

July 21, 2025

VIA E-MAIL

Ruth Poulin, MnDOT District 6

Ruth.Poulin@state.mn.us

Re: S.P. 6603-30

TH 19 Reconstruction

Webster, Bridgewater, and Greenvale Townships and Northfield, Dakota and Rice Counties
Federal and State Review

Dear Ruth:

Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) staff meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739) in archaeology, history, and architectural history have reviewed the above-referenced project pursuant to our Federal Highway Administration (FHWA)-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act (54 USC 300108) and its implementing regulations, 36 CFR 800, and under the terms of the *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* (Statewide PA). The project will receive funding from the FHWA and may receive permits from the U.S. Army Corps of Engineers.

We also reviewed the above-referenced project to determine whether MnDOT has responsibilities under Minnesota Statute regarding cultural resources. Compliance with Minnesota Statute is the responsibility of the entity doing, funding, or licensing the work under the Minnesota Historic Sites Act (Minn. Stat. 2024 138.661-138.669); or the agency controlling any non-federal public lands that may be affected by proposed work (e.g., right-of-way or through temporary or permanent easements) for the Minnesota Field Archaeology Act (Minn. Stat. 2024 138.31-138.42) and the Private Cemeteries Act (Minn. Stat. 2024 307.08). MnDOT is responsible for compliance with the Minnesota Historic Sites Act for this project since it is funding or permitting the project. MnDOT is responsible for compliance with the Minnesota Field Archaeology Act and the Private Cemeteries Act on this project since it controls the land on which the project will occur. Our review was limited to MnDOT's duties and responsibilities.

PROJECT DESCRIPTION

This project, as described in its *Early Notification Memo* (ENM; November 27, 2024, revised July 2025) and based on follow-up information provided via email on May 19 and July 16, 2025, consists of a mill and overlay of Trunk Highway (TH) 19 from Interstate (I-) 35 in Webster Township, Rice County, to Decker Ave in Bridgewater Township, Rice County. Culvert work will be included with this project.

The section of TH 19 on which the project is located runs along the Rice-Dakota County line. Therefore, portions of the project will also take place in Greenvale Township and Northfield's municipal boundaries, both in Dakota County.

Based on the information provided by the project proposer and pursuant to 36 CFR 800.3 and Stipulation 3.C of the Statewide PA, MnDOT CRU has determined that the proposed project constitutes a federal undertaking as defined in 36 CFR 800.16(y) for FHWA. It may also receive a permit from the U.S. Army Corps of Engineers. MnDOT CRU has also determined that it has the potential to cause effects to historic properties. Further, MnDOT CRU has also determined that the proposed project is an undertaking subject to Minnesota Statute. MnDOT is responsible for compliance with the Minnesota Historic Sites Act for this project since it is funding or permitting the project. MnDOT is responsible for compliance with the Minnesota Field Archaeology Act and Private Cemeteries Act on this project since it controls the land on which the project will occur.

AREA OF POTENTIAL EFFECTS (APE)

Based on the project's original and revised ENMs, and based on follow-up information provided via email on May 19 and July 16, 2025, and pursuant to 36 CFR 800.4 and Stipulation 3.C of the Statewide PA, MnDOT CRU has determined that in addition to physical alteration and ground-disturbing activities, the proposed project includes one or more of the following: areas of right-of-way acquisition; access changes; and the potential for visual, audible, and atmospheric changes during and after construction. The APE was determined to encompass the proposed horizontal and vertical construction limits, including easements, which were developed off the map (attached) and description provided with the submittal of the ENM and follow-up information provided via email. Vertical construction limits are not anticipated to exceed 20 feet in depth.

IDENTIFICATION OF PROPERTIES

Following delineation of the APE, MnDOT CRU set review areas to guide identification efforts. The archaeological review area is equivalent to the construction limits, which will extend into areas of right-of-way acquisition and anticipated easements. The architecture-history review area included any parcels intersecting the project APE.

On May 29, 2025, MnDOT CRU staff reviewed information on state-designated and listed properties, significant archaeological and historic sites, burials/cemeteries, and other previously inventoried properties in databases maintained by the Minnesota State Historic Preservation Office (MnSHPO), the Office of the State Archaeologist (OSA), and the Minnesota Indian Affairs Council (MIAC), including the unrecorded historical cemeteries data layer available via the OSA Web Portal.

Two previously inventoried archaeological sites were identified as intersecting the archaeological review area: 21RCay and 21RCba, both of which are unverified site leads. The OSA Web Portal indicates only that the former is a pit depression. The latter is based on historical documentation of a mill. As any potentially extant and intact portions of these sites are unlikely to occur within the archaeological review area, due to previous disturbance through road and associated construction and urban development, the identification and/or evaluation of any resources associated with these potential sites is beyond the scope of the current investigation. Similarly, it is unlikely that project activities will encounter intact, significant archaeological resources associated with any other sites.

One previously inventoried architecture-history property, TH 19 (XX-ROD-00041), was identified as intersecting the APE. It previously was found not eligible for listing in the National Register of Historic Places.

Based on the identification efforts described above and pursuant to 36 CFR 800.4 and Stipulations 3.D and 3.E of the Statewide PA, MnDOT CRU has determined no historic properties are within the APE. Further, identification efforts indicate no properties subject to review under Minnesota statutes are within the project APE.

CONSULTATION & PUBLIC INVOLVEMENT¹

On May 29, 2025, MnDOT CRU reviewed the undertaking's proposed activities for exemptions in existing consultation protocol agreements between FHWA and certain tribes. After initial review of these agreements, MnDOT CRU notified the following Tribal Nations about the undertaking, pursuant to 36 CFR 800 and Minn. Stat. 10.65: Fort Peck Tribes, Lower Sioux Indian Community, Prairie Island Indian Community, Santee Sioux Nation, Shakopee Mdewakanton Sioux Community, Sisseton Wahpeton Oyate Community, and Upper Sioux Community. We specifically requested input into the process of identifying historic properties of religious or cultural significance and sought the Tribal Nations' interest in becoming consulting parties. The Lower Sioux Community responded on June 11, 2025, with no concerns. We did not receive a response from any other tribe within the allotted time.

On June 3, 2025, MnDOT CRU notified the Northfield Heritage Preservation Commission (HPC) about the project and invited them to be a consulting party pursuant to Stipulation 3.A.i of the Statewide PA. The HPC responded that it wished to serve as a Section 106 consulting party for this project's review; therefore, the HPC has been copied on this letter.

¹ S.P. 6603-30 was originally part of S.P. 6603-28 before being broken out into a separate project in June 2025. Therefore, consultation undertaken as part of S.P. 6603-28's review is applicable to S.P. 6603-30.

The State Historic Site Network maintained by the Minnesota Historical Society (Minn. Stat. 2024 138.662) was reviewed, and no state historic sites were identified within the APE; therefore, no coordination is needed with the Minnesota Historical Society.

CONCLUSION

Pursuant to 36 CFR 800.4(d)(1) and Stipulation 3.F of the Statewide PA, MnDOT CRU finds there will be **No Historic Properties Affected** by the federal undertaking, as currently proposed. Under the terms of the Statewide PA, consultation with MnSHPO is not required on this finding.

Per 36 CFR 800.4(d)(1)(i), consulting parties (copied) are invited to provide written comments within the regulatory timeframe.

This letter also documents MnDOT's responsibilities under the Minnesota Historic Sites Act, Minnesota Field Archaeology Act, and Private Cemeteries Act have been met since there are no properties in the APE that meet the requirements for MnSHPO, OSA, and/or MIAC review under those acts.

Please notify MnDOT CRU of any plan changes, including development of utility plans, so we can determine if an additional review under Section 106 and/or Minnesota Statute is required. If your project requires a permit from the U.S. Army Corps of Engineers, please attach this findings letter to your permit as proof that the Section 106 process has been completed on their behalf through the terms of the Statewide PA.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Stephanie Atwood Hatzenbuehler
Historian, MnDOT Cultural Resources Unit
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ENCLOSURES:

- Area of Potential Effects (APE) Map

CC: Mark Trogstad-Isaacson, MnDOT District 6 (Mark.Trogstad-isaacson@state.mn.us)
Mathias Hughey, Northfield HPC (Mathias.Hughey@northfieldmn.gov)
MnDOT Cultural Resources Information System (CRIS)

STATE PROJECT: 6603-28

Resurface Highway 19 from I-35 to Hwy 3

R.P. 169+00.335 to R.P. 176+00.202

