the lead federal agency for the Section 106 process per 36 CFR § 800.2(a)(2) to act on FHWA's behalf to fulfill our collective responsibilities under the Section 106 process. Under this designation, the FHWA would be an

invited signatory party to any Section 106 agreement for the Rush Line project if one is required. The FHWA would then rely on the FTA's Section 106 determination as part of the process to adopt the FTA National Environmental Policy Act Environmental Assessment. Please respond to FHWA with an acceptance or denial of this this invitation with 30 days of receiving this letter. Your response to this invitation may be sent electronically to me at joe.w.campbell@dot.gov.

We request that you carbon copy Sarah Beimers (sarah.beimers@state.mn.us), Minnesota State Historic Preservation Office Environmental Review Program manager, and Barbara Howard at MnDOT Cultural Resources Unit (barbara.howard@state.mn.us) on any response to this letter.

Contact me at (651) 291-6121 or joe.w.campbell@dot.gov if you have any questions.

Joe Campbell
Transportation/Assistant Division Bridge Engineer

PJF

cc: 1 FTA – Breiseth (e-copy) – elizabeth.breiseth@dot.gov
1 FHWA – Forst (e-copy) – phil.forst@dot.gov
1 MnDOT – Howard (e-copy) – barbara.howard@state.mn.us
1 MnDOT – Wilson (e-copy) - ryan.wilson@state.mn.us
1 MnDOT – Sanderson (e-copy) - edward.sanderson@state.mn.us
1 Ramsey County – Gitzlaff (e-copy) - andrew.gitzlaff@co.ramsey.mn.us
1 Metro Transit – Carlson (e-copy) - charles.carlson@metrotransit.org
1 MnSHPO – Beimers (e-copy) – sarah.beimers@state.mn.us

U.S. Department
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Federal Transit Administration

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200 West Adams Street
Suite 320
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312-353-2789
312-886-0351 (fax)

September 25, 2020

Joe Campbell
Federal Highway Administration - Minnesota Division
380 Jackson Street
Cray Plaza, Suite 500
St. Paul, MN 55101-4802

RE: Rush Line Project, Response to Federal Highway Administration Request to Designate Federal Transit Administration as Lead Federal Agency for the Section 106 Process, Ramsey County, Minnesota

Dear Mr. Campbell,

The Federal Highway Aministration (FHWA) Minnesota Division recently sent a letter dated September 15, 2020 to the Federal Transit Administration (FTA). This letter invited FTA to accept lead agency delegation for the Section 106 process on the Rush Line Bus Rapid Transit Project in Ramsey County, MN. FTA accepts the lead agency delegation for the Section 106 process per 36 CFR § 800.2(a)(2) and agrees to act on FHWA's behalf to fulfill our collective responsibilities under the Section 106 process. Per your request, FTA will include FHWA as an invited signatory to potential Section 106 agreements for this project. If you have any questions about this delegation or the Section 106 process, please contact Bill Wheeler at (312) 353-2639 or William.Wheeler@dot.gov.

Sincerely,

Kelley Brookins,
Regional Administrator

cc (via email): Bill Wheeler, Federal Transit Administration
Elizabeth Breiseth, Federal Transit Administration
Andrew Gitzlaff, Ramsey County
Barbara Howard, MnDOT Cultural Resources Unit
Sarah Beimers, MN State Historic Preservation Office