

Appendix A

Draft Section 4(f) Evaluation

US 14
Minnesota State Project Number: 5200-03

From Front Street in New Ulm, MN to County Road (CR) 6 near North Mankato, MN

The Proposed Action is the improvement of a 22.5 mile segment of the US 14 corridor from Front Street in New Ulm, MN to CR 6 near North Mankato, MN. Build Alternatives include construction of a four-lane divided highway using existing and/or new alignment. A range of alternatives, including the No Build and several Build alternatives, and their impacts are evaluated in the Draft EIS and in this Draft Section 4(f) Evaluation.

A Preferred Alternative will be identified during the Final EIS phase of this roadway improvement project.

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I. Introduction and Purpose of this Evaluation

The Minnesota Department of Transportation (Mn/DOT) and the Federal Highway Administration (FHWA) have prepared a Draft Environmental Impact Statement (DEIS) to address the project planning and decision-making process for proposed improvements to US 14 from New Ulm to North Mankato, MN. The project area is located in Brown and Nicollet Counties in south-central Minnesota (see Exhibit A-1). The proposed project extends from Front Street in New Ulm, MN to County Road (CR) 6 near North Mankato, MN. The Build Alternatives retained for detailed study would provide for construction of a four-lane divided highway, using existing or new alignment that meets applicable standards for a rural expressway with a 70-mph design speed and controlled access.

This appendix addresses the impacts of the highway improvement alternatives on certain resources eligible for review under Section 4(f) of the 1966 Department of Transportation (DOT) Act (49 USC 303, 23 USC 138).¹ This legislation provides protection for publicly owned parks, recreation areas, historic sites (public or private), wildlife and/or waterfowl refuges from conversion to a transportation use. The FHWA may not approve the use of land from a significant publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 771.135).

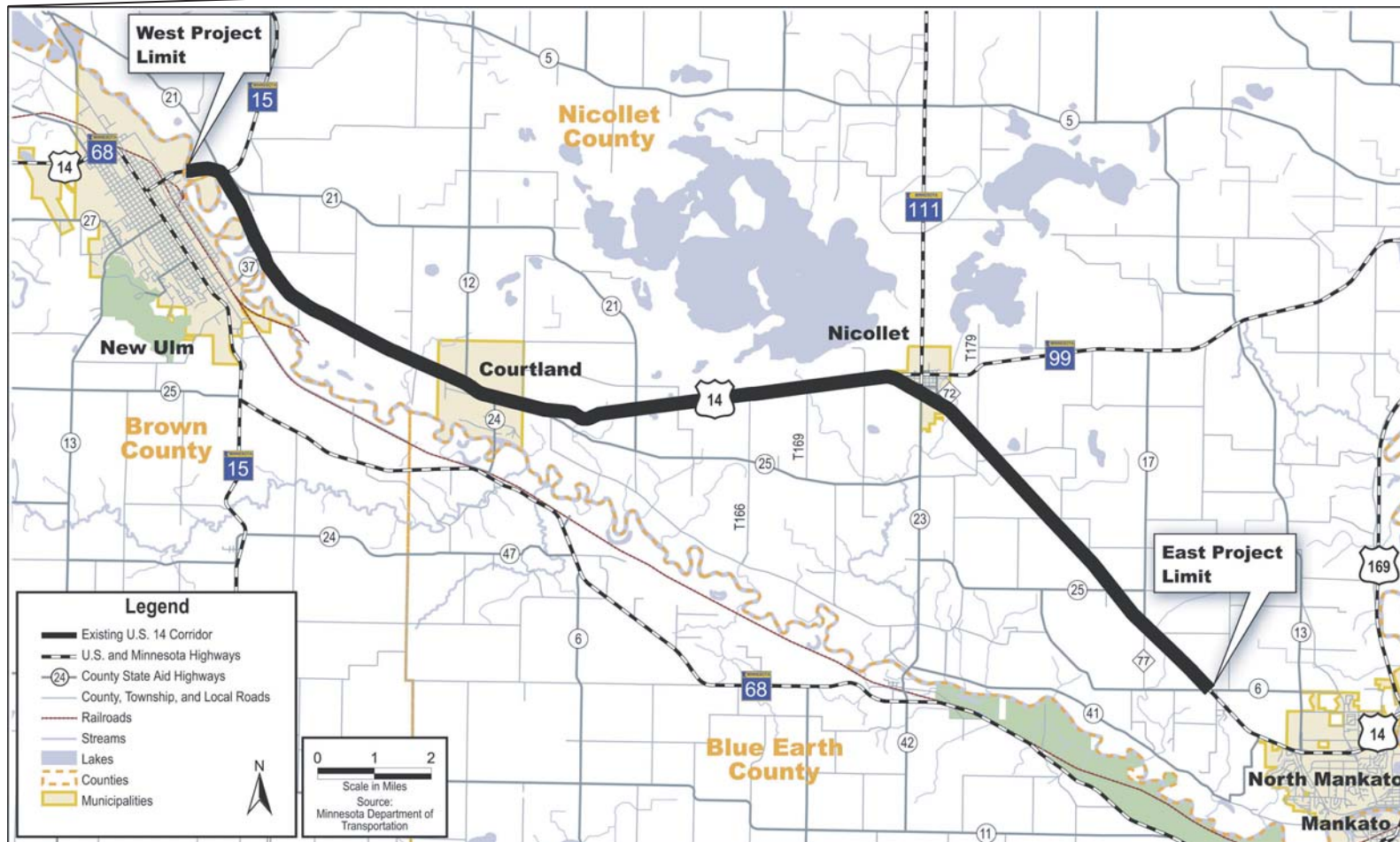
The Section 4(f) process requires that any impacts from use of a publicly owned park, recreation area, historic site, wildlife or waterfowl refuge for highway purposes be evaluated in context with the proposed highway construction/reconstruction activity.² Determinations regarding Section 4(f) eligibility and potential Section 4(f) use were summarized in Sections 3.13 (Cultural Resources) and 3.14 (Public Lands) of the DEIS. Based on the initial inventory and impact assessment, design modifications were implemented to avoid use of Section 4(f) properties (see discussion of avoidance alternatives below).

This stand-alone, Section 4(f) Evaluation is warranted because a review of the design concept drawings has determined that viable build alternatives would result in some impacts, or the “use” of Section 4(f) and resources. The purpose of this evaluation is to provide the information required by the Secretary of Transportation to make decisions regarding the use of properties protected by Section 4(f) legislation based on the alternatives considered. Mn/DOT and the FHWA must complete a Final Environmental Impact Statement (FEIS) and a Record of Decision (ROD) before any alternative can be approved and the proposed highway improvements can be considered eligible for federal funding, or any other implementation actions. The FEIS and ROD

¹ In January 1983, as part of an overall recodification of the DOT Act, Section 4(f) was amended and codified in 49 U.S.C., Section 303. However, the regulation is more commonly known as “Section 4(f).”

² Section 4(f) “use” is strictly defined under FHWA guidelines. A 4(f) use includes acquisition, temporary or permanent occupancy, or proximity impacts that result in substantial impairment of the purposes for which the 4(f) resource exists.





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T112004005MKE 316774.14.D1 Study Area Map 11-29-04.tif

will contain the final determinations necessary to implement the project, including identification of a preferred alternative and the required findings in compliance with Section 4(f) regulations and other environmental resource impacts.

Before FHWA can approve the proposed action (one preferred alternative), Section 4(f) requires a determination that there are no prudent and feasible alternatives to the use of the applicable resources. Therefore, this Section 4(f) Evaluation includes summaries of the project's purpose and need and the alternatives considered during the extensive environmental study process. Where there are potential Section 4(f) impacts from this project, it is necessary to show that project planning has included all possible measures considered necessary to minimize harm.

To balance the various issues, this evaluation demonstrates why viable alternatives would result in uses of Section 4(f) resources. Mn/DOT and FHWA specialists have analyzed the project's environmental impacts and have consulted with the parties that have jurisdiction over the affected Section 4(f) resources to preliminarily identify appropriate mitigation (see Section V below). Additional details associated with identification of a Preferred Alternative will be addressed in the FEIS and in a Final Section 4(f) Evaluation, as applicable.

Additional protection is provided for outdoor recreational lands under the Section 6(f) legislation (16 USC 4602-8(f) (3)) where Land and Water Conservation (LAWCON) funds were used for the planning, acquisition or development of the property. These properties may be converted to a non-outdoor recreational use only if replacement land of at least the same fair market value and reasonably equivalent usefulness and location is assured. The DEIS examined the eligibility of resources under Section 6(f) of the Land and Water Conservation Act. While one resource, Minnecon Park in New Ulm, MN, was considered eligible under Section 6(f), this resource would not be impacted by any of the proposed alternatives. Therefore, Section 6(f) is not considered in this document. See Section 3.14 (Public Lands) of the DEIS for further discussion of Minnecon Park, as well as other public lands determined not eligible for Section 6(f) or 4(f) review.

In addition to a Section 4(f) use, eligible properties may also be affected under Section 106 of the Historic Preservation Act. It is possible for a NRHP eligible property to experience an adverse effect under Section 106 even while it may be unaffected under Section 4(f). Because the properties are avoided for purposes of Section 4(f), several potential Section 106 adverse effects are not addressed in any detail in this document; rather they are fully documented in Section 3.13 of the DEIS.³

II. Project Summary

A. Proposed Action

The EIS considers proposed improvements to a 22.5 mile section of US 14 in southwestern Minnesota (see above and *Exhibit A-1*). The proposed action includes expanding US 14 from two to four lanes along alternatives that utilize both new and existing alignment. Proposed

³ The process of evaluating Section 4(f) resources first includes consideration of avoidance. In most cases for this project, Section 4(f) use for eligible properties is avoided. (See also Table 1, below and Section 3.13 of the DEIS).



improvements also include access management strategies that include interchanges and connections to local roads.

B. Purpose of Project

As discussed in detail in Section 1 of the Draft EIS, the purpose of the proposed US 14 improvements from New Ulm to North Mankato is based on more specific performance objectives for a Minnesota Interregional Corridor (IRC), while seeking compatibility with local communities and the area's natural resources (see Section 1 of the DEIS). The proposed project must, therefore, be based on a sound and balanced plan that will:

- Maintain or improve travel conditions to meet performance targets, and
- Fit the context of the area's affected communities, resources, and land uses—including the Cities of New Ulm, Courtland, and Nicollet; as well as the area's farms, neighborhoods, businesses, and other social and natural resources.

C. Need for Project

The key deficiencies and issues that must be addressed by US 14 improvements include:

- **Safety** – Crash rates often exceed statewide averages in this corridor, including a crash severity rate that is nearly double the rate expected at the US 14/MN 15/CR 21 intersection (near New Ulm), even with improvements made to this intersection in 2003 (see the Draft EIS Section 1.3.2).
- **Capacity** – A forecasted increase in traffic congestion resulting from high traffic volumes, a high percentage of trucks, and limited passing opportunities that will have a continuing adverse impact on the communities of Courtland and Nicollet.
- **Highway and Bridge Design** – the two-lane design combined with a high number of accesses per mile increases the risks for collisions in the corridor. Additionally, the existing two-lane Minnesota River bridge would be nearly 50 years old and approaching the end of its functional life at the time highway improvements are made.

III. Alternatives

This Section 4(f) Evaluation addresses a No-Build Alternative and the DEIS Build Alternatives, involving development of a four-lane expressway (see Section 2 in the DEIS, including Exhibit 2-1; or the Aerial Photo Exhibit for a more detailed description of the alternatives). Below is a brief description of each alternative considered in the DEIS.

A. No Build Alternative

The No Build Alternative serves as a baseline for comparison to the Build Alternatives. Improvements under this alternative are limited to routine maintenance including: normal pavement maintenance (e.g., resurfacing or patching), spot traffic operational improvements, and minor safety improvements. The highway would retain the existing current physical characteristics, curvature, and typical section (i.e., pavement and shoulder width).



B. Build Alternatives

The Build Alternatives evaluated in the DEIS consist of corridor locations, or alignments, that have been refined through an extensive study process. The Build Alternatives in the West and East Study Sections (see *Exhibit A-2*) are listed below. Note that Exhibit A-2 also identifies the potentially unavoidable Section 4(f) resources – as discussed in detail below and throughout this Evaluation.

Alternatives from New Ulm to Courtland (West Study Section)

The West Study Section includes the following three build alternatives, all of which include expansion of the US 14 Minnesota River Bridge from two to four lanes (see Exhibit A-2):

- Alternative W1. Existing US 14/Minnesota River Alignment
- Alternative W2. Top-of-Bluff Alignment
- Alternative W3. River/Bluff Combination Alignment

Alternatives from Courtland to Nicollet (East Study Section)

The East Study Section includes the four build alternatives listed below, all of which include a single bypass route north of Courtland (with an interchange considered); and a south bypass route of Nicollet, (also with an interchange considered, possible at various locations) (see Exhibit A-2 and the Aerial Photo Exhibit).

- Alternative E1. Near South Bypass Alignment
- Alternative E2. South Bypass – South of Swan Lake WMA Alignment
- Alternative E3. South Bypass – Section Line Alignment
- Alternative E4. Far South Bypass

IV. Section 4(f) Resources in Project Area

The project area has a rich history of agricultural and habitat preservation land uses, and as such, contains several candidate resources for consideration in this Section 4(f) Evaluation. In support of the DEIS, surveys of archaeological sites and historic structures were conducted for an area based on the alternatives described above.⁴ The following studies were completed to determine resources within the Area of Potential Effect (APE, see Exhibit A-2) that are eligible for the National Register of Historic Places (NRHP):

- *Phase I Archaeological and Geomorphological Survey and Phase II Archaeological Testing of 21NL58, 21NL59 and 21NL134* (October 2005)

⁴ Sources: *Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota* (May 15, 2006); and *TH 14: New Ulm to North Mankato Archaeological Survey, Nicollet County Minnesota*, (October 2005).

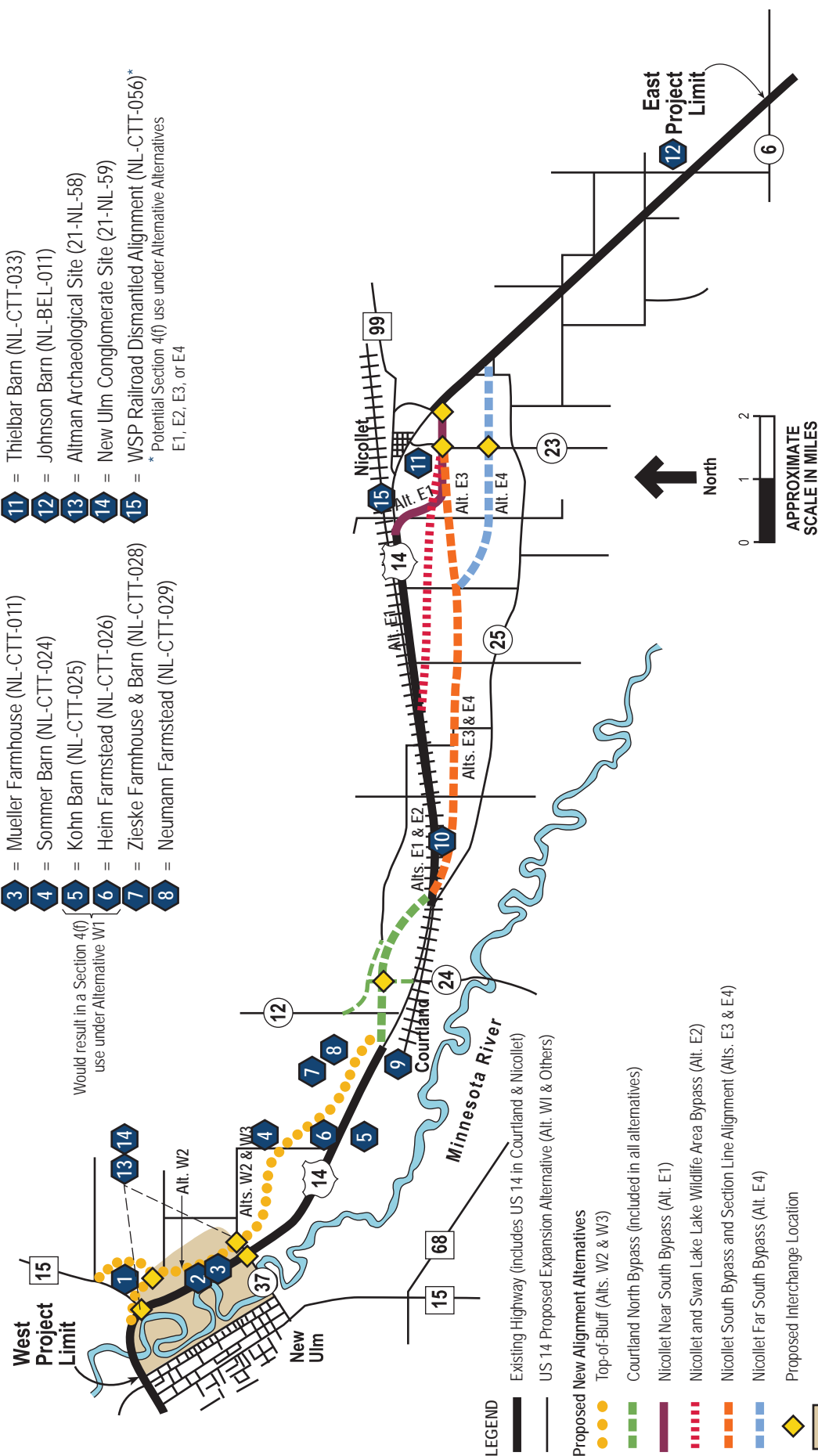


East Study Section

West Study Section

- 1** = Wellner Farmhouse (NL-LFT-008)
 - 2** = New Ulm Spring R.P.A. (NL-CTT-006)
 - 3** = Mueller Farmhouse (NL-CTT-011)
 - 4** = Sommer Barn (NL-CTT-024)
 - 5** = Kohn Barn (NL-CTT-025)
 - 6** = Heim Farmstead (NL-CTT-026)
 - 7** = Zieske Farmhouse & Barn (NL-CTT-028)
 - 8** = Neumann Farmstead (NL-CTT-029)
 - 9** = Kohn Barn (NL-CTT-033)
 - 10** = Hintz Farmhouse (NL-CTT-057)
 - 11** = Thielbar Barn (NL-CTT-033)
 - 12** = Johnson Barn (NL-BEL-011)
 - 13** = Altman Archaeological Site (21-NL-58)
 - 14** = New Ulm Conglomerate Site (21-NL-59)
 - 15** = WSP Railroad Dismantled Alignment (NL-CTT-056)*
- * Potential Section 4(f) use under Alternative Alternatives E1, E2, E3, or E4

Would result in a Section 4(f) use under Alternative W1



- LEGEND**
- Existing Highway (includes US 14 in Courtland & Nicollet)
 - US 14 Proposed Expansion Alternative (Alt. W1 & Others)
 - Proposed New Alignment Alternatives**
 - Top-of-Bluff (Alts. W2 & W3)
 - Courtland North Bypass (included in all alternatives)
 - Nicollet Near South Bypass (Alt. E1)
 - Nicollet and Swan Lake Lake Wildlife Area Bypass (Alt. E2)
 - Nicollet South Bypass and Section Line Alignment (Alts. E3 & E4)
 - Nicollet Far South Bypass (Alt. E4)
 - Proposed Interchange Location
 - Approximate Location of 2 Eligible Archaeological Sites
 - WSP Railroad Dismantled Alignment

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- *Phase I Cultural Resource Survey (CRS) for Trunk Highway 14 West Interregional Corridor Alternative Study – SP 5200-03 (May 2004)*
- *Phase II Evaluation of Historic Structures Along TH 14 Between New Ulm and Mankato, Nicollet County, Minnesota (May 15, 2006)*

In total, there are 24 historic structures and two archaeological sites within the APE recommended as eligible for the NRHP (see Table 3-21 in Section 3.13 of the DEIS for a list of the twenty-four resources). In addition, the WSP Railroad corridor is a potentially eligible resource. The results of these surveys were reviewed to identify the properties that have potential to result in a Section 4(f) use. (See Section VI. for discussion on agency coordination). As described in Table A-1 below, and shown on Exhibit A-2 and the DEIS Aerial Photo Exhibit, twelve historic and two archaeological resources were identified as having potential to result in a Section 4(f) use; these resources are considered in this evaluation.

Table A-1 also identifies three public land resources and their eligibility for Section 4(f) and Section 6(f) consideration. Minnecon Park in New Ulm is the only Section 6(f) resource located within the study area. The Swan Lake WMA was determined not to be eligible for Section 4(f) consideration, although, there are elements of the WMA, notably boat landings that are eligible. However, none of the DEIS alternatives come within proximity of the landings (see footnote in Table A-1 and Section 3.14 in the DEIS for additional discussion).

Table A-1 also describes if use of a Section 4(f) resource was avoided. As noted in the right-hand column below, five eligible Section 4(f) resources would result in a potential use under one of the alternatives. Resources that are entirely avoided and would not result in a use are discussed in more detail in Section 3.13 of the DEIS.

TABLE A-1

Summary Inventory of Section 4(f) and 6(f) Resources within US 14 Study Area Including Potential for Avoidance and Section 4(f) Use

Resource Name	Brief Resource Description	Potential Section 4(f)/6(f) Use?
Historic Architectural Resources		
1. Wellner Farmhouse (NL-LFT-008)	Farmhouse built around 1895.	No—Avoided
2. New Ulm Spring Roadside Parking Area (NL-CTT-006)	Former wayside rest area built in 1939 defined by a stone wall that is within Mn/DOT's current US 14 right-of-way. This site listed on the NHRP.	Yes
3. Mueller Farmhouse (NL-CTT-011)	A well-preserved farmhouse built in the early 1900s located on top of the bluffs, above existing US 14.	No—Avoided
4. Sommer Barn (NL-CTT-024)*	Barn and unusually wide clay tile silo built around 1890.	No—Avoided
5. Kohn Barn* (NL-CTT-025)	A raised/basement barn and attached silo built in the 1890s with characteristics of traditional German timber framing.	Yes



TABLE A-1

Summary Inventory of Section 4(f) and 6(f) Resources within US 14 Study Area Including Potential for Avoidance and Section 4(f) Use

Resource Name	Brief Resource Description	Potential Section 4(f)/6(f) Use?
6. Heim Farmstead* (NL-CTT-026)	Historic barn and adjacent lands (85.5 acres) convey associations with farming in the region dating to the late 1800s.	Yes
7. Zieske Farmhouse and Barn* (NL-CTT-028)	Farmhouse and barn structures are individually eligible for the National Register.	No—Avoided
8. Neumann Farmstead* (NL-CTT-029)	Historic Structure built around 1900 <u>and adjacent lands (11.6 acres)</u> convey associations with traditional German farming.	No—Avoided
9. Kohn Barn (NL-CTT-033)*	Raised/basement barn and attached silo built around 1895	No—Avoided
10. Hintz Farmhouse (NL-LFT-008)	Farmhouse built around 1930.	Yes
11. Thielbar Barn (NL-NCT-033)*	A raised/basement barn (built around 1905) and a concrete stave silo.	No—Avoided
12. Johnson Barn (NL-BEL-011)	Barn and attached silo was built around 1920 and is a well-preserved example of rock-faced concrete block construction.	No—Avoided
Archaeological Resources		
13. Altman Site (21NL58)	Archaeological site in the Minnesota River Valley near existing US 14.	No—Avoided
14. New Ulm Conglomerate Site (21NL59)	Archaeological site in the Minnesota River Valley near existing US 14.	Yes
Other Cultural Resource		
15. WSP Railroad Dismantled Alignment (NL-CTT-056)	Corridor containing remnant railroad landforms and structures, next to part of existing US 14.	Possible (pending study)
Public Parks and Recreation Areas		
Minnecon Park	Located on the New Ulm side of the Minnesota River, downstream approximately 350 feet from the Minnesota River bridge. This park is the only a Section 6(f) resource in the study area.	No—Avoided
Eckstein Boat Landing	Located on the Minnesota River, just east of CR 37 and south of US 14.	No—Avoided
Swan Lake Wildlife Management Area (WMA)**	A prairie pothole complex managed by the Minnesota DNR for game species, including waterfowl, pheasants, deer, and turkey. As a whole, the WMA is not considered a Section 4(f)	No—Eligible portions are avoided



TABLE A-1

Summary Inventory of Section 4(f) and 6(f) Resources within US 14 Study Area Including Potential for Avoidance and Section 4(f) Use

Resource Name	Brief Resource Description	Potential Section 4(f)/6(f) Use?
	resource. Elements of the WMA, including boat landings, are Section 4(f) properties; however, no boat landings are affected/used by the project.	

The numbering of the historic architectural resources above corresponds to the numbering of the resources on Exhibit A-2, Section 4(f) Eligible Resources and Potential Section 4(f) Uses

* Indicates that a resource is one of the twenty-nine timber frame barns reviewed (see Section III.A. below).

** Regardless of Section 4(f) eligibility, the environmental resource evaluations recognize that Swan Lake WMA is an important environmental and public resource. As such, the WMA will be afforded protection from adverse impacts, and mitigations to the extent that wetlands and other features may be affected. Furthermore, as changes to site access are possible under some of the Build Alternatives, and as there should be need for wetland mitigation, Mn/DOT anticipates working closely with the DNR to not only mitigate impacts, but also to provide enhancements to the overall resource. See Section 3.13 of the DEIS for further discussion of the Swan Lake WMA.

Several of the historic architectural resources listed in Table A-1 are timber frame barns (identified in Table A-1 with an asterisk (*)). The prevalence of older gable-roof three-bay English type barns along this corridor prompted the examination of these barns. These “raised” or “basement” barns are likely second-generation barns, built to replace earlier, smaller, settlement-era barns. The barns were likely originally built as general-purpose or “combination” structures used for storing crops and housing livestock. Many of the barns display distinctive characteristics of German immigrant construction that are now rare in Minnesota, including scribe carpentry (individually measured and cut framing members), *fachwerk*-style square panel framing in the walls, and diagonal corner braces.

All of these barns have undergone some level of alteration. Changes range from the addition of small silos and milk houses, to larger-scale expansions.⁵ Each barn’s physical integrity was assessed for determining eligibility for the NRHP. Overall, twenty-nine timber frame barns were reviewed. Sixteen were recommended as eligible for the NRHP; of those, seven are listed in the table above and two barns – the Kohn Barn (NL-CTT-025) and the barn on the Heim Farmstead (NL-CTT-026) – have potential for a Section 4(f) use. The discussion below provides a detailed description of these barns, as well as other resources with potential for Section 4(f) use.

1) New Ulm Spring Roadside Parking Area (RPA) (NL-CTT-006)

The New Ulm Spring RPA was designed by noted landscape architect, A.R. Nichols and built in 1938-1939 by the National Youth Administration (NYA) as part of President Roosevelt’s New Deal and the Roadside Development Division of the Minnesota Department of Highways.

⁵ Source: *Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota*



The RPA was originally built as a wayside rest area for drivers to stop and use an artesian spring (the spring is now capped). The 4.6 acre site includes several structures – all constructed from locally quarried red quartzite – including a retaining wall (about 156 feet long), 2 sets of stone steps leading into the wooded hillside, and a stone picnic fireplace in the wooded hillside. The stone structures are in disrepair; the steps and fireplace are obscured by brush. Based on observations and reports from local residents and officials, this site is rarely visited for interpretive reasons nor is it used as a rest area.

The RPA was determined eligible for the NRHP as part of the Mn/DOT Historic Roadside Development Structures Inventory, completed in 1998. Reasons for inclusion on the NRHP include: unique construction; exemplification of NYA works in cooperation with the Minnesota Department of Highways; and for its design and use of indigenous materials.

TABLE A-2
New Ulm Spring Roadside Parking Area (NL-CTT-006)

Size and Location	<p><u>Size:</u> The RPA consists of approximately 4.6 acres.</p> <p><u>Location:</u> North side of US 14, approximately one mile southeast of US 14/MN 15 intersection [Courtland Township (T110N R30W), Sec 22]</p> <p>The eastern property boundary generally follows the Mn/DOT right-of-way line. The western boundary is approximately 12 feet east of the US 14 centerline. The northern boundary follows the Mn/DOT right-of-way line and an extension from it that meets the western boundary. The southern boundary follows the right-of-way line and a line perpendicular with the US 14 centerline that is approximately 100 feet south of the end of the stone wall (<i>Mn/DOT Historic Roadside Development Structures Inventory – Site Boundaries</i>).</p>
NRHP status or Potential; Unusual characteristics	The <i>Mn/DOT Historic Roadside Development Structures Inventory</i> identifies this wall as “outstanding” compared to 66 other walls inventoried.
Ownership, Function of Property, and Available Activities	Currently located with US 14 right-of-way, making this Mn/DOT property.
Access	Access provided by a direct pull-off on the north side of US 14
Relationship to other similarly used lands in the vicinity	N/A
Applicable clauses affecting the ownership	This site is currently owned by Mn/DOT, however, under Alternative W2, the wall would be turned back to Nicollet County, which would then be responsible for any maintenance. Under Alternatives W1 and W3, the wall would remain in Mn/DOT’s right-of-way and ownership. however, access to the site would be removed.
Source: <i>Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota</i> , p. 3.26	

2) Kohn Barn (NL-CTT-025)

Originally built by a German immigrant family circa 1890, the barn’s construction details are characteristic of traditional German timber framing, which is currently understood to be rare in Minnesota. These details include dense *fachwerk* square panel wall framing, diagonal corner bracing, and evidence of scribe carpentry. The only addition to this barn is a silo, making this



one of the least altered barns in the area. A portion of the 200 acre parcel on which the barn is located encompasses the boundaries of the Heim Farmstead (NL-CTT-026).

TABLE A-3
Kohn Barn (NL-CTT-025)

Size and Location	<u>Size</u> : Parcel containing barn includes approximately 200 acres; size of the barn is unknown. <u>Location</u> : 54350 US 14 Courtland, MN 56021 [(T110N R30W), Sec 36, SW ¼ of SW ¼]
NRHP status or Potential; Unusual characteristics	One of the 29 German timber frame barns assessed within the study area. The only addition to this barn is a silo, making this one of the least altered barns in the area.
Ownership, Function of Property, and Available Activities	Privately owned active farming operation
Access	Direct turnoff on south side of US 14
Relationship to other similarly used lands in the vicinity	The building fits within the agricultural lifestyle of the Minnesota River Valley.
Applicable clauses affecting the ownership	A portion of the 200 acre parcel on which the barn is located encompasses the boundaries of the Heim Farmstead.
Source: <i>Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota</i> , p. 3.52	

3) Heim Farmstead (NL-CTT-026)

A portion of the Heim farmstead is recommended as eligible for the NRHP. Approximately 85.5 acres of the original 205 acre farmstead have retained enough integrity to continue to convey associations with late 19th and early- to mid-20th century farming in the region. The eligible farmstead contains a small acreage on the north side of US 14 and part of a larger farm on the south side of US 14. The eligible farmstead currently has separate property owners on the north and south sides of the highway.

The northern part of the farmstead includes the eligible barn. Built by a German immigrant family in 1907, the barn is a late example of a timber frame construction that displays characteristics of traditional German timber framing, including dense *fachwerk* square panel wall framing and diagonal corner bracing. This barn has only undergone an early balloon frame addition. The condition of the barn is sufficient enough to continue to convey association of German immigration to the rural Minnesota River Valley.

TABLE A-4
Heim Farmstead (NL-CTT-026)

Size and Location	<u>Size</u> : Eligible farmstead includes historic structures and 85.5 acres of adjacent land; size of the barn is unknown. <u>Location</u> : 55712 US 24 [Courtland Township (T109N), Section 1, NE ¼ of NW ¼]
NRHP status or Potential; Unusual characteristics	This eligible barn on this property is one of the 29 German timber frame barns assessed within the US 14 study area. This barn has only under gone an early balloon frame addition.
Ownership, Function of Property, and Available Activities	Privately owned by multiple property owners



TABLE A-4

Heim Farmstead (NL-CTT-026)

Function of property and available activities	Privately owned active rural residential home
Access	Direct access from driveway on north side of US 14
Relationship to other similarly used lands in the vicinity	The building fits within the agricultural lifestyle of the Minnesota River Valley
Applicable clauses affecting the ownership	The 85.5 acres included in the eligible Heim Farmstead contains a small acreage on the north side of US 14, and a larger farm on the south side of US 14

Source: *Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota*, p. 3.56

4) Hintz Farmhouse (NL-CTT-057)

Built around 1930, this brick farmhouse is reflective of the Colonial Revival style. It may also be associated with the early 20th century progressive movement to improve American farmhouses, farm life, and farm women's workload through modern farmhouse design and improved aesthetics. Elements of the Hintz property recommended as eligible for inclusion on the NRHP include the farmhouse, the garage, the driveway, lawn, and associated ornamental plantings (e.g., trees, shrubs, and flowers). The rest of the farmstead has lost physical integrity.

TABLE A-5

Hintz Farmhouse (NL-CTT-057)

Size and Location	<u>Size</u> : The size of the area on which the eligible farmhouse, garage, driveway, lawn and associated ornamental plantings is unknown. <u>Location</u> : 51621 US 14, Courtland, MN 56021 [Courtland Township (T109N R29W), Sec 10, SE ¼ or NW ¼]
NRHP status or Potential; Unusual characteristics	The eligible two-story brick farmhouse is an unusually well-developed and intact example of the Colonial Revival style, which is associated with the early 20 th century progressive movement to improve American farmhouses and farm life.
Ownership, Function of Property, and Available Activities	Privately owned rural residential property
Access	Direct access from the south side of US 14
Relationship to other similarly used lands in the vicinity	The farmhouse fits within the agricultural lifestyle of the Minnesota River Valley.
Applicable clauses affecting the ownership	N/A

Source: *Phase II Evaluation of Historic Structures Along T.H. 14 Between New Ulm and Mankato, Nicollet County, Minnesota*, p. 3.109.

5) New Ulm Conglomerate Archaeological Site (21NL59)

Site 21NL59 is an ancient tool-making and camp site consisting of a precontact artifact scatter with intact subsurface deposits surrounding a Sioux Quartzite outcrop known as the "New Ulm Conglomerate." Artifacts found at the site (including lithics of raw materials from the outcrop and utilized cobbles), indicate that the site was a location for quarrying and lithic reduction activities. Also, the New Ulm Conglomerate is one of only two surface exposures of the Sioux



Quartzite basal conglomerate within Minnesota. This makes the site important for providing an understanding of Minnesota geology.

TABLE A-6

New Ulm Conglomerate Site (21NL59)

Size and Location	Archaeological Site = 5.7 acres Located near US 14 between MN 15 and CR 37
NRHP status or Potential; Unusual characteristics	Ancient tool-making and camp site; exhibits a variety of related features and is recommended as an eligible site
Ownership, Function of Property, and Available Activities	The site is owed by multiple private property owners and Mn/DOT (part of the site is located within US 14 right-of-way).
Access	Direct turnoff on south side of US 14; also turn off on west side of CR 37
Relationship to other similarly used lands in the vicinity	None
Applicable clauses affecting the ownership	Portion of site is within Mn/DOT right-of-way, along existing US 14

Source: *TH 14—New Ulm to North Mankato Archaeological Survey, Nicollet County Minnesota*, (October 2005).

6) WSP Railroad Line (NL-CTT-056)

The Winona and St. Peter (WSP) Railroad line is a resource consisting of remnant railroad grade and structures (culverts and bridge abutments). The now-dismantled railroad was originally built as an extension from St. Peter to New Ulm in 1872. After many decades of service, the tracks in Nicollet County were removed in 1973. While various elements can be inventoried separately, the WSP Railroad is linear in nature and is thus described herein as a corridor (see Exhibit A-2 and the Aerial Photo Exhibit). It is also known as the Chicago and Northwestern Railway. The individual elements near the US 14 corridor include: the Courtland Segment (NL-CTT-056), the Nicollet Segment (NL-CTT-001), and four stone box culverts (NL-CTT-101, -106, -107, and -108). The potentially eligible historic rail line also includes other structures located well outside the area of potential effect. Generally, the line in the study area runs south of Courtland, joins the existing US Highway 14 corridor east of Courtland and runs along the highway's north side, where the railbed is typically not present, having been altered by agricultural activity. Just west of Nicollet, the WSP line angles toward the northeast and away from US 14 as the highway diverges toward the southeast.

The WSP Railroad line in the US 14 study area is not as intact or visible as other segments of the same line outside the study area. However in 2000, consulting historians (AHR and Hess, Roise) recommended that, "the entire historic [WSP] line across the state of Minnesota should be listed as a linear district" (eligible for the National Register). While a formal determination of eligibility has not yet been made, the WSP line in the study area is considered potentially eligible within this Section 4(f) Evaluation.



TABLE A-7

WSP Railroad Line (NL-CTT-056)

Size and Location	Railroad extended east and west across southern Minnesota; including across Nicollet County, through the communities of St. Peter and New Ulm..
NRHP status or Potential; Unusual characteristics	In 2000, consulting historians (AHR and Hess, Roise) recommended that, "the entire historic [WSP] line across the state of Minnesota should be listed as a linear district" (eligible for the National Register). The AHR survey did not include the railroad segment through Nicollet County. Fieldwork conducted in spring 2006 concluded that the railroad line has not retained sufficient integrity to merit becoming part of the NRHP-eligible historic district recommended in the AHR survey. The issue of this resource's eligibility has not yet been resolved, therefore the railroad line and associated elements are considered potentially eligible for this evaluation.
Ownership, Function of Property, and Available Activities	The railroad line is now owned by many private property owners; some of the railroad line is also within Mn/DOT right-of-way along US 14.
Access	N/A
Relationship to other similarly used lands in the vicinity	N/A
Applicable clauses affecting the ownership	N/A

Source: *TH 14—New Ulm to North Mankato Archaeological Survey, Nicollet County Minnesota*, (October 2005).

V. Section 4(f) Resources Impact Assessment

This section describes the impacts to or "uses" of eligible Section 4(f) properties and discusses the possibilities considered for avoiding these resources. The location of the Kohn Barn (NL-CTT-025) and the Heim Farmstead (NL-CTT-026) across the highway from each other (see Exhibit A-2 and the Aerial Photo Exhibit) make these two resources unavoidable under Alternative W1. These are the only Section 4(f) uses documented for all DEIS Build Alternatives.

A. Impacts to the Section 4(f) Resources

The subsections below discuss potential Section 4(f) uses on six resources. Section V.B, which follows, expands the discussion by addressing the potential for avoidance.

1) New Ulm Spring Roadside Parking Area (RPA) (NL-CTT-006)

Construction of the common portion of Alternatives W1 & W3 would include a constrained, urban design in the area between the Minnesota River and the bluff. There is not enough space available to develop a parking area with desirable separation from the travel lanes. Removing access to the site is consistent Mn/DOT's Interregional Corridor policy which limits access along state highways for purposes of safety and highway operations (see DEIS Sections 1.3.3.3 and 2.4.4). The wayside was originally built as a pull-off for drivers; therefore, removal of access would be a change in physical context and site's use, resulting in a Section 4(f) use to this resource. See Section V.B.1 for a discussion of potential to minimize this use



Under Alternative W2, US 14 between MN 15 and CR 37 would be turned back to Nicollet County. Jurisdiction of the RPA, including maintenance responsibility, would be given to Nicollet County.

2) Hintz Farmhouse (NL-CTT-057)

Removal of access to this farmhouse would require acquisition of the resource and would result in a Section 4(f) use. If access to this property is maintained, and the property's ornamental plantings (trees and shrubs considered part of the eligible property) are not impacted, there would be no Section 4(f) use. Design reviews to-date found that these impacts are potentially avoidable under any build alternative and Mn/DOT is committed to further detailed design investigations (see Section V.B 2, below).

3) Kohn Barn (NL-CTT-025)

Completing proposed Alternative W1 highway improvements, including a rural four-lane highway with approximately 300 feet of right of way, would require acquisition of the eligible barn and silo, resulting in a Section 4(f) use. There is potential that the house (located on the same parcel as the barn, but not an eligible resource) would also be acquired based on proximity.

4) Heim Farmstead (NL-CTT-026)

The house and barn of this historic farmstead sit very close to the road; the boundaries of the eligible farmstead straddle both sides of existing US 14. Alternative W1 adds two lanes to the highway. Regardless of which direction the highway is widened (either to the north or to the south), Alternative W1 would result in the acquisition of a strip of approximately six acres of the farmstead adjacent to US 14, which constitutes a Section 4(f) use. This acquisition will not affect viability of the farming operation; the property has been farmed on both sides of US 14 for many years and will remain viable as long as access to both sides of the highway is maintained.

Access to the portion of the farmstead located south of US 14 would be rerouted under Alternative W1 (to remain consistent with Mn/DOT access guidelines). This new access configuration would result in acquisition of some farmstead acreage, which will result in additional Section 4(f) use of farmstead acreage.

The eligible barn (located on the north side of US 14) would be avoided. However, the house (also on the north) would be acquired based on proximity to the road. The house is not individually eligible; however, it is a contributing element to the eligible farmstead. Acquisition of the house raises questions regarding the continued maintenance of the farmstead acreage north of US 14 and the eligible barn.

5) New Ulm Conglomerate Archaeological Site (21NL59)

The Sioux Quartzite outcrop known as the "New Ulm Conglomerate" is recommended for preservation in place. Under Alternatives W1 and W3, widening of existing US 14 to four-lanes would locate the highway on top of some buried artifacts (which are not considered important for preservation in place). There is also potential that the interchange proposed at US 14 and CR 37 could infringe upon the geological feature on the site, which is considered important for



preservation in place. If either Alternative were to expand into the quartzite outcrop of the New Ulm Conglomerate site, a Section 4(f) use would occur.

6) WSP Railroad Line (NL-CTT-056)

None of the build alternatives can avoid, at minimum, a crossing of the WSP Railroad line. As supported in Section 2 of the DEIS, study area conditions demand community bypasses north of Courtland and south of Nicollet; and the segment of US 14 next to the WSP Railroad line is at the transition point. Also, most of the segment of US 14 next to the Railroad line (between Courtland and Nicollet) corresponds to Alternatives E1 and E2. Therefore, while there is potential for Section 4(f) use under any of the alternatives, Alternatives E1 and E2 would involve more of the WSP line. Alternatives E3 or E4 would cross the WSP line and would have the potential to directly affect culvert structures. The landforms and structures that may contribute to the rail line's eligibility are not continuous in the study area. Therefore, further detailed determinations will be needed as a preferred alternative is identified. While all alternatives have potential to cause a Section 4(f) use, it has not been completely resolved what conditions (specific cultural features and impacts) might contribute to that finding.

B. Avoidance Alternatives and Measures to Minimize Harm

Section 4(f) use of the following six resources is potentially unavoidable under certain build alternatives: (1) the New Ulm Spring RPA (NL-CTT-006) under Alternatives W1 or W3; (2) the Hintz Farmhouse (NL-CTT-057) under Alternatives E1 or E2; (3) the Kohn Barn (NL-CTT-025) under Alternative W1; (4) the Heim Farmstead (NL-CTT-026) under Alternative W1; (5) the New Ulm Conglomerate Archaeological Site (21NL59) under Alternatives W1 and W3; and (6) the WSP Railroad Line (NL-CTT-056) under Alternatives E1, E2, E3, or E4.

Discussions of potential Section 4(f) uses for each of these six resources is provided below, noting that complete avoidance of selected resources is still possible pending decision-making for a preferred alternative and in regard resource eligibility and design details. Therefore, the discussion below also describes potential efforts to avoid and minimize harm to these resources, as well as property eligibility issues where applicable.

1) New Ulm Spring Roadside Parking Area (RPA) (NL-CTT-006)

The Section 4(f) use of the RPA under the common portion of Alternatives W1 & W3 can be avoided if access is provided. The RPA would remain within Mn/DOT right-of-way. Under Alternative W1 or W3, Mn/DOT would continue to be the entity responsible for maintenance, and would work with SHPO to develop a minimization and/or mitigation proposal. If one of these alternatives is selected, Mn/DOT would consider providing access to the site as part of more detailed design effort, which could result in avoidance of a Section 4(f) use or a potential finding of "de minimus," which is functionally the same as avoidance.⁶

⁶ A finding of de minimis means impacts that do not "adversely affect the activities, features, and attributes" of a Section 4(f) resource. See <http://www.fhwa.dot.gov/hep/guidedeminimis.htm> and other guidance referenced from that link.



Under Alternative W2, provisions would be made prior to turn back for maintenance of the property to the Secretary of Interior's Standards for the Treatment of Historic Properties.

2) Hintz Farmhouse (NL-CTT-057)

Mn/DOT has determined that access would be provided to the farmhouse, which would avoid a use of the entire Hintz Farmhouse. Removal of any trees or shrubs that are located within the eligible property boundaries could also result in a use of this resource. However, Mn/DOT would adjust the common Alternative E1 and E2 alignment past the farmhouse to avoid any use of elements within the farmhouse boundaries. These design refinements might completely avoid a Section 4(f) use of the Hintz property or might result in the acquisition of only a narrow strip of property – also potential avoidance on the basis of a de minimus impact (as explained and footnoted for the New Ulm RPA above). However, it is too early in the design process to make a final finding of complete avoidance under Alternatives E1 and E2 (note for clarity that Alternatives E3 and E4 can certainly avoid the Hintz property).

3) Kohn Barn (NL-CTT-025)

It would be possible to adjust the alignment through this area to avoid the eligible barn and silo; as well as the house. This would minimize impacts to both the Kohn Barn and the Heim Farmstead; however, engineering feasibility has not been determined sufficiently to make commitments. Various design approaches might also allow for avoidance of acquisition of the Kohn Barn; however, providing access with such designs could result in additional impacts to the Heim Farmstead. For these reasons, complete avoidance of the Kohn Barn under Alternative W1 is not considered likely; similarly, Alternative W1 avoidance concepts that might still be explored are unlikely to found prudent.

In addition to the constrained highway cross-section idea, shifting the W1 alignment south to avoid use of the Kohn Barn was considered. This action would effectively sever the barn from the remainder of the active farming operation. A shift to the south would also increase the area of the Heim Farmstead that would need to be acquired (see below). Furthermore, the southern shift to avoid the barn would introduce a curve that would not be prudent from a highway design perspective. Given the difficulty in finding ways to avoid use of the Kohn Barn, if Alternative W1 is identified as preferred, Mn/DOT could also ultimately explore the mitigation of moving the barn to another location.

4) Heim Farmstead (NL-CTT-026)

Using a constrained cross section on the portion of Alternative W1 that passes the Heim Farmstead (and the Kohn Barn) could potentially minimize use of the farmstead, as well as avoid acquisition of the existing home, which is a contributing element to the eligibility of the farmstead. Also, avoiding acquisition of the house would remove some concerns regarding maintenance of the stand alone eligible barn. However, complete avoidance of this property under Alternative W1 is not considered feasible.

Providing access to the northern part of the farmstead using a constrained highway cross section would require construction of a frontage road that would provide access to the farmstead's north side, as well as three residences to the east (see the Aerial Photo Exhibit). This frontage road would result in additional use of the farmstead on the north side of US 14. If



access were not provided, it would be necessary to acquire the entire north-side Heim Farmstead, which includes the eligible barn, thereby resulting in a more extensive use.

5) New Ulm Conglomerate Archaeological Site (21NL59)

Mn/DOT has studied interchange concepts at US 14/CR 37 for Alternative W1 that would avoid use of the quartzite outcropping at the New Ulm Conglomerate site. Specifically, a compressed or tight diamond interchange, and a folded diamond interchange type would avoid impacts to the portion of this site which is recommended for preservation in place. Similarly, Mn/DOT has identified interchange concepts at this location for Alternative W3 that would avoid the outcropping – specifically, a tight diamond; also, a combination tight diamond and folded diamond would avoid the area. All of these interchange concepts are documented in the *US 14 EIS Interchange and Intersection Type Comparison Technical Memorandum* (March 27, 2007). If either Alternative W1 or W3 were identified as the Preferred Alternative, these interchange concepts would be further refined to ensure avoidance of the area recommended for preservation in place.

It is possible that even with the revised interchange concepts, a portion of the New Ulm Conglomerate Archaeological Site may be impacted. However, this would only include the portion of the site which is not recommended for preservation in place. If the buried archaeological artifacts cannot be completely avoided, data recovery or some other mitigation measures (i.e., comparative analysis of chipped stone utilization from surrounding archaeological sites) prior to construction would be necessary. Such an outcome, which is Mn/DOT's full intention as a design goal, would succeed in avoiding the preserve-in-place resource and thus would not be a Section 4(f) use.

6) WSP Railroad Line (NL-CTT-056 and NL NCT-001)

Importantly, more detailed eligibility determinations are still needed for this resource – including examination of the physical features present or absent and potential impacts at specific locations along the dismantled railroad line. Therefore, avoidance of a Section 4(f) use for this resource is a possibility based on lack of eligibility.

If WSP Railroad resources are found to be eligible or contributing, all of the Build Alternatives would, at minimum, cross the remnant railroad corridor. Avoidance would thus be evaluated in detail, considering potential effects at specific locations to determine if contributing elements can be avoided or if the use of the property is de minimus (see the explanation of de minimus for the New Ulm RPA above). If after these steps, the proposed project's preferred alternative is found to have the potential for an unavoidable Section 4(f) use based on WSP Railroad line contributing elements, potential mitigation would be considered. This might include the development and display of interpretive information, possibly within the public use areas of the Swan Lake WMA (the WMA is located near the east end of the segment where US 14 and the rail line run in parallel).

As previously stated, the conditions that might contribute to resource eligibility and constitute an adverse effect are not completely resolved. Therefore, the need for avoidance and mitigation is uncertain and will be addressed as necessary during more detailed design/environmental investigations.



C. Summary of Unavoidable Section 4(f) Uses, Efforts to Minimize Harm, and Potential Mitigation

At this stage of the project’s environmental review (Draft Section 4(f) Evaluation as opposed to Final), Build Alternative W1 (existing US 14) is the only alignment that would result in unavoidable use of Section 4(f) resources – to the Kohn Barn (NL-CTT-025) and the Heim Farmstead (NL-CTT-026). Combinations of other alternatives and design refinements can be used to avoid these two historic properties and other Section 4(f) properties. This comprises the major finding of the Draft Section 4(f) Evaluation. Furthermore, there remains some possibility of using a constrained highway cross-section in the area between the Kohn Barn and the Heim Farmstead, to avoid and/or minimize use (see the DEIS Section 2, Exhibit 2-3 and the discussion above in this Evaluation). However, such approaches are not recommended because they would compromise the project’s purpose and need.

Alternative W2 avoids potential Section 4(f) uses. The common portion of Alternatives W1 and Alternative W3 has potential to result in Section 4(f) uses of the New Ulm Spring RPA (NL-CTT-006) and the New Ulm Conglomerate Archaeological Site (21NL59). But under Alternatives W1 and W3, options are available to avoid these resources through refinements to the corridor alignments and interchange concepts.

In the East Study Section, design refinements to a common portion of Alternatives E1 and E2 have potential to result in complete avoidance or minimization of use for the Hintz Farmhouse (NL-CTT-057). These options would be examined in detail if needed based on the identification of a preferred alternative (Alternatives E3 and E4 avoid this resource). An eligibility determination for the WSP Railroad Line (NL-CTT-056, NL NCT-001, and contributing culverts) must be resolved before an accurate determination can be made regarding potential use of this resource. However, preliminarily, there should be some opportunities to avoid contributing elements along the railroad line under any alternative – even if such elements are deemed eligible.

VI. Coordination Summary

Table 4 shows the coordination meetings that have been held with agencies regarding Section 4(f) resource issues. (Also see Section 4 of the DEIS for information on additional interagency and public coordination activities).

TABLE A-7

Agency Coordination Meetings with Mn/DOT Cultural Resources Unit and State Historic Preservation Office (SHPO)

Date	Attending Agencies	Focus
Aug. 16, 2005	Minnesota DOT Cultural Resources Unit and Archaeological Consultant	Discussed findings of archaeological survey and the preliminary findings of the architectural history survey
June 9, 2006	Minnesota DOT Cultural Resources Unit	Discussed findings of the historic architectural and archaeological resource reports (see Section 3.13 and Appendix A for more details)



TABLE A-7Agency Coordination Meetings with Mn/DOT Cultural Resources Unit and State Historic Preservation Office (SHPO)

Date	Attending Agencies	Focus
December 13, 2006	Mn/DOT Cultural Resources Unit	Discussed with Mn/DOT's historian and archaeologist the potential Section 4(f) uses and Section 106 adverse effects (see Section 3.13 and Appendix A for more details).
February 13, 2007	Mn/DOT Cultural Resources Unit and State Historic Preservation Office	Field day to verify the potential Section 4(f) uses and Section 106 Adverse Effects documented in Section 3.13 and Appendix A.

Like the DEIS as a whole, this is a *Draft* Section 4(f) Evaluation. This document provides the best, most consistent, comparison of the alternatives possible at this time and at a level of analysis sufficient for the Draft Evaluation. The identification and refinement of a preferred alternative, considering public and agency input, may result in changes to the alternatives which could further avoid or minimize the adverse impacts. As such, this documentation will be updated and finalized to address additional information, public and agency comments on the DEIS, and the identification of a preferred alternative.

