

Unanticipated Discoveries Plan Bus Rapid Transit G Line, Dakota and Ramsey Counties, Minnesota



Report Authors:
Jeremy L. Nienow, Ph.D., RPA
Christopher E-W Rico, M.HSPH.
Nienow Cultural Consultants LLC

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Submitted To:
Emily Pettis
Cultural Resources Department Manager
Mead & Hunt

Submitted By:
Nienow Cultural Consultants LLC
200 Plato Blvd East
St. Paul, MN 55107

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Jeremy L. Nienow, Ph.D., RPA
and
Christopher E-W. Rico, M.HSPH
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INTRODUCTION

The Metro Transit division of Metropolitan Council is proposing to develop the G Line Bus Rapid Transit (BRT) Project. The G Line will be an approximately 11.5-mile BRT corridor extending south from the Little Canada Transit Center in Little Canada to the Dakota County Northern Service Center in West Saint Paul. The G Line is planned to replace two bus routes extending north and south from downtown Saint Paul: a portion of existing Route 62, operating primarily along Rice Street north of downtown Saint Paul; and a portion of existing Route 68, operating primarily along Robert Street south of downtown Saint Paul. The Project will include 32 stations, bus purchases, and bus priority treatments (Figure 1)

The Project is anticipated to receive federal funding from the Federal Transit Administration (FTA) project and has been defined as an undertaking; therefore, it must comply with Section 106 of the National Historic Preservation Act (Section 106), as amended (36 CFR Part 800), and the National Environmental Policy Act (NEPA) (40 CFR Parts 1500-1508). Additionally, the Project must comply with the Minnesota Historic Sites Act (MS 138.661-138.664) and Minnesota Field Archaeology Act (MS 138.31-138.42).

Nienow Cultural Consultants LLC (NCC) was contracted by Mead & Hunt Inc. to provide a literature review and archaeological assessment of potential below ground cultural resources which may be present within the project area. NCC completed review of existing sites and surveys within the project area at the Office of the State Archaeologist and the Minnesota State Historic Preservation Office in March 2024. NCC also collected relevant historic maps, aerial imagery, environmental, and utility information for the entire corridor from a variety of sources including the Minnesota Historical Society, Ramsey County Historical Society, University of Minnesota, and City of St. Paul. All information was incorporated into a Geographic Information System (GIS) geodatabase and used to identify potential Native American and Post Contact below ground cultural resources within the project area which may still be intact. NCC looked at the entire project corridor, with a focus on 133 Metro Transit identified potential bus stop and bathroom locations. NCC carefully reviewed all available information to determine potential for intact cultural resources.

Based on this review, all but three locations were assessed as possessing low potential to contain intact significant archaeological resources, primarily due to previous road, utility, and previous construction/demolition efforts. For the three bus stop locations identified as places where either precontact or historic intact cultural resources may be present, Metro Transit will avoid these locations by selection of alternate locations. Although the vast majority of the corridor has low potential for resources, in the event of an unanticipated discovery of previously unknown archaeological cultural materials or suspected human remains or burial sites, NCC has developed this Unanticipated Discoveries Plan (Plan) to be followed in order to comply with state and federal mandates governing said resources and human remains.

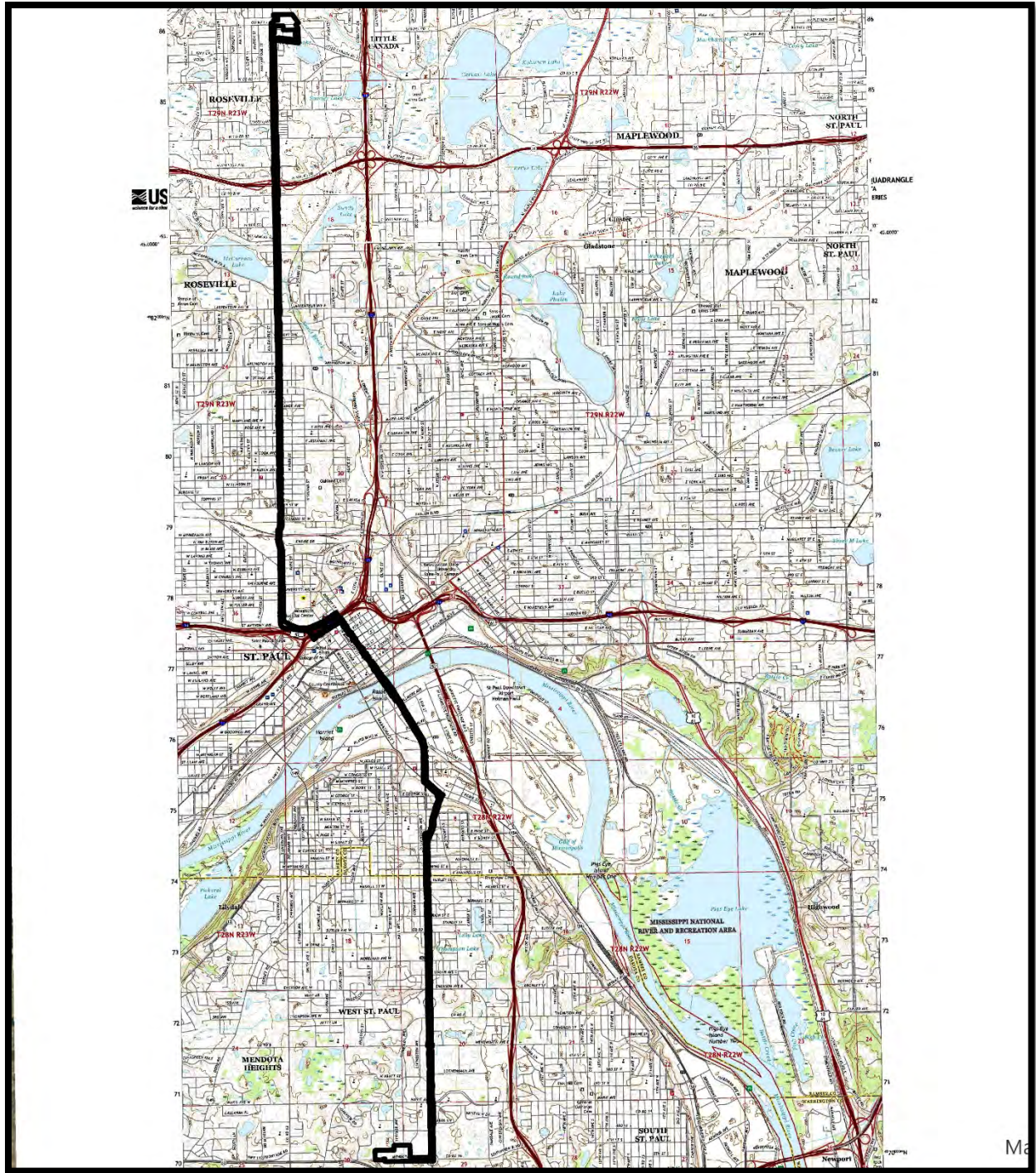


Figure 1: General Project Corridor (Black) over 2022 (1:24,000) St. Paul Topography Map.

UNANTICIPATED DISCOVERY – BEST PRACTICES

Although the corridor overall has a low potential for significant, intact cultural resources, any construction effort involving ground disturbance does have the potential to encounter previously unknown cultural materials and/or human remains. Examples of these could include:

Native American:

- Low fired earthenware (pottery);
- Flaked stone tools (projectile points, scrapers, knives) and debris from making these tools;
- Ground stone tools (abraders, axes);
- Bone tools (needles, awls, hoes), beads and/or discarded animal bones;
- Copper tools (awls, projectile points, knives, hooks);
- Hearths and trash middens;
- Burial features and/or human remains.

Post-Contact:

- Ceramic, glass, and metal artifacts;
- Brick, concrete, or limestone walls/rubble;
- Privies, cisterns, wells, ash/trash pits;
- Discarded animal bones;
- Burial features and/or human remains.

Any contractors completing ground disturbing activities within the G Line Project corridor will implement the following Best Practices during construction:

Prior to construction, a cultural resources training session will be provided to all Project employees, contractors, subcontractors, and other relevant professionals who are directly performing or overseeing ground disturbing activities. This training session will be presented by the Project Archaeological Consultant and the Metro Transit Project Manager and may be incorporated into other pre-construction meetings or project orientation. Training will include:

- An overview of the potential to encounter cultural materials and human remains/burials;
- Examples of Native American and Post-Contact artifacts and features encountered within construction settings; and
- Walk through of process for responding to unanticipated discoveries of archaeological resources and human remains/burial sites.

It is important Contractors keep a copy of the Plan on site throughout construction and that the Contractor sufficiently define construction areas for the Archaeological Consultant (Archaeologist) in the event of any unanticipated discoveries.

UNANTICIPATED DISCOVERIES – ARCHAEOLOGICAL RESOURCES

Archaeological resources include subsurface artifacts and/or features (such as foundations, ash/trash middens, privy/well shafts, hearths) which are *in situ* (in their original location) and are 50 years of age or older. Prior to construction the Archaeologist will need to obtain a Phase I Archaeological Survey license to facilitate initial investigation efforts.

In the event archaeological resources are encountered during ground disturbing activities:

1. Construction Contractor will immediately halt activity within 50ft of discovery and protect it from people and equipment (using cones, flagging tape, and/or fencing to create a 50ft buffer zone). Protective measures should not damage discovery. Work may continue outside buffer zone.
2. Construction Contractor will immediately notify the Metro Transit Project Manager. The Metro Transit Project Manager will notify the Cultural Resources Consultant and the Archaeologist. The Archaeologist will be on site within 24 hours of notification.
3. Archaeologist will conduct an onsite preliminary investigation of the discovery.
 - a. If the Archaeologist determines the resource is less than 50 years old and/or lacks potential eligibility to the National Register of Historic Places (NRHP), the Metro Transit Project Manager will be notified that construction may proceed. Metro Transit will notify the Federal Transit Administration (FTA) and State Historic Preservation Office (SHPO) in writing of the discovery.
 - b. If the Archaeologist determines the resource is more than 50 years old and potentially eligible to the NRHP, the Archaeologist will conduct an evaluation to determine eligibility. The Archaeologist will need to obtain a Phase II Archaeological Evaluation License prior to evaluation
 - i. If evaluation determines the resource lacks significance or integrity, the Archaeologist will submit a brief letter report documenting the resource and determination to the Metro Transit Project Manager who will submit the letter to SHPO, the Office of the State Archaeologist (OSA), and the FTA. Once SHPO has concurred, construction can continue.
 - ii. If evaluation determines the resource is eligible and appears to retain integrity, the Metro Transit Project Manager will notify FTA who will then notify SHPO, OSA, and other interested/relevant parties including interested tribes. The federal agency directs consultation.
 1. The Archaeologist and Metro Transit Project Manager will determine if the resource can be avoided and preserved in place. If this is feasible, protection measures will be implemented.
 2. If avoidance is not possible, the Archaeologist and Metro Transit Project Manager will work with FTA to prepare a treatment plan that describes the significance of the discovery, the option(s) FTA explored to minimize or avoid adverse effects, and proposed mitigation for the adverse effects. Once a treatment plan has been developed, FTA will share said plan with consulting parties for review and comment. Review and comment should occur by consulting parties within three (3) regular business days, not including the day the plan was forwarded by FTA. Once the treatment plan has been carried out, the Archaeologist and Metro Transit Project Manager will notify FTA, who will notify consulting parties and ground disturbing activities may then resume.
 3. The Archaeologist will complete a report documenting the resource and findings and submit it to the Metro Transit Project Manager who will submit it to SHPO, OSA, and FTA for review.
 4. Artifacts will be processed and curated as per the requirements of state archaeology licenses and Minnesota Historical Society Curation requirements.

UNANTICIPATED DISCOVERIES – HUMAN REMAINS AND POTENTIAL BURIAL SITES

Potential burial sites are defined as areas containing evidence pointing to a high probability of the former or current presence of human remains (burial, cremation, etc.). Evidence may include burial pit or shaft outlines, coffin fragments, or bone not readily identifiable as either human or animal. If suspected human remains or potential burial sites are found during ground disturbing activities:

1. Construction Contractor will immediately halt activity within 50ft of discovery and protect it from people and equipment (using cones, flagging tape, and/or fencing to create a 50ft buffer zone). Protective measures should not damage discovery. Work may continue outside buffer zone.
2. Suspected human remains will not be further disturbed or removed until disposition has been determined by local law enforcement and/or OSA and the Minnesota Indian Affairs Council (MIAC), consistent with M.S. 307.08 and the *State Archaeologist Procedures for Implementing Minnesota's Private Cemeteries Act* (Anfinson 2008).
3. Construction Contractor will immediately notify the Metro Transit Project Manager who will contact the Cultural Resources Consultant and the Archaeologist for their professional judgement of any already exposed evidence. No excavation will be conducted by the Archaeologist prior to completing the steps below, nor without agreement by all parties identified.
4. The Metro Transit Project Manager will notify local law enforcement and FTA. FTA will notify SHPO, OSA, and MIAC so that they may be aware of the unanticipated discovery.
5. The local Law Enforcement Agency will determine whether the potential burial site/human remains represent a crime scene and/or are less than 50 years old. If site/remains are determined to represent a crime scene and/or are less than 50 years old, further treatment will fall under the jurisdiction of local Law Enforcement. Excavation within 50ft of the discovery will not resume until a notice to proceed is given by the local Law Enforcement Agency.
6. If the site/remains are determined not to represent a crime scene and are 50 years in age or older, once clearance to do so has been granted by the local Law Enforcement Agency, the Metro Transit Project Manager will notify the FTA who will then notify SHPO, OSA, MIAC, and interested tribes and include clarification of the discovery's status under Section 106. OSA and MIAC will collectively assess the burial/remains. Authentication will establish the presence of, or high potential of, human burials or human skeletal remains located in a discrete area, delimit the boundaries of human burial grounds or graves, and attempt to determine the ethnic, cultural, or religious affiliation of individuals interred. OSA and MIAC have 90 days from the date of notification to begin assessment.
 - a. If the site/remains are determined to be Native American, MIAC will determine appropriate treatment measures.
 - b. If the site/remains are determined to be non-Native American, OSA will determine appropriate treatment measures.
 - c. If ancestry of the site/remains cannot be determined, OSA in collaboration with MIAC will determine appropriate treatment measures.
 - d. Excavation within 50ft of the discovery will not resume until notice to proceed is given by OSA and/or MIAC as appropriate dependent upon ancestry of the site/remains.
7. At all times, known or suspected burial sites/human remains must be treated with the utmost dignity and respect, and in a culturally sensitive manner.

CONTACT LIST

Metro Transit Project Manager

Name: Adam Smith

Email: Adam.Smith@metrotransit.org

Phone Number: 612.349.7160

Address: Metro Transit, 560 Sixth Avenue North, Minneapolis, MN 55411

Archaeological Consultant

Name: TBD

Email: TBD

Phone Number: TBD

Address: TBD

Local Law Enforcement Agency

Ramsey County

Name: Ramsey County Medical Examiner

Email: NA

Phone Number: 651-266-1700

Address: 300 East University Avenue, St. Paul, MN 55130

Dakota County

Name: Dakota County Medical Examiner

Email: NA

Phone Number: 651-480-4100

Address: 1175 Nininger Rd, Hastings, MN 55033

Office of the State Archaeologist (OSA)

Name: Amanda Gronhovd, State Archaeologist

Email: amanda.gronhovd@state.mn.us

Phone Number: 651.201.2263

Address: 328 W. Kellogg Blvd., St. Paul, MN 55102

State Historic Preservation Office (SHPO)

Name: Amy Spong, Manager

Email: amy.spong@state.mn.us

Phone Number: 651-201-3288

Address: Administration Building #203, 50 Sherburne Ave., St. Paul, MN 55155

Federal Transit Administration

Name: Anthony Greep, Director, Office of Planning and Program Development, Region 5

Email: Anthony.greep@dot.gov

Phone Number: 312-353-2789

Address: 200 West Adams Street, Suite 320, Chicago, IL 60606