



Office of Environmental Stewardship

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1800

Office Tel: (651) 366-4291

May 10, 2018

Re: S.P. 2780-97, I-94 Improvements, Dayton, Maple Grove, and Rogers, Hennepin County T120N, R23W, Sections 14, 23-25, and 36; T120N, R22W, Section 31; T119N, R22W, Sections 5, 6, 8, 16, 17, 21, 22, and 27

Dear Tribal Representative:

The Minnesota Department of Transportation is proposing improvements to I-94 with federal funds administered by the Federal Highway Administration (FHWA). This undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and under the National Environmental Policy Act (NEPA). Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties (i.e., those properties eligible for or listed on the National Register of Historic Places). This process involves efforts to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. On behalf of the FHWA, which has designated its Section 106 responsibilities to the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU), we are now initiating review to determine the possible effects of the undertaking (if any) on historic properties. In accordance with 36 CFR 800.2(c) of the NHPA and as per the terms of the Programmatic Agreement between the Tribe and the FHWA, we are contacting you to see if you know of any historic properties of religious or historic significance in the area, and to see if you would like to participate in the Section 106 process for this project (i.e., to be a consulting party).

The Minnesota Department of Transportation is proposing improvements to a portion of Interstate 94 through the cities of Maple Grove, Dayton, and Rogers. The project includes constructing an unbonded concrete overlay between the I-494/I-694 interchange and Trunk Highway (TH) 101; construction of the Brockton interchange; construction of west-bound and east-bound auxiliary lanes between the future Brockton interchange and TH 101; and potentially the construction of a west-bound auxiliary lane between the I-94/I-694 split and County State Aid Highway (CSAH) 109/Weaver Lake Road (see enclosed maps). The Brockton interchange is currently planned as a partial cloverleaf. Additional right-of-way is expected to be needed with this interchange. Stormwater ponding and treatment will be needed with this project. Additionally, it is anticipated that culverts will need to be removed and replaced along the project corridor.

Our office has defined the area of potential effect (APE) for the project as the proposed construction limits. The APE is defined as the geographic area or areas within which an

undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Once the APE was established, we examined the SHPO database for the list of previously recorded resources in the area. Based on these queries, there are 18 previously recorded burial sites or archaeological resources within the APE, or adjacent to it: 21HE0076 (Rice Lake Mounds), 21HE0079 (Shadow Creek Mounds), 21HE0103 (unnamed mound), 21HE0107 (artifact scatter), 21HE0128 (artifact scatter), 21HE0129 (artifact scatter), 21HE0130 (lithic scatter), 21HE0131 (lithic scatter), 21HE0136 (artifact scatter), 21HE0137 (artifact scatter), 21HE0138 (lithic scatter), 21HE0139 (artifact scatter), 21HE0140 (artifact scatter), 21HE0141 (artifact scatter), 21HE0187 (artifact scatter), 21HE0249 (lithic scatter), 21HEe (Fish Lake Mounds), and 21HEs (reported mound).

We would appreciate any comments you may have about historic, cultural, and archaeological resources and other concerns regarding this project. Our planning schedule is such that we must initiate work on our environmental and historic preservation studies, so we hope to hear from you within **30 days** of receipt of this letter. If you indicate that you are not aware of any historic properties with religious or cultural significance and that you do not wish to comment on the project, or if our office does not receive a response within 30 days, we will conclude that you do not wish to be a consulting party for this project and no further project information will be forwarded.

Thank you for your attention to this request. We look forward to working with you on this project.

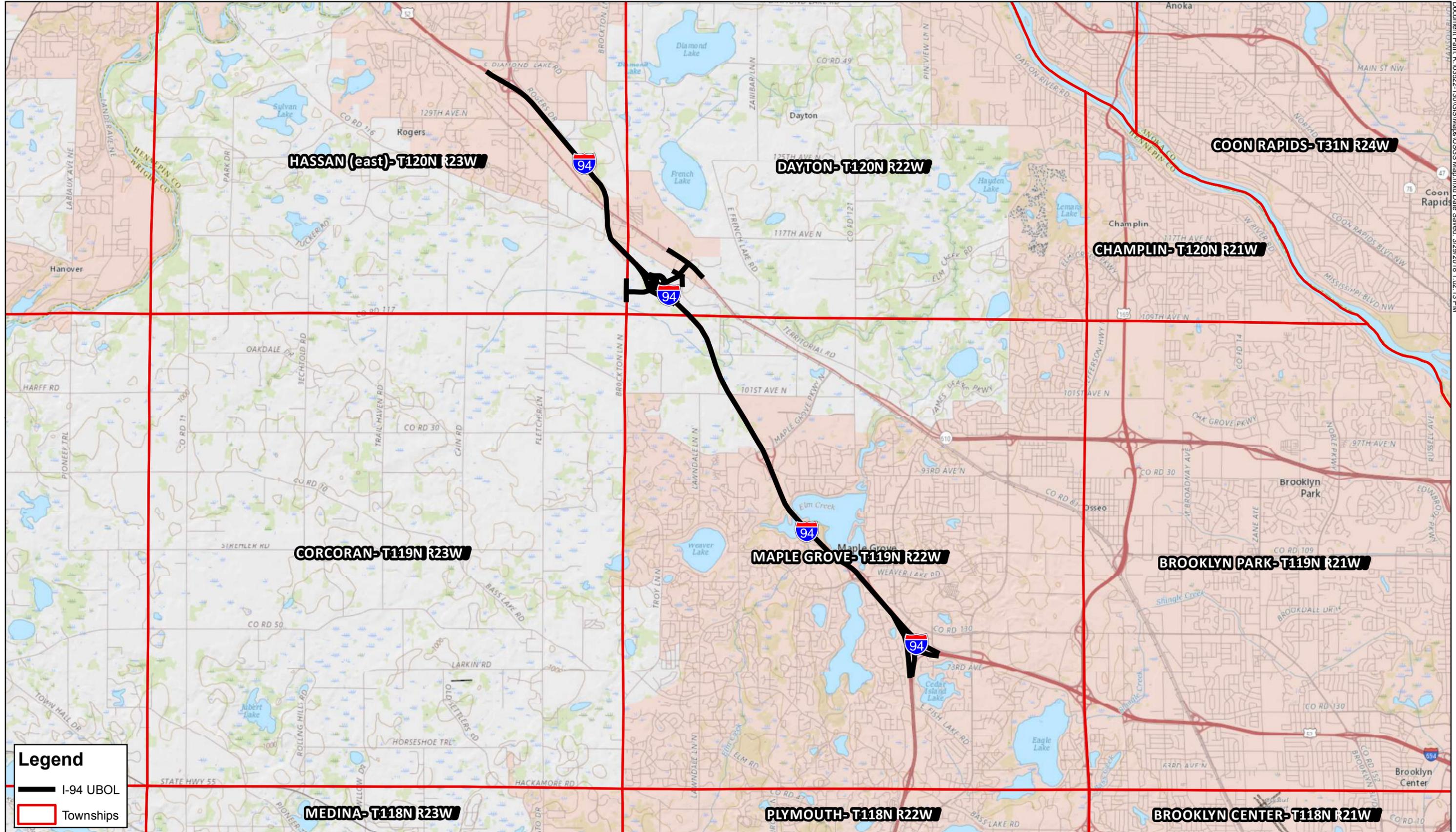
Sincerely,



Renée Hutter Barnes
Historian
Cultural Resources Unit

Encl.

cc: Floyd Azure, Chairman, Fort Peck Tribes
Cheyanne St. John, THPO, Lower Sioux Indian Community
Brian Pendleton, Chairman, Lower Sioux Indian Community (email)
Roger Trudell, Chairman, Santee Sioux Nation (email)
Duane Whipple, THPO Office, Santee Sioux Nation (email)
Dianne Desrosiers, THPO, Sisseton-Wahpeton Oyate Community (email)
Jim Whitted, THPO Office, Sisseton-Wahpeton Oyate Community (email)
Wayne Cloud-Assist, THPO Office, Sisseton-Wahpeton Oyate Community (email)
Bruce Nadeau, THPO, Turtle Mountain Band of Chippewa (email)
Kevin Jensvold, Chairman, Upper Sioux Community (email)
Samantha Odegard, THPO Coordinator, Upper Sioux Community
Rick Dalton, MnDOT Metro District (email)
Jerome Adams, MnDOT Metro District (email)
MnDOT CRU Project File



Legend

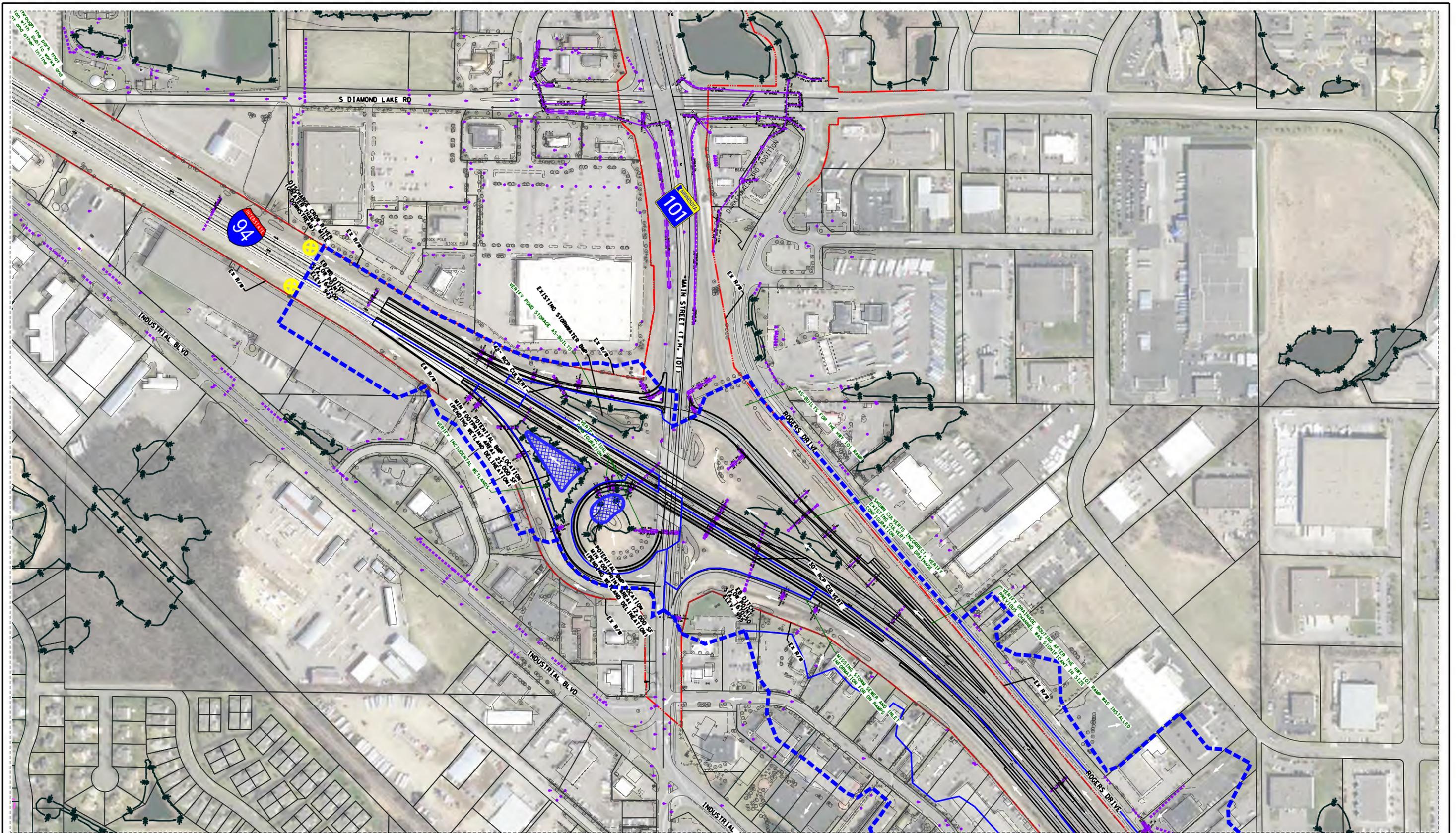
- I-94 UBOL
- Townships

I-94 UBOL USGS Map
 Figure 3
 SP 2780-97

N

0 6,000 Feet
 1 inch = 6,000 feet





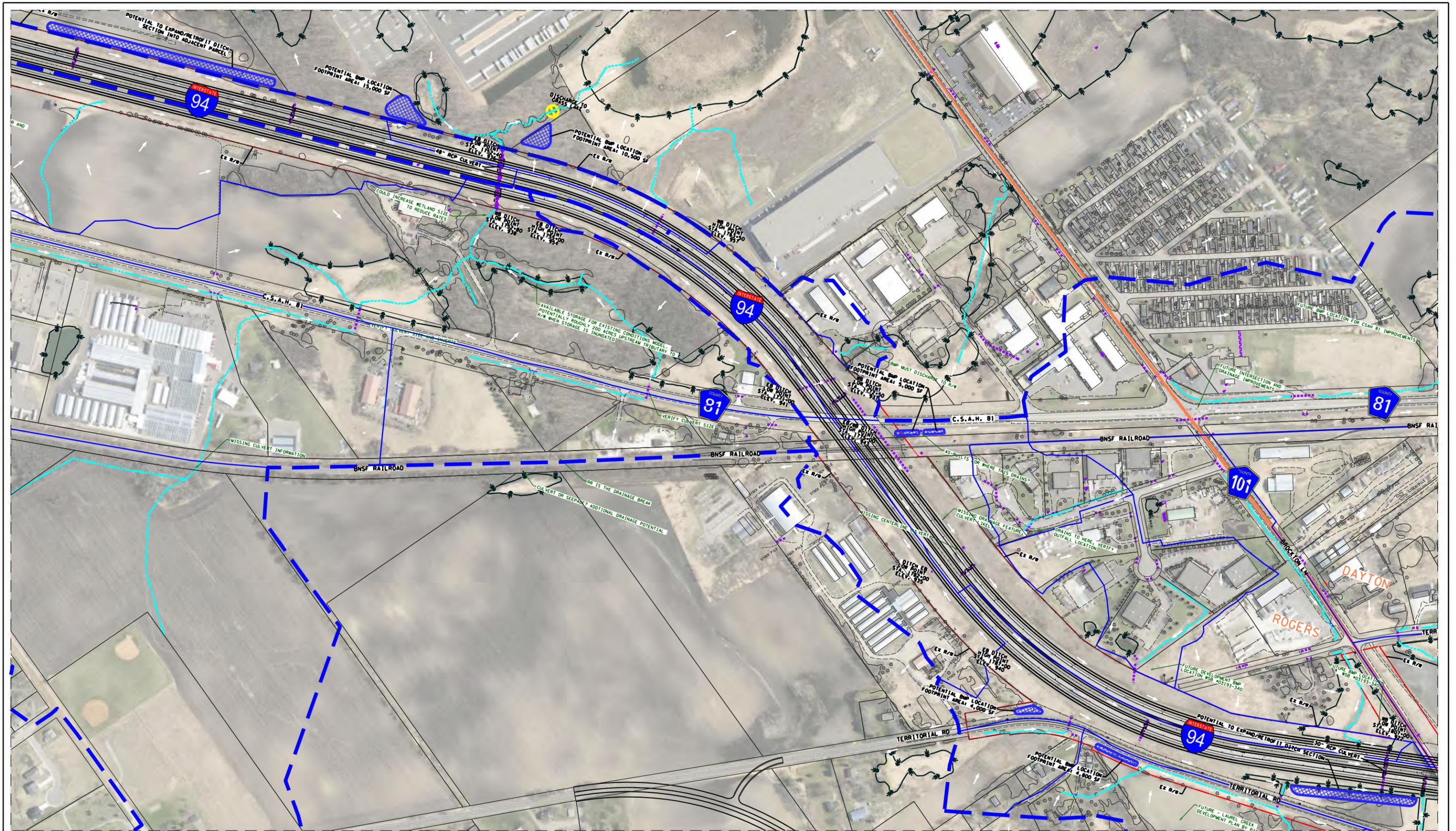

I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend
 Potential BMP (Pond) Location



Figure 1
Ponding Locations


Potential BMP (Pond) Location



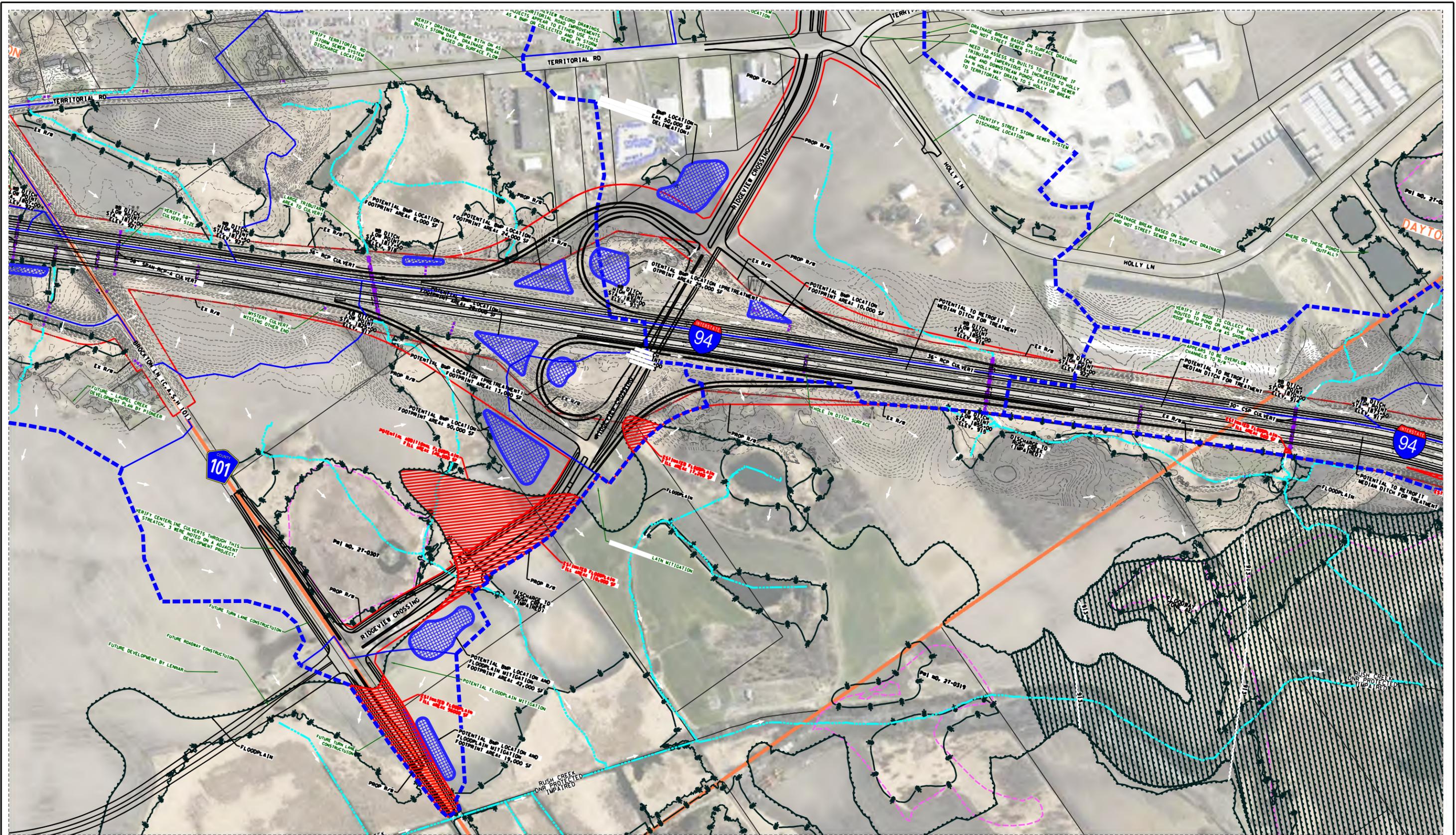

I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend

 Potential BMP (Pond) Location



Figure 2
Ponding Locations

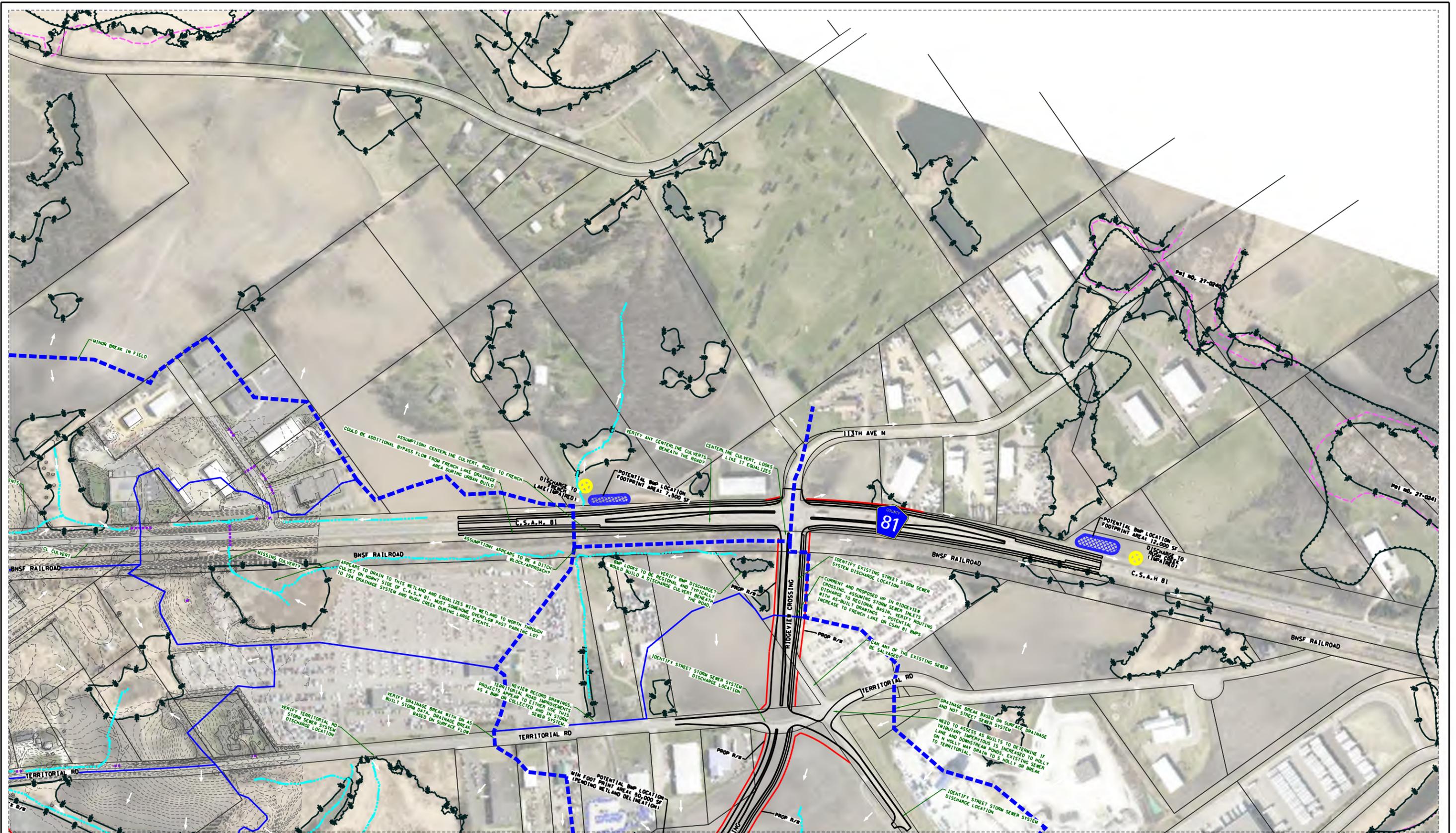

I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend

 Potential BMP (Pond) Location



Figure 3
Ponding Locations

m DEPARTMENT OF TRANSPORTATION
I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend

 Potential BMP (Pond) Location

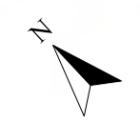
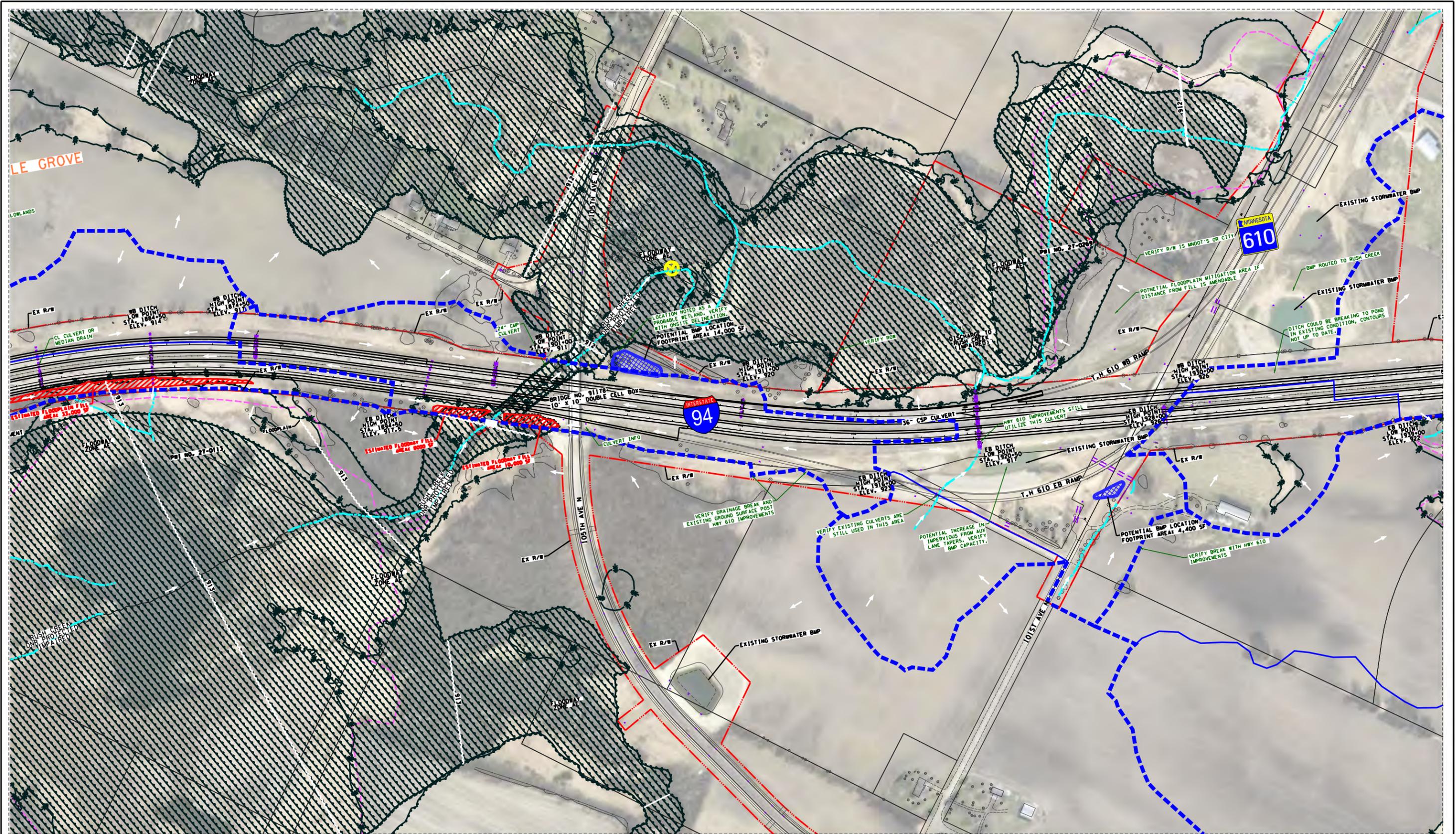


Figure 4
Ponding Locations 




I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend


 Potential BMP (Pond) Location

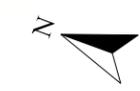
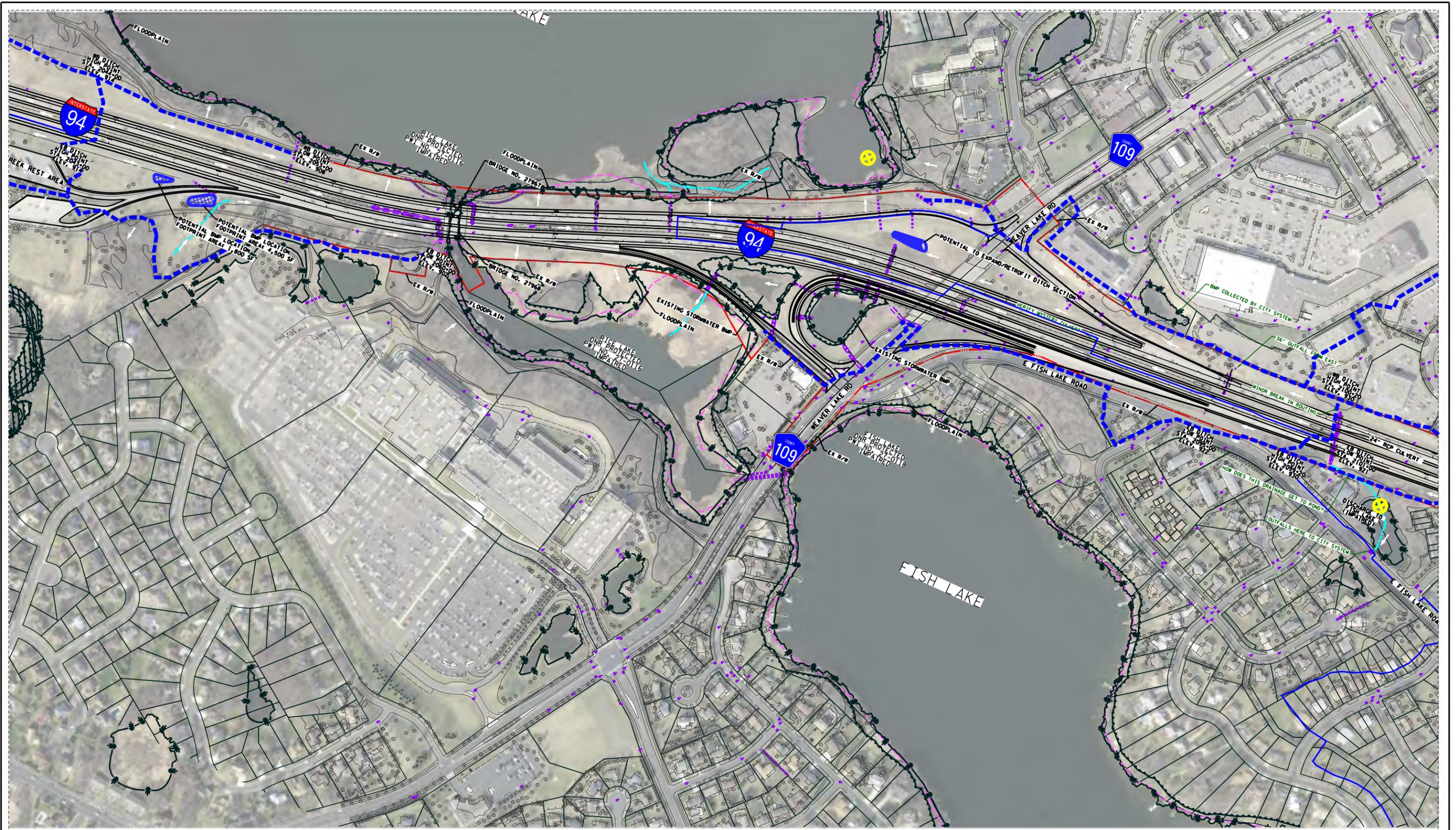


Figure 5
Ponding Locations

I-94 Unbonded Overlay Project

Maple Grove, Minnesota to Rogers, Minnesota

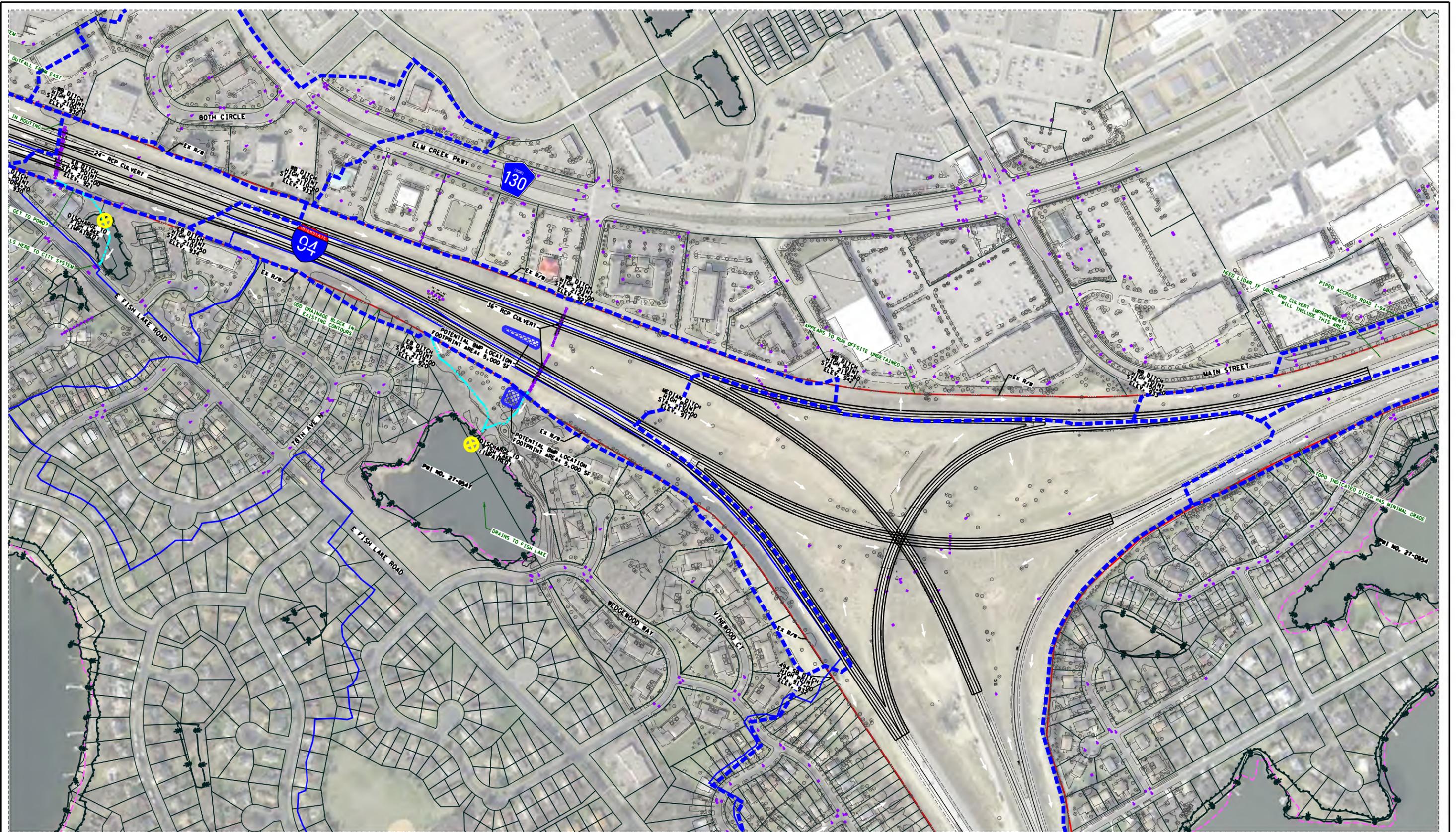
Legend

 Potential BMP (Pond) Location



Figure 6
Ponding Locations






I-94 Unbonded Overlay Project
 Maple Grove, Minnesota to Rogers, Minnesota

Legend

 Potential BMP (Pond) Location



Figure 7
Ponding Locations


December 3, 2018

Sarah Beimers, Environmental Review Program Manager
State Historic Preservation Office, Administration Building #203
50 Sherburne Ave., Saint Paul, MN 55155

Re: S.P. 2780-97, I-94 Unbounded Concrete Overlay and Brockton Interchange, Maple Grove, Dayton, and Rogers, Hennepin County

Dear Ms. Beimers,

We have reviewed the above-referenced undertaking pursuant to our Federal Highway Administration (FHWA)-delegated responsibilities for compliance with Section 306108 (formerly known as Section 106 of the National Historic Preservation Act [54 USC 300101 et. seq.]) and its implementing regulations, 36 CFR 800, and as per the terms of the 2015 Section 106 Programmatic Agreement between the FHWA and the Minnesota State Historic Preservation Office (SHPO). We have also reviewed the above-referenced undertaking pursuant to MnDOT's responsibilities under the Minnesota Historic Sites Act (MS 138.665-.666), the Field Archaeology Act of Minnesota (MS 138.40); and the Private Cemeteries Act (MS 307.08, Subd. 9 and 10).

FHWA is the lead federal agency for this Section 106 Review. As per the terms of the 2015 PA between the FHWA and the Corps, the Corps has no further 106 responsibilities. If this project requires a permit from the Corps of Engineers, **the project proposer will include this findings letter with the permit application so the Corps understands that their obligations under Section 106 are complete**, as per the terms of the statewide PA.

PROJECT DESCRIPTION

This project will be delivered in three parts. All are covered under this Section 106 review, and are included in the same environmental document. See enclosed plans labeled Figures 6A-6G.

1. Advanced Widening Project — let in June 2019 and will involve reinforcement of the shoulders on the westbound lanes and 7 feet of additional widening on the right shoulder of the westbound lanes. The purpose of this project is to prepare for construction in 2020 by providing sufficient width to maintain six lanes while constructing the eastbound lanes. This portion of the project's construction plans will be a standard design-bid-build process and will include a plan set at 60 and 90 percent.
2. I-94 Resurfacing — let in Oct 2019 and will be completed as a design-build project. The project will resurface 9.6 miles of the existing pavement on I-94 from the I-494/I-694 interchange in Maple Grove to TH 101 in Rogers, MN. Resurfacing will be accomplished by placing an unbonded concrete overlay over the existing concrete traffic lanes and over the existing bituminous shoulders. Other portions of the design-build portion of the project include repaving the parking lot and expanding the truck parking capacity at the Elm Creek Rest Area in Maple Grove; modifying trails and sidewalks within the MnDOT right of way to make them ADA compliant; constructing noise walls, replacing deficient stormwater management systems; and possibly constructing a commercial vehicle enforcement lane in the westbound direction between CSAH 81 and TH 101 in the City of Rogers. The project will also involve the addition of a new travel lane in both the westbound and eastbound directions of I-94 from TH 610 to TH 101. To accommodate the addition of the eastbound travel lane near TH 101, an additional lane will be added on eastbound I-94 from the end of the exit ramp to TH 101 to the end of the entrance ramp from TH 101.

- Dayton Parkway Interchange (previously referred to as the Brockton Interchange) — let by the City of Dayton in Spring 2020. This project will be design-bid-build with 30-60-90 percent plans. The new interchange will be a four-lane diverging diamond interchange and include intersection improvements at Brockton Lane on the west and CSAH 81 on the east.

AREAS OF POTENTIAL EFFECTS AND IDENTIFICATION AND EVALUATION EFFORTS

Architecture/History Resources

The boundaries of the architecture-history APE (Map 2 in the enclosed report *Phase I and II Architecture-History Investigation, I-94 Unbonded Concrete Overlay (UBOL) and Other Improvements, Rogers to Maple Grove, Hennepin County (SP 2780-97)*) are aligned fairly close to the I-94 right-of-way in all but one location – the proposed site of a new so-called Brockton Interchange located in southwestern Dayton.

Within the architecture-history APE, the consultant Gemini Research examined all properties and inventoried those whose principal resource was constructed before 1976. There were 31 extant properties surveyed, seven of which had been previously inventoried. Three previously recorded properties have been razed. None of the inventoried properties are currently listed in the NRHP. Gemini identified six properties that merited or required additional fieldwork, research, or analysis and conducted Phase II evaluations to help determine their NRHP eligibility. Gemini then evaluated the National Register eligibility of all properties.

Gemini recommends there are five properties in the Architecture-History APE that are listed in, or eligible for, the NRHP, or that are a contributing element within a historic district that is listed in, or eligible for, the NRHP. All five are contributing elements within the M&NW/StPM&M/GN West Side Line (Osseo Branch) Railroad Corridor Historic District which is recommended eligible for the NRHP. Three of the properties are railroad segments, one is a railroad bridge, and one is a railroad trestle. Our unit agrees with the consultant's recommendations, and therefore has determined that the following properties are **eligible for the National Register**:

- HE-DYC-018 M&NW/StPM&M/GN West Side Line (Osseo Branch), Dayton Segment
- HE-DYC-025 M&NW/StPM&M/GN West Side Line (Osseo Branch), Rush Creek Trestle Located within the Dayton Segment
- HE-HAT-055 M&NW/StPM&M/GN West Side Line, Hassan Township Segment Located within the Rogers Segment
- HE-RGC-011 M&NW/StPM&M/GN West Side Line (Osseo Branch), Rogers Segment
- XX-BRI-061 M&NW/StPM&M/GN West Side Line (Osseo Branch), Crow River Bridge Located within the Rogers Segment

Gemini Research recommends that the rest of the inventoried properties in the architecture-history APE are not eligible for the NRHP. Our unit agrees with the consultant's recommendations, and therefore has determined that the following properties are **not eligible for the National Register**:

- HE-DYC-017 Dayton 18130 Territorial Rd Miller Farmstead
- HE-DYC-019 Dayton 11150 Brockton Lane N Lucht Farmstead
- HE-DYC-020 Dayton 11030 Holly Lane N Schoch Farmstead
- HE-DYC-021 Dayton 18660 Co Rd 81 Mayer Farmstead
- HE-DYC-022 Dayton 18950 Territorial Rd Cardinal Farmstead
- HE-DYC-023 Dayton Farm lane over Rush Crk, .75 mi. E of Brockton Ln, Private Bridge

- HE-DYC-024 Dayton ca. 17400 Territorial Rd Stein Farmstead
- HE-HAT-060 Rogers BNSF RR over I94, 2.1 miles SE of Jct TH101 Bridge 27948
Noncontributing to Eligible RR Hist Dist
- HE-MGC-060 Maple Grove 16975 101st Ave N Roeder Farmstead
- HE-MGC-089 Maple Grove Abandoned Road Over Rush Crk near 105th Ave N & Holly Lane Abandoned Township Bridge
- HE-MGC-090 Maple Grove 8111 Maple Lane N House
- HE-MGC-091 Maple Grove 8123 Maple Lane N House
- HE-MGC-092 Maple Grove 8135 Maple Lane N House
- HE-MGC-093 Maple Grove 8147 Maple Lane N House
- HE-MGC-094 Maple Grove 8159 Maple Lane N House
- HE-MGC-095 Maple Grove 8171 Maple Lane N House
- HE-MGC-096 Maple Grove 7280 East Fish Lake Rd House
- HE-RGC-015 Rogers 11215 Brockton Lane N House
- HE-RGC-016 Rogers 19520 Co Rd 81 Tool Warehouse
- HE-RGC-017 Rogers 19615 Territorial Rd House
- HE-RGC-018 Rogers 19625 Territorial Rd Dierkemeyer Farmhouse
- HE-RGC-019 Rogers 19635 Territorial Rd House
- HE-RGC-020 Rogers 19645 Territorial Rd House
- HE-RGC-021 Rogers 19800 Territorial Rd House
- HE-RGC-022 Rogers 21150 Rogers Dr Rapid Marine
- HE-RGC-023 Rogers 19137 Territorial Rd Temple Farmstead

Archaeological Resources

The area of potential effects (APE) for archaeological resources largely follows the existing I-94 right of way (ROW) with expansions to buffer the locations of improvements that extend beyond the ROW (see Figure 2 and Appendix A in enclosed report). In the area of the new Brockton Interchange, the APE follows anticipated construction limits with some expansion for storm water pond locations. The APE was established as encompassing the ROW, even though there will not be ground disturbance throughout the ROW. The larger archaeological APE was selected since project plans were in flux and having a larger APE allowed the project team to know where potential archaeological sites are and to avoid them when planning elements such as storm-water ponds.

Two Pines completed a Phase I archaeological survey for the project. The purpose of the Phase I archaeological survey was to determine if the project's APE contains any intact archaeological resources that may be eligible for listing in the National Register of Historic Places. Prior to the Phase I archaeological survey, four archaeological sites (21HE76, 21HE130, 21HE187, and 21HE249) and two site leads (21HEe and 21HEs) had been recorded within, or partially within, the project's archaeological APE. Two additional sites (21HE511 and 21HE512) were newly identified during the 2018 survey.

One previously identified archaeological site is a burial mound group (21HE76 – Rice Lake Mounds) located within MnDOT's ROW, but outside any proposed ground-disturbing activities. Further, while the site has an occupational component, that portion is located off MnDOT ROW and is not included in the project's APE. The site is determined eligible for the National Register for the purposes of this review only. While the site boundaries as shown in the map indicate it stretches to the highway, portions of the site have been destroyed through previous construction activities. The extant portions of the site in MnDOT ROW, which consists of the mounds, are located within a protected area which is fenced off. No project work will occur within the

fenced area. The two extant mounds within this group are subject to the Private Cemeteries Act (Minnesota Statutes 307.08).

The four remaining previously identified sites are Native American heritage artifact scatters or lithic scatters. Site 21HE187, a small Native American resource-procurement site, was previously evaluated as eligible for listing in the National Register. Intact archaeological deposits are located beyond (northeast) of both the chain link highway fence and the City of Maple Grove's paved trail system. Similarly, intact archeological deposits associated with 21HE130 (unevaluated lithic scatter) are located beyond (west) of the top of the highway backslope. The intact portions of these sites are currently located beyond planned project effects. However, notations on project plans and visual barriers will be included in the construction plans to avoid inadvertent disturbance of these site locations. Should changes to project plans necessitate work within the boundary of 21HE130 or 21HE187, a Phase II evaluation of the site will be performed.

Site 21HE249 was previously excavated and its location since destroyed by subsequent development and so it is not eligible for listing in the National Register of Historic Places.

The two site leads within the APE are for a mound group (21HEe) that was fully- excavated in 1968 and its location since developed; and for a reported single mound (21HEs) that evidence suggests is likely one of the mounds within 21HE76 (Rice Lake Mounds) (see above). No further investigation of either of these site leads is needed for this project.

The two archaeological sites (21HE511 and 21HE512) identified during the 2018 survey are isolated single lithic find spots that have limited information potential and as such are determined as not eligible for listing in the National Register.

In summary, protective measures will be identified in the construction plans and implemented during construction to avoid inadvertent disturbance to three previously identified archaeological sites being treated as eligible for the purposes of this review: 21HE76, 21HE130, and 21HE187 (see first table below). One proposed BMP pond location (SA-1), not surveyed due to a lack of access, is recommended for survey prior to any ground- disturbing activities planned for this location (see second table below).

Determination of Eligibility and Avoidance Measures for Archaeological Sites

Site	Map	T	R	S	Site Type	Determination of Eligibility/Avoidance
21HE0076	8	119N	22W	21	Mounds (2); Artifact Scatter (outside MnDOT ROW)	Eligible for the purposes of this review only Protect from inadvertent disturbance during construction
21HE0130	7, 8	119N	22W	16	Lithic Scatter	Eligible for the purposes of this review only. Protect from inadvertent disturbance during construction
21HE0187	8	119N	22W	16	Artifact Scatter	Previously determined eligible Protect from inadvertent

						disturbance during construction
21HE0249	8, 9	119N	22W	21	Lithic Scatter	Not Eligible No further work
21HE0511	4	120N	22W	31	Find spot (lithic tool)	Not Eligible No further work
21HE0512	4	120N	22W	31	Find spot (lithic tool)	Not Eligible No further work
21HEe	8, 9	119N	22W	21	Mounds (9)	Not Eligible No further work
21HEs	8	119N	22W	21	Mound (1)	Not eligible No further work

SURVEY PENDING LANDOWNER PERMISSION

Study Area	Map	T	R	S	Condition	Type of Work Proposed
SA-1	2, 3	120N	23W	25	Agricultural Field, Woodland	BMP Pond Location

ASSESSMENT OF EFFECTS

For the three archaeological sites being treated as eligible for the purposes of this review only (21HE0076, and 21HE0130, and 21HE0187), there will be no direct effects to any of them based on the project plans to date. The area around Site 21HE0076 is fenced off, meaning no inadvertent effects are likely to occur at that site, and temporary/construction fencing will be placed around Sites 21HE0130 and 21HE0187 to provide additional protection. The contract documents and Request for Proposals will note the areas of all three sites as "environmentally sensitive" and will state that no work will be allowed within their boundaries. Therefore, the project will not affect the location, workmanship, design, and materials in the three sites. The intact portions of Site 21HE0076 in MnDOT ROW, which consists of the two mounds, is screened by heavy vegetation, meaning that there will be no change to its setting, feeling, and association from the project. The proposed work around Sites 21HE0130 and 21HE0187 will not adversely affect their setting, feeling and association since the project will be not be dramatically altering the existing infrastructure.

For the eligible railroad properties (HE-DYC-018, HE-DYC-025, HE-HAT-055, HE-RGC-011, and XX-BRI-061), the majority of the proposed project will not dramatically alter the existing infrastructure except for with the new interchange. Even with a new interchange, which will be visible from the railroad corridor, the changes to the setting in this one portion of a very large railroad line will not change the characteristics of uses of the line. So while the interchange will alter the setting of the rail line, it will not be adverse. The crossing will be widened by approximately 24 feet, since a lane will be added in both directions (see enclosed graphic labeled "Railroad Crossing"). This minor change at one discrete point on a very large rail line corridor will not be adverse. The

railroad line will still retain its integrity of location, design, materials, workmanship, feeling and association.

FINDINGS OF EFFECTS

It is the findings of this office that the project as currently proposed will have **No Adverse Effect** to any historic properties. This finding is based on the following conditions.

- 1) Project specific wording will be developed and incorporated into the project construction plans and Requests for Proposals (RFP) to provide protection to select identified burial and archaeological sites, and such measures shall be implemented. We will share the proposed wording with your office once it is developed. The draft shall be made available to your office no later than March 1, 2019 and any comments will be accepted through April 1, 2019. We will send you the final document for your files, likely in June 2019.
- 2) MnDOT CRU's contact information shall be included in the documents and if anything is altered from our current review during the design-build process, the contractor will notify us. Also, MnDOT CRU shall review plans as they are developed for the design-bid-build portions. If there are any substantive changes to any portion of the project (i.e., changes that would alter the APE or our findings of effects), we will reinstate consultation with your office.
- 3) Survey of the BMP Pond Location once landowner permission is granted or MnDOT acquires parcel.

Please provide your comments within 30 days of receipt, as per the terms of the Statewide PA. Also, please notify me if you have any questions or need additional information.

This letter also fulfills MnDOT's obligations under the Field Archaeology Act (M.S. 138.40 Cooperation of State Agencies; Development Plans) and the Private Cemeteries Act (M.S. 307.08, Subd. 10) by submitting the project plans herein to the Office of the State Archaeologist (OSA) and Minnesota Indian Affairs Council (MIAC). Both offices shall have 30 days to review the plans and to make recommendations. Our office will also share the draft wording for the construction documents with OSA and MIAC for their review and comment as described above. Since there are no properties listed on the National Register of Historic Places in the APE, MnDOT has no further obligation under the Minnesota Historic Sites Act.

Sincerely,



Kristen Zschomler, Historian and RPA-Registered Archaeologist
Cultural Resources Unit Supervisor

CC: via email Phil Forst, FHWA
Melissa Cerda, MIAC
Amanda Gronhova, OSA
Jerome Adams, MnDOT Metro District
Andi Moffat and Tony Heppelman, WSB

Michelle Terrell, Two Pines Resource Group
Sue Granger, Gemini Research

December 18, 2018

Ms. Kristen Zschomler
Minnesota Department of Transportation
Cultural Resources Unit
Mailstop 620
395 John Ireland Blvd
St. Paul, MN

Re: S.P. 2780-97, I-94 Unbonded Concrete Overlay and Brockton Interchange, Maple Grove, Dayton, and Rogers, Hennepin County

Dear Ms. Zschomler:

I have reviewed the results of the investigations completed by Two Pines and their report, *Phase I Archaeological Survey for the I-94 Unbonded Overlay (UBOL) Project – Rogers to Maple Grove, Hennepin County, Minnesota* (Terrell and Pnewski 2018), and agree with their recommendations. Please keep the Office of the State Archaeologist updated, as necessary, and feel free to contact me if you have any questions or concerns regarding this project.

This project was reviewed pursuant to the Minnesota Field Archaeology Act (MS 138.31 - .41), the Private Cemeteries Act (MS 307.08), and the Minnesota Environmental Policy Act (MS 116D)

Sincerely,



Amanda Gronhovd
State Archaeologist
Fort Snelling History Center
St. Paul, MN 55111
Amanda.Gronhovd@State.MN.US
612-725-2411

January 2, 2019

Ms. Kristen Zschomler
Cultural Resources Unit
Office of Environmental Stewardship
MN Department of Transportation
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155-1899

RE: SP 2780-97, I-94 Unbonded Concrete Overlay and Brockton Interchange
Maple Grove, Dayton and Rogers, Hennepin County
SHPO Number: 2019-0547

Dear Ms. Zschomler:

Thank you for initiating consultation on the above project. Information received in our office on December 3, 2018 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, per the terms of the 2015 Amended Programmatic Agreement (PA) executed among the Federal Highway Administration, the U.S. Army Corps of Engineers, the Advisory County on Historic Preservation, and the Minnesota State Historic Preservation Office, and pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the documentation included with your December 3, 2018 submittal including:

- Report: *Phase I and II Architecture-History Investigation, I-94 Unbonded Concrete Overlay (UBOL) and Other Improvements, Rogers to Maple Grove, Hennepin County (SP 2780-97)* and associated inventory forms (October 2018, Gemini Research); and
- Draft Report: *Phase I Archaeological Survey for the I-94 Unbonded Overlay (UBOL) Project – Rogers to Maple Grove, Hennepin County, Minnesota* (November 2018, Two Pines Resource Group). **Please submit the final bound version of this report for our files.**

Our comments as they pertain to your agency's findings and determinations as supported by the above documentation are provided below.

Define Undertaking

As we understand it, the proposed highway repair project involves several components which will be "delivered" in three (3) parts:

Advanced Widening Project: Includes reinforcement of the existing shoulders on the I-94 westbound lanes and seven (7) feet of additional widening on the right shoulder of the westbound lanes. The purpose of this widening project is to prepare for future construction by providing sufficient width to maintain six (6) lanes of traffic while constructing the eastbound lanes.

I-94 Resurfacing: Includes resurfacing 9.6 miles of existing pavement on I-94 from the I-494/I-694 interchange in Maple Grove to TH 101 in Rogers. The project also includes repaving the parking lot and expanding the truck parking capacity at the Elm Creek Rest Area in Maple Grove and modifying trails and sidewalks to make them ADA compliant. The project is also proposing to build noise walls, replace deficient storm water management systems, and possibly construct a commercial vehicle enforcement lane in the westbound direction between CSAH 81 and TH 101 in the City of Rogers. The project also includes the addition of a new travel lane in both directions of I-94 from TH 610 to TH 101. To accommodate the addition of the eastbound travel lane near TH 101, an additional lane will be added on eastbound I-94 from the end of the exit ramp to TH 101 to the end of the entrance ramp from TH 101.

Dayton Parkway Interchange (Previously referred to as the Brockton Interchange): Includes the construction of a new four-lane diverging diamond interchange with improvements to the intersection at Brockton Lane on the west and CSAH 81 on the east.

Area of Potential Effect

We have reviewed the documentation provided in regards to your agency's determination of the area of potential effect (APE) for the Federal undertaking (as depicted in Map 2 (Sheets 1-5) of the Gemini Research report and Figure 2 and Appendix A of the Two Pines Resource Group report), and we agree that this APE determination is generally appropriate to take into account the potential direct and indirect effects of the proposed undertaking as we currently understand it. As the project's scope of work is further defined, or if it is significantly altered from the current scope, additional consultation with our office may be necessary.

Identification of Historic Properties

Architecture/History

A total of thirty-one (31) architecture/history properties were surveyed within the APE for this project. We agree with your agency's determination that the following five (5) properties are **eligible** for listing in the National Register of Historic Places (NRHP) as contributing elements within the **M&NW/StPM&M/GN West Side Line (Osseo Branch) Railroad Corridor Historic District:**

- **M&NW/StPM&M/GN West Side Line (Osseo Branch), Dayton Segment (HE-DYC-018);**
- **M&NW/StPM&M/GN West Side Line (Osseo Branch), Rush Creek Trestle (HE-DYC-025);**
- **M&NW/StPM&M/GN West Side Line (Osseo Branch), Hassan Township Segment (HE-HAT-055);**
- **M&NW/StPM&M/GN West Side Line (Osseo Branch), Rogers Segment (HE-RCG-011); and**
- **M&NW/StPM&M/GN West Side Line (Osseo Branch), Crow River Bridge (XX-BRI-061).**

We note that the **M&NW/StPM&M/GN West Side Line (Osseo Branch), Bridge 27948 B (HE-HAT-060)** is a non-contributing element to the **M&NW/StPM&M/GN West Side Line (Osseo Branch), Rogers Segment**, which we agree is eligible for listing in the NRHP.

We also agree with your agency's determination that the remaining twenty-six (26) properties are **not eligible** for listing in the NRHP.

Archaeology

Four (4) previously identified archaeological sites, 21HE0076, 21HE0130, 21HE0187 and 21HE0249, and two (2) site leads, 21HEe and 21HEs, have been recorded within, or partially within, the APE for this project. In addition, two (2) archaeological sites were recently identified within the project APE during the 2018 survey, these are sites 21HE0511 and 21HE0512. Archaeological site 21HE0187 has previously been determined *eligible* for listing in the NRHP. Based upon information provided to our office at this time, we agree with your agency's recommendation to treat the following sites as eligible for listing in the NRHP *for the purposes of this review only*: 21HE0076 and 21HE0130. Based on the results of the investigations, we agree with your agency's determination that sites 21HE0249, 21HE0511 and 21HE0512 are **not eligible** for listing in the NRHP. Site lead 21HEe refers to a mound group that was fully excavated in 1968 and its location has since been developed, and site lead 21HEs refers to a single mound, which is likely included within site 21HE0076, the Rice Lake Mounds. We agree that no further investigation for these site leads is needed for this federal undertaking.

One parcel of land which includes a proposed BMP pond location still needs to be surveyed. We look forward to reviewing the results of the survey when they become available.

Assessment of Effects

Architecture/History

We agree with your agency's determination that this project will have no adverse effect on the eligible railroad historic properties. Although the project will slightly alter the setting of the historic properties, and the railroad crossing will be widened to accommodate the extra travel lanes, we agree that these changes will not dramatically affect the rail line corridor's historic integrity.

Archaeology

In order to avoid adverse effects, we agree that it is appropriate that protective measures be established for site 21HE0076 in coordination with the Office of the State Archaeologist (OSA) and the Minnesota Indian Affairs Council (MIAC). We also agree that avoidance of potential adverse effects may be accomplished for protection of sites 21HE0130 and 21HE0187 through development and conformance with annotated plans of avoidance and visual barriers during construction. If construction plans necessitate work within the boundaries of sites 21HE00130 and 21HE0087, we agree that Phase II evaluation should be conducted.

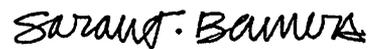
In summary, we concur with your agency's determination that the undertaking, as currently proposed, will have **no adverse effect** on historic properties based on the following conditions:

- (1) Appropriate protective measures will be established for site 21HE0076 in coordination with the OSA and MIAC; and project specific wording will be developed and incorporated into the project construction plans and Requests for Proposals to provide protection for archaeological sites 21HE0076, 21HE0130, and 21HE0187.
- (2) MnDOT CRU's contact information will be included in the above documents and if subsequent engineering/design changes to the currently proposed project diverts substantially from what was presented at the time of this review, or engineering/design changes involving undisturbed new rights-of-way or easements are made for the project following completion of this review, the contract will notify MnDOT CRU and your agency will reinitiate consultation with our office.

(3) The location of the proposed BMP pond will be surveyed once access is gained and before any ground disturbance.

Please feel free to contact me if you have any questions regarding our review. I can be reached at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,

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

Sarah J. Beimers
Environmental Review Program Manager

Cc via email only:

Amanda Gronhovd, Office of the State Archaeologist
Melissa Cerda, MIAC