

Section 4(f)/6(f) Determination Technical Report for Park and Recreational Lands

1.0 Introduction

1.1 Purpose of Report

This *Section 4(f)/6(f) Determination Technical Report for Park and Recreational Lands* has been prepared in support of the Bottineau Transitway Project Draft Environmental Impact Statement (Draft EIS). The objective of this report is to identify the Project's potential Section 4(f) use and/or Section 6(f) conversion of park and recreational lands within the study area. Section 4(f) use of historic sites and properties is addressed in the Cultural Resources Technical Report. This report includes the following analysis of park and recreational lands:

- Identify the Project's potential use of Section 4(f) parks and recreational properties
- Identify the Project's potential conversion of Section 6(f) properties

Properties that are determined to have a Section 4(f) use and/or 6(f) conversion will have additional documentation prepared to address Federal Transit Administration (FTA) and National Park Service (NPS) requirements for that property.

2.0 Technical Analysis

2.1 Regulatory Context/Methodology

Section 4(f) legislation, as established under the Department of Transportation Act of 1966 (40 USC 303, 23 USC 138), provides protection for publicly owned parks, recreation areas, historic sites, wildlife and/or waterfowl refuges from conversion to transportation use. Conversion to transportation use is not allowed unless all prudent and feasible alternatives to the Section 4(f) use and all possible planning activities to minimize harm have been considered. 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

Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 USC 4602-8(f) (3)), covers outdoor recreation properties planned, developed, or improved with funds from the Land and Water Conservation Fund (LAWCON). These properties cannot be converted to other uses unless replacement land of equal fair market value and equivalent usefulness is provided.

Publicly owned parkland, including parks, athletic fields, trails, and pathways were assessed for potential use. Resources were verified with aerial maps and/or field visits. The applicability of Section 6(f) was determined using the Minnesota Department of Natural Resources list of LAWCON properties. Historic sites were not included, unless they were also parkland. Historic sites and properties will be addressed in the Cultural Resources Technical Report.

2.2 Study Area

Review of Section 4(f) and Section 6(f) resources was limited to park and recreational lands adjacent to the alternative alignments under consideration. The area of study is appropriate because use of Section 4(f) or Section 6(f) properties would be restricted to areas within or immediately adjacent to the construction limits of the proposed alignments.

2.3 Affected Environment

This section describes public parks, athletic fields, and trails in proximity to the project's proposed alignments. Except where indicated, all properties discussed are Section 4(f) resources as defined in Section 2.1. Trails and trail impacts are also addressed in the Transportation Technical Report in regards to impacts to non-motorized transportation modes.

Table 1 lists the properties adjacent to the proposed alignments, indicates the jurisdiction of each resource, and reports whether the resource meets the definition of a Section 4(f) resource or is subject to Section 6(f) due to previous grant activity.

Table 1. Park and Recreational Lands Adjacent to the Bottineau Corridor, by Alignment

Alignment	Resource	Jurisdiction	4(f)	6(f)
A	None	N/A	--	--
B	Rush Creek Regional Trail	Three Rivers Park District	Y	N
	Future Crystal Lake Regional Trail	Three Rivers Park District	Y	N
	College Park	City of Brooklyn Park	Y	N
	North Hennepin Community College Ball Fields	State of Minnesota	N	N
	North Hennepin Community College Trail	City of Brooklyn Park	Y	N
	Tessman Park	City of Brooklyn Park	Y	N
	City of Brooklyn Park Conservation Districts	City of Brooklyn Park	N	N
C	City of Brooklyn Park Conservation District	City of Brooklyn Park	N	N
	Future Crystal Lake Regional Trail	Three Rivers Park District	Y	N
	Becker Park	City of Crystal	Y	N
	Triangle Park	City of Robbinsdale	Y	N
	Lee Park	City of Robbinsdale	Y	N
	On-road bicycle trail along Bass Lake Road	Hennepin County	N	N
D1	Sochacki Park	City of Robbinsdale	Y	Y
	South Halifax Park	City of Golden Valley	Y	N
	Mary Hills Nature Area	City of Golden Valley	Y	Y
	Glenview Terrace Park	MPRB	Y	Y
	Theodore Wirth Regional Park	MPRB	Y	N
	Theodore Wirth Parkway	MPRB	N	N
	Victory Memorial Parkway Regional Trail	MPRB	Y	Y
	Grand Rounds National Scenic Byway ¹	MPRB	N	N
	Luce-Bassett's Creek Trail	MPRB	Y	N
	Bassett's Creek Valley Park	MPRB	Y	N
D2	Victory Memorial Parkway	MPRB	Y	Y
	Victory Memorial Parkway Regional Trail	MPRB	Y	Y
	On-road bicycle trails along Plymouth Avenue, 26th Avenue, and along Lowry Avenue	City of Minneapolis	N	N
	Lincoln Community School Playground	Mpls Board of Education	Y	N
	Minneapolis Public Schools Athletic Field	Mpls Board of Education	Y	N

Alignment	Resource	Jurisdiction	4(f)	6(f)
D Common	Harrison Park	MPRB	Y	Y

¹ Grand Rounds will likely be identified as a Section 4(f) *historic* resource and addressed in the Cultural Resources Technical Report

In addition to the cities along the various alignments, Three Rivers Park District, the State of Minnesota, Minneapolis Park and Recreation Board (MPRB), and the Minneapolis Board of Education have jurisdiction over the park and recreational lands adjacent to the Bottineau Corridor. A description of each resource is provided below. Figure 1 depicts the general location of these Section 4(f)/6(f) resources in relationship to the Bottineau Corridor while Figures 2 through 4 illustrate their more specific locations and boundaries.

Alignment A

There are no Section 4(f) or Section 6(f) resources along Alignment A.

Alignment B

Rush Creek Regional Trail is located north of, and generally parallel to, TH 610 in Hennepin County. A 5.6-mile trail segment connects Elm Creek Park Reserve (on the west end) to Coon Rapids Dam Regional Park (on the east end). Three Rivers Park District owns approximately 238 acres along the trail corridor between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. There is an additional 1.6 miles of existing regional trail within Elm Creek Park Reserve, for a total existing regional trail length of 7.2 miles. The trail is substantially wider than most regional trails and accommodates a paved 10-foot multi-use trail along with a secondary turf trail. Bicyclists, walkers, dog-walkers, and in-line skaters use the paved trail. Those who prefer to walk, run, or bike on a non-paved surface use the turf trail. An 11.1-mile extension of the existing trail is planned between Elm Creek Park Reserve and Crow-Hassan Park Reserve in north-central Hennepin County.



Rush Creek Regional Trail with the secondary turf trail shown in the lower portion of the aerial image

The **future Crystal Lake Regional Trail** originates at Victory Memorial Parkway at the boundary of Minneapolis and Robbinsdale where it connects to the Grand Rounds National Scenic Byway. The selected trail route generally extends northwest along the east side of Bottineau Boulevard passing through the Cities of Robbinsdale, Crystal, and Brooklyn Park. At 79th Avenue in Brooklyn Park, the

selected 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 route extends to the west through Osseo and Maple Grove to the northern terminus at Elm Creek Park Reserve. The completed trail will be approximately 11 miles long.

College 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 **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.

A trail parallels the west side of the North Hennepin Community College ball fields and connects to Tessman Park immediately to the south. The trail, which is on College property, connects to Tessman Park immediately to the south. Because Brooklyn Park's Park and Trail map includes this resource as part of its trail network, the trail is considered a Section 4(f) resource.

Tessman Park is located directly south of North Hennepin Community College in Brooklyn Park. The 10.9-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 Brooklyn Park Zoning Map (2008) identifies three parcels along Alignment B as being within the **City's Conservancy District**. 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 *Brooklyn Park 2030 Comprehensive Plan* (October 2011) identifies one parcel within the Conservancy District as a neighborhood park (Tessman Park). The remaining two parcels provide drainage control and the City's comprehensive plan does not identify them as parkland. Because the properties function as drainage control and are not identified as recreational lands, they are not considered Section 4(f) resources. A permit is required from the Brooklyn Park City Council for conditional use, such as construction, within the Conservancy District.



Conservancy District property north of 89th Avenue in Brooklyn Park

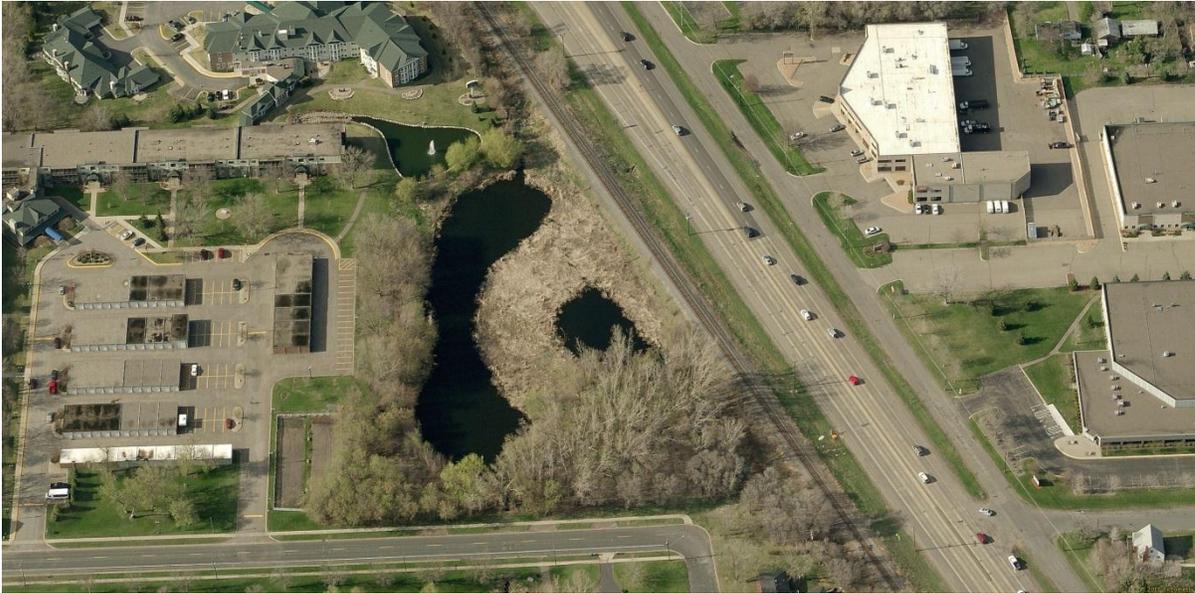


Conservancy District property west of Tessman Park and West Broadway Avenue in Brooklyn Park

Alignment C

The Brooklyn Park Zoning Map (2008) identifies one parcel along Alignment C as being within the **City's Conservancy District**. The parcel provides drainage control and the City's comprehensive plan does not identify it as parkland. Because the property functions as drainage control and is not

identified as recreational land, it is not considered a Section 4(f) resource. As noted above, a permit is required from the Brooklyn Park City Council for conditional use within the Conservancy District.



Conservancy District property north of 62nd Avenue in Brooklyn Park

The future **Crystal Lake Regional Trail**, described above, will parallel the east side of Bottineau Boulevard from Bass Lake Road to 71st Avenue. South of Bass Lake Road, portions of the trail have already been constructed as part of the Bottineau Boulevard reconstruction project.

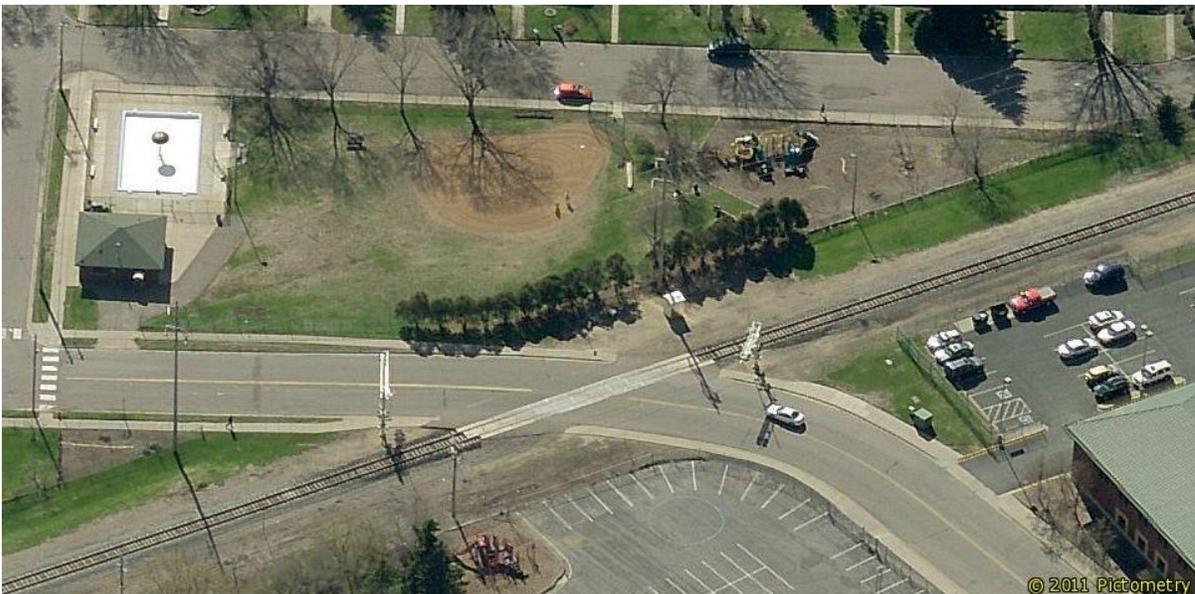
An **on-road bicycle trail runs along Bass Lake Road** between Bottineau Boulevard and Brooklyn Boulevard. The western trail terminus is located at the intersection of Bottineau Boulevard and Bass Lake Road. The on-road trail serves primarily a transportation purpose rather than a recreational function, and therefore is not considered a Section 4(f) resource.

Becker Park is located in the southwest quadrant of Bottineau Boulevard and Bass Lake Road in Crystal. The 12.4-acre park offers athletic fields, tennis courts, basketball courts, playground equipment, walking trails, and a shelter structure. Fencing along the eastern boundary of the park provides a barrier to the existing freight rail and the proposed alignment.



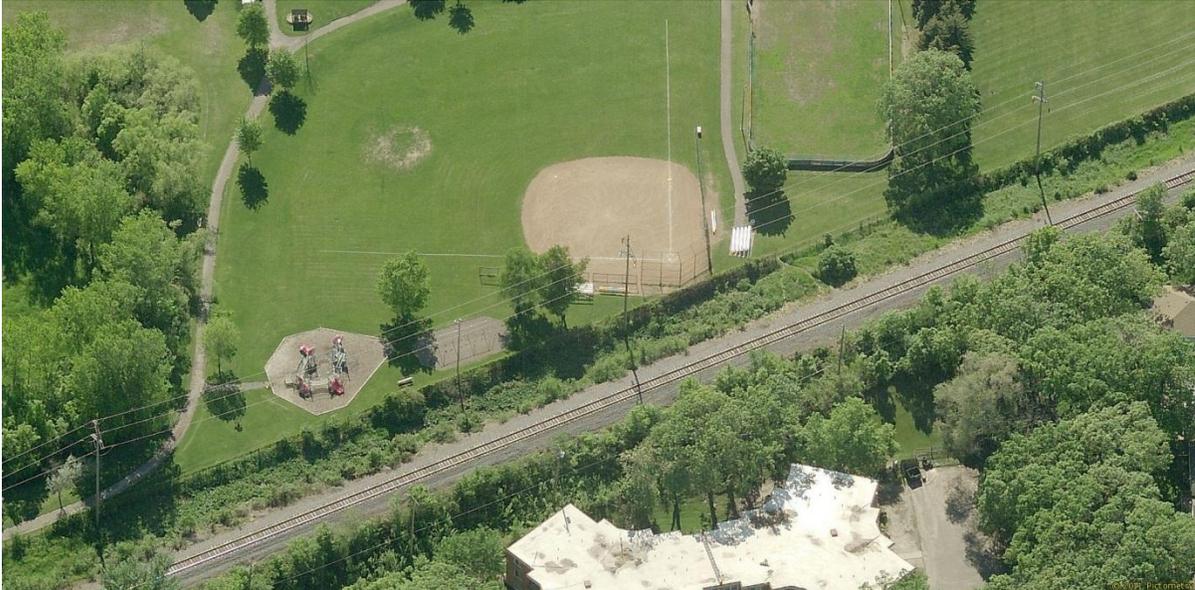
Becker Park viewed from the west showing fencing along the eastern boundary of the park

Triangle 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. The perimeter of the park is bounded by chain-link fencing. Park amenities include a ball field, playground equipment, picnic area, and a wading pool.



Triangle Park viewed from the east showing fencing surrounding the park

Lee Park is situated between 36th Avenue and 38th Avenue in Robbinsdale. The park is bordered by the BNSF railroad corridor on the east. Fencing provides a barrier between the BNSF railroad corridor and the park boundary. 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.



Lee Park viewed from the west showing fence line between the park and the railroad corridor

Alignment D1

Sochacki 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 Sochacki Park access road extends from the southern terminus of June Avenue to a parking lot terminus within Sochacki Park. 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. Approximately half of Grimes Pond is within the park's boundary; the other half of the pond is located in South Halifax Park.

South Halifax 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. As noted above, approximately half of Grimes Pond is within the park's boundary, the other half is located in Sochacki Park. The four-acre park has playground equipment, half-court basketball, a picnic area, and trails.

Mary Hills 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.

Glenview Terrace Park is located west of Zenith Avenue and south of Manor Drive in Golden Valley. Park amenities include a walkway/trail, play equipment, and tennis court. The western boundary of the five-acre park borders the BNSF railroad corridor. At this location, the park use area is on an elevation 20 to 30 feet above the railroad corridor with a wooded ravine and ponding area adjacent to the BNSF railroad corridor.



Glenview Terrace Park showing park facilities above the railroad corridor in upper right

Theodore Wirth Regional Park 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. Narrow, vacant, and steeply sloped wooded parcels are also under MPRB ownership east of the railroad corridor from north of Plymouth Avenue. Some of these parcels are former railroad-owned properties that now serve as open areas with no current active park use. The northern two-thirds of the park are within Golden Valley and the southern third is in Minneapolis. At 759 acres, Theodore Wirth Regional Park is the largest park in the Minneapolis Park System. Amenities include Wirth Lake and Birch Pond, a fishing pier and boat launch, a swimming beach, volleyball courts, a playground, picnic facilities, indoor picnic pavilion, a snowboard park, snow tubing, a Swiss chalet-style clubhouse, an 18-hole and Par 3 golf courses, and an 18-hole disc golf course. The park has trails for walking, biking, off-road biking, and skiing. Eloise Butler Wildflower Garden and Bird Sanctuary is located near the southern end of the park.

The Minneapolis Parkway System includes 43 miles of walking, off-street bicycle and skating paths and approximately 50 miles of parkways. The MPRB owns and operates the system that provides access to parklands and offers a continuous system of biking and driving routes. **Theodore Wirth Parkway**, an element of the Minneapolis Parkway System, crosses over the existing railroad track (Alignment D1) south of Golden Valley Road. Theodore Wirth Parkway serves a transportation purpose and is therefore not considered a Section 4(f) resource.

Victory Memorial Parkway Regional Trail runs along the west side of Theodore Wirth Parkway as it crosses over Alignment D1 south of Golden Valley Road. This regional trail is part of the Grand Rounds National Scenic Byway.

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 and therefore is not identified as a

Section 4(f) resource in regards to park and recreational lands. The historic aspects of the Grand Rounds are discussed in the Cultural Resources Technical Report.

The ***Luce-Bassett's Creek Trail***¹ 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. The trail is within approximately 50 feet of the railroad corridor at the location where it passes under TH 55.

Bassett's Creek Valley Park is located in Minneapolis along the valley of Bassett's Creek from Theodore Wirth Regional Park to its southern boundary at Chestnut Avenue and west to Morgan Avenue. The 70-acre park offers courts for tennis and volleyball, fields for baseball, softball and soccer, and a totlot playground. The park also features a walking and biking trail.

Alignment D2

Alignment D2 crosses ***Victory Memorial Parkway***, part of the Minneapolis Parkway System, near the intersection of West Broadway Avenue and Lowry Avenue. The 3.8-mile parkway is part of the Grand Rounds National Scenic Byway. Victory Memorial Parkway is a 2.8-mile long linear park that extends north from Lowry Avenue to 45th Avenue then east to Humboldt Avenue. The parkway commemorates fallen World War I soldiers from Hennepin County. It is identified as the largest war memorial in the Twin Cities and includes commemorative markers, statuary, flagpole, and landscaping.

Victory Memorial Parkway Regional Trail runs along the east side of Theodore Wirth Parkway and crosses under West Broadway Avenue at a grade-separated crossing and continues northward along the east side of Victory Memorial Parkway.

On-road bicycle lanes run along Plymouth Avenue and along 26th Avenue, intersecting the proposed alignment. Another on-road bicycle lane runs along Lowry Avenue between West Broadway Avenue and I-94. On-road bicycle lanes primarily serve a transportation purpose rather than a recreational function and therefore are not considered Section 4(f) resources.

The ***Lincoln Community School playground***, owned by the Minneapolis Board of Education (Special School District #1), is located east of Penn Avenue between 12th Avenue and Oak Park Avenue. The school, which closed in 2007, has a fenced playground on the southern portion of the 3.6 acre property. Because the playground is open to the public, it is considered a Section 4(f) resource. Minneapolis College Prep, a public charter school began leasing the building beginning in August 2012.

A ***Minneapolis Public Schools athletic field*** is located west of Penn Avenue directly across from the Lincoln Community School building. The 3-acre property, owned by the Minneapolis Board of Education (Special School District #1), functions as a soccer and football field for Minneapolis Public Schools and is occasionally used by the community. A permit is required to use the athletic field. Lincoln Community Garden is situated in the northeast corner of the property. A row of trees borders the east side of the athletic field.

¹ According to the MRPB, Bassett's Creek Trail has been renamed. Refer to the following link for details: <http://www.minneapolisparcs.org/default.asp?PageID=742>



Minneapolis Public Schools athletic field with Lincoln Community School and playground to the east

Alignment D Common Section

Harrison 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.

2.4 Environmental Consequences

The following section discusses potential use of Section 4(f) properties and/or conversion of Section 6(f) properties identified in Section 2.3. A Section 4(f) use occurs under the following circumstances:

- Land is permanently incorporated into a transportation facility
- There is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute's preservationist purposes
- There is a constructive use of a Section 4(f) property

Temporary occupancy does not constitute a Section 4(f) use when *all* of the considerations listed below are satisfied:

- Duration is temporary (less than the time needed to construct the project) and there is no change in the ownership of the land
- The scope of work is minor and changes to the Section 4(f) property are minimal
- There are no anticipated permanent adverse physical impacts and there is no interference with the protected activities, features, or attributes of the property
- The land is fully restored (to at least as good a condition as prior to the project)
- There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions

Constructive use occurs when the proximity of impacts of a project on an adjacent or nearby Section 4(f) property (after incorporation of mitigation) are so severe that the activities, features, or attributes that qualify the property for protection under Section 4(f) are severely diminished.

A conversion of Section 6(f) property occurs when land planned, developed, or improved with LAWCON funds is permanently converted from outdoor recreation to some other use. Easements allowing a transportation agency to enter the property for maintenance, slope easements, or other activity that does not involve converting the land to a non-outdoor recreation use are not subject to Section 6(f) requirements.

No-Build Alternative

The No-Build alternative would not involve the use of Section 4(f) properties or the conversion of Section 6(f) properties.

Enhanced Bus/Transportation System Management Alternative

The TSM alternative would not involve the use of Section 4(f) properties or the conversion of Section 6(f) properties.

Build Alternatives

Section 6(f)

No permanent right-of-way would be acquired from Section 6(f) resources within the study area. Thus, no properties planned, developed, or improved with LAWCON funds would be converted to non-outdoor recreation use. The following Section 6(f) properties were identified adjacent to the alternative alignments: Sochacki Park, Mary Hills Nature Area, Glenview Terrace Park, Victory Memorial Regional Trail, Victory Memorial Parkway, and Harrison Park.

Section 4(f)

The tables below are intended to provide a brief overview of Section 4(f) use and temporary occupancy along each alignment and each alternative. Further detailed discussion of anticipated use and/or temporary occupancy of Section 4(f) properties are discussed by alignment below.

Table 2a summarizes potential permanent use of Section 4(f) park and recreational lands by alignment, while **Table 2b** summarizes temporary occupancy of these resources by alignment.

Table 2a. Potential Use of Section 4(f) Park or Recreational Lands, by Alignment

Alignment	Resource	Type of Use	Jurisdiction
A	None	N/A	N/A
B	Rush Creek Regional Trail	Partial Acquisition: 5 acres from resource totaling approximately 238 acres	Three Rivers Park District
C	None	N/A	N/A
D1	Theodore Wirth Regional Park	Partial Acquisition: <1 acre from resource totaling 759 acres	MPRB
D2	Athletic Field	Partial Acquisition: >0.5 acre from resource totaling 3 acres	Minneapolis Board of Education
D Common	None	N/A	N/A

Alternative	Resource	Jurisdiction
A-C-D2	None	None
B-C-D1	Sochacki Park Mary Hills Nature Area Theodore Wirth Regional Park Bassett's Creek Valley Park	City of Robbinsdale City of Golden Valley MPRB MPRB
B-C-D2	None	None

Alignment A

There are no Section 4(f) resources along Alignment A. Therefore, no use of park or recreational lands is anticipated.

Alignment B

The following Section 4(f) resources were identified in [Table 1](#):

Properties not used

College Park, North Hennepin Community College, and Tessman Park

Potential permanent use

Rush Creek Regional Trail

The proposed OMF north of 101st Avenue would require permanent acquisition of approximately five acres of a parcel occupied by the **Rush Creek Regional Trail** and owned by the Three Rivers Park District. The five acres represent about two percent of the total area of Three Rivers Park District property along the Rush Creek Regional Trail between Elm Creek Park Reserve and Coon Rapids Dam Regional Park. Although there would be no use of the paved multi-use trail, construction of the OMF would likely require minor rerouting of the turf trail. The construction and operation of the OMF is not expected to adversely affect the activities, features, and attributes that qualify the trail for protection under Section 4(f). A Draft Section 4(f) evaluation has been prepared and included in the Draft EIS.

Reconstruction of West Broadway Avenue between 93rd Avenue and Candlewood Drive would be completed by Hennepin County prior to construction of the Bottineau Transitway Project, a committed project included under the No-Build alternative. Further detail of the No-Build alternative is provided in the Alternatives Section of the Draft EIS. Because the Bottineau Transitway would be built within the median of the reconstructed West Broadway Avenue, no use of Section 4(f) resources, including **College Park, Tessman Park, and North Hennepin Community College Trail**, is anticipated.

Based on current track and system design, no Section 4(f) properties would be used for the siting of Traction Power Substations (TPSS) facilities along Alignment B.

Alignment C

The following Section 4(f) resources were identified in [Table 1](#):

Properties not used

Future Crystal Lake Regional Trail, Becker Park, Triangle Park, and Lee Park

There would be no use of any of the portions of the **Crystal Lake Regional Trail** that have already been constructed as part of the Bottineau Boulevard reconstruction project.

Although **Becker Park** is adjacent to the Bottineau Corridor, temporary occupancy of park property is not expected during construction. The existing fencing that provides a barrier between the park and the freight rail would remain in the same location.

Although **Triangle Park** is situated adjacent to the Bottineau Corridor, temporary occupancy of park property is not expected to be necessary to move the freight rail trail further west from its current location or to reconstruct the Noble Avenue/41st Avenue at-grade crossing. As noted earlier, the perimeter of the park is fenced.

Although **Lee Park** is located adjacent to the Bottineau Corridor, temporary occupancy of park property is not anticipated during construction. The existing fencing that provides a barrier between the park and the freight rail is expected to remain.

Based on current track and system design, no Section 4(f) properties would be used for the siting of TPSS facilities along Alignment C.

Alignment D1

The following Section 4(f) resources were identified in [Table 1](#):

Properties not used

South Halifax Park, Glenview Terrace Park, Victory Memorial Parkway Regional Trail, and Luce-Bassett's Creek Trail

Potential temporary use

Sochacki Park, Mary Hills Nature Area, Theodore Wirth Regional Park, and Bassett's Creek Valley Park

Potential permanent use

Theodore Wirth Regional Park

Temporary occupancy of Section 4(f) property is anticipated for **Sochacki Park** and **Mary Hills Nature Area**. 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. The area required for temporary easements is estimated to be less than a half an acre for each park. Adjustments would likely be made during final design to minimize the need for this temporary occupancy. As previously noted, temporary occupancy that does not involve permanent adverse physical impacts, interfere with the activities or purpose of the resource, fully restores the resource to a condition as good as before the project, and that has agreement from the official(s) with jurisdiction over the resource are considered temporary occupancy under Section 4(f). No constructive use under section 4(f) is anticipated as the activities, features, and attributes of these park resources would not be severely diminished.

The BNSF railroad corridor currently bisects Grimes Pond, half of which is located within the boundary of **South Halifax Park**. Because the construction limits do not extend within park property, no use or temporary occupancy of this resource is anticipated.

Although the western boundary of **Glenview Terrace Park** borders railroad right-of-way, the construction limits do not infringe upon the park and no use or temporary occupancy of the park would be necessary.

Within **Theodore Wirth Regional Park**, less than one acre of parkland would be acquired for Alignment D1, representing less than one percent of the park's total area. Between 16th and 17th Avenue, the BNSF track alignment shifts closer to the west BNSF right-of-way line. To accommodate necessary

grading, the construction activity will extend a short distance into park property. Between Golden Valley Road and Theodore Wirth Parkway, the BNSF track is very close to the west right-of-way line, necessitating grading outside of the BNSF right-of-way. In lieu of grading, a retaining wall may be constructed. The wall would need to be built on park property due to the small horizontal distance between the BNSF track and right-of-way line. In addition, permanent and temporary easements would be required at the proposed Golden Valley Road LRT station. Permanent and temporary easements also would be necessary at the Plymouth Avenue Bridge, whether or not a station is constructed at that location. Two areas within Theodore Wirth Regional Park boundaries have the potential to provide floodplain storage mitigation. Temporary occupancy of park property may be necessary to accomplish minimal re-grading within park boundaries but no permanent acquisition of park property would be necessary. A Draft Section 4(f) evaluation has been prepared and included in the Draft EIS.

No use of **Victory Memorial Parkway Regional Trail** would be required for the construction or operation of the transitway, as Alignment D1 runs under the Theodore Wirth Parkway Bridge.

There will be no use or temporary occupancy of the **Luce-Bassett's Creek Trail**, as the proposed alignment is on the eastern side of the BNSF railroad corridor.

Temporary occupancy of park property is anticipated for **Bassett's Creek Valley Park**. A temporary easement would be required to construct the LRT guideway north of TH 55 where it transitions from the BNSF railroad corridor to TH 55. No constructive use under section 4(f) is anticipated as the activities, features, and attributes of Bassett's Creek Valley Park would not be severely diminished.

Based on current track and system design, no Section 4(f) properties would be needed to site TPSS facilities along Alignment D1. However, due to the large areas of park property along this alignment, siting of TPSS facilities continues to be evaluated.

Alignment D2

The following Section 4(f) resources were identified in **Table 1**:

Properties not used

Victory Memorial Parkway, Victory Memorial Parkway Regional Trail, and the Lincoln Community School Playground

Potential permanent use

Minneapolis Public Schools Athletic Field

Alignment D2 crosses over **Victory Memorial Parkway**, thus avoiding the Section 4(f) property.

No use of **Victory Memorial Parkway Regional Trail** would be required because the trail crosses under West Broadway Avenue at a grade-separated crossing.

Alignment D2 would require permanent property acquisition from the **Minneapolis Public Schools athletic field** across from the Lincoln Community School building. A permanent strip of land approximately 43 feet wide on the east side of the athletic field would be required. The area required is estimated at slightly more than a half-acre, representing approximately 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. Removal of the existing row of coniferous trees along the eastern boundary of the park would eliminate the buffer to Penn Avenue. The area of the Lincoln Peace Garden, located in the northeast corner of the athletic field, would be reduced. A Draft Section 4(f) evaluation has been prepared and included in the Draft EIS.

The chain-link fencing surrounding the **Lincoln Community School playground** provides a barrier to Penn Avenue and the proposed transitway. No temporary occupancy or Section 4(f) use is expected.

Based on current track and system design, no Section 4(f) properties would be used for the siting of TPSS facilities along Alignment D2.

Alignment D Common Section

The following Section 4(f) resource was identified in **Table 1**:

Properties not used

Harrison Park

A frontage road buffers **Harrison Park** from eastbound TH 55 and the proposed alignment. There would be no Section 4(f) use of Harrison Park and no Section 4(f) properties would be used for the siting of TPSS facilities along the Alignment D common section.

Summary of Potential Use

A Section 4(f) evaluation has been prepared for all properties for which a potential permanent use has been identified. A de minimis determination for these uses may be made. A de minimis determination is appropriate in cases of use if it does not adversely affect the activities, features, and attributes of the Section 4(f) resource. A de minimis determination requires that official(s) with jurisdiction over the resource provide documented concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Evaluation of potential Section 4(f) resources along all alignments has determined that is no constructive use of any property within the study area is anticipated. The Bottineau Transitway Project would not severely diminish the activities, features, and attributes that quality these properties for protection under Section 4(f).

2.5 Section 4(f) Requirements

Draft Section 4(f) evaluations have been prepared for the Minneapolis Public Schools athletic field, Rush Creek Regional Trail, and Theodore Wirth Regional Park, all of which may require permanent acquisition of Section 4(f) property. The Section 4(f) evaluations would be included in the appendix of the Draft EIS. The Draft Section 4(f) evaluation would require a 45-day review period by the Department of the Interior. A Final Section 4(f) evaluation would be prepared and included in the Final EIS.

Temporary occupancy of Sochacki Park, Mary Hills Nature Area, and Bassett's Creek Valley Park would be coordinated with the official(s) who have jurisdiction over each resource in order to avoid any potential for 4(f) use, as defined in regulations.

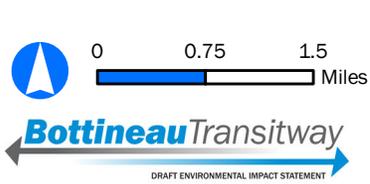
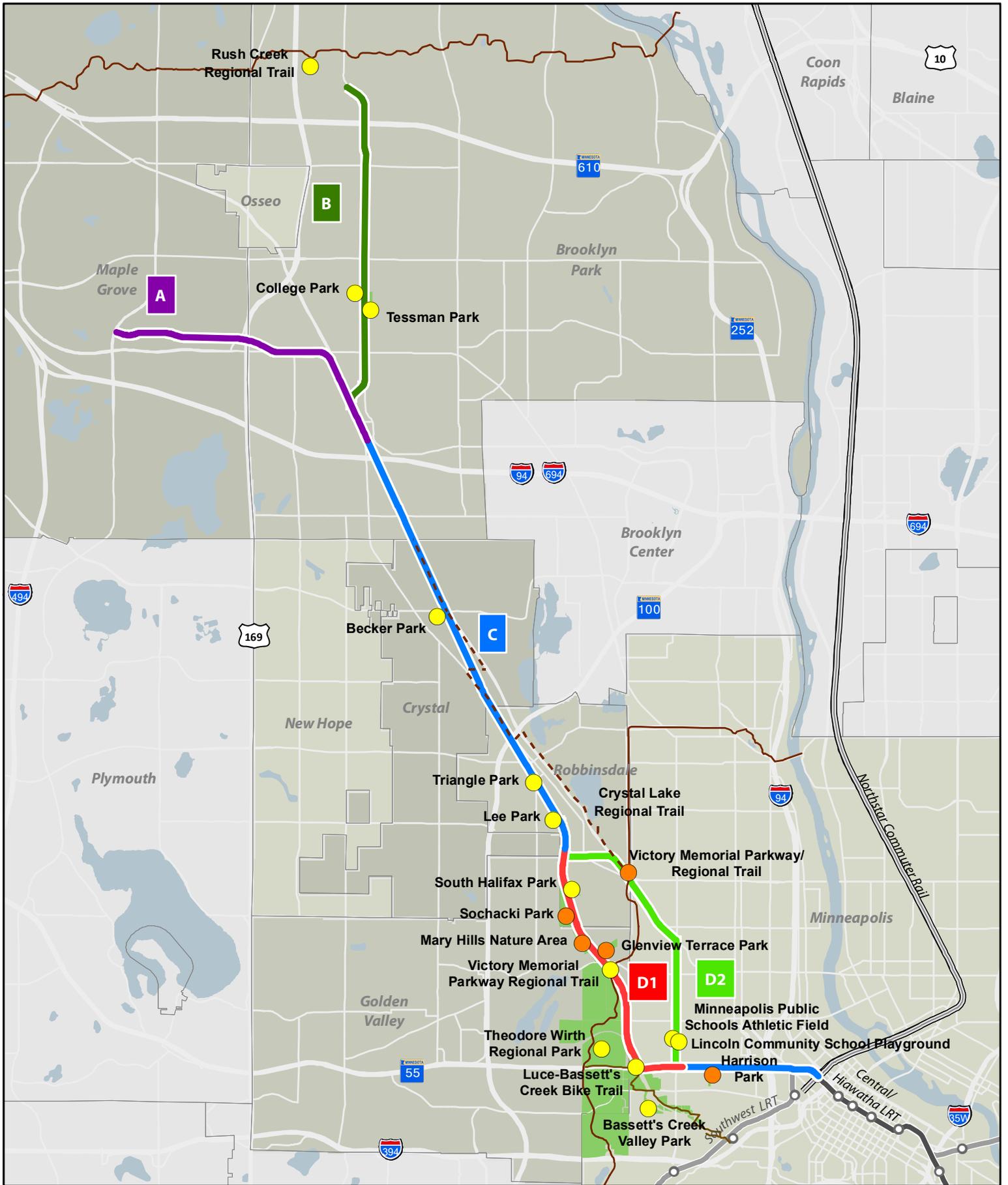
FIGURES

Figure 1: Section 4(f)/6(f) Resources

Figure 2: Alignment A/B Park and Recreational Areas

Figure 3: Alignment C Park and Recreational Areas

Figure 4: Alignment D1/D2 Park and Recreational Area



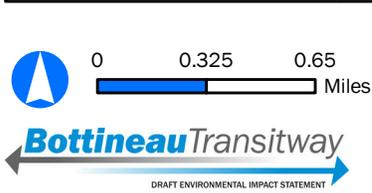
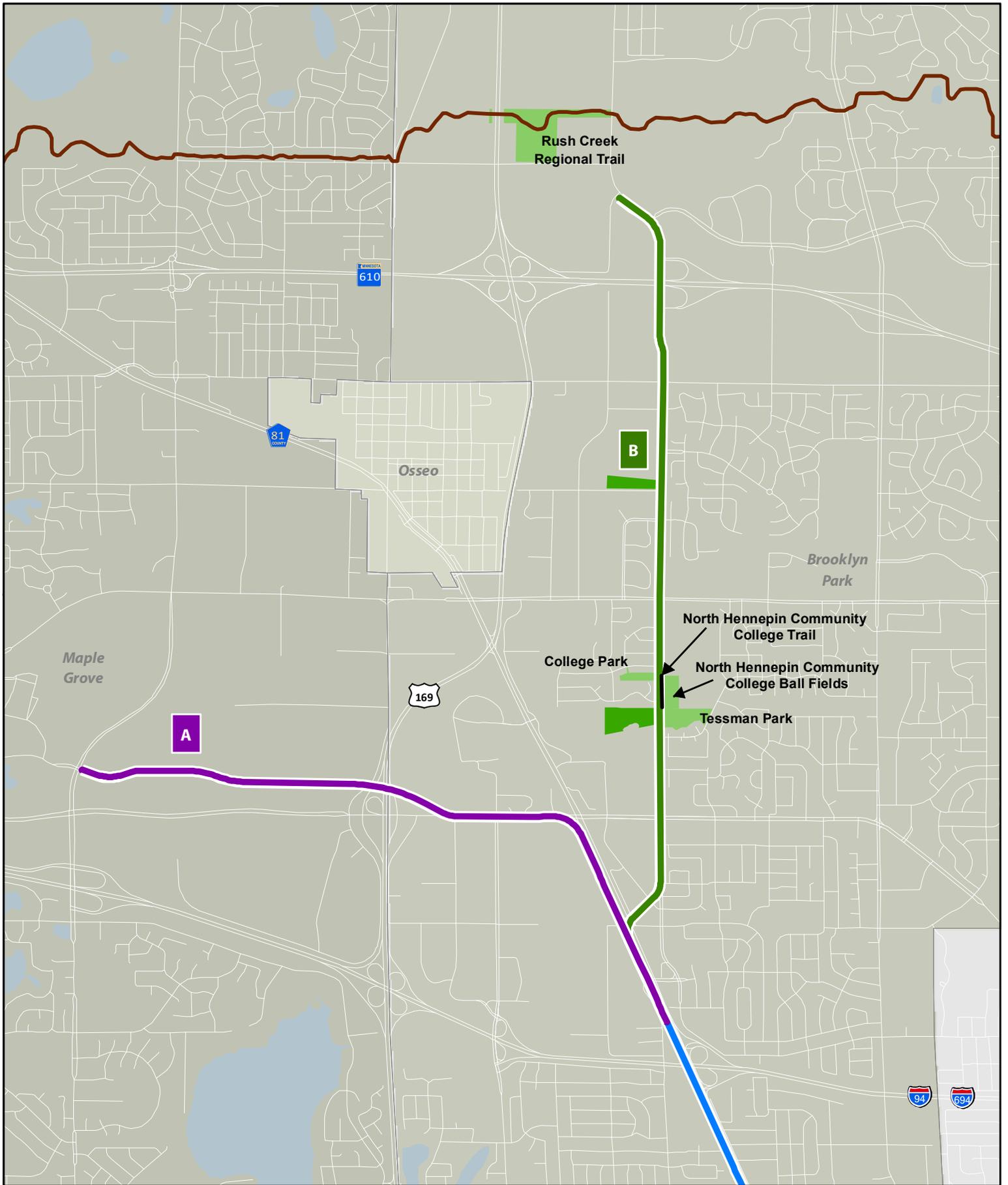
- Section 4(f)
- Section 4(f)/6(f)
- Regional Trails
- Park Property

Sources:
 Roadways: Municipal
 Boundaries: Met Council
 Water Features: MN DNR



FIGURE 1. Section 4(f)/6(f) Resources





-  Regional Trails
-  Park Property
-  Brooklyn Park Conservancy Districts

Sources:
Roadways: Municipal
Boundaries: Met Council
Water Features: MN DNR



Hennepin County
Regional Railroad Authority

FIGURE 2. Alignment A/B
Park and Recreational Resources



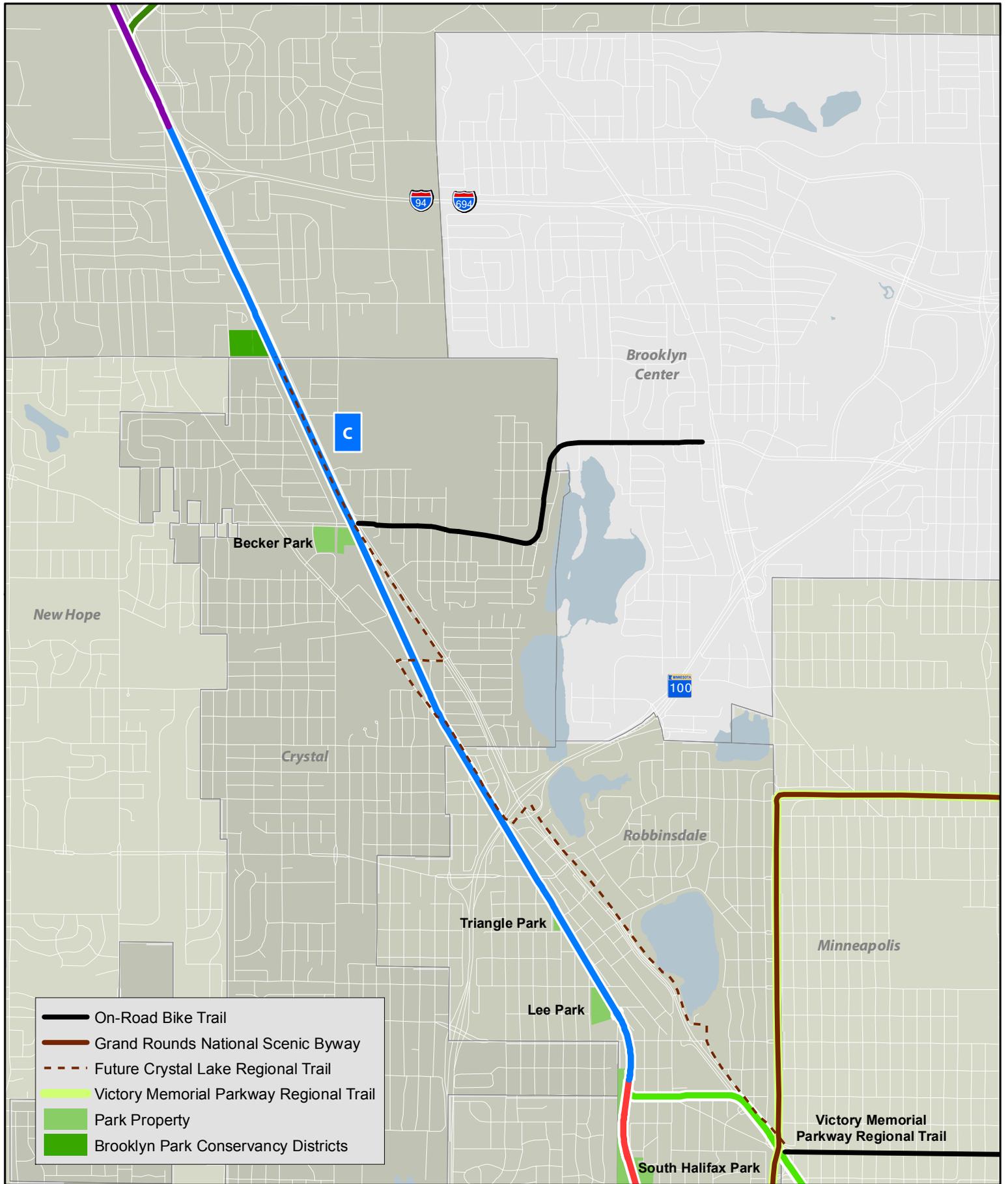
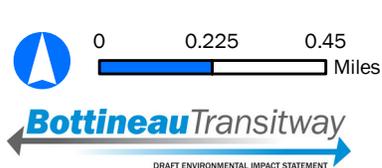
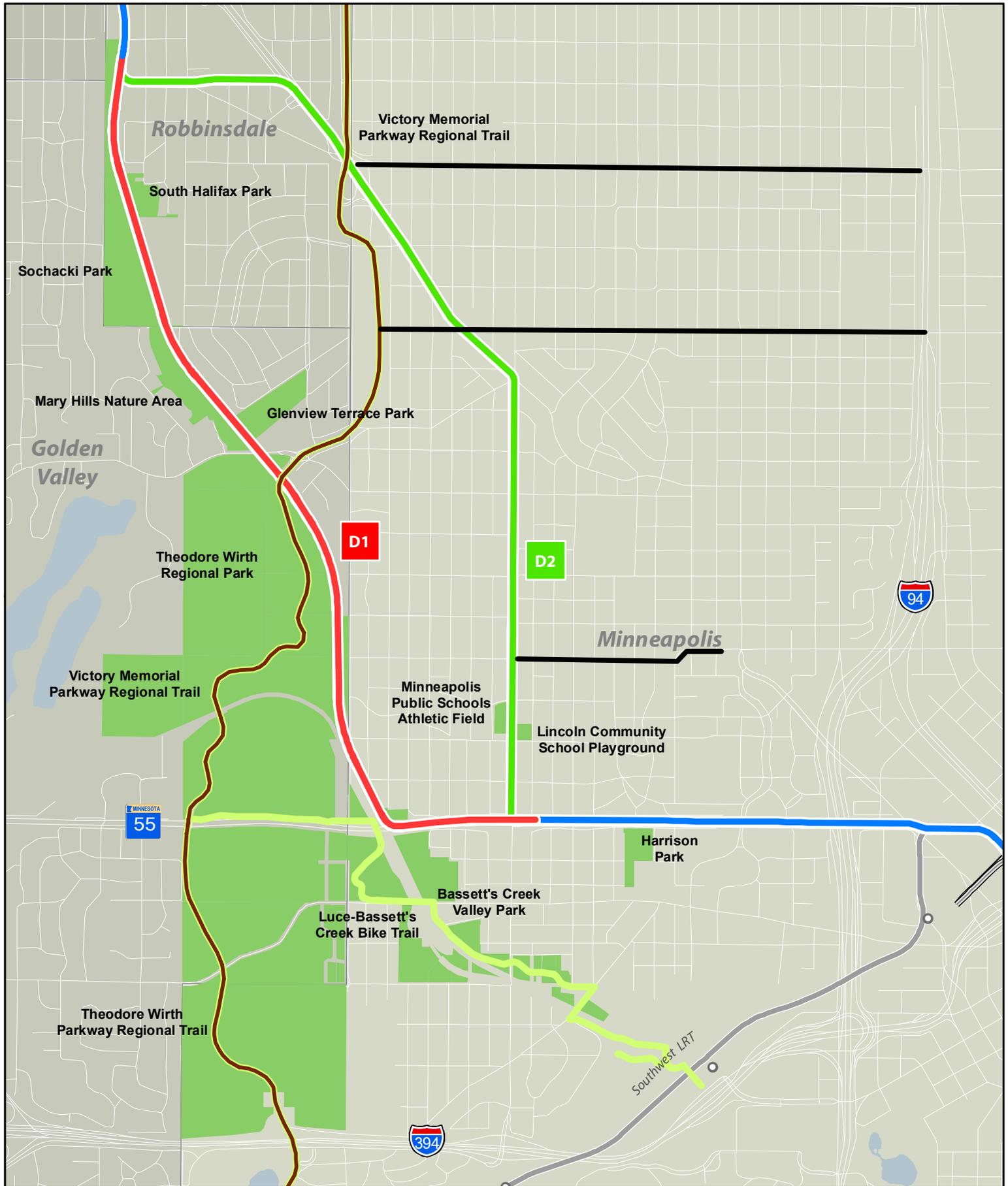


FIGURE 3. Alignment C
Park and Recreational Resources





-  On-Road Bike Trail
-  Grand Rounds National Scenic Byway
-  Regional Trails
-  Park Property

Sources:
 Roadways: Municipal
 Boundaries: Met Council
 Water Features: MN DNR



FIGURE 4. Alignment D1/D2
 Park and Recreational Resources

