

Appendix A

**Section 106 Coordination
Materials**

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**Section 106 Consulting
Parties Meeting**

December 14, 2009

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Silver Line Bus Rapid Transit Project
Section 106 Consulting Parties Meeting

Monday, December 14, 2009

AGENDA

| | |
|---|---|
| Welcome and Introductions | Taiwo Jaiyeoba Director of Planning & Program Development The Rapid |
| Project Introduction | Taiwo Jaiyeoba |
| Environmental Review | Steve Ott Environmental Project Manager Parsons Brinckerhoff |
| Section 106 Overview | Matt McDaniel Architectural Historian Parsons Brinckerhoff |
| General Discussion / Comments and Concerns | |
| Next Steps | |
| Adjournment | Taiwo Jaiyeoba |



Silver Line Bus Rapid Transit Project
Section 106 Consulting Parties Meeting

MEETING NOTES

- Date:** December 14, 2009; 3:00 p.m.
- Location:** The Rapid Administrative Headquarters
300 Ellsworth Ave. SW
Grand Rapids, Michigan
- Attendees:** Rhonda Baker, Grand Rapids Planning Dept., Historic Preservation Commission
Diana Barrett, Grand Rapids Historical Commission
Bill Branz, Wyoming Historical Commission
Kay Bueche, Wyoming Historical Commission
Jan Earl, Heritage Hill Association
Terry Schweitzer, City of Kentwood
Jim Talen, Kent County Board of Commissioners (District 16)
Taiwo Jaiyeoba, Director of Planning & Program Development, The Rapid
Steve Ott, Environmental Project Manager, Parsons Brinckerhoff
Matt McDaniel, Architectural Historian, Parsons Brinckerhoff
Tim Selover, Environmental Planner, Parsons Brinckerhoff

Initial discussion included an overview of the Silver Line Bus Rapid Transit (BRT) project, an overview of the environmental process, including the National Environmental Policy Act, and an overview of Section 106 of the National Historic Preservation Act of 1966, including basic steps in the Section 106 compliance process. General discussion of Section 106 included a definition of the Area of Potential Effect (APE), a definition of historic properties as those properties listed in or that are determined eligible for the National Register of Historic Places (NRHP), historic significance and evaluation of properties for the NRHP, and the evaluation of project effects to historic resources within the APE.

M. McDaniel explained that the Section 106 process for the Silver Line BRT was still in its early stages. He discussed the proposed APE which includes only rights-of-way along

the project corridor within which all proposed project activity would occur. In the current APE, only two historic resources have been identified: the NRHP-listed Heritage Hill Historic District, included because the district boundaries encompass portions of Lafayette Avenue and Jefferson Avenue proposed for BRT traffic, as well as BRT stations located on the north end of Lafayette Avenue; and the NRHP-listed Division Avenue Plaster Creek Bridge, which has been demolished and replaced. He also described the identification and role of consulting parties, and indicated that the current meeting was an opportunity for project staff and the consulting parties to discuss the proposed project and any concerns related to historic resources.

M. McDaniel also noted that there are two distinct, but related processes regarding historic resource coordination in the project corridor: compliance with Section 106 and compliance with local historic preservation ordinances. General discussion was directed to a map showing the proposed BRT route and proposed station locations, and included various issues as described below.

General Project Characteristics

General project questions regarding operations, including bus speed and dedicated lanes, were answered by T. Jaiyeoba. He indicated that the buses would adhere to posted speed limits and would utilize dedicated lanes during peak travel hours. The BRT would achieve faster travel times through fewer stops, traffic signal priority, and enhanced boarding and ticketing features. T. Jaiyeoba also noted that all proposed project activity would occur within existing rights-of-way and that no dedicated parking is proposed. Any parking associated with the project would be achieved through shared parking with businesses along the route.

Proposed BRT Station in Heritage Hill Historic District

R. Baker and J. Earl expressed concern regarding the proposed placement of a northbound BRT station on the east side of Lafayette Avenue and within the locally designated Heritage Hill Historic District. A BRT station at this location would be subject to design review by the Grand Rapids Historic Preservation Commission. R. Baker strongly indicated that the commission would likely look unfavorably upon placement of a station structure between historic residences as currently proposed, and recommended that the station be moved northward toward Michigan Avenue and more compatible land uses.

M. McDaniel asked what the appellate procedures were for decisions by the Grand Rapids Historical Commission. R. Baker indicated that decisions could only be appealed to the State Historic Preservation Office, and that there is no local appeal process per Michigan state enabling legislation. J. Earl observed that even if there were an appeal process to the City Council, the council was a strong supporter of historic preservation and would likely not overturn decisions by the Historic Preservation Commission.

Suitability of Lafayette Avenue for BRT

R. Baker, D. Barrett, J. Earl, and J. Talen expressed concern that Lafayette Avenue is not wide enough to accommodate BRT traffic. Under existing conditions, they indicated that

large vehicles traveling on the roadway already obstruct traffic, parked cars routinely suffer minor damage (sideview mirrors knocked off by passing traffic), and during winter, due to snow impacts, the road is effectively reduced to a single lane.

T. Jaiyeoba noted that, according to information received from City engineers, the road is wide enough to accommodate proposed BRT traffic; J. Earl and J. Talen disputed that the information provided was accurate. M. McDaniel noted that, although according to the most current information the road is suitable for BRT, if it were later deemed inadequate and it became necessary to widen the roadway, potential Section 106 impacts to the district would have to be reconsidered.

R. Baker, J. Earl, and J. Talen all recommended that the Ransom Avenue alternative be selected to avoid any current or future impacts to the Heritage Hill Historic District.

Visual Concerns Regarding BRT Station Design/Placement

M. McDaniel noted that correspondence had been received from Kelly White, Chairperson of the Wyoming Historical Commission, raising concerns regarding the impact of BRT stations on their surroundings. In addition, he mentioned that in prior discussions with R. Baker, she had mentioned some visual concerns regarding the location and design of BRT stations in the Heritage Hill Historic District, as well as in proximity to other historic resources along the project corridor. D. Barrett also indicated concern regarding the placement of station structures in close proximity to potential historic resources.

Mr. McDaniel noted that a better understanding of the BRT station configurations has emerged since the initial APE was proposed, and that the canopy structures proposed, although still relatively small structures, would be more substantial than the existing shelters present along Division Avenue. He observed that there were some zero-lot-line buildings along the corridor where the placement of the canopy structure component of the BRT station could potentially obscure views to and from structures. He indicated that The Rapid will consider the visual concerns expressed by the consulting parties and determine if the APE should be expanded at BRT station locations to accommodate visual concerns in their immediate proximities. He also mentioned that The Rapid was sensitive to neighborhood station design concerns generally and intended to provide context-sensitive design as appropriate, possibly including a community involvement component. M. McDaniel presented photos of BRT stations in other cities as examples.

Removal of Parking

In discussion of potential impacts to the Heritage Hill Historic District, J. Talen and J. Earl asked if Lafayette Avenue had to be reconfigured would the removal of parking be a potential Section 106 issue. Mr. McDaniel indicated that it could be, dependent on the level of impact to the use of associated historic resources; he also mentioned that a separate technical evaluation would likely be required to make such a determination.

City of Wyoming

B. Branz and K. Bueche commented on the portion of the alignment located within the City of Wyoming, including the locations of various older buildings. M. McDaniel noted that he was familiar with some of the structures, and his opinion was that some would likely not be considered eligible for the NRHP. However, he reiterated The Rapid was sensitive to station design concerns, and if the APE were expanded to accommodate the visual concerns indicated by the consulting parties, any properties of 50 years of age or older located within the APE would be formally documented and evaluated for NRHP eligibility.

City of Kentwood

T. Schweitzer supplied a copy of a previous Section 106 study conducted in 2001 for proposed improvements along 44th Street from Clyde Park Avenue to Eastern Avenue in the cities of Kentwood and Wyoming. This report evaluated select properties located within the project corridor at the intersection of Division Avenue and 44th Street. M. McDaniel observed that the report would be helpful if the APE for the BRT project included any properties documented in the 44th Street project report.

Burton Heights neighborhood, City of Grand Rapids

B. Branz also indicated that the Burton Heights neighborhood in Grand Rapids might also include a number of historic buildings in the Division Avenue portion of the project corridor. M. McDaniel and T. Jaiyeoba noted that a station was planned in this vicinity.

Conclusion

The meeting concluded as various persons intermittently departed. M. McDaniel and T. Jaiyeoba indicated that the consulting parties would be informed of issues pertinent to Section 106 as the project progressed and that additional meetings would be convened as necessary.

The meeting concluded at approximately 5:00 p.m.

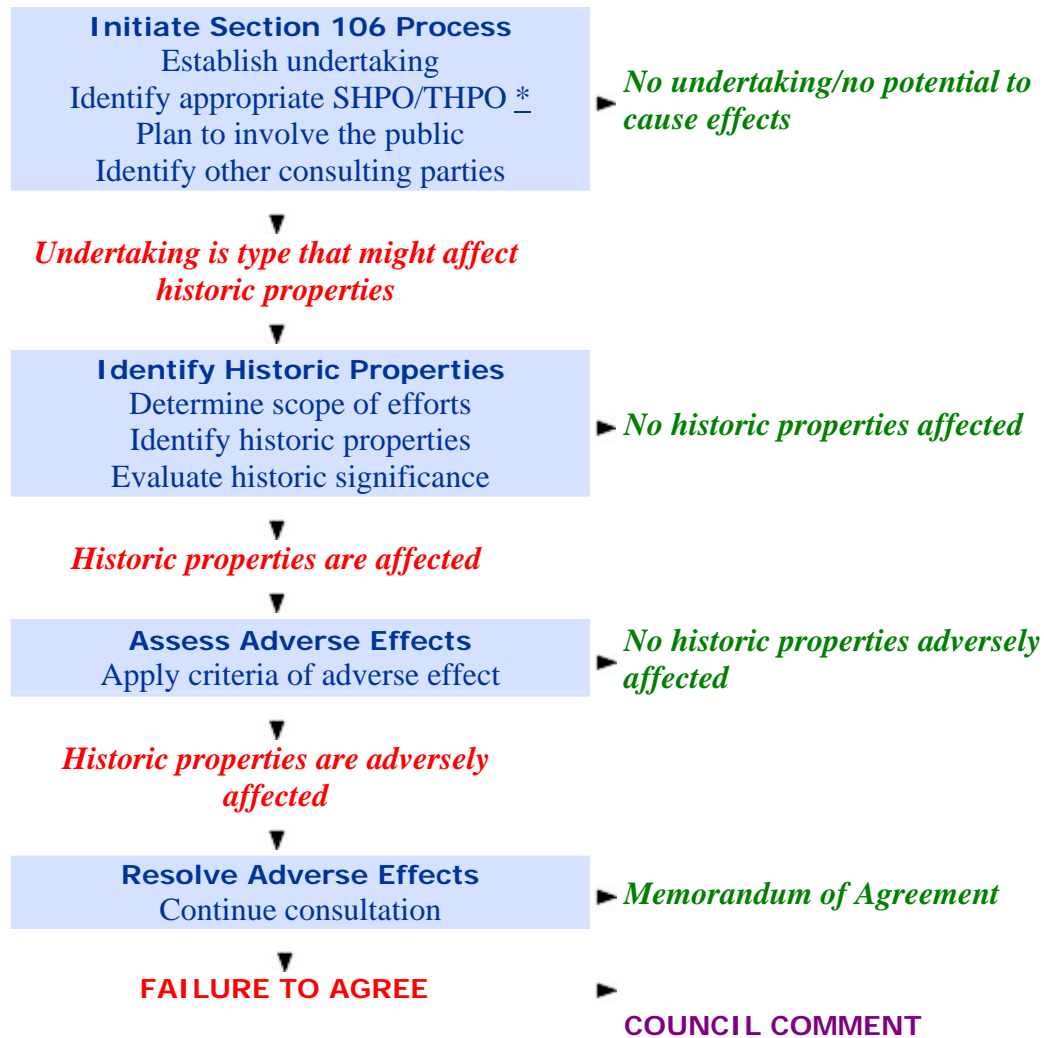
Prepared by M. McDaniel, Parsons Brinckerhoff

Section 106 Consultation
December 14, 2009

BRT Silver Line Project

| <u>Name</u> | <u>Contact Tel</u> | <u>Contact Email</u> |
|--|---|----------------------------|
| Diana Barrett - GR Historical Comm | 235-0914 | grhistory@yahoo.com |
| Rhonda Baker City G.R. Planning/HPC | 456-3451 | rbaker@city.us |
| JAN EARL Heritage Hill Assoc. | 459-8950 | heritagehillweb.org |
| Jim Tolen | 454-2243 | jtolen@aol.com |
| Terry Schweitzer | 554 0710 | schweitt@ci.kentwood.mi.us |
| Kay Bueche Bill Branz | Wyoming Historical Comm. 532-2959 261 3588 | wjbranz@wmis.net |
| Matt McDaniel, Parsons Brinckerhoff | 757-362-6018 | mcDanielm@pbworld.com |
| Steve OTT, Parsons Brinckerhoff | 313.963.3915 | ott5@pbworld.com |
| Tim SELOVER, Parsons Brinckerhoff | 312.803.6656 | selover@pbworld.com |

Section 106 Regulations Flow Chart



| Key Elements of the Section 106 Process | | | |
|---|----------------------|--------------|---------------|
| The Roles of Participants | Involving the Public | Consultation | Documentation |

Source: Advisory Council on Historic Preservation (www.achp.gov)



Cleveland Euclid Corridor (OH)



Boston Silver Line (MA)



Kansas City Max BRT (MO)



Las Vegas Max (NV)

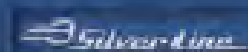


Eugene Emerald Express (OR)



Swift BRT Everett (WA)

Sample Bus Rapid Transit (BRT) Stations



Silver Line Environmental Assessment

**Tribal Notice
of Federal Undertaking and
Correspondence**

February and March, 2010

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Table A-1

Tribes Receiving Notification of Federal Undertaking and Request for Comments

| Tribe | Location | Contact |
|---|-------------------------|-----------------------------------|
| Bay Mills Indian Community | Brimley, Michigan | Ms. Paula Carrick |
| Burt Lake Band of Ottawa and Chippewa Indians | Brutus, MI | Mr. Curtis Chambers |
| Grand River Band of Ottawa Indians | Grand Rapids, MI | Ronald F. Yob |
| Grand Traverse Band of Ottawa & Chippewa Indians | Suttons Bay, MI | Mr. Derek J. Bailey |
| Gun Lake Tribe | Michigan | |
| Hannahville Indian Community | Wilson, MI | Mr. Earl Meshigaud |
| Keweenaw Bay Indian Community | Baraga, MI | Ms. Summer Sky Cohen |
| Lac Vieux Desert Band of Lake Superior Chippewa Indians | Watersmeet, MI | Ms. Giiwegiizhigookway Martin |
| Little River Band of Ottawa Indians | Manistee, MI | Mr. Daniel Shepard Mr. Jay Sim |
| Little Traverse Bay Bands of Odawa Indians | Harbor Springs, MI | Mr. Eric Hemenway |
| Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians | Dorr, MI | Mr. Monte Davis |
| Nottawaseppi Huron Band of Potawatomi Indians | Fulton, MI | Mr. John Rodwan |
| Pokagon Band of Potawatomi Indians | Dowagiac, MI | Mr. Mark Parrish |
| Saginaw Chippewa Indian Tribe | Mt. Pleasant, MI | Mr. William Johnson |
| Sault Ste. Marie Tribe of Chippewa Indians | Sault Ste. Marie, MI | Mr. Cecil E. Pavlat, Sr. |



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

February 19, 2010

Mr. Daniel Shepard
Planning Director
Little River Band of Ottawa Indians
375 River Street
Manistee, Michigan 49660

Re: Silver Line Bus Rapid Transit Project
Cities of Grand Rapids, Wyoming, and Kentwood, Michigan
Notification of Undertaking and Request for Comments

Dear Mr. Shepard:

The Interurban Transit Partnership (*The Rapid*), in cooperation with the Federal Transit Administration (FTA), proposes to operate a bus rapid transit system (Silver Line BRT) in the Cities of Grand Rapids, Wyoming, and Kentwood, Michigan (see enclosed map). Because we may provide funding for the proposed project, FTA would be the Federal agency responsible for conducting government-to-government consultations with Federally-recognized tribes under the Executive Order 13084, the National Historic Preservation Act (specifically Section 106), Council on Environmental Quality Implementing Regulations of the National Environmental Policy Act, and other Federal laws and treaties.

FTA is currently preparing an Environmental Assessment for this project. We are inviting you to participate in consultation to help us identify places in the project area that may have traditional religious and cultural importance to your tribal organization. Although FTA will maintain full responsibility for the consultation process, we would like to confirm with you that it would be acceptable if *The Rapid* contacts you with day-to-day information about the project. Please note that we are requesting information only on such places that you believe may be impacted by the proposed project so that we may try to avoid impacts. Project planning is in preliminary phases at this time and is briefly summarized below.

The proposed project is a 9.60-mile street-running bus rapid transit line from downtown Grand Rapids south along Division Avenue to the 60th Street/Division Avenue intersection. The project includes peak exclusive travel lanes for 50 percent of the alignment, signal priority, 10 low-floor buses with multiple doors, up to 18 substantial stations, branding, and off-board fare collection. Compliance with Section 106 requires that historic resources be identified in the project's Area of Potential Effects (APE) and that the project's effects upon historic properties be evaluated. Based

February 19, 2010
Mr. Daniel Shepard
Page Two

on the nature and scope of the project, the proposed APE would be limited to areas of direct ground disturbance and construction activity, including roadways within which the Silver Line BRT would operate and up to eighteen (18) passenger station locations. Precise locations of Passenger platforms remain under development; approximate locations are listed in the extended project description and depicted in Figure 1.

If you have questions or comments related to the proposed project, please contact R. Stewart McKenzie at the address above, by telephone at (312) 353-2866 or by e-mail at stewart.mckenzie@dot.gov. We would be pleased to discuss with you project details as well as any confidential concerns you may identify.

Your timely response will greatly help us incorporate your concerns into project development. For that purpose, we respectfully request that you complete the enclosed Project Consultation Options form and forward it to FTA within 30 days.

Sincerely,



Matisol R. Simón
Regional Administrator

Enclosures: Project Consultation Form
Extended Project Description
Vicinity Map

cc (w/o encls): Brian D. Conway, Michigan State Historic Preservation Officer
Peter Varga, CEO - *The Rapid*
Taiwo Jaiyeoba, Director of Planning & Program Development - *The Rapid*
Steve Ott, Parsons Brinkerhoff
Matt McDaniel, Parsons Brinkerhoff



Little River Band of Ottawa Indians
Tribal Historic Preservation
375 River Street
Manistee, MI 49660
1-888-723-8288

March 9, 2010

U.S. Department of Transportation
Federal Transit Administration
200 West Adams St. Suite 320
Chicago, IL 60606-5253

Dear Ms. Simòn,

The Tribe has received your Letter of No. October 28, 2009, referencing the Silver Line Bus Transit Project, cities of Grand Rapids, Wyoming and Kentwood Michigan and requesting a determination as to whether or not the proposed project will affect Indian religious sites. Thank you for ensuring that we received notification. This letter is the Tribe's formal answer to your request.

In reply to the above cited letter, I can reply by stating that the site listed is located in a region of the state of Michigan that Little River Band of Ottawa Indians did not occupy significantly. Further, after a careful review of our information the Little River Band of Ottawa Indians has determined there that this project will not affect any religious, cultural or historic Little River Band of Ottawa Indians sites of which we are currently aware.

The Tribe would, however, appreciate work stopping and being contacted should there be something of a cultural, religious or historic nature discovered so as to assist in mitigation of the discovered site.

Signed

Jonnie Sam II, Director
Historic Preservation Department
Little River Band of Ottawa Indians

**Michigan State Historic
Preservation Office**

Letter of No Adverse Effect

June 1, 2010

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STATE OF MICHIGAN

JENNIFER GRANHOLM
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

June 1, 2010

STEWART MCKENZIE
FEDERAL TRANSIT ADMINISTRATION
REGION 5
200 WEST ADAMS STREET
SUITE 320
CHICAGO IL 60606

RE: ER10-128 Silver Line Bus Rapid Transit Project, Grand Rapids, Kentwood & Wyoming,
Kent County (FTA)

Dear Mr. McKenzie:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the effects of the proposed undertaking do not meet the criteria of adverse effect [36 CFR § 800.5(a)(1)]. Therefore, the project will have **no adverse effect** [36 CFR § 800.5(b)] on historic properties within the area of potential effects for the above-cited undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

This letter evidences the FTA's compliance with 36 CFR § 800.4 "Identification of historic properties" and 36 CFR § 800.5 "Assessment of adverse effects", and the fulfillment of the FTA's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.5(c) "Consulting party review".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Cultural Resource Protection Specialist, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway
State Historic Preservation Officer

BDC:DLA:BGG

copy: Taiwo Jaiyeoba, The Rapid



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