

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

WHEREAS, Ramsey County, Minnesota, on behalf of the Ramsey County Regional Railroad Authority (RCRRA) and in conjunction with the Metropolitan Council are proposing to construct the Rush Line Bus Rapid Transit Project (the “Project”), a fifteen (15)-mile long bus rapid transit (BRT) project with twenty-one (21) stations and three (3) park-and-ride facilities; four (4) of the twenty-one (21) stations are proposed to be constructed under the METRO Gold Line Bus Rapid Transit Project; two (2) of the park-and-ride facilities propose to use existing surface lots and/or parking structures and the other proposes the construction of a new parking structure; the Project extends along a northerly and easterly alignment in mixed traffic or in a dedicated guideway, connecting downtown Saint Paul with the suburban municipalities of Maplewood, Vadnais Heights, Gem Lake, White Bear Lake, and White Bear Township, Minnesota, as depicted in Attachment A;

WHEREAS, the United States Department of Transportation, Federal Transit Administration (FTA), may fund the Project and has determined it is an undertaking subject to the requirements of 36 Code of Federal Regulations [CFR] Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 United States Code [USC] § 306108);

WHEREAS, although Ramsey County has served as the local lead agency for the purposes of compliance with the National Environmental Policy Act (NEPA) and, in conjunction with the FTA, prepared an Environmental Assessment to satisfy both NEPA and the Minnesota Environmental Policy Act, it is anticipated that the Metropolitan Council will serve as the Project sponsor and federal grantee, lead the process for engineering and construction, obtain the approvals and permits to undertake the Project as required by law, and operate the Project;

WHEREAS, the United States Army Corps of Engineers (USACE) may issue a Department of Army (DA) permit authorizing the discharge of dredged or fill material in conjunction with Project construction pursuant to 33 USC § 11 and Section 404 of the Clean Water Act (Section 404), 33 USC §§ 1251-1376, as amended, and has determined the issuance of a DA permit is an undertaking subject to the requirements of Section 106 and 36 CFR Part 800

and, pursuant to 36 CFR § 800.2(a)(2) on November 8, 2019, the USACE designated FTA as the lead Federal agency for the Project to fulfill their responsibilities under Section 106;

WHEREAS, the Federal Highway Administration (FHWA) may issue an approval for an interstate right-of-way use agreement between the Metropolitan Council and the State of Minnesota, acting through the Minnesota Department of Transportation (MnDOT), for a portion of the Project's preferred alternative pursuant to 23 CFR Part 810, Subpart C and 23 CFR Part 710, Subpart D § 710.405, and has determined this approval is an undertaking subject to the requirements of Section 106 and 36 CFR Part 800, and pursuant to 36 CFR § 800.2(a)(2) on September 15, 2020, FHWA requested FTA to be the lead Federal agency for the Project to fulfill their responsibilities under Section 106 and FTA agreed to be the lead Federal agency on September 25, 2020;

WHEREAS, FTA initiated Section 106 consultation with the Minnesota State Historic Preservation Office (MnSHPO) in a letter dated September 5, 2018, and shall continue to consult with MnSHPO under the terms of this Memorandum of Agreement (MOA);

WHEREAS, pursuant to 36 CFR § 800.2(a)(3) on September 5, 2018, FTA authorized RCRRA and the MnDOT Cultural Resources Unit (CRU) to work directly with MnSHPO on FTA's behalf, with FTA remaining responsible for designating consulting parties and making all findings and determinations pursuant to 36 CFR Part 800 and this MOA shall supersede that authorization with RCRRA and MnDOT CRU having no role in the implementation of the MOA;

WHEREAS, FTA recognizes it has a unique legal relationship with Federally recognized Indian tribes (Tribes) set forth in the Constitution of the United States, treaties, statutes, and court decisions, and that consultation with Tribes must, therefore, recognize the government-to-government relationship between the Federal government and the Tribes;

WHEREAS, pursuant to 36 CFR § 800.2(c)(2)(ii), upon initiation of the Section 106 consultation for the Project, FTA notified the following Tribes and invited their participation in consultation for the Project and, pursuant to 36 CFR § 800.14(b) and (f), invited these Tribes to participate in the development of this MOA: Lower Sioux Indian Community, Upper Sioux Community, Prairie Island Indian Community, Shakopee Mdewakanton Sioux Community, Turtle Mountain Band of Chippewa, Sisseton-Wahpeton Oyate, Santee Sioux Nation, and Fort Peck Assiniboine and Sioux Tribes, and no Tribes have requested to participate in consultation for the Project or in the development of this MOA;

WHEREAS, although no Tribes have requested to participate in the development of this MOA, FTA shall re-initiate consultation with Tribes that may attach religious and/or cultural

significance to historic properties that may be identified under the terms of this MOA, as appropriate;

WHEREAS, pursuant to 36 CFR § 800.4(a)(1), FTA and MnDOT CRU, in consultation with MnSHPO and other Consulting Parties, have defined an Area of Potential Effects (APE) for the Project as documented in Attachment B to this MOA, and FTA may need to revise the Project APE as design and construction advances and, if needed, shall do so in consultation per the terms of this MOA;

WHEREAS, FTA, in consultation with MnSHPO and other Consulting Parties, has undertaken surveys of portions of the Project APE to identify historic properties as defined by 36 CFR § 800.16(l) that are listed in, or eligible for inclusion in, the National Register of Historic Places (National Register); FTA has identified twenty-eight (28) historic properties either listed in, or eligible for inclusion in, the National Register, as noted in Attachment C; and as the design and construction advances, FTA may need to conduct additional survey to identify and evaluate historic properties that could be affected by the Project and, if needed, shall do so in consultation per the terms of this MOA;

WHEREAS, FTA has determined in consultation with MnSHPO and other Consulting Parties that Project construction will have no adverse effect on fourteen (14) historic properties; these properties are noted in Attachment C;

WHEREAS, FTA has determined in consultation with MnSHPO and other Consulting Parties that Project construction will have no adverse effect on nine (9) historic properties, provided measures identified in this MOA are implemented; these properties are noted in Attachment C;

WHEREAS, FTA has determined in consultation with MnSHPO and other Consulting Parties that the Project will have an adverse effect on five (5) historic properties: the Lake Superior & Mississippi (LS&M) Railroad Historic District: Saint Paul to White Bear Lake Segment (XX-RRD-NPR001), three (3) individually eligible 1868 Alignments of the LS&M Railroad (XX-RRD-NPR002, XX-RRD-NPR003, and XX-RRD-NPR004), and the LS&M Railroad Historic District: White Bear Lake to Hugo Segment (XX-RRD-NPR005), that the adverse effects cannot be avoided, and measures are included in this MOA to resolve these adverse effects;

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) on January 19, 2021, FTA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

WHEREAS, FTA and MnDOT CRU, in consultation with MnSHPO and other Consulting Parties, have assessed potential Project effects on historic properties and have considered ways to avoid, minimize and/or mitigate adverse effects, have agreed upon measures for minimizing and mitigating the identified adverse effects, as outlined in this MOA, and this MOA provides for additional consultation to assess effects and resolve adverse effects should the Project scope change;

WHEREAS, FTA has consulted with the municipalities of Saint Paul, Maplewood, Vadnais Heights, Gem Lake, and White Bear Lake, White Bear Township, and the Maplewood and Saint Paul Heritage Preservation Commissions (HPCs), and FTA has invited all of these entities to sign this MOA as Concurring Parties;

WHEREAS, FTA also invited the Maplewood Area Historical Society, White Bear Lake Area Historical Society, Ramsey County Historical Society, LS&M Railroad, Minnesota Transportation Museum, and Northern Pacific Historical Association to be consulting parties to the Project, and the Maplewood Area Historical Society and White Bear Lake Area Historical Society accepted and FTA has invited these entities to sign this MOA as Concurring Parties;

WHEREAS, FTA invited Ramsey County and MnDOT to be Concurring Parties to this MOA, and Ramsey County has accepted that invitation and participated in consultation to develop this MOA;

WHEREAS, FTA invited the Metropolitan Council, USACE, and FHWA to be Invited Signatories to this MOA, and all accepted that invitation and participated in consultation to develop this MOA;

WHEREAS, this MOA was developed with appropriate public involvement pursuant to 36 CFR § 800.2(d) and § 800.6(a)(4); the public involvement has been coordinated with the public review and comment conducted by FTA and Ramsey County to comply with NEPA, as amended, pursuant to 36 CFR § 800.8(a);

WHEREAS, there are provisions in this MOA for any subsequent public involvement in the Section 106 review process, including notification of the Project's adverse effects to historic properties pursuant to 36 CFR § 800.6(a)(3), following the publication of the NEPA Environmental Assessment and these provisions shall be coordinated through public communication methods in a way that is commensurate with the type and scale of public input being sought;

WHEREAS, the Signatories, Invited Signatories, and Concurring Parties, are all considered Consulting Parties pursuant to 36 CFR § 800.2(c) and their roles described herein are consistent with those described in 36 CFR § 800.6(c)(1), (2), and (3), respectively;

WHEREAS, the Metropolitan Council shall implement the Project and shall complete the stipulations of this MOA, and FTA shall be responsible for ensuring that implementation of the Project meets the terms of this MOA; and

NOW, THEREFORE, FTA and MnSHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the Project on historic properties.

Stipulations

The FTA, with the assistance of the Metropolitan Council, shall ensure that the following measures are carried out:

I. Applicability

- A.** If the Metropolitan Council applies for additional federal funding or approvals for the Project from a Federal agency that is not party to this MOA, the Federal agency may remain individually responsible for their undertaking under 36 CFR Part 800. Alternatively, if the undertaking as described herein remains unchanged, such funding or approving Federal agency may request in writing to FTA and MnSHPO of their desire to designate FTA as lead Federal agency for the undertaking pursuant to 36 CFR § 800.2(a)(2) and to become a Consulting Party to this MOA pursuant to Paragraph B of this Stipulation.
- B.** If during the implementation of this MOA, FTA identifies other agencies, tribes, individuals, and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the Project or affected properties, or due to their concern with the Project's effects on historic properties, FTA may offer such entities Consulting Party status pursuant to 36 CFR § 800.2(c) and/or invite them to become party to this MOA, with notification to the other Consulting Parties.
 - i.** If FTA invites an entity to become an Invited Signatory, the party may accept this status by agreeing in writing to the terms of this MOA and so notifying FTA. If the entity agrees to become an Invited Signatory and MnSHPO, USACE, FHWA, and the Metropolitan Council have no objections, FTA shall follow Stipulation XVII to amend this MOA.

- ii. If FTA invites an entity to become a Concurring Party, the entity may accept this status by agreeing in writing to the terms of this MOA and so notifying FTA. Because Concurring Parties have no responsibility for implementation of this MOA, FTA may add such parties to the consultation process without formal amendment of this MOA. The FTA shall notify the Consulting Parties of any entities who agree to become a Concurring Party.
- C. The Project is expected to have several construction contracts or bid packages that may be considered independently for the purposes of consultation pursuant to this MOA. In these instances, the Project status (e.g., design stage or construction) may be considered specific to the contract or element without applying to the entire Project.
- D. For the purposes of this MOA, the use of the term “construction” includes major Project construction, as well as any advanced construction as described in Paragraph C of this Stipulation, and under any given construction contract or bid package is defined as demolition activities, earthwork, staging, and construction of Project infrastructure and related improvements.

II. Standards

- A. All work carried out pursuant to this MOA shall meet the Secretary of the Interior’s (SOI) Standards for Archaeology and Historic Preservation (48 FR § 44716) and/or the SOI’s Standards for the Treatment of Historic Properties (36 CFR Part 68), as applicable (individually or collectively, SOI Standards). Documentation for determinations of eligibility and findings of effect shall meet 36 CFR § 800.11, the SOI Standards, the National Park Service’s Bulletins, and MnSHPO survey and reporting guidance, as appropriate. Documentation of historic properties for the purposes of resolving adverse effects under Stipulation XII, may follow either the SOI Standards or another appropriate documentation standard that is agreed upon in writing by both FTA and MnSHPO.
- B. The FTA shall ensure all activities carried out pursuant to this MOA are done by, or under the direct supervision of, historic preservation professional(s) who meet the SOI’s Professional Qualification Standards (48 FR §§ 44738-44739) in the appropriate field(s) for the activity (SOI-Qualified Professionals).
 - i. The Metropolitan Council shall employ or contract with SOI-Qualified Professional(s) to advise the Metropolitan Council in implementing this MOA and to assist FTA as required (hereafter, referred to as the “Metropolitan Council’s Preservation Lead”). The Metropolitan Council shall notify all parties to this MOA once an individual is selected to serve as its Preservation Lead. The notification shall include the Preservation Lead’s contact information. If the

Metropolitan Council contracts with an individual, the notification shall also include the name and contact information for the Metropolitan Council staff member responsible for the contract. The reporting process outlined in Stipulation XV shall also document the name and contact information for the Preservation Lead.

- ii. The FTA and the Metropolitan Council shall ensure that consultants retained for services pursuant to implementation of this MOA are SOI-Qualified Professionals, or in the instance of other allied professions not covered by the SOI's Professional Qualification Standards, they shall meet other nationally recognized standards or licensure/certification requirements for the profession, as applicable. Whenever possible, individuals in allied professions should have a minimum of five (5) years of experience working with historic properties.
- C. The FTA acknowledges that Tribes possess special expertise in assessing the National Register eligibility of properties with religious and cultural significance to their Tribe(s). If a Tribe requests, or if FTA otherwise offers and the Tribe accepts, Consulting Party status under this MOA, FTA shall seek input from the Tribe to determine whether a SOI-Qualified Professional is qualified to assess a property's potential religious or cultural significance to the Tribe under National Register criteria.

III. Deliverables and Consulting Party Review Procedures

- A. To facilitate review, submittals to Consulting Parties may be limited to the portions of the Project plans that illustrate the manner in which the Project may affect historic properties. Additional plans may be provided to Consulting Parties upon request.
- B. The Consulting Parties shall be given an opportunity to review and provide comments on all findings, determinations, documents, and deliverables.
 - i. For all findings, determinations, documents, and deliverables that are directly related to construction activities and submitted for review during Project Construction, the Consulting Parties shall have fifteen (15) calendar days to review and provide comments, unless otherwise specified.
 - ii. For all findings, determinations, documents, and deliverables that are not related to construction activities or that are submitted for review prior to or after Project construction, the Consulting Parties shall have thirty (30) calendar days to review and provide comments, unless otherwise specified.

- C. If the deliverable is a draft document, any written comments provided within the review and comment period shall be considered in the preparation of the final document. If there are any comments that are not feasible to incorporate into the final document, FTA shall provide an explanation to the Consulting Parties as part of issuing the final document. If no comments on a draft document are provided within the specified review timeframe, FTA, at its discretion, may consider the draft document final with notification to Consulting Parties.
- D. Should FTA and MnSHPO be unable to reach agreement on eligibility determinations, findings of effect, or resolution of adverse effects, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
- E. All review timeframes may be extended by mutual consent between FTA and MnSHPO in consultation with the Metropolitan Council and with notification to the other Consulting Parties. Failure of any Consulting Party to respond within the specified timeframe shall not preclude FTA from proceeding to the next step of any process under this MOA.

IV. FTA Review of Project Plans

- A. The Project plans (drawings, specifications, special provisions, appendices, etc.), including plans for temporary construction-related work, shall effectively meet the Project purpose and need, while avoiding, minimizing, and/or mitigating adverse effects to historic properties. Throughout the Project design development process, the Metropolitan Council's Preservation Lead shall advise the Metropolitan Council in their efforts to meet this goal. The Project plans shall also follow Stipulations V and VI, when applicable.
- B. At its own discretion, including in response to the request of any Consulting Party, FTA, with the assistance of the Metropolitan Council or their Preservation Lead, may convene a meeting(s) or use other appropriate means to obtain Consulting Party input on Project design development. At a minimum, a Consulting Party meeting(s) shall be held prior to the finalization of the 60% Project plans to discuss vegetative screening, as required in Stipulation V.B, and to facilitate Consulting Party review of certain Project elements, as required by Stipulation VI.B. That meeting may also include discussion of whether construction protection measures are required for certain historic properties, as outlined in Stipulation VII.A. If a meeting is held, FTA or the Metropolitan Council shall distribute meeting materials, as appropriate, in advance of the meeting. These meeting materials may include, but are not limited to, agendas and Project plans. The Consulting Parties may provide input in writing following the receipt of materials during the specified review time, during the meeting if one is held, or both. The FTA and the Metropolitan Council shall record and consider all

Consulting Party input received pursuant to this Stipulation as Project plans are further developed.

- C. The Metropolitan Council's Preservation Lead shall review all Project plans at the 30, 60, 90, and 100 percent (%), or equivalent, design stages. The Metropolitan Council's Preservation Lead shall also review any modifications made to the 100% Project plans, whether those changes are made prior to, or during, Project construction.
- i. At each stage of the review, the Metropolitan Council's Preservation Lead shall recommend to FTA whether revisions are necessary to the Project's APE, whether any Project design changes may result in a change to FTA's finding of effect, whether the design requirements of Stipulation V have been met, and whether the plans incorporate commitments made to the Consulting Parties through consultation under Stipulations VI and XII.
 - a. If FTA agrees revisions to the APE are necessary, they shall be completed pursuant to Stipulation IX.
 - b. If FTA agrees the previously made finding of effect remains valid, design-related requirements have been met, and all commitments reached during consultation have been incorporated into Project design, the FTA shall notify the Consulting Parties of its findings. Unless otherwise noted in Subparagraph C.ii of this Stipulation, notification may be completed through the reporting process outlined in Stipulation XV.
 - c. If FTA agrees that the previously made finding of effect is no longer valid, if design-related requirements have not been met, or if commitments reached during consultation are not incorporated into Project design, then FTA shall make a new finding of effect with the assistance of the Metropolitan Council's Preservation Lead pursuant to Stipulation XI.
 - ii. For Project elements requiring Consulting Party review under Stipulation VI, the 30% and 60% Project plans shall be submitted to Consulting Parties for review and comment pursuant to Stipulation III, along with FTA notification. The 90% and 100% Project plans and any modifications to the 100% Project plans do not need to be submitted to the Consulting Parties unless the Metropolitan Council or FTA is requesting additional feedback on the design of specific Project elements, or if a Consulting Party so requests.
 - iii. If Project construction has begun and a modification of the 100% Project plans is within 100 feet of a known historic property, the Metropolitan Council shall not

allow any destructive activities related to the Project modification to begin until FTA has completed their reviews under this Stipulation.

- D.** Project-induced transit-oriented development is anticipated near BRT station areas and has the potential to cause indirect effects to historic properties. The Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead, shall participate in station area planning for stations located near certain historic properties to ensure the historic properties are incorporated into the station area planning process. If any of the station area plans are formally adopted by local municipalities prior to the start of revenue service, the Metropolitan Council shall notify the FTA and FTA shall assess the need to adjust the Project APE pursuant to Stipulation IX and/or revise the finding of effect for any historic properties pursuant to Stipulation XI. To minimize the potential for adverse indirect effects due to transit-oriented development, station area planning for the following stations shall consider nearby historic properties:
- i.** 10th Street Station: Foot, Schulze & Company Building, Produce Exchange Building
 - ii.** Olive Street Station: Great Northern Railroad Corridor, Westminster Junction
 - iii.** Cayuga Street Station: Great Northern Railroad Corridor, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District
 - iv.** Payne Avenue Station: StPS&TF/Omaha Road Railroad Corridor Historic District, Theodore Hamm Brewing Company Complex
 - v.** Arcade Street Station: StPS&TF/Omaha Road Railroad Corridor Historic District, Theodore Hamm Brewing Company Complex; 3M Administration Building
 - vi.** Cook Avenue Station: Johnson Parkway, LS&M Railroad Corridor Historic District
 - vii.** Maryland Avenue Station: Phalen Park, Johnson Parkway, LS&M Railroad Corridor Historic District
 - viii.** Larpenteur Avenue Station: LS&M Railroad Corridor Historic District
 - ix.** Frost Avenue Station: LS&M Railroad Corridor Historic District, Site 21RA70, Moose Lodge 963
 - x.** Highway 36 Station: LS&M Railroad Corridor Historic District

- xi. Buerkle Road Station: LS&M Railroad Corridor Historic District
- xii. Whitaker Street Station: LS&M Railroad Corridor Historic District

V. Design Requirements

- A. In order to minimize and/or avoid adverse effects to the Lowertown Historic District, Saint Paul Union Depot, Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, Johnson Parkway, Phalen Park, Moose Lodge 963, and Madeline L. Weaver Elementary School, the Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead and input from Consulting Parties, as necessary, shall follow these design requirements to the extent feasible while still meeting the Project's purpose and needs:
 - i. Lowertown Historic District and Saint Paul Union Depot: Project elements at Union Depot Station shall be located within the portion of the train deck previously modified for existing modern bus infrastructure and shall be designed in conformance with the SOI Standards.
 - ii. Phalen Park and Johnson Parkway: The trail connection to the noncontributing Bruce Vento Regional Trail in Phalen Park shall be blended visually and materially by mimicking the profile and appearance of the existing trail.
 - iii. Moose Lodge 963: Project elements near Moose Lodge 963, including but not limited to the Frost Avenue Station and Gateway Trail Underpass, shall be designed in conformance with the SOI Standards.
 - iv. StPS&TF/Omaha Road Railroad Corridor Historic District, Johnson Parkway, and Phalen Park: Vegetative screening shall be preserved or reestablished between certain Project elements and the historic properties. Whenever possible, preservation of existing native vegetation in place is preferred. If the preservation of existing vegetation is not possible or does not provide adequate screening for structural Project elements, as determined by FTA with the assistance of the Metropolitan Council's Preservation Lead, then reestablishment of vegetation shall be considered. Reestablishment of vegetative screening shall consider existing vegetation conditions and proposed Project elements. The Metropolitan Council's Preservation Lead shall advise the Metropolitan Council throughout the design process. The following Project elements and historic properties are subject to this requirement:

- a. Arcade Street Station in relation to the StPS&TF/Omaha Road Railroad Corridor Historic District.
 - b. Maryland Avenue Station and the Ramsey County rail right-of-way in relation to Johnson Parkway and Phalen Park.
 - c. Frost Street Station and Gateway Trail Underpass in relation to Moose Lodge 963.
- B. If necessary during the course of design development, FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall identify the method and appropriate points at which to gain input from MnSHPO, other Consulting Parties, and the property owner, when applicable, for determining the best approach(es) for meeting these design requirements. At a minimum, a Consulting Party meeting shall be held prior to the finalization of the 60% Project plans to discuss the locations and types of vegetative screening being considered.
- C. The FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall review the Project at each stage of design development outlined in Stipulation IV.C to ensure these design requirements have been met.

VI. Consulting Party Review of Certain Project Elements under the SOI Standards

- A. In order to minimize and/or avoid adverse effects to Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, Johnson Parkway, Phalen Park, and Madeline L. Weaver Elementary School, the Metropolitan Council shall, with the assistance of the Metropolitan Council's Preservation Lead and input from Consulting Parties, design the below-referenced Project elements in accordance with the SOI Standards to the extent feasible while still meeting the Project's purpose and need. If a City has officially designated the affected historic property for heritage preservation, the design shall also take into consideration, as feasible, any applicable design guidelines adopted by the City's HPC for the historic property.
- i. Cayuga Street Station Area: The Cayuga Street Station, which abuts the StPS&TF/Omaha Road Railroad Corridor Historic District and is located near the Great Northern Railroad Corridor Historic District and Westminster Junction, including but not limited to Business Access and Transit (BAT) lanes, retaining walls, station platforms and amenities, trail connections, sidewalks, station vegetation, and stormwater Best Management Practices (BMPs). The Metropolitan Council should consider the mass, scale, and overall design of the Project elements. Vegetative screening shall be preserved or reestablished

between the Project elements and the historic property where possible. Consulting Parties shall review Project elements within an area that extends approximately 800 feet southwest and approximately 200 feet northeast of the centerline of Cayuga Street.

- ii. Barriers at Forest Street Bridge: Physical barriers, if used, under or near the Forest Street Bridge (Bridge No. 5962), a contributing resource to the StPS&TF/Omaha Road Railroad Corridor Historic District. Consulting Parties shall review Project elements within an area that extends approximately 200 feet on either side of the point at which the dedicated guideway crosses the centerline of Forest Street North.
- iii. Johnson Parkway Bridge Area: The Johnson Parkway Bridge, which passes over Johnson Parkway and is located near Phalen Park, and associated Project elements, including but not limited to retaining walls, trail connections, sidewalks, and BMPs. The Metropolitan Council should consider the mass, scale, and overall design of the bridge span, piers, railings, and abutments, and incorporate plantings in keeping with the park-like setting of the historic parkway and Saint Paul's Grand Round. Consulting Parties shall review Project elements within an area that extends approximately 700 feet south and approximately 500 feet north of the point at which the bridge crosses the centerline of Johnson Parkway.
- iv. Weaver Trail Underpass Area: Project elements near Madeline L. Weaver Elementary School, including but not limited to the Weaver Trail Underpass, trails, vegetation, and stormwater BMPs. The Metropolitan Council should consider the structure's mass, scale, and overall design of the bridge span, piers, railings, and abutments, and its visibility within the historic property's viewshed. Vegetative screening shall be preserved or reestablished between the Project elements and historic properties where possible. Consulting Parties shall review Project elements within an area that extends approximately 400 feet south and approximately 800 feet north of the centerline of the proposed Weaver Trail Underpass.
- v. Dedicated Guideway and Fitch/Barclay Trail Underpass: Project elements near the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and/or between Gervais Avenue and County Road C (XX-RRD-NPR003), if it is determined through Stipulation VIII.A that it is prudent and feasible for the Project to avoid one or both of the historic properties. Consulting Parties shall review Project elements within an area that extends approximately 300 feet on either end of the 1868 railroad roadway remnant as

documented during the evaluation of the LS&M Railroad Corridor Historic District.

- B. Depending on the significance, character, and use of the historic property and the nature and scale of the effect, FTA and the Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead, shall identify the method and appropriate points at which to gain input from MnSHPO, other Consulting Parties, and the property owner, when applicable, for determining the best approach(es) for meeting the SOI Standards. At a minimum, a Consulting Party meeting shall be held prior to the finalization of the 60% Project plans.
- C. At the 30% and 60%, or equivalent, design stages, MnSHPO and other Consulting Parties shall review and provide input on whether the Project elements meet the SOI Standards pursuant to Stipulation IV.C.ii. The Metropolitan Council shall consider all comments received as design progresses.

VII. Construction Protection Plan for Historic Properties (CPPHP)

- A. In order to minimize and/or avoid adverse effects to East Shore Drive (a contributing resource in Phalen Park), and other historic properties as determined through the consultation described in Subparagraphs A.i and A.ii of this Stipulation, Stipulation XI, or Stipulation XII, the Metropolitan Council and the Metropolitan Council's Preservation Lead shall develop a CPPHP detailing the measures to be implemented prior to and during Project construction to avoid or minimize effects to historic properties. The CPPHP may be prepared for the Project as a whole, for individual construction bid packages, and/or for individual or groups of historic properties, as needed. At its own discretion, FTA may convene a meeting with Consulting Parties to facilitate discussion about protection measures.
 - i. Prior to the finalization of the 60% Project plans, FTA in consultation with MnSHPO and other Consulting Parties shall determine whether the CPPHP should include measures to be implemented prior to or during Project construction to avoid or minimize effects to the following historic properties: Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, and Madeline L. Weaver Elementary School. The CPPHP described in this Stipulation shall include these historic properties following agreement in writing by both FTA and MnSHPO. If FTA and MnSHPO fail to agree, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
 - ii. The CPPHP shall incorporate construction protection measures to avoid or minimize effects to the 1868 railroad roadway remnants between Kohlman

Avenue and Beam Avenue (XX-RRD-NPR002) and/or between Gervais Avenue and County Road C (XX-RRD-NPR003), if it is determined through Stipulation VIII.A that it is prudent and feasible for the Project to avoid one or both of the historic properties.

- iii. Depending on the type of historic property and the nature and scale of the anticipated effects, the Metropolitan Council may include the following measures in the CPPHP:
 - a. Construction Protection Measures (CPMs) detailing specific protection measures and procedures to be implemented during Project construction to protect historic properties.
 - b. Historic Property Inspections (pre-, during, and post-construction) that provide a baseline of existing structural and physical conditions to facilitate identification and documentation of any structural and/or cosmetic damage caused by Project construction. Inspections shall include, but are not limited to, building/structure foundations, exterior and interior elements, topography, landscaping, and any other historically significant or character defining features of the property to document any pre-existing defects or other damage. Inspection documentation shall include photographs and narrative to document the observed conditions before and after Project construction, and as needed during Project construction. Depending on the type and nature of the historic property and anticipated effects to it, photographic documentation should include, but is not limited to: ceilings, roofs, exterior and interior walls, windows, masonry, foundations, all sides of the exterior of the building, structure and bridge wingwalls, beams, substructures and superstructures, plumbing, equipment, fences and landscape walls, topography, vegetation, driveways and sidewalks, and any historically significant or character-defining features of the property. Photographs shall be razor sharp in focus, properly composed, and with adequate lighting to clearly show existing conditions such as deterioration and cracking that may be subject to dispute after initiation of Project construction.
 - c. When identified as appropriate for minimizing or avoiding adverse effects to historic properties, other types of potential measures may include, but are not limited to, maintenance of access, vibration management and remediation, and noise minimization and mitigation.

- iv. To ensure adequate administration, the Metropolitan Council shall include the following management controls in any CPPHPs developed:
 - a. The CPPHP shall identify the entity(ies) responsible for carrying out the measures included in the CPPHP,
 - b. The CPPHP shall include a section for unexpected discoveries of historic properties, developed in accordance with Stipulation XIII,
 - c. The CPPHP shall include a section for unanticipated effects to historic properties, developed in accordance with Stipulation XIV, and
 - d. As appropriate, Consulting Party and property owner review of any documentation prepared under the CPPHP(s) adhering to the timelines outlined in Stipulation III, unless otherwise specified.
 - v. If, for any reason, the CPPHP requirements set forth in this Stipulation are not appropriate to a specific historic property or the nature and scale of an anticipated effect, the consultation process and the format of the CPPHP may be revised upon agreement by FTA and MnSHPO without amending this MOA.
- B.** The Metropolitan Council shall submit the draft and final CPPHP(s) to FTA for review and approval. Once FTA’s comments are incorporated, FTA shall submit the draft and final CPPHP(s) to Consulting Parties for review and comment pursuant to Stipulation III. If the CPPHP includes any property-specific protection measures, FTA shall also submit the draft and final CPPHPs to the owner of the historic property. When necessary, amendments to the CPPHP shall follow the same process as its original development.
- C.** The Metropolitan Council shall include the agreed-upon CPPHP in construction contract packages to inform Project Construction Contractors of their responsibilities relative to historic properties. The CPPHP may be a separate document or combined with other Project construction monitoring plans, as appropriate. The Metropolitan Council shall incorporate any property-specific protection measures into the Project plans, ensure the terms of the CPPHP(s) are implemented during Project construction, and provide a record of monitoring activities in a quarterly report to FTA and in quarterly reports prepared pursuant to Stipulation XV.
- D.** Prior to commencing construction activities, the Metropolitan Council’s Preservation Lead shall prepare Project-specific Historic Property Awareness and Sensitivity Training. The Metropolitan Council shall require Project Construction Contractor(s), including Site Supervision (Superintendents and Foremen) and their direct

supervisors, to complete the Project-specific Historic Property Awareness and Sensitivity Training prior to the commencement of construction activities. If a Construction Contractor hires or assigns any new Site Supervision and/or direct supervisor(s) to the Project during Project construction, the Metropolitan Council shall ensure that the new Site Supervision and/or direct supervisor(s) have completed the Historic Property Awareness and Sensitivity Training prior to being approved for supervising any construction activities. The Historic Property Awareness and Sensitivity Training shall include information on historic properties subject to the CPPHP, review requirements and processes for avoiding and minimizing effects to known historic properties, and procedures and protocols if unexpected discoveries are made.

VIII. Mitigation for Adverse Effects to the LS&M Railroad Corridor Historic District

- A. Avoidance through Design.** The 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and between Gervais Avenue and County Road C (XX-RRD-NPR003) are individually eligible for inclusion in the National Register and contribute to the LS&M Railroad Corridor Historic District. The Metropolitan Council, with the assistance of the Metropolitan Council's Preservation Lead, shall investigate whether it is feasible and prudent to avoid these two (2) historic properties while still meeting the Project's purpose and need. Avoidance through design is the preferred outcome of this Stipulation. The investigation shall be as thorough and creative as possible to identify engineering solutions that avoid adverse effects to the historic properties.
- i.** If the Metropolitan Council determines that avoidance of either or both historic properties is feasible and prudent, Project design in the vicinity of the avoided historic property shall be subject to the requirements of Stipulations VI and VII.
 - ii.** If the Metropolitan Council determines that avoidance of either or both historic properties is not feasible and prudent, the Metropolitan Council shall notify the FTA. If FTA agrees, they shall submit the determination to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. The submittal shall include justification for the determination and confirmation that the Metropolitan Council shall instead complete a Phase III data recovery of the historic property that cannot be avoided, pursuant to Paragraph B of this Stipulation. At its own discretion, FTA may convene a meeting to facilitate discussion about potential avoidance. FTA shall resolve any disagreements about the feasibility of avoidance pursuant to Stipulation XVI.
- B. Phase III Data Recovery.** Prior to the start of Project construction within 100 feet of the recovery site, or as specified in the research design/data recovery plan, the

Metropolitan Council shall ensure a Phase III data recovery of the historic property(ies) is completed by SOI-Qualified Professionals as described below. The Metropolitan Council shall also ensure that information gained through the Phase III data recovery is shared with the public in a meaningful way to the extent reasonably possible; this may include incorporation into the interpretive plan described in Paragraph D of this Stipulation, taking into consideration the need to safeguard sensitive archaeological information.

- i. Data recovery of the LS&M shall include the 1868 railroad roadway remnant between Eldridge Avenue East and County Road B East (XX-RRD-NPR004) and one portion of the property where the 1868 railroad roadway is concealed by the 1880s railroad roadway. It shall also include XX-RRD-NPR002 and/or XX-RRD-NPR003 if it is determined through Paragraph A of this Stipulation that it is not prudent or feasible for the Project to avoid them. The specific locations for data recovery work shall be determined in consultation with MnSHPO and other Consulting Parties and documented in the research design/data recovery plan developed pursuant to Subparagraph B.ii of this Stipulation.
- ii. The preparation of the research design/data recovery plan, fieldwork, and preparation of the Phase III data recovery report shall be completed in accordance with Stipulation II.A of this MOA and shall be conducted under the direct supervision of SOI-Qualified Professionals who meet the qualifications for historic archaeology. In addition to meeting the SOI Standards, the work shall meet the SOI's Guidelines for Archaeological Documentation, the MnSHPO Manual for Archaeological Projects in Minnesota guidelines, and the terms and conditions of the field archaeology license issued by the Minnesota Office of the State Archeologist (OSA). The cost of curation, if necessary, shall be borne by the Project.
- iii. The Metropolitan Council shall submit the draft and final research design/data recovery plan, draft and final Phase III data recovery report, and draft and final proposal for public education efforts to FTA for review and approval. Once FTA's comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
- iv. The final research design/data recovery plan shall be approved by MnSHPO prior to the start of field activities to complete the Phase III data recovery. The final Phase III Data Recovery report and a memo explaining how the information has been shared with the public shall be submitted to MnSHPO and other Consulting

Parties no later than one (1) year after the date the Project begins revenue service operations.

- C. National Register Evaluation of the LS&M Railroad Corridor between Saint Paul and Duluth. The Metropolitan Council, in consultation with MnSHPO and other Consulting Parties, shall ensure a Phase II intensive survey and evaluation of the LS&M Railroad Corridor between Saint Paul and Duluth is completed by SOI-Qualified Professionals as described below. The purpose of the evaluation is to determine whether the railroad corridor historic district remains eligible for inclusion in the National Register under Criterion A after the completion of the Project and to determine whether any segments of the railroad corridor historic district are individually eligible for inclusion in the National Register. Associated properties, as described in Section F. Associated Property Types of the National Register Multiple Property Documentation Form, “Railroads in Minnesota, 1862–1956” (Railroad MPDF), shall also be documented at the level of a Phase I reconnaissance survey and, when appropriate, recommended for individual evaluation under appropriate National Register Criteria. Associated properties shall be classified as contributing or noncontributing to the railroad corridor historic district; however, individual evaluations of associated properties is not required under this Stipulation.
- i. The survey and evaluation, including preparation of a research design, survey report, and inventory forms, shall be completed in accordance with Stipulation II of this MOA and shall be conducted under the direct supervision of SOI-Qualified Professionals who meet the qualifications for history and architectural history and who have successfully completed previous intensive level surveys of railroads. In addition to meeting the SOI Standards, the evaluation shall follow the guidance in the Railroad MPDF, MnSHPO’s “Guidelines for Inventory and Evaluation of Railroads in Minnesota” (March 2019), and MnSHPO’s “Railroad Company Information: General Information” (last updated December 31, 2018), as appropriate.
 - ii. The Metropolitan Council shall submit the draft and final versions of the research design, survey report, and inventory forms to FTA for review and approval. Once FTA’s comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
 - iii. The final survey report and inventory forms shall be submitted to MnSHPO and other Consulting Parties no later than two (2) years after the date the Project begins revenue service operations.

- D.** Incorporation of Interpretive Elements at BRT Stations. The Metropolitan Council in consultation with MnSHPO and other Consulting Parties shall ensure a plan for interpretation is completed as described below. During the development of the draft interpretative plan, the Metropolitan Council shall seek input from MnSHPO and other Consulting Parties to gain input on the type, number, and exact locations of the interpretation, as well as the themes, schematic plans, and draft text and graphics. The interpretation shall be based on the results of the Phase II evaluation completed for the historic property and shall be incorporated into the design of a minimum of three (3) BRT stations within or adjacent to the LS&M Railroad Corridor Historic District between Saint Paul and White Bear Lake. As part of preparing the interpretive plan, consideration shall be given to including interpretation at a minimum of one (1) BRT station in each of the following communities: Saint Paul, Maplewood, and White Bear Lake. Interpretive elements shall include a means to remotely access the webpage required by Subparagraph D.iii of this Stipulation.
- i.** The work shall be completed in accordance with Stipulation II.A of this MOA and shall be conducted under the direct supervision of an SOI-Qualified Professional who meets the qualifications for history and an interpretative planner either certified by the National Association for Interpretation (NAI) as a Certified Interpretive Planner or with comparable experience. In addition to meeting the SOI Standards, the work shall meet NAI's *Standards and Practices for Interpretive Planning* and the *Creating Outdoor Trail Signage* technical leaflets.¹
 - ii.** The Metropolitan Council shall submit the draft and final interpretive plan to FTA for review and approval. Once FTA's comments are incorporated, FTA shall submit the draft and final documents to Consulting Parties for review and comment pursuant to Stipulation III.
 - iii.** The final interpretive plan shall be incorporated into the 100% Project plans. Interpretive elements shall be built as part of Project construction and maintained pursuant to Metropolitan Council protocols. No later than one (1) year after the date the Project begins revenue service operations, the content of the interpretation shall also be incorporated into the Metropolitan Council's webpage in order to make it accessible to the general public.

¹ "Creating Outdoor Trail Signage, Part 1: Planning and Design" in the *Minnesota History Interpreter*, May-June 2008, and "Creating Outdoor Trail Signage, Part 2: Fabrication and Installation" in the *Minnesota History Interpreter*, Summer 2008. Both leaflets were written by Ellen Miller and Aaron Novodorsky.

IX. Changes to the Area of Potential Effects (APE)

- A. In accordance with 36 CFR § 800.4(a)(1) and in consultation with MnSHPO and other Consulting Parties, FTA has defined and documented an APE for the Project (Attachment B).
- B. Throughout the Project design process, and as needed during Project construction, FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall determine if revisions to the APE are necessary.
 - i. If FTA determines the APE requires revision, it shall submit the draft and final APE, along with any supporting documentation, to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. FTA's determination on the revised APE shall be final.
 - ii. Revisions to the APE do not require a formal amendment to this MOA. If revised and documented by FTA pursuant to Subparagraph B.i of this Stipulation, then the revised APE shall replace those found in Attachment A, distributed to all Consulting Parties, filed with the ACHP, and used throughout the remainder of the Project unless further revisions to the APE are necessary due to Project modifications.
- C. If any new, previously unsurveyed, areas are added to the APE, the procedures in Stipulation X shall be followed to identify historic properties that may be affected by the Project.

X. Additional Survey and Evaluation

- A. When necessary, FTA and the Metropolitan Council in consultation with MnSHPO and other Consulting Parties shall conduct surveys and evaluation of properties in the APE to account for any areas added to the APE through revisions made under Stipulation IX, the receipt of additional information about known or suspected historic properties in the APE, and when necessary due to delays in Project construction, as described in Subparagraph A.ii of this Stipulation.
 - i. The survey and evaluation shall be performed by SOI-Qualified Professionals appropriate to the resource type(s) being identified and evaluated and shall meet the requirements of Stipulation II.A.
 - ii. Identification efforts for architecture/history focused on properties built prior to 1979. If the beginning of Project construction is delayed beyond 2028, FTA in consultation with MnSHPO and other Consulting Parties shall determine whether

additional architecture/history survey is necessary, including additional consideration for properties built in 1979 or later.²

- iii. In any instance where a property cannot be fully evaluated prior to the initiation of the Project's construction or the resumption of Project activities in the vicinity of the property when identified pursuant to Stipulation XIII, the property may be treated as though it is eligible for inclusion in the National Register for the purpose of the Section 106 review for this Project only. In these instances, and in addition to providing a justification for not performing a full evaluation, FTA shall document the National Register criterion or criteria, potential area(s) and period(s) of significance, and boundaries used to assume the property's eligibility so that this information can be used to assess effects of the Project on the historic property pursuant to Stipulation XI.
- B.** The Metropolitan Council's Preservation Lead shall review the survey results and make National Register-eligibility recommendations to FTA, which shall submit its National Register eligibility determinations to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. Subject to the confidentiality requirements in Section 304 of the National Historic Preservation Act (54 USC § 307103) and 36 CFR § 800.11(c), the Metropolitan Council shall post the survey results on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties.
- i. If MnSHPO does not respond during the applicable review period or if MnSHPO concurs, FTA's eligibility determinations shall become final and effects to any historic properties identified shall be assessed pursuant to Stipulation XI.
 - ii. If FTA and MnSHPO do not agree on the National Register-eligibility of a property, or if FTA and a Tribe that attaches religious and cultural significance to a property do not agree on National Register-eligibility, FTA shall resolve the disagreement pursuant to Stipulation XVI.

XI. Additional Assessments of Effects

- A.** The FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall make a finding of effect to account for any changes in Project design or the receipt of

² Properties 50 years of age or older are considered for National Register eligibility without the application of the National Register Criteria Considerations. The age of properties included in architecture/history survey was based on the anticipated start of Project construction in 2023 and included properties 45 years of age or older to allow for a delay of up to five (5) years in the start of Project construction.

additional information that may result in newly identified historic properties, changes in the finding of effect for a historic property, or unanticipated effects (e.g., damage) to historic properties. The Metropolitan Council's Preservation Lead shall assess effects of the Project on historic properties in accordance with the criteria of adverse effect as described in 36 CFR § 800.5(a)(1) and make a recommendation to FTA, supported by documentation that meets the requirements of Stipulation II.A. The Metropolitan Council's Preservation Lead shall also recommend to FTA potential measures for avoiding, minimizing, and/or mitigating any adverse effect(s).

- i.** As part of the assessment of effects, the Metropolitan Council's Preservation Lead may recommend, and FTA may impose, conditions on the Project to ensure an adverse effect to a historic property is avoided and/or minimized. In some instances, the conditions may be similar to those outlined in Stipulations V, VI, and VII.
- ii.** When effects are assessed following unanticipated effects to a known or newly identified historic property during Project construction (see Stipulations XIII and XIV), the Metropolitan Council's Preservation Lead shall use the following guidance, in addition to the criteria of adverse effect, when making a recommendation to FTA:

 - a.** If the damage does not meet the threshold of an adverse effect, a finding of no adverse effect shall be recommended.
 - b.** If the damage meets the threshold of an adverse effect, is repairable, and the property owner agrees to repairing the damage in accordance with the SOI Standards, a finding of adverse effect shall be recommended along with the Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in Accordance with SOI Standards (Attachment D) to resolve the adverse effect.
 - c.** If the damage meets the threshold of an adverse effect and any of the following are true, a finding of adverse effect requiring resolution under Stipulation XII shall be recommended:

 1. The damage involves a National Historic Landmark;
 2. The damage cannot be repaired;
 3. The historic property must be demolished in whole or in part;
 4. The property owner does not consent to repairing the damage in accordance with the SOI Standards;

5. Either the Project Construction Contractor or Contractor's insurer resolves the damage claim by monetary payment to the property owner in lieu of a repair; or
 6. The repairs have the potential to cause additional adverse effects.
- B.** The FTA shall review the assessment of effects and recommendations, and if acceptable, submit a finding of effect that meets the requirements of Stipulation II.A to MnSHPO and other Consulting Parties for review and comment pursuant to Stipulation III. The FTA shall clearly state any condition(s) imposed on the Project as part of the finding. Subject to the confidentiality requirements in 54 USC § 307103 and 36 CFR § 800.11(c), the Metropolitan Council shall post the finding of effect on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties within the review timeframe.
- i. If FTA makes a finding of no adverse effect and MnSHPO and other Consulting Parties agree, no further consultation is required pending implementation of any conditions upon which the finding is based. Implementation of conditions shall be tracked by the Metropolitan Council as part of quarterly reporting outlined in Stipulation XV.
 - ii. If FTA makes a finding of adverse effect and the Project is anticipated to have an adverse effect on a National Historic Landmark, FTA shall also notify and invite the ACHP and the SOI to participate in the consultation pursuant to 36 CFR § 800.10 and 54 USC § 306107.
 - iii. If MnSHPO objects to FTA's finding of effect or if other Consulting Parties do not agree with the finding, they shall provide comments to FTA specifying the reasons for their disagreement. The FTA shall consult with MnSHPO and other Consulting Parties to resolve the disagreement in accordance with Stipulation XVI.

XII. Consultation to Resolve Additional Adverse Effects

- A.** If FTA makes a finding of adverse effect and it cannot be resolved through the Standard Mitigation Measure outlined in Attachment D, FTA shall consult with the MnSHPO, other Consulting Parties, and the owner of the historic property to seek and consider other measures to avoid, minimize, and/or mitigate the adverse effect. Consultation may take whatever form is appropriate based on the significance, character, and use of the historic property and the nature and scale of the Project elements causing the adverse effect. The consultation must include an opportunity for

of the Mitigation Plan shall be tracked by the Metropolitan Council as part of quarterly reporting outlined in Stipulation XV.

- C. If FTA and MnSHPO fail to agree on how to resolve the adverse effect, FTA shall consult with MnSHPO to resolve the disagreement in accordance with Stipulation XVI.
- D. If required by a Mitigation Plan, construction activities may not begin or resume in the vicinity of the historic property until after the completion of the associated field work or implementation of protection measures outlined in the Mitigation Plan.

XIII. Unexpected Discoveries

- A. If suspected historic properties, including sites that contain human remains, unidentified animal bone, or mortuary objects, are discovered during Project construction, all activities shall cease within one hundred (100) feet of the discovery to avoid and/or minimize harm to the property. The Metropolitan Council shall include in Project construction contracts a requirement for the Project Construction Contractor(s) to immediately notify the Metropolitan Council of the discovery and implement interim measures to protect the discovery from damage, looting, and vandalism. Measures may include, but are not limited to, protective fencing, covering of the discovery with appropriate materials, and/or posting of security personnel. The Metropolitan Council shall notify FTA within twenty-four (24) hours of the discovery. FTA shall then notify MnSHPO, other Consulting Parties, and the property owner. When appropriate, FTA shall notify any Tribes that may attach religious and cultural significance to the property. The Contractor shall provide access to Consulting Parties and law enforcement to the site and shall not resume work within the area until notified by the Metropolitan Council.
- B. If any suspected human remains are encountered, the Metropolitan Council shall also follow the requirements of Minnesota Statutes (Minn. Stat.) § 307.08 and immediately notify local law enforcement and the OSA, the lead state agency for authentication of burial sites on non-federal lands. In accordance with Minn. Stat. § 307.08, the OSA has the final authority in determining if the remains are human and to ensure appropriate procedures are carried out in accordance with the statutes. Avoidance and preservation in place is the preferred option for the treatment of human remains. In accordance with Minn. Stat. § 307.08, subd. 3a, OSA is required to coordinate with the Minnesota Indian Affairs Council (MIAC) if the remains or associated burial items are thought to be American Indian. The Metropolitan Council shall work with OSA and MIAC to develop and implement a reburial plan, if that is the approach preferred as determined in accordance with Minn. Stat. § 307.08.

- C. The Metropolitan Council shall contract with SOI-Qualified Professionals to evaluate the newly discovered property for eligibility for inclusion in the National Register. For properties with suspected human remains, the consulting archaeologist must coordinate their evaluation with the OSA's authentication of the burial. In lieu of a consultant's recommendation, FTA may assume a property is eligible for inclusion in the National Register following consultation with, or based on input from, MnSHPO and other Consulting Parties pursuant to Stipulation X.A.iii. If an evaluation is performed, the Metropolitan Council's Preservation Lead shall provide an eligibility recommendation to FTA within seventy-two (72) hours of receipt of the consultant's evaluation of the property. FTA shall make a determination of eligibility pursuant to Stipulation X within seventy-two (72) hours of receiving the recommendation from the Metropolitan Council's Preservation Lead. FTA shall submit its National Register eligibility determination to the Consulting Parties for review and comment pursuant to Stipulation III. When applicable, FTA shall also follow Stipulation II.C in relation to any properties that may have religious or cultural significance to a Tribe(s).
- i. If FTA determines that the property does not meet National Register criteria, and MnSHPO concurs, construction activities can resume upon receipt of MnSHPO written concurrence with the eligibility determination and completion of activities required under Paragraph B of this Stipulation, if applicable.
 - ii. For all properties determined eligible for the National Register, FTA shall make a finding of effect pursuant to Stipulation XI and resolve any adverse effects pursuant to Stipulation XII. In addition to the requirements in those stipulations, construction activities may resume after completion of activities required under Paragraph B of this Stipulation, if applicable.

XIV. Unanticipated Effects to Historic Properties

- A. If previously known historic properties are affected in an unanticipated, adverse manner during Project construction (e.g., damage), all activities shall cease within one hundred (100) feet of the discovery to avoid and/or minimize further harm to the property. The Metropolitan Council shall include in Project construction contracts a requirement for the Project Construction Contractor to immediately notify the Metropolitan Council of the effect and implement interim measures to protect the property from damage, looting, and vandalism. Measures may include, but are not limited to, protective fencing, covering of the property with appropriate materials, and/or posting of security personnel. The Metropolitan Council shall notify FTA within twenty-four (24) hours of receiving notification from the Construction Contractor. FTA shall then notify MnSHPO, other Consulting Parties, and the property owner. The Metropolitan Council shall ensure a historic property inspection

as described in Stipulation VII.A.iii.b is prepared as soon as practicable to document damage to the historic property.

- B.** If reasonably convenient and appropriate, the Metropolitan Council or their Preservation Lead, MnSHPO, other Consulting Parties, and the property owner, when applicable, shall confer at the site within seventy-two (72) hours of notice of discovery to assess the property, identify the known Project effects to the property, and to determine the most appropriate Course of Action to repair any damage, if feasible.
- i.** The Course of Action shall specify the type of repair, the review process for the scope of work, and the responsibilities for ensuring repairs are made appropriately, including preparation of a post-construction historic property inspection as described in Stipulation VII.A.iii.b. The Course of Action shall also outline where and when it may be safe to resume construction activities within and/or in the vicinity of the historic property. Whenever possible, measures to repair historic properties shall be developed so that they meet the SOI Standards and are carried out under the direct supervision of personnel that meet the requirements described in Stipulation II.B.
 - ii.** Within seventy-two (72) hours of the meeting, the Metropolitan Council shall prepare draft meeting notes documenting the results of the onsite meeting and a draft of the proposed Course of Action and provide them, and the historic property inspection prepared under Paragraph A of this Stipulation, to FTA for review and approval. Upon approval, FTA shall submit the documents to Consulting Parties for review and comment. Consulting Parties have seventy-two (72) hours to review draft meeting notes and proposed Course of Action and provide comments to the FTA and the Metropolitan Council. The Metropolitan Council shall finalize the meeting notes and Course of Action within twenty-four (24) hours after receiving comments and provide the final documents to FTA, MnSHPO, and other Consulting Parties.
 - iii.** Construction in the vicinity of the historic property may resume as outlined in the Course of Action while negotiations take place between the Project Construction Contractor and the property owner. The Construction Contractor shall not resume work until notified by the Metropolitan Council.
- C.** The FTA, with the assistance of the Metropolitan Council's Preservation Lead, shall assess effects pursuant to Stipulation XI and FTA shall resolve any adverse effects pursuant to Stipulation XII. The assessment of effects shall take into consideration whether the Project Construction Contractor and the property owner accept the Course of Action, including whether the owner agrees to the damage being repaired

in accordance with the SOI Standards, which would allow the use of the Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in Accordance with SOI Standards (Attachment D).

XV. Reviewing and Reporting of Agreement Implementation

- A. Every three (3) months following the execution of this MOA and until it expires or is terminated, the Metropolitan Council shall provide FTA and all the Consulting Parties a summary report detailing work undertaken pursuant to its terms. Subject to the confidentiality requirements in 54 USC § 307103 and 36 CFR § 800.11(c), each report shall include an itemized listing of all measures required to implement the terms of this MOA. For each action, the report shall identify what steps the Metropolitan Council has taken during the reporting period to implement those actions and identify any problems or unexpected issues encountered, any scheduling changes proposed, any disputes and objections submitted or resolved, and any changes recommended in implementation of this MOA and/or any Mitigation Plan(s) prepared under Stipulation XII. Each report shall also include name and contact information for the Metropolitan Council's Preservation Lead as noted in Stipulation II.B.i, a timetable of activities proposed for implementation within the following reporting period, and notices of the initiation of construction for individual construction bid packages, as applicable.
- B. The Consulting Parties shall review the reports pursuant to the timelines established in Stipulation III. The Metropolitan Council shall post the reports on the Project website, or other means as appropriate, in order to obtain public input and shall share any comments received from the public with the Consulting Parties.
- C. At its own discretion, or at the request of any Signatory, FTA may convene a meeting to facilitate review and comment on the reports, and to resolve any questions about their content and/or to resolve objections or concerns.

XVI. Dispute Resolution

- A. Should any Consulting Party object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FTA shall consult with such party to resolve the objection for a period not to exceed fifteen (15) calendar days. This resolution timeframe may be extended by mutual consent between FTA and the Consulting Party, with notification to the other Consulting Parties.
- B. If FTA and MnSHPO do not agree on the National Register eligibility of a property, or if FTA and a Tribe that attaches religious and cultural significance to a historic property do not agree on a property's National Register eligibility, FTA shall submit

documentation to the Keeper of the National Register and request a formal determination of eligibility pursuant to 36 CFR Part 63 and 36 CFR § 800.4(c)(2). The Keeper's eligibility determination shall be considered final.

- C. If FTA, MnSHPO, and other Consulting Parties do not agree on findings of effect or resolutions of adverse effects, FTA shall forward all documentation relevant to the dispute, including FTA's proposed resolution, to all Consulting Parties and the ACHP.
 - i. The ACHP shall provide FTA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FTA shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP and the Consulting Parties and provide them with a copy of this written response. FTA shall then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within thirty (30) days, FTA may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, FTA shall prepare a written response that considers any timely comments regarding the dispute from the Consulting Parties and provide the written response to the Consulting Parties and the ACHP.
- D. The FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.
- E. The FTA shall notify all parties to this MOA in writing of any written objections raised by a member of the public pertaining to implementation of this MOA. Any Consulting Party receiving a written objection directly from a member of the public shall notify FTA, who shall notify all parties to this MOA in writing. Unless otherwise agreed upon, Consulting Parties have fifteen (15) calendar days to review and provide written comments on the objection to all Consulting Parties. FTA shall consider the objection and take all comments from all Consulting Parties into consideration in reaching its decision on the objection. Within fifteen (15) calendar days following closure of the comment period, FTA shall render a decision regarding the objection, respond to the objecting party, and proceed according to its decision. FTA's decision regarding resolution of the objection shall be final.

XVII. Amendments

- A. Any Signatory or Invited Signatory may request an amendment to this MOA. This MOA may be amended when such an amendment is agreed to in writing by all Signatories and Invited Signatories. The amendment shall be effective on the date of

the final signature by the Signatories and Invited Signatories. Copies of any amendments shall be provided to all the Consulting Parties and the ACHP.

XVIII. Duration

- A. This MOA shall remain in effect from the date of execution for a period not to exceed ten (10) years. If FTA anticipates that the terms of this MOA cannot be completed within this timeframe, it shall notify the Consulting Parties in writing at least sixty (60) calendar days prior to the expiration date. This MOA may be extended by the written concurrence of the Signatories and Invited Signatories.
- B. The FTA shall ensure the MOA is extended if all the Stipulations have not been completed. If this MOA expires and FTA elects to continue with the undertaking, FTA shall reinitiate Section 106 consultation in accordance with 36 CFR Part 800.
- C. If, prior to the expiration date, FTA determines all the activities subject to this MOA are completed, then FTA may terminate this MOA pursuant to Stipulation XIX.

XIX. Termination

- A. If all terms of this MOA have been completed prior to the expiration date, FTA may terminate the MOA with notification to Signatories, Invited Signatories, and Concurring Parties that the terms of the MOA have been completed. If a Consulting Party feels MOA termination is premature, or that the terms of the MOA have not been met, they shall respond within the timeframes outlined in Stipulation III.
- B. Any Signatory or Invited Signatory may terminate this MOA by providing at least thirty (30) calendar days notice to all Consulting Parties. FTA shall consult with the Signatories and Invited Signatories during the thirty (30) calendar day notice period in an attempt to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FTA, USACE, FHWA, and any other Federal agencies invited to be a Consulting Party under Stipulation I shall comply with 36 CFR §§ 800.3-800.13 with regard to the undertaking covered by this MOA.

XX. Execution

- A. This MOA may be executed in counterparts, with a separate page for each Consulting Party. This MOA shall become effective on the date of the final signature by the Signatories and Invited Signatories. The refusal of any party invited to concur with this MOA does not invalidate this MOA. The FTA shall ensure each Consulting Party is provided with a fully executed copy of this MOA and that the final MOA, updates to appendices, and any amendments are filed with the ACHP.

- B.** Execution of this MOA by FTA and MnSHPO, and implementation of its terms is evidence that FTA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP an opportunity to comment, pursuant to Section 106 of the National Historic Preservation Act.

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

SIGNATORY

FEDERAL TRANSIT ADMINISTRATION

KELLEY

BROOKINS

Digitally signed by KELLEY

BROOKINS

Date: 2021.09.20 07:37:15 -05'00'

By: _____

Kelley Brookins, Region 5 Administrator

Date: September 20, 2021

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

SIGNATORY

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: _____



Amy Spong, Deputy State Historic Preservation Officer

Date: _____

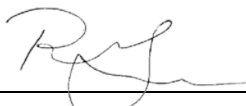
9/22/2021

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BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
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THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

INVITED SIGNATORY

UNITED STATES ARMY CORPS OF ENGINEERS


By:  _____ Date: 20 SEP 2021
for Chad Konickson, Chief, Regulatory Division, St. Paul District

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
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AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

INVITED SIGNATORY

FEDERAL HIGHWAY ADMINISTRATION

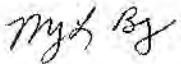
By:  PHILIP J FORST
2021.09.16 10:42:06 -05'00' Date: 9/16/2021
for Wendall L. Meyer, Division Administrator (Minnesota)

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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AND
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REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

INVITED SIGNATORY

METROPOLITAN COUNCIL

By:  Date: Sep 20, 2021
Mary Bogie, Regional Administrator

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

CITY OF GEM LAKE

By: _____ Date: _____
Gretchen Artig-Swomley, Mayor

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

CITY OF MAPLEWOOD


By: _____ Date: _____
Marylee Abrams, Mayor

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

MAPLEWOOD AREA HISTORICAL SOCIETY

By: 
Michael A. Ericson, President

Date: 9/15/21

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
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THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

MAPLEWOOD HERITAGE PRESERVATION COMMISSION

By: _____ Date: _____
Bob Cardinal, Chair

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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REGARDING
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RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

CITY OF SAINT PAUL

By: _____



Melvin Carter, Mayor

Date: September 30, 2021

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
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THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

SAINT PAUL HERITAGE PRESERVATION COMMISSION

By: *George Gause for T. Kimker*
Teresa Kimker, Chair

Date: September 14, 2021

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
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REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

CITY OF VADNAIS HEIGHTS

By  _____

Heidi Gunderson, Mayor

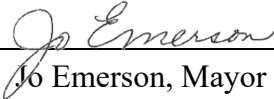
Date: 9/20/21

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**MEMORANDUM OF AGREEMENT
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REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

CITY OF WHITE BEAR LAKE

By: 
Jo Emerson, Mayor

Date: September 21, 2021

SIGNATURE PAGE

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL TRANSIT ADMINISTRATION
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE RUSH LINE BUS RAPID TRANSIT PROJECT,
RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

WHITE BEAR LAKE AREA HISTORICAL SOCIETY

By: 
Sara Hanson, Executive Director

Date: 9/14/2021

SIGNATURE PAGE

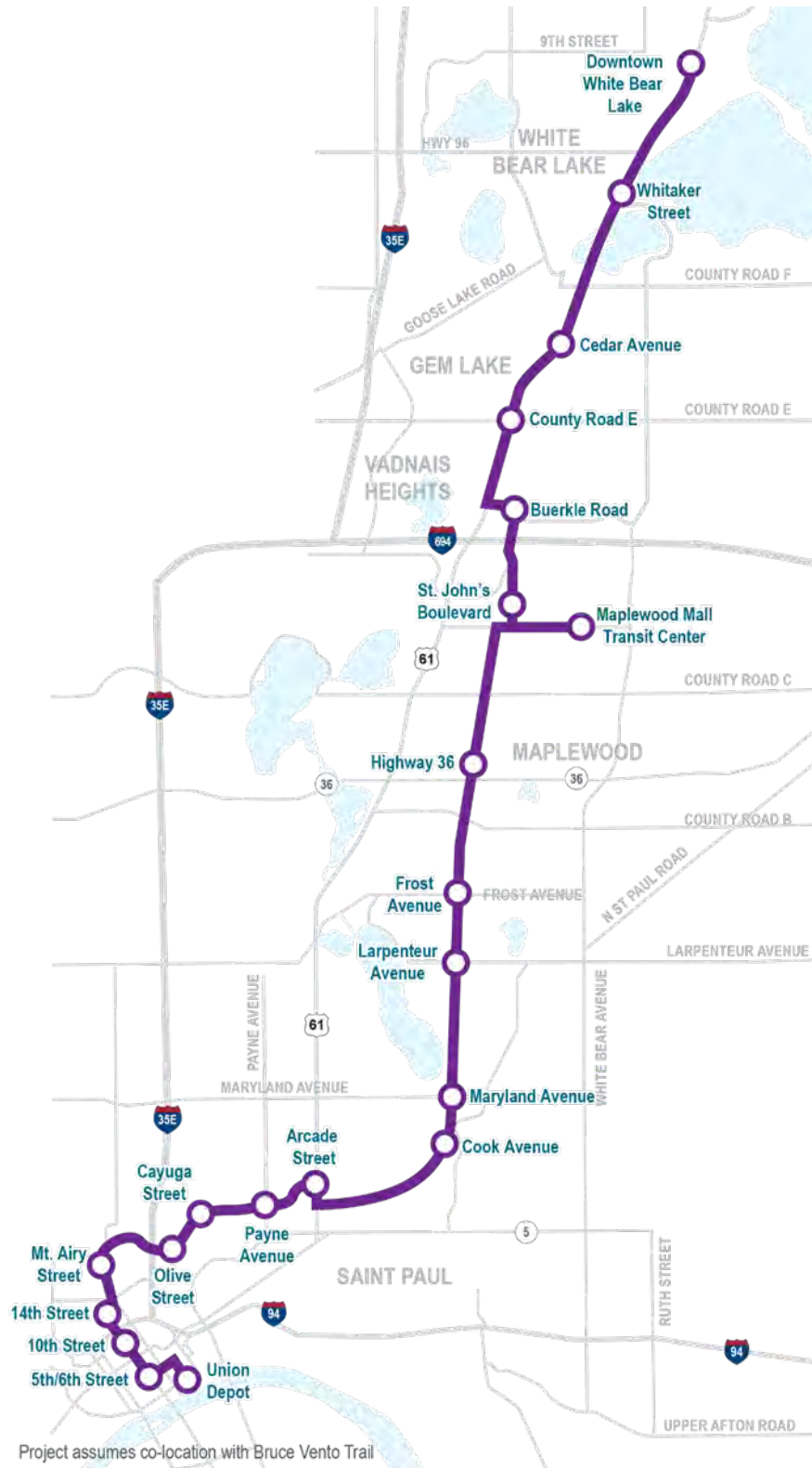
**MEMORANDUM OF AGREEMENT
BETWEEN
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REGARDING
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RAMSEY COUNTY, MINNESOTA**

CONCURRING PARTY

WHITE BEAR TOWNSHIP

By: _____ Date: _____
Ed Prudhon, Chair

Attachment A Project Overview

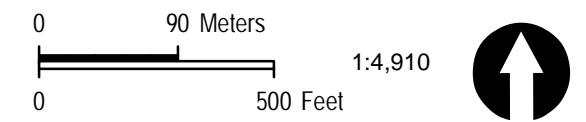
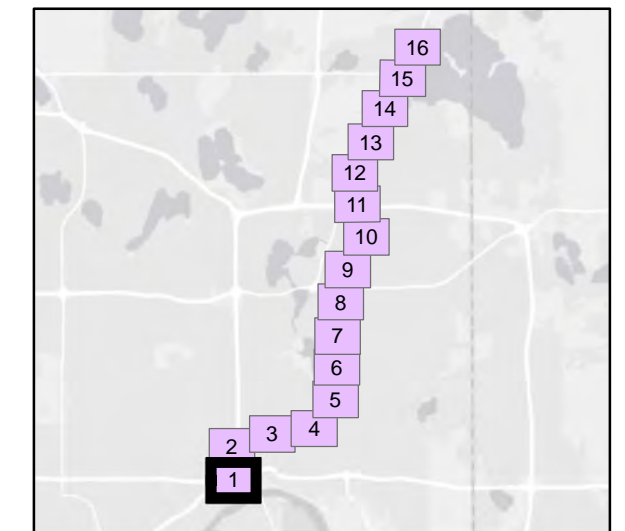


Attachment B
Area of Potential Effects

Rush Line BRT
Ramsey County, Minnesota

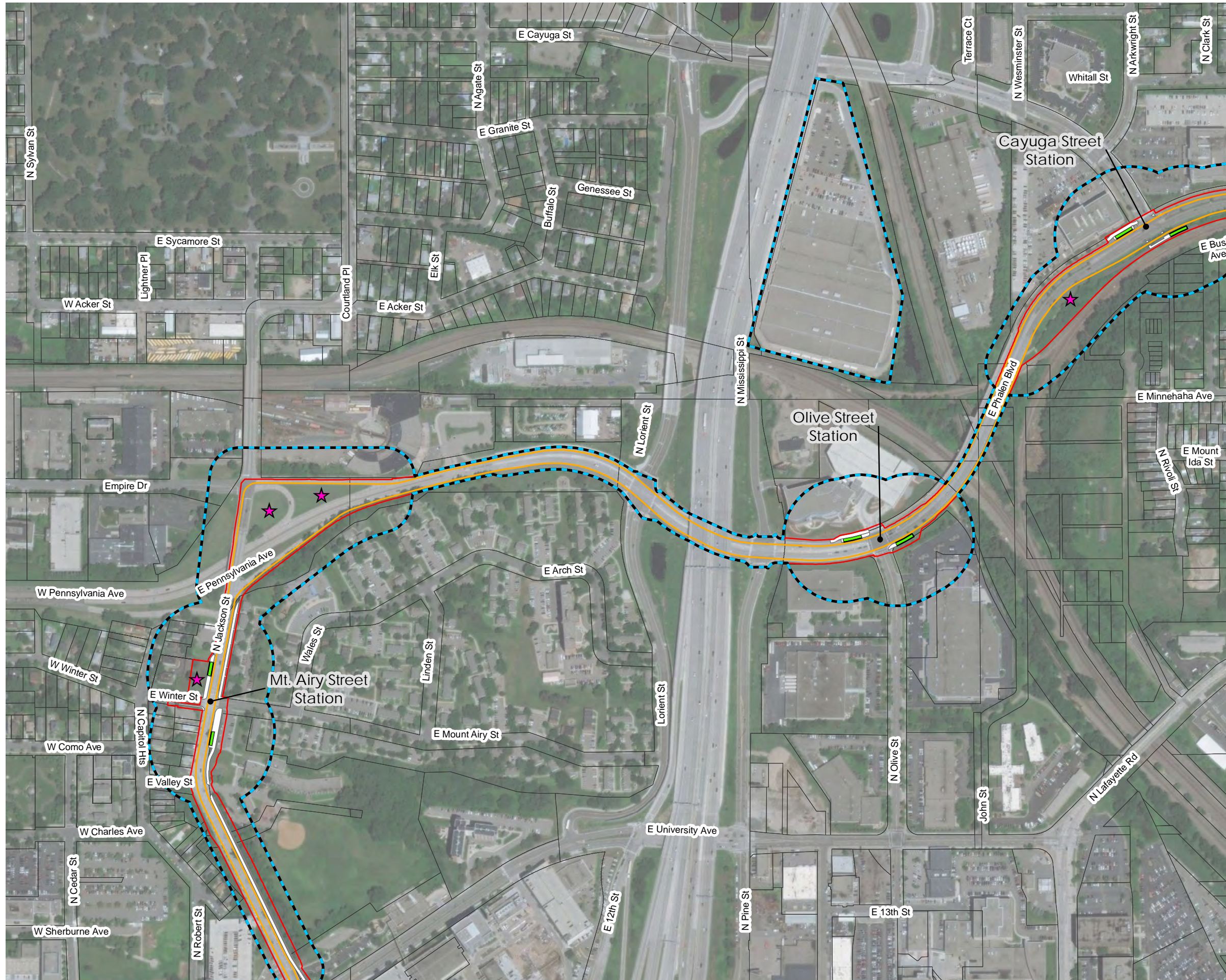












- Area of Potential Effect (2-3-2020)
- Limits of Disturbance (1-31-2020)
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- Potential Linear Stormwater (BMP) Sites (9-20-2019)

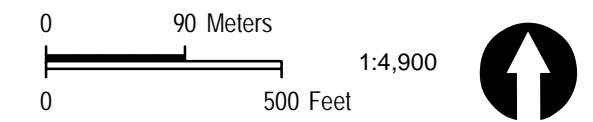
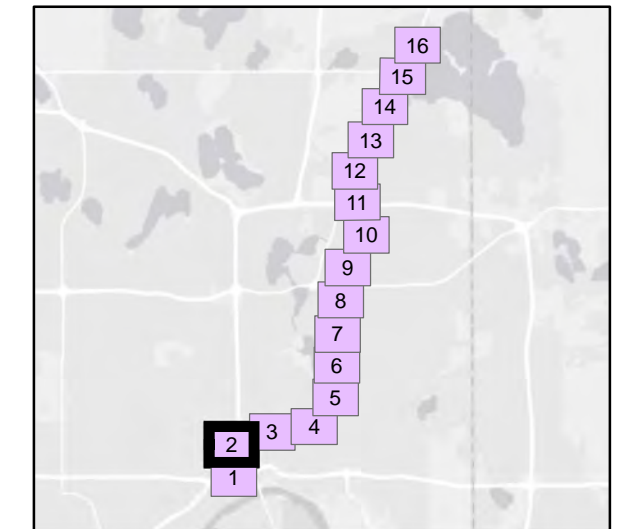


Area of Potential Effect
As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota

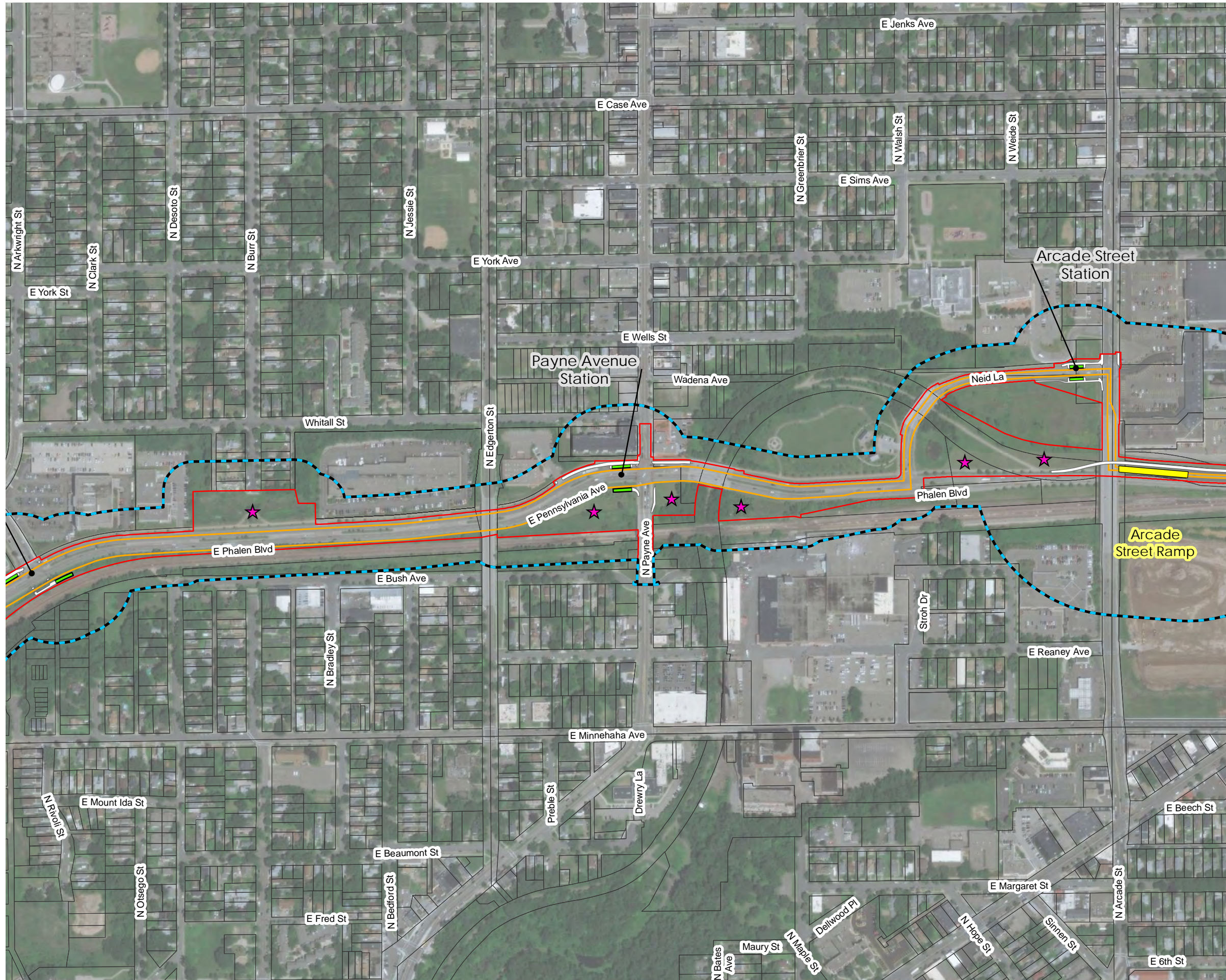


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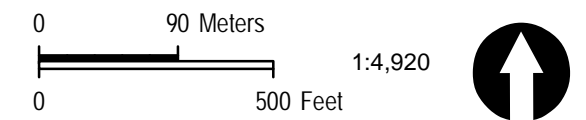
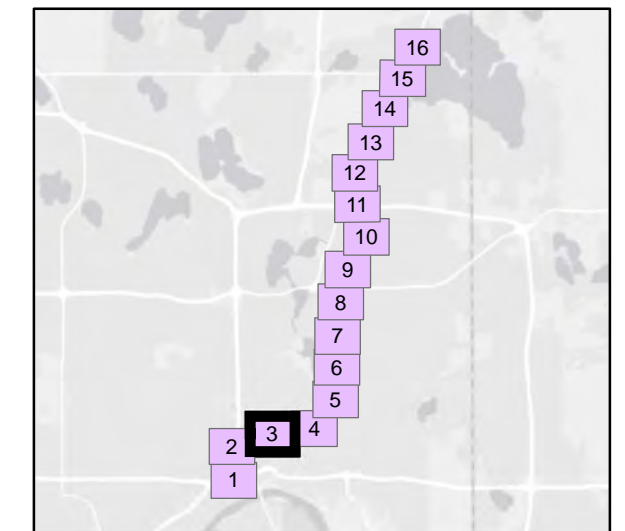


Area of Potential Effect
 As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota

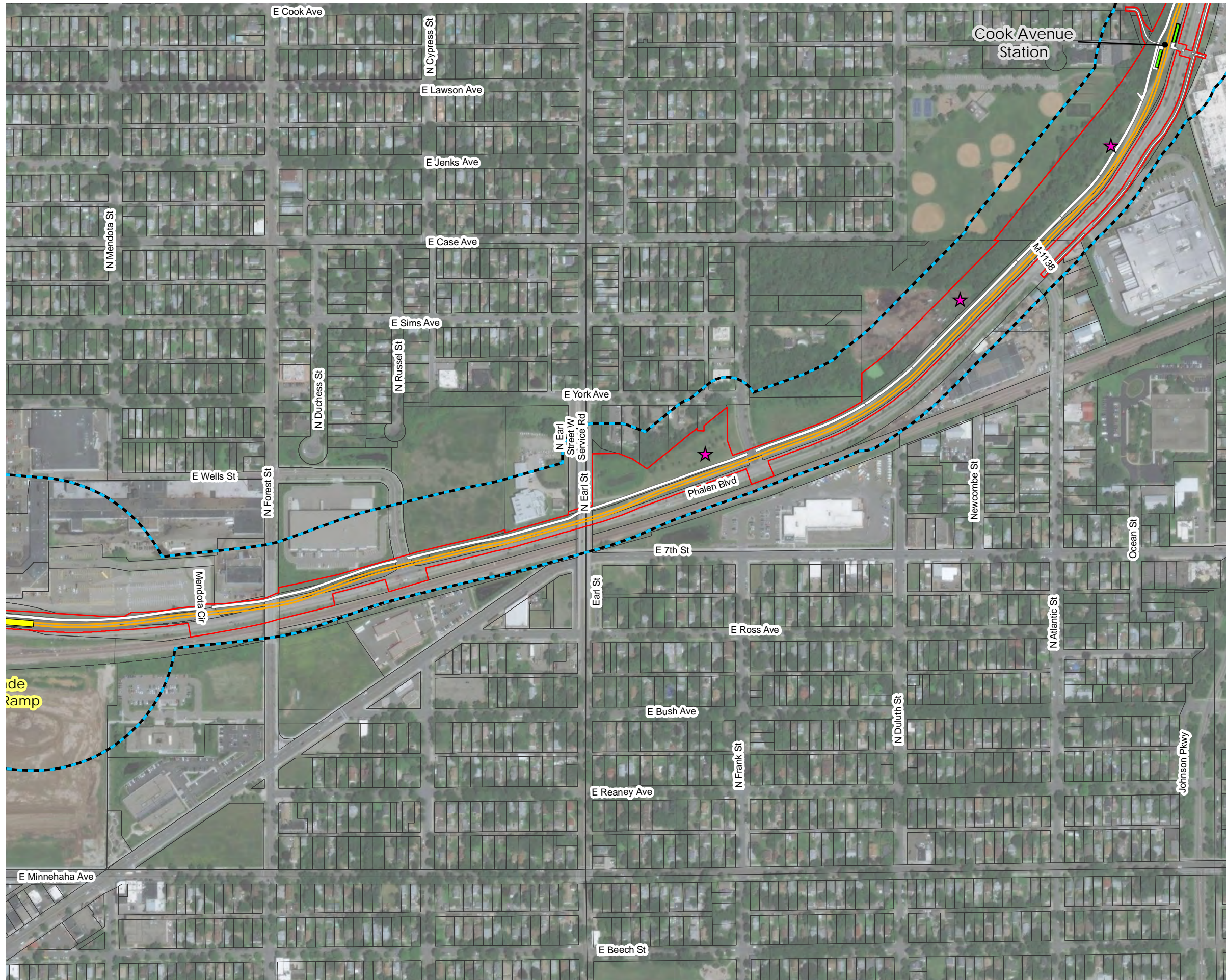


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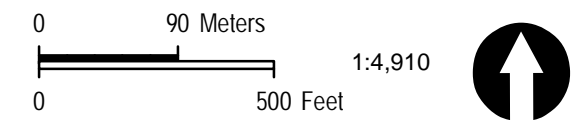
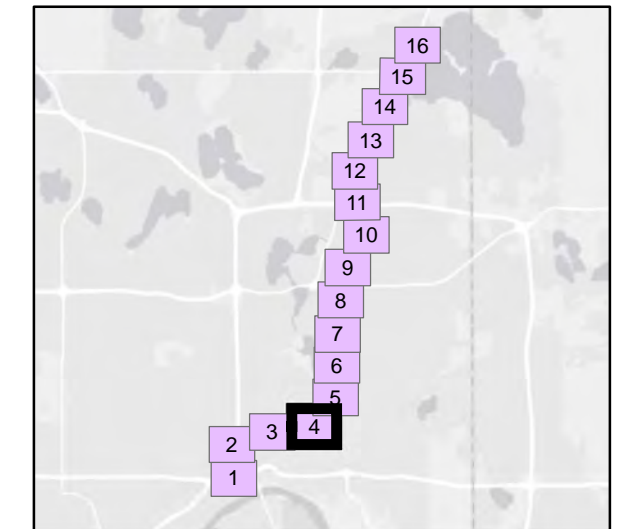


Area of Potential Effect
As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota













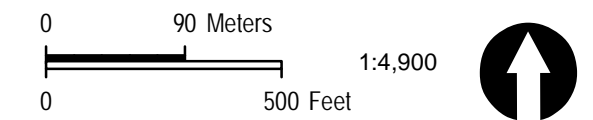
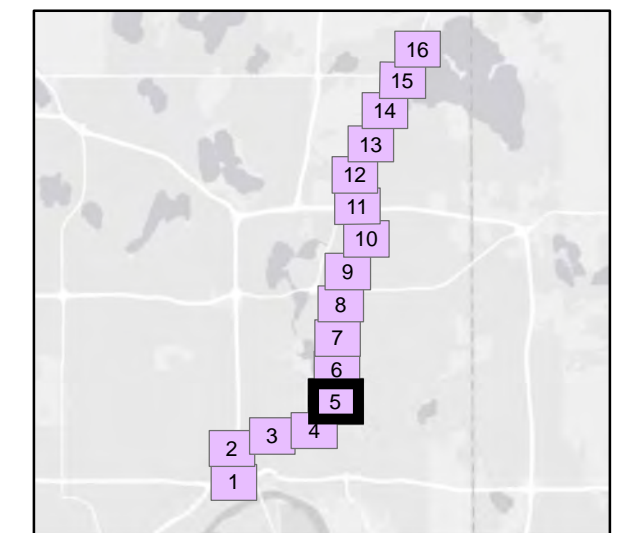
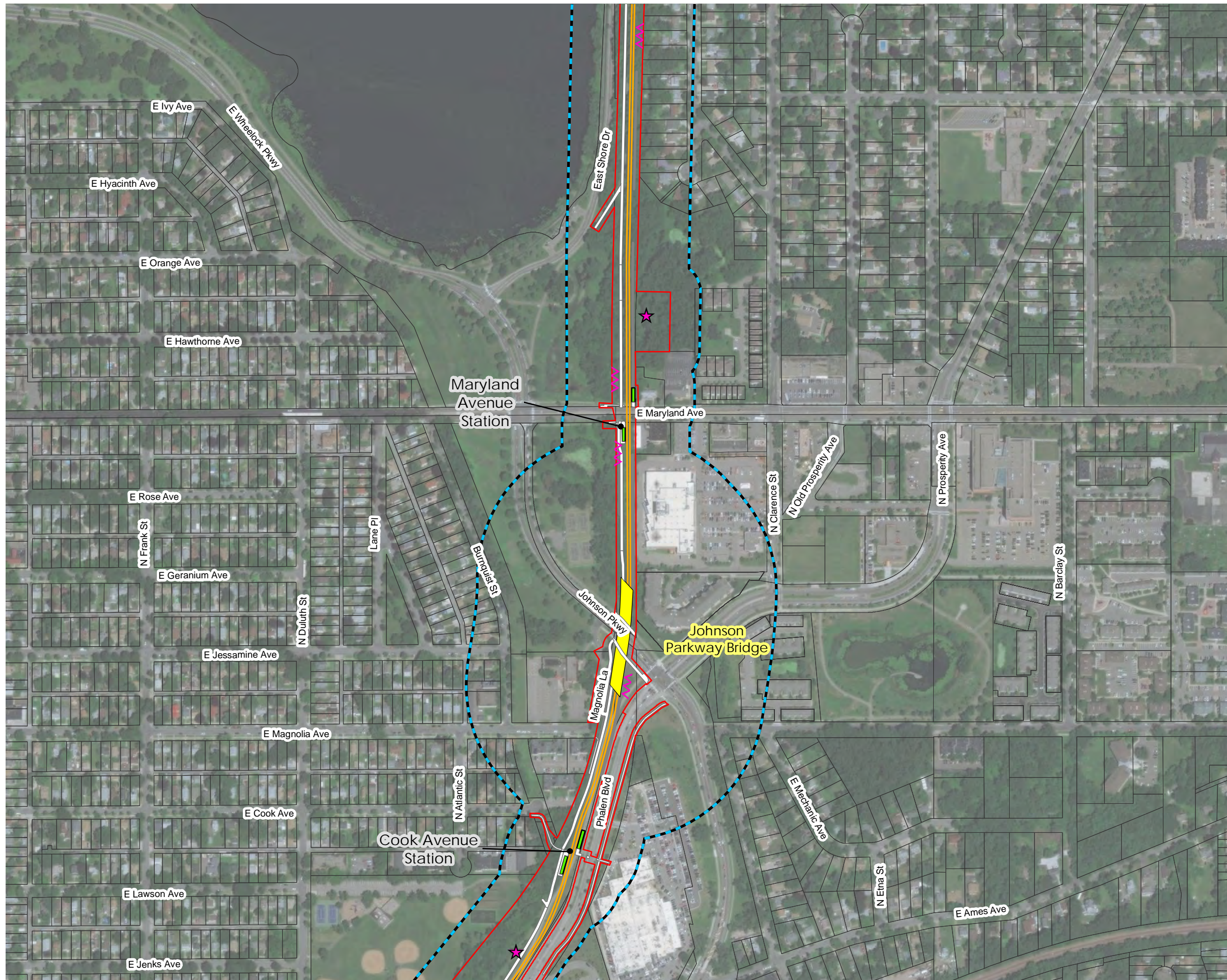
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Area of Potential Effect
As Revised on 2/3/2020











Rush Line BRT
Ramsey County, Minnesota

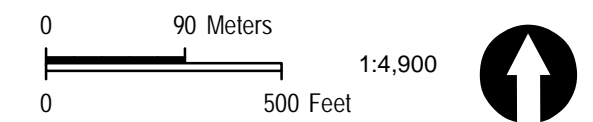
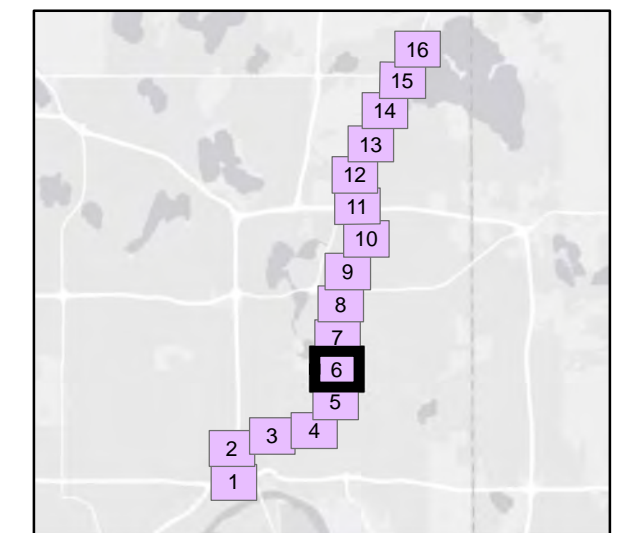
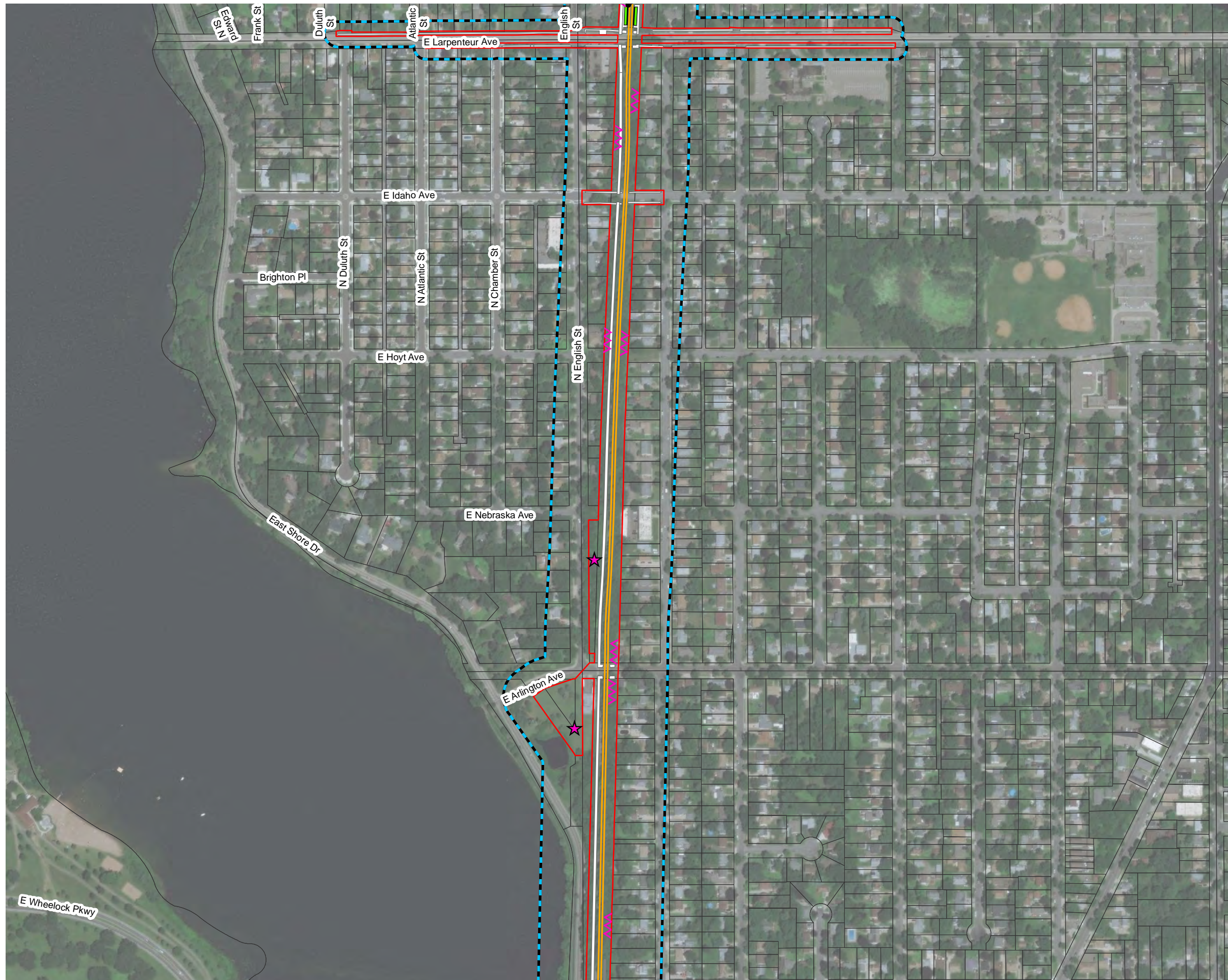
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Area of Potential Effect
As Revised on 2/3/2020

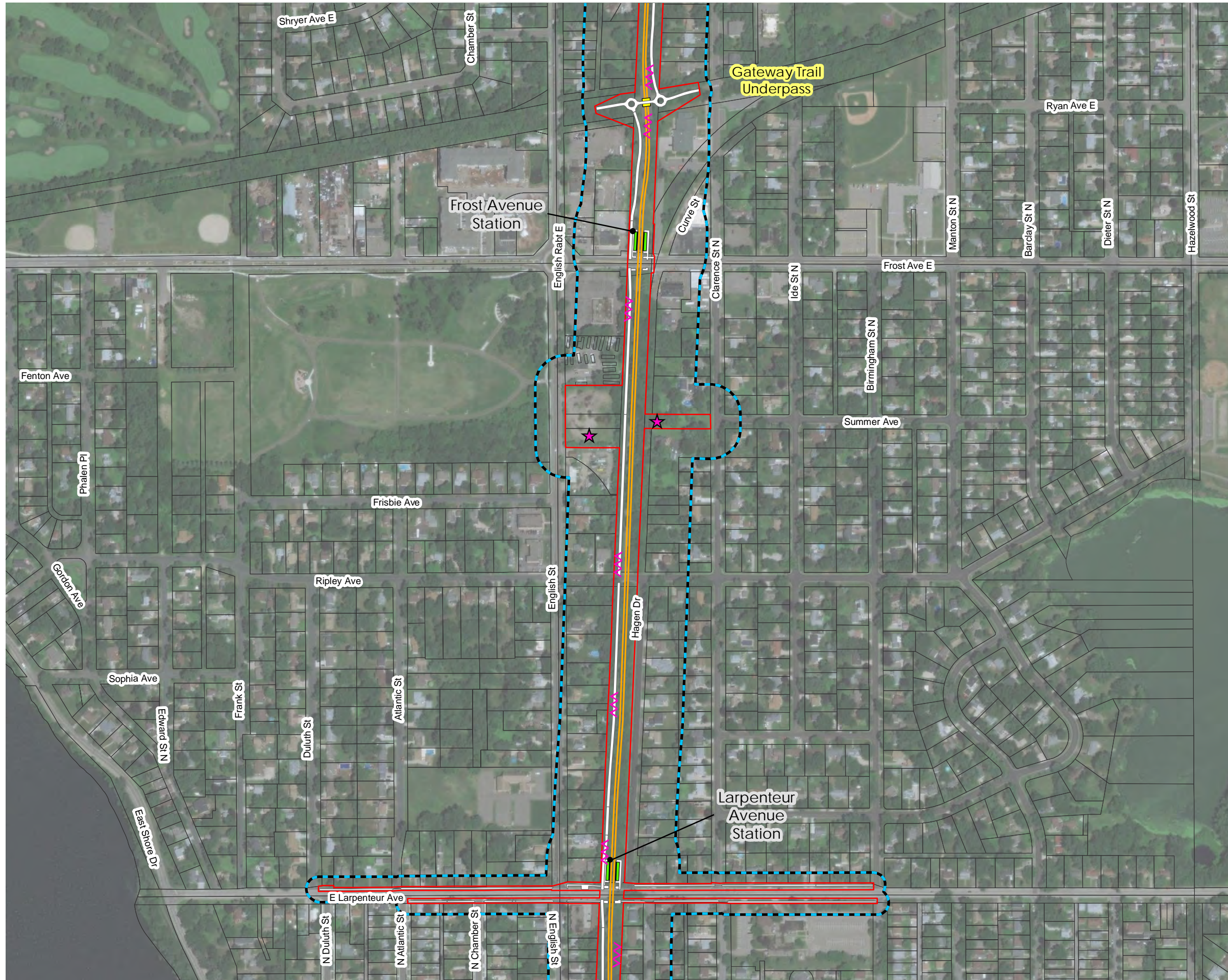
Rush Line BRT
Ramsey County, Minnesota

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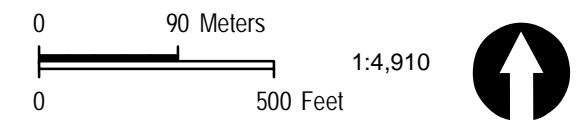
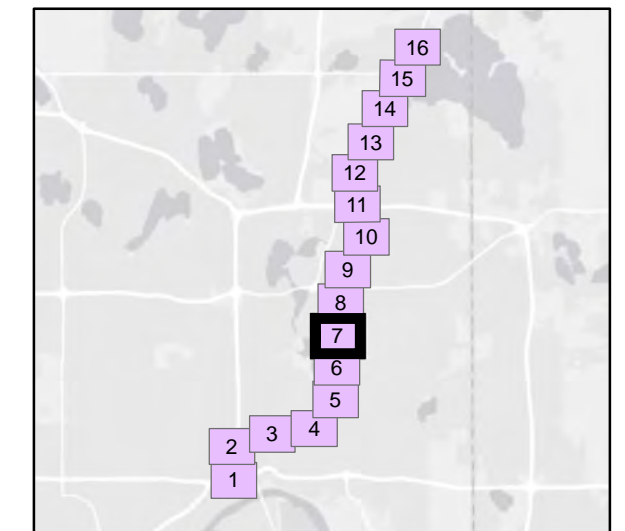


Area of Potential Effect
As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota

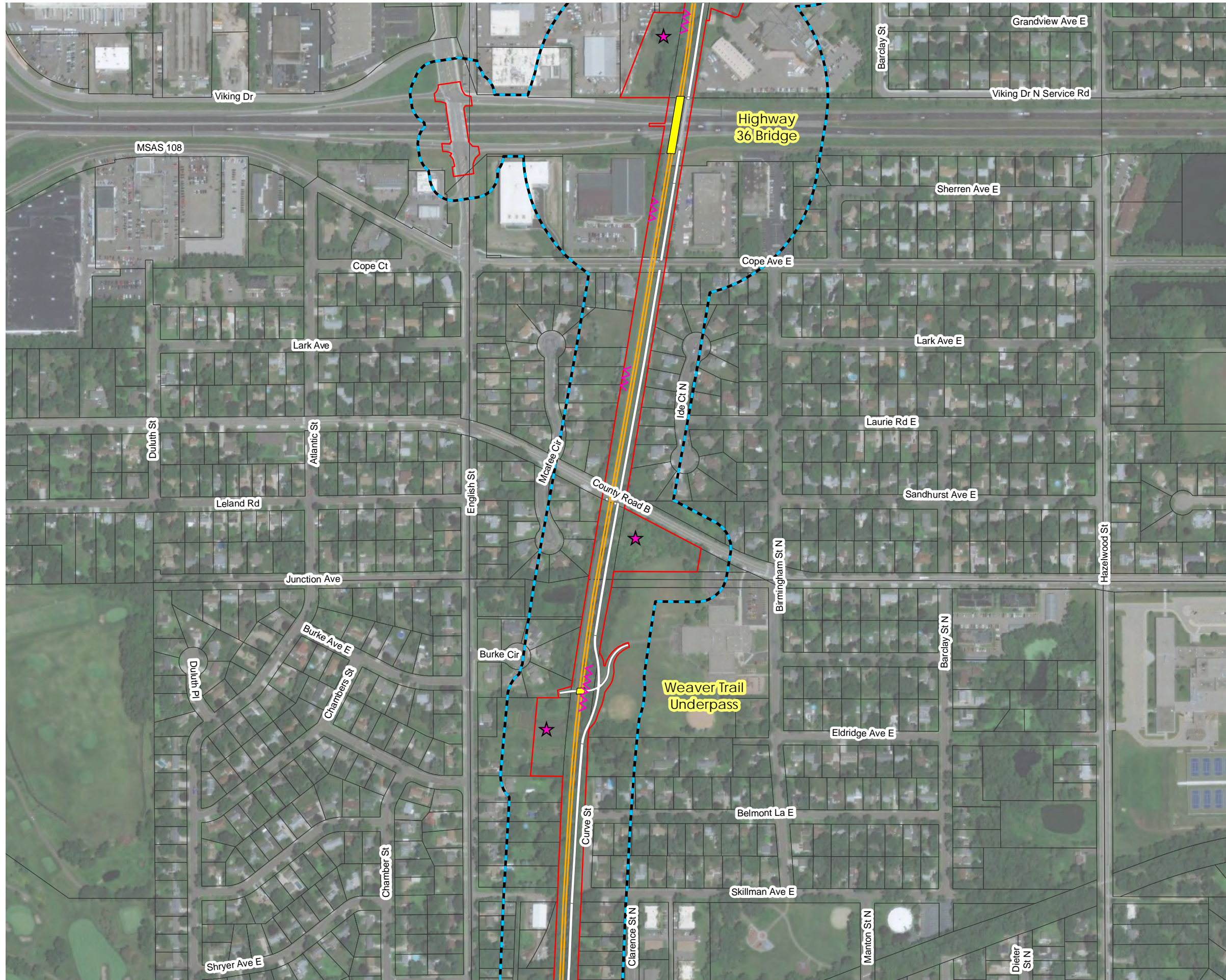


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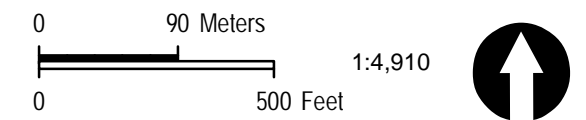
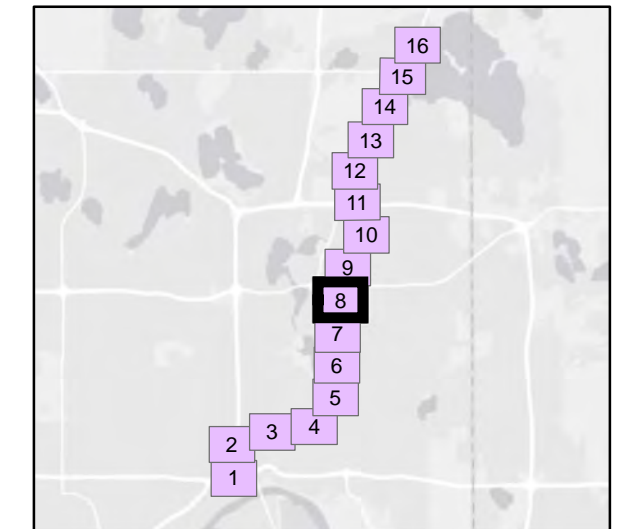


Area of Potential Effect
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Rush Line BRT
Ramsey County, Minnesota

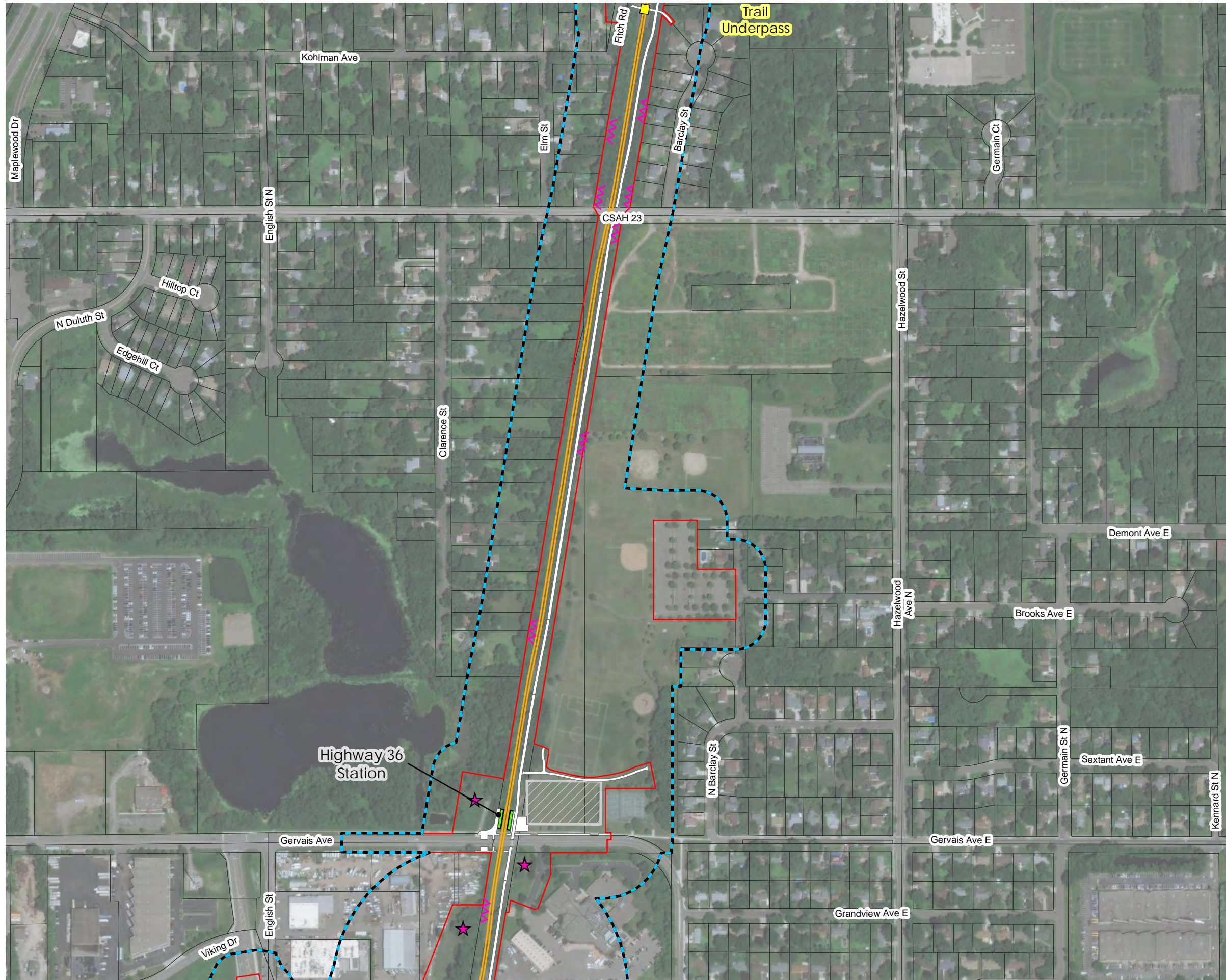


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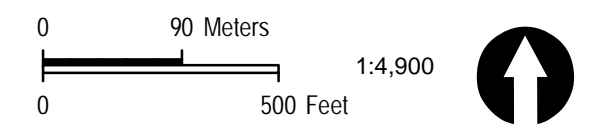
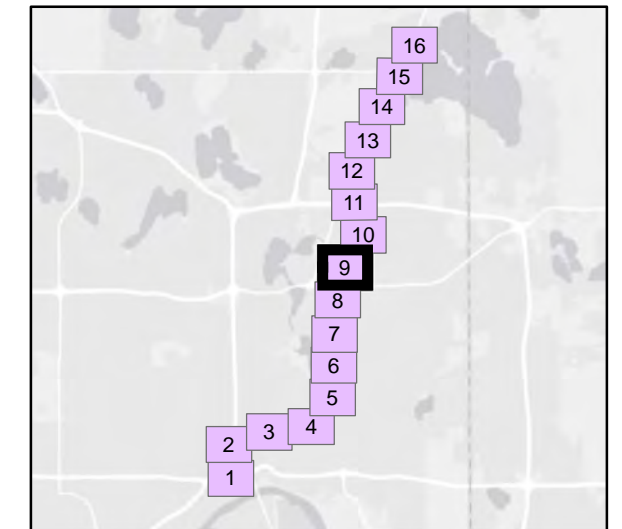


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Rush Line BRT
Ramsey County, Minnesota

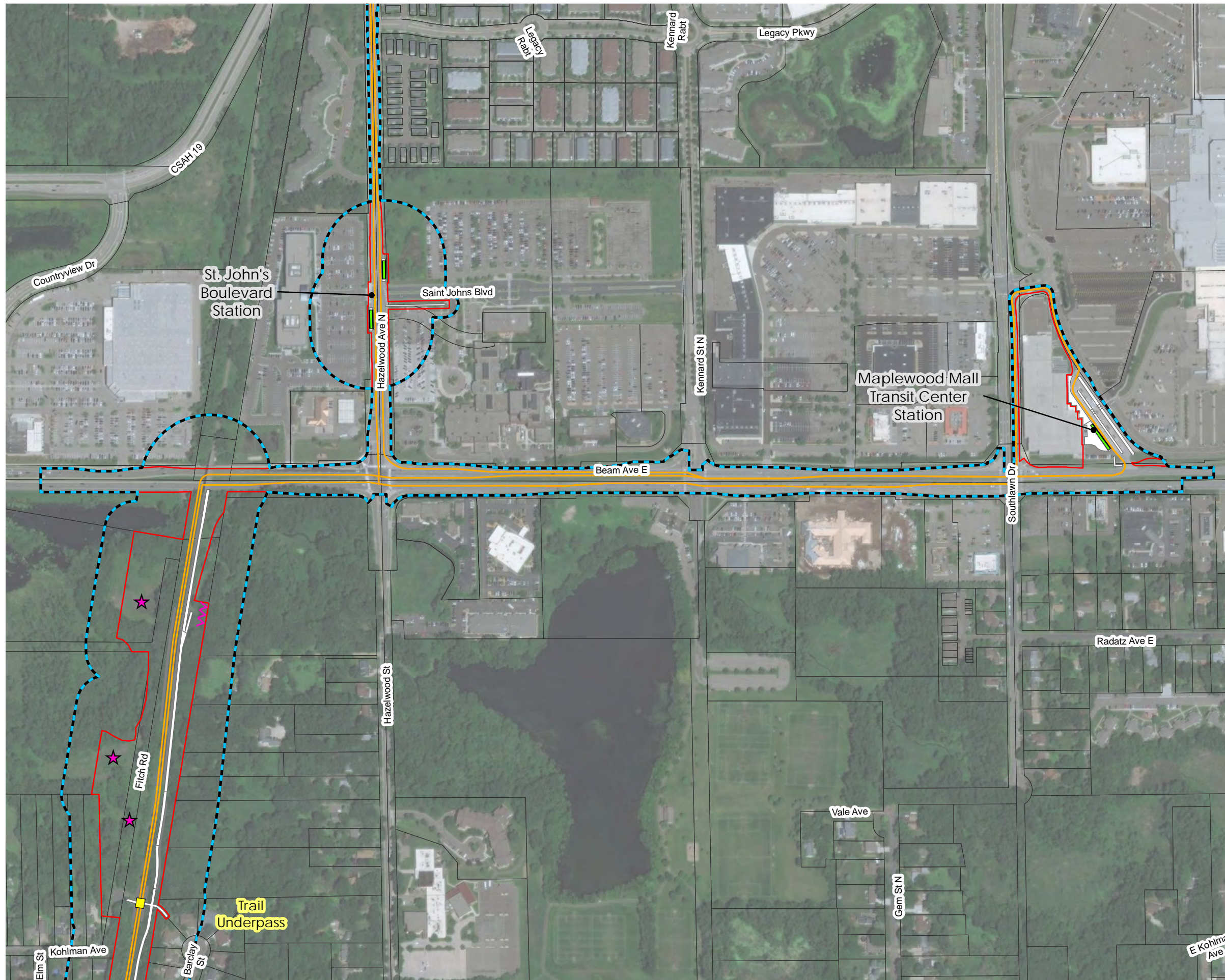


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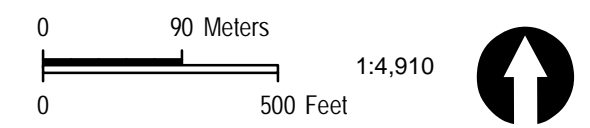
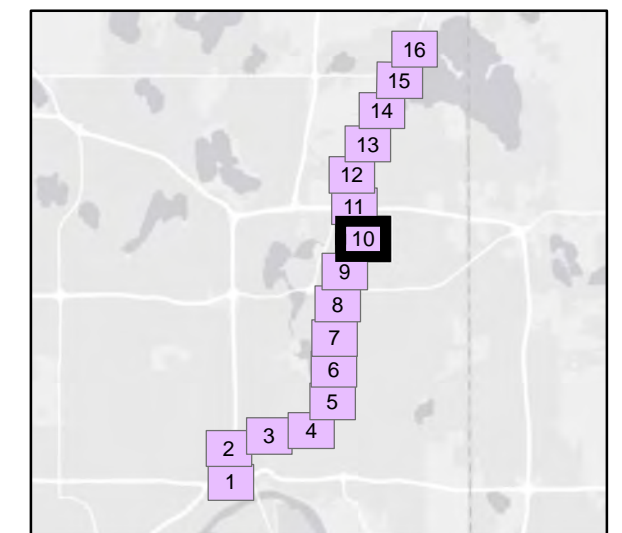


Area of Potential Effect
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Rush Line BRT
Ramsey County, Minnesota

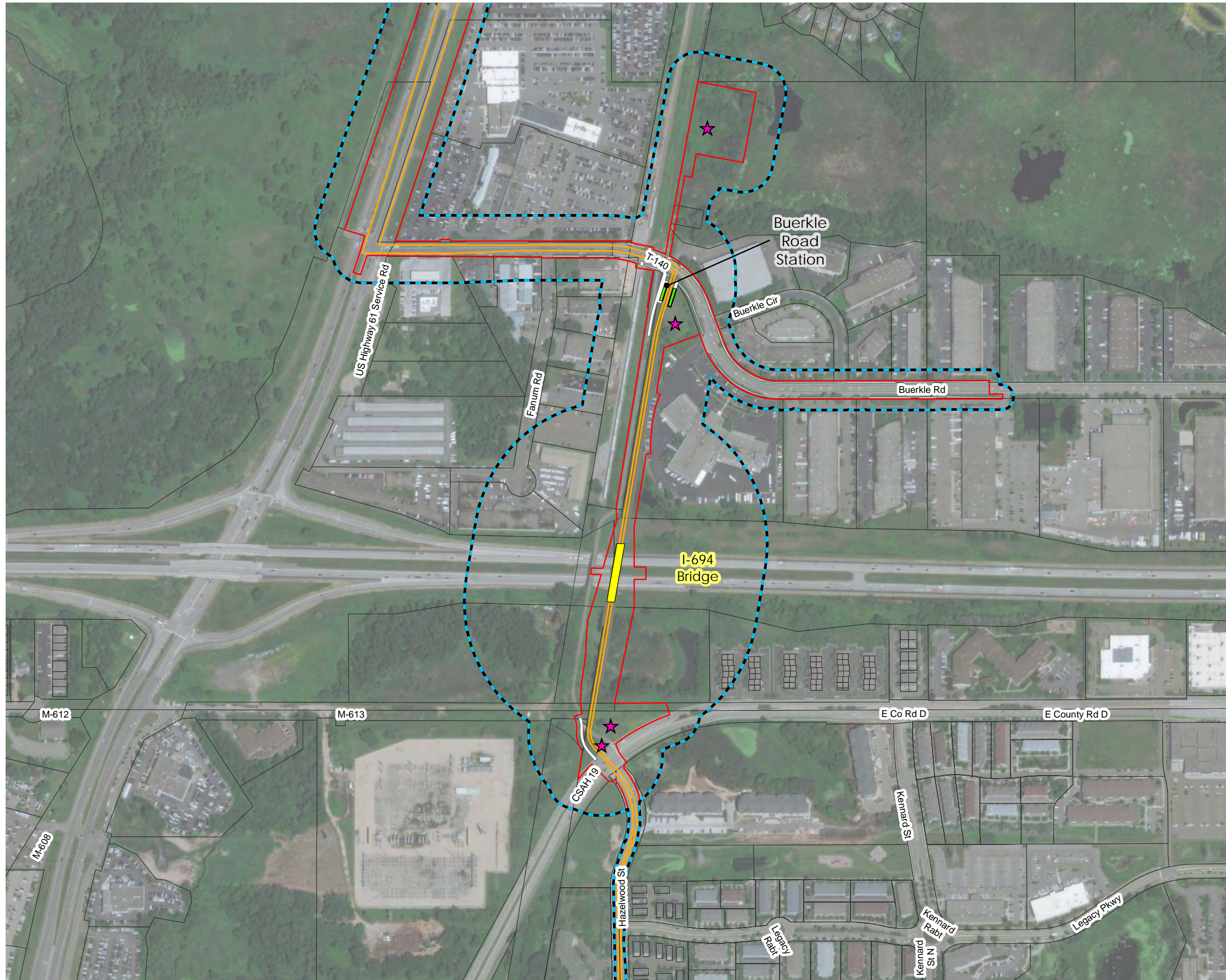


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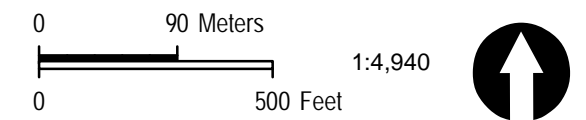
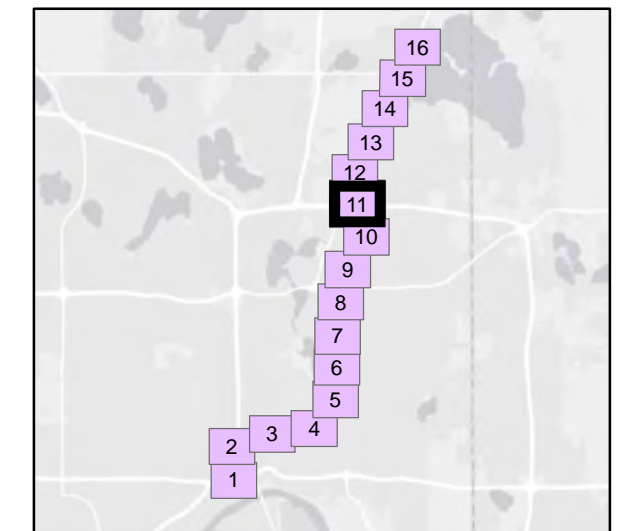


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Rush Line BRT
Ramsey County, Minnesota

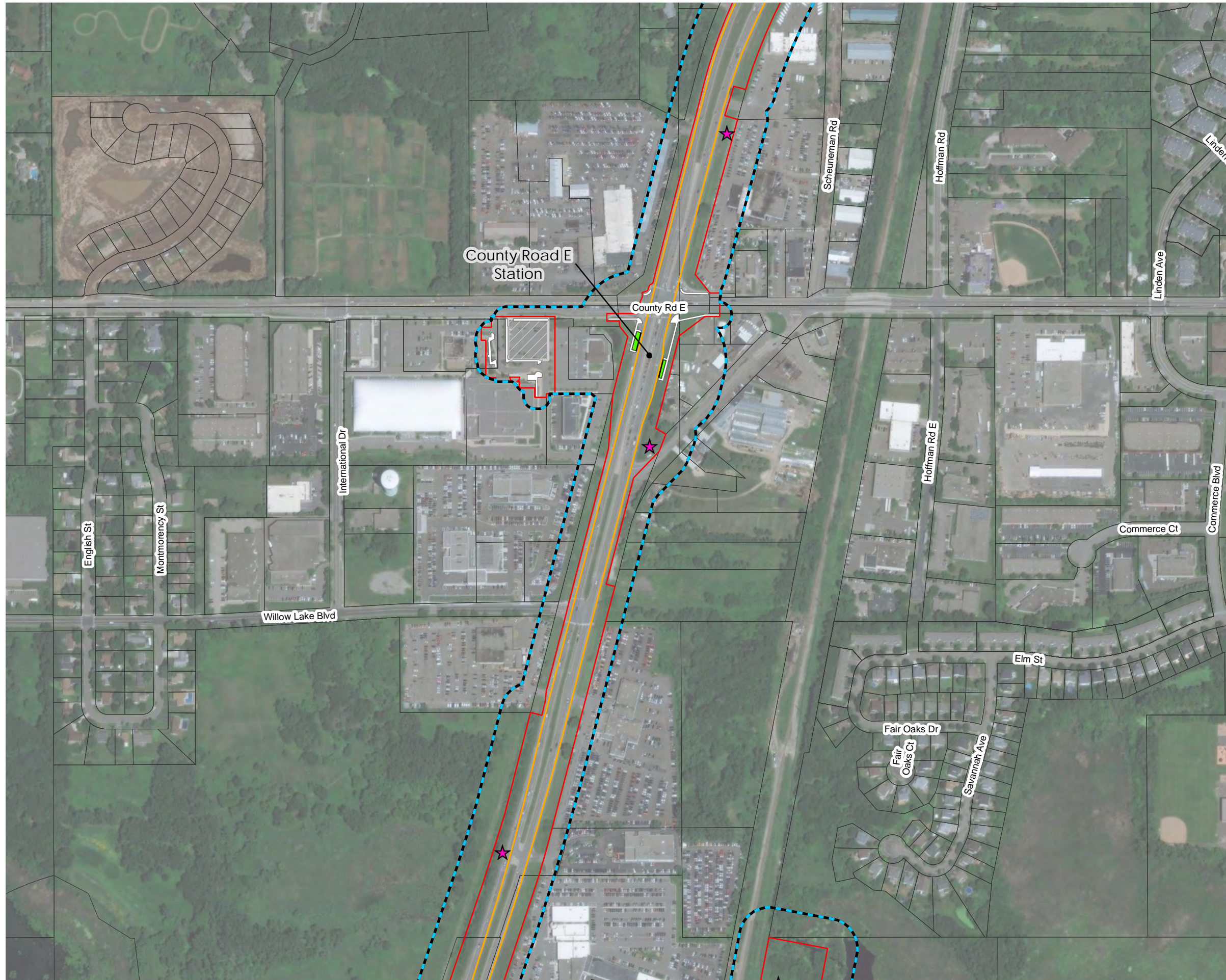












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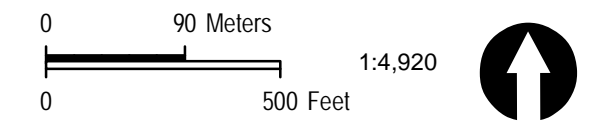
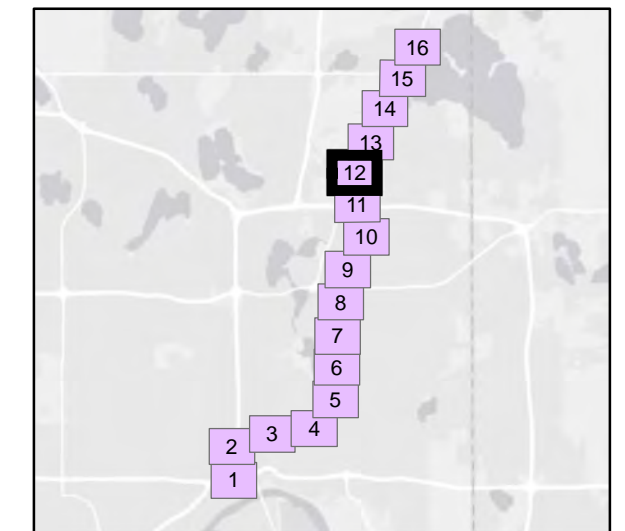


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Rush Line BRT
Ramsey County, Minnesota

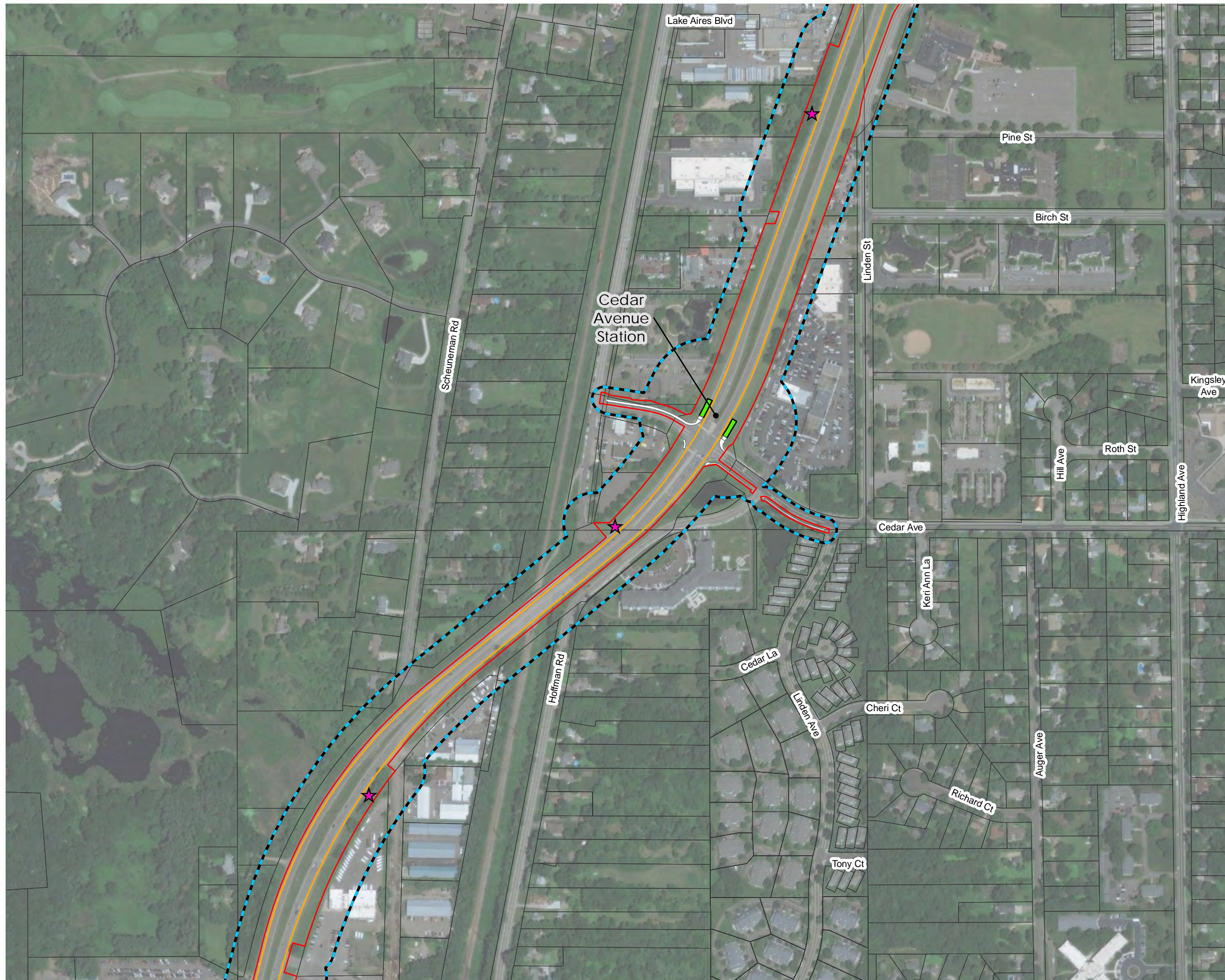












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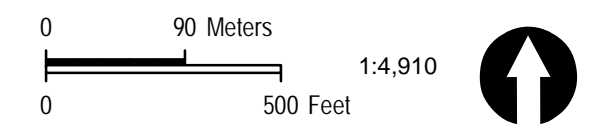
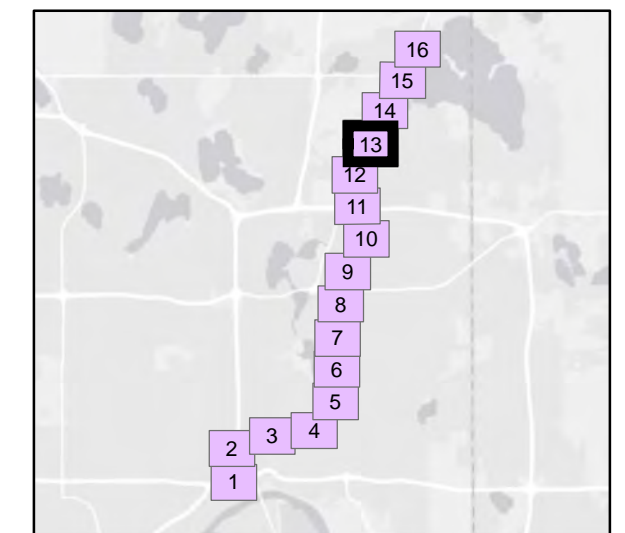


Area of Potential Effect
As Revised on 2/3/2020

Rush Line BRT
 Ramsey County, Minnesota

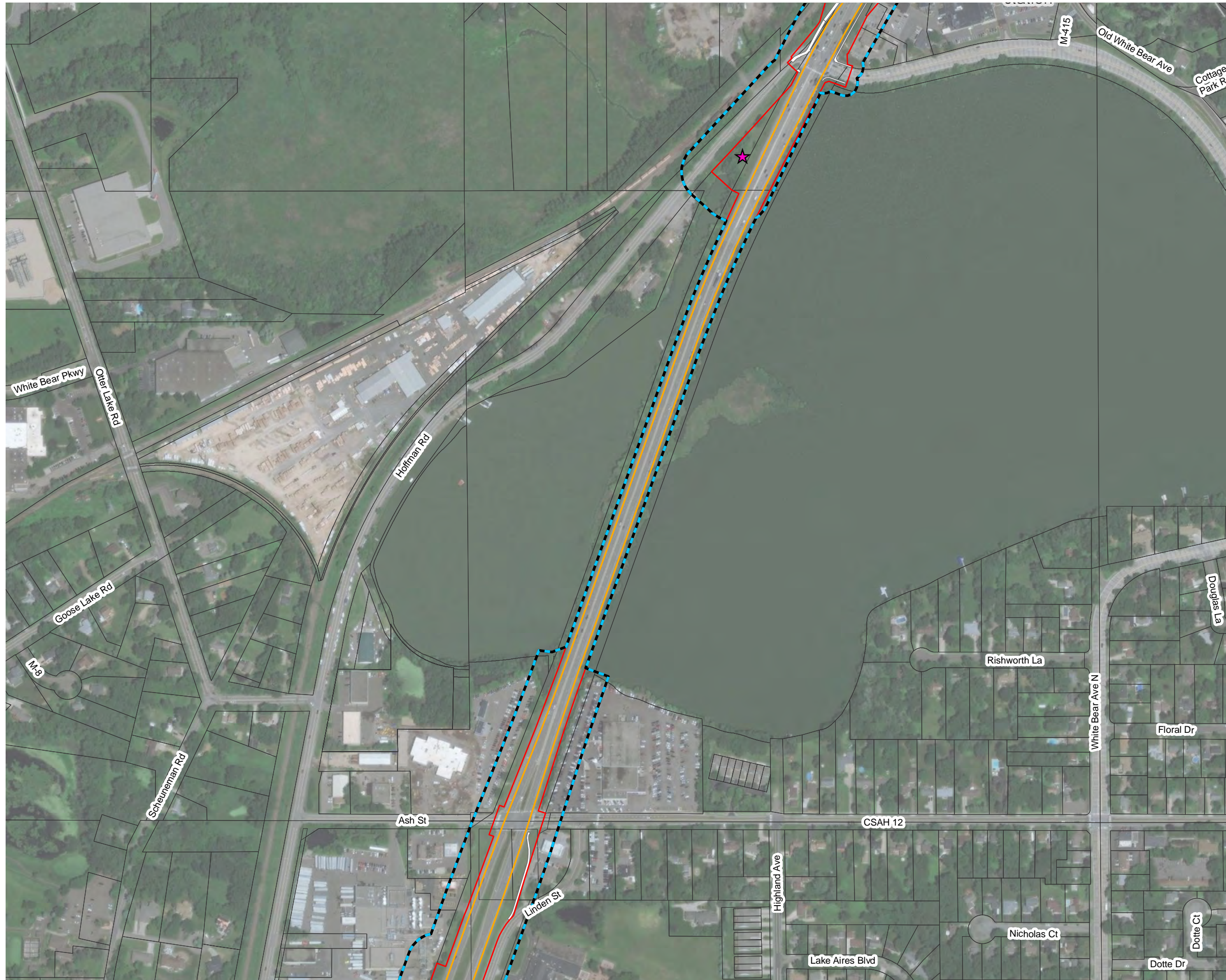












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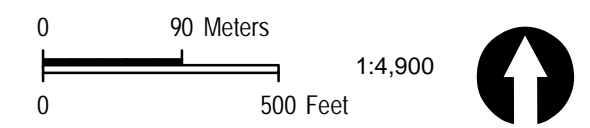
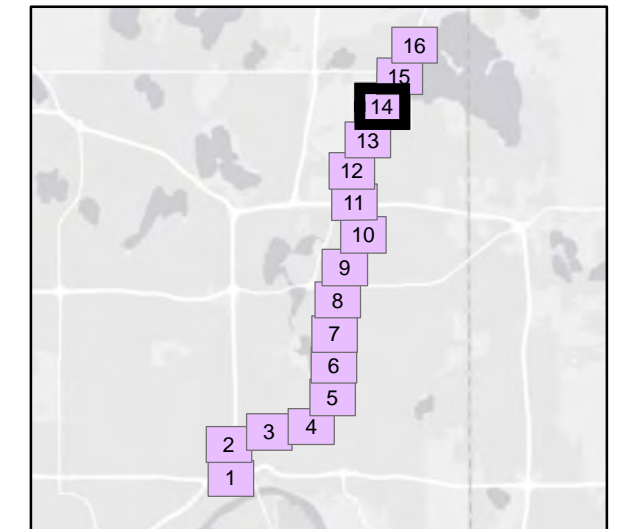


Area of Potential Effect
 As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota

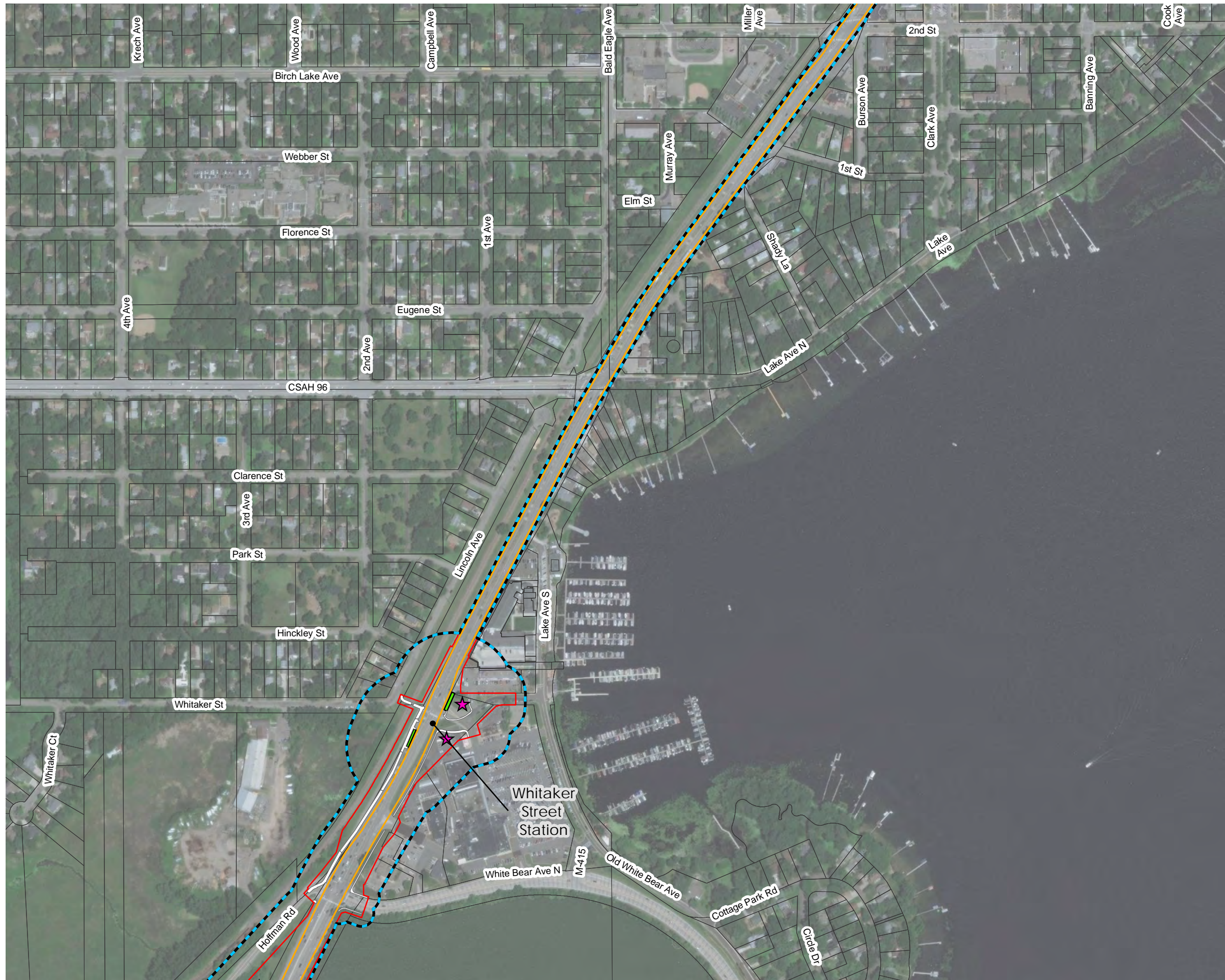












-  Area of Potential Effect (2-3-2020)
-  Limits of Disturbance (1-31-2020)
-  Alignment (1-21-2020)
-  Station Platforms (1-21-2020)
-  Bridges (1-27-2020)
-  Sidewalks and Trails (1-31-2020)
-  Park and Rides (1-31-2020)
-  Retaining Walls (1-28-2020)
-  Potential Stormwater (BMP) Points (9-20-2019)
-  Potential Linear Stormwater (BMP) Sites (9-20-2019)

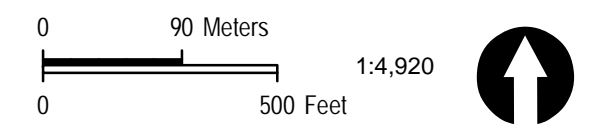
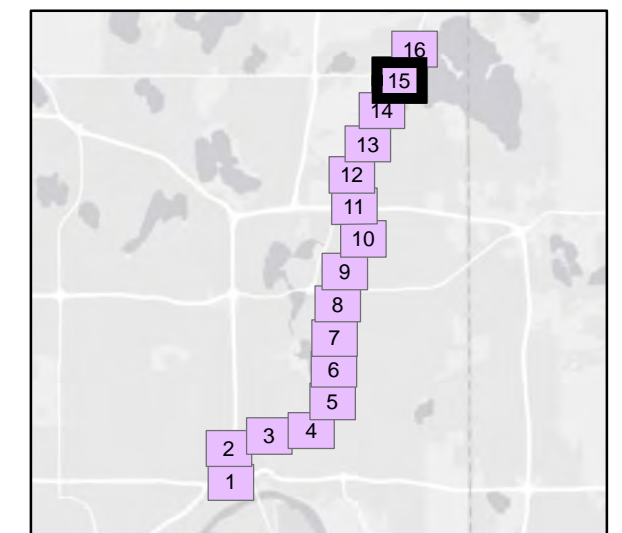


Area of Potential Effect
 As Revised on 2/3/2020

Rush Line BRT
Ramsey County, Minnesota

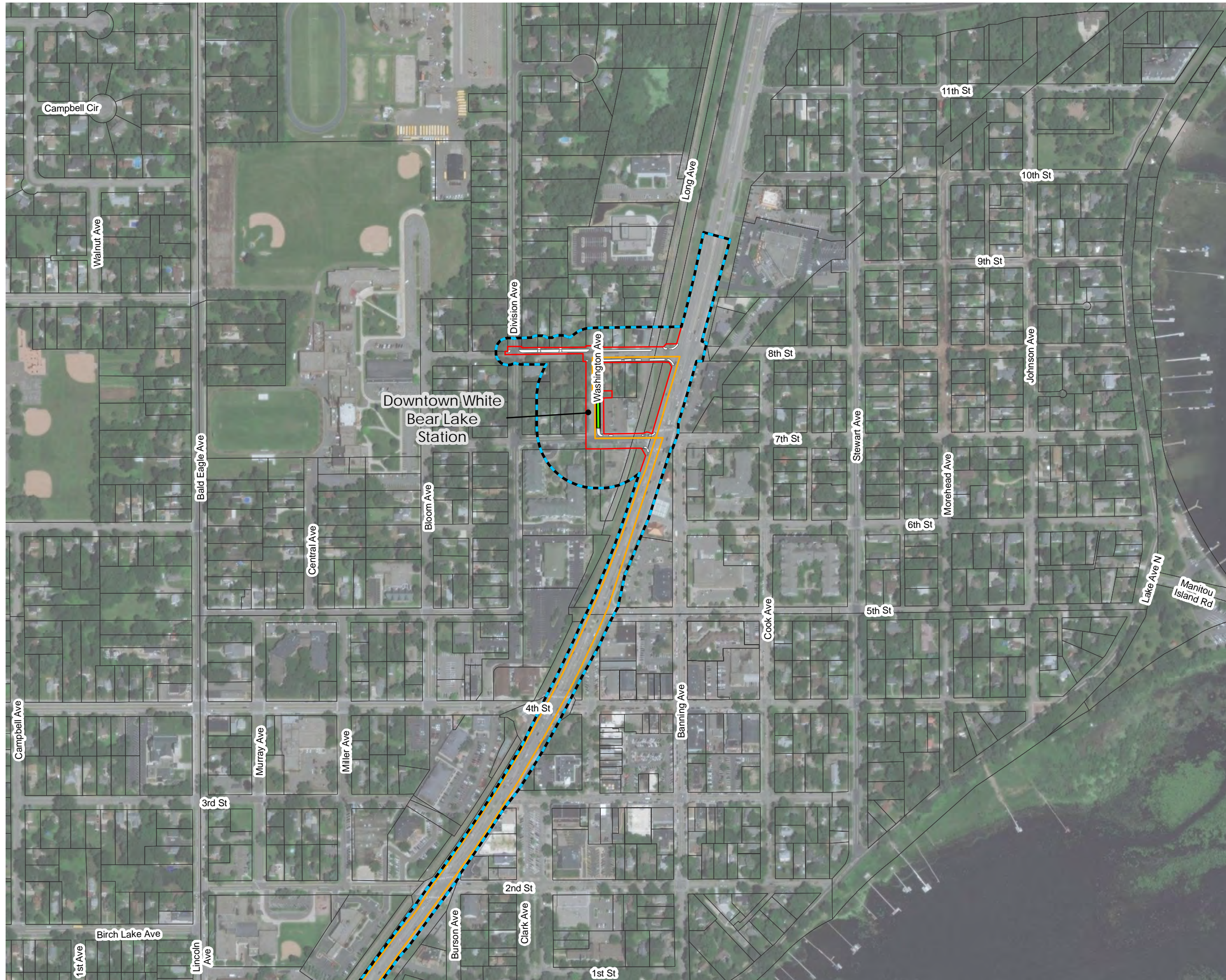


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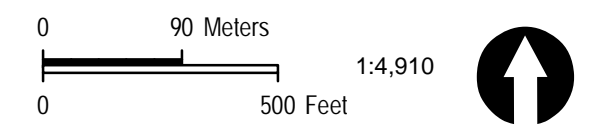
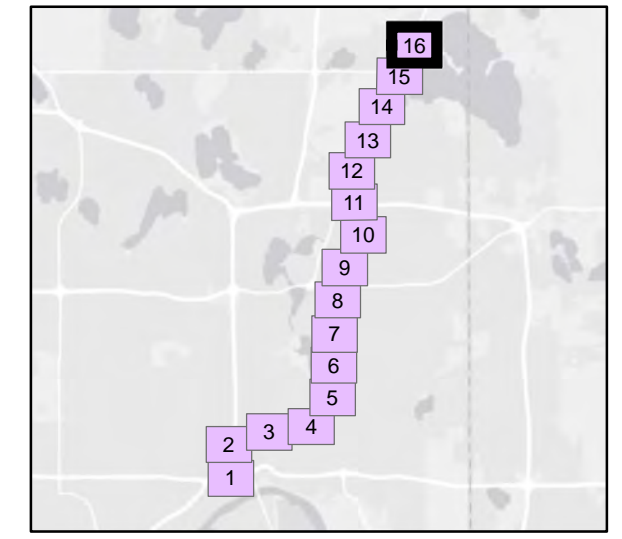


Area of Potential Effect
 As Revised on 2/3/2020

Rush Line BRT
 Ramsey County, Minnesota



- Area of Potential Effect (2-3-2020)
- Limits of Disturbance (1-31-2020)
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Area of Potential Effect
 As Revised on 2/3/2020

Attachment C
Historic Properties in the APE

Inventory or Site No.	Property Name	Address	City	Effect Finding
RA-SPC-4580	Lowertown Historic District	Roughly bounded by Shepard Road, Kellogg Boulevard, Broadway Street, 7th Street, and Sibley Street	Saint Paul	No Adverse Effect with Conditions
RA-SPC-5225, RA-SPC-6907	Saint Paul Union Depot	214 East 4th Street	Saint Paul	No Adverse Effect with Conditions
RA-SPC-5462	Finch, Van Slyck and McConville Dry Goods Company	360–366 Wacouta Street	Saint Paul	No Adverse Effect
RA-SPC-8364	Saint Paul Urban Renewal Historic District	Roughly between 6th Street, Kellogg Boulevard, Wabasha Street, and Jackson Street	Saint Paul	No Adverse Effect
RA-SPC-3168	First Farmers and Merchants National Bank Building	332 Minnesota Street	Saint Paul	No Adverse Effect
RA-SPC-4645	First National Bank of Saint Paul	332 Minnesota Street	Saint Paul	No Adverse Effect
RA-SPC-3167, RA-SPC-3169, RA-SPC-5223, RA-SPC-6903	Pioneer and Endicott Buildings	322–350 North Robert Street, 141 East 4th Street, 142 East 5th Street	Saint Paul	No Adverse Effect
RA-SPC-3170	Manhattan Building (aka Empire Building)	360 North Robert Street	Saint Paul	No Adverse Effect
RA-SPC-3171	Golden Rule Department Store Building	85–95 7th Place	Saint Paul	No Adverse Effect
RA-SPC-3174	Foot, Schulze & Company Building	500 North Robert Street	Saint Paul	No Adverse Effect
RA-SPC-6330	Produce Exchange Building	523 Jackson Street	Saint Paul	No Adverse Effect

Inventory or Site No.	Property Name	Address	City	Effect Finding
RA-SPC-5918	Great Northern Railroad Corridor Historic District	Saint Paul to Minneapolis	Saint Paul	No Adverse Effect with Conditions
RA-SPC-4582	StPM&M Railway Company Shops Historic District	Jackson Street and Pennsylvania Avenue	Saint Paul	No Adverse Effect
RA-SPC-5618	Westminster Junction	Roughly bounded by the Lafayette Road Bridge, I-35E, a line approximately 1,300 feet south of the Cayuga Street Bridge, and a line approximately 400 feet southwest of the Cayuga Street/Phalen Boulevard intersection	Saint Paul	No Adverse Effect with Conditions
XX-RRD-CNW001	StPS&TF/Omaha Road Railroad Corridor Historic District	Saint Paul to Stillwater Junction Segment	Saint Paul	No Adverse Effect with Conditions
XX-RRD-NPR001	LS&M Railroad Corridor Historic District	Saint Paul to White Bear Lake Segment	Saint Paul, Maplewood, Vadnais Heights and White Bear Lake	Adverse Effect
XX-RRD-NPR004	1868 Alignment of the LS&M Railroad	Between Eldridge Avenue East and County Road B East	Maplewood	Adverse Effect
XX-RRD-NPR003	1868 Alignment of the LS&M Railroad	Between Gervais Avenue and County Road C	Maplewood	Adverse Effect
XX-RRD-NPR002	1868 Alignment of the LS&M Railroad	Between Kohlman and Beam Avenues	Maplewood	Adverse Effect
XX-RRD-NPR005	LS&M Railroad Corridor Historic District	White Bear Lake to Hugo Segment	White Bear Lake	Adverse Effect
RA-SPC-2926	Theodore Hamm Brewing Company Complex	Minnehaha Avenue East between Payne Avenue & Stroh Drive	Saint Paul	No Adverse Effect

Inventory or Site No.	Property Name	Address	City	Effect Finding
RA-SPC-0455	3M Administration Building (3M Main Plant, Building 21)	777 Forest Street	Saint Paul	No Adverse Effect
RA-SPC-10850	Phalen Park	1600 Phalen Drive	Saint Paul	No Adverse Effect with Conditions
RA-SPC-8497, RA-SPC-5685	Johnson Parkway	Johnson Parkway from Indian Mounds Park to Lake Phalen	Saint Paul	No Adverse Effect with Conditions
Site 21RA70	Gladstone Shops (Gladstone Savanna Neighborhood Preserve)	Southwest corner of Frost Avenue and English Street	Maplewood	No Adverse Effect
RA-MWC-0134	Moose Lodge 963	1946 English Street North	Maplewood	No Adverse Effect with Conditions ³
RA-MWC-0106	Madeline L. Weaver Elementary School	2135 Binghamton Street	Maplewood	No Adverse Effect with Conditions
RA-WBC-0031	Polar Chevrolet Bear/Paul R. Bear	1801 County Road F East	White Bear Lake	No Adverse Effect

³ FTA originally found that the Project would have No Adverse Effect to Moose Lodge 963; MnSHPO did not concur. FTA in consultation with MnSHPO and other Consulting Parties developed conditions to ensure the Project would avoid adverse effects to the historic property. Those conditions are reflected in this MOA.

Attachment D
**Standard Mitigation Measure to Repair Unanticipated Damage to Historic Properties in
Accordance with SOI Standards**

APPLICABILITY

This measure may be implemented either during or after the completion of PROJECT construction to resolve, or resolve in part, an adverse effect identified under MOA Stipulation XIV.

In addition to meeting the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties (36 CFR Part 68), as applicable (SOI Standards), repairs to the historic property shall also follow the guidance provided within National Park Service's Preservation Briefs (<https://www.nps.gov/tps/how-to-preserve/briefs.htm>) to the greatest extent possible.

The Metropolitan Council is responsible for ensuring that the deliverables outlined below are submitted and reviewed as described.

DELIVERABLES:

- Scope of Work, including plans, specifications, and/or other documentation necessary to ensure work is carried out pursuant to the SOI Standards.
- If applicable, a description of new construction protection measures (CPMs) required to avoid additional effects on the historic property
- Historic property inspections as described in MOA Stipulation VII.A.iii.b. As noted in MOA Stipulation XIV, one inspection is required to document the damage to the historic property immediately following discovery of the damage. A post construction historic property inspection is also required to document that the repairs were carried out as planned and that no additional harm was done to the historic property.

Deliverables shall be submitted and reviewed as documented in the Course of Action prepared under Stipulation XIV and as specified during consultation. Unless otherwise specified during consultation, and agreed to in writing, all repairs and deliverables shall be completed no later than one (1) year following the date the Project initiates revenue service operations.