

PROGRAMMATIC AGREEMENT  
PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE MINNESOTA  
STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE WINONA BRIDGE (BRIDGE 5900) PROJECT (S.P. 8503-46),  
WINONA, WINONA COUNTY, MINNESOTA

WHEREAS, the Minnesota Department of Transportation (MnDOT) is proposing a project (PROJECT) where the preferred alternative is to rehabilitate the Winona Bridge (Bridge 5900) and construct a parallel bridge (Bridge 85851) in Winona, Winona County, and the PROJECT is considered a federal undertaking for the Federal Highway Administration (FHWA) requiring consultation under Section 106 of the National Historic Preservation Act; and

WHEREAS, consultation for this PROJECT was conducted under the terms of the 2005 *Programmatic Agreement Among the Federal Highway Administration, the Minnesota State Historic Preservation Office, the Advisory Council On Historic Preservation, the Department of the Army, Corps of Engineers, St. Paul District, and the Minnesota Department of Transportation Regarding Implementation of the Federal-Aid Highway Program in Minnesota*, various stipulations of which are incorporated by reference (hereafter, Statewide PA); and under the 2008 *Programmatic Agreement Concerning Pre-1956 Historic Bridges Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Minnesota State Historic Preservation Officer, the Department of the Army, Corps of Engineers, St. Paul District, and the Minnesota Department of Transportation*; various stipulations of which are incorporated by reference (hereafter, Historic Bridge PA); and

WHEREAS, the MnDOT Cultural Resources Unit (MnDOT CRU), on behalf of the FHWA and in consultation with the Minnesota State Historic Preservation Office (SHPO), has defined the Area of Potential Effects (APE) of the undertaking as outlined in the December 24, 2012 letter from the MnDOT CRU to SHPO; and

WHEREAS, FHWA and MnDOT CRU, in consultation with the SHPO, have identified a number of historic properties in the PROJECT's APE listed in or eligible for listing in the National Register of Historic Places (National Register) as identified in Appendix A, and SHPO has concurred with these determinations; and

WHEREAS, the MnDOT CRU, on behalf of the FHWA, has conducted archaeological surveys in portions of the APE (where access was obtained) and to date has not identified any archaeological sites that are eligible for or listed in the National Register; and

WHEREAS, the MnDOT CRU, on behalf of FHWA has identified that the PROJECT will not have an adverse effect (direct or indirect) on one or more of the identified historic properties. However, the rehabilitation plan design for Bridge 5900 and the design for Bridge 85851 are currently in process and as plans are developed there is the potential to have an adverse effect (direct or indirect) on one or more of the identified historic properties; and

WHEREAS, the FHWA will be responsible for ensuring that all aspects of PROJECT implementation meet the terms of this Programmatic Agreement (PA), and the MnDOT CRU has assisted the FHWA in coordinating the Section 106 process, will administer the implementation of the PROJECT, and will complete the stipulations of this PA; and

WHEREAS, this PA was developed with appropriate public involvement (pursuant to 36 CFR 800.2(d) and 800.6(a)) coordinated with the scoping, public review and comment, and public meetings conducted on October 21, 2009, October 27, 2010, September 27, 2012, and October 17, 2013 to comply with NEPA and its implementing regulations; and

WHEREAS, a Project Advisory Committee (PAC) consisting of the SHPO, neighborhood organizations, local historical society, city and county representatives, business representatives, and various agencies was established to keep these entities informed and provide feedback on issues related to the planning, design, and construction of the PROJECT; and

WHEREAS, MnDOT, as PROJECT sponsor, has been invited by the FHWA to sign this PA in accordance with 36 CFR 800.6(c)(2); and

WHEREAS, the City of Winona is an invited party and has been invited to sign this PA in accordance with 36 CFR 800.6(c)(2); and

WHEREAS, the Winona Heritage Preservation Commission (HPC) is a consulting party and has been invited to concur with this PA in accordance with 36 CFR 800 (c)(3); and

WHEREAS, upon initiation of the Section 106 consultation process and in accordance with 36 CFR 800.2(c)(2)(ii), the FHWA in a good faith effort contacted Indian tribes that might attach religious and cultural significance to properties within the APE, inviting their participation in consultation, and no tribe requested to be a consulting party to the PROJECT; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its decision to enter into this PA, in accordance with 36 CFR 800.6(a)(1), and has provided the documentation specified in 36 CFR 800.11(e), and the ACHP has chosen not to participate in the consultation; and

NOW, THEREFORE, the FHWA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties:

## STIPULATIONS

The FHWA will ensure that the following measures are carried out.

### STIPULATION I. IDENTIFICATION OF HISTORIC PROPERTIES

- A. As PROJECT activities are further defined, the MnDOT CRU, on behalf of the FHWA, will refine the APE in consultation with SHPO, as needed.
- B. If the APE is revised to include areas not previously subject to historic property identification efforts conducted as part of this PROJECT, MnDOT CRU will conduct additional investigations in those areas pursuant to Stipulation 3 of the Statewide PA.
- C. Once MnDOT acquires the PROJECT right-of-way, MnDOT CRU will conduct additional archaeological investigations for areas that were not accessible due to lack of landowner permission. This includes archaeological testing of Parcels 67 and 87 and possibly Parcel 68, if it is determined to be in the APE. If during the design process additional parcels are identified that may be impacted or acquired, MnDOT CRU will also conduct archaeological investigations for these areas. If archaeological sites are identified within the APE, FHWA will reopen consultation with Indian tribes that might attach religious and cultural significance to those properties under 36 CFR 800.2(c).
- D. Any historic properties newly identified within the APE by MnDOT CRU will be added to the list of properties included in Appendix A upon written concurrence by the SHPO. An amendment to the PA under Stipulation V is not necessary unless agreed upon by the signatories to the PA.

### STIPULATION II. PROJECT PLAN REVIEW (BRIDGE 5900 AND 85851 AND ADDITIONAL ASSESSMENT OF EFFECT

- A. Under the preferred alternative, MnDOT, or its design team, will prepare rehabilitation plans for the Winona Bridge (Bridge 5900) in accordance with the Secretary of the Interior's Standards for Rehabilitation (Standards) and work to avoid and minimize adverse effects on the historic property.
- B. Under the preferred alternative, MnDOT, or its design team, will prepare the plans for the parallel bridge (Bridge 85851) to avoid or minimize adverse effects to the Winona Bridge and other historic properties identified in Appendix A.
- C. During PROJECT development, MnDOT or its design team will provide PROJECT plans for Bridge 5900 and Bridge 85851 or an equivalent document at 30%, 60%, and 90% completion. At each stage of development, one set of plans will be submitted to MnDOT's Historic Bridge Expert and two sets of plans will be provided to MnDOT CRU. The Historic Bridge Expert will submit comments to the MnDOT CRU Project Manager. MnDOT CRU will submit the plans and their findings of effect to SHPO for review and comment. SHPO will have 30 days to review the document and MnDOT CRU's assessment of effect. Final plans (i.e., 100% completion) will also be submitted to the SHPO by MnDOT CRU for the project record.

**STIPULATION III. RESOLUTION OF ADVERSE EFFECTS ON HISTORIC PROPERTIES**

If the PROJECT is determined to have an adverse effect on historic properties that cannot be avoided, MnDOT CRU on behalf of FHWA will work with SHPO and other signatories to this PA to develop and complete appropriate mitigation measures. An amendment to the PA under Stipulation V is not necessary unless agreed upon by the signatories to the PA.

**STIPULATION IV. DISPUTE RESOLUTION**

Should any party to this PA object at any time to any actions proposed or the manner in which the terms of the PA are implemented, FHWA will consult with the objecting party (or parties) to resolve the objection. If FHWA determines the objection(s) cannot be resolved, FHWA will follow Stipulation 7 of the Statewide PA. FHWA's responsibility to carry out all other actions subject to the terms of this PA that are not subjects of the dispute remain unchanged pending resolution.

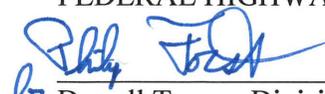
**STIPULATION V. DURATION, AMENDMENTS, AND TERMINATION**

- A. This PA will remain in effect from the date of execution for a period not to exceed five (5) years. If the FHWA anticipates that the terms of the PA will not be completed within this timeframe, it will notify the signatories in writing at least thirty (30) days prior to the PA's expiration date. The PA may be extended by the written concurrence of the signatories. If the PA expires and the FHWA elects to continue with the undertaking, the FHWA will reinitiate review of the undertaking in accordance with 36 CFR 800.
- B. If any signatory to the PA determines the PA cannot be fulfilled, or that an amendment to the terms of the PA must be made, the signatories will consult to seek an amendment to its terms using the same consultation process as that exercised in creating the original PA. The FHWA shall file any amendments with the ACHP upon execution.
- C. Any signatory to this PA may terminate the PA by providing thirty (30) days written notice to the other signatories, provided the signatories consult during the period prior to termination to agree on amendments or other actions that would avoid termination. If the PA is terminated and the FHWA elects to continue with the undertaking, the FHWA will reinitiate review of the undertaking in accordance with 36 CFR 800.

**STIPULATION VI. IMPLEMENTATION OF THIS PA**

- A. This PA may be implemented in counterparts, with a separate page for each signatory. This PA will become effective on the date of the final signature. FHWA will ensure each party is provided with a complete copy and that the final PA, updates to appendices, and any amendments filed with the ACHP.
- B. Execution of this PA by the FHWA and the SHPO and implementation of its terms is evidence that the FHWA has taken into account the effects of its undertaking on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

**SIGNATORIES**  
FEDERAL HIGHWAY ADMINISTRATION

  
for Derrell Turner, Division Administrator

1/24/2014  
Date

**SIGNATORIES**  
MINNESOTA STATE HISTORIC PRESERVATION OFFICE

Barbara Howard  
Barbara Mitchell Howard, Deputy SHPO

1/16/2014  
Date

**INVITED**  
MINNESOTA DEPARTMENT OF TRANSPORTATION



\_\_\_\_\_  
Charles A. Zelle, Commissioner

1-13-14

\_\_\_\_\_  
Date

**INVITED**  
CITY OF WINONA

  
\_\_\_\_\_  
The Honorable Mark Peterson, Mayor

1/21/14  
\_\_\_\_\_  
Date

**CONCURRING**  
WINONA HISTORIC PRESERVATION COMMISSION

Lynn D. Englund  
Lynn Englund, Chairman

1-8-14  
Date

**Appendix A: Historic Properties Identified Within the Area of Potential Effect That Have  
Been Listed in or Determined Eligible for the National Register of Historic Places as of  
1/20/2012**

(Note: NRHP is noted after properties listed in the National Register of Historic Places. The remaining properties have been determined eligible for listing in the National Register of Historic Places.)

Winona Bridge (Bridge 5900) Interstate Bridge (WN-WAC-0477)  
 North Channel Bridge (WN-WAC-1142)  
 Municipal Marina (WN-WAC-1260)  
 Winona Monument Co. (WN-WAC-0472)  
 Peter F. and Anna Schmitt House (WN-WAC-0440)  
 William F. and Louisa Kohler House (WN-WAC-0441)  
 Winona Waterworks (WN-WAC-0482)  
 Segment of the Chicago & North Western (C&NW) Railroad (WN-WAC-1246)  
 Windom Park (WN-WAC-1247)  
 First Baptist Church (WN-WAC-1300)  
 Central Methodist Church (WN-WAC-0258)  
 First Congregational Church (WN-WAC-0246)  
 St. Paul's Episcopal Church (WN-WAC-1303)  
 Winona County Courthouse (NRHP listed; WN-WAC-0460)  
 Winona Lumber Exchange (WN-WAC-0260)  
 YMCA (WN-WAC-0458)  
 C&NW Railroad Bridge (WN-WAC-0568)

Winona Commercial District/Third Street Commercial District (NRHP listed)  
 Properties in the Winona Commercial District/Third Street Commercial District that are individually listed in the National Register of Historic Places

- Schlitz Hotel (WN-WAC-0469)
- Winona Hotel (WN-WAC-0470)

Broadway Residential Historic District (NHRP listed)  
 Properties within the Broadway Residential Historic District individually eligible for or listed in the National Register:

- Winona Free Public Library (NRHP listed; WN-WAC-0261)
- Winona Senior High School and Auditorium (NRHP listed; WN-WAC-0262)
- Central Jr. High School (NRHP listed; WN-WAC-0263)
- Huff-Lamberton House (NRHP listed; WN-WAC-0544)
- Winona Masonic Temple (NRHP listed; WN-WAC-0259)
- Hannibal Choate House (WN-WAC-0448)
- William S. and Caroline Drew House (WN-WAC-0453)
- Harry S. and Sadie Youmans House (WN-WAC-0550)
- Peter and Edna Hallenbeck House (WN-WAC-0548)
- Joseph A. and Rebecca Prentiss House (WN-WAC-1305)
- Chauncey and Sarah Doud House (WN-WAC-0102)

- Daniel and Melissa Sinclair House (WN-WAC-1312)
- Central Methodist Church Chapel and Gym (WN-WAC-0258)
- Joseph S. and Laura Hoard House (WN-WAC-1250)
- First Congregational Church (WN-WAC-0246)
- First Congregational Church Parsonage (WN-WAC-0247)
- Eben M. and Clara Roberts House (WN-WAC-0252)
- John R. and Mary Lamberton Mitchell House (WN-WAC-0253)
- Herbert C. and Louise D. Garvin House (WN-WAC-1251)
- Harry L. and Ida Buck House (WN-WAC-1252)
- Moses C. and Julia Varney House (WN-WAC-1253)
- Windom Park (First Ward) (WN-WAC-1247)
- Franklin and Augusta Rising House (WN-WAC-1049)
- First Baptist Church and Parsonage (WN-WAC-1300)
- Samuel L. and Maude Prentiss House (WN-WAC-1299)
- Emma Ball House (WN-WAC-0530)
- Frank and Mary Youmans House (WN-WAC-0524)
- Frederic and Frances Bell House (WN-WAC-0314)
- Abner F. Hodgins House (NRHP listed; WN-WAC-0315)
- St. Paul's Episcopal Church and Parish House (WN-WAC-1303)
- Central Methodist Church Parsonage (WN-WAC-1249)
- Allison W. and Anna Laird House (WN-WAC-1279)
- Otis M. and Lucretia Botsford House (WN-WAC-0255)
- Emory G. and Elizabeth Nevius House (WN-WAC-1278)
- Leslie L. and Lulu Brown House (WN-WAC-0305)
- George and Elizabeth Whitman House (WN-WAC-0293)
- Walter and Emma Anderson House (WN-WAC-1139)
- Dr. Linn A. and Abbie Kelly House (WN-WAC-0264)