

8.0 Draft Section 4(f) Evaluation

This chapter provides documentation necessary to support determinations required to comply with the provision of 23 USC 138 and 49 USC 303, hereinafter referred to as “Section 4(f).” This evaluation has been prepared in accordance with legislation established under the Department of Transportation Act of 1966 (49 USC 303, 23 USC 138) and the joint Federal Highway Administration (FHWA)/Federal Transportation Administration (FTA) regulations for Section 4(f) compliance codified as 23 CFR 774. Additional guidance was obtained from FHWA Technical Advisory T6640.8A (FHWA, 1987b) and the revised *FHWA Section 4(f) Policy Paper* (FHWA, 2012).

The Section 4(f) Evaluation identifies properties in the project study area protected by Section 4(f), evaluates the use of these properties by the Build alternatives, and presents documentation required for FTA to approve the use of Section 4(f) properties. FTA will make its Section 4(f) determination in the Final Environmental Impact Statement (EIS)/Record of Decision (ROD) for the project, after its consideration of public and agency comments on this Draft Section 4(f) Evaluation. The public comment period for the Draft Section 4(f) Evaluation is 45 days, concurrent with the public comment period for the Draft EIS.

This Draft Section 4(f) Evaluation provides notification of FTA’s intent to pursue *de minimis* use determinations for two park and recreation properties and historic sites that would be affected by the construction and operation of the Bottineau Transitway project, Rush Creek Regional Trail and Grand Rounds Historic District – Theodore Wirth Segment. A 4(f) use of the Rush Creek Regional Trail would only occur with the selection of the 101st Avenue location for the operations and maintenance facility (OMF).

The proposed *de minimis* use determinations are based on coordination with the officials with jurisdiction. The officials with jurisdiction are federal, state, or local agencies that own and/or administer the affected portion of the property protected by Section 4(f). The officials have been notified of FTA’s intent to make a *de minimis* use determination. Should the officials with jurisdiction concur, FTA will issue determinations of *de minimis* use as part of the Final Section 4(f) Evaluation in the Final EIS/ROD. Pursuant to 23 CFR 774.5(b)(2), notice is hereby provided of the proposed *de minimis* use determinations, which are made available in this document for public review and comment.

Comments regarding the proposed Section 4(f) *de minimis* use determinations may be submitted to FTA and Hennepin County during the 45-day comment period on this Draft EIS, the details of which are posted on the project website (www.bottineautransitway.org). Correspondence to date with officials with jurisdiction is included in [Appendix D](#).

8.1 Section 4(f) Overview

8.1.1 Types of Section 4(f) Properties

The Bottineau Transitway, as described in Chapter 2, may receive federal funding; therefore, compliance with Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) is required. Section 4(f) requires consideration of:

- Parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public
- Publicly-owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge
- Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public

8.1.2 Section 4(f) Determinations

FTA may not approve the use of a Section 4(f) property, as defined in 23 CFR 774.17, unless it determines the following:

- There is no feasible and prudent avoidance alternative, as defined in Section 774.1, to the use of land from the property; *and*
- The action includes all possible planning, as defined in Section 774.17, to minimize harm to the property resulting from such use.

8.1.3 Section 4(f) Use Definitions

To determine whether Section 4(f) applies to the proposed project alternatives, Section 4(f) properties must be assessed to determine whether a use of the property is anticipated. The “use” of a protected Section 4(f) property, as defined in 23 CFR 774.17, occurs when any of the conditions discussed below are met.

■ Direct Use

A direct use of a Section 4(f) resource occurs when property is permanently incorporated into a proposed transportation facility. Direct use may occur as a result of partial or full acquisition or a permanent easement that allows permanent access onto the property for maintenance or other transportation-related purposes.

■ Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the project’s proximity results in impacts so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished.

■ Temporary Occupancy

Temporary occupancy results when Section 4(f) property, in whole or in part, is required for project construction-related activities. The property is not permanently incorporated into a transportation facility, but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f). 23 CFR 774.13(d) provides the conditions under which “temporary occupancies of land... are so minimal as to not constitute a use under the meaning of Section 4(f).” If all of the conditions in Section 774.13(d) are met, the temporary occupancy does not constitute a use. These five conditions are:

- Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
- Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

8.1.4 *De minimis* Impact Determinations

When impacts to a Section 4(f) property are minor, as agreed to by the agency with jurisdiction over that property, Section 4(f) regulations can be satisfied through a “*de minimis*” use determination.

De minimis impact is defined in 23 CFR 774.17 as follows:

- For parks, recreational areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the activities, features, or attributes qualifying the property for protection under Section 4(f).
- For historic sites, *de minimis* impact means that the FTA has determined, in accordance with 36 CFR 800, that no historic property is affected by the project or the project would have “no adverse effect” on the property in question. The State Historic Preservation Office (SHPO) and Advisory Council on Historic Preservation (ACHP), if involved, must be notified that the FTA intends to enter a *de minimis* finding for properties where the project results in “no adverse effect.”

The officials with jurisdiction must concur in writing with a *de minimis* determination. For recreational or refuges properties, concurrence from the officials having jurisdiction over the properties is required. For historic sites, concurrence from the SHPO on FTA’s “No Adverse Effect” determination is required.

8.2 Alternatives Evaluation and Description of the Project

8.2.1 Alternatives Evaluation

Chapter 2 of this Draft Environmental Impact Statement (EIS) documents how alternatives were developed, evaluated, and refined during the Alternatives Analysis and EIS Scoping process. Refer to Chapter 2, as appropriate, for more detail.

The Alternatives Analysis (AA) Study for the Bottineau Transitway was initiated in 2008 and completed in 2010. The AA Study developed and evaluated a No-Build alternative, an Enhanced Bus/Transportation System Management (TSM) alternative, and a broad range of transitway Build alternatives. Screening criteria were developed to identify those initial alternatives with potential to address the project needs, goals, and objectives.

The AA Study advanced five alternatives including the three most promising LRT alternatives, a fourth LRT alternative considered in the study that was less promising but still of interest, and a refined BRT alternative.

The AA Study identified two alignments in Minneapolis for further study: the D1 alignment located in the Burlington Northern Santa Fe (BNSF) railroad right-of-way and the D2 alignment located on West Broadway Avenue and Penn Avenue. Investigation of the D2 alignment occurred after publication of the AA Study in March 2010 and continued through November 2011, just prior to the publication of the Bottineau Transitway Draft EIS Scoping Booklet. Three D2 options were considered for the segment between West Broadway Avenue and TH 55. Based on the results of the D2 investigation, the alignment that widens Penn Avenue to allow LRT and north- and southbound traffic to operate on Penn Avenue was carried forward.

Based on the findings from the AA Study and D2 investigation, the following alternatives were presented in the EIS Scoping process:

- No-Build alternative
- Enhanced Bus/TSM alternative
- LRT A-C-D1 (Maple Grove to Minneapolis via BNSF/ TH 55)
- LRT B-C-D1 (Brooklyn Park to Minneapolis via BNSF/TH 55)

- LRT A-C-D2 (Maple Grove to Minneapolis via West Broadway Avenue/Penn Avenue/TH 55)
- LRT B-C-D2 (Brooklyn Park to Minneapolis via West Broadway Avenue/Penn Avenue/TH 55)
- BRT B-C-D1 (Brooklyn Park to Minneapolis via BNSF/TH 55)

Based on the results of the Scoping process, a No-Build alternative, Enhanced Bus/TSM alternative, and four LRT Build alternatives were advanced for further study in this Draft EIS. Study of the BRT was eliminated.

8.2.2 Description of the Project

The proposed Bottineau Transitway Project is a 13-mile corridor of transportation improvements that extends from downtown Minneapolis to the northwest, serving north Minneapolis, Golden Valley, Robbinsdale, Crystal, New Hope, Osseo, Brooklyn Park, and Maple Grove. This section provides an overview of the Enhanced Bus/TSM alternative as well as the four LRT Build alternatives. A detailed description of the Bottineau Transitway alternatives is provided in Section 2.5 of this Draft EIS.

The TSM alternative and four LRT Build alternatives under consideration in this Draft EIS are described below. Alternative B-C-D1 has been identified as the Preferred Alternative.

8.2.2.1 Enhanced Bus/TSM Alternative

The purpose of the Enhanced Bus/TSM alternative is to provide a comparable transit service to the LRT Build alternatives without the significant capital investment of building a transitway. The Enhanced Bus/TSM alternative includes:

- A new transit center and park-and-ride facility in Brooklyn Park
- Additional limited stop bus routes 731 and 732
- Service frequency improvements to existing transit routes
- Restructuring of existing bus routes in the corridor

8.2.2.2 LRT Build Alternatives

The alignment and major features of each LRT Build alternative is summarized in [Table 8.2-1](#). All four LRT Build alternatives would connect to the regional system at the Target Field Station in downtown Minneapolis, a project completed independently of the Bottineau Transitway and to be operational in 2014.

Each LRT Build alternative is comprised of several alignment options, which are described below and illustrated in [Figure 2.2-1](#) in Chapter 2. There are two alignment options at the north end of the corridor and two alignment options at the south end of the corridor.

- **Alignment A**, one of the northern alignment options, begins in Maple Grove at Hemlock Lane/Arbor Lakes Parkway and follows the future Arbor Lakes Parkway and Elm Creek Boulevard to the BNSF railroad corridor located on the west side of Bottineau Boulevard.
- **Alignment B**, one of the northern alignment options, begins in Brooklyn Park near the Target North Campus (located just north of TH 610), follows West Broadway Avenue, and crosses Bottineau Boulevard at 73rd Avenue to enter the BNSF railroad corridor.
- **Alignment C**, situated in the middle of the corridor, is common to all alternatives. Just south of 71st Avenue, both the A and B alignments would transition to the C alignment in the BNSF railroad corridor on the west side of Bottineau Boulevard through southern Brooklyn Park, Crystal, and Robbinsdale.
- **Alignment D1**, one of the southern alignment options, continues along the BNSF railroad corridor to TH 55, and then follows TH 55 to downtown.
- **Alignment D2**, one of the southern alignment options, exits the BNSF railroad corridor near 34th Avenue, joins West Broadway Avenue, and travels on Penn Avenue to TH 55 and into downtown.

Table 8.2-1. Summary of LRT Build Alternatives

	Alternatives			
	A-C-D1	A-C-D2	B-C-D1 (Preferred Alternative)	B-C-D2
Northern Terminus	Maple Grove	Maple Grove	Brooklyn Park	Brooklyn Park
Length¹	12.6 miles	12.7 miles	13.3 miles	13.4 miles
Route	Maple Grove to Minneapolis via BNSF/TH 55	Maple Grove to Minneapolis via West Broadway Avenue/Penn Avenue/TH 55	Brooklyn Park to Minneapolis via BNSF/TH 55	Brooklyn Park to Minneapolis via West Broadway Avenue/Penn Avenue/TH 55
Stations	10 stations ²	11 stations	10 stations ²	11 stations
Key Bridge Structures	5 new 8 existing bridges modified	8 new 3 existing bridges modified	4 new 8 existing bridges modified	7 new 3 existing bridges modified
Operations and Maintenance Facility (OMF) Alternatives	For the alternatives that include Alignment A, the OMF facility would be located at the northern end of the alternative in Maple Grove on a parcel currently within a gravel mining area west of US 169.		For the alternatives that include Alignment B, the OMF facility would be located at the northern end of the alternative in Brooklyn Park on one of two potential sites: 93rd Avenue park-and-ride or in the northwest quadrant of the Winnetka Avenue (CSAH 103) and 101st Avenue intersection.	
Traction Power Substations	18 proposed	18 proposed	19 proposed	19 proposed

¹ The length represents the full end-to-end length of the proposed alternatives.

² The Draft EIS evaluates a Golden Valley Road and Plymouth Avenue/Theodore Wirth Regional Park station options on the D1 alignment. It is anticipated only one station location will advance due to low ridership demand.

8.3 Identification of Section 4(f) Properties

8.3.1 Methodology

8.3.1.1 Parks and Recreational Areas/Wildlife and Waterfowl Refuges

Various methods were used to identify Section 4(f) properties near the Bottineau Transitway and to assess the potential use of those properties. Maps, aerial photography, and local comprehensive plans were consulted to determine the location of parks and recreational lands as well as wildlife and waterfowl refuges. The proximity of Section 4(f) properties to the proposed transitway, based on property ownership boundaries and preliminary construction limits, was evaluated to determine the potential for direct use and temporary occupancy. Potential constructive use was assessed based on the proximity of the proposed transitway and the potential effects to the activities, features, and attributes of the property. Field visits and coordination with local jurisdictions provided additional information for evaluating the potential use of Section 4(f) properties.

8.3.1.2 Historic Properties

Cultural resources studies of historic properties for the Bottineau Transitway have been completed under Section 106 of the National Historic Preservation Act (Section 106). The historic properties included in this Section 4(f) evaluation are those for which there is a direct use of the property and/or where there is potential for an adverse effect determination under Section 106. (See Section 4.4 of this Draft EIS for further discussion of historic property identification and assessment of effects under Section 106.)

It is important to recognize the difference between Section 4(f) *use* of historic properties, discussed below, and Section 106 project *effects* to historic properties, which are discussed in Section 4.4 of this Draft EIS. Section 4(f) and Section 106 are similar in that they both mandate consideration of historic sites in the planning of a federal undertaking. Section 4(f) applies to the actual use or occupancy of a historic site, while Section 106 involves an assessment of adverse effects of an action on historic properties. The Section 106 process is integral to the Section 4(f) process when historic sites are involved. Conversely, the Section 4(f) process is not integral to the Section 106 process.

While some effects on historic properties can be clearly understood at this time (e.g., construction activities, building demolition), many potential effects can only be estimated for this Draft EIS given the level of engineering currently completed. The proximity of these historic properties to the proposed transitway, based on parcel boundaries and preliminary construction limits, was used to determine the potential for direct use and temporary occupancy. Potential constructive use was based on determinations of potential adverse effect as discussed in Section 4.4.5.

Following the provisions of the Section 106 review process, ways to avoid, minimize, and mitigate adverse effects to historic properties will continue to be explored through consultation with the SHPO, Section 106 consulting parties, other interested parties and the public. The Advisory Council on Historic Preservation (ACHP) may also join in this consultation. Measures for avoidance, minimization, and mitigation will be stipulated in a Section 106 Agreement signed by the FTA, the SHPO, the ACHP (if participating), and other consulting parties. FTA will execute a Section 106 agreement prior to the Final EIS/ROD. The project will be implemented in accordance with the stipulations in the Section 106 agreement.

8.3.2 Park and Recreational Properties

A total of twenty park and recreational properties were identified adjacent to the LRT alternatives. [Figure 8.3-1](#) illustrates the location of these properties. Detailed maps of these resources are provided in subsequent sections of the Section 4(f) evaluation, as appropriate.

[Table 8.3-1](#) lists the property name, description, and jurisdiction, and indicates Section 4(f) use (direct use, temporary occupancy, or no use). Per the methodology described in Section 8.3.1, construction limits

were overlaid with resource boundaries to assess potential Section 4(f) use. Direct use was identified for three properties and temporary occupancy was identified for four properties.

Potential direct use of the following park properties is addressed in Section 8.4.1:

- Rush Creek Regional Trail (*De minimis*)
- Theodore Wirth Regional Park
- Minneapolis Public Schools Athletic Field

Potential temporary occupancy of the following park properties is addressed in Section 8.6:

- Sochacki Park
- Mary Hills Nature Area

Properties that were determined to have no direct use or temporary occupancy are discussed in Section 8.5.1 under potential constructive use.

Public school playgrounds, ball fields, and recreational areas are potential Section 4(f) properties if they are open to the public for recreational use. Although access to the Minneapolis Public Schools athletic field is not permitted to the entire public during normal hours of operation (the property is fenced), the field may be used by the public by obtaining a permit. The athletic field is being considered Section 4(f) property for the purposes of this evaluation.

Several publicly owned properties are adjacent to the Bottineau Transitway and, in some cases, may provide existing or future recreational opportunities. For various reasons, these properties are not considered Section 4(f) resources. A brief discussion of these properties is provided below.

The *North Hennepin Community College ball fields* are located at the southern boundary of the 75-acre campus. The two ball fields occupy the area east of West Broadway Avenue and south of Campus Park Drive. Although public use of the ball fields is not prohibited, arrangements must be made with the facilities manager. According to athletic department staff, the ball fields are seldom used by the public and special arrangements are required. Therefore, the ball fields are not considered a Section 4(f) resource.

Two *Conservancy Districts* are identified in the Brooklyn Park Zoning Map (revised October 2012). One parcel is located along Alignment B (west of West Broadway Avenue and south of 82nd Avenue) and one parcel is located along Alignment C (west of CSAH 81 and north of 62nd Avenue). According to the City's zoning code, the *Conservancy District is intended to provide for a district for areas that contain valuable environmental qualities which are to be preserved as park or open space amenities and to prevent the over-crowding of land, to avoid undue concentration of population, a specific public purpose, and/or alleviate the burden of development from environmentally sensitive lands. These areas may also have been found to be unsuitable for residential, commercial, or industrial development due to flooding or bad drainage, slope, adverse soil conditions, rock formations, and/or unique natural features.* The properties located adjacent to the Bottineau Transitway function as drainage control and the City's comprehensive plan does not identify them as recreational lands. Therefore, they are not considered Section 4(f) resources.

On-road bicycle trails are present along Bass Lake Road, Plymouth Avenue, 26th Avenue, and Lowry Avenue. These on-road trails serve primarily a transportation purpose rather than a recreational function. Therefore, they are not considered Section 4(f) resources.

The *Grand Rounds National Scenic Byway* consists of a network of parkways, regional parks, and regional trails that encircle Minneapolis. The Grand Rounds was designated a National Scenic Byway by the Federal Highway Administration in 1998. Interior trails (not part of the Grand Rounds National Scenic Byway) exist within Theodore Wirth Regional Park providing facilities for bicyclists and walkers. It is

noteworthy that the designation of a road as a scenic byway is not intended to create a park or recreation area within the meaning of 49 USC 303 or 23 USC 138. Further the Grand Rounds Scenic Byway is a separate designation from the Grand Rounds Historic District. Therefore, the Grand Rounds Scenic Byway is not identified as a Section 4(f) resource in regards to park and recreational lands. The Grand Rounds Historic District – Victory Memorial Drive and Theodore Wirth Parkway Segments are eligible for the National Register of Historic Places (NRHP) and, therefore, are evaluated as a Section 4(f) resource. The historic aspects of the Grand Rounds are discussed in Section 8.4.2.

Figure 8.3-1. Park and Recreational Properties adjacent to the Bottineau Transitway

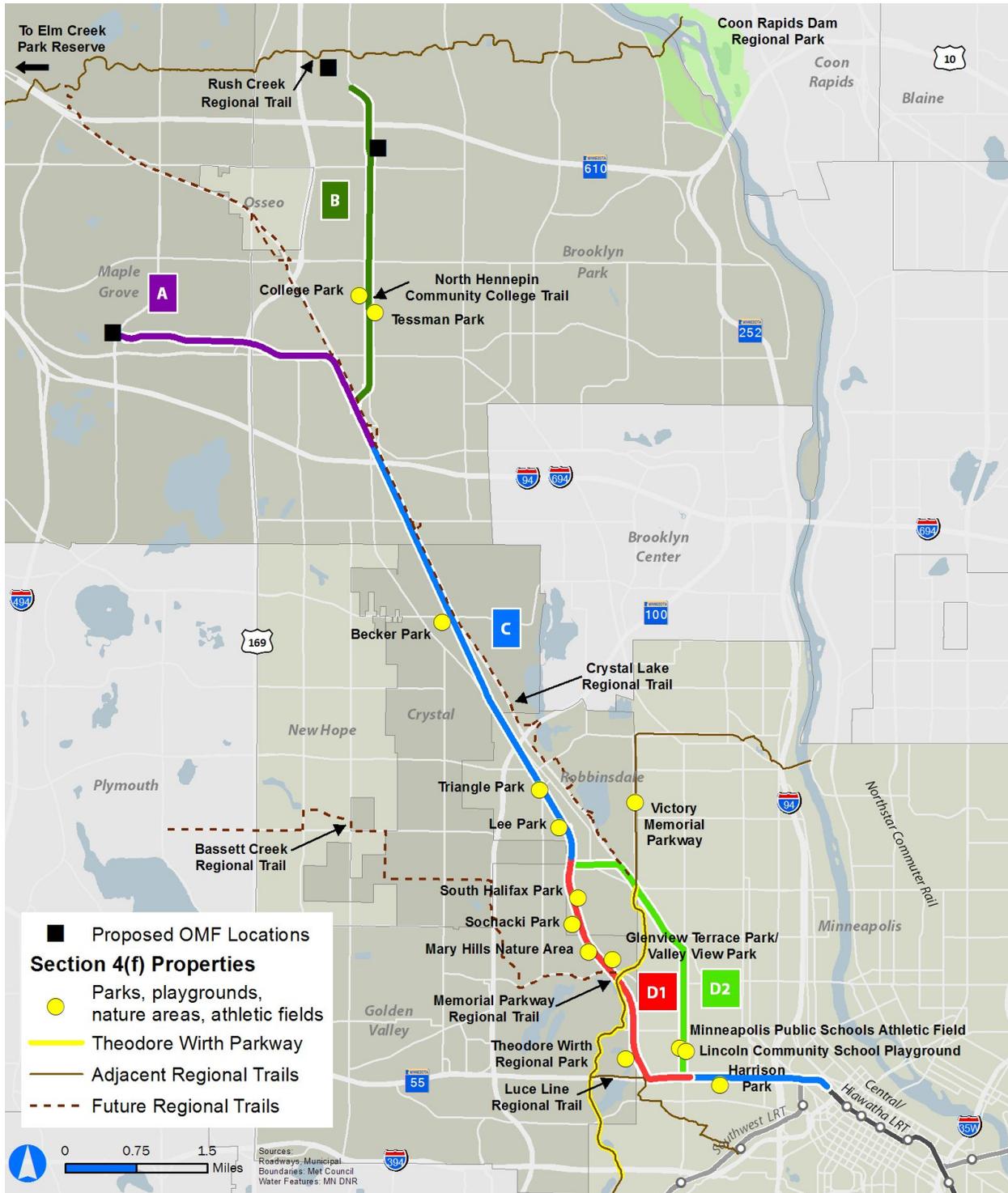


Table 8.3-1. Publicly Owned Park and Recreational Properties Adjacent to the Bottineau Transitway

Property	Description and Jurisdiction	Adjacent Alignment	Section 4(f) Use
Rush Creek Regional Trail	The 6.4 mile trail is located north of, and generally parallel to, 101st Avenue between Elm Creek Park Reserve in Hennepin County and Coon Rapids Dam Regional Park in Anoka County. The primary trail is a 10-foot wide multi-use paved trail. A secondary turf trail is situated south of and roughly parallel to the paved trail. The trail is owned and operated by Three Rivers Park District.	B	Direct use <i>De minimis</i>
Future Crystal Lake Regional Trail	The future trail originates at Victory Memorial Parkway at the boundary of Minneapolis and Robbinsdale. The 11-mile trail will extend to Elm Creek Park Reserve along CSAH 81 and cross the transitway at 73rd Avenue. Currently, the area of the trail crossing is within existing CSAH 81 right-of-way. The trail will be under the jurisdiction of Three Rivers Park District.	A, C, D2	No use
College Park	The park is located west of West Broadway Avenue and between 82nd Avenue and North College Park Drive in Brooklyn Park. The six-acre park has a playground, skating rink, a picnic pavilion, and park activity building. The park is under the jurisdiction of the City of Brooklyn Park.	B	No use
North Hennepin Community College Trail	The trail, which is on College property, connects to Tessman Park immediately to the south. Brooklyn Park's Park and Trail map includes this resource as part of its trail network.	B	No use
Tessman Park	The park is located directly south of North Hennepin Community College in Brooklyn Park. The 16-acre park has a playground and picnic area at the southeast end. There is a trail along the north side of Shingle Creek, which flows through the park. The park is under the jurisdiction of the City of Brooklyn Park.	B	No use
Becker Park	The park is located south of Bass Lake Road adjacent to the west side of the BNSF railroad corridor in Crystal. The 12.4-acre park offers athletic fields, tennis courts, basketball courts, horseshoe courts, playground equipment, trails, and activity center. The park is under the jurisdiction of the City of Crystal.	C	No use
Triangle Park	The park is located west of Broadway Avenue in Robbinsdale. The one-acre park is bordered by Orchard Avenue on the west and 40th Avenue on the south. Park amenities include a ball field, playground equipment, picnic area, and a wading pool. The park is under the jurisdiction of the City of Robbinsdale.	C	No use

Property	Description and Jurisdiction	Adjacent Alignment	Section 4(f) Use
Lee Park	The park is situated between 36th Avenue and 38th Avenue in Robbinsdale. The park is bordered by the BNSF railroad corridor on the east. The 6.7-acre park has a ball field, playground equipment, picnic area, picnic pavilion, skating rink, and a path/trail that connects with June Avenue to the south. The park is under the jurisdiction of the City of Robbinsdale.	C	No use
Sochacki Park	The park is situated between 26th Avenue and 34th Avenue in Robbinsdale. The park is bordered by June Avenue and residential backyards on the west, and the BNSF railroad corridor on the east. The 37.4-acre park has a picnic area, picnic pavilion, and a gravel surface trail. This trail provides a continuous linkage with the gravel surface trail in Mary Hills Nature Area to the south. The park is under the jurisdiction of the City of Robbinsdale.	D1	Temporary occupancy
South Halifax Park	The park is located south of Lowry Avenue and west of Halifax Avenue in Robbinsdale. The BNSF railroad corridor forms the western boundary of the park. The four-acre park has playground equipment, half-court basketball, a picnic area, and trails. The park is under the jurisdiction of the City of Robbinsdale.	D1	No use
Mary Hills Nature Area	The nature area is located between Golden Valley Road and 26th Avenue in Golden Valley. The BNSF railroad corridor borders the east side of the park. The 15.7-acre wooded park has trails, picnic areas, and benches. A meandering trail system connects Mary Hills Park with Sochacki Park to the north. The park is under the jurisdiction of the City of Golden Valley.	D1	Temporary occupancy
Glenview Terrace Park /Valley View Park	The 17.5-acre park is located south of Manor Drive in Golden Valley. Park amenities include walkways/trails, play equipment, and tennis court. Although the entire park property is owned by the Minneapolis Park & Recreation Board (MPRB), Glenview Terrace Park is operated by Golden Valley.	D1	No use
Theodore Wirth Regional Park	The northern two-thirds of the 759-acre park lie within the municipal boundary of Golden Valley, while the southern third of the park lies within the city of Minneapolis. It is the largest park in the Minneapolis Park System and is owned and operated by the MPRB.	D1	Direct use
Theodore Wirth Parkway	The parkway extends approximately 3.5 miles from I-394 north to Lowry Avenue. Theodore Wirth Parkway, an element of the Minneapolis Parkway System and part of the Grand Rounds Scenic Byway, is under the jurisdiction of the MPRB.	D1	No use

Property	Description and Jurisdiction	Adjacent Alignment	Section 4(f) Use
Future Bassett Creek Regional Trail	When fully constructed, the trail will measure approximately 7 miles from French Regional Park, through the cities of Plymouth, New Hope, Crystal, and Golden Valley to the Minneapolis Grand Rounds at Theodore Wirth Regional Park. The trail will be under the jurisdiction of Three Rivers Park District.	D1	No use
Memorial Parkway Regional Trail	The trail is part of the Grand Rounds National Scenic Byway and is under the jurisdiction of the MPRB. The trail runs along Theodore Wirth Parkway and Victory Memorial Parkway.	D1, D2	No use
Luce Line Regional Trail	The trail runs easterly from Theodore Wirth Parkway along the north side of TH 55 then passes under TH 55 and travels through Bassett's Creek Valley Park. This portion of the trail is owned and operated by the MPRB.	D1	No use
Victory Memorial Parkway	Victory Memorial Parkway is a 2.8 mile long linear park located in the northwest corner of Minneapolis and in eastern Robbinsdale. The parkway, which is part of the Minneapolis Parkway System, extends north from Lowry Avenue to 45th Avenue then east to Humboldt Avenue. Victory Memorial Parkway combines recreation and open space, is part of the Grand Rounds Scenic Byway, and is a nationally important World War I memorial. The parkway is under the jurisdiction of the MPRB.	D2	No use
Lincoln Community School Playground	The playground is owned by the Minneapolis Board of Education (Special School District #1) and is located east of Penn Avenue between 12th Avenue and Oak Park Avenue. The school property has a fenced playground on the southern portion of the 3.6-acre property. The playground is open to the public.	D2	No use
Minneapolis Public Schools Athletic Field	The athletic field is located west of Penn Avenue between 12th Avenue and Oak Park Avenue. The three-acre property is owned by the Minneapolis Board of Education. The school district uses the field for soccer and football. The Lincoln Peace Garden is located in the northeast corner of the athletic field.	D2	Direct use
Harrison Park	The park is located south of the TH 55 service road and west of Irving Avenue. Amenities provided by this 6.9-acre park include baseball, softball, football, and soccer fields, a basketball court, biking and walking paths, a picnic area, restroom facilities, a wading pool, and a playground. The park is under the jurisdiction of the MPRB.	D Common	No use

8.3.3 Wildlife and Waterfowl Refuges

No wildlife or waterfowl refuges were identified within a half mile from the alternative alignments.

8.3.4 Historic Properties

Seven historic districts and 17 historic properties were identified within the architectural area of potential effect (APE), which is defined in Section 4.4.3 of Chapter 4 Community and Social Analysis. (See Section 4.4.4 of this Draft EIS for a detailed discussion of the identification of historic properties.)

One area was identified around 5th Avenue North, between 4th Street North and 5th Street North with potential for historic archaeological resources. At this time, no project related work is expected in this area. Should work in the area be proposed, further archaeological investigation may be warranted. The archaeological APE is defined in Section 4.4.3 of Chapter 4 Community and Social Analysis.

If archaeological resources are inadvertently encountered during construction, and are determined to be eligible for the NRHP and warrant preservation in place, separate Section 4(f) evaluations will be prepared for such resources. State laws specific to archaeological resources are identified in Section 4.4.

Figure 8.3-2 illustrates the location of historic properties adjacent to the LRT alternatives. Detailed maps of these resources are provided in subsequent sections of the Section 4(f) evaluation, as appropriate.

Table 8.3-2 lists the historic properties within the Section 106 Area of Potential Effect identified as listed in, or eligible for listing in, the NRHP and evaluated for Section 4(f) use. This table indicates whether there is Section 4(f) use of the property using the methodology discussed in Section 8.3.1 and further discussed in Section 8.3.4 and 8.5.2.

The following historic properties have no potential for Section 4(f) use as there is no permanent incorporation of land, no temporary occupancy, or potential for adverse effects findings under Section 106. Therefore, no further evaluation of the following historic properties is provided in this Draft EIS:

- Northwestern Knitting Company Factory
- Minneapolis Warehouse District
- St. Paul Minneapolis & Manitoba/GN Railway Historic District (Minneapolis)

Direct use of the following historic properties is discussed in Section 8.4.2:

- Homewood Historic District
- Grand Rounds Historic District – Theodore Wirth Segment

Historic sites and districts for which no direct use was determined are discussed in Section 8.5.2 under potential constructive use.

Table 8.3-2. Historic Properties Evaluated for Section 4(f) Use

ID ¹	Resource Name	Section 4(f) Use ²
--	West Broadway Residential Historic District	No direct use
--	Grand Rounds Historic District	Direct use
--	Homewood Historic District	Direct use
--	Minneapolis Warehouse District	No direct use
--	Osseo Branch, St. Paul Minneapolis & Manitoba/GN Railway Historic District	No direct use ³
--	Minneapolis & Pacific /Soo Line Railway Historic District	No direct use
--	St. Paul Minneapolis & Manitoba/GN Railway Historic District (Minneapolis)	No direct use
1	Jones-Osterhus Barn	No direct use

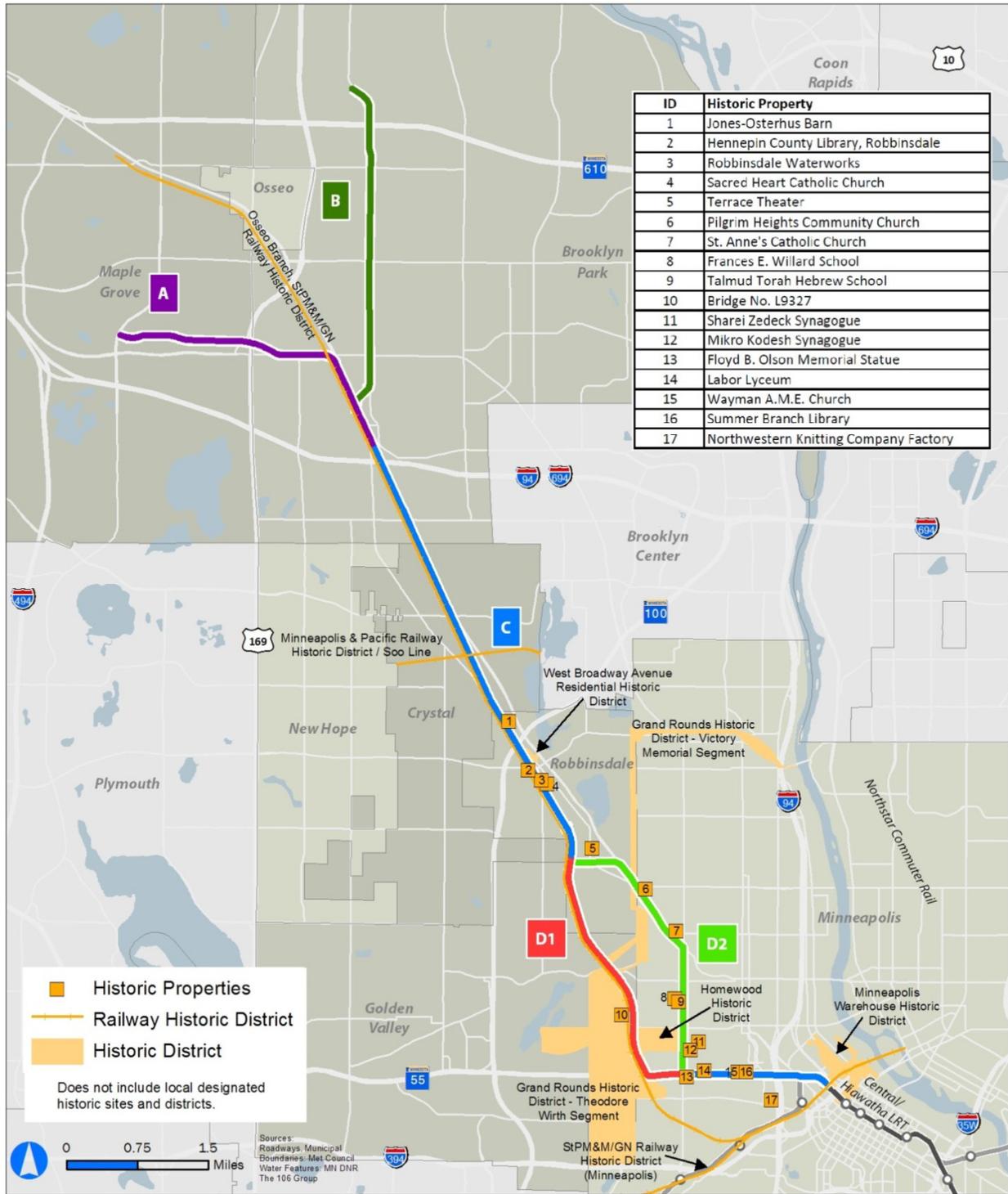
ID ¹	Resource Name	Section 4(f) Use ²
2	Hennepin County Library – Robbinsdale Branch	No direct use
3	Robbinsdale Waterworks	No direct use
4	Sacred Heart Catholic Church	No direct use
5	Terrace Theater	No direct use
6	Pilgrim Heights Community Church	No direct use
7	St. Anne’s Catholic Church	No direct use
8	Frances E. Willard School	No direct use
9	Talmud Torah Hebrew School	No direct use
10	Bridge No. L9327	No direct use
11	Sharei Zedeck Synagogue	No direct use
12	Mikro Kodesh Synagogue	No direct use
13	Floyd B. Olson Memorial Statue	No direct use
14	Labor Lyceum	No direct use
15	Wayman A.M.E. Church	No direct use
16	Sumner Branch Library	No direct use
17	Northwestern Knitting Company Factory	No direct use

¹Historic districts are not numbered in Figure 8.3-2.

²Historic properties identified as having no direct use were also reviewed in Section 8.5.2 for potential constructive use.

³While construction activities will occur within the boundaries of this historic property, as a transportation facility it is exempt from Section 4(f) unless there is an adverse effect finding under Section 106. SHPO has determined there is no adverse effect on the Osseo Branch, St. Paul Minneapolis & Manitoba/GN Railway Historic District; therefore, there is no 4(f) use.

Figure 8.3-2. Historic Properties adjacent to the Bottineau Transitway



8.4 Direct Use of Section 4(f) Properties

This section describes the park and recreational resources and historic properties for which direct use is anticipated by the project. The analysis includes a description of the property and its significance, an evaluation of Section 4(f) use, identification of measures to minimize harm, a summary of agency coordination and consultation, whether the use would qualify as a *de minimis* impact, and the preliminary Section 4(f) finding.

8.4.1 Direct Use of Park and Recreational Properties

The Bottineau Transitway project Build alternatives would use portions of three parks and recreation areas: Rush Creek Regional Trail, Theodore Wirth Regional Park, and a Minneapolis Public Schools Athletic Field.

8.4.1.1 Rush Creek Regional Trail (Alignment B – part of the Preferred Alternative)

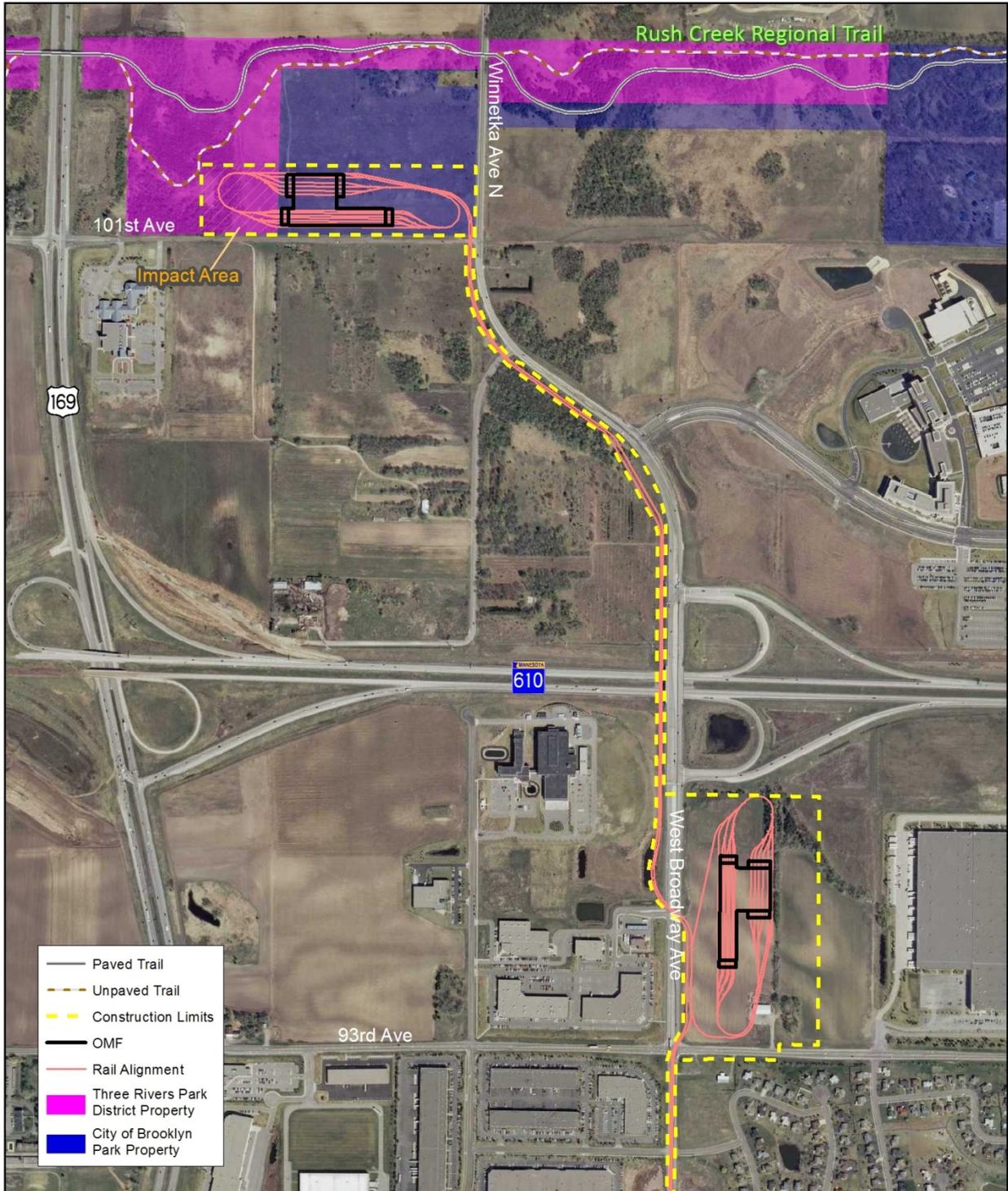
Description and Significance of Property

Rush Creek Regional Trail is located north of, and generally parallel to, 101st Avenue between Elm Creek Park Reserve in Hennepin County and Coon Rapids Dam Regional Park in Anoka County. Refer to [Figure 8.3-1](#) for the location of the trail in relation to the B-C-D1 and B-C-D2 alternatives. The 6.4-mile trail segment has an east-west orientation and connects Elm Creek Park Reserve (to the west) to Coon Rapids Dam Regional Park (to the east). There is an additional 3.2 miles of existing regional trail within Elm Creek Park Reserve, for a total existing regional trail length of 9.6 miles. Elm Creek Park Reserve and Coon Rapids Regional Park serve as trailheads for Rush Creek Regional Trail. Neighborhood trail connections allow users to access the trail at multiple locations along the route.

Three Rivers Park District owns approximately 251 acres along the Rush Creek Regional Trail Corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. Some portions of the trail pass through parkland owned by the City of Brooklyn Park. The primary trail is a 10-foot-wide multi-use paved trail used by bicyclists, walkers, runners, dog-walkers, and in-line skaters. A secondary turf trail generally parallels the paved trail and is used by visitors preferring to walk, run, or bicycle on a non-paved surface. The location of the trails in relation to the proposed OMF north of 101st Avenue is depicted in [Figure 8.4-1](#).

- **Existing Facilities:** The Rush Creek Regional Trail Corridor is significantly wider than most other regional trails. Its corridor width expands greater than 1,000 feet in several locations, gradually weaving across the corridor and incorporating significant variety in the trail while enhancing user experience. The available corridor width incorporates several large mowed turf areas adjacent to the paved trail. The *Rush Creek Regional Trail Master Plan (2008)* recommends that the Three Rivers Park District periodically reevaluate the turf trail to determine if the benefits of providing a secondary turf trail outweigh the potential environmental impacts associated with that trail. Vegetative plantings visually and physically separate the surrounding residential development from the trail. Rest areas with benches are provided at two-mile intervals.
- **Planned Facilities:** The Rush Creek Regional Trail Master Plan (2008) identifies a future 11.1-mile extension of Rush Creek Regional Trail west of Elm Creek Park Reserve. The proposed trail corridor extension is located in north-central Hennepin County, between Elm Creek Park Reserve and Crow-Hassan Park Reserve, within the cities of Maple Grove, Dayton, and Rogers in Hennepin County. There will be no impact to the future planned trail west of Elm Creek Park Reserve, as it is located more than three miles from the OMF site at 101st Avenue.

Figure 8.4-1. Alignment B OMF Locations and Rush Creek Regional Trail Area of Potential Use



Section 4(f) Evaluation

As illustrated in [Figure 8.4-1](#), two OMF sites have been identified for the Preferred Alternative (on Alignment B). A third OMF site is associated with Alignment A. No Section 4(f) use is anticipated for the southerly OMF location along Alignment B or for the OMF site along Alignment A. Construction of an OMF north of 101st Avenue along Alternative B-C-D1 or Alternative B-C-D2 would use approximately five acres of land owned by the Three Rivers Park District, within which Rush Creek Regional Trail west of Winnetka Avenue is located. Construction of the OMF at 101st Avenue would also require the use of a small portion of a turf trail that is part of the Rush Creek Regional Trail system in this segment. The paved trail, which runs roughly parallel to the turf trail, would remain unaffected. The land adjacent to this OMF site is currently undeveloped open space predominantly occupied by grasslands along with wetlands and wooded areas. While the OMF design is conceptual at this time, and use of the Rush Creek Regional Trail may be avoided through further design efforts, use of Three Rivers Park District property is assumed for this draft Section 4(f) Evaluation.

Measures to Minimize Harm

Potential mitigation (avoidance, minimization, and compensation efforts) for this resource include:

- **Design of the OMF site to avoid or minimize impacts to the 4(f) resource.** Measures to reduce the footprint of the OMF will be explored during preliminary and final project design and development. Reconfiguration of the OMF may avoid or minimize impacts to the turf trail located south of the paved Rush Creek Regional Trail.
- **Relocation of affected park facilities (turf trail).** If necessary, the turf trail would be realigned to create a greater distance between the turf trail and the proposed OMF. Trees and shrubs would be planted to provide visual screening between the realigned turf trail and the OMF. If design refinements determine that the turf trail would not need to be realigned, plantings could still be added to provide visually screening.
- **Provision of replacement land for land required by the OMF.** Construction of the proposed OMF at 101st Avenue would require partial acquisition of a parcel owned by Three Rivers Park District. Acquisition of an adjacent undeveloped property to the east would also be necessary. Only the southern portion of the undeveloped parcel, owned by the City of Brooklyn Park, would be needed to construct the OMF. City land dedicated to parkland adjacent to the Rush Creek Regional Trail north of the proposed OMF could be considered for mitigation purposes, should the portion of the Three Rivers Park District property be converted to transportation use. Three Rivers Park District has not reviewed this land mitigation proposal but indicates intent to coordinate with project staff to evaluate the potential natural resource and recreation impacts and identify creative mitigation solutions.

Agency Coordination and Consultation

Three Rivers Park District owns and operates Rush Creek Regional Trail. Three Rivers Park District has reviewed relevant technical reports associated with the Bottineau Transitway Project and provided input regarding potential *de minimis* use of park property for the OMF at 101st Avenue.

Coordination with Three Rivers Park District has identified restrictive covenants associated with the trail. The property was purchased by the Park District with Metropolitan Council funding in the late 1970s. Under certain circumstances, the Metropolitan Council will release restrictive covenants if equally valuable land or facility is provided in exchange for the released parkland. Three Rivers Park District also provided information regarding the Park District Board of Commissioners (Board) policy. A coordination meeting with Three Rivers Park District, and a subsequent letter from the District dated September 9, 2013 provided the following information:

- Restrictive covenants associated with Rush Creek Regional Trail
- A description of Rush Creek Regional Trail and its contextual setting

- A description of Crystal Lake Regional Trail (existing and planned segments)
- A description of Bassett Creek Regional Trail (existing and planned segments)
- General comments related to the Section 4(f) evaluation

The Three Rivers Park District letter is provided in [Appendix D](#). Communication with Three Rivers Park District is ongoing and a more formalized review and recommendation by the Park District Board of Commissioners will be sought as required.

Preliminary Section 4(f) Finding

FTA is proposing a *de minimis* determination for Rush Creek Regional Trail for construction of the OMF located north of 101st Avenue along Alignment B (Alternative B-C-D1 or Alternative B-C-D2). Approximately five acres of the 251 total acres of property occupied by Rush Creek Regional Trail (between Elm Creek Park Reserve and Coon Rapids Dam Regional Park) would be required from Three Rivers Park District's Rush Creek Regional Trail corridor property. The area of use includes five acres of undeveloped open space and a small portion of the turf trail that is situated south of the paved trail, as illustrated in [Figure 8.4-1](#). After taking into account measures to minimize harm, the Bottineau Transitway is not expected to adversely affect the activities, features, or attributes that qualify the trail for protection under Section 4(f).

Further coordination with Three Rivers Park District will occur as the Bottineau Transitway Project proceeds and as engineering details are developed.

8.4.1.2 Theodore Wirth Regional Park (Alignment D1 – part of the Preferred Alternative)

Description and Significance of Property

Theodore Wirth Regional Park (3201 Glenwood Avenue North) is located generally between a line extending along France Avenue on the west (France Avenue is discontinuous and exists north and south of the park only), Xerxes Avenue on the east, I-394 to the south, and Golden Valley Road on the north. At 759 acres, Theodore Wirth Regional Park is the largest park in the Minneapolis Park System. The northern two-thirds of the park lie within the municipal boundary of Golden Valley, while the southern third of the park lies within the city of Minneapolis. The park can be accessed from the north and south by Theodore Wirth Parkway and Cedar Lake Parkway. From the east and west, the park can be accessed via Glenwood Avenue North (three bus stops), Plymouth Avenue, Golden Valley Road, and the Luce Line Trail.

Theodore Wirth Park is recognized for its variety of year round recreational activities as well as its natural resource features. The park has trails for walking, running, dog walking, biking, off-road biking, and skiing. Summer activities include picnicking, swimming, basketball, tennis, volleyball, golf, and disc golf. Winter activities include snowboarding, sledding, tubing, cross-country skiing, and snowshoeing. The park's natural amenities include wetlands, prairie, and woodland resources. Within these natural areas, Theodore Wirth Regional Park provides opportunities for quietude and nature observation, particularly in the peaceful setting along portions of the park's western boundary. These natural areas of Theodore Wirth Regional Park are consistent with historic and current master plans for the park.

The Eloise Butler Wildflower Garden, the oldest public wildflower garden in the nation, is located within the southern portion of the park. Theodore Wirth Regional Park is also the site of the Quaking Bog, a five-acre acid bog that is one of the southernmost bogs in Minnesota. [Figure 8.4-2](#) shows the location of the Eloise Butler Wildflower Garden and the Quaking Bog. The wildflower garden and bog are situated about a half mile southwest of where Alignment D1 transitions from the BNSF railroad corridor to TH 55.

- **Existing Facilities:** Theodore Wirth Regional Park has the following existing natural amenities and facilities: Bassett Creek, Wirth Lake and Birch Pond, a fishing pier and boat launch, a swimming beach, a floating boardwalk, volleyball courts, a half basketball court, tennis court, a playground, picnic facilities, indoor picnic pavilion, restrooms, a snowboard park, a Swiss chalet-style clubhouse, 18-hole and par-three golf courses, an 18-hole disc golf course, and the J.D. Rivers' Children's Garden. The Eloise Butler Wildflower Garden and Bird Sanctuary, the Quaking Bog, and Birch Pond are situated at the south end of the park. The woodland area on the west edge of the rail corridor, proximate to the proposed Golden Valley station option, may be a high quality stand of trees with oaks. The locations of existing park facilities are illustrated in [Figure 8.4-2](#). Winter trails in the northern portion of the park (walking and cross-country skiing) are shown in [Figure 8.4-3](#).
- **Planned Facilities:** Theodore Wirth Regional Park is in the process of developing a Master Plan that will be presented for public comment in 2014. The Theodore Wirth Park Regional Park Concept Plan (revised June 2012) depicts proposed future amenities including walking paths, an off-road cycling trail, a tubing hill, and an event cycling trail and stadium.

Section 4(f) Evaluation

The Bottineau Transitway would require the use of less than one acre from the 759-acre Theodore Wirth Regional Park. The potential areas of use near Golden Valley Road and Plymouth Avenue are shown in [Figure 8.4-2](#). The MPRB has indicated that the woodland on the west edge of the rail corridor proximate to the proposed Golden Valley station option includes high quality old growth oaks and that impacts in this area are of high concern. The areas of potential direct use along the eastern edge of the park are considered valuable for their quietude and opportunity for nature appreciation, whereas other park edges do not share this characteristic. Loss of land in this area could diminish the setting, and thereby the park user experience, in this area of the park. A bicycle path and walking path are located along the north side of Theodore Wirth Parkway near Alignment D1 at Golden Valley Road. There is also a walking path near the west side of Alignment D1 at Plymouth Avenue. Although the Bottineau Transitway would not preclude the use of these paths, it is anticipated that users of the walking path west of Alignment D1 at Plymouth Avenue would experience changes that would include the sights and sounds of the Bottineau Transitway.

There are two potential station locations within Theodore Wirth Regional Park: the Plymouth Avenue/Theodore Wirth Regional Park station option or the Golden Valley Road station option under consideration with the Preferred Alternative (B-C-D1) as well as Alternative A-C-D1. Further discussion regarding station locations is provided in Chapter 2. Construction of a station at either location along Alternative A-C-D1 or Alternative B-C-D1 would require direct use of park property. Permanent and temporary easements would be required near the Plymouth Avenue bridge, whether or not a station is constructed at that location, although the amount of easement required is less if the station is not in this location. Temporary easements are discussed in Section 8.6.

Right-of-way would be needed from Theodore Wirth Regional Park in the area of Golden Valley Road, whether or not a station is constructed in this location. Between Golden Valley Road and Theodore Wirth Parkway, the BNSF track is very close to the railroad right-of-way limits on the west, necessitating grading within park property and outside of the BNSF right-of-way. Alignment D1 cannot be moved farther away from the park at this location due to the need to align LRT and BNSF tracks with portals at the existing Golden Valley Road and Theodore Wirth Parkway bridges. The Parkway bridge has been identified as historic and the assumptions regarding potential use of Theodore Wirth Parkway are predicated on its remaining in place. Refer to [Figure 8.4-4](#) and [Figure 8.4-5](#) for potential use areas.

In addition to the direct use described above, Theodore Wirth Regional Park may also incur minor permanent impacts related to the mitigation of floodplain impacts. As indicated in Section 5.2.5 of this Draft EIS, potential on-site or project specific floodplain storage mitigation has been preliminarily evaluated for the Bottineau Transitway (low areas adjacent to the existing floodplain). As illustrated in [Figure 8.4-6](#), there are two areas within Theodore Wirth Regional Park that could meet the storage

volume replacement requirement. One location is south of Golden Valley Road between Theodore Wirth Parkway and Alignment D1. The other parcel is situated adjacent to properties that are under two different jurisdictions, the MPRB and the railroad. Floodplain storage outside of the park was considered and subsequently dismissed because it would require construction of conveyance under Alignment D1 at a minimum depth of 50 feet.

The details of how these areas would be designed to meet floodplain replacement requirements would be coordinated with the MPRB, the landowner (if different), and the approving agencies (city, Minnesota Department of Natural Resources, and the Water Management Organization). The size of the floodplain mitigation (based on preliminary estimates of the area needed to compensate for fill within the floodplain) is anticipated to be small, ranging from an eighth to a quarter acre, depending on the depth needed to satisfy elevation requirements. The mitigation areas would be designed to be compatible with the existing landscape based on input from the MPRB. Refer to Section 5.2.5 of this Draft EIS for additional details related to floodplain mitigation. Wetland mitigation would be accomplished outside park boundary through the purchase of wetland banking credits.

Temporary (construction) easements would also be required near the two potential station locations within Theodore Wirth Regional Park. Temporary easements would be required near the Plymouth Avenue bridge, whether or not a station is constructed at that location. Additional temporary easements would be needed to construct the Golden Valley Road station option.

Areas of temporary use would also occur directly adjacent to Theodore Wirth Parkway along the far eastern border of the park. Between 16th and 17th Avenues, the BNSF track alignment shifts closer to the west BNSF right-of-way line. Construction activity is expected to extend a short distance into park property to accommodate grading, requiring temporary occupancy at this location and north of Oak Park Avenue.

Figure 8.4-2 depicts a walking trail that runs along the west side of the BNSF railway corridor from north of Plymouth Avenue south to its junction with the Great Northern Railroad. **Figure 8.4-3** shows the location of cross-country ski trails just west of the BNSF railway corridor and north of TH 55. Although the walking trail and cross-country ski trails are near the Bottineau Transitway alternative alignment, use of the trails would not be substantially affected, given that these trails are also near existing busy roadways. The areas of temporary occupancy are relatively small and are not anticipated to substantially affect the activities, features, and attributes of the park.

Theodore Wirth Regional Park is owned and operated by the MPRB. Hennepin County has undertaken coordination efforts with the MPRB as well as the Cities of Minneapolis and Golden Valley to minimize impacts to Theodore Wirth Regional Park. Coordination efforts with the MPRB will continue through the preliminary engineering phase to avoid, minimize, and/or mitigate park impacts as the D1 alignment is included in the Preferred Alternative for the project.

Figure 8.4-2. Locations of Theodore Wirth Regional Park Facilities

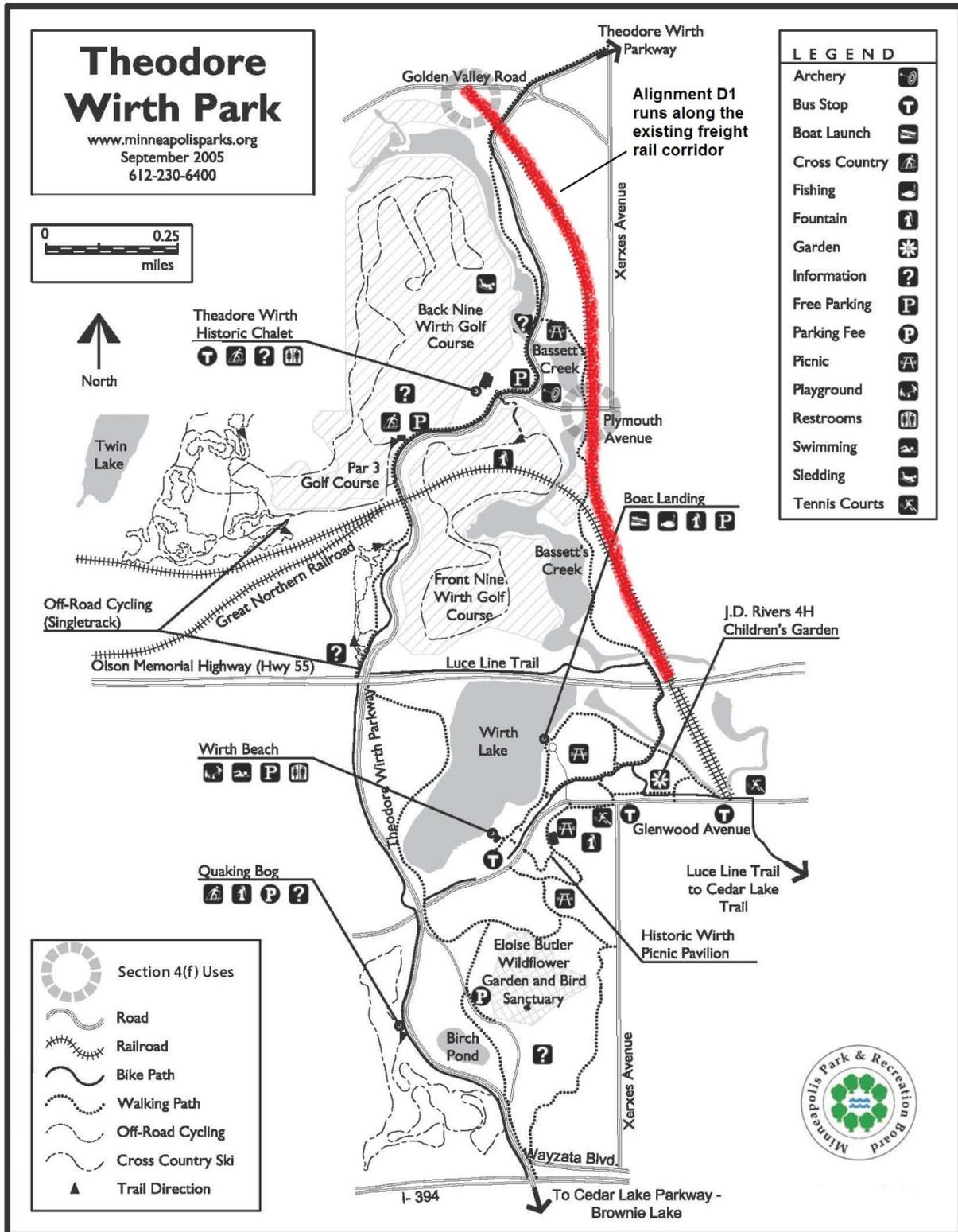


Figure 8.4-3. Location of Winter Trails within the Northern Portion of Theodore Wirth Regional Park



Figure 8.4-4. Plymouth Avenue Station Option – Potential Areas of Direct Use



Figure 8.4-5. Golden Valley Road Station Option – Potential Areas of Direct Use

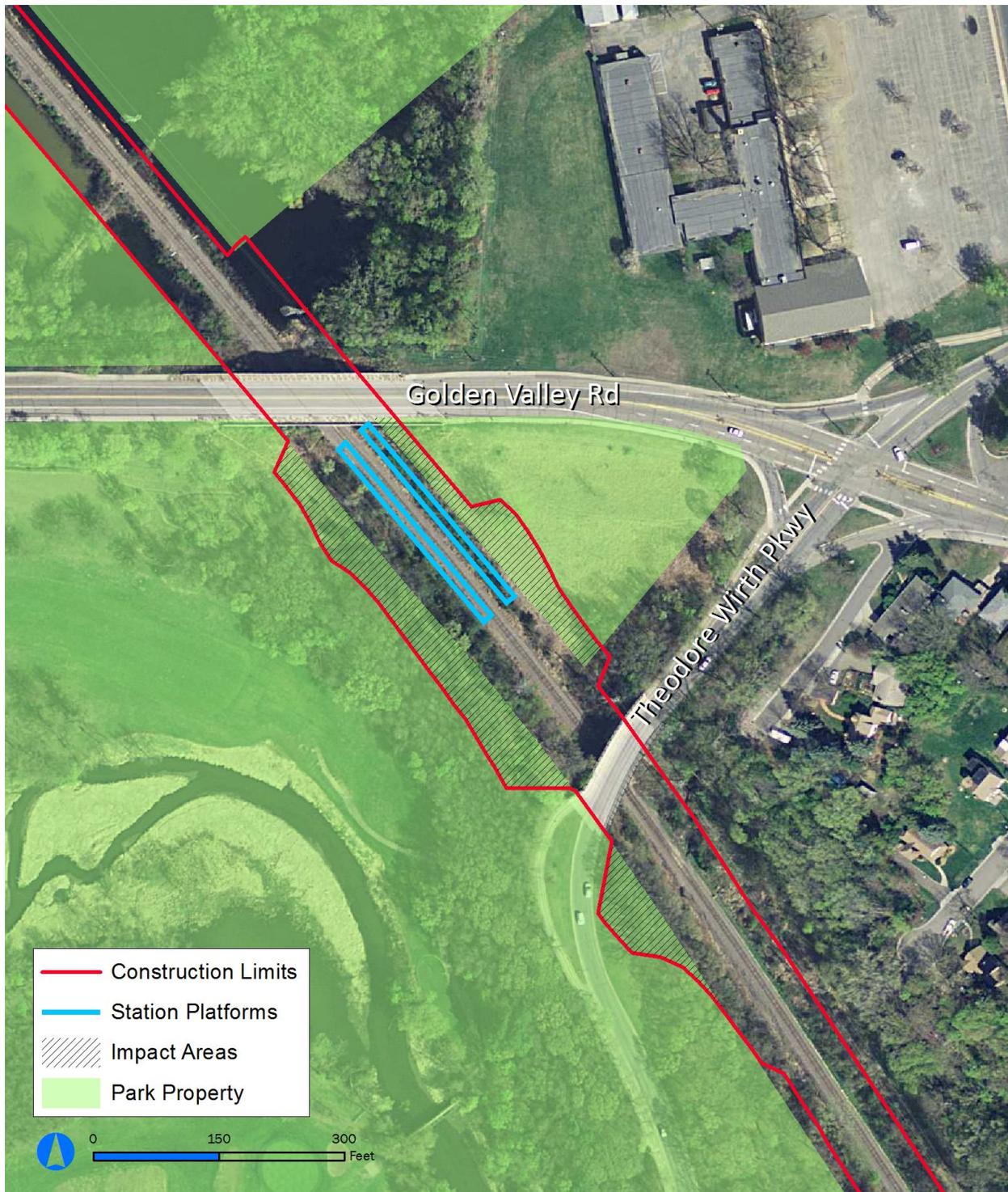


Figure 8.4-6. Theodore Wirth Regional Park: Areas of Potential Use



Avoidance Alternatives

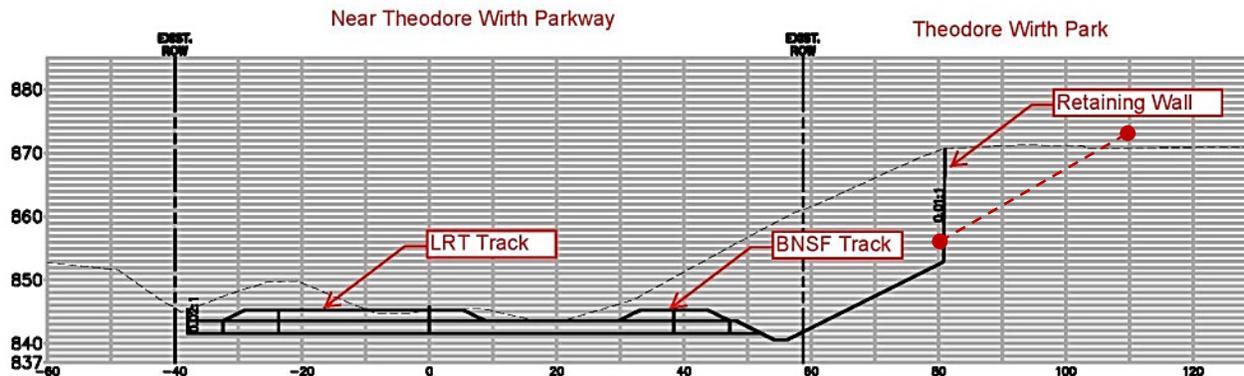
FTA approvals of Section 4(f) resources must demonstrate that there are no “prudent and feasible” alternatives to the Section 4(f) use. Feasible and prudent avoidance alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property (23 CFR 774.17). Three potential avoidance alternatives were considered, the No-Build alternative, Alternative A-C-D2, and Alternative B-C-D2. The No-Build alternative is feasible but it is not prudent because it does not meet the purpose and need of the project, as discussed in Chapter 11.

Alternatives A-C-D2 and B-C-D2 are also feasible. However, these alternatives are not prudent due to their degree of adverse impacts on neighboring properties along the D2 alignment in north Minneapolis. Alternative A-C-D2 would require the full acquisition of 143 parcels and partial acquisition of 50 additional parcels. Alternative B-C-D2 would require the full acquisition of 144 parcels and partial acquisition of 77 additional parcels. Most of the acquisitions are associated with the D2 alignment, occurring along Penn Avenue where a row of houses would need to be acquired for about one mile of residential frontage. Alternatives A-C-D2 and B-C-D2 also have the potential for disproportionately high and adverse impacts on minority and/or low-income communities in relation to the following resources: bicycle/pedestrian facilities, parking, community facilities, residential and business displacements, and visual resources. In addition, these alternatives are not prudent because they would result in the use of two other Section 4(f) resources, the Minneapolis Public Schools athletic field and the Homewood Historic District.

Measures to Minimize Harm

Use of park property is due to the need to grade the slopes near Plymouth Avenue and Golden Valley Road and to address floodplain storage issues. Use of park property would occur at these locations with or without station construction. Overall, the location of the transitway alignment within the existing freight rail corridor was developed to reduce the amount of right-of-way required from Theodore Wirth Regional Park and minimize other natural resource impacts. The presence of physical constraints along Alignment D1 influences the location of the transitway and BNSF tracks. Alignment D1 was positioned to avoid bridges, high voltage power lines, and adjacent properties. For example, at Golden Valley Road, the transitway and freight rail alignments shift westward to avoid impacts to the Theodore Wirth Parkway bridge, a historic structure, that passes over the existing freight rail corridor. As previously noted, the BNSF track would be closer to the railroad right-of-way limits between Golden Valley Road and Theodore Wirth Parkway than at other locations adjacent to the park property. This would necessitate grading within park property and outside of the BNSF right-of-way. As depicted in [Figure 8.4-7](#), a retaining wall may be constructed in lieu of grading. In the figure, the dashed line represents the existing grade. The figure illustrates a potential area of impact extending approximately 30 feet into the park without construction of a retaining wall. This potential area of impact is indicated by the dashed line that extends between the two dots. If a retaining wall were constructed, it would need to be built on park property due to the small horizontal distance between the BNSF track and right-of-way limits.

Figure 8.4-7. Alignment of LRT and BNSF tracks near Theodore Wirth Parkway



Along the D1 alignment adjacent to the park, the transitway and freight rail alignments were shifted within the existing BNSF right-of-way to minimize wetland, floodplain, and park impacts. Cross sections were minimized to the greatest extent possible to keep the transitway within the existing rail right-of-way as much as possible. Additional measures to reduce the use of park property will be explored during preliminary engineering.

Agency Coordination and Consultation

Theodore Wirth Regional Park is owned and operated by the MPRB.¹ Hennepin County has undertaken coordination efforts with the MPRB as well as the Cities of Minneapolis and Golden Valley to minimize right-of-way takings as well as other indirect impacts to Theodore Wirth Regional Park.

Coordination with Master Plan efforts currently underway for Theodore Wirth Regional Park resulted in identification of the Plymouth Avenue/Theodore Wirth Regional Park station option as an alternative to the Golden Valley Road station option during project Scoping. The Plymouth Avenue/Theodore Wirth Regional Park station option could provide more direct access to park facilities. This alternative station location is being studied as part of this Draft EIS.

A letter from the MPRB, received during the EIS Scoping process, identified a number of concerns associated with Alignment D1. In response to the concerns raised in this letter, Hennepin County Regional Railroad Authority (HCRRA) actively coordinated with the MPRB staff and board members to provide information regarding potential impacts and benefits to surrounding MPRB parklands along the Bottineau Transitway. As a result of the on-going coordination, the MPRB provided a letter affirming their commitment to work with the project team as the project progresses.

The MPRB reviewed relevant technical reports associated with the Bottineau Transitway Project during Draft EIS preparation and provided input regarding potential use of park property. Coordination efforts with the MPRB would continue through the preliminary engineering phase to avoid, minimize, and/or mitigate park impacts.

In response to a coordination meeting held on September 12, 2013, MPRB provided a letter requesting refinements to the Draft Section 4(f) evaluation and clarifying future expectations regarding coordination:

- Theodore Wirth Parkway should be considered a Section 4(f) resource

¹ The nine-member [Board of Commissioners](#) is an independently elected, semi-autonomous body responsible for maintaining and developing the Minneapolis Park system to meet the needs of citizens of Minneapolis. This unique structure allows independent decision-making so the MPRB can efficiently oversee a diverse system of land and water. Every four years commissioners are elected to this Board: one from each of the six park districts within the city and three that serve at-large. [The MPRB's organizational structure](#) provides administration, planning, programs, development, maintenance and police protection for the city's park and recreational facilities.

- Description of Theodore Wirth Regional Park should reflect its quiet character
- Floodplain and wetland mitigation areas need to be identified and defined
- The woodland near the Golden Valley Road station option includes high quality, old-growth oaks
- The Grand Rounds description should acknowledge its cultural landscape qualities

The MPRB letter is provided in [Appendix D](#).

Preliminary Section 4(f) Finding

Direct use of Theodore Wirth Regional Park is anticipated to affect the activities, features, and attributes qualifying the property for protection under Section 4(f). However, no prudent and feasible avoidance alternative exists for this park property. Although Alternatives A-C-D2 and B-C-D2 are feasible, they are not prudent due to their adverse effects on neighboring properties along Alignment D2 in north Minneapolis. Therefore, FTA is proposing approval of this use. The effects associated with each alternative are described in Chapter 11.

8.4.1.3 Minneapolis Public Schools Athletic Field (Alignment D2)

Description and Significance of Property

The three-acre Minneapolis Public Schools Athletic Field (1123 Penn Avenue North) is located between Penn Avenue on the east and Queen Avenue on the west in Minneapolis. The north side of the field is bordered by 12th Avenue. The athletic field can be accessed through gates at the north end and west side. Parking is available on local streets.

The athletic field is surrounded by chain link fencing. There is a pair of goal posts on the north and south end of the field and a small set of bleachers on the west and east sides of the athletic field. A portable toilet is located at the north end of the field. A row of coniferous trees borders the east side of the field.

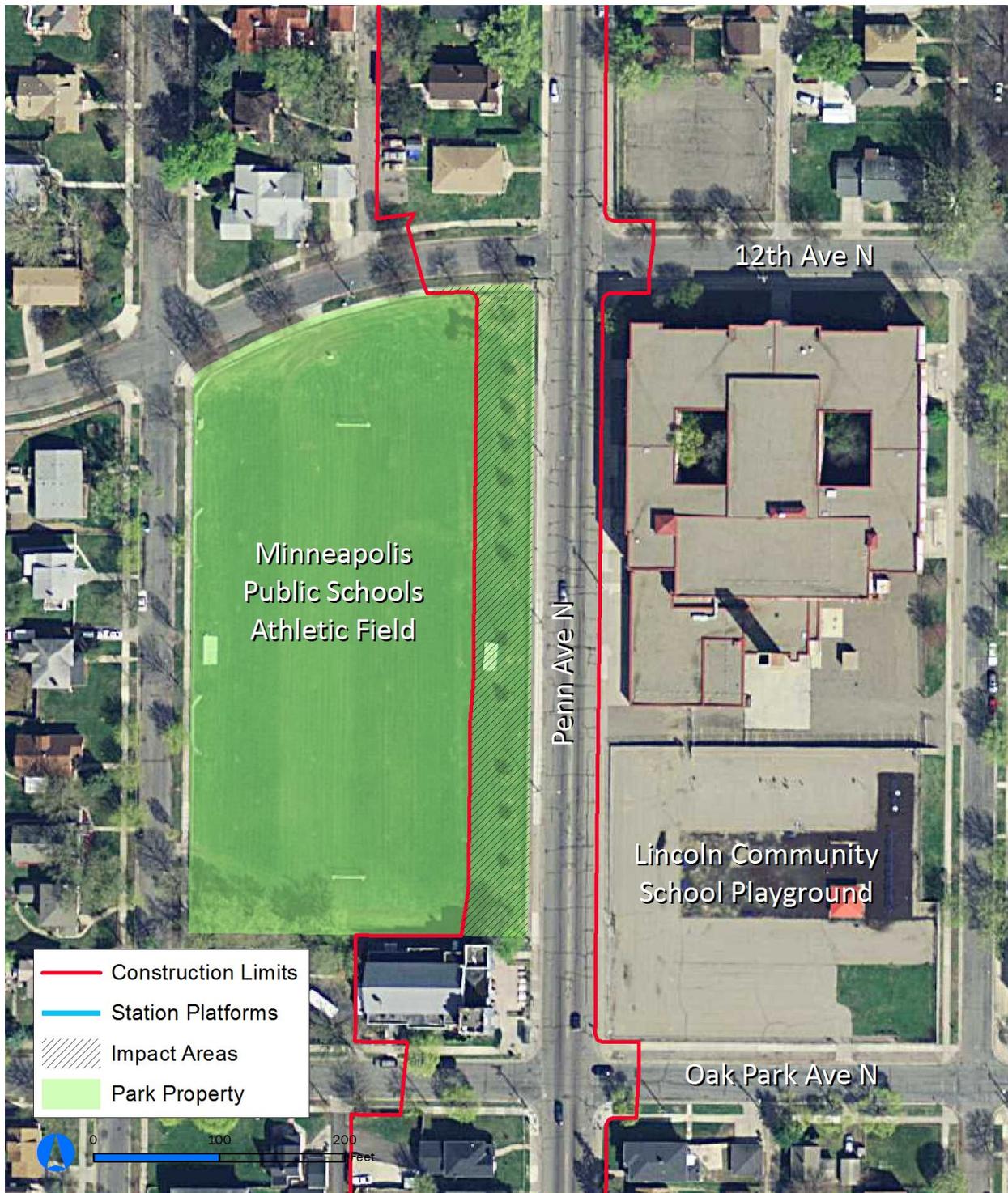
The Minneapolis Public Schools Athletic Field functions primarily as an athletic field for soccer and football. The field is the home site for North High School soccer (and Henry High School when North High School does not have enough players and they combine teams). The field is used by 20 middle schools for tackle and flag football. Lincoln, Franklin, and Cityview Middle Schools host all their middle school games at this field. The athletic field is occasionally used by the local community; however, permits are required to use the field.

The Lincoln Peace Garden is located in the northeast corner of the athletic field. The garden is open during athletic events or while it is being maintained. The garden was started around 1996 by north Minneapolis gardeners with the aid of Lincoln School teachers. It was dedicated to Charles Johnson, who died in a bus accident in May 1996. Charles was a student at Franklin Middle School and lived close to the athletic field.

Section 4(f) Evaluation

Construction of the Bottineau Transitway would require the acquisition of permanent right-of-way to construct the guideway along Penn Avenue. Although Alternative B-C-D1 would not require use of the athletic field, Alternatives A-C-D2 and B-C-D2 would require a permanent strip of land approximately 43 feet wide on the eastern edge of the property. The total area of use is estimated at 0.56 acre, which represents about 18 percent of the field's total area. Although the resource could still function as a football field, it would no longer be wide enough to accommodate a full-size soccer field (80 yards by 120 yards). A row of coniferous trees along the eastern boundary of the field would need to be removed. In addition, more than half of the Lincoln Peace Garden would be removed. [Figure 8.4-8](#) depicts the area of anticipated use.

Figure 8.4-8. Minneapolis Public Schools Athletic Field Area of Potential Direct Use



Measures to Minimize Harm

Measures to minimize harm to the Minneapolis Public Schools Athletic Field include:

- **Replacement of the fencing along the east side of the athletic field**
- **Reconstruction of the athletic field to provide another recreational purpose.** Although athletic field would no longer accommodate a full-size soccer field, it is anticipated the field could still function as a football field and/or smaller soccer field.
- **Provision of a full-size soccer field in another location.** Providing a parcel that could accommodate a full size soccer field may satisfy the needs of the Minneapolis Public Schools athletic program. Alternatively, a smaller soccer field could be enlarged to provide a full-size facility.

Agency Coordination and Consultation

Communication with Minneapolis Public Schools Athletic Department confirmed that the athletic field is actively used by the public schools. It is the desire of the Athletic Department to maintain a full-size soccer field at this location to maximize the potential use of the field. Communication with the Minneapolis Public Schools Community Education staff confirmed that the community uses the athletic field on an occasional basis. Because Alignment D2 is not included in the Preferred Alternative for the Bottineau Transitway, no further coordination with Minneapolis Public Schools will occur.

Preliminary Section 4(f) Finding

The Bottineau Transitway would result in the direct Section 4(f) use of the Minneapolis Public Schools athletic field with Alternative A-C-D2 or Alternative B-C-D2. However, the Preferred Alternative (B-C-D1) is a prudent and feasible avoidance alternative to this use. Therefore, FTA is not proposing approval of the 4(f) use of this resource.

As previously stated, the athletic field would no longer be wide enough to accommodate a full-size soccer field. Replacement of the field at another location in the neighborhood would be challenging, as land use in this area is primarily single-family residential with few large open spaces.

8.4.2 Direct Use of Historic Properties

As discussed in Section 8.3.4, direct use has been identified for two properties.

8.4.2.1 Homewood Historic District (Alignment D2)

Description and Significance of Property

The Homewood Historic District encompasses a large, rectangular-shaped, 80-acre, hilly area that is eight blocks by two blocks in size. The district includes 254 parcels, which were primarily developed from 1910 to 1946, and 12 extant stone entrance markers around the perimeter of the district. The residences within the district were constructed in a variety of popular architectural styles from the early twentieth century, including Tudor Revival, Colonial Revival, French Eclectic, and Spanish Colonial Revival. A number of houses in the area were also designed by noted Minneapolis architecture firm Liebenberg & Kaplan. The Homewood Historic District attracted a large number of prominent upper-middle class Jewish residents beginning in the mid-1910s. Many synagogues were built around the district as a result. The Homewood Historic District has been determined eligible for listing in the NRHP under Criterion A for the significant role it played in the development of the western portion of North Minneapolis as the second location of a Jewish community in North Minneapolis, which was occupied by primarily Jewish residents from 1911 until the late 1960s.

Section 4(f) Evaluation

Under Alignment D2 (Alternatives A-C-D2 and B-C-D2), the physical incorporation of a portion of the Homewood Residential Historic District would be required west of Penn Avenue between Plymouth

Avenue and Oak Park Avenue. The proposed demolition of several contributing buildings within the historic district, as well as shifting the original curb/sidewalk to the west, would affect the entire east edge of the district. Project design of the Penn/Plymouth Station and guideway (including the LRT tracks, poles, and catenary) would have a potential effect on the district and its setting. Station area planning and development related to the Penn/Plymouth Station, including transit-related traffic and parking, would also have a potential effect on the district and its setting. Alternatives A-C-D1 and B-C-D1 would avoid acquisition of property and demolition of buildings within this historic district. The boundaries of the historic district, as well as the area of direct use associated with this property, are depicted in [Figure 8.4-9](#).

Measures to Minimize Harm

Measures to minimize harm to the Homewood Historic District may include:

- **Recordation of the removed properties and sensitive design of the new east “edge” of the historic district with Alternatives A-C-D2 and B-C-D2**
- **Integration of historic properties into station area planning for the Penn/Plymouth Station**
- **Minimization of potential use through measures to avoid, reduce, or mitigate noise for all alternatives.** Refer to Section 5.6 for a detailed discussion about noise.

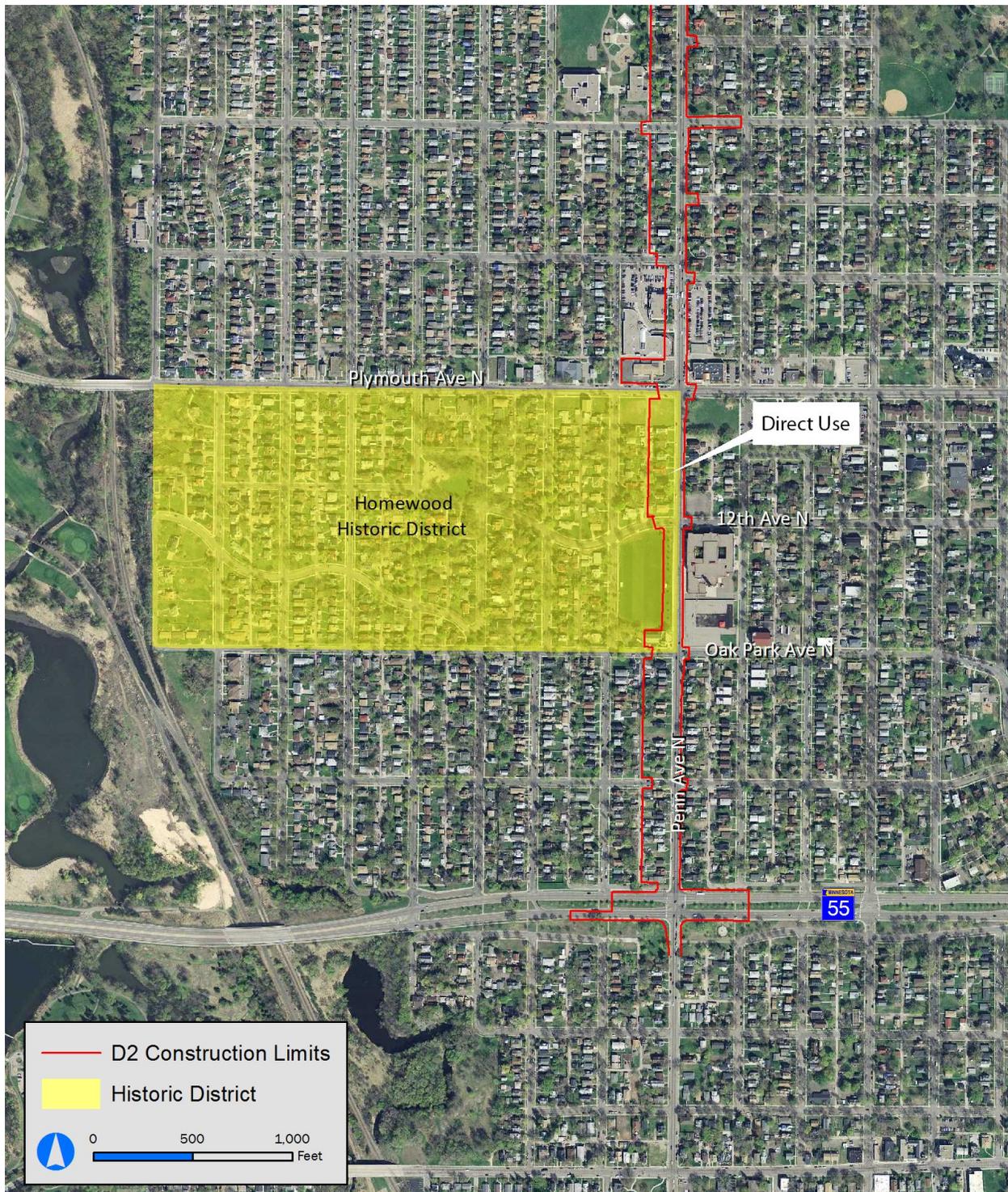
Agency Coordination and Consultation

The SHPO has concurred with the assessment that the D2 alignment (Alternatives A-C-D2 and B-C-D2) would have a potential adverse effect on the Homewood Historic District and no effect with the D1 alignment (Alternatives A-C-D1 and B-C-D1) providing that indirect impacts to the district can be avoided through the Section 106 Agreement. The effects of the D1 alignment are much less severe and may be avoidable through further consultation on design, noise, and traffic issues. (See letters dated August 7, 2013 and October 9, 2013 in [Appendix D](#).)

Preliminary Section 4(f) Finding

The Bottineau Transitway would result in the direct Section 4(f) use of the Homewood Historic District with Alternative A-C-D2 or Alternative B-C-D2. The SHPO’s concurrence with an adverse effect confirms a Section 4(f) use of the Homewood Historic District with the D2 alignment; no 4(f) use would occur under the D1 alignment. The Preferred Alternative (B-C-D1) is a prudent and feasible avoidance alternative to the use of the Homewood Historic District. Therefore, FTA is proposing to not approve a 4(f) use of this resource for Alternative A-C-D2 and Alternative B-C-D2, and finds that there would be no 4(f) use of this property under the Preferred Alternative pending the Section 106 Agreement.

Figure 8.4-9. Homewood Historic District: Area of Potential Direct Use



8.4.2.2 Grand Rounds Historic District – Theodore Wirth Segment (Alignment D1 – part of the Preferred Alternative)

Description and Significance of Property

In 1883, Horace Cleveland, a landscape architect, brought his idea for a continuous green necklace of parkway and open space around Minneapolis to the newly formed Board of Park Commissioners (renamed the Minneapolis Park & Recreation Board in 1969). The Grand Rounds was subsequently acquired and built over many years by the Board of Park Commissioners primarily during the late nineteenth and early twentieth century. Theodore Wirth, Superintendent of Parks from 1906 until 1935, had a prominent role in the acquisition of lands and development of the Grand Rounds. Comprised of seven districts, the Grand Rounds passes through almost every part of Minneapolis. Each of the seven segments was acquired and developed at a different time and contributes its own history and significance to the Grand Rounds as a whole. The seven districts include a dozen lakes and ponds, four golf courses, two waterfalls, natural and planned gardens, creek and river views, and 50.1 miles of trails. There are also more than 50 identified interpretive sites. The Grand Rounds has been determined eligible for listing in the NRHP as a superb example of an urban byway and park system.

The Grand Rounds Historic District – Theodore Wirth Segment, which includes Theodore Wirth Regional Park, is adjacent to the A-C-D1 and B-C-D1 alternatives. The historic qualities of the Grand Rounds Historic District – Theodore Wirth Segment are related to its cultural landscape qualities including its scenic value, topography, vegetation, and the experiential qualities of Theodore Wirth Parkway. The park was acquired in the early 1900s, largely for its inspiring natural qualities. At that time, the acquisition and preservation of natural landscapes within a city park of this size was very unusual. The natural character of Theodore Wirth Regional Park continues to be its primary identity and the park contains premier natural resources within the MPRB system.

Section 4(f) Evaluation

Alternative A-C-D1 and Alternative B-C-D1 would require the conversion of less than one acre from the 759-acre Theodore Wirth Regional Park, a contributing element of the district, to a transportation use. It has been concluded that there is a potential for Section 4(f) use with either the Golden Valley Road or Plymouth Avenue/Theodore Wirth Regional Park station options under these alternatives; however, this cannot be definitely determined until further engineering work is completed.

The boundaries of the Grand Rounds Historic District – Theodore Wirth Segment are illustrated in [Figure 8.4-10](#). The boundary of Grand Rounds Historic District – Theodore Wirth Segment generally coincides with the boundary of Theodore Wirth Regional Park. [Figure 8.4-10](#) also shows the locations of direct use, temporary occupancy, and potential floodplain mitigation sites within the historic district with Alternatives A-C-D1 and B-C-D1. Refer to [Figure 8.4-4](#) and [Figure 8.4-5](#) in Section 8.4.1 for a detailed depiction of the direct uses anticipated at the Plymouth Avenue/Theodore Wirth Regional Park and Golden Valley Road station options.

The design of the Golden Valley Road/Plymouth Avenue station, the guideway (including the LRT tracks, poles, and catenary) and the TH 55 bridge extension could have a potential effect on the Grand Rounds Historic District and its setting. Further, station area redevelopment activities, including transit-related parking, may also have a potential effect on the district and its setting. These effects may include visual effects (including those from lighting), noise, and transit-related traffic effects. Due to the proximity of the Plymouth Avenue station option to key elements of the Grand Rounds Historic District, avoidance of potential impacts may be more feasible with the Golden Valley Road station option. However, a final determination as to whether these effects are adverse under Section 106 cannot be made until further engineering has been completed. Alternatives A-C-D2 and B-C-D2 would avoid potential adverse effects within this historic district.

Measures to Minimize Harm

Measures to minimize harm to the Grand Rounds Historic District – Theodore Wirth Segment include:

- **Minimization of lighting and visual impacts through station design.** Refer to Section 4.5 for a detailed discussion about the visual/aesthetic characteristics of the study area.
- **Minimization of potential effects to the historic district by integrating historic properties into station area planning**
- **Minimization of potential effects through the adoption of measures to avoid, reduce, or mitigate noise.** Refer to Section 5.6 for a detailed discussion about noise.

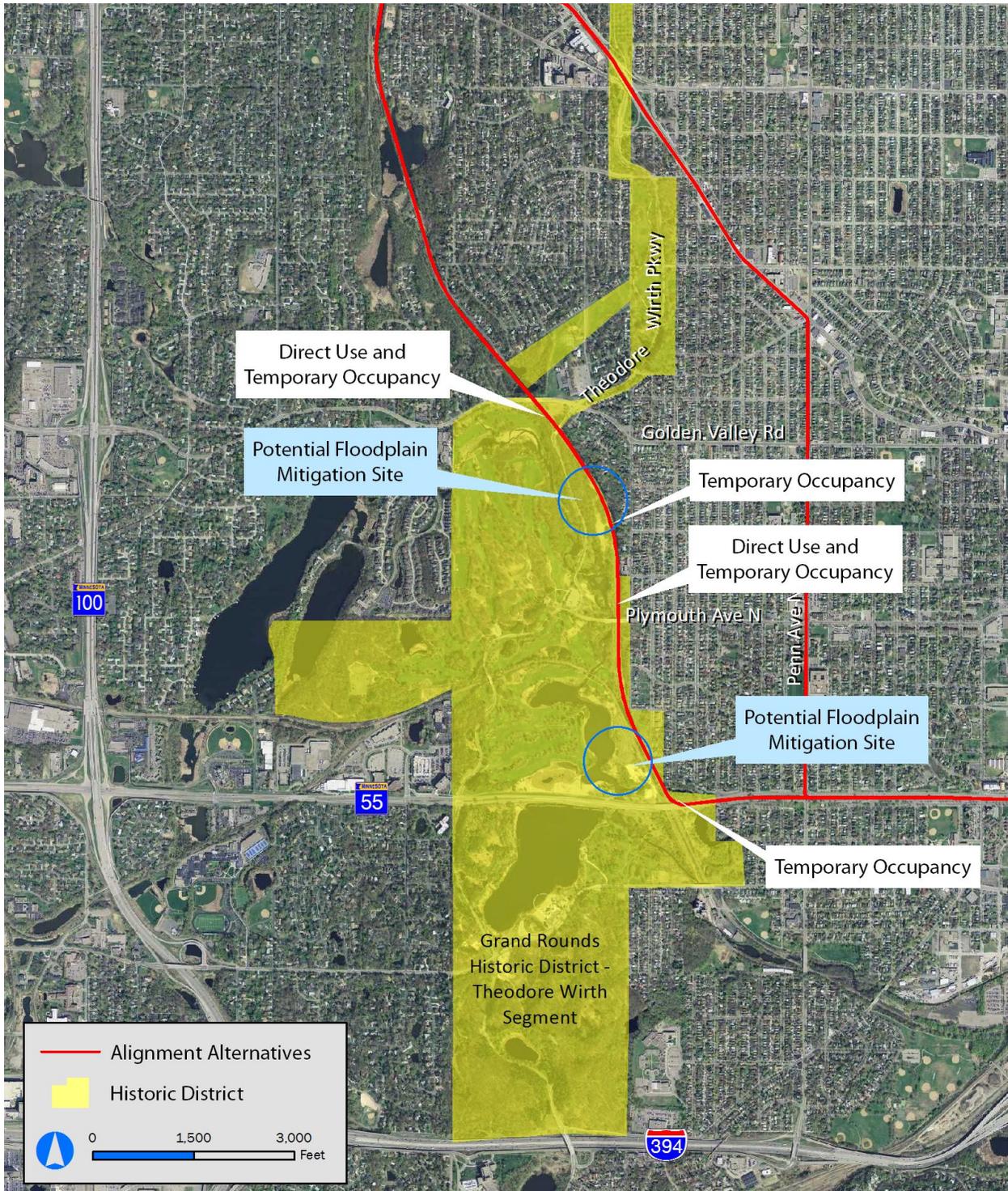
Agency Coordination and Consultation

The SHPO has concurred with the assessment that the D1 alignment (A-C-D1 and B-C-D1 alternatives) would have a potential effect on this district and its setting, including effects related to noise and light. Additionally, station area planning and redevelopment related to the Golden Valley Road station option or the Plymouth Avenue/Wirth Park station option would have a potential effect on the district and its setting. (See letter dated August 7, 2013 in [Appendix D](#)). Coordination with the MPRB as the agency with park jurisdiction is addressed in Section 8.4.1 under the discussion of Theodore Wirth Regional Park.

Preliminary Section 4(f) Finding

Figure 8.4-10 shows potential areas of use within Theodore Wirth Regional Park, which is a contributing element of the Grand Rounds Historic District – Theodore Wirth Segment. The SHPO has concurred with the assessment that the D1 alignment (Alternatives A-C-D1 and B-C-D1) would have potential effects on the district and its setting; however, after taking into account measures to minimize harm under the Section 106 Agreement, it is anticipated that potential use of the Grand Rounds Historic District – Theodore Wirth Segment would be avoided and would not affect the features and attributes of the historic district. The Bottineau Transitway is not anticipated to impair the historic district's associations that contribute to its NRHP eligibility. Therefore, FTA is proposing a *de minimis* determination for the Grand Rounds Historic District – Theodore Wirth Segment, assuming a no adverse effect determination under the Section 106 agreement (see Section 4.4.3.4 for discussion of the Section 106 agreement).

Figure 8.4-10. Grand Rounds Historic District – Theodore Wirth Segment: Areas of Potential Impacts



8.5 Evaluation of Constructive Use of Section 4(f) Properties

This section defines constructive use per 23 CFR 774.15 and NRHP eligibility criteria as they apply to park and recreational lands and historic sites.

8.5.1 Park and Recreational Properties

This section evaluates potential constructive use of the 14 park and recreational properties, as defined in Section 8.1.2. This analysis considered visual, noise, and vibration impacts resulting from the Bottineau Transitway to determine if any rose to a level of significance that would result in a Section 4(f) constructive use. Detailed discussions of potential visual, noise, and vibration impacts are provided in Section 4.5, Section 5.6, and Section 5.7, respectively. **None of the Section 4(f) properties discussed below were determined to have a constructive use after this evaluation was completed as there would be no substantial impairment to the activities, features, or attributes that qualify the properties for protection under Section 4(f).** The properties evaluated are depicted in **Figure 8.3-1** and discussed individually below.

■ Future Crystal Lake Regional Trail (Alignments A, B, C, and D2 – part of the Preferred Alternative)

As depicted by the dashed line in **Figure 8.3-1**, the future Crystal Lake Regional Trail route generally extends northwest along the east side of Bottineau Boulevard passing through the cities of Robbinsdale, Crystal, and Brooklyn Park. The regional trail would cross the transitway at 73rd Avenue. Accommodations for a safe trail crossing would be provided at 73rd Avenue under the Preferred Alternative (B-C-D-1). At 79th Avenue in Brooklyn Park, the trail route crosses to the west side of Bottineau Boulevard and extends northwest under TH 169 to 85th Avenue where it crosses back to the east side of Bottineau Boulevard. From this point, the trail route extends to the west through Osseo and Maple Grove to the northern terminus at Elm Creek Park Reserve. The completed trail, which would be used for commuting and recreation, will be approximately 11 miles long and will be under the jurisdiction of Three Rivers Park District. The *Crystal Lake Regional Trail Master Plan (2012)* states that many of the areas within two miles of the proposed trail are fully developed. The future trail would be constructed within an existing transportation corridor that already includes the presence of freight rail. The Bottineau Transitway would not substantially impair the attributes of the existing urban setting of the planned trail. Therefore, constructive use of the trail would not occur.

■ College Park (Alignment B – part of the Preferred Alternative)

The six-acre park is located west of West Broadway Avenue and south of North College Park Drive. The park, which is under the jurisdiction of the City, provides opportunities for active recreation and features a playground, skating rink, a picnic pavilion, and park activity building. The Bottineau Transitway would run along the eastern boundary of College Park. With the exception of the skating rink, the park's outdoor recreation facilities are set back from the B-C-D1 and B-C-D2 alternative alignments by more than 300 feet. The park's features and recreational opportunities, identified above and shown within the park's approximate boundaries, would not be substantially impaired. Therefore, there would be no constructive use of the property.



■ **North Hennepin Community College Trail (Alignment B – part of the Preferred Alternative)**

The short trail (0.2 mile) runs along the west side of the college ball fields in Brooklyn Park. The trail, which is on North Hennepin Community College property, connects to Tessman Park immediately to the south (see photo of Tessman Park trail below). Because the B-C-D1 and B-C-D2 alternative alignments would not substantially impair trail use, there would be no constructive use of the trail.

■ **Tessman Park (Alignment B – part of the Preferred Alternative)**

The 16-acre park is located east of West Broadway Avenue and directly south of North Hennepin Community College ball fields in Brooklyn Park. The park, which is under the jurisdiction of the City, features a playground and picnic area at its southeast end (which is more than a half mile east of West Broadway Avenue and not shown in the photo). There is a trail along the north side of Shingle Creek (shown in yellow in the photo) that flows through the park. The B-C-D1 and B-C-D2 alternative alignments would not



substantially impair the playground and picnic area as they are located more than a half mile from the proposed transitway. Therefore, there would be no constructive use of this property.

■ **Becker Park (Alignment C – part of the Preferred Alternative)**

The 12.4-acre park is located in the southwest quadrant of Bottineau Boulevard and Bass Lake Road in Crystal. Becker Park, which is under the jurisdiction of the City, is adjacent to all alternative alignments. The park provides opportunities for active recreation and features two softball fields, three tennis courts, a basketball court, four horseshoe courts, playground equipment, trails, picnic tables, benches, and an activity center with stage. The east side of the park is bordered by the BNSF



railroad corridor. The existing fencing that provides a barrier between the east side of the park and the railroad corridor would remain in the same location. Becker Park is located near the intersection of two busy roadways and is surrounded by commercial and residential development, which would not be greatly altered by the Bottineau Transitway. The transitway would not substantially impair the recreational facilities and opportunities that contribute to the enjoyment of the park. Therefore, there would be no constructive use of the Section 4(f) property.

■ **Triangle Park (Alignment C – part of the Preferred Alternative)**

The one-acre park is located west of Broadway Avenue near downtown Robbinsdale. Triangle Park, which is under jurisdiction of the City, is adjacent to all alternative alignments. The small triangular urban park is used for active play and its features include a ball field, playground equipment, picnic area, and a wading pool. The perimeter of the park is bounded by chain-link fencing, which separates the park from the existing BNSF railroad corridor along its northeast border. The fencing provides a buffer between the park and the Bottineau Transitway. As indicated in Section 5.6, noise impacts have been identified at this location. With noise mitigation, no substantial impacts to the activities and features identified above would occur. Therefore, no constructive use of this property would result.



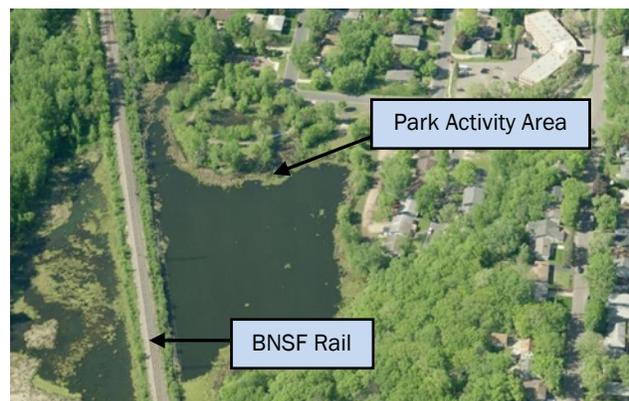
■ **Lee Park (Alignment C – part of the Preferred Alternative)**

The 6.7-acre park is situated between 36th Avenue and 38th Avenue in Robbinsdale and is surrounded by residential development. Lee Park, which is owned by the City, is adjacent to all alternative alignments. The park provides opportunities for active recreation and features a ball field, playground equipment, picnic area, picnic pavilion, skating rink, and a path/trail that connects with June Avenue to the south. The park is bordered by the existing BNSF railroad corridor on the east with fencing providing a barrier between railroad corridor and the park boundary. No substantial impacts to the activities and facilities identified above are anticipated. Therefore, no constructive use of this property would result.



■ **South Halifax Park (Alignment D1 – part of the Preferred Alternative)**

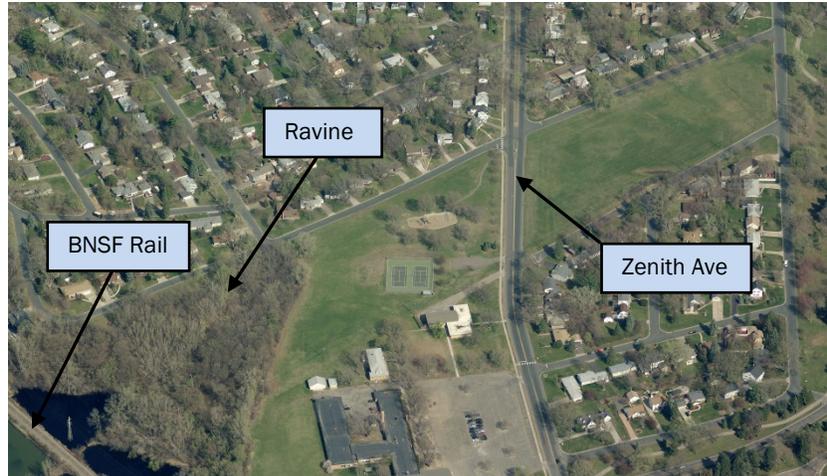
The four-acre park is located south of Lowry Avenue and west of Halifax Avenue in Robbinsdale. The park, which is owned by the City, provides opportunities for active recreation and features playground equipment, half-court basketball, a picnic area, and trails. The BNSF railroad corridor forms the western boundary of the park. The railroad corridor currently bisects Grimes Pond, half of which is located within the boundary of South Halifax Park. Deciduous



vegetation provides some screening of the existing railroad corridor for residents along Indiana Avenue. Given the park's proximity to the A-C-D1 and B-C-D1 alternative alignments, moderate visual impacts are possible. Refer to Section 4.5 for further details about visual quality. However, the park's facilities and recreational opportunities identified above would not be substantially affected. Therefore, there would be no constructive use of this property.

■ **Glenview Terrace/Valley View Park (Alignment D1 – part of the Preferred Alternative)**

The 18-acre park is located south Manor Drive in Golden Valley. The entire park property is owned by the MPRB. Glenview Terrace, located west of Zenith Avenue, is operated by the City of Golden Valley. The park provides opportunities for active recreation and features playground equipment, two lighted tennis courts, and walkways. The BNSF railroad corridor forms the southwestern boundary of the park. Active uses of the park are buffered



from the A-C-D1 and B-C-D1 alternative alignments by a ravine and wooded area. Because park facilities and recreational activities that contribute to the enjoyment of the park would not be substantially affected by the Bottineau Transitway, no constructive use would occur.

■ **Theodore Wirth Parkway (Alignment D1 – part of the Preferred Alternative)**

The parkway extends from I-394 north to Lowry Avenue for a distance of approximately 3.5 miles. The majority of the parkway runs through or along Theodore Wirth Regional Park. The parkway, an element of the Minneapolis Parkway System and part of the Grand Rounds Scenic Byway, is under the jurisdiction of the MPRB. The B-C-D1 alternative would not substantially impair the open space or recreational opportunities that contribute to the enjoyment of Theodore Wirth Parkway. Therefore, no constructive use of the property is anticipated.

■ **Future Basset Creek Regional Trail (Alignment D1 – part of the Preferred Alternative)**

The Bassett Creek Trail, when fully constructed, will measure approximately seven miles from French Creek Regional Park, through the cities of Plymouth, New Hope, Crystal, and Golden Valley to the Grand Rounds at Theodore Wirth Regional Park. The Bassett Creek Regional Trail is planned to connect to Theodore Wirth Regional Park along Golden Valley Road and will provide an opportunity to access light rail and the regional park and trail network, providing potential opportunities for multi-modal trip chaining. Three Rivers Park District anticipates operating and maintaining the trail in road right-of-way. The future trail would cross over Alignment D1, which currently accommodates freight rail. Because Alternative B-C-D1 would not substantially impair enjoyment or use of the future Basset Creek Regional Trail, there would be no constructive use of the trail.

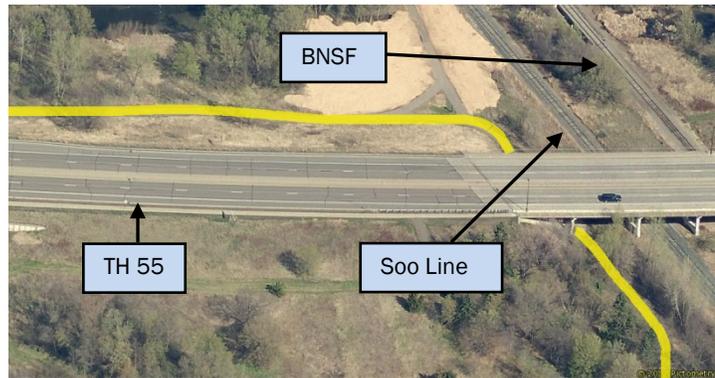
■ **Memorial Parkway Regional Trail (Alignments D1 and D2 – part of the Preferred Alternative)**

The regional trail runs along Theodore Wirth Parkway and Victory Memorial Parkway and crosses the Bottineau Transitway at two locations. The trail crosses over the BNSF railroad corridor (Alignment D1) south of Golden Valley Road. The trail also crosses under West Broadway Avenue (Alignment D2) at a grade-separated crossing and then continues northward along the west side of Victory Memorial Parkway.

The Bottineau Transitway would not substantially impair trail use. Therefore, there would be no constructive use of the trail.

■ **Luce Line Regional Trail (Alignment D1 – part of the Preferred Alternative)**

The Luce Line Regional Trail,² shown in yellow in the photo, runs easterly from Theodore Wirth Parkway along the north side of TH 55 then passes under TH 55 and travels west of the Soo Line track. The A-C-D1 and B-C-D1 alternative alignments are east of the Soo Line track and would not substantially impair any of the features or attributes that contribute to the enjoyment of the trail. Therefore, there would be no constructive use of the trail.



■ **Victory Memorial Parkway (Alignment D2)**

Victory Memorial Parkway is a 2.8-mile long linear park located in the northwest corner of Minneapolis and in eastern Robbinsdale. The parkway, which is part of the Minneapolis Parkway System, extends north from Lowry Avenue to 45th Avenue then east to Humboldt Avenue. Victory Memorial Parkway combines recreation and open space, and is a nationally important World War I memorial. The A-C-D2 and B-C-D2 alternative alignments would not substantially impair any of the open space or recreational opportunities that contribute to the enjoyment of the parkway. Therefore, there would be no constructive use of the property.

■ **Lincoln Community School Playground (Alignment D2)**

The Lincoln Community School is located east of Penn Avenue. The 3.6-acre property, owned by the Minneapolis Board of Education (Special School District #1) has a fenced playground on the south end. The playground, which is surrounded by pavement, is open to the public. The chain-link fencing surrounding the playground provides a barrier to Penn Avenue and the proposed transitway. Playground activities would not be substantially affected by the A-C-D2 and B-C-D2 alternative alignments. Therefore, no constructive use of the property would occur.



² MPRB owns and maintains the Luce Line Regional Trail east of Theodore Wirth Parkway. Three Rivers Park District operates the Luce Line Regional Trail west of Theodore Wirth Parkway.

■ **Harrison Park (Alignment D Common Section – part of the Preferred Alternative)**

The 6.9-acre park is located south of TH 55 and west of Irving Avenue. Harrison Park, which is under jurisdiction of the MPRB, is adjacent to all alternative alignments. Features and recreational opportunities provided by this facility include a baseball field, two softball fields, one lighted football field, a soccer field, a basketball court, biking and walking paths, a picnic area, restroom facilities, a wading pool, and a playground. A frontage road buffers Harrison Park from eastbound TH 55 and the proposed alignment. The Bottineau Transitway would not substantially impair any of the features or recreational opportunities that contribute to the enjoyment of Harrison Park. Therefore, no constructive use would occur.



8.5.2 Historic Section 4(f) Properties

This section evaluates historic sites listed in, or determined eligible for listing in, the NRHP to determine if potential effects could rise to the level of “substantial impairment” (as defined under Section 106 regulations) thereby constituting a constructive use under Section 4(f). Constructive use of an historic site occurs when “the proximity impact(s) will substantially impair the features or attributes that contribute to the NRHP eligibility of the historic site.”³ Eligibility for the NRHP is based on specific criteria, and not every proximity effect substantially impairs these features and attributes; therefore, proximity to a resource alone is not enough for a constructive use to be present. Because impacts resulting in constructive use must be both “substantial” and focused on “impairing” a specific set of features or attributes, constructive uses are rare and different from adverse effects under Section 106.⁴

No constructive use of historic properties is anticipated given the potential effects that have been identified to date (see Section 4.4.5.1 for further discussion); however, this determination will need to be confirmed as determination of effects under Section 106 is finalized (see Section 4.4.3.4 for discussion of process).

8.5.3 Summary of Evaluation of Constructive Use of Section 4(f) Properties

The Bottineau Transitway is not anticipated to result in a constructive use of any Section 4(f) park or recreational property.

The park and recreational properties evaluated for constructive use do not derive a substantial part of their value through their visual setting. These park and recreational resources include facilities for sports, active play, biking, walking, picnicking, and parking. The Bottineau Transitway would not substantially impair these activities. While visual impacts would occur, the impacts of the transitway are not so severe that the protected activities, features, and attributes that qualify the property for protection under Section 4(f) are substantially impaired. Furthermore, quietude is not an integral component of any of these park

³ FHWA Section 4(f) Policy Paper. July 20, 2012. (Question 7B)

⁴ It is important to recognize the difference between Section 4(f) **use** of historic properties, discussed below, and Section 106 project **effects** to historic properties, which are discussed in Section 4.4 of this Draft EIS. Section 4(f) and Section 106 are similar in that they both mandate consideration of historic sites in the planning of a federal undertaking. Section 4(f) applies to the actual use or occupancy of a historic site, while Section 106 involves an assessment of adverse effects of an action on historic properties. The Section 106 process is integral to the Section 4(f) process when historic sites are involved. Conversely, the Section 4(f) process is not integral to the Section 106 process.

and recreational facilities (as with facilities such as an outdoor amphitheater or campground). Therefore, vibration and noise impacts would not rise to the level of substantial impairment.

The constructive use analysis considered all historic properties for which potential effects were identified and where there would be no direct use of the property. It is not anticipated that the Bottineau Transitway would substantially impair the features or attributes of the historic properties that contribute to the NRHP listing or eligibility of any of the properties considered.

8.6 Temporary Occupancy of Section 4(f) Properties

Temporary occupancy occurs when Section 4(f) property is required for construction activities related to a transportation project. Section 8.1.3 describes the conditions under which temporary occupancy does not constitute a use. For all park properties identified below, the duration of occupancy would be temporary, the scope of work would be minor, there would be no permanent adverse physical impacts, the property would be restored to the same or better condition, and agreement from officials with jurisdiction over the properties regarding these conditions will be obtained.

The potential for temporary occupancy of four park properties, all located adjacent to Alignment D1 (Alternatives A-C-D1 and B-C-D1), is described below. The location of these properties in relation to the Bottineau Transitway alternative alignments is shown in [Figure 8.3-1](#). The areas of potential temporary occupancy are shown in [Figures 8.6-1](#) through [8.6-4](#).

■ Sochacki Park

Temporary occupancy of Sochacki Park in Robbinsdale is anticipated, as preliminary construction limits extend beyond park boundaries and into park property. Minor amounts of grading within park boundaries would be necessary due to the current rail elevation and the adjacent elevation. Estimates indicate that a temporary easement of less than half an acre is anticipated along the far eastern boundary of the park. Adjustments would likely be made during future design phases to minimize the extent of temporary occupancy. Concurrence with the City of Robbinsdale regarding temporary occupancy of Sochacki Park will be pursued as project design and construction details are further developed.

■ Mary Hills Nature Area

Temporary occupancy of Mary Hills Nature Area in Golden Valley is expected because preliminary construction limits extend beyond park boundaries and into park property. As with Sochacki Park, minor amounts of grading within park boundaries would be necessary due to the current rail elevation and the adjacent elevation. The area required for temporary easements is estimated to be less than a half an acre along the far eastern boundary of the nature area. Adjustments would likely be made during future design phases to minimize the extent of this temporary occupancy. Concurrence with the City of Golden Valley regarding temporary occupancy of Mary Hills Nature Area will be pursued as Project design and construction details are further developed.

Figure 8.6-1. Sochacki Park: Areas of Potential Temporary Occupancy



Figure 8.6-2. Mary Hills Nature Area: Areas of Potential Temporary Occupancy



Figure 8.6-3. Theodore Wirth Regional Park: Areas of Potential Temporary Occupancy



8.7 Preliminary Determination of Section 4(f) Use

Use of a Section 4(f) property may not be approved unless it is determined that there is no feasible and prudent avoidance 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, *or* it is determined that the action will have a *de minimis* impact (23 CFR 447.3).

As indicated in **Table 8.7-1**, five Section 4(f) uses have been identified for the Bottineau Transitway. Two of these uses, Rush Creek Regional Trail and the Grand Rounds Historic District – Theodore Wirth Segment, are proposed as *de minimis* uses. The remaining three were evaluated to determine whether there is a feasible and prudent alternative: Theodore Wirth Regional Park, Minneapolis Public Schools Athletic Park, and the Homewood Historic District. This evaluation concludes that:

- **There is no prudent and feasible alternative for Theodore Wirth Regional Park.** As discussed in Chapter 11, while Alternatives A-C-D2 and B-C-D2 are feasible, they are not prudent because of their degree of adverse impact on neighboring properties along the D2 alignment in north Minneapolis. Additionally, these alternatives result in the use of two other Section 4(f) resources, the Minneapolis Public Schools athletic field and the Homewood Historic District.
- **Feasible and prudent avoidance alternatives do exist for the use of the Minneapolis Public Schools athletic field and the Homewood Historic District.** As discussed in Section 11.2 and Section 11.3 of Chapter 11, Alternative B-C-D1 has been identified as the Locally Preferred Alternative (LPA) and the Preferred Alternative. As a prudent and feasible alternative exists, FTA should not approve the Section 4(f) use of the athletic field or the historic district.

Table 8.7-1. Use of Section 4(f) Properties, by Alternative

Section 4(f) Property	Alternatives			
	A-C-D1	A-C-D2	B-C-D1 (Preferred Alternative)	B-C-D2
Rush Creek Regional Trail	No use	No use	De minimis Use ¹	De minimis Use ¹
Theodore Wirth Regional Park	Direct Use	No use	Direct Use	No use
Minneapolis Public Schools Athletic Field	No use	Use	No use	Use
Homewood District	No use	Use	No use	Use
Grand Rounds Historic District	De minimis use	No use	De minimis use	No use
Total instances of Direct Use (includes <i>de minimis</i>)	2	2	2 or 3 ¹	2 or 3 ¹

¹ 101st Avenue OMF site option only

Considering this Draft Section 4(f) Evaluation of the Bottineau Transitway’s use of Section 4(f) properties, and considering that FTA and Hennepin County are coordinating with the officials with jurisdiction regarding the preliminary findings of this Section 4(f) Evaluation, FTA preliminarily concludes that there is no prudent avoidance alternative to the use of land from one recreational property. As described in the Draft Section 4(f) Evaluation, the project includes all possible planning to minimize harm to this Section 4(f) property. In addition, the project would have a *de minimis* impact on one recreational property and one historic property. Measures to minimize harm, such as avoidance, minimization, and mitigation, are proposed and subject to agreement by the officials with jurisdiction over the properties. FTA has coordinated with these officials prior to proposing its *de minimis* determination. Finally, balancing all the factors discussed in Section 8.4, FTA has preliminarily determined that the Bottineau Transitway

Preferred Alternative would cause the least overall harm in light of the Section 4(f)'s preservation purpose.