

6 Final Section 4(f) Evaluation

This chapter is the Southwest LRT Project Final Section 4(f) Evaluation, which concludes the project's Section 4(f) process. Previously, Federal Transit Authority (FTA) published the Southwest Transit Draft 4(f) Evaluation in conjunction with the project's Draft Environmental Impact Statement (EIS) and the Southwest LRT Project Draft Section 4(f) Update in conjunction with the project's Supplemental Draft EIS.

Since publication of the Draft Section 4(f) Evaluation Update, this Final Section 4(f) Evaluation reflects the following:

1. Design adjustments to the Project made since publication of the Supplemental Draft EIS;
2. Final Section 106 determinations of effect on historic properties within the Project made by FTA in December 2015, in consultation with the Council, Minnesota Historic Preservation Office (MnHPO), and consulting parties as part of the project's Section 106 assessment of historical and archaeological resources;
3. Publication of the Amended Draft Section 4(f) Evaluation in January 2015, which included preliminary Section 4(f) *de minimis* impact determinations for two newly identified Section 4(f) properties in Minnetonka, Minnesota (i.e., Unnamed Open Space B and the Opus development area trail network);
4. The receipt of public and agency comments on the Draft Section 4(f) Update and the Amended Draft Section 4(f) Update, including FTA's intent to make *de minimis* impact determinations; and,
5. Final determinations for Section 4(f)-protected properties that were preliminary determinations within the Draft Section 4(f) Evaluation Update and the Amended Draft Section 4(f) Evaluation, including non-*de minimis* and *de minimis* impact determinations and temporary occupancy exception determinations.

This chapter includes the following sections:

- 6.1 Summary of the Draft Section 4(f) Evaluation and Draft Section 4(f) Evaluation Update
- 6.2 Changes from the Draft Section 4(f) Evaluation and the Draft Section 4(f) Evaluation Update to the Final Section 4(f) Evaluation
- 6.3 Final Section 4(f) Evaluation Summary
- 6.4 Regulatory Background/Methodology
- 6.5 Purpose and Need
- 6.6 Use of Section 4(f) Properties in the Project Study Area¹
- 6.7 Coordination
- 6.8 Determination of Section 4(f) Use

In summary, this chapter documents FTA's final Section 4(f) use determinations for Section 4(f) properties that will be used or temporarily occupied as a result of the Project. In addition, this chapter documents the analysis of other Section 4(f) properties that will be in proximity to the Project but will not be used by the Project. Appendix I provides additional supporting documentation for this Final Section 4(f) Evaluation.

6.1 Summary of the Draft Section 4(f) Evaluation and Draft Section 4(f) Evaluation Update

This section provides a summary of the Draft Section 4(f) Evaluation, which was published with the Draft EIS, and the Draft Section 4(f) Evaluation Update, which was published with the Supplemental Draft EIS. This summary provides background information supporting the preliminary determinations made in the Draft Section 4(f) Evaluation and the Draft Section 4(f) Evaluation Update. Section 6.2 describes the changes in

¹ For the Section 4(f) property that FTA has determined would have a non-*de minimis* use (Kenilworth Corridor/Grand Rounds Historic District), this chapter includes a No Feasible and Prudent Alternatives Analysis, an All Possible Planning to Minimize Harm finding, and a Least Overall Harm Analysis (see Section 6.6.2.15).

determinations from the Draft Section 4(f) Evaluation, to the Draft Section 4(f) Evaluation Update, to this Final Section 4(f) Evaluation.

6.1.1 Summary of the Draft Section 4(f) Evaluation

Chapter 7 of the Draft EIS included the project's Draft Section 4(f) Evaluation, which was circulated for public and agency review concurrently with the Draft EIS (the comment period closed on December 31, 2012). The Draft Section 4(f) Evaluation was published because most of the alternatives considered at the time would have likely used Section 4(f) protected properties. In addition to other alternatives, the Draft EIS's Draft Section 4(f) Evaluation included an assessment of LRT 3A-1, which was designed to allow for the continued operations of TC&W freight trains currently operating along the Bass Lake Spur and Kenilworth Corridor, similar to the Project. The Draft Section 4(f) Evaluation preliminarily determined at the time of publication that LRT 3A-1 would have resulted in the following² (note that these preliminary data from the Draft Section 4(f) Evaluation have changed, as summarized in Section 6.2):

- A 0.277-acre use of Nine Mile Creek Conservation Area
- A use of the Kenilworth Lagoon (historic property – acreage of use is not specified in the Draft EIS)
- A 0.016-acre temporary occupancy during construction of Park Siding Park (park property)
- A 0.81-acre use of Cedar Lake Park (park property)
- A 0.07-acre use of Cedar Lake Parkway (historic property)

6.1.2 Summary of the Draft Section 4(f) Evaluation Update

Section 3.5 of the Supplemental Draft EIS included the project's Draft Section 4(f) Evaluation Update, which was circulated for public and agency review concurrently with the Supplemental Draft EIS (the comment period closed on July 21, 2015). A Draft Section 4(f) Evaluation Update was prepared and included in the Supplemental Draft EIS because: (1) several aspects of the LPA's proposed design had changed since publication of the Draft Section 4(f) Evaluation, including incorporation of freight rail modifications into the LPA that would retain freight rail service within the Kenilworth Corridor (see Section 2.2 of the Supplemental Draft EIS for additional information); (2) FTA, MnHPO, Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU), and the Council had advanced the project's Section 106 process for historic property, including reaching preliminary determinations of effect; and (3) FTA had advanced the Section 4(f) process, including additional coordination with officials with jurisdiction and reaching a revised set of preliminary Section 4(f) determinations.

FTA's updated preliminary Section 4(f) use determinations within the Draft Section 4(f) Evaluation Update are summarized in Table 3.5-2 of the Supplemental Draft EIS and documented in Section 3.5.4 of the Supplemental Draft EIS. Appendix L of the Supplemental Draft EIS provides supporting Section 4(f) documentation for the Draft Section 4(f) Evaluation Update.

In the Draft Section 4(f) Evaluation Update, FTA preliminarily determined the following:

1. There would be a Section 4(f) non *de minimis* use (0.4 acre) of one historic property (Kenilworth Lagoon/contributing element of the Grand Rounds Historic District);
2. There would be a Section 4(f) *de minimis* use of three park properties (Kenilworth Channel/Lagoon park property [0.3 acre], Cedar Lake Park [0.7 acre], and Bryn Mawr Meadows Park [0.4 acre]) and one historic property (St. Paul, Minneapolis & Manitoba Railroad Historic District [1.5 acre]); and
3. There would be Section 4(f) temporary occupancies of one park (Purgatory Creek Park [0.3 acre]) and two historic properties (Minikahda Club [0.02 acres] and Cedar Lake Parkway [reconstruction of 320 feet of the parkway]).

² The potential for temporary occupancies of the Kenilworth Channel (historic), Cedar Lake Park, Lake of the Isles, and Cedar Lake Parkway were not known at the time of the Draft EIS (see Table 7.4-1 of the Draft EIS).

6.2 Changes from the Draft Section 4(f) Evaluation and the Draft Section 4(f) Evaluation Update to the Final Section 4(f) Evaluation

Table 6.2-1 provides a summary of the changes in Section 4(f) determinations made within this Final Section 4(f) Evaluation, compared to those made for LRT 3A-1 (co-location) in the Draft Section 4(f) Evaluation and the Draft Section 4(f) Evaluation Update.

TABLE 6.2-1

Comparison of FTA’s Section 4(f) Property Use Determinations^a in the Draft Section 4(f) Evaluation, Draft Section 4(f) Evaluation Update, and Final Section 4(f) Evaluation

Property	Draft Section 4(f) Evaluation	Draft Section 4(f) Evaluation Update	Final Section 4(f) Evaluation ^b
Purgatory Creek Park	• No Section 4(f) Use	• Preliminary Temporary Occupancy Exception	• Temporary Occupancy Exception
Nine Mile Creek Conservation Area	• <i>De minimis</i> Use	• Not a Section 4(f) Property	• Not a Section 4(f) Property
Unnamed Open Space B	• Not identified as a Section 4(f) Property	• Not identified as a Section 4(f) Property	• <i>De minimis</i> Use ^c
Opus Development Area Trail Network	• Not identified as a Section 4(f) Property	• Not identified as a Section 4(f) Property	• <i>De minimis</i> Use ^c
Minikahda Club	• No Section 4(f) Use	• Preliminary Temporary Occupancy Exception	• Temporary Occupancy Exception
Park Siding Park	• Preliminary Temporary Occupancy Exception	• Temporary Occupancy Avoided	• Temporary Occupancy Avoided
Cedar Lake Parkway/Grand Rounds Historic District ^d	• Section 4(f) Use	• Preliminary Temporary Occupancy Exception	• Temporary Occupancy Exception
Kenilworth Lagoon/Grand Rounds Historic District ^e	• Preliminary Section 4(f) Use	• Preliminary Section 4(f) Use	• Section 4(f) Use
Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park)	• Not identified as a Section 4(f) Property	• Preliminary <i>de minimis</i> Use	• <i>De minimis</i> Use
Lake of the Isles Park	• Section 4(f) Use	• Section 4(f) Use Avoided	• Section 4(f) Use Avoided
Cedar Lake Park	• Section 4(f) Use	• Preliminary <i>de minimis</i> Use	• Temporary Occupancy Exception
Bryn Mawr Meadows Park	• No Section 4(f) Use	• Preliminary <i>de minimis</i> Use	• <i>De minimis</i> Use
St. Paul, Minneapolis & Manitoba Railroad Historic District	• No Section 4(f) Use	• Preliminary <i>de minimis</i> Use	• <i>De minimis</i> Use

^a See Section 6.4.1 of this Final EIS for definitions of the potential types of Section 4(f) uses.

^b All determinations within the Final Section 4(f) Evaluation are final.

^c The Amended Draft Section 4(f) Evaluation, published in January 2016, included preliminary Section 4(f) *de minimis* impact determinations for Unnamed Open Space B and the Opus development area trail network.

^d Because the Cedar Lake Parkway is a contributing element of Grand Rounds Historic District and because FTA and MnHPO have determined that both properties will be temporarily occupied by the Project, the parkway and the district are assessed together within this Final Section 4(f) Evaluation.

^e Because the Kenilworth Lagoon is a contributing element of Grand Rounds Historic District and both have been determined to be adversely affected by the Project under Section 106, the lagoon and the district are assessed together within this Final Section 4(f) Evaluation.

6.3 Final Section 4(f) Evaluation Summary

In summary, FTA’s determination within this Final Section 4(f) Evaluation is that as a result of the Project there will be a Section 4(f) use (non-*de minimis*) of the Kenilworth Lagoon/Grand Rounds Historic District, based on a Section 106 adverse effect finding. This determination was also made as preliminary for Alternative 3A-1 in the Draft Section 4(f) Evaluation and for the LPA in the Draft Section 4(f) Evaluation Update. Further, FTA determines that there is no prudent and feasible alternative to the Section 4(f) use of the Kenilworth Lagoon/Grand Rounds Historic District and that the Project would cause the least overall harm to protected Section 4(f) resources.

In addition to the non-*de minimis* Section 4(f) use of the Kenilworth Lagoon/Grand Rounds Historic District, FTA determines within this Final Section 4(f) Evaluation that:

1. There will be a Section 4(f) *de minimis* impact on four park properties (i.e., Unnamed Open Space B, the Opus development trail network, Kenilworth Channel/Lagoon park property, and Bryn Mawr Meadows Park) and one historic property (i.e., St. Paul, Minneapolis & Manitoba Railroad Historic District); and
2. There will be Section 4(f) temporary occupancies of two park properties (i.e., Purgatory Creek Park and Cedar Lake Park) and two historic properties (i.e., Minikahda Club and Cedar Lake Parkway).

FTA’s Section 4(f) use determinations for the Southwest LRT Project are summarized in Table 6.2-2. The rationale for these determinations are documented in Section 6.6 and supporting documentation is provided in Appendix I.

TABLE 6.2-2
Summary of FTA’s Final Section 4(f) Property Use Determinations^a

Section 4(f) Property	Property Type	Official with Jurisdiction	Non- <i>de minimis</i> Use	<i>De minimis</i> Use	Temporary Occupancy: No Use
Purgatory Creek Park	Park	City of Eden Prairie			•
Minikahda Club	Historic	MnHPO			•
Cedar Lake Parkway/Grand Rounds Historic District ^b	Historic	MnHPO			•
Kenilworth Lagoon/Grand Rounds Historic District ^c	Historic	MnHPO	•		
Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park)	Park	MPRB		•	
Cedar Lake Park	Park	MPRB			•
Bryn Mawr Meadows Park	Park	MPRB		•	
St. Paul, Minneapolis & Manitoba Railroad Historic District	Historic	MnHPO		•	

^a See Section 6.4.1 of this Final EIS for definitions of the potential types of Section 4(f) uses.

^b Cedar Lake Parkway is a contributing element of Grand Rounds Historic District. FTA has made a Section 106 determination of no adverse effect to Cedar Lake Parkway.

^c Kenilworth Lagoon is a contributing element of Grand Rounds Historic District. FTA has made a Section 106 determination of adverse effect to Kenilworth Lagoon historic property and Grand Rounds Historic District.

In general, this Final Section 4(f) Evaluation is based on Southwest LRT preliminary engineering plans and design work (see Appendix E). The engineering plans provide design details throughout the corridor, including station designs, site-specific and typical cross sections, and various other design details. Additional information on project-wide elements of the Project are found in Chapter 2, including descriptions of light rail vehicles and ancillary light rail facilities. Section 2.1.1.2 provides an overall summary of construction activities that will occur under the Project. Appendix J includes a variety of conceptual visual renderings of proposed project improvements at various locations throughout the corridor based on the Southwest LRT preliminary engineering plans.

Text and exhibits within Section 6.6 of this Final EIS provide additional detail on proposed Project improvements and construction activities for Section 4(f) properties that would be used by the Project (non-*de minimis* and *de minimis*) and where Section 4(f) properties would be temporarily occupied by the project during construction. The exhibits supplement the preliminary engineering plans by providing additional detail and/or reflecting additional design adjustments, which have resulted from FTA’s and the Council’s on-going coordination with officials with jurisdiction to avoid, minimize, and mitigate impacts to Section 4(f) properties.

6.4 Regulatory Background/Methodology

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, 49 United States Code (U.S.C.) § 303(c) is a federal law that protects publicly owned parks, recreation areas, wildlife and/or

waterfowl refuges, as well as significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals by the USDOT. As a USDOT agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are at 23 Code of Federal Regulations (CFR) Part 774.

This documentation has been prepared in accordance with legislation established under the United States Department of Transportation Act of 1966 (49 U.S.C. § 303; 23 U.S.C. § 138, hereafter referred to as "Section 4(f) and the joint Federal Highway Administration (FHWA)/ FTA regulations for Section 4(f) compliance codified as Title 23 of the Code of Federal Regulations Part 774 (23 CFR Part 774). Additional guidance was obtained from *FHWA Technical Advisory T6640.8A* (FHWA, 1987) and the revised *FHWA Section 4(f) Policy Paper* (FHWA, 2012).

The same methods utilized in the Draft 4(f) Evaluation and Draft Section 4(f) Evaluation Update to identify potential Section 4(f) resources within 350 feet of the proposed light rail alignment and to assess the potential use of those resources have been utilized for this Final Section 4(f) Evaluation (this 350-foot buffer area is referred to herein as the study area). Three hundred fifty feet is the unobstructed screening distance for FTA noise impact assessments, which allows for identification of potential constructive uses of Section 4(f) resources. Maps, aerial photography, and local comprehensive plans were reviewed to determine the location of parks and recreational lands. Cultural resources studies of historical properties for the Southwest LRT Project have been completed under Section 106 of the National Historic Preservation Act (Section 106).

6.4.1 Types of Section 4(f) Properties

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; and
- Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public that are listed in, or eligible for, the National Register of Historic Places (NRHP).

6.4.2 Section 4(f) Determinations

Per 23 CFR Part 774.3, FTA cannot approve the use of a Section 4(f) resource, as defined in 23 CFR Part 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Part 774.17, to the use of land from the property, and
- The action includes all possible planning, as defined in 23 CFR Part 774.17, to minimize harm to the property resulting from such use.

6.4.3 Section 4(f) Evaluation Process

After identifying the Section 4(f) properties in the project study area, FTA determined whether and to what extent the Project will use each property. The type of Section 4(f) use was then determined according to the following Section 4(f) use definitions:

- **Permanent Use.** Pursuant to 23 CFR Part 774.17, a permanent use occurs when land from a Section 4(f) property is permanently incorporated into a transportation project. This may occur as a result of partial or full acquisition of the Section 4(f) property, permanent easements, or temporary easements that exceed regulatory limits.
- **Temporary Use.** As defined in 23 CFR Part 774.13(d), a temporary use occurs when there is a temporary use of land that is "adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR 774.13(d)." If the criteria in 23 CFR Part 774.13(d) are met, the "temporary use exception"

applies, meaning that the temporary occupancy of the land is so minimal that it does not constitute a “use” within the meaning of Section 4(f). If the criteria in 23 CFR Part 774.13(d) are not met, the use is evaluated as permanent (see Section 6.4.4.2 for a listing of the temporary occupancy criteria).

- **Constructive Use.** As defined in 23 CFR Part 774.15(a), a constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features or attributes that qualify a property for protection under Section 4(f) are substantially impaired.

The primary steps in a Section 4(f) evaluation are described below:

- **Analyze Avoidance Alternatives:** In this step, FTA considers alternatives that completely avoid the use of a Section 4(f) property. The avoidance analysis applies the Section 4(f) feasible and prudent criteria (23 CFR Parts 774.17). An alternative is not feasible if it cannot be built as a matter of sound engineering judgment (2). An avoidance alternative is not considered prudent (3) if:
 - i. It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
 - ii. It results in unacceptable safety or operational problems;
 - iii. After reasonable mitigation, it still causes:
 - (a) severe social, economic, or environmental impacts;
 - (b) severe disruption to established communities;
 - (c) severe disproportionate impacts to minority or low income populations, or
 - (d) severe impacts to environmental resources protected under other Federal statutes;
 - iv. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
 - v. It causes other unique problems or unusual factors; or
 - vi. It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.
- **Consider All Possible Planning to Minimize Harm:** After determining that there are no feasible and prudent alternatives to avoid the use of Section 4(f) property, the project approval process for an individual Section 4(f) evaluation requires the consideration and documentation of all possible planning to minimize harm to Section 4(f) property (see 23 CFR Part 774.3(a)(2)). *All possible planning*, defined in 23 CFR Part 774.17, means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or to mitigate for adverse impacts and effects must be included in the project. All possible planning to minimize harm does not require analysis of feasible and prudent avoidance alternatives, as such analysis will have already occurred in the context of searching for feasible and prudent alternatives that will avoid Section 4(f) properties altogether under 23 CFR Part 774.3(a). Minimization and mitigation measures should be determined through consultation with the official(s) with jurisdiction. Mitigation measures involving public parks, recreation areas, or wildlife or waterfowl refuges may involve replacement of land and/or facilities of comparable value and function, or monetary compensation to enhance remaining land. Mitigation of historic sites usually consists of those measures necessary to preserve the integrity of the site and agreed to in the project’s Section 106 Agreement in accordance with 36 CFR Part 800 by FTA, MnHPO, and other consulting parties.
- **Determine Alternative/s with Least Overall Harm:** If no feasible and prudent alternatives are identified that will avoid using a Section 4(f) property, FTA also determines the alternative that will cause the least overall harm to Section 4(f) properties using the following factors (23 CFR Part 774.3(c)(1)) and the results of considering all possible planning to minimize harm:
 - i. The ability to mitigate adverse impacts to each Section 4(f) property
 - ii. The relative severity of the remaining harm after mitigation

- iii. The relative significance of each Section 4(f) property
 - iv. The views of the officials with jurisdiction over each property
 - v. The degree to which each alternative meets the project purpose and need;
 - vi. The magnitude of adverse effects to resources not protected by Section 4(f)
 - vii. Substantial cost differences among the alternatives
- **Coordinate with Officials with Jurisdiction:** FTA and the Council have coordinated with the officials with jurisdiction over each of the protected properties for which a determination is made in this Final Section 4(f) Evaluation.

6.4.4 Section 4(f) Use Definitions and Requirements

This section provides definitions of types of potential Section 4(f) uses that are used throughout Section 6 and their related requirements, including: Individual Section 4(f) Evaluation; Temporary Occupancy Exception, *de minimis* Impact Determinations; and Constructive Use.

6.4.4.1 Individual Section 4(f) Evaluation

The term “individual Section 4(f) evaluation” is used in this section to refer to the process of assessing avoidance alternatives, determining the alternative with the least overall harm, and considering all possible planning to minimize harm for each property that will be used by the project and where that use will not be *de minimis*. This analysis is required for all uses of a Section 4(f) property, except in the case of a *de minimis* use determination (*de minimis* use is described below in Section 6.4.4.3).

6.4.4.2 Temporary Occupancy Exception

Temporary occupancies do not constitute a use and are, therefore, not subject to the provisions of Section 4(f) if they meet each of the following five criteria for a temporary occupancy exception found in 23 CFR Part 774.13(d):

- i. Duration of occupancy must be temporary; i.e. less than the time needed for construction of the project, and there can be no change in ownership of the land;
- ii. The scope of work must be minor; i.e., both the nature and magnitude of the changes to the Section 4(f) property are minimal;
- iii. There can be no anticipated permanent adverse physical impacts, nor can there be interference with the activities, features or attributes of the property, on either a temporary or permanent basis; and
- iv. The land being used must be fully restored; i.e. the property must be returned to a condition that is at least as good as that which existed prior to the project
- v. Written concurrence must be obtained from the officials with jurisdiction, documenting agreement with the above conditions. If the official with jurisdiction does not agree in writing with a temporary occupancy exception determination, an analysis of use must be conducted. If concurrence is obtained from the officials with jurisdiction over the properties, a final determination will be made by FTA in the Final Section 4(f) Evaluation, which will be included in the Record of Decision.

6.4.4.3 De Minimis Impact Determinations

A determination of *de minimis* use can be made only if the project will not adversely affect the features, attributes or activities that make the Section 4(f) property significant, after receipt and consideration of public comment, and FTA receives concurrence with the official(s) with jurisdiction. If the official with jurisdiction does not agree with a *de minimis* use determination in writing, an analysis of avoidance alternatives must be conducted. If the analysis concludes that there is no feasible and prudent alternative to use of the Section 4(f) property, FTA may only approve the alternative or alternatives that cause the least overall harm. A least overall harm analysis is conducted to determine which alternative/s may proceed. A *de minimis* use determination is inappropriate where a project results in a constructive use (23 CFR Parts 774.3(b) and 774.17).

- **Parks, Recreation, and Refuges.** A *de minimis* use on a public parkland, recreational area, or wildlife and waterfowl refuge is defined as that which does not “adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f)” (*Section 4(f) Policy Paper*: FHWA, 2012; page 8). This determination can be made only with the concurrence of the official with jurisdiction, and can be made only after an opportunity for public review and comment on the proposed determination.
- **Historic Properties.** As defined in 23 Parts CFR 774.5 and 774.17, a *de minimis* use determination is made for an historic site if FTA makes a finding for a property of “No Adverse Effect” or “No Historic Properties Affected” through consultation under Section 106 of the National Historic Preservation Act (NHPA), and the State Historic Preservation Officer concurs with that finding.

6.4.4.4 Constructive Use

A constructive use involves no actual physical use of the Section 4(f) property via permanent incorporation of land or a temporary occupancy of land into a transportation facility. A constructive use occurs when the proximity impacts of a proposed project adjacent to, or nearby, a Section 4(f) property result in substantial impairment to the property’s activities, features, or attributes that qualify the property for protection under Section 4(f). As a general matter, a substantial impairment means that the value of the resource, in terms of its Section 4(f) purpose and significance, will be meaningfully reduced or lost. The types of impacts that may qualify as constructive use are addressed in 23 CFR Part 774.15. A project’s proximity to a Section 4(f) property is not in itself an impact that results in constructive use. Also, the assessment for constructive use should be based upon the impact that is directly attributable to the project under review, not the overall combined impacts to a Section 4(f) property from multiple sources over time.

6.5 Purpose and Need

The Southwest LRT Project’s Purpose and Need is included in Chapter 1 of this Final EIS. It is included in this section as reference for the Final Section 4(f) Evaluation.

6.5.1 Project Purpose

The purposes of enhancing transit service in the Southwest LRT Project Corridor (which is defined and illustrated in Section 1.4) are summarized below:

- The Southwest LRT Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers.
- The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network.
- The Southwest LRT Project will be part of the region’s system of transitways, integrated to support regional transportation efficiency. Since the late 1990s, the Southwest LRT Project has been identified by the Council as warranting a high level of transit investment to respond to increasing travel demand in a highly congested area of the region. Due to congestion levels on the roadway network, speed and use limitations of the shoulder bus operations, and capacity constraints in downtown Minneapolis, a bus option is limited in its ability to adequately serve the travel demand and to provide reliable travel times.

6.5.2 Project Need

The transportation issues facing the Southwest LRT Project Corridor illustrate the need for improved mobility, accessibility, and system linkages to key activity centers (Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and downtown Minneapolis) through high-capacity transit service. The Southwest LRT Project is one of several transit corridors identified in the Council’s 2040 Transportation Policy Plan as being in need of enhanced transit service. The Southwest LRT Project Corridor continues to experience increases in population and employment with limited additional traffic capacity on existing streets and highways, resulting in increased travel time, delays, and air pollution. Portions of the Southwest LRT Project Corridor

are already densely developed. New development and redevelopment in areas of the corridor are expected to generate increases in travel demand.

Four primary need factors make the Southwest LRT Project important for people who live and work in the southwest metropolitan area: (1) declining mobility; (2) limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders; (3) need to maintain a balanced and economically competitive multimodal freight system; and (4) regional/local plans calling for investment in additional light rail transit projects in the region.

Chapter 1 of this Final EIS provides additional information on the need for the proposed Southwest LRT Project.

6.6 Section 4(f) Properties in the Project Study Area

This section addresses the Section 4(f) properties within the project's Section 106 Area of Potential Effect and within the project's park and recreation study area. The 35 Section 4(f) properties that are evaluated within this section are listed and briefly described in Table 6.6-1 and their locations are illustrated on Exhibits 6.6-1 through 6.6-2A/B. Section 6.6.1 addresses 12 publicly owned park and recreation areas. Section 6.6.2 addresses 28 Section 106 historic properties. No wildlife or waterfowl refuges were identified within 350 feet of the proposed Project alignment centerline and therefore, there are no wildlife or waterfowl refuges addressed in this section.

Per the Section 106 analysis performed for the Project, there are two NRHP-eligible archaeological sites in the Project study area (Site 21HE0436 and Site 21HE0437)³ that will be adversely affected by the Project. However, analysis performed and subsequent consultation with MnHPO has resulted in a determination that these archaeological sites are important chiefly because of what can be learned by data recovery and have minimal value for preservation in place. Based on this assessment, per 23 Part CFR 774.13(b), Section 4(f) does not apply to these two archaeological sites.

TABLE 6.6-1
Section 4(f) Properties Evaluated in this Final Section 4(f) Evaluation

Property Name	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description ^a
Parks and Recreational Areas				
Purgatory Creek Park	Park	13001 Technology Drive, Eden Prairie	City of Eden Prairie	5.2 acre park
Flying Cloud Dog Park	Park	7171 Flying Cloud Drive, Eden Prairie	City of Eden Prairie	9.3 acre park
Unnamed Open Space B	Park	Located generally south of Smetana Rd, west of Green Circle Dr, north of Bren Rd W, east of Claremont Apartments	City of Minnetonka	49.0 acre open space
Opus Development Area Trail Network	Park	Located generally between Smetana Road to the north, Hwy 169 to the east, Highway 62 to the south and Shady Oak Road to the west	City of Minnetonka	9.6 acre recreational trails
Overpass Skate Park	Park	100 Washington Ave S, Hopkins	City of Hopkins	0.4 acre park
Edgebrook Park	Park	3920 Pennsylvania Avenue South, St. Louis Park	City of St. Louis Park	1.3 acre park
Isaak Walton League Creekside Park	Park	7341 Oxford Street, St. Louis Park	City of St. Louis Park	1.8-acre park
Jorvig Park	Park	6210 West 37th Street, St. Louis Park	City of St. Louis Park	0.6 acre park
Lilac Park	Park	Located at Hwy 7 Service Road & Hwy 100 in St. Louis Park	City of St. Louis Park	2.7 acre park
Alcott Triangle	Park	At St. Louis Avenue and West 29th Street, Minneapolis	MPRB	0.3 acre park

³ FTA does not disclose the location of archeological sites to help protect their integrity.

Property Name	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description ^a
Park Siding Park	Park	3113 28th Street West, Minneapolis	MPRB	1.4 acre park
Kenilworth Channel/Lagoon (an element of the Minneapolis Chain of Lakes Regional Park)	Park	Located between Cedar Lake and Lake of the Isles	MPRB	10.3 acre park
Cedar Lake Park	Park	Located at Cedar Lake Parkway and Basswood Road in Minneapolis	MPRB	208.4 acre park
Bryn Mawr Meadows Park	Park	601 Morgan Avenue South, Minneapolis	MPRB	51.6 acre park
Historic properties				
Hopkins City Hall	Individual Historic Property	1010 1st Street in Hopkins; MnHPO Inventory# HE-HOC-026	MnHPO	Eligible for NRHP
Hopkins Downtown Commercial Historic District	Historic District	Located along Mainstreet between 8th Avenue and 11th Avenue in Hopkins; MnHPO Inventory# HE-HOC-027	MnHPO	Eligible for NRHP
Minneapolis and St. Louis Railway Depot	Individual Historic Property	9451 Excelsior Boulevard in Hopkins; MnHPO Inventory# HE-HOC-014	MnHPO	Eligible for NRHP
Chicago, Milwaukee, St. Paul & Pacific RR Depot	Individual Historic Property	6210 West 37th Street in St. Louis Park; MnHPO Inventory# HE-SLC-008	MnHPO	Listed on NRHP
Peavey-Haglin Experimental Concrete Grain Elevator	Individual Historic Property	Hwy 100 and Hwy 7 in St. Louis Park; MnHPO Inventory# HE-SLC-009	MnHPO	Listed on NRHP; National Historic Landmark
Hoffman Callan Building	Individual Historic Property	3907 TH 7 in St. Louis Park; MnHPO Inventory# HE-SLC-055	MnHPO	Eligible for NRHP
Minikahda Club	Individual Historic Property	3205 Excelsior Boulevard in Minneapolis; MnHPO Inventory# HE-MPC-17102	MnHPO	Eligible for NRHP
Grand Rounds Historic District (GRHD)	Historic District	Minneapolis; MnHPO Inventory# XX-PRK-001	MnHPO	Eligible for NRHP
Lake Calhoun	Contributing Element to Historic District	Minneapolis; MnHPO Inventory# MPC-1811	MnHPO	Contributing element to GRHD
Lake of the Isles	Contributing Element to Historic Districts	Minneapolis; MnHPO Inventory# MPC-1824	MnHPO	Contributing element to GRHD and to LIRHD
Lake of the Isles Parkway	Contributing Element to Historic Districts	Minneapolis; MnHPO Inventory# MPC-1825	MnHPO	Contributing element to GRHD and to LIRHD
Park Bridge No. 4/L5729	Historic Property and Contributing Element to Historic Districts	W. Lake of the Isles Parkway over Kenilworth Lagoon in Minneapolis; MnHPO Inventory# HE-MPC-6901	MnHPO	Eligible for NRHP and contributing element to GRHD and LIRHD
Lake of the Isles Residential Historic District (LIRHD)	Historic District	Minneapolis; MnHPO Inventory# HE-MPC-9860	MnHPO	Eligible for NRHP
Cedar Lake Parkway	Contributing Element to Historic District	Minneapolis; MnHPO Inventory# MPC-1833	MnHPO	Contributing element to GRHD
Cedar Lake	Individual Historic Property and Contributing Element to Hist. District	Minneapolis; MnHPO Inventory# MPC-1820	MnHPO	Eligible for NRHP; contributing element to GRHD
Kenilworth Lagoon ^b	Contributing Element to Hist. Districts	Minneapolis; MnHPO Inventory# MPC-1822	MnHPO	Contributing element to GRHD and to LIRHD
Frieda and Henry J. Neils House	Individual Historic Property	2801 Burnham Blvd, Minneapolis; MnHPO Inventory# HE-MPC-6068	MnHPO	Listed on NRHP

Property Name	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description ^a
Mahalia & Zachariah Saveland House	Individual Historic Property	2405 W 22nd Street, Minneapolis; MnHPO Inventory# HE-MPC-6766	MnHPO	Eligible for NRHP
Frank W. and Julia C. Shaw House	Individual Historic Property	2036 Queen Ave S, Minneapolis; MnHPO Inventory# HE-MPC-6603	MnHPO	Eligible for NRHP
Kenwood Parkway	Contributing Element to Historic Districts	Minneapolis; MnHPO Inventory# MPC-1796	MnHPO	Contributing element to GRHD and the KPRHD
Kenwood Park	Contributing Element to Historic District	Minneapolis; MnHPO Inventory# MPC-1797	MnHPO	Contributing element to GRHD
Kenwood Parkway Residential Historic District (KPRHD)	Historic District	Minneapolis; MnHPO Inventory# HE-MPC-18059	MnHPO	Eligible for NRHP
Kenwood Water Tower	Individual Historic Property and Contributing Element to Hist. District	1724 Kenwood Pkwy, Minneapolis; MnHPO Inventory# MPC-06475	MnHPO	Eligible for NRHP; contributing element to GRHD
Mac Martin House	Individual Historic Property	1828 Mt. Curve Ave, Minneapolis; MnHPO Inventory# HE-MPC-8763	MnHPO	Eligible for NRHP
St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District	Historic District	Minneapolis; MnHPO Inventory# HE-MPC-16387	MnHPO	Eligible for NRHP
Osseo Branch Line of the St. Paul, Minneapolis & Manitoba RR/Great Northern Railway Historic District	Historic District	Minneapolis; MnHPO Inventory# HE-RRD-002 (district), HE-MPC-16389 (portion of district in Minneapolis)	MnHPO	Eligible for NRHP
Minneapolis Warehouse Historic District	Historic District	Located in the vicinity of 1st Avenue N., N. 1st. Street., 10th Avenue N., and N. 6th Street in Minneapolis; MnHPO Inventory# HE-MPC-0441	MnHPO	Eligible for NRHP
William Hood Dunwoody Institute	Individual Historic Property	818 Dunwoody Boulevard in Minneapolis; MnHPO Inventory# HE-MPC-6641	MnHPO	Eligible for NRHP

^a All listed parks are publicly owned, publicly accessible and of local significance.

^b Includes topographical features, vegetation and WPA-era retaining walls.

Acronyms: MPRB = Minneapolis Park and Recreation Board; MnHPO = Minnesota Historic Preservation Officer; NRHP = *National Register of Historic Places*.

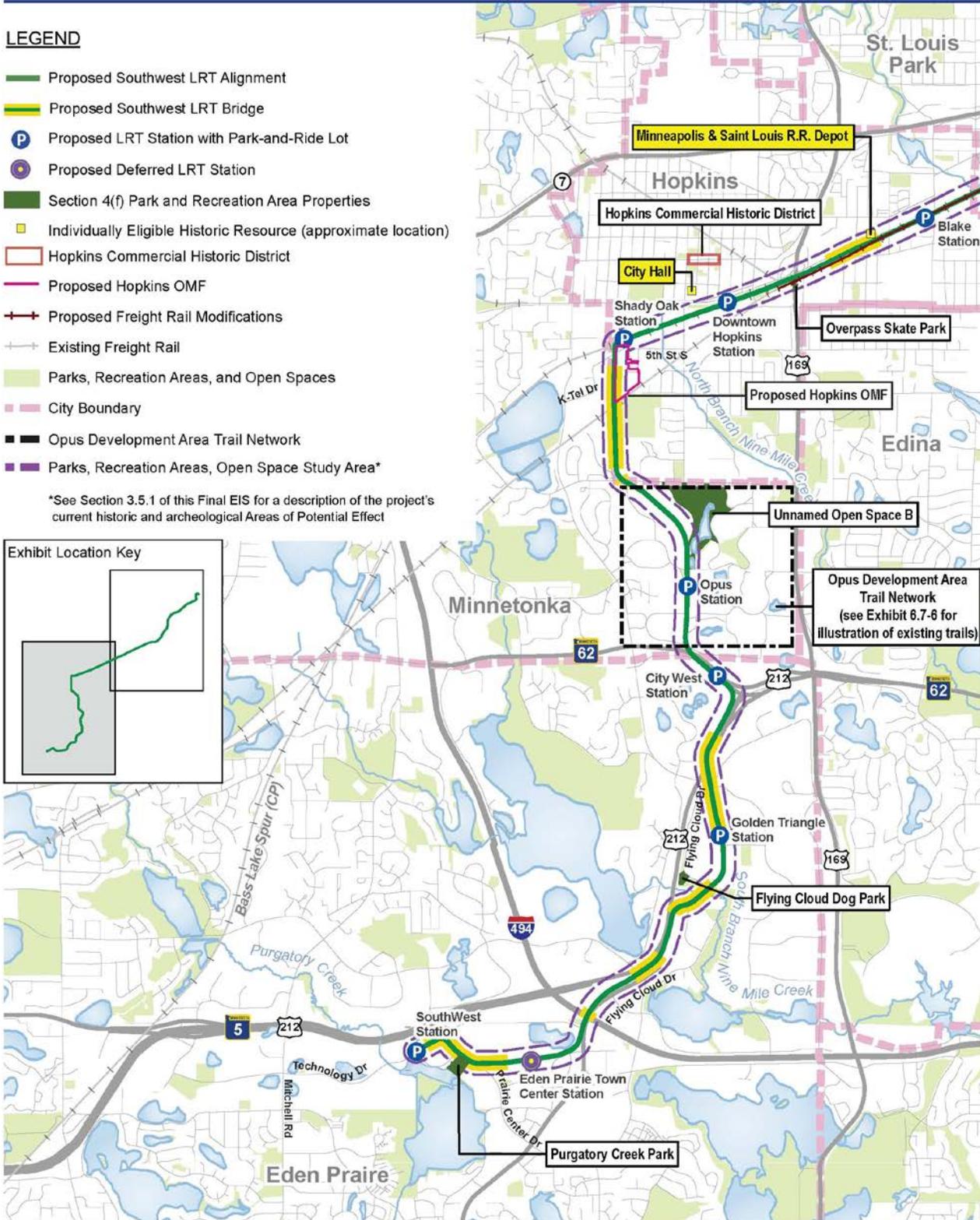
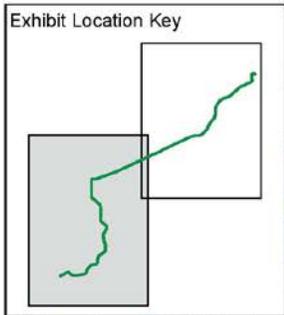
EXHIBIT 6.6-1

Section 4(f) Properties within the vicinity of the Proposed Project – Eden Prairie, Minnetonka, and Hopkins

LEGEND

-  Proposed Southwest LRT Alignment
-  Proposed Southwest LRT Bridge
-  Proposed LRT Station with Park-and-Ride Lot
-  Proposed Deferred LRT Station
-  Section 4(f) Park and Recreation Area Properties
-  Individually Eligible Historic Resource (approximate location)
-  Hopkins Commercial Historic District
-  Proposed Hopkins OMF
-  Proposed Freight Rail Modifications
-  Existing Freight Rail
-  Parks, Recreation Areas, and Open Spaces
-  City Boundary
-  Opus Development Area Trail Network
-  Parks, Recreation Areas, Open Space Study Area*

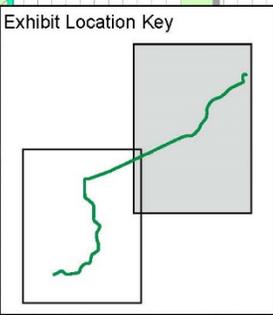
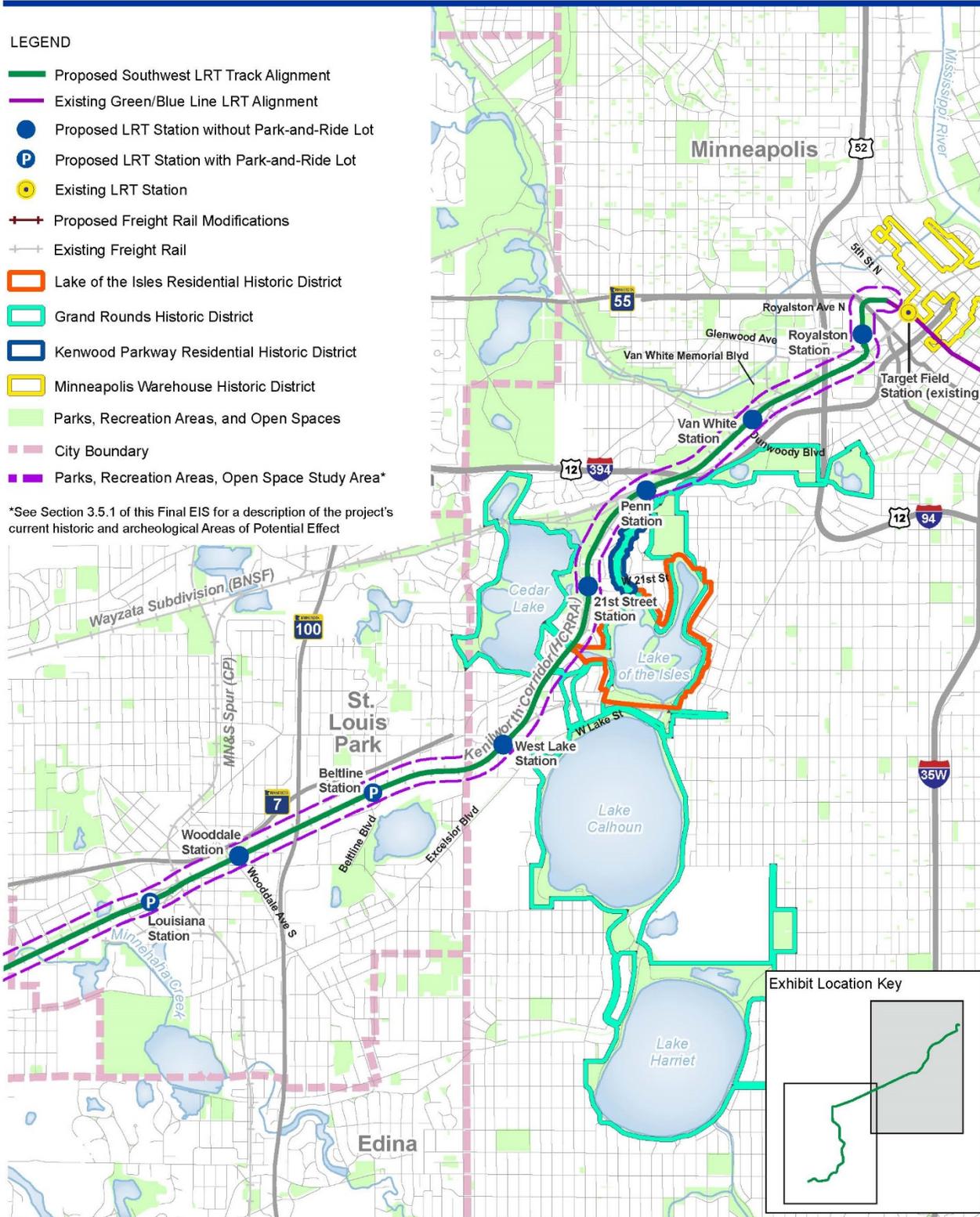
*See Section 3.5.1 of this Final EIS for a description of the project's current historic and archeological Areas of Potential Effect



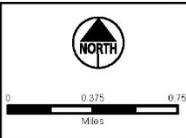
	<p>Southwest LRT Final EIS Section 4(f) Properties within the vicinity of the Proposed Project Eden Prairie, Minnetonka, Hopkins</p>		
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EXHIBIT 6.6-2B

Section 4(f) Historic District Properties within the vicinity of the Proposed Project – St. Louis Park and Minneapolis



Southwest LRT FINAL EIS
 Section 4(f) Historic District Properties within the vicinity of the Proposed Project
 St. Louis Park and Minneapolis



6.6.1 Publicly Owned Parks and Recreational Areas

Exhibits 6.6-1 through 6.6-2A/B illustrate the location of Section 4(f) park and recreation area properties in the Project study area. Table 6.6-1 lists the resource name, location, and jurisdictional owner. Table 6.6-2 summarizes FTA’s Section 4(f) use determinations for each of the Section 4(f) park and recreation properties within the Project’s study area. Table 6.6-2 also includes how many acres, if any, of the property will be used under the Project (compared to the property’s acreage). Park and recreation properties are generally listed from south-to-north in the Project study area.

TABLE 6.6-2
Summary of Permanent Section 4(f) Park and Recreational Property Uses^a

Section 4(f) Property	Non- <i>de minimis</i> Use	<i>De minimis</i> Use	No Use	Existing Property Acreage	Acres Permanently Used	% of Property Used
Purgatory Creek Park			• ^b	5.2	0.0	0.0%
Flying Cloud Dog Park			•	9.3	0.0	0.0%
Unnamed Open Space B		•		49.0	1.0	2.0%
Opus Development Area Trail Network		•		9.6	0.0 ^c	0.0% ^a
Overpass Skate Park			•	0.4	0.0	0.0%
Edgebrook Park			•	1.3	0.0	0.0%
Isaak Walton League Creekside Park			•	1.8	0.0	0.0%
Jorvig Park			•	0.6	0.0	0.0%
Lilac Park			•	2.7	0.0	0.0%
Alcott Triangle			•	0.3	0.0	0.0%
Park Siding Park			•	1.4	0.0	0.0%
Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park)		•		10.3	0.3	0.3%
Cedar Lake Park ^d			•	208.4	0.0	0.0%
Bryn Mawr Meadows Park		•		51.6	0.4	0.1%

^a See Section 6.4.1 of this Final EIS for definitions of the potential types of Section 4(f) uses.

^b Purgatory Creek Park will be temporarily used by the project during construction of the Southwest LRT Project. FTA has determined that this temporary use meets the criteria for a Temporary Occupancy Exception under 23 CFR Part 774.13(d) and the City of Eden Prairie, the park’s official with jurisdiction, has concurred in writing with that determination.

^c Approximately 1.5 acres of the Opus development area trail network will be removed due to the Project, which will be replaced with approximately 1.8 acres of new trails with the same connections and functions, for a net increase of 0.3 acre of additional trail area within the Opus development area trail network.

^d Cedar Lake Park will be temporarily used by the project during construction of the Southwest LRT Project. FTA has determined that this temporary use meets the criteria for a Temporary Occupancy Exception under 23 CFR Part 774.13(d) and the Minneapolis Park and Recreation Board, the park’s official with jurisdiction, has concurred in writing with that determination.

All acreages in this table are approximate.

The following properties in the Project study area not considered Section 4(f) park/recreation properties:

- Unnamed Open Space A is composed of one generally naturally vegetated parcel (approximately 3.0 acres). Unnamed Open Space A is located immediately east of Bren Road E. This parcel's official plan designation in the City Minnetonka 2030 Comprehensive Plan (Figure IV-15) is "Mixed Use" (and not "Parks" or "Open Space").⁴ A paved trail, which is part of the Opus development area trail network, (see Section 6.1.2) crosses the parcel in an east-west manner at a point approximately 830 feet north of the intersection of Bren Road East and Red Circle Drive. Based on deed/title information on this property there are no park/recreation-related easements or other park/recreational legal agreements attached to this property. Further, there is no deed covenant restricting the future use of this parcel to "parkland" or "open space." Therefore, FTA does not consider Unnamed Open Space A to be a Section 4(f) property.
- The Grand Rounds National Scenic Byway consists of a network of roadways that encircle Minneapolis; it includes various parkways and connects several regional parks and trails.⁵ The Grand Rounds National Scenic Byway was designated a National Scenic Byway by the FHWA in 1998. The designation of a road as a scenic byway is not intended to create a park or recreation area within the meaning of 49 U.S.C. § 303 or 23 U.S.C. § 138. Therefore, the Grand Rounds National Scenic Byway as a roadway is not identified as a Section 4(f) resource in regards to park and recreational lands. Four Section 106 historic parkways that are included within the Grand Rounds Byway (i.e., Cedar Lake, Kenwood, Lake of the Isles, and Dean Parkways) are within the Project's Section 106 architectural area of potential effect and are addressed in Section 6.6.
- The existing trails adjacent to the Project (Cedar Lake Trail, Kenilworth Trail, Cedar Lake LRT Regional Trail, and Minnesota Bluffs LRT Regional Trail) were constructed on Hennepin County Regional Railroad Authority (HCRRA) property under temporary agreements between HCRRA and trail permittees. As documented in each trail's interim use agreements in Appendix I of this Final EIS, HCRRA permitted these trails as temporary uses with the stipulation that they may be used until HCRRA develops the corridor for a LRT system or other permitted transportation use; therefore, these trails are not subject to protection as Section 4(f) property (as per 23 CFR Part 774.11[h]). See Section 4.5 of this Final EIS for more information on the referenced trails.
- In addition to the previously mentioned trails within HCRRA, project staff also identified trails, paths, bikeways, and sidewalks that fall within the project's park and recreation area study area but that are located outside of the boundaries of parks and recreation areas. The identified trails, paths, bikeways, and sidewalks are exempt from Section 4(f) because they: (1) occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, and the continuity of the trail, path, bikeway, or sidewalk will be maintained under the Project, as per 23 CFR Parts 774.13(f)(3); and/or (2) they are part of the local transportation system and function primarily for transportation purposes, as per 23 CFR Part 774.13(f)(4); please see Section 4.5 of this Final EIS for more information on these bicycle/pedestrian facilities.
- Section 4(f) was found to not apply to the Nine Mile Creek Conservation Area within the project study area because its primary purpose is not as a park or recreation area but rather as a conservation area that is not a designated wildlife or waterfowl refuge. The *Eden Prairie Comprehensive Guide Plan* (City of Eden Prairie; 2008) is the master planning document for the Nine Mile Creek Conservation Area (there is

⁴ Figure IV-1 – Existing Land Use in the City of Minnetonka's 2030 Comprehensive Plan shows that the existing use of this parcel as "Open Space." The Comprehensive Plan notes that the Existing Land Use map (and corresponding table showing gross acreage of existing use by land use category) is provided as "a 'benchmark' for the development of previous and future land use planning activities, and for the analysis of impacts on city services and facilities" (City of Minnetonka; page IV-4).

⁵ For a map of the Ground Rounds Scenic Byway and for additional information on the byway, see <http://www.fhwa.dot.gov/byways/byways/2243>.

no adopted master plan specifically for the Nine Mile Creek Conservation Area). The *Comprehensive Guide Plan* (page 7-10) notes that Eden Prairie's "conservation areas consist of large floodplain preservation areas, wetlands, bluffs and sensitive woodland areas . . . [that] have some limited active passive recreation facilities . . . [and that] consist of large wetland/floodplain preservation areas." The plan does not cite wildlife or waterfowl or their habitat in the purpose of the conservation areas and there is no specific adopted management plan for the Nine Mile Creek Conservation Area. Based on the City of Eden Prairie's adopted *Comprehensive Guide Plan* and on 23 CFR Part 774.11, FTA has determined that Section 4(f) protection is not applicable to the Nine Mile Creek Conservation Area because its primary purpose is not recreation or to provide a refuge for wildlife or waterfowl refuge and it is not managed as such.

Following is a description of the 12 Section 4(f) park and recreation properties within the Project's park and recreation study area (generally from south to north), including:

- A description of the Section 4(f) property;
- A Section 4(f) permanent use determination;
- A Section 4(f) temporary use determination/temporary occupancy exception determination (for those properties that will not have a Section 4(f) use or a Section 4(f) *de minimis* use);
- A Section 4(f) constructive use determination (for those properties that will not have a Section 4(f) use); and
- An overall Section 4(f) determination.

6.6.1.1 Purgatory Creek Park – Temporary Occupancy Exception/No Section 4(f) Use

A. Section 4(f) Property Description

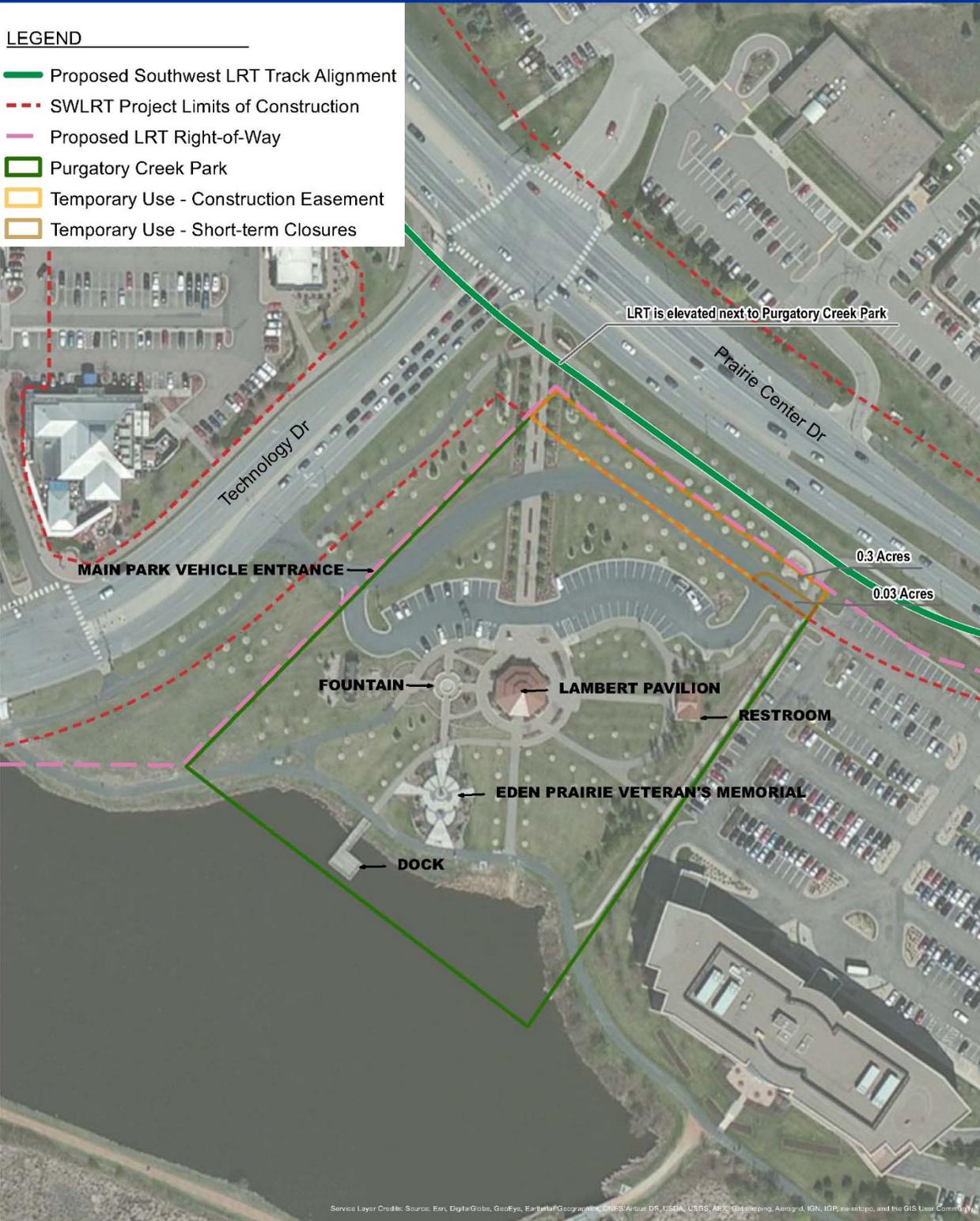
Located at 13001 Technology Drive, Purgatory Creek Park contains a 125 person-capacity pavilion (for active recreation activities), bicycle and walking trails, the Mayor Jean Harris Gathering Bridge, gardens, a dock, a fountain, the Eden Prairie Veterans' Memorial (which is a quiet and contemplative area of the park), the Lambert Pavilion, a 54-space parking lot, and restrooms (see Exhibit 6.6-3). The approximately 5.2 acre park is bordered on two sides by Technology Drive and Prairie Center Drive, and on the remaining two sides by a business center parking lot and by Purgatory Creek reservoir. The park is accessible, free of charge, to the public all days of the year, from dawn to dusk. Events at the memorial, which is within the park, include an annual Memorial Day celebration that highlights honoring specific Eden Prairie veterans. The park's parking lot is accessed via Technology Drive and via Prairie Center Drive, through the adjacent business center's parking lot. Bicycle and pedestrian access to the park is provided by connections to city sidewalks and off-street trails. The park is owned by the City of Eden Prairie and is maintained and operated by the city's Park and Recreation Department. Consultation between city and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held a meeting with city staff focused on Purgatory Creek Park, the Section 4(f) process and documentation, and FTA's determination for the park on February 20, 2015.⁶ Although the park's setting is primarily urban/suburban, there are also views of natural areas to the Southwest. As the park is a publicly owned, publicly accessible park of local significance, Purgatory Creek Park is considered by FTA to be a Section 4(f) protected property.

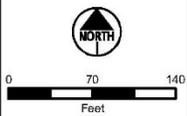
B. Determination of Permanent Section 4(f) Use

As illustrated on Exhibit 6.6-3, the Project will not result in a permanent incorporation of land from Purgatory Creek Park; therefore, there will not be a Section 4(f) permanent use of the property.

⁶ See Section 6.7 for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

EXHIBIT 6.6-3
Final Section 4(f) Evaluation – Purgatory Creek Park



	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Purgatory Creek Park</p>		
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C. Determination of Temporary Occupancy Exception

The Project will require a temporary occupancy of approximately 0.3 acres along the northeastern edge of Purgatory Creek Park to facilitate Project construction activities (see Exhibit 6.6-3). Section 4(f) temporary occupancy exception criteria are addressed below with respect to the construction impacts at Purgatory Creek Park:

1. **Criterion:** *Duration is temporary (that is, the occupancy is shorter than the time needed for construction of the project, and there is no change in ownership of the property).*

Finding: The overall duration of construction for the entire project is approximately four years. The duration of the construction activities for the portion near Purgatory Creek Park is estimated to extend up to 24 calendar months – additional time may be needed for restoration activities within the park, depending on variables, such as seasonal timing of the activities and weather conditions. There will be no change in ownership of the parkland that will be temporarily occupied.

2. **Criterion:** *Scope of work is minor (that is, the nature and magnitude of the changes to the Section 4(f) properties are minimal).*

Finding: The part of Purgatory Creek Park to be temporarily occupied during construction includes a portion of the park's access path from the intersection of Technology Drive and Prairie Center Drive as well as the park's secondary parking lot access. Pedestrians entering from the Technology Drive/Prairie Center Drive intersection will be provided a temporary pedestrian path detour. The park will still be accessible to the public throughout construction for vehicles, bicycles, and pedestrians via the main driveway off Technology Drive and also for bicycles and pedestrians via the respective off-street sidewalk paths located adjacent to the west side of Prairie Center Drive and north side of Technology Drive. The part of the park to be temporarily occupied also includes an open grass landscaped area and a portion of the park driveway; this part of the park does not contain any recreational features or amenities. There will be no permanent change to Purgatory Creek Park as a result of project actions.

3. **Criterion:** *There are no anticipated permanent adverse physical impacts or permanent interference with the protected activities, features, or attributes of the property.*

Finding: None of the aforementioned activities, features, or attributes of Purgatory Creek Park will be permanently impacted nor will temporary construction actions at the park permanently or temporarily interfere with visitors utilizing the park as they do currently. Council staff will coordinate construction activities with park staff from the City of Eden Prairie to schedule construction activities so that they avoid park activities identified by the city that should be considered when setting the schedule for construction activities. As illustrated in Exhibit 6.6-3, vehicular access to/from the park will be maintained in the southeast corner of the temporary occupancy area (i.e., approximately 1,400 square feet), with only short closures needed to safely complete some construction activities (e.g., beam placement). Impacts related to temporary changes to parking and access will be mitigated by development of a Construction Communication Plan, which will include advance notice of construction activities and highlighting road, sidewalk, and trail closures and detour routes. There will be no construction impact within Purgatory Creek Park to the functionality of the loop trail around the Purgatory Creek reservoir and wetland area.

4. **Criterion:** *The property is restored to the same or better condition that existed prior to the project.*

Finding: The portion of the park to be temporarily occupied during construction will be restored to existing conditions or better – this includes the previously described pedestrian path, landscaped area (including signage and lighting) and secondary parking lot driveway access.

5. **Criterion:** *There is documented agreement from the appropriate federal, state, or local officials having jurisdiction over the property regarding the above conditions.*

Finding: FTA and Council staff met with City of Eden Prairie staff on February 20, 2015, to review the project's construction plan for Purgatory Creek Park. As a result of the meeting, modifications to the plan were made by the Council, as reflected in this assessment and in Exhibit 6.6-3 (see Appendix I for

meeting notes and materials). Those modifications included bifurcating the area of construction activities within the park into two categories – one larger area for the full duration of the construction activities within the park and the other of intermittent construction activities. The modifications to the plan were made to minimize closures to the eastern vehicular access to the park's parking lot.

The City of Eden Prairie has agreed in writing that the above temporary occupation exception criteria are met by the Project (see Appendix I).

D. Determination of Constructive Section 4(f) Use

Although the sound of passing light rail trains will be audible from within the park, this increased sound will not constitute an impact based on FTA's noise threshold criteria. As discussed in Section 3.12 of this Final EIS, the war memorial within the park is considered to be a sensitive noise receptor (Category 3). The detailed noise analysis performed for this Final EIS indicates that noise levels at the war memorial within the park will not exceed FTA's noise impact criteria (i.e., noise levels under the Project at the war memorial will be 47 A-weighted decibels, which is under the criteria of 60 A-weighted decibels for a moderate noise impact for a Category 3 land use – see Section 3.12 of this Final EIS for additional detail).

Changes in development density in areas surrounding proposed light rail stations could result in an increase in Purgatory Creek Park usage, which could have potential for both positive and negative consequences.

The Project will also result in changes to the park's setting and a visitor's visual experience, resulting in a moderately low and low impact to views into and from the park, respectively. In particular, some users' visual experiences could be perceived as adversely affected by the introduction of the elevated light rail structure immediately east of the park, as discussed in Section 3.7 of this Final EIS. However, the visual changes and impacts will not alter or impair the overall use or function of the park. The design of the new light rail bridge adjacent to the park has been prepared based on the Council's *Visual Quality Guidelines for Key Structures* (Council, 2015), which was developed in coordination with staff from local jurisdictions affected by the Project's proposed key structures. These guidelines allow for a consistent design approach for the key structures, allowing for design adjustments reflecting their local context, including Purgatory Creek Park. Prior to construction of the proposed new light rail bridge, the Council will conclude its consultation with the City of Eden Prairie on the design of the proposed new bridge.

As illustrated on Exhibit 6.6-3, an elevated section of the light rail alignment is to be located adjacent to the northeast boundary of Purgatory Creek Park, avoiding any long-term direct impacts to the park. Permanent improvements will be contained within the existing right-of-way of Prairie Center Drive. Throughout the project's design process, project staff consulted with the City of Eden Prairie, the park owner, on design adjustments to the proposed light rail alignment and associated facilities within the vicinity of the park. Existing bicycle, pedestrian, and vehicular access to the park will be maintained under the proposed Project. The proposed SouthWest Station is within walking distance of Purgatory Creek Park, thereby providing improved transit access to the park.

In summary, the proximity impacts of the Project on Purgatory Creek Park will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Purgatory Creek Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent Section 4(f) use of Purgatory Creek Park and that proposed construction activities within the park will meet the criteria for a Temporary Occupancy Exception described in 23 CFR Part 774.13(d).

6.6.1.2 Flying Cloud Dog Park – No Section 4(f) Use Determination

A. Section 4(f) Property Description

Located at 7171 Flying Cloud Drive, Eden Prairie, Flying Cloud Dog Park is approximately one-acre fenced park that provides year-round use by dogs and dog owners. The fenced area includes a section for small or fragile dogs and a larger area for big dogs. The park includes a small parking lot, obstacle equipment for

dogs, benches, and a portable toilet. The park is owned and managed by the City of Eden Prairie. As the park is a publicly owned, publicly accessible park of local significance, Flying Cloud Dog Park is considered by FTA to be a Section 4(f) protected property.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and see Exhibit 6.6-4, the Project will not result in a permanent incorporation of land from Flying Cloud Dog Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Flying Cloud Dog Park during construction.

D. Determination of Constructive Section 4(f) Use

Because the Flying Cloud Dog Park will be located away from the proposed light rail alignment, there will be no proximity impacts to the park as a result of the Southwest LRT Project. In particular, the park is not a sensitive noise receptor, the light rail alignment will mostly be shielded from view from the park due to existing and retained vegetation, and there will be no change in transit, vehicle, bicycle, or pedestrian access to the park.

In summary, there will be no proximity impacts on Flying Cloud Dog Park under the Project and thus the Southwest LRT Project will not substantially impair the qualifying activities, features, or attributes of the park. Therefore, FTA determined that there will be no Section 4(f) constructive use of Flying Cloud Dog Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA determined that there will be no permanent or temporary Section 4(f) use of Flying Cloud Dog Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Flying Cloud Dog Park.

6.6.1.3 Unnamed Open Space B – *De Minimis* Impact Determination

A. Section 4(f) Property Description

Unnamed Open Space B (also known as Outlot A) is an approximately 49-acre open space located in Minnetonka, located generally south of Smetana Road, west of Green Circle Drive, north of Bren Road West, and east of Claremont Apartments (see Exhibit 6.6-5). Unnamed Open Space B is owned and operated by the City of Minnetonka. The open space is generally located between Bren Road West on the south, Smetana Road on the north, Green Circle Drive on the east, and private residential and commercial properties on the west. This parcel is designated as “Open Space” in the City of Minnetonka 2030 Comprehensive Plan (Figure IV-5) versus Open Space A, which is designated as “mixed use.” The City’s Plan notes that the purpose of “open spaces” is to preserve as many of the natural features of the land as possible.⁷

Unnamed Open Space B is predominantly naturally vegetated (e.g., wooded, riparian, and wetland features), with some areas of landscaping and pavement (i.e., roadway and trail segments that cross the property). The primary recreation features and attributes of Unnamed Open Space B are (1) the naturally vegetated areas of the property that make up the majority of the recreation area, and (2) segments of the Opus development area trail network, which is also a Section 4(f) property (see Section 6.6.1.4).

⁷ There is a covenant restricting the future use of this parcel to “parkland” or “open space” (see Deed Document No. 1260164). The covenant restriction will be addressed through the Council’s and MnDOT’s property acquisition process by implementing a real property condemnation process for the portion of Open Space B that will be permanently acquired for the Project. Open Space B also includes an easement for right-of-way across the northwest portion of the property, which includes an existing paved roadway by the Claremont Apartments to access Smetana Road. Other easements affecting the property include those for flowage rights of the City of Hopkins, drainage, and utilities.

EXHIBIT 6.6-4
Final Section 4(f) Evaluation – Flying Cloud Dog Park

LEGEND

- - - SWLRT Project Limits of Construction
- — — Proposed LRT Right-of-Way
- ▭ Flying Cloud Dog Park Boundary



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Southwest LRT FINAL EIS
Final Section 4(f) Evaluation
Flying Cloud Dog Park

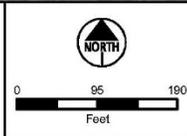
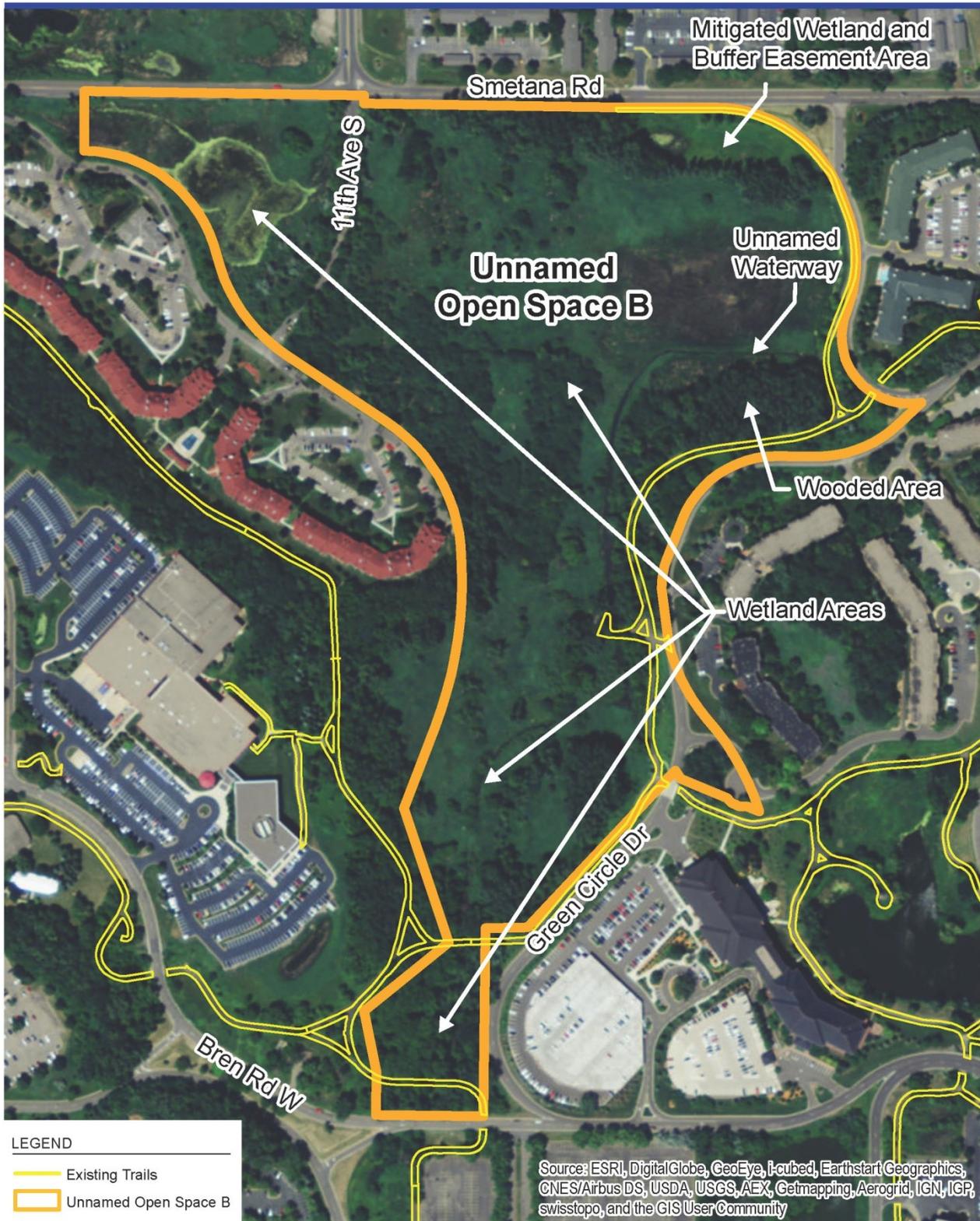


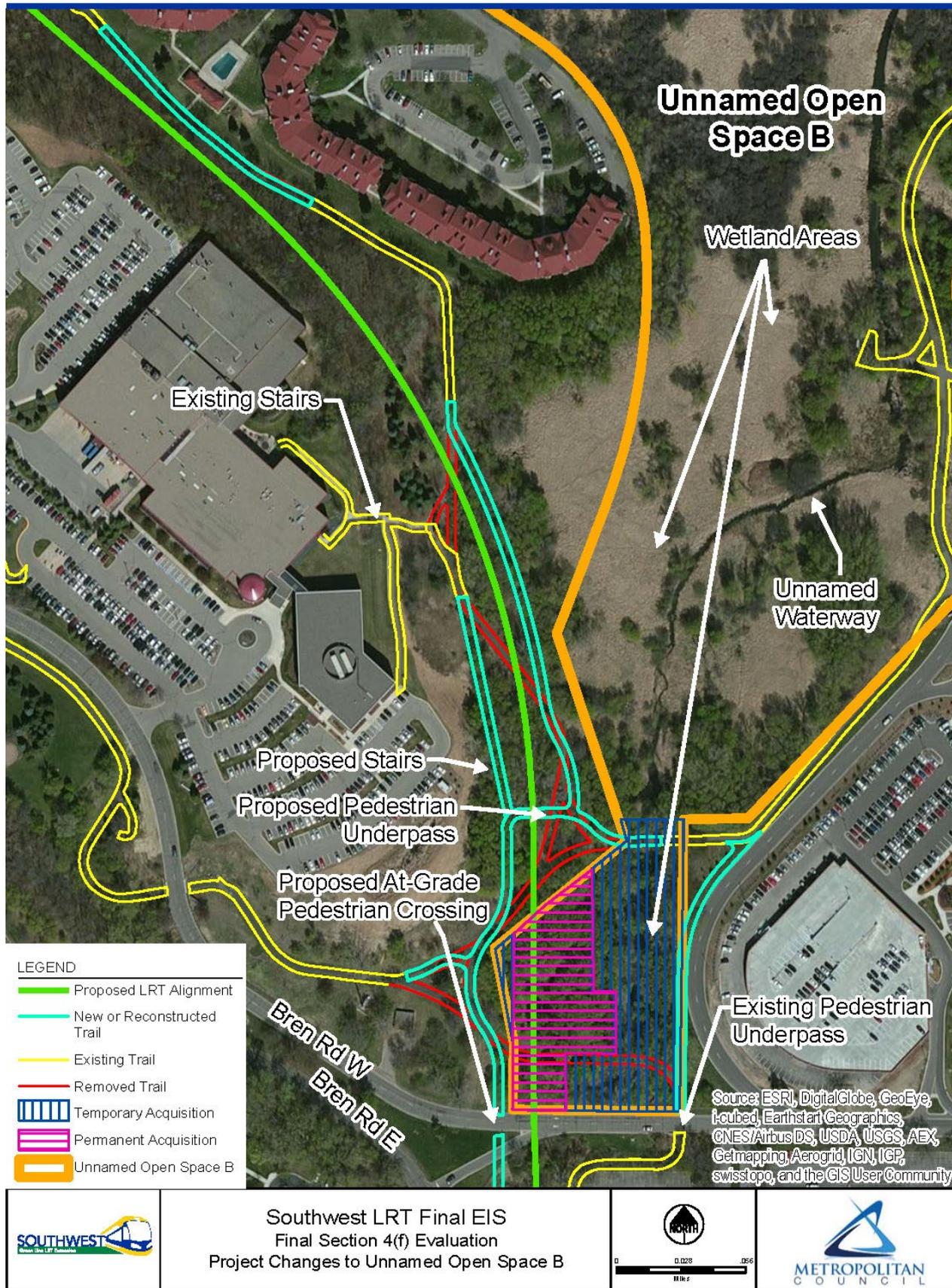
EXHIBIT 6.6-5A

Final Section 4(f) Evaluation – Unnamed Open Space B Boundary and Features



	<p>Southwest LRT Final EIS Final Section 4(f) Evaluation Unnamed Open Space B Boundary and Features</p>		
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EXHIBIT 6.6-5B
 Final Section 4(f) Evaluation – Project Changes to Unnamed Open Space B



The natural areas of Unnamed Open Space B are predominantly made up of the following: an established and functioning wetland in the northern portion of the property; a meandering minor waterway connecting to the wetland; and areas of natural woods, meadow and brush. These natural areas of the property attract an array of wildlife, which are also attracted to and move about and between other natural areas that are located on nearby private properties within the Opus development area. The recreational activities within Unnamed Open Space B that are related to those natural features include bird watching, wildlife viewing, native plant observation and identification, nature photography, picnicking, work breaks (from adjacent offices), solitude and contemplation, off-trail walking/hiking, and cross country skiing (weather permitting). Within Unnamed Open Space B there are a few park benches located adjacent to the trail segments that traverse the open space.

Additional recreation activities that occur within Open Space B are those that occur on the segments of the Opus development area trail network that pass through the property. Those recreation activities include walking, running, bicycling, nature and wildlife observation, cross country skiing, and other similar activities. The trail network is the primary way in which recreational users of Unnamed Open Space B access the property.

As Unnamed Open Space B is a publicly owned, publicly accessible recreation area of local significance, FTA considers Unnamed Open Space B to be a Section 4(f)-protected property. Consultation between City of Minnetonka and Project staff on design issues related to Open Space B has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, Project staff held a meeting with City staff on January 5, 2016,⁸ which focused on recreation areas owned and operated by the City of Minnetonka, the Section 4(f) process and documentation, and FTA's preliminary Section 4(f) determinations for the two City recreation areas addressed in this document.

B. Determination of Permanent Section 4(f) Use

As illustrated in Exhibit 6.6-5, the Project will result in a variety of permanent and short-term (construction-related) changes to Unnamed Open Space B, described as follows.

The Council will permanently acquire from the City of Minnetonka an approximately 1.0-acre portion of Unnamed Open Space B (approximately 2 percent, as illustrated on Exhibit 6.6-5). The acquired property will be incorporated into the Project for transportation purposes. In particular, the acquired portion of Unnamed Open Space B will be used by the Project for the following:

- A short section of the proposed light rail alignment, including a double crossover and grading required to accommodate the light rail alignment;
- A traction power substation and a double-crossover bungalow; and
- An access driveway between the substation/bungalow and Bren Road West.

Most of the natural areas of Unnamed Open Space B, which are predominantly located in the northern portion of the property, will not be directly affected by the Project. Those areas, such as the wetland, will not be altered by the Project, either permanently or temporarily. In addition, the proposed light rail alignment will generally be screened from view from those natural areas due to retained trees and existing residential buildings located between the proposed alignment and those natural areas.

The portion of the property that will be acquired by the Project includes some natural vegetation; however, that area is generally isolated from the larger natural areas located in the northern portion of the property. Further, the area that will be acquired by the Project has somewhat different attributes than the northern natural areas, in that it is directly bordered on three sides—by large commercial development immediately to the east and west and by an arterial roadway (Bren Road West) to the south. Additionally, some of the area to be acquired for the Project is currently landscaped, rather than naturally vegetated. Finally, over half the southern portion of the property will not be acquired for the Project and will be retained in City

⁸ See Section 6.7 for a more detailed description of the FTA's and the Council's Section 4(f) consultation process and activities.

ownership; this remaining area of the southern portion of Unnamed Open Space B will provide a vegetative buffer between a new trail segment on the southwest edge of the property and commercial development located to the west.

Project construction activities will be confined to the southern portion of Unnamed Open Space B. Those construction activities will predominantly occur within the area of Unnamed Open Space B that will be permanently acquired for the Project. Those construction activities will include clearing, grubbing, and grading, construction of the light rail alignment, new trail sections, the new traction power substation and signal bungalow, and revegetation of the site.

Some construction activities will also occur within the approximately 1.6 acres of Unnamed Open Space B located outside and immediately to the east of the area of the property to be permanently acquired for the Project. In general, those construction activities will be related to regrading that will be required to match the grading within the area to be permanently acquired, as well as the removal and replacement of trail segments. Those construction activities may also include the construction and removal of potential temporary trail connections.

Construction activities within Unnamed Open Space B will be closely coordinated with the City of Minnetonka to help avoid and minimize effects on recreational activities within the open space. The Council will also provide the City of Minnetonka and the public with ongoing notification of construction activities within the open space, such as the timing and location of heavy construction activities and trail detours. All areas of the remaining Unnamed Open Space B property that will be affected by Project construction activities will be restored to existing conditions or better and restoration plans will be developed and implemented in consultation with the City of Minnetonka.

Relative to the segments of the Opus development area trail network that traverse portions of Unnamed Open Space B, portions of the existing at-grade trail will be relocated to accommodate construction of the light rail alignment and other facilities. New sections of trail will be located within the remaining adjacent portion of Unnamed Open Space B, as illustrated on Exhibit 6.6-5. The realignment of the trails within the open space will ultimately be determined through continued consultation between FTA, the Council, and the City of Minnetonka, which will work to avoid, minimize, and mitigate impacts to the open space's Section 4(f)-qualifying activities, features, and attributes. As noted in Section 6.6.1.4, existing trail connections for portions of the Opus development area trail network that are within Unnamed Open Space B will be maintained in the long-term under the Project. Except for the potential for short-term trail closures to ensure trail user safety, all existing trail connections will be maintained during construction of the new trail alignment. During those short-term temporary trail closures, trail users will be provided with detour routes and information. Temporary trails may be constructed to allow for the removal of existing trail segments and construction of new trail segments.

FTA, the City of Minnetonka, and the Council have made efforts to help avoid, minimize, and mitigate impacts to Unnamed Open Space B, including participation in a Section 4(f) coordination meeting in January 2016. See Appendix I for the notes and materials from that meeting. In particular, the Project minimized the amount of area of the property needed to be acquired for transportation purposes and designed the modified trail network to ensure continued connections and minimal trail modifications. Further, the recreation activities that currently occur within the area unaffected by the Project in Unnamed Open Space B will be maintained both during and after construction of the Project. The Council also considered design modifications that would have located the traction power substation, double-crossover bungalow, and related access road outside of Unnamed Open Space B. Three alternate locations were identified in consultation with the City of Minnetonka, one west and two south of the proposed site within Unnamed Open Space B (immediately northwest of the proposed at-grade pedestrian crossing of Bren Road West and immediately across Bren Road West, respectively). In summary, depending on the particular site, the alternate sites were dismissed from further consideration because of a combination of the following: (1) conflicts with sanitary sewer, water and/or stormwater mains; (2) private property acquisitions; (3) conflicts with existing trails; (4) conflicts with sight lines between roadways and the proposed station area; and (5) conflicts with existing and planned parking facilities.

C. Section 4(f) Use Determination

Based on the design and analysis as described in this section, and consistent with the requirements of 23 CFR Part 774.5(b), FTA has determined, in coordination with the City of Minnetonka, that Project actions will not adversely affect the features, attributes, or activities that qualify Unnamed Open Space B for Section 4(f) protection. As such, FTA has concluded that Project actions will result in a Section 4(f) *de minimis* impact at Unnamed Open Space B, consistent with 23 CFR Part 774.17.

FTA, the Council, and the City of Minnetonka considered comments received during the public comment period for the Amended Draft Section 4(f) Evaluation that address the preliminary Section 4(f) *de minimis* impact determination for Unnamed Open Space B. Following the close of the public comment period on the Amended Draft Section 4(f) Evaluation and after consideration of the comments, FTA requested and received written concurrence from the City of Minnetonka prior to making this final *de minimis* use determination for this property (see Appendix I).

6.6.1.4 Opus Development Area Trail Network – *De Minimis* Impact Determination

A. Section 4(f) Property Description

The Opus development⁹ trail network is an approximately eight-mile (approximately 42,000 feet) length of trail corridor that generally serves the mixed-use Opus development area in Minnetonka, Minnesota (see Exhibit 6.6-6). In general, the Opus development trail network is owned and maintained by the City of Minnetonka. Portions of the trail network are on land owned fee simple by the City of Minnetonka (e.g., within Unnamed Open Space B); portions of the trail network are on land owned fee simple by a private entity or individual within an easement owned by the City of Minnetonka (e.g., south of the Claremont Apartments); and portions of the trail network are located on land owned fee simple by a private entity or individual.

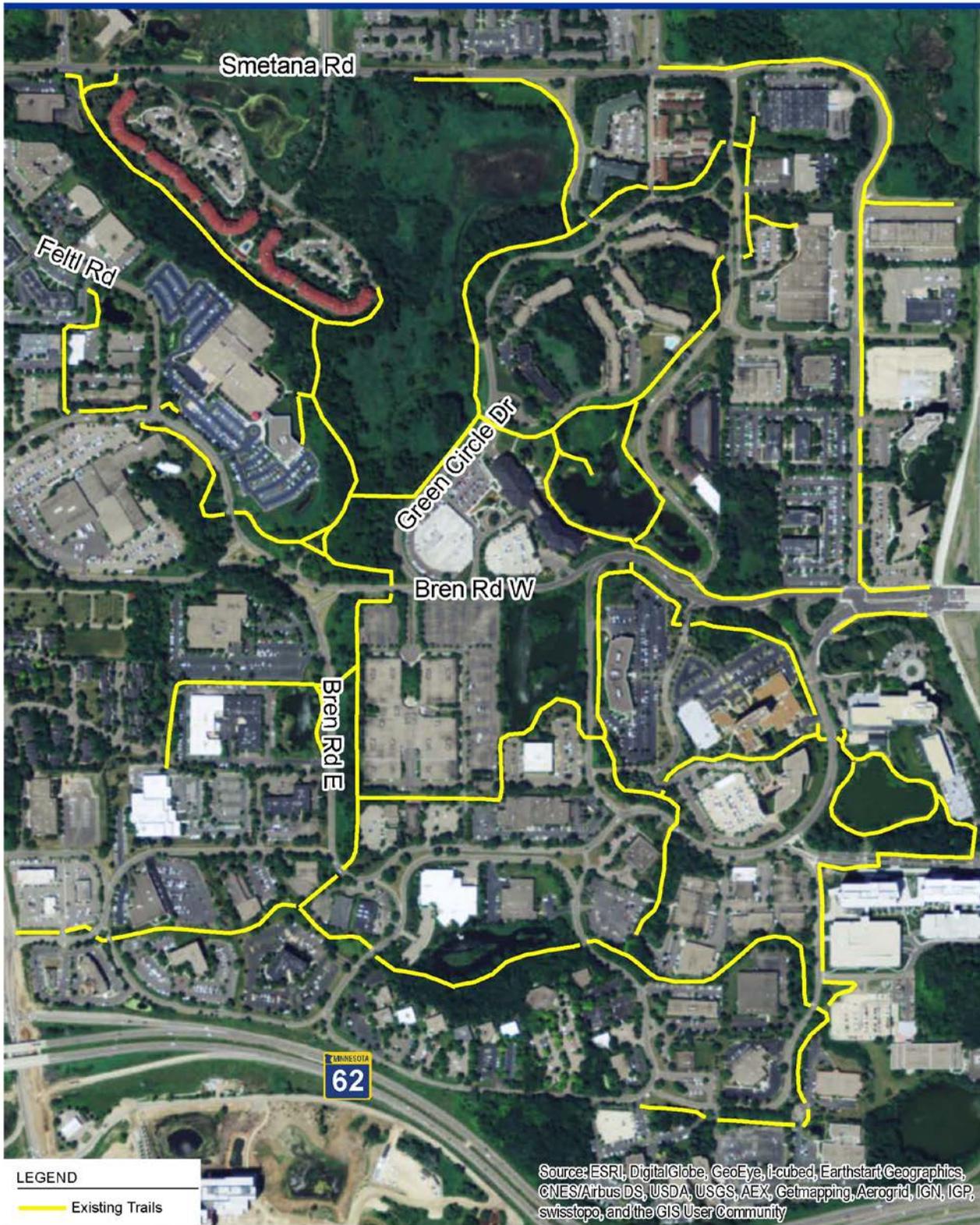
The Opus development area trail network is generally located between Smetana Road to the north, Highway 169 to the east, Highway 62 to the south, and Shady Oak Road to the west. The Opus development trail network was originally designed and constructed as an element of the Opus mixed use development, which includes office, retail, residential, institutional, recreation, and other uses. Overall, trails within the City of Minnetonka, including the Opus development area trail network, are designated as both a recreation and a transportation facility in the City Minnetonka 2030 Comprehensive Plan (Chapter VII – Parks, Open Space and Trail Plan; Figure VII-2 – Existing Trail System within the Comprehensive Plan; Chapter 8 – Transportation Plan).

The Opus development area trail network is a collection of trails that are generally paved with asphalt, with short sections of concrete pavement. Most of the trail network is at-grade, with some short sections of trails crossing under local roads. Maintaining and improving the road/trail grade separations are a priority of the City of Minnetonka. The primary recreation facilities within the Opus development area trail network are the trails themselves. There are scattered benches, picnic tables, directional signs, and the like that are located adjacent to the trail network and are utilized by trail users. Segments of the Opus development area trail network cross through and are included within Unnamed Open Space B, which is a Section 4(f) property (see Section 6.6.1.3 for additional information on Unnamed Open Space B). The primary recreation activities that occur within the Opus development area trail network occur on the trails themselves. Those recreation activities include walking, running, bicycling, nature and wildlife observation, cross-country skiing (conditions allowing), and other similar activities. There are also ancillary passive and active recreation activities occurring on other public and private recreation areas or open spaces that connect to the trail network, for example, where trail users stop to observe or use a recreation area or open space. Transportation activities also occur within the trail network, providing pedestrians and bicyclists with connections between residential, commercial retail, and other uses within and outside of the Opus development area. Much of the trail network is plowed of snow during the winter.

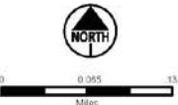
⁹ Which is formally known as Opus 2 Business Park.

EXHIBIT 6.6-6

Final Section 4(f) Evaluation – Opus Development Area Trail Network



LEGEND
 Existing Trails

	<p>Southwest LRT Final EIS Final Section 4(f) Evaluation Opus Development Area Trail Network</p>		
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As the Opus development area trail network is a publicly owned, publicly accessible recreation area of local significance, FTA considers the Opus development area trail network to be a Section 4(f)-protected property. Consultation between the City of Minnetonka and Project staff on design issues related to the Opus development area trail network has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, Project staff held a meeting with City staff on January 5, 2016,¹⁰ which focused on recreation areas owned and operated by the City of Minnetonka, the Section 4(f) process and documentation, and FTA's preliminary Section 4(f) determinations for the recreation areas.

B. Determination of Permanent Section 4(f) Use

As illustrated on Exhibits 6.6-7 and 6.6-8, the Project will result in a variety of permanent and short-term (construction-related) changes to the Opus development area trail network, described as follows.

The Council will permanently alter relatively short sections of the Opus development area trail network to accommodate the introduction of the light rail alignment, station, and related improvements (as illustrated on Exhibits 6.6-7 and 6.6-8). In general, alterations to the trail network by the Project will include removal of relatively short sections of paved trail to be replaced with new paved trail sections in different locations, resulting in a net increase in the size of the trail network. In summary, approximately 1.5 acres of existing trail will be removed and replaced with approximately 1.8 acres of new trail, resulting in a net increase of approximately 0.3 acres of trail. The Project will also maintain the number of trail undercrossings beneath roadways and will include a new trail undercrossing beneath the proposed light rail alignment. All alterations to the trail network will result in maintaining all connections currently provided through the Opus development area trail network. Each new trail segment will be designed and constructed to have the same or better physical and functional characteristics of the trail segment that it will replace. For example, new trail segments will be paved with asphalt where the current trail segment is paved with asphalt and a trail segment that is currently 10 feet wide will be replaced with a trail segment that is at least 10 feet wide. Specifications for the new replacement trail segments have and will be developed in consultation with the City of Minnetonka.

Some temporary construction activities associated with the Project will affect the Opus development area trail network within and directly adjacent to the segments of trail that will be removed and replaced with a new trail segment. Construction activities within the Opus development area trail network include grading, vegetation removal and replacement, repaving segments of the trail that will remain in place to match new trail segments, temporary trail connections and signage, and other activities associated with reconstruction of affected trails. The Project will provide the public and the City of Minnetonka with construction detour information. Further, the Project will restore all segments of the Opus development area trail network altered but not permanently moved by the Project (e.g., regrading a trail segment to match a new trail segment) to pre-construction conditions or better, based on specifications agreed to between the Council and the City of Minnetonka.

All existing trail connections provided by the Opus development area trail network will be maintained in the long-term under the Project. Except for the potential for short-term trail closures to ensure trail user safety during construction, all existing trail connections will be maintained during construction of the new trail. During those temporary trail closures, trail users will be provided with detour routes, signage, and other information as appropriate. Temporary trails may be constructed to allow for the removal of existing trail segments and construction of new trail segments. Construction activities within the Opus development area trail network will be closely coordinated with the City of Minnetonka to help avoid and minimize effects on recreational activities within the trail network. The Council will also provide the City of Minnetonka and the public with ongoing notification of construction activities within the trail network, such as the timing and location of trail detours.

¹⁰ See Section 6.7 for a more detailed description of the FTA's and the Council's Section 4(f) consultation process and activities.

EXHIBIT 6.6-7

Final Section 4(f) Evaluation – Project Changes to the Opus Development Area Trail Network (north of Bren Rd W)

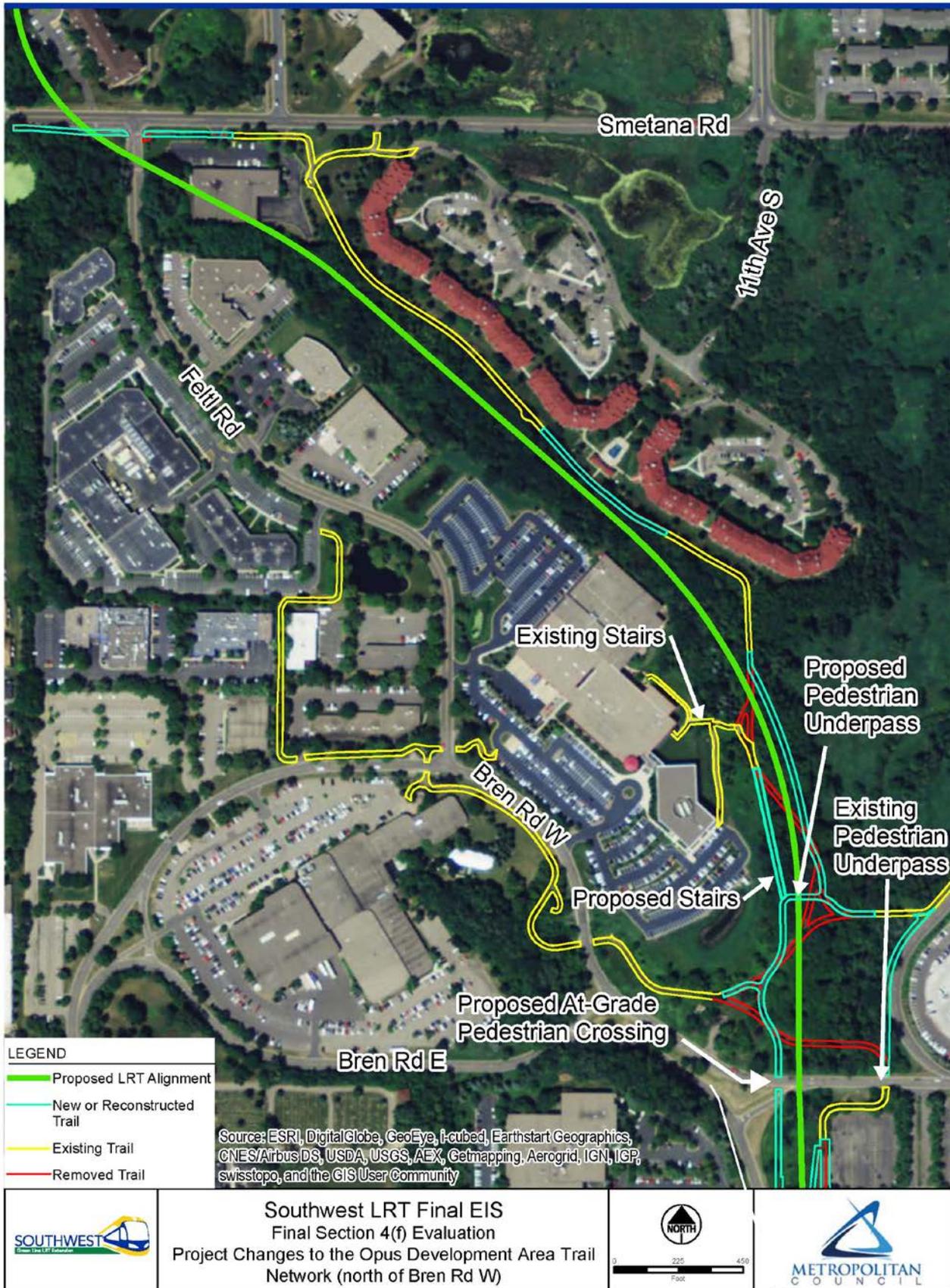
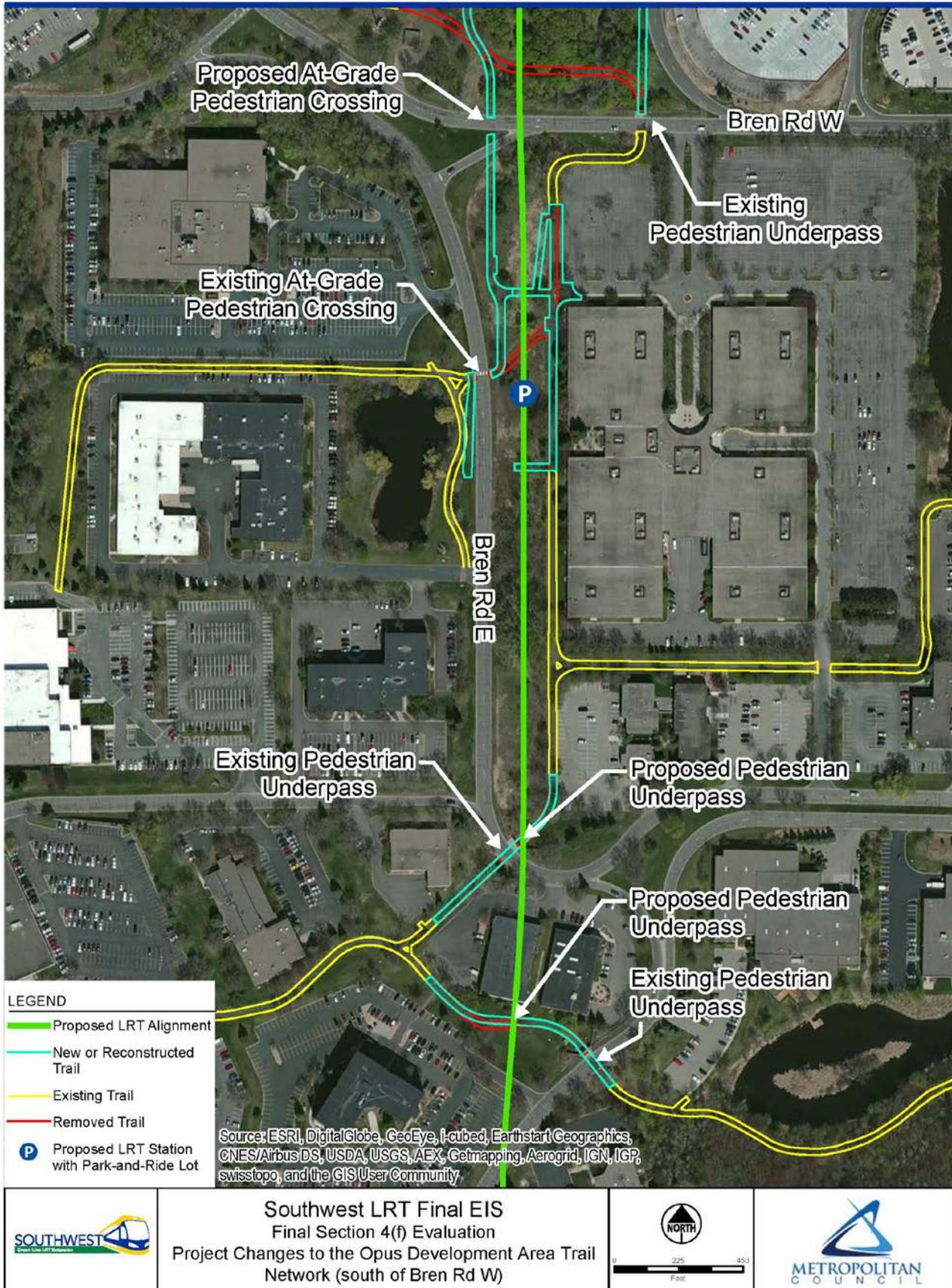


EXHIBIT 6.6-8

Final Section 4(f) Evaluation – Project Changes to the Opus Development Area Trail Network (south of Bren Rd W)



FTA, the City of Minnetonka, and the Council have made efforts to help avoid, minimize, and mitigate impacts to the Opus development area trail network, including participation in a Section 4(f) coordination meeting on January 5, 2016 (see Appendix I for copies of the notes and materials for that meeting). For the areas of the Opus development area trail network that will be permanently and temporarily affected by the Project, FTA, the City of Minnetonka, and the Council have coordinated to define ways to help avoid, minimize, and mitigate impacts to the open space. In particular, the Project minimized the amount of area of the trail network to be modified. Further, Project designs have and will ensure that all existing trail connections will be maintained during and after construction of the Project. In addition, the modifications to the trail network have avoided the removal of any existing trail undercrossings of roadways of trails within the network. Further, a new trail undercrossing of the proposed light rail alignment will be provided just north of Bren Road West. Finally, the design of the Project has and will continue to ensure that recreation activities that currently occur within the Opus development area trail network will be maintained both during and after construction of the Project.

C. Section 4(f) Use Determination

Based on the design and analysis as described in this section, and consistent with the requirements of 23 CFR Part 774.5(b), FTA has determined, in coordination with the City of Minnetonka, that Project actions will not adversely affect the features, attributes, or activities that qualify the Opus development area trail network for Section 4(f) protection. As such, FTA has concluded that Project actions will result in a Section 4(f) *de minimis* impact of the Opus development area trail network, consistent with 23 CFR Part 774.17.

FTA, the Council, and the City of Minnetonka considered comments received during the public comment period for the Amended Draft Section 4(f) Evaluation that addressed the preliminary Section 4(f) *de minimis* impact determination for the Opus development area trail network. Following the close of the public comment period on this Amended Draft Section 4(f) Evaluation and after consideration of the comments, FTA requested and received written concurrence from the City of Minnetonka prior to making this final *de minimis* impact determination for this property (see Appendix I).

6.6.1.5 Overpass Skate Park – No Section 4(f) Use Determination

A. Section 4(f) Property Description

The Overpass Skate Park is located at 100 Washington Avenue South in Hopkins, Minnesota. The approximately 0.4-acre park is under the Highway 169 bypass. The park has a variety of features for skateboard, inline skaters and BMX bikers, including piano banks, fun boxes, kinked rails, and staircases. Protective helmets and pads are also available. The park is seasonal and operates as weather permits – generally extending from May through October). Hours of operation are noon to dusk, weekends during spring and fall and seven days a week during the summer. There is a fee for park use, which is currently \$8.00 per day for non-residents, with a \$2.00 discount for residents. First-time users are required to sign a waiver, with parent signature required for those under the age of 18. The park is owned by the City of Hopkins and it is operated by 3rd Lair under a management agreement with the city. As the park is a publicly owned, publicly accessible park of local significance, Overpass Skate Park is considered by FTA to be a Section 4(f) protected property.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-9, the Project will not result in a permanent incorporation of land from Overpass Skate Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Overpass Skate Park during construction.

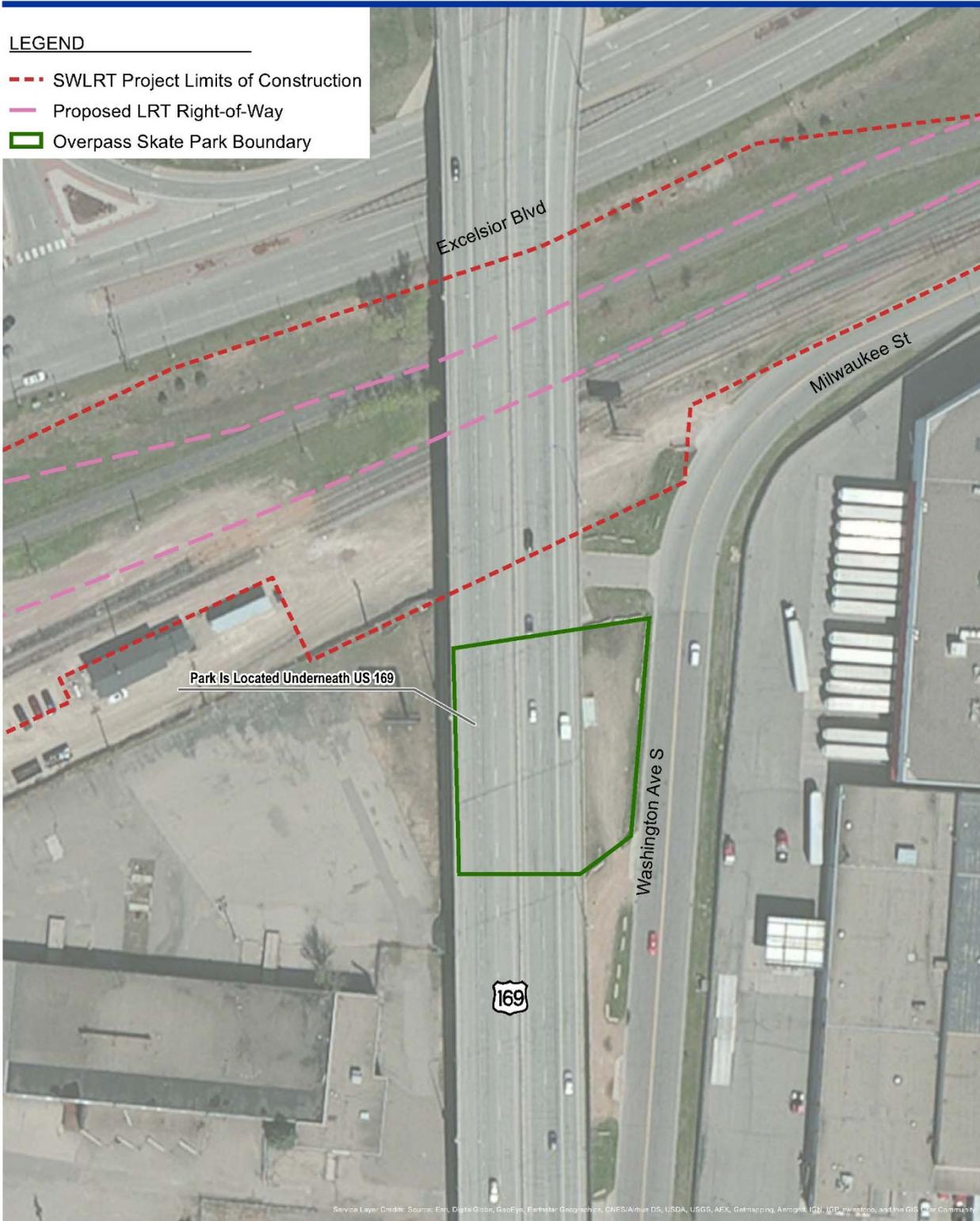
D. Determination of Constructive Section 4(f) Use

The Overpass Skate Park is not considered a sensitive noise receptor as it is an active recreation area and it is not part of a sensitive visual landscape unit. Therefore, the park will not be adversely affected by elevated

EXHIBIT 6.6-9
Final Section 4(f) Evaluation – Overpass Skate Park

LEGEND

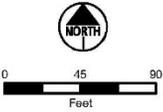
- - - SWLRT Project Limits of Construction
- - - Proposed LRT Right-of-Way
- Overpass Skate Park Boundary



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Southwest LRT FINAL EIS
Final Section 4(f) Evaluation
Overpass Skate Park



noise levels from the operation of light rail trains or the presence of new light rail facilities, such as tracks and overhead wires. Changes in development density in areas surrounding proposed light rail stations could result in an increase in Overpass Skate Park usage, which could have potential for both positive and negative consequences. The park will see an improvement in transit access, with the addition of the proposed Downtown Hopkins Station approximately one-third mile to the west. Vehicular, bicycle, and pedestrian access to the park will not change.

In summary, there will be no proximity impacts of the Project on Overpass Skate Park and thus the Southwest LRT Project will not substantially impair the qualifying activities, features, or attributes of the park. Therefore, FTA determined that there will be no Section 4(f) constructive use of Overpass Skateboard Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA determined that there will be no permanent or temporary Section 4(f) use of Overpass Skate Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Overpass Skate Park.

6.6.1.6 Edgebrook Park – No Section 4(f) Use Determination

A. Section 4(f) Property Description

Edgebrook Park is located at 3920 Pennsylvania Avenue South in St. Louis Park, Minnesota, immediately north of and paralleling the Cedar Lake Trail, generally between Brookview Drive and Taft Avenue South. The approximately 1.3-acre park includes a play structure, basketball courts, and access to Cedar Lake Trail. During the winter, the park houses a figure lighted skating rink. The park is owned and managed by the City of St. Louis Park. As the park is a publicly owned, publicly accessible park of local significance, Edgebrook Park is considered by FTA to be a Section 4(f) protected property.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-10, the Project will not result in a permanent incorporation of land from Edgebrook Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Edgebrook Park during construction.

D. Determination of Constructive Section 4(f) Use

While light rail trains will be audible from within the park, Edgebrook Park is not considered a sensitive noise receptor under FTA noise guidelines, as it is an active recreation area. Therefore, under FTA noise criteria there will be no noise impact to the park under the Project. While light rail trains and light rail improvements (e.g., tracks, overhead wires) will be visible from within the park under the Project, this change in the visual setting of the park will not adversely affect the activities, features, or attributes of the park. Changes in development density in areas surrounding proposed light rail stations could result in an increase in Edgebrook Park usage, which could have potential for both positive and negative consequences. The park will see an improvement in transit access, with the addition of the proposed Louisiana Station approximately one-third mile to the east. Vehicular, bicycle, and pedestrian access to the park will not change.

In summary, there will be no proximity impacts of the Project on Edgebrook Park and thus the Southwest LRT Project will not substantially impair the qualifying activities, features, or attributes of the park. Therefore, FTA has determined that there will be no Section 4(f) constructive use of Edgebrook Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Edgebrook Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Edgebrook Park.

6.6.1.7 Isaak Walton League Creekside Park – No Section 4(f) Use Determination**A. Section 4(f) Property Description**

Isaak Walton League Creekside Park is located at 7341 Oxford Street in St. Louis Park, Minnesota, immediately north of Minnehaha Creek. The approximately 1.8-acre park includes a canoe landing, an off-street parking lot, trail access, and outdoor cooking grills. The park is owned and managed by the City of St. Louis Park. As the park is a publicly owned, publicly accessible park of local significance, Isaak Walton League Creekside Park is considered by FTA to be a Section 4(f) protected property.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-11, the Project will not result in a permanent incorporation of land from Isaak Walton League Creekside Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Isaak Walton League Creekside Park during construction.

D. Determination of Constructive Section 4(f) Use

Due to existing buildings and vegetation between the park and the proposed light rail alignment, the Southwest LRT Project will not change the visual setting of the park. Although some sound from light rail trains will be audible from within the park, the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Therefore, under FTA noise criteria there will be no noise impact to the park under the Project. Changes in development density in areas surrounding proposed light rail stations could result in an increase in Isaak Walton League Creekside Park usage, which could have potential for both positive and negative consequences. The park will see an improvement in transit access, with the addition of the proposed Louisiana Station approximately one-quarter mile to the east. Vehicular, bicycle, and pedestrian access to the park will not change.

In summary, there will be no proximity impacts of the Project on Isaak Walton League Creekside Park and thus the Southwest LRT Project will not substantially impair the qualifying activities, features, or attributes of the park. Therefore, FTA has determined that there will be no Section 4(f) constructive use of Isaak Walton League Creekside Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Isaak Walton League Creekside Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Isaak Walton League Creekside Park.

6.6.1.8 Jorvig Park – No Section 4(f) Use Determination**A. Section 4(f) Property Description**

Jorvig Park is located at 6100 West 37th Street in St. Louis Park, northwest of the intersection of Brunswick Avenue South and West 37th Street and immediately south of the Bass Lake Spur. The approximately 0.6 acre park includes a play structure, horseshoe pits, picnic tables, and outdoor cooking grills. The park also houses a relocated historic train depot (i.e., the Chicago, Milwaukee, St. Paul and Pacific Railroad Depot – see resource HE-SLC-008 in Section 3.5 for more information). The park is owned and maintained by the City of St. Louis Park. As the park is a publicly owned, publicly accessible park of local significance, Jorvig Park is considered by FTA to be a Section 4(f) protected property.

EXHIBIT 6.6-10
Final Section 4(f) Evaluation – Edgebrook Park

LEGEND

- - - SWLRT Project Limits of Construction
- — — Proposed LRT Right-of-Way
- Edgebrook Park Boundary



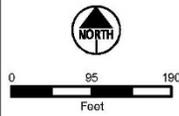
	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Edgebrook Park</p>		
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EXHIBIT 6.6-11

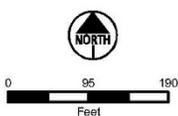
Final Section 4(f) Evaluation – Isaak Walton League Creekside Park

LEGEND

- - - SWLRT Project Limits of Construction
- Proposed LRT Right-of-Way
- Isaak Walton League Creekside Park Boundary



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, GsatImaging, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Isaak Walton League Creekside Park</p>		
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B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-12, the Project will not result in a permanent incorporation of land from Jorvig Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Jorvig Park during construction.

D. Determination of Section 4(f) Constructive Use

Existing bicycle, pedestrian, and vehicular access to Jorvig Park will be maintained under the proposed Project. The proposed Wooddale Station is within walking distance of Jorvig Park, thereby providing improved transit access to the park. Although the sound of light rail trains will be audible from within the park, the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Changes in development density in areas surrounding the proposed light rail station could result in an increase in Jorvig Park usage, which could have potential for both positive and negative consequences. The Project will result in changes in the park's setting and a visitor's visual experience through the introduction of the light rail alignment immediately north of the park. The visual changes and impacts will not alter or impair the overall use or function of the park.

In summary, the proximity impacts of the Project on Jorvig Park will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Jorvig Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Jorvig Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Jorvig Park.

6.6.1.9 Lilac Park – No Section 4(f) Use Determination**A. Section 4(f) Property Description**

Lilac Park (originally Roadside Park) is located immediately north of the Bass Lake Spur, east of Highway 100. The approximately 2.7-acre park is accessed by a service road that connects to Beltline Boulevard and by a connecting bicycle path. The park includes a relocated and restored "Beehive" stone structure that houses three non-functional fireplaces, limestone picnic tables, "council ring" and fire pit, bicycle racks, trash receptacles, and an information kiosk. The park was restored by the City of St. Louis Park and others in 2009. As the park is a publicly owned, publicly accessible park of local significance, Lilac Park is considered by FTA to be a Section 4(f) protected property.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-13, the Project will not result in a permanent incorporation of land from Lilac Park – as such, there will not be a Section 4(f) permanent use of the property.

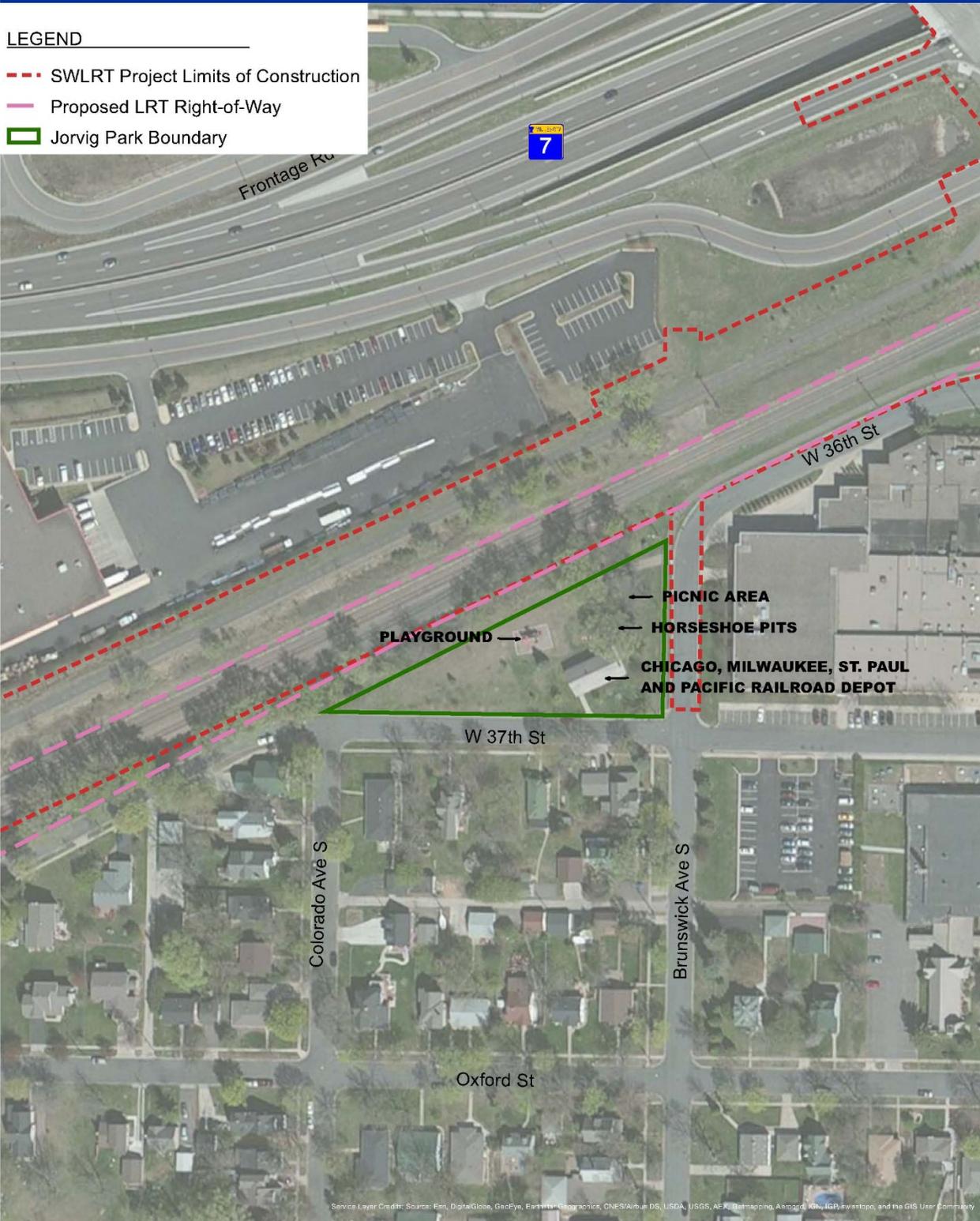
C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Lilac Park during construction.

D. Determination of Constructive Section 4(f) Use

Existing bicycle, pedestrian, and vehicular access to the park will be maintained under the proposed Project. Although the sound of light rail trains will be audible from within the park, the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Changes in development density in areas surrounding the proposed light rail station could result in an increase in Lilac Park usage, which could have potential for both positive and negative consequences. The

EXHIBIT 6.6-12
Final Section 4(f) Evaluation – Jorvig Park



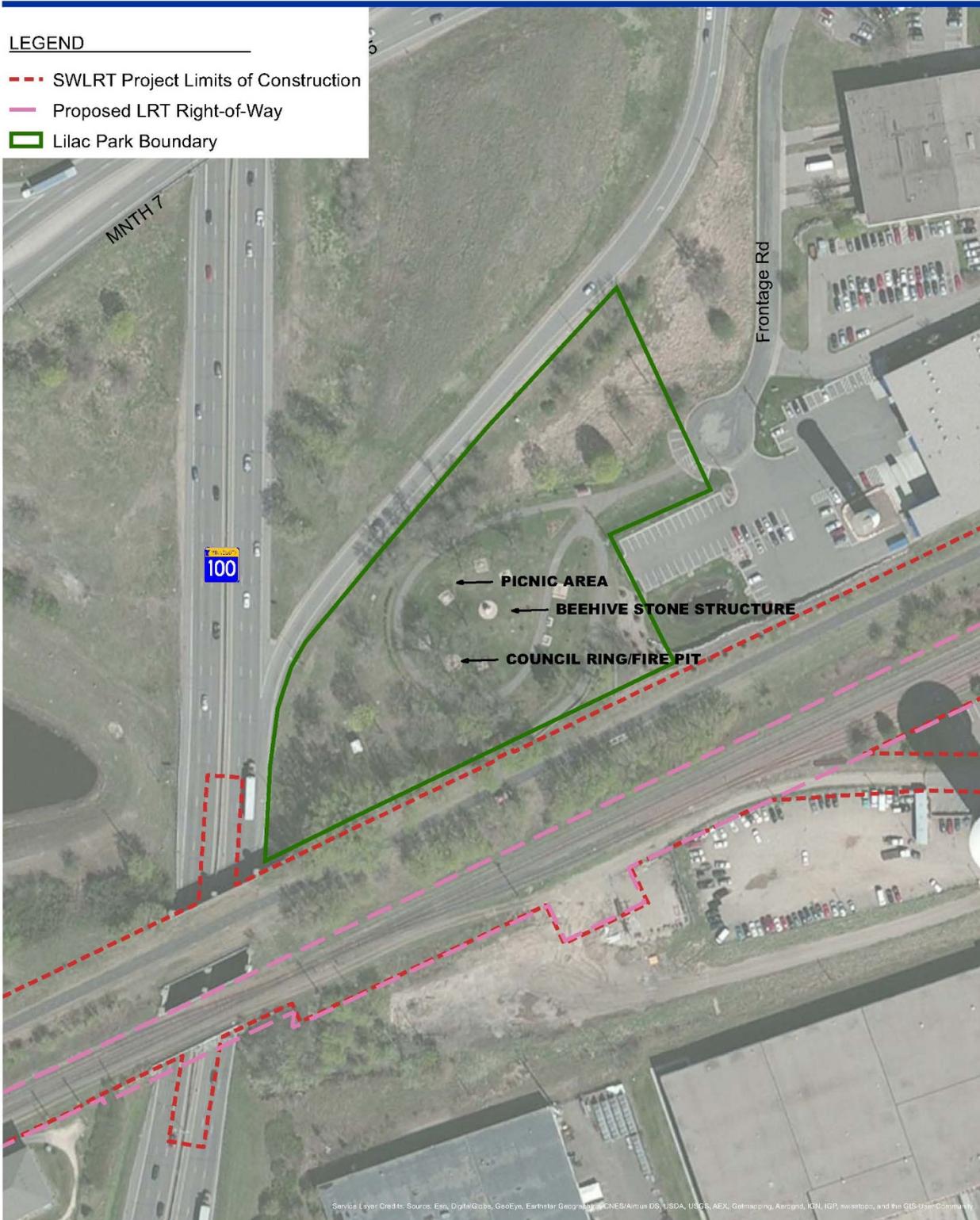
Service Layer Credits: Sources: Esri, DigitalGlobe, GeoEye, Earthstar, GeoGraphics, CNES/Airbus DS, USDA, USGS, AeroX, DeLorme, Aerial, IGN, IGP, swastopo, and the GIS User Community

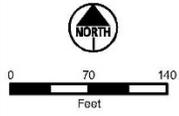
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EXHIBIT 6.6-13
Final Section 4(f) Evaluation – Lilac Park

LEGEND

- - - SWLRT Project Limits of Construction
- - - Proposed LRT Right-of-Way
- ▭ Lilac Park Boundary



	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Lilac Park</p>		
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Project will result in changes in the park's setting and a visitor's visual experience through the introduction of the light rail alignment immediately south of the park. The visual changes and impacts will not alter or impair the overall use or function of the park.

In summary, the proximity impacts of the Project on Lilac Park will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Lilac Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Lilac Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Lilac Park.

6.6.1.10 Alcott Triangle – No Section 4(f) Use Determination

A. Section 4(f) Property Description

Located at the junction of St. Louis Avenue and West 29th Street in Minneapolis, Alcott Triangle is an approximately 0.3 acre park owned and managed by the MPRB. The park has limited facilities, including trees, a bench, picnic table, and waste can. The park is primarily used for picnicking, walking, and open space. As the park is a publicly owned, publicly accessible park of local significance, Alcott Triangle is considered by FTA to be a Section 4(f) protected property. See the MPRB information request letter in Appendix I for further information about Alcott Triangle. Consultation between MPRB, City of Minneapolis, and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held meetings with MPRB staff focused on parks owned and operated by the MPRB, the Section 4(f) process and documentation, and FTA's determination for the park on February 13 and March 6, 2015.¹¹

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-14, the Project will not result in a permanent incorporation of land from Alcott Triangle – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Alcott Triangle during construction.

D. Determination of Constructive Section 4(f) Use

Existing bicycle, pedestrian, and vehicular access to the park will be maintained under the proposed Project. Although the sound of light rail trains will be audible from within the park, the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Changes in development density in areas surrounding the proposed light rail station could result in an increase in Alcott Triangle usage, which could have potential for both positive and negative consequences. The Project will result in changes in the park's setting and a visitor's visual experience through the introduction of the light rail alignment immediately south of the park. The visual changes and impacts will not alter or impair the overall use or function of the park.

In summary, the proximity impacts of the Project on Alcott Triangle will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Alcott Triangle under the Project, consistent with 23 CFR Part 774.15(a).

¹¹ See Section 6.7 for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Alcott Triangle under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of Alcott Triangle.

6.6.1.11 Park Siding Park – No Section 4(f) Use Determination**A. Section 4(f) Property Description**

Park Siding Park is located between the Kenilworth Corridor, Dean Court, and West 28th Street. Under the Project, the proposed light rail alignment will be located west of the park. Park Siding Park is owned and managed by the MPRB. Facilities within the 1.4-acre park include two play areas with various in-place playground equipment, a picnic area, benches, bicycle parking, ornamental lighting and fencing, and a pergola seating area. Recreational activities within the park include picnicking, a stopover point for users of nearby multiple use paths, and child's play area. As the park is a publicly owned, publicly accessible park of local significance, Park Siding Park is considered by FTA to be a Section 4(f)-protected property. See the MPRB information request letter in Appendix I for further information about Park Siding Park. Consultation between MPRB, City of Minneapolis, and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held meetings with MPRB staff focused on parks owned and operated by the MPRB, the Section 4(f) process and documentation, and FTA's determination for the park on February 13 and March 6, 2015.¹²

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-15, the Project will not result in a permanent incorporation of land from Park Siding Park – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

The Southwest LRT Project's Draft Section 4(f) Evaluation includes the finding that LRT 3A-1 will require construction activities that will have resulted in the temporary occupancy of approximately 0.016 acre of the park by the project to construct and remove a temporary detour trail associated with construction of the proposed light rail alignment. Through additional design refinement, the Council has determined that the Southwest LRT Project will be constructed without requiring a temporary trail detour into Park Siding Park, thus avoiding the approximately 0.016 acre temporary occupancy anticipated in the Draft Section 4(f) Evaluation. As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of Lilac Park during construction.

D. Determination of Constructive Section 4(f) Use

Existing bicycle, pedestrian, and vehicular access to the park will be maintained under the proposed Project. Because the light rail alignment will be in a tunnel in the vicinity of Park Siding Park, the sound of light rail trains will not be noticeable from within the park and the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Changes in development density in areas surrounding the proposed light rail station could result in an increase in Park Siding Park usage, which could have potential for both positive and negative consequences. The Project will result in changes in the park's setting and a visitor's visual experience through the construction of the light rail tunnel and reconstruction of the existing freight rail tracks and bicycle and pedestrian path in HCRRA right-of-way just south of the park. The primary visual change will be the removal and replacement of existing vegetation in the HCRRA right-of-way. A landscaping plan for the area is currently under development, which includes the participation of the MPRB staff. The visual changes and impacts resulting from the Project will not alter or impair the overall use or function of the park.

¹² See Section 6.7 for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

EXHIBIT 6.6-14
Final Section 4(f) Evaluation – Alcott Triangle

LEGEND

- - - SWLRT Project Limits of Construction
- — — Proposed LRT Right-of-Way
- ▭ Alcott Triangle Boundary



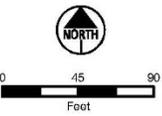
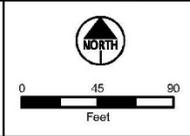
	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Alcott Triangle</p>		
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EXHIBIT 6.6-15
Final Section 4(f) Evaluation – Park Siding Park



Southwest LRT FINAL EIS
Final Section 4(f) Evaluation
Park Siding Park



In summary, the proximity impacts of the Project on Park Siding Park will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Park Siding Park under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of Park Siding Park under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Park Siding Park.

6.6.1.12 Kenilworth Channel/Lagoon (as an Element of the Minneapolis Chain of Lakes Regional Park) – De Minimis Determination

A. Property Description

The Kenilworth Channel/Lagoon¹³ is an element of the Minneapolis Chain of Lakes Regional Park.¹⁴ The Kenilworth Channel/Lagoon connects Cedar Lake and Lake of the Isles, which are also part both of the Minneapolis Chain of Lakes Regional Park. The approximately 10.3-acre waterway and banks were constructed by the MPRB in the early 1900s, replacing a meandering creek. Construction of the waterway allowed the elevations of Cedar Lake and Lake of the Isles to equalize and for watercraft to freely move between the two lakes (and ultimately throughout the lakes that are encompassed by the Minneapolis Chain of Lakes Regional Park).

While most of the land making up the Kenilworth Channel/Lagoon is owned fee simple by the MPRB, two areas approximately mid-point in the channel/lagoon (within the Kenilworth Corridor and where the corridor crosses the channel/lagoon) are owned fee simple by BNSF and HCRRRA. Within those two areas (i.e., the portions of the channel/lagoon owned fee simple by BNSF and HCRRRA), the MPRB owns, for park purposes, a permanent easement for a right-of-way for a canal connecting Lake of the Isles and Cedar Lake.

Recreational features within the channel/lagoon include the large curved lagoon to the east of the Kenilworth Corridor and the narrow and relatively straight channel to the west of the Kenilworth Corridor. Most of the area around the lagoon has relatively long and gently sloping grass banks, where the banks of the channel are generally steeper, narrower, and have some remaining wood and stone retaining walls. The channel typically free-flows during late spring, summer and early fall months and it is typically frozen during late fall, winter, and early spring months. During summer months, activities through the waterway include canoeing, kayaking, and paddle boarding (docks are provided at several locations within the Chain of Lakes Regional Park and rentals are provided on Lake Calhoun). During winter months, activities through the frozen waterway include cross country skiing, snowshoeing, fat-tire biking, and walking. Weather and ice/snow conditions permitting, a groomed cross country ski trail is maintained in the Chain of Lakes Park during mid-winter months. The annual City of Lakes Loppet Cross Country Ski Festival, which encompasses much of the Chain of Lakes Regional Park and passes through the Kenilworth Channel/Lagoon, typically occurs within early February, weather and ice/snow conditions permitting. The event, which is organized by a non-profit foundation and which includes a wide variety of activities, spans a weekend, and attracts

¹³ FTA, MnHPO, and the Council have also identified the Kenilworth Lagoon as a historic property, as a contributing element of the Grand Rounds Historic District, similar to but distinct from the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park. The historic and park properties are treated separately within this draft Section 4(f) Evaluation Update as they have somewhat different boundaries, different Section 4(f) qualifying characteristics, and different officials with jurisdiction. See the *Kenilworth Lagoon Historic Property and Kenilworth Channel/Lagoon Park Property Section 4(f) Classification Technical Memorandum* in Appendix I of this Final EIS for more detail. See Section 6.6.2.15 for the Section 4(f) analysis for the Kenilworth Lagoon historical property.

¹⁴ The approximately 1555.3-acre Minneapolis Chain of Lakes Regional Park encompasses the following: Lake Harriet, Lyndale Park, Lyndale Farmstead, Lake Calhoun, Lake of the Isles, Cedar Lake and Brownie Lake (and waterway connections between the lakes). Per annual use estimates by the MPRB, approximately 5,361,200 people visited the Minneapolis Chain of Lakes Regional Park in 2012.

approximately 10,000 participants. Activities on the northern grassy banks of the lagoon, between West Lake of the Isles Parkway and South Upton Avenue, include picnicking, walking, sightseeing, wildlife viewing, and passive relaxation.

As the park is a publicly owned, publicly accessible park of local significance, the Kenilworth Channel/Lagoon is considered by FTA to be a Section 4(f)-protected property. Consultation between MPRB, City of Minneapolis, and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held meetings with MPRB staff focused on parks owned and operated by the MPRB, the Section 4(f) process and documentation, and FTA's determination for the park on February 13 and March 6, 2015.¹⁵ See the MPRB information request letter and response provided in Appendix I for further information about the Kenilworth Channel/Lagoon.

B. Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use

The Project will result in changes to the facilities currently located within the Kenilworth Channel/Lagoon, including the following (see Exhibit 6.6-16A/B):

- Removal of the two existing wood bridges, supported by wood piers in the channel, that carry the existing freight rail tracks and multipurpose trail across the waterway;
- Construction of three new separate bridges with new supporting piers in the channel, with a combined bridge width that will be approximately double that of the existing wood bridges (to carry freight rail and light rail tracks and the multipurpose trail); and
- Modifications to the topographical features, vegetation, and WPA-era retaining walls of the channel that will be needed to accommodate the new bridges.

The proposed light rail improvements and modifications to the freight rail and trail alignments will occur within approximately 0.3 acre of the approximately 10.3-acre Kenilworth Channel/Lagoon (see Exhibit 6.6-16B). See Section 6.6.2.15 for visual simulations reflecting the proposed designs of the bridges.

Under the Project, the Council will acquire the right-of-way within the Kenilworth Corridor from BNSF and HCRRRA. The existing recreational easement owned by the MPRB that is attached to the BNSF and HCRRRA rights-of-way will remain unchanged. In the long-term, the existing recreational activities, features, and attributes within the Kenilworth Channel/Lagoon will not be adversely affected under the Project and the horizontal clearances between the banks and the new piers will be of sufficient width to accommodate recreational activities that occur within the channel/lagoon. Further, the project will not have an adverse effect on the activities, features, or attributes qualifying the easement for protection under Section 4(f). Removal of the existing bridges and construction of the new bridges will allow for the continuation of park uses and recreational activities within the easement – recreational watercraft will be able to utilize the channel connection between Cedar Lake and Lake of the Isles in the same manner they do currently.

As noted in Section 3.7, the Project will affect the view within the Kenilworth Channel/Lagoon; however, the assessment is that the overall level of visual impact will be low.¹⁶ The existing and immediately adjacent trail vegetation within this corridor, as seen in this view, will be removed. The vegetation removal is necessary to accommodate the aboveground segment of the light rail alignment as it approaches the lagoon crossing. The freight line will also be shifted to the north. Fencing will be installed on both sides of the bike/pedestrian trail corridor. Reduction in the tree masses, again immediately adjacent to the trail, and elimination of the existing split rail fencing along the trail, will reduce the vividness of the view. There will be a slight reduction in visual intactness and a limited reduction in visual unity. The reduction in the visual quality of this view will be moderate. As in other areas along the Kenilworth Corridor, the level of visual sensitivity is high.

¹⁵ See Section 6.7 for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

¹⁶ Based on the FHWA visual guidelines and the Project's preliminary engineering plans. See Section 3.7 for additional information on the Project's visual and aesthetic analysis.

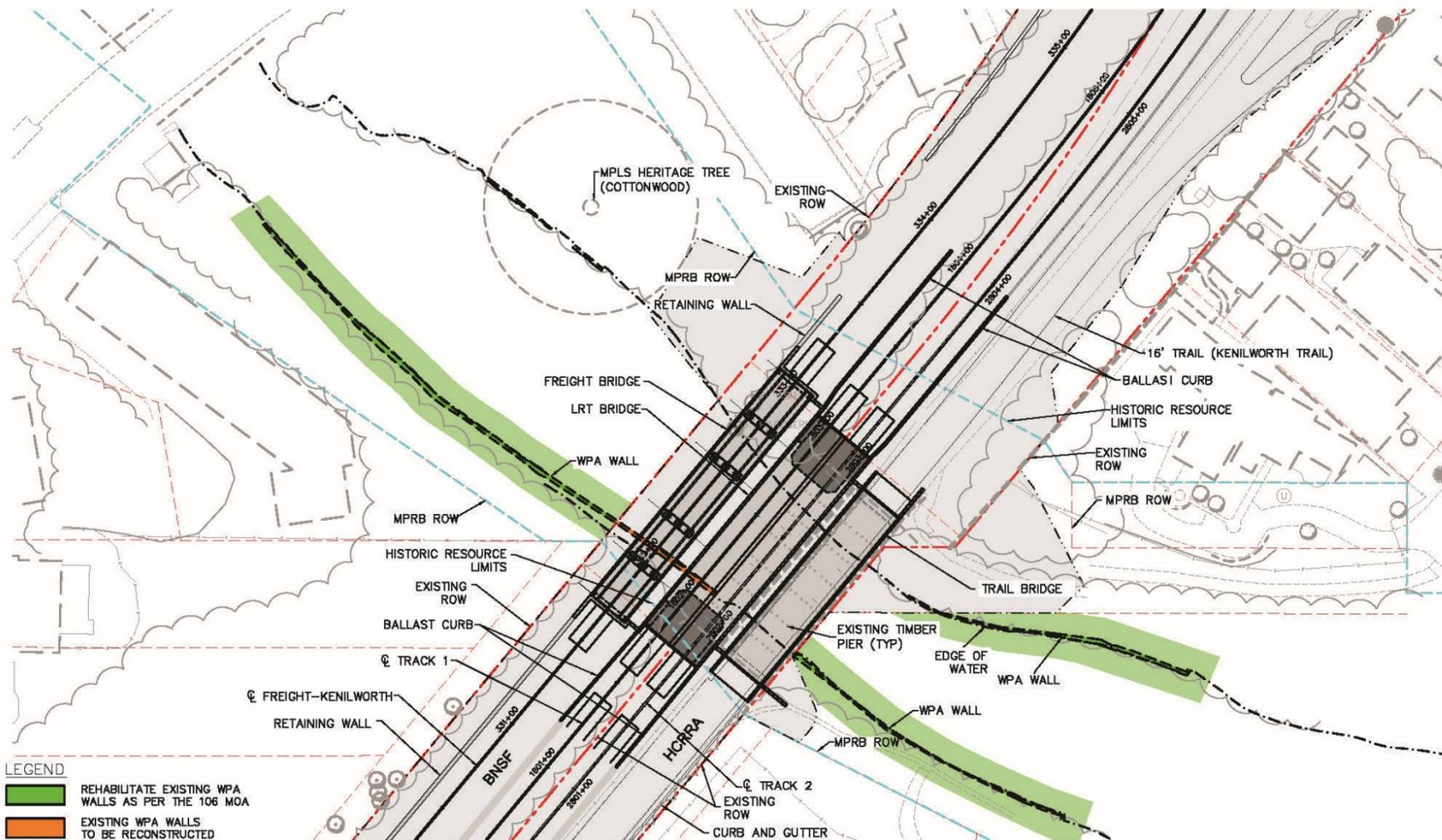
EXHIBIT 6.6-16A

Final Section 4(f) Evaluation – Kenilworth Channel/Lagoon Recreational Resource (element of the Minneapolis Chain of Lakes Regional Park)



EXHIBIT 6.6-16B

Final Section 4(f) Evaluation – Proposed Kenilworth Channel/Lagoon Freight Rail, Light Rail, and Trail Bridges — Plan View



DRAFT - WORK IN PROCESS

	<p>Southwest LRT Final EIS Final Section 4(f) Evaluation Proposed Kenilworth Lagoon Freight Rail, Light Rail, And Trail Bridges Plan View</p>	
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Because the visual sensitivity of this view is high and the change in the level of visual quality will be moderate, the level of visual impact will be moderate.

The Project does not anticipate any disruption to winter activities, such as cross-country skiing, related to a potential reduction in snow underneath the three channel spans (i.e., new bridges east to west: freight, LRT, and bicycle/pedestrian), because gaps between each of the three new bridges will allow direct and blowing snow onto the channel below and the ability of the channel to freeze during winter conditions will not be altered by the presence of the new bridges.

The Kenilworth Channel/Lagoon will also be affected by light rail-generated noise as light rail vehicles will cross the waterway on a new bridge (see Section 3.12 for additional information on noise impact methods, terminology, impacts, and mitigation). For the noise analysis, two separate areas of the Channel/Lagoon were identified as sensitive noise receptors. First, the waterway itself (termed the Kenilworth Channel in the noise analysis) was classified as a Category 3 land use. That area of the Kenilworth Channel Lagoon (approximately 40 feet on either side of the proposed light rail alignment) would have a Moderate noise impact based on FTA's light rail noise criteria without any mitigation measures. Mitigation measures to address the projected Moderate noise impacts in the Kenilworth Channel/Lagoon without mitigation are included in the Project's Section 106 Memorandum of Agreement and will be included in the Project when it is constructed (see Appendix H). The mitigation measure at this location will be a two-foot-high noise barrier (i.e., parapet wall) above the top of the rail on both sides of the LRT bridge, along with rail dampers on both tracks, extending 150 feet in each direction from the center of the LRT bridge (300 feet total). This mitigation measure will reduce noise levels at the channel/lagoon, resulting in a moderate noise impact to the Kenilworth Channel/Lagoon.

Second, the northern bank of the lagoon, generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail tracks and the western point of the Category 1 land use, noise levels under the Project at that location will not exceed FTA's Severe or Moderate criteria.

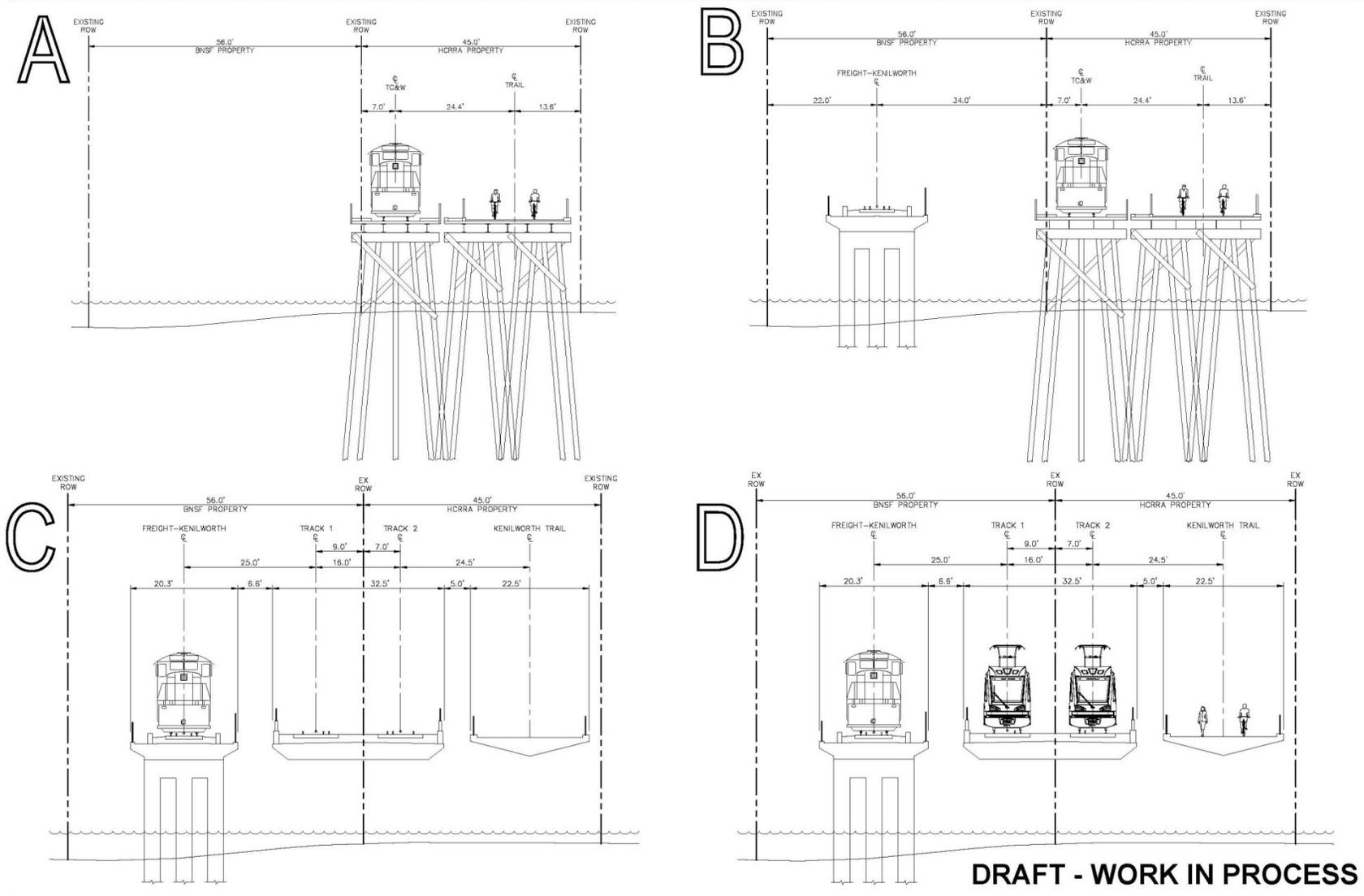
Under the Project, construction activities within the easement area will occur to allow for the removal of the two existing wood bridges and construction of the three new bridges. Those construction activities will require temporary closure/s of the lagoon for safety, and minimization and mitigation measures related to the closure/s have been developed, with MPRB consultation, and are included in the project's Section 106 Memorandum of Agreement (see Appendix H). Exhibit 6.6-17 illustrates the general construction sequence that will be used to construct the new bridges over the Kenilworth Channel/Lagoon.

The FTA, Council, and MPRB considered alternatives and design adjustments to avoid or minimize the use of the Kenilworth Channel/Lagoon. Those avoidance alternatives and minimization design adjustments are described in greater detail in Section 6.6.2.15, under the discussion of the non-*de minimis* use of Kenilworth Lagoon, the Section 106 historic property. In summary, the No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified and neither of them would be prudent because they would not meet the project's purpose and need. Further, the Council and the MPRB independently developed and evaluated design adjustments that would have placed the proposed light rail alignment in a tunnel under the Kenilworth Channel/Lagoon using cut-and-cover and jacked-box tunnel construction techniques, respectively. Those analyses both concluded that the design adjustments will not be prudent due to substantial cost increases and delays in project benefits resulting from protracted construction schedules required to construct the tunnel segments under the Kenilworth Channel/Lagoon. See Section 2.2.4 and Appendix F of this Final EIS for additional information on the design adjustment that will have constructed a cut-and-cover tunnel under the Kenilworth Channel/Lagoon; and see Appendix I or additional information on the design adjustment that will have constructed a jacked-box tunnel under the Kenilworth Channel/Lagoon.

Based on the analysis and design as summarized in this section, FTA has concluded that there will be a Section 4(f) *de minimis* use of the Kenilworth Channel/Lagoon where the HCRRA and BNSF rights-of-way cross the property, consistent with 23 CFR Part 774.5(b). While the Project will result in the placement of

EXHIBIT 6.6-17

Final Section 4(f) Evaluation – Bridge Construction Sequence over the Kenilworth Channel/Lagoon



DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Bridge Construction Sequence over the Kenilworth Channel/Lagoon</p>		
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new bridge piers and bridge abutments within the park property boundary, the Project will not affect the protected activities, features, and attributes of the property with appropriate minimization and mitigation measures as document in the Project's Section 106 Agreement.

C. Section 4(f) Use Determination

Through coordination with MPRB and based on the design of the Project as described in this section, FTA has determined that the proposed permanent and temporary uses by the Project will not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Further, FTA has considered public comment received during the public comment period for the Supplemental Draft EIS that addressed the preliminary Section 4(f) *de minimis* impact determination for the Kenilworth Channel/Lagoon that was included in the Draft Section 4(f) Evaluation Update. Consistent with the requirements of 23 CFR Part 774.5(b), FTA has reached a *de minimis* use determination for the Project at the Kenilworth Channel/Lagoon. Following the close of the public comment period on the preliminary Section 4(f) *de minimis* use determination, MPRB has concurred in writing with this determination (see Appendix I).

6.6.1.13 Cedar Lake Park – Temporary Occupancy Exception

A. Property Description

Cedar Lake Park¹⁷ is a 288-acre regional park located at Cedar Lake Parkway and Basswood Road in Minneapolis and is part of the Chain of Lakes Regional Park. Cedar Lake makes up approximately 173 acres of Cedar Lake Park. Cedar Lake Park is owned and operated by MPRB. There is an existing freight rail track in the park that occupies approximately 0.4 acres of undeveloped land just inside the northeastern boundary the park. The Cedar Lake Trail traverses the northernmost portion of the park, crossing the existing freight rail tracks at-grade and then connecting to the Kenilworth Trail within the HCRRA right-of-way. Per annual use estimates, approximately 418,700 people visited Cedar Lake Park in 2012 (Council, 2013). Per MPRB 2014 beach attendance counts, East Cedar Beach had 16,649 visitors and facilities within the park include Cedar Lake, beaches, wooded areas, picnic areas, a canoe/kayak launch and racks, paths, and off-street parking. Recreational activities within the park include boating, fishing, cross country skiing, skating, picnicking, hiking, running, and bicycling. Additional information on Cedar Lake Park as an element of the Chain of Lakes Regional Park can be found in the prior property description for the Kenilworth Channel/Lagoon; further information about Cedar Lake Park, including detailed user count data, can be found in Appendix I of this Final EIS. Consultation between MPRB, City of Minneapolis, and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held meetings with MPRB staff focused on parks owned and operated by the MPRB, the Section 4(f) process and documentation, and FTA's determination for the park on February 13 and March 6, 2015.¹⁸

As the park is a publicly owned, publicly accessible park of local significance, Cedar Lake Park is considered, by FTA, to be a Section 4(f) protected property.

¹⁷ FTA, MnHPO, and the Council have also identified Cedar Lake Park as a historic property, as a contributing element of the Grand Rounds Historic District, similar to but distinct from Cedar Lake Park as a recreational element of the Minneapolis Chain of Lakes Regional Park. The historic and park properties are treated separately within this draft Section 4(f) Evaluation Update as they have somewhat different boundaries, different Section 4(f) qualifying characteristics, and different officials with jurisdiction. See Section 6.6.2.15 of this Final EIS for the updated Section 4(f) analysis for the Kenilworth Lagoon historical property.

¹⁸ See Section 6.7 of this Final EIS for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

B. Determination of Permanent Section 4(f) Use

As illustrated on Exhibits 6.6-18 and 6.6-19 and the preliminary Southwest LRT preliminary engineering plans in Appendix E, the Project will not result in a permanent incorporation of land from Cedar Lake Park; therefore, there will not be a Section 4(f) permanent use of the property.

Since publication of the Supplemental Draft EIS and Draft Section 4(f) Evaluation Update, the Council has approved design adjustments affecting Cedar Lake Park, particularly at Cedar Lake Junction (see Exhibit 6.6-19). Following is a description of changes that have occurred since publication of the Draft Section 4(f) Evaluation Update that form the basis of FTA's determination of no Section 4(f) use of Cedar Lake Park.

Within the Draft Section 4(f) Evaluation Update, it was anticipated that there would be a permanent maintenance easement within Cedar Lake Park at East Cedar Beach that would have been associated with the short extension of a sidewalk into the park (on the West side of West 21st Street). As documented in the Draft Section 4(f) Update, FTA had preliminarily determined that the use of Cedar Lake Park at that location would have been *de minimis*. Since the time, the Draft Section 4(f) Evaluation Update was published, the MPRB notified the Council that it would maintain the proposed new sidewalk within the park at East Cedar Beach, obviating the need for a permanent maintenance easement within the park, and thereby eliminating any permanent Section 4(f) use of the park at that location. Other than the removal of the anticipated permanent maintenance agreement, there have been no design adjustments within the park at East Cedar Beach.

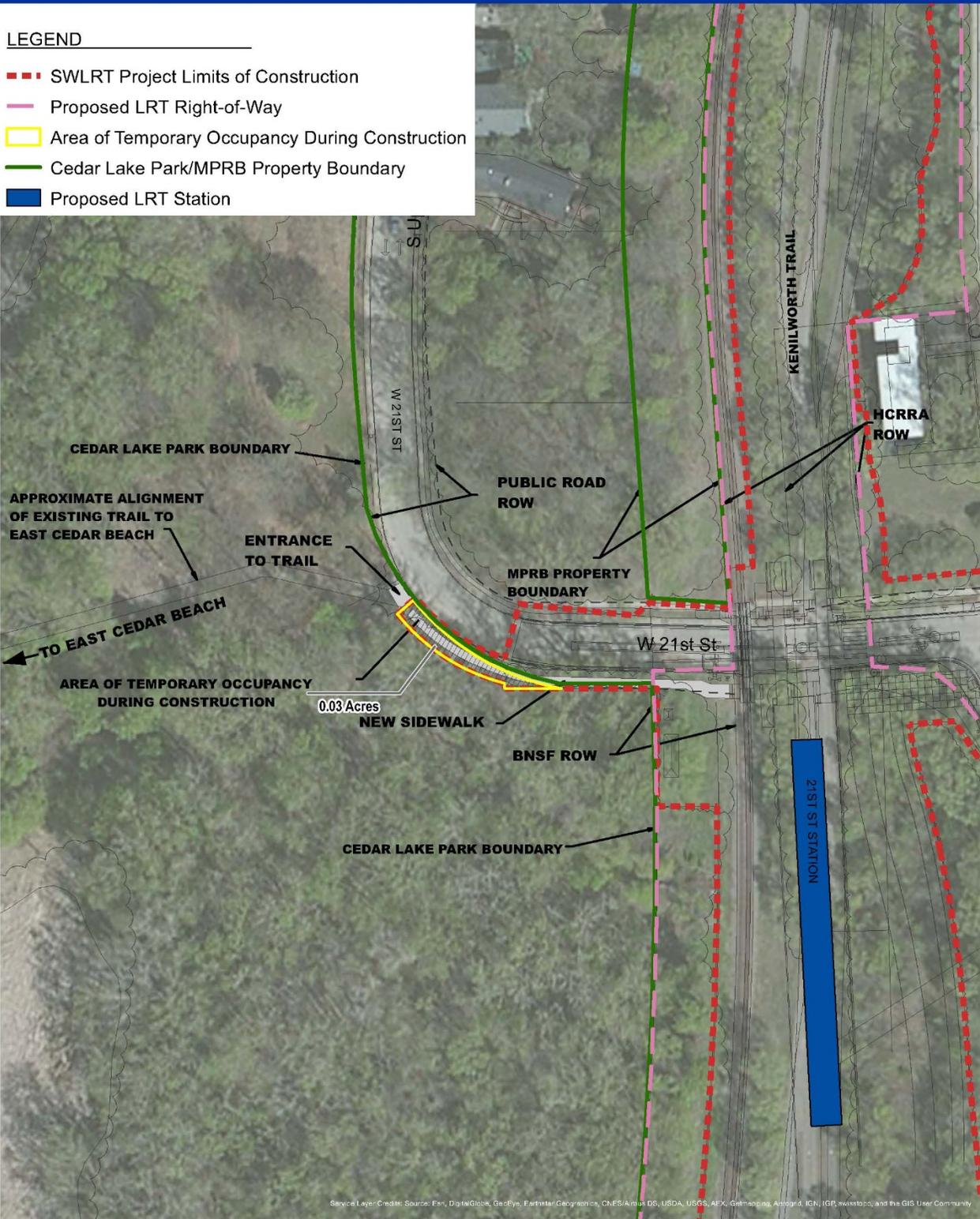
Also, within the Draft Section 4(f) Evaluation Update, it was anticipated that there would be a new bridge constructed for the Cedar Lake Trail, to provide a grade-separated trail crossing of the existing freight rail and new light rail tracks to the east of Cedar Lake Park. That new bridge and a proposed related maintenance easement within the park would have constituted a use of the park under Section 4(f). As documented in the Draft Section 4(f) Evaluation Update, FTA had preliminarily determined that the use of Cedar Lake Park at that location would have been *de minimis*. With design adjustments adopted by the Council in July 2015, the proposed new bridge for Cedar Lake Trail has been replaced with retaining the trail's at-grade crossing of the existing freight rail tracks and a new at-grade trail crossing of the proposed light rail tracks. Further, the location of the proposed Penn Station has been moved southwest to allow for the trail crossing to be integrated into the station. As a result, there will be no new trail bridge or related permanent maintenance easement within the park at Cedar Lake Junction, eliminating any permanent Section 4(f) use of the park by the Project at that location.

C. Determination of Temporary Occupancy Exception

Two areas of Cedar Lake Park will be affected by construction activities for the Southwest LRT Project: East Cedar Beach and Cedar Lake Junction.

- **East Cedar Beach.** As illustrated in Exhibit 6.6-14, the Project will result in the extension of the sidewalk on the south side of South Upton Avenue, between the existing HCRRA right-of-way and the pedestrian entryway into East Cedar Beach. The sidewalk extension will be included within an area of temporary occupancy (approximately 1,300 square feet or 0.03 acre) that will allow for the construction of the sidewalk. The MPRB will maintain the new sidewalk within the park and there will be no permanent transfer of park property from the MPRB to the Council or other jurisdiction. The area where the sidewalk will be constructed is not currently used or planned for recreational activities. The area generally consists of non-landscaped vegetation. No other modifications will be made to Cedar Lake Park at East Cedar Beach as a result of the Project. Transit access to the park will be improved due to its proximity to the proposed 21st Street Station. East Cedar Beach has not been identified as a noise sensitive land use; therefore, no noise impacts to that area of Cedar Lake Park have been identified (see Section 3.12 of this Final EIS for additional information on the project's noise analysis). Because of existing vegetation that will be retained between the park and the HCRRA right-of-way, the proposed light rail alignment and station will generally not be visible from East Cedar Beach.

EXHIBIT 6.6-18
 Final Section 4(f) Evaluation – Cedar Lake Park at East Cedar Beach



Southwest LRT FINAL EIS
 Final Section 4(f) Evaluation
 Cedar Lake Park at East Cedar Beach

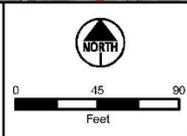
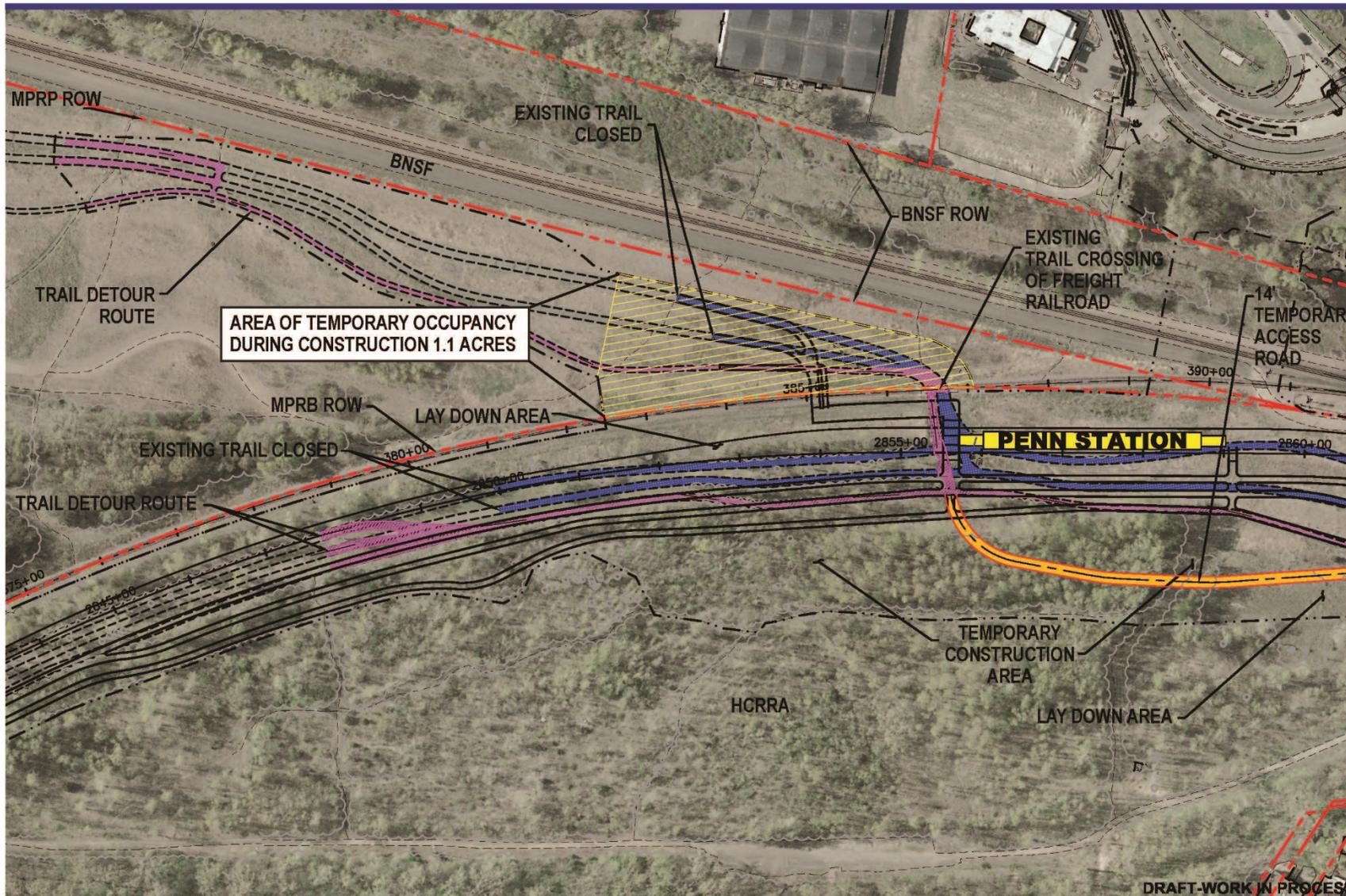
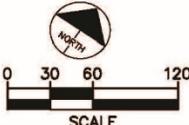


EXHIBIT 6.6-19

Final Section 4(f) Evaluation – Cedar Lake Park at Cedar Lake Junction



	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Cedar Lake Park at Cedar Lake Junction</p>		
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- Cedar Lake Junction.** As illustrated in Exhibit 6.6-15, the Project will result in a variety of permanent and short-term (construction-related) changes to Cedar Lake Park at Cedar Lake Junction (where the Kenilworth Corridor and the Wayzata Subdivision meet). In general, the changes will affect the Cedar Lake Trail within the Cedar Lake Park. In summary, the trail will be realigned within Cedar Lake Park to allow the trail to cross over the existing freight rail alignment and the proposed light rail alignment at-grade, connecting to the Kenilworth Trail to the east of the existing HCRRA right-of-way. All existing trail connections for the Cedar Lake Trail will be maintained in the long-term under the Project. Except for the potential for short-term trail closures to ensure trail user safety, all existing trail connections will be maintained during construction of the new trail alignment. Under the current construction plan, temporary trails will be constructed to allow for the removal of existing trail segments and construction of new trail segments. Construction activities within the park will occur within approximately 1.1 acres of the park. Construction activities within the park will be closely coordinated with MPRB to help avoid and minimize effect on recreational activities within the park. The project will also provide the MPRB and the public with ongoing notification of construction activities within the park, such as the timing and location of trail detours. All areas of the park that are affected by construction activities outside of the permanent easement area will be restored to existing conditions or better. Except for recreation activities on the Cedar Lake Trail, the area of Cedar Lake Park affected by the reconstruction of the trail does not include recreational activities, features, and attributes that qualify the park as a Section 4(f) recreational property.

Section 4(f) temporary occupancy exception criteria are addressed below with respect to the construction impacts at Cedar Lake Park:

- Criterion:** *Duration is temporary (that is, the occupancy is shorter than the time needed for construction of the project, and there is no change in ownership of the property).*

Finding: The overall duration of construction for the entire project is approximately four years. The duration of the construction activities for the portion within Cedar Lake Park is estimated to extend for approximately up to 18 calendar months – additional time may be needed for restoration activities within the park, depending on variables, such as seasonal timing of the activities and weather conditions. There will be no change in ownership of the parkland that will be temporarily occupied.

- Criterion:** *Scope of work is minor (that is, the nature and magnitude of the changes to the Section 4(f) properties are minimal).*

Finding: The parts of Cedar Lake Park to be temporarily occupied during construction include portions of the park's access at West 21st Street and at Cedar Lake Junction via the Cedar Lake Trail. Pedestrians and bicyclists entering the park at these locations will be provided with temporary path detours as needed to maintain accessibility to the park. The park will still be accessible to the public throughout construction for vehicles, bicycles, and pedestrians via variety of other streets, paths, and sidewalks. The part of the park to be temporarily occupied also includes open grass or vegetated areas, which do not contain any other recreational features or amenities.

- Criterion:** *There are no anticipated permanent adverse physical impacts or permanent interference with the protected activities, features, or attributes of the property.*

Finding: None of the aforementioned activities, features, or attributes of Cedar Lake Park will be permanently impacted nor will temporary construction actions at the park permanently or temporarily interfere with visitors utilizing the park as they do currently. Council staff will coordinate construction activities with park staff from the MPRB to schedule construction activities so that they avoid park activities identified by the MPRB that should be considered when setting the schedule for construction activities. As illustrated in Exhibit 6.6-19, bicycle and pedestrian access to/from the park will be maintained within the temporary occupancy areas, with only short closures needed to safely complete some construction activities. Impacts related to temporary changes to parking and access will be mitigated by development of a Construction Communication Plan, which will include advance notice of construction activities and highlighting road, sidewalk, and trail closures and detour routes.

4. **Criterion:** *The property is restored to the same or better condition that existed prior to the project.*

Finding: The portions of the park to be temporarily occupied during construction will be restored to existing conditions or better – this includes the addition of the new sidewalk near East Cedar Beach and the multi-use path and landscaped/vegetated areas at Cedar Lake Junction.

5. **Criterion:** *There is documented agreement from the appropriate federal, state, or local officials having jurisdiction over the property regarding the above conditions.*

Finding: FTA, MPRB, and the Council have initiated efforts to help avoid, minimize, and mitigate impacts to Cedar Lake Park, including participation in Section 4(f) Coordination meetings in February and March 2015. Those meetings also included participation by staff from Hennepin County and the City of Minneapolis. See Appendix I for copies of notes and materials for those meetings. For both areas of Cedar Lake Park that will be affected by the Project, FTA, MPRB, and the Council will continue to coordinate to help avoid, minimize, and mitigate impacts to the park through publication of the Final Section 4(f) Evaluation and during construction.

The MPRB has agreed in writing that the above temporary occupation exception criteria are met by the Project (see Appendix I).

Based on the analysis, design, and avoidance, minimization, and identified mitigation measures as summarized in this section, FTA has concluded that there will be a Section 4(f) *de minimis* use of the Kenilworth Channel/Lagoon, consistent with 23 CFR Part 774.5(b).

D. Determination of Constructive Section 4(f) Use

Existing bicycle, pedestrian, and vehicular access to the park will be maintained under the proposed Project. The proposed 21st Street Station and Penn Station are within walking distance of Cedar Lake Park, thereby providing improved transit access to the park. Although the sound of light rail trains will be audible from within the park, the park is not considered a sensitive noise receptor based on FTA's criteria, which are discussed in Section 3.12 of this Final EIS. Changes in development density in areas surrounding proposed light rail stations could result in an increase in Cedar Lake Park usage, which could have potential for both positive and negative consequences. The Project will result in changes in the park's setting and a visitor's visual experience through the introduction of the light rail alignment immediately east of the park. The visual changes and impacts will not alter or impair the overall use or function of the park.

In summary, the proximity impacts of the Project on Cedar Lake Park will not substantially impair the qualifying activities, features, or attributes of the park and; therefore, FTA has determined that there will be no Section 4(f) constructive use of Cedar Lake under the Project, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent Section 4(f) use of Cedar Lake Park and that proposed construction activities within the park will meet the criteria for a Temporary Occupancy Exception described in 23 CFR 774.13(d).

6.6.1.14 Bryn Mawr Meadows Park – *De Minimis* Determination

A. Section 4(f) Property Description

Bryn Mawr Meadows Park is a 51-acre regional park located at 601 Morgan Avenue South in Minneapolis. Bryn Mawr Meadows Park is owned and operated by MPRB and contains two baseball fields, two broomball rinks, cricket field, ice rink, 10-table picnic area, restroom facilities, soccer field, eleven softball fields, biking path, sports facility, tennis court, tot lot/playground, wading pool, and walking path. As the park is a publicly owned, publicly accessible park of local significance, Bryn Mawr Meadows Park is considered by FTA to be a Section 4(f) protected property. See the MPRB information request letter in Appendix I for further information about Bryn Mawr Meadows Park. Consultation between MPRB, City of Minneapolis, and project staff on design issues related to the park has occurred throughout the design refinement process that occurred after publication of the Draft EIS. In addition, project staff held meetings with MPRB staff focused

on parks owned and operated by the MPRB, the Section 4(f) process and documentation, and FTA's determination for the park on February 13 and March 6, 2015.¹⁹

B. Determination of Permanent Section 4(f) Use

As illustrated in Exhibit 6.6-20, the Project will result in a variety of permanent and short-term (construction-related) changes to Bryn Mawr Meadows Park, described as follows.

The proposed changes will affect the Luce Line Trail in Bryn Mawr Meadows Park, as well as two internal park trails. In particular, the Luce Line Trail will be realigned within Bryn Mawr Meadows Park to allow the trail to cross over a new bridge that will cross BNSF freight tracks to the east, connecting to the proposed Van White Station and Cedar Lake Trail (which provides connections to the Kenilworth Trail). A new bicycle/pedestrian bridge will replace the existing bridge that crosses BNSF freight rail tracks toward the south. The existing bridge is owned and maintained by MnDOT and the northern bridgehead is partially located within Bryn Mawr Meadows Park. A portion of the new bridge will be located within Bryn Mawr Meadows Park; this new bridge will be north of, and parallel to, the southern border of the park (just north of the BNSF freight rail right-of-way). The remaining portion of the new bridge will provide a connection between the portion located within the park and the proposed Van White Station and Cedar Lake Trail, across the BNSF freight rail and proposed light rail tracks. The current design of the new bridge has been prepared based on the Council's *Visual Quality Guidelines for Key Structures* (Council, 2015), which was developed in coordination with staff from local jurisdictions affected by the Project's proposed key structures. These guidelines allow for a consistent design approach for the key structures, allowing for design adjustments reflecting their local context, including Bryn Mawr Meadows Park. Prior to construction of the proposed new bridge for Luce Line Trail, the Council will conclude its consultation with the MPRB on the design of the proposed new bridge.

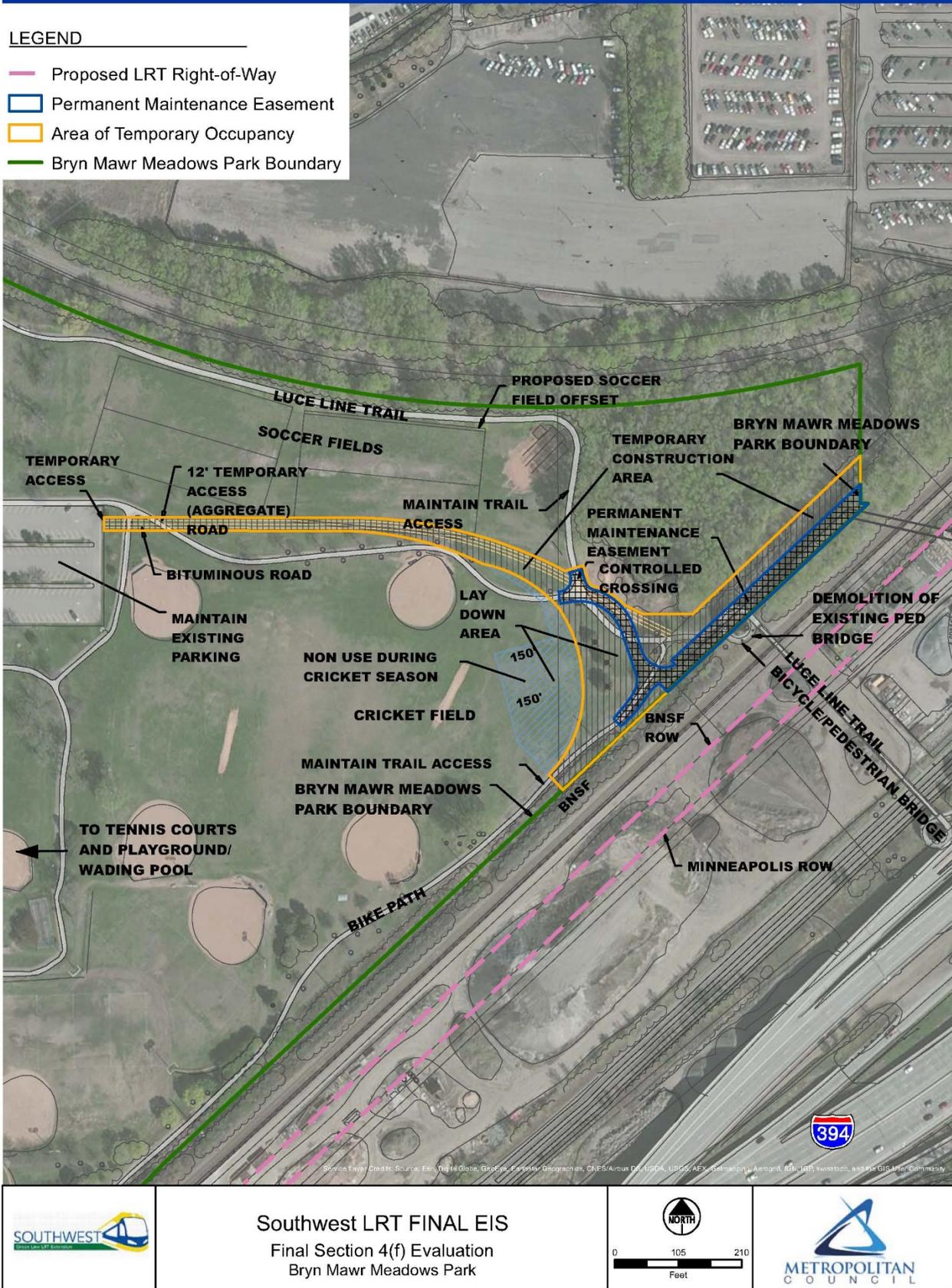
A portion of the existing at-grade trail within Bryn Mawr Meadows Park will be relocated to connect to the new bridge and a portion of the existing at-grade trail will be replaced with an at-grade trail segment at a new location within the park. The new elevated section of Luce Line Trail within the park will be located within an approximately 0.4-acre proposed permanent maintenance easement, which could be acquired by another jurisdiction. The maintenance easement will include an area around the bridge that will allow for continued maintenance of the bridge and will stipulate limitations on improvements and vegetation allowed within the maintenance area (to ensure continued maintenance access to the bridge). The realignment of the trails within the park will ultimately be determined through continued consultation between FTA, the Council, and MPRB, which will work to avoid, minimize, and mitigate impacts to the park's qualifying activities, features, and attributes.

Under the current design, construction activities outside of the permanent maintenance easement area will occur within approximately 1.5 acres of the park; those areas are illustrated in Exhibit 6.6-20. Construction activities within the park will include:

- The construction of a temporary bituminous access road connecting the existing park parking lot to the site of the new Luce Line Trail bridge (use of the parking lot by park visitors will be maintained during construction);
- Truck and other equipment use of the temporary access road, laydown area, temporary safety barriers to separate the temporary construction activities from park activities, and permanent maintenance easement area as required to construct the proposed improvements;
- Removal of existing trees in the construction laydown area and temporary access road;

¹⁹ See Section 6.7 of this Final EIS for a project-wide description of the FTA's and the Council's Section 4(f) consultation process and activities.

EXHIBIT 6.6-20
Final Section 4(f) Evaluation – Bryn Mawr Meadows Park



- Preparation and use of a construction laydown area (e.g., for the staging of construction material and equipment), the area of which will be reduced during cricket season to avoid impacting the existing cricket field;
- Grading, paving, bridge construction, landscaping, and other activities associated with construction of the new trail bridge and at-grade trail segments;
- Temporary realignment of the existing eastern soccer field to accommodate construction of the temporary construction access road;
- Temporary realignment of park trail segments to allow for the construction of the temporary construction access road, the new western bridge, and the new at-grade trail segments;
- Removal of existing trail segments that will be replaced with the new trail segments, which will include replanting and landscaping as per specifications agreed upon between the Council and MPRB;
- Construction detour information, flagging at controlled crossings, and other related activities; and
- Restoration of all park features to pre-construction conditions or better, based on specifications agreed to between the Council and MPRB (e.g., replacement of trees, restoration of landscaping within the construction laydown area, construction access road and temporary trail segments).

All existing trail connections for the Luce Line Trail will be maintained in the long-term under the Project. Except for the potential for short-term trail closures to ensure trail user safety, all existing trail connections will be maintained during construction of the new trail alignment and elevated trail crossing. During those short trail closures, trail users will be provided with detour routes and information. Under the current construction plan, temporary trails will be constructed to allow for the removal of existing trail segments and construction of new trail segments. Construction activities within Bryn Mawr Meadows Park will be closely coordinated with MPRB to help avoid and minimize effects on recreational activities within the park. The project will also provide the MPRB and the public with ongoing notification of construction activities within the park, such as the timing and location of trail detours. All areas of the park that are affected by construction activities outside of the permanent easement area will be restored to existing conditions or better.

FTA, MPRB, and the Council have made efforts to help avoid, minimize, and mitigate impacts to Bryn Mawr Meadows Park, including participation in Section 4(f) coordination meetings in February and March 2015. Those meetings also included participation by staff from Hennepin County and the City of Minneapolis. See Appendix I for copies of the notes and materials for those meetings. For the areas of Bryn Mawr Meadows Park that will be affected by the Project, FTA, MPRB, and the Council have coordinated to define ways to help avoid, minimize, and mitigate impacts to the park.

Based on the analysis, design, and avoidance, minimization, and mitigation measures identified as summarized in this section, FTA has concluded that there will be a Section 4(f) *de minimis* use of Bryn Mawr Meadows Park, consistent with 23 CFR Part 774.5(b).

C. Section 4(f) Use Determination

Through coordination with MPRB and based on the design and analysis as described in this section, FTA has determined that the proposed permanent and temporary uses by the Project will not adversely affect the features, attributes or activities that qualify Bryn Mawr Meadows Park for Section 4(f) protection. Further, FTA has considered public comment received during the public comment period for the Supplemental Draft EIS that addressed the preliminary Section 4(f) *de minimis* impact determination for the Bryn Mawr Meadows Park that was included in the Draft Section 4(f) Evaluation Update. Consistent with the requirements of 23 CFR Part 774.5(b), FTA has reached a *de minimis* use determination for the Project at the Bryn Mawr Meadows Park. Following the close of the public comment period on the preliminary Section 4(f) *de minimis* use determination, MPRB has concurred in writing with this determination (see Appendix I).

6.6.2 Historic Properties

Exhibits 6.6-1 through 6.6-2A show the locations of historical properties within the Project study area identified as listed on or eligible for the NRHP and assessed for Section 4(f) use.²⁰ Detailed maps of these resources are provided in subsequent sections of this document, as appropriate. Table 6.6-3 lists the resource name, location, and jurisdictional owner and indicates Section 4(f) use assessment; park/recreation resources are listed from south-to-north in the Project study area.

TABLE 6.6-3
Summary of Permanent Section 4(f) Historic Property Uses^a

Section 4(f) Property – Park/Recreation Area / (MnHPO Inventory Number)	Section 106 Effect	Non- <i>de minimis</i> Use	<i>De minimis</i> Use	No Use	Existing Property Acreage	Acres Permanently Used	% of Property Used
Hopkins City Hall (HE-HOC-026)	No adverse effect			•	1.9	0.0	0%
Hopkins Downtown Commercial Historic District (HE-HOC-027)	No adverse effect			•	7.0	0.0	0%
Minneapolis and St. Louis Railway Depot (HE-HOC-014)	No adverse effect			•	0.24	0.0	0%
Chicago, Milwaukee, St. Paul & Pacific Railroad Depot (HE-SLC-008)	Adverse effect			•	1.3	0.0	0%
Peavey-Haglin Experimental Concrete Grain Elevator (HE-SLC-009)	No adverse effect			•	0.1	0.0	0%
Hoffman Callan Building (HE-SLC-055)	No adverse effect			•	1.2	0.0	0%
Minikahda Club (HE-MPC-17102)	No adverse effect			•	156.0	0.0	0%
Grand Rounds Historic District (XX-PRK-001)	Adverse effect	•			1,657.2 ^b	0.4	0%
Lake Calhoun (MPC-1811) ^c	No adverse effect			•	N/C	0.0	0%
Lake of the Isles (MPC-1824) ^c	No adverse effect			•	N/C	0.0	0%
Lake of the Isles Parkway (MPC-1825) ^c	No adverse effect			•	N/C	0.0	0%
Park Bridge No.4/L5729 (HE-MPC-6901) ^c	No adverse effect			•	N/C	0.0	0%
Cedar Lake Parkway (MPC-1833) ^c	No adverse effect			•	N/C	0.0	0%
Cedar Lake (MPC-1820) ^c	No adverse effect			•	N/C	0.0	0%
Kenilworth Lagoon (MPC-1822) ^c	Adverse effect	•			10.3 ^d	0.4	0.4%
Kenwood Parkway (MPC-1796) ^c	No adverse effect			•	N/C	0.0	0%
Kenwood Park (MPC-01797) ^c	No adverse effect			•	N/C	0.0	0%
Frieda and Henry J. Neils House (HE-MPC-6068)	No adverse effect			•	0.5	0.0	0%

²⁰ The “Kenilworth Corridor” is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Section 4(f) Property – Park/Recreation Area / (MnHPO Inventory Number)	Section 106 Effect	Non- <i>de minimis</i> Use	<i>De minimis</i> Use	No Use	Existing Property Acreage	Acres Permanently Used	% of Property Used
Lake of the Isles Residential Historic District (HE-MPC-9860)	No adverse effect			•	232.9	0.0	0%
Mahalia & Zachariah Saveland House (HE-MPC-6766)	No adverse effect			•	0.3	0.0	0%
Frank W. and Julia C. Shaw House (HE-MPC-6603)	No adverse effect			•	0.2	0.0	0%
Kenwood Parkway Residential Historic District (HE-MPC-18059)	No adverse effect			•	22.7	0.0	0%
Kenwood Water Tower (MPC-06475)	No adverse effect			•	N/C	0.0	0%
Mac Martin House (HE-MPC-8763)	No adverse effect			•	0.3	0.0	0%
St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District (HE-MPC-16387)	No adverse effect		•		N/C	1.5	0%
Osseo Branch Line of the St. Paul, Minneapolis & Manitoba R.R. Historic District/Great Northern Railway (HPO HE-RRD-002 (district); HE-MPC-16389 (portion of district in Minneapolis])	No adverse effect			•	N/C	0.0	0%
Minneapolis Warehouse Historic District (HE-MPC-0441)	No adverse effect			•	116.5	0.0	0%
William Hood Dunwoody Institute (HE-MPC-6641)	No adverse effect			•	12.8	0.0	0%

^a See Section 6.4.1 of this Final EIS for definitions of the potential types of Section 4(f) uses. The Minikahda Club and Cedar Lake Parkway will be temporarily used by the project during construction of the Southwest LRT Project. FTA has determined that each of those temporary uses will meet the criteria for a Temporary Occupancy Exception under 23 CFR Part 774.13(d). See Section 6.4.4.2 of this Final EIS for a description of the criteria for a Temporary Occupancy Exception. All acreages in this table are approximate. The estimates of acres that will be permanently used are based on current plans illustrated in this section and may change as designs are refined and as FTA and the Council coordinate with the officials with jurisdiction and consider public comment to determine appropriate final avoidance, minimization, and mitigation measures.

^b Acreage estimate only includes the Chain of Lake and the Kenwood elements.

^c Contributing element of Grand Rounds Historic District.

^d Estimate based on the size of the Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park). N/C = size not calculated.

The remainder of this section addresses Section 4(f) historic properties where Project actions will result in potential uses. Following is a description of the Section 4(f) historic properties within the study area (generally from south to north), including:

1. A description of the Section 4(f) property;
2. A Section 4(f) permanent use determination;
3. A Section 4(f) temporary use determination/temporary occupancy exception determination (for those properties that will not have a Section 4(f) use or a Section 4(f) *de minimis* use);
4. A Section 4(f) constructive use determination (for those properties that will not have a Section 4(f) use); and
5. An overall Section 4(f) determination.

For the historic property where FTA has made a Section 4(f) non-*de minimis* use determination (i.e., the historic Kenilworth Lagoon/Grand Rounds Historic District), this section includes a “no prudent and feasible alternative? determination,” an assessment of all possible planning to minimize harm, and a least overall harm analysis.

As noted earlier, Section 4(f) applies to historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public that are listed in, or eligible for, the NRHP. NRHP eligibility criteria are defined as follows:

- Criterion A—association with events that have made a significant contribution to broad patterns of history
- Criterion B—association with the life of a historically significant person
- Criterion C—embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction
- Criterion D—has yielded, or is likely to yield, information important in history or prehistory (this generally is understood to refer to archeological significance)

6.6.2.1 Hopkins City Hall – No Use

A. Property Description

Hopkins City Hall is located at 1010 1st Street in Hopkins. Hopkins City Hall is eligible for the NRHP under NRHP Criterion A. For more detailed information on this historic property, see Draft EIS Appendix H.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Hopkins City Hall historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Hopkins City Hall historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Hopkins City Hall historic property (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS). No work is proposed in the immediate vicinity of the Hopkins City Hall; however, it is located within 0.25 mile radius of the Downtown Hopkins Station.

Based on the Section 106 finding of No Adverse Effect, FTA determined the Hopkins City Hall historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Hopkins City Hall historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Hopkins City Hall historic property.

6.6.2.2 Hopkins Commercial Historic District – No Use

A. Property Description

The Hopkins Downtown Commercial Historic District is located along Mainstreet between 8th Avenue and 11th Avenue in Hopkins. The Hopkins Downtown Commercial Historic District is eligible for the NRHP under NRHP Criterion A. For more detailed information on this historic property, see Final EIS Appendix H.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Hopkins Downtown Commercial Historic District historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Hopkins Commercial Historic District historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Hopkins Commercial Historic District historic property (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS).

Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Hopkins Downtown Commercial Historic District historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Hopkins Commercial Historic District historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Hopkins Commercial Historic District historic property.

6.6.2.3 Minneapolis & St. Louis Railway Depot – No Use**A. Property Description**

The Minneapolis & St. Paul Railway Depot is located at 9451 Excelsior Boulevard in Hopkins. The depot is eligible for the NRHP under NRHP Criterion A.

B. Determination of Permanent Section 4(f) Use

The Project will not result in a permanent incorporation of property from the Minneapolis & St. Louis Railway Depot historic property.

C. Determination of Temporary Section 4(f) Use

The Project will not result in a temporary occupancy of the Minneapolis & St. Louis Railway Depot historic property.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Minneapolis & St. Louis Railway Depot historic property (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Minneapolis & St. Louis Railway Depot historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Minneapolis & St. Louis Railway Depot historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Minneapolis & St. Louis Railway Depot historic property.

6.6.2.4 Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot – No Use

A. Property Description

The Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot at 6210 West 37th Street in St. Louis Park, inside Jorvig Park, and is listed on the NRHP based on NRHP Criterion A. The depot was moved from the intersection of Wooddale and 36th Street on Alabama Avenue, where it sat next to the railroad tracks. The depot served the Milwaukee Road from 1887 to 1968 and now serves as a museum for the St. Louis Park Historical Society. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of Adverse Effect has been made with respect to Project impacts at the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot. In summary, the Project would potentially alter the setting of the depot through the introduction of a noise wall between the depot and the proposed light rail line that will introduce a new visual element and sever the direct visual connection between the depot and the existing adjacent freight railroad tracks. However, that impact to the depot's setting would not be to a degree that would affect the depot's eligibility for the NRHP. The Final Section 106 MOA includes measures that will be incorporated into the Project to resolve the Project's Adverse Effect on the depot (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS for additional detail). Based on the Section 106 finding of Adverse Effect and the measures to resolve the Adverse Effect included in the Section 106 MOA, FTA has concluded that the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Chicago, Milwaukee, St. Paul, & Pacific Railroad Depot historic property.

6.6.2.5 Peavey-Haglin Experimental Concrete Grain Elevator – No Use

A. Property Description

The Peavey-Haglin Experimental Concrete Grain Elevator is at the junction of Highway 100 and Highway 7 in St. Louis Park. It is listed on the NRHP based on NRHP Criterion C and is a national historical landmark. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Peavey-Haglin Experimental Concrete Grain Elevator historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Peavey-Haglin Experimental Concrete Grain Elevator historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Peavey-Haglin Experimental Concrete Grain Elevator historic property (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Peavey-Haglin Experimental Concrete Grain Elevator historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Peavey-Haglin Experimental Concrete Grain Elevator historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Peavey-Haglin Experimental Concrete Grain Elevator historic property.

6.6.2.6 Hoffman Callan Building – No Use**A. Property Description**

The Hoffman Callan Building, located at 3907 Highway 7 in St. Louis Park, is eligible for the NRHP under Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Hoffman Callan Building historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Hoffman Callan Building historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Hoffman Callan Building historic property (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Hoffman Callan Building historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 Part CFR 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Hoffman Callan Building historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Hoffman Callan Building historic property.

6.6.2.7 Minikahda Club – Temporary Occupancy Exception/No Section 4(f) Use**A. Property Description**

The Minikahda Club, located at 3205 Excelsior Boulevard in Minneapolis, is eligible for the NRHP under Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

The Project will not result in a permanent incorporation of land from the Minikahda Club historic property.

C. Determination of Temporary Section 4(f) Use

The Project will require a minor temporary occupancy of land at the very northern edge of the property in the landscaped triangle at the driveway entrance to the club. A part of this landscaped grass area will need to be closed while the intersection of Excelsior Boulevard and W. 32nd Street is repaved and restriped (both travel lane markings and crosswalk markings—see Exhibit 6.6-21). Section 4(f) temporary occupancy exception criteria are assessed below with respect to the construction impacts at the Minikahda Club historic property:

Section 4(f) temporary occupancy exception criteria are assessed below:

1. **Criterion:** *Duration is temporary (that is, the occupancy is shorter than the time needed for construction of the project, and there is no change in ownership of the property).*

Finding: The overall duration of construction for the entire project is approximately four years. The duration of the construction activities for the portion of the project at the Minikahda Club property is estimated at less than one month. There will be no change in ownership of the parkland that will be temporarily occupied.

2. **Criterion:** *Scope of work is minor (that is, the nature and magnitude of the changes to the Section 4(f) properties are minimal).*

Finding: The part of the Minikahda Club property to be temporarily occupied during construction is the grass-only part of the triangle median that sits between the entrance and exit driveway lanes of the club. The club will still be accessible to the public throughout construction for vehicles, bicycles, and pedestrians via the main driveway at the intersection of Excelsior Boulevard and West 32nd Avenue. There will be no permanent change to the Minikahda Club as a result of project activities.

3. **Criterion:** *There are no anticipated permanent adverse physical impacts or permanent interference with the protected activities, features, or attributes of the property.*

Finding: FTA and the MnHPO have determined that the Minikahda Club is eligible for the NRHP based on its landscape architecture. The project will not alter, either temporarily or permanently, the landscaping of the Minikahda Club. Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Minikahda Club (see the Section 106 consultation documentation in Appendix C, Appendix F, and Appendix H of this Final EIS).

4. **Criterion:** *The property is restored to the same or better condition that existed prior to the project.*

Finding: The aforementioned grass part of the driveway triangle that will be temporarily occupied during construction will be restored to better conditions than exist currently.

5. **Criterion:** *There is documented agreement from the appropriate federal, state, or local officials having jurisdiction over the property regarding the above conditions.*

Finding: FTA and Council staff have consulted with MnHPO through the Section 106 process to review the project's construction plan in the vicinity of the Minikahda Club. MnHPO has concurred in writing that the above temporary occupation exception criteria are met by the Project (see Appendix I).

D. Determination of Constructive Section 4(f) Use

Based on the above discussion and Section 106 finding of No Adverse Effect, FTA has concluded that the Minikahda Club historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

EXHIBIT 6.6-21
Final Section 4(f) Evaluation – Minikahda Club



E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent Section 4(f) use of the Minikahda Club and that proposed construction activities within the park will meet the criteria for a Temporary Occupancy Exception described in 23 CFR Part 774.13(d).

6.6.2.8 Lake Calhoun – No Use**A. Property Description**

Lake Calhoun, located in Minneapolis, is a contributing element within the NRHP-eligible Grand Rounds Historic District based on NRHP Criteria A and C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

The Project will not result in a permanent incorporation of land from the Lake Calhoun historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Lake Calhoun historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Lake Calhoun (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect and the requirements under 23 CFR Part 774.15(f)(1), FTA has concluded that the Lake Calhoun historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur.

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Lake Calhoun historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Lake Calhoun historic property.

6.6.2.9 Lake of the Isles – No Use**A. Property Description**

Lake of the Isles, located in Minneapolis, is a contributing element within the NRHP-eligible Grand Rounds Historic District, which qualifies under Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Lake of the Isles historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Lake of the Isles historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Lake of the Isles historic property. Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Lake of the Isles historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Lake of the Isles historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Lake of the Isles historic property.

6.6.2.10 Lake of the Isles Parkway – No Use**A. Property Description**

Lake of the Isles Parkway, located in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District, which qualifies under Criterion A and Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Lake of the Isles Parkway historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Lake of the Isles Parkway historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Lake of the Isles Parkway historic property (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Lake of the Isles Parkway historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Lake of the Isles Parkway historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Lake of the Isles Parkway historic property.

6.6.2.11 Park Bridge No. 4/Bridge L5729 – No Use**A. Property Description**

Park Bridge No. 4/Bridge L5729, which spans the Kenilworth Lagoon along West Lake of the Isles Parkway, is considered a contributing site within the overall potential Grand Rounds Historic District and has been individually determined eligible for the NRHP under Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Park Bridge No. 4/Bridge L5729 historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Park Bridge No. 4/Bridge L5729 historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Park Bridge No.

4/Bridge L5729 (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Park Bridge No. 4/Bridge L5729 historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Park Bridge No. 4/Bridge L5729 historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Park Bridge No. 4/Bridge L5729 historic property.

6.6.2.12 Lake of the Isles Residential Historic District – No Use

A. Property Description

Lake of the Isles Residential Historic District, located in the vicinity of East and West Lake of the Isles parkways in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District and is eligible for the NRHP under Criterion A. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Lake of the Isles Residential Historic District – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Lake of the Isles Residential Historic District during construction.

D. Determination of Constructive Section 4(f) Use

Based on Section 106 analysis and continued consultation with MnHPO a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Lake of the Isles Residential Historic District historic property (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Lake of the Isles Residential Historic District will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Park Bridge #4 historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Park Bridge #4 historic property.

6.6.2.13 Cedar Lake Parkway/Grand Rounds Historic District – Temporary Occupancy Exception/No Section 4(f) Use

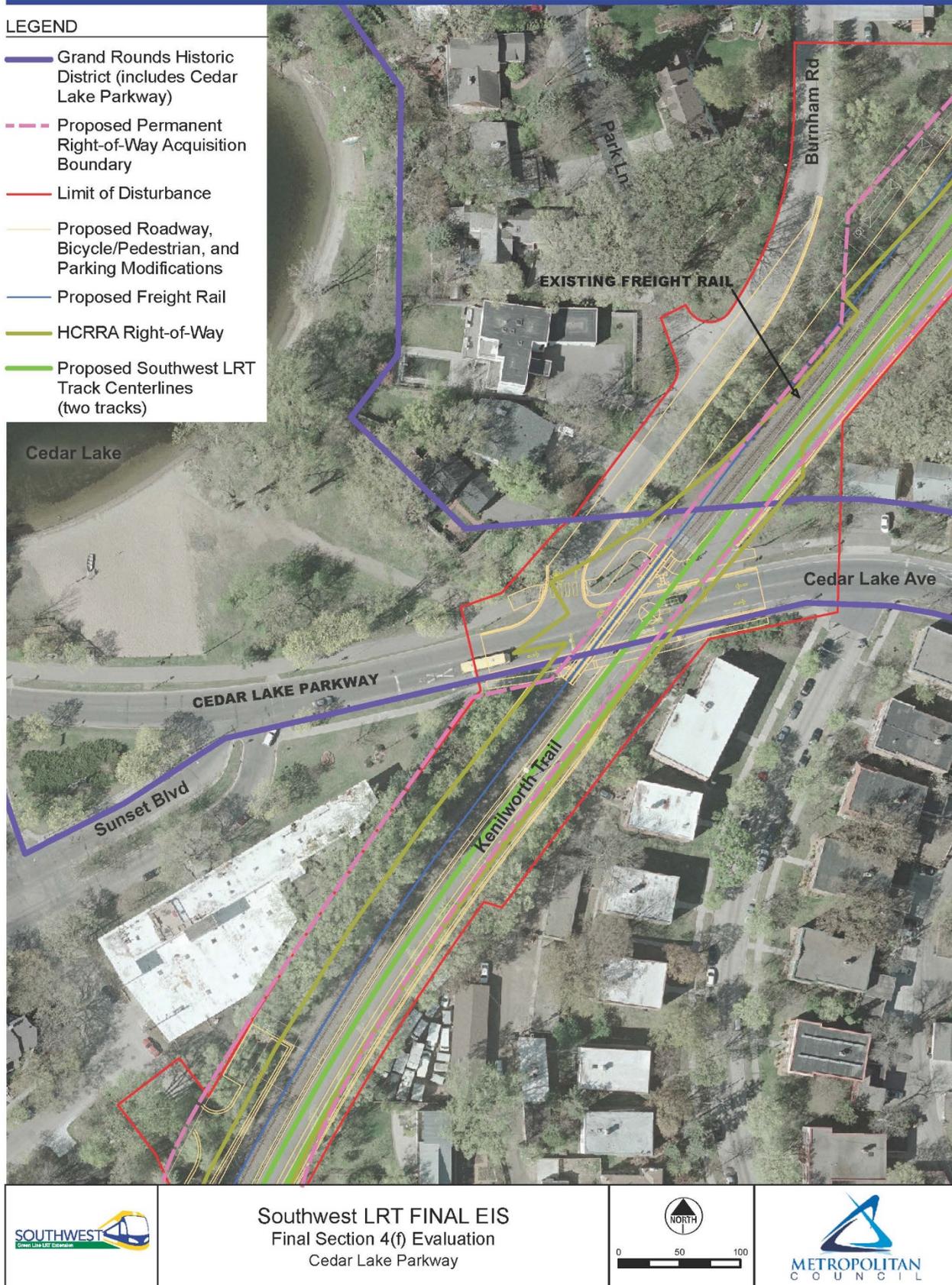
A. Property Description

Cedar Lake Parkway, located in Minneapolis, is a contributing site within the overall potential Grand Rounds Historic District, which FTA and the MnHPO have determined to be eligible for the NRHP under Criterion A and Criterion C. For more detailed information on this historic property, see Appendix H of this Final EIS and Draft EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-22, the Project will not result in a permanent incorporation of land from the Cedar Lake Parkway historic property – as such, there will not be a Section 4(f) permanent use of the property. Based on the Project design and consultation with MnHPO and other consulting parties, a Section 106 finding of No Adverse Effect has been made with respect

EXHIBIT 6.6-22
Final Section 4(f) Evaluation – Cedar Lake Parkway



to the Project at Cedar Lake Parkway (see the Section 106 consultation documentation in Appendix H, I, and N of this Final EIS).

C. Determination of Temporary Occupancy Exception

As illustrated in the Southwest LRT preliminary engineering plans and Exhibit 6.6-22, the Project will result in the temporary use of property from the Cedar Lake Parkway historic property during construction. Section 4(f) temporary occupancy exception criteria are addressed below:

1. **Criterion:** *Duration is temporary (that is, the occupancy is shorter than the time needed for construction of the project, and there is no change in ownership of the property).*

Finding: The overall duration of construction for the entire project is approximately four years. The duration of the construction activities for the portion in Cedar Lake Parkway is estimated at 18 months. There will be no change in ownership of the historic property that will be temporarily occupied.

2. **Criterion:** *Scope of work is minor (that is, the nature and magnitude of the changes to the Section 4(f) properties are minimal).*

3. **Finding:** The proposed light rail alignment will pass under Cedar Lake Parkway in a shallow tunnel, requiring the reconstruction of approximately 320 feet of the parkway (which is approximately 1.1 miles in length) to accommodate tunnel construction. The parkway will be reconstructed to its existing width and configuration as it crosses the corridor over the light rail tunnel, with a slight increase in elevation (less than approximately eight inches). The current at-grade intersections of the parkway with the recreational trail and with the freight rail tracks will continue, with the freight rail tracks shifting approximately three feet to the west. A new bicycle and pedestrian crossing signal will be added to the path's crossing of the parkway. The MnHPO concurred with the Section 106 finding of no adverse effect for the Cedar Lake Parkway and, based on the current design and the Section 106 finding of no adverse effect, the resource will be returned to current conditions or better.

4. **Criterion:** *There are no anticipated permanent adverse physical impacts or permanent interference with the protected activities, features, or attributes of the property.*

Finding: No permanent adverse impacts to the Cedar Lake Parkway historic property are anticipated because of Project actions. During construction activities that will require the closure of Cedar Lake Parkway, the project will provide signed detour routes for vehicles, pedestrians, and bicyclists. Notification of the detours will be provided to the public through various media, consistent with the project's construction management plan.

5. **Criterion:** *The property is restored to the same or better condition that existed prior to the project.*

Finding: As noted under Criterion 2, Cedar Lake Parkway will be reconstructed to its existing width and configuration as it crosses the corridor over the LRT tunnel, with a slight increase in elevation (less than eight inches). The current at-grade intersections of the parkway with the recreational trail and freight rail tracks will continue, with the freight rail tracks shifting approximately three feet to the west. The MnHPO concurred with the Section 106 finding of no adverse effect for the Cedar Lake Parkway and, based on the current design and the Section 106 finding of no adverse effect, the resource will be returned to current conditions or better.

6. **Criterion:** *There is documented agreement from the appropriate federal, state, or local officials having jurisdiction over the property regarding the above conditions.*

Finding: FTA and Council staff have consulted with MnHPO through the Section 106 process to review the project's impacts to Cedar Lake Parkway. MnHPO has concurred in writing that the above temporary occupation exception criteria are met by the Project (see Appendix I).

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Cedar Lake

Parkway (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Cedar Lake Parkway historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent Section 4(f) use of the Cedar Lake Parkway historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Cedar Lake Parkway historic property. Further, FTA has determined that the construction activities that will occur within the Cedar Lake Parkway will meet the criteria for a Temporary Occupancy Exception described in 23 CFR Part 774.13(d).

6.6.2.14 Cedar Lake – No Use

With regard to a discussion of potential Section 4(f) impacts to the Cedar Lake historic property it is important to note that the boundary of this historic property is not coincident with the boundary of the Cedar Lake Park recreation property. Because the historic and recreation property boundaries are different, they are treated as two distinct Section 4(f) properties within this evaluation and the anticipated uses and impacts to the two properties are not the same. For more detailed information on this historic property, see Appendix H of this Final EIS.

A. Property Description

FTA and MnHPO have determined that Cedar Lake is eligible for listing in the National Register under Criteria A and C. Cedar Lake is a contributing site within the overall potential Grand Rounds Historic District.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Cedar Lake historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from Cedar Lake historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Cedar Lake (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Cedar Lake historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Cedar Lake historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Cedar Lake Park historic property.

6.6.2.15 Kenilworth Lagoon/Grand Rounds Historic District – non-De Minimis Use

This section provides the following for the Kenilworth Lagoon²¹/Grand Rounds Historic District:

- A property description;
- A summary of FTA's and the Council's avoidance alternatives analysis and determinations;
- A summary of all possible planning to minimize harm and FTA's and the Council's determination; and,
- A summary of FTA's and the Council's least overall harm analysis and determinations.

A. Property Description

The Kenilworth Lagoon is a constructed body of water that connects Cedar Lake and Lake of the Isles in Minneapolis, as shown on Exhibit 3.5-2. The Kenilworth Lagoon is a contributing element of the Grand Rounds Historic District, which is eligible for listing in the *National Register of Historic Places* based on Criteria A and C.²² The boundary of the Grand Rounds Historic District within the project vicinity, including the Kenilworth Lagoon, is illustrated on Exhibit 3.5-3.

Documentation of the Kenilworth Lagoon's and the Grand Rounds Historic District's determination of eligibility is provided in Appendix H. See the *Kenilworth Lagoon/Channel Context, History, and Physical Description for the Proposed Southwest LRT Project* (Mathis, 2014) for additional documentation on the Kenilworth Lagoon. Following is an excerpt from that report that describes the creation of the Grand Rounds (ibid. pages 2-3).

"In 1883, a series of events occurred that were critical to the creation of the present-day park system in Minneapolis. The first occurred in February, when the Minnesota Legislature approved enabling legislation for the creation of an independent park board. The second was in April, when Minneapolis voters approved a referendum, the Park Act, to establish an independent board of park commissioners to oversee the development of parks in the city. The Minneapolis Board of Park Commissioners (MBPC) was authorized to obtain land for park development, issue bonds to pay for land acquisition and park development, and to levy a citywide tax to repay the bonds (MPRB, 2014a). Another major event occurred shortly thereafter, when noted landscape architect Horace William Shaler (H.W.S.) Cleveland came to Minneapolis and presented his "Suggestions for a System of Parks and Parkways for the City of Minneapolis" (Roise et al., 2012a). Cleveland's vision called for the creation of an interconnected park system that featured a system of landscaped parkways to link the Mississippi River, Minnehaha Falls, Minnehaha Creek, and the numerous lakes in the City (Cleveland 1883).

"Enamored with Cleveland's vision, the MBPC set about with its implementation... In 1887, the MBPC began to develop the Chain of Lakes. In 1890, the MBPC established a Special Committee on Park Engagement. This committee looked at the park system, as developed along Cleveland's ideas, and in 1891 made recommendations for expanding the system throughout the city. It was at this time that the phrase "Grand Rounds" was first used to describe a parkway system that will form a loop around the entire city and pass through several large parks. The proposal was thoroughly endorsed by the MBPC, who continued to support it through the 1890s. However, aggressive implementation did not move forward until 1906, when Theodore Wirth became the new superintendent of Minneapolis parks. During

²¹ Kenilworth Lagoon, which is a constructed channel connecting Lake of the Isles to Cedar Lake, is made up of two distinct components: a narrow channel with segments of retaining walls within its banks (between the Kenilworth Corridor and Cedar Lake); and the wide lagoon that typically has gently sloping and landscaped banks (between the Kenilworth Corridor and Lake of the Isles).

²² FTA, MnHPO, and the Council have also identified the Kenilworth Channel/Lagoon as a Section 4(f) park and recreation property, as part of the Grand Rounds Regional Park, similar to but distinct from the Kenilworth Lagoon as an individual historic property and a contributing element of the Grand Rounds Historic District. The historic and park properties are treated separately within this draft Section 4(f) Evaluation Update as they have somewhat different boundaries, different Section 4(f) qualifying characteristics, and different officials with jurisdiction. See Section 6.6.1.12 for the updated Section 4(f) analysis for the Kenilworth Channel/Lagoon park and recreation property.

Wirth's 30-year tenure, the Minneapolis parks system nearly tripled in size, growing from 1,800 acres to around 5,200 acres (Roise et al., 2012a).

"The modern-day Grand Rounds is an approximately 50-mile long, interconnected system of parks and parkways that encircles most of Minneapolis. Encompassing approximately 4,662 acres, small portions of the system also extend into the adjacent cities of Golden Valley, Robbinsdale, Saint Anthony, and Saint Louis Park. The Grand Rounds is organized into seven segments: Kenwood, Chain of Lakes, Minnehaha, Mississippi River, Northeast, Victory Memorial, and Theodore Wirth. Each segment is further divided into sub-segments that include parkways, boulevards, and the parks they connect (Roise et al., 2012a).

"The Chain of Lakes encompasses the major lakes within the Grand Rounds system. It extends from the parkway bridge over Interstate 394 to the start of Minnehaha Parkway on the southeast side of Lake Harriet. The Chain of Lakes includes the following sub-segments: Cedar Lake, including Brownie Lake, Lake of the Isles, Dean Parkway, the Mall, Lake Calhoun, William Berry Park, originally Interlachen Park, Linden Hills Boulevard, Lake Harriet; Lyndale Park; Kings Highway, and Lyndale Farmstead (Roise et al., 2012a).

"The park system that evolved into the Grand Rounds has experienced several significant periods of development over the last 130 years. They include initial development following H.W.S. Cleveland's recommendations; the early 1890s, when the vision for the system was expanded and it became known as the Grand Rounds; the Theodore Wirth period between 1906 and 1935, when the system was greatly expanded and improved; the 1970s when a substantial reworking of the system occurred following the recommendations of San Francisco landscape architects Eckbo, Dean, Austin and Williams, as modified by the Citizen Parkway Committee, and implemented by the landscape architecture firm InterDesign and the engineering firm BRW; and finally after 1998, when the Grand Rounds was designated by the Federal Highway Administration as the first urban National Scenic Byway and new layer of signage and other elements were installed (Roise et al. 2012a).

Connecting the Chain of Lakes was one of the most important improvements undertaken by the MBPC in the early period of Theodore Wirth's tenure. By the early twentieth century, there was widespread interest in water sports on the lakes and streams in Minneapolis, which resulted in a strong public desire to create a continuous navigable waterway to connect the Chain of Lakes. Construction of the Kenilworth Lagoon (EH-MPC-01822) was part of the major effort between 1907 and 1931 to make improvements to the Lake District in western Minneapolis, which included substantial dredging operations. This dredging work commenced at Lake of the Isles and dredging work to create the Kenilworth Lagoon was substantially completed in November 1912. The following year the MPRB adopted the name "Kenilworth" for the lagoon. In 1913, the Minneapolis and Saint Louis Railway Company constructed what was characterized at the time as a "temporary" wood timbered bridge across the lagoon. Work on the lagoon continued into the fall of 2013, including the grading and planting of the banks between Cedar Lake and the railroad bridge. Walks were planted along both sides of the lagoon leading from Lake of the Isles Boulevard to Cedar Lake Avenue, which had its name changed to Burnham Avenue. The waterway officially opened on November 8, 1913. In 1938, WPA crews stopped erosion of the banks by constructing approximately 2,400 cubic feet of retaining wall. In 1961, the MPRB completed the replacement of the timber retaining wall on the north side of the west end of the lagoon running from Cedar Lake to the Burnham Road Bridge.

The existing freight rail and bicycle/pedestrian bridges crossing the Kenilworth Lagoon are known collectively as Bridge No. 5 in the Section 106 documentation (the bridges are also collectively known as Bridge 27A43). The two bridges are seven-span creosoted timber trestles that historically carried two Minneapolis and St. Louis Railway siding tracks that were part of the railroad's Cedar Lake Yard. The bridges were originally built in 1913 and replaced in the 1950s. FTA and MnHPO have determined that neither of the two existing timber trestles that make up Bridge No. 5 are contributing elements to the Kenilworth Lagoon or Grand Rounds Historic District and they are not eligible for listing in the *National Register of Historic Places*.

Exhibits 6.6-23 through 6.6-27 illustrate existing conditions of the Kenilworth Lagoon at the BNSF/HCRRA rights-of-way, including the existing non-contributing wood trestle bridges.

Because the area of the Kenilworth Lagoon that will be used by the Project is identical to the area of the Grand Rounds Historic District that will be used by the Project, and because the Kenilworth Lagoon is a contributing element of the Grand Rounds Historic District, this Section 4(f) non-*de minimis* use determination applies to both the Kenilworth Lagoon and the Grand Rounds Historic District. Throughout the remainder of this section, the two historic properties are collectively referred to as the Kenilworth Lagoon/Grand Rounds Historic District (as the Section 4(f) property under review).

B. Determination of Permanent Section 4(f) Use

The Project will result in the permanent incorporation of approximately 0.4 acres of property from the historic Kenilworth Lagoon/Grand Rounds Historic District (see Exhibit 6.6-24). At the Kenilworth Lagoon, the Project is based on the Shallow LRT Tunnel – Over Kenilworth Tunnel option that was developed and evaluated by the Council through the design adjustment process described in Section 2.3.3.2 and Appendix F of this Final EIS.

Based on the Section 106 analysis performed, FTA and the MnHPO have determined that the Project will result in an adverse effect on the Kenilworth Lagoon/Grand Rounds Historic District. The rationale for this effect determination is based on proposed changes to the historic property and its setting, including the following:

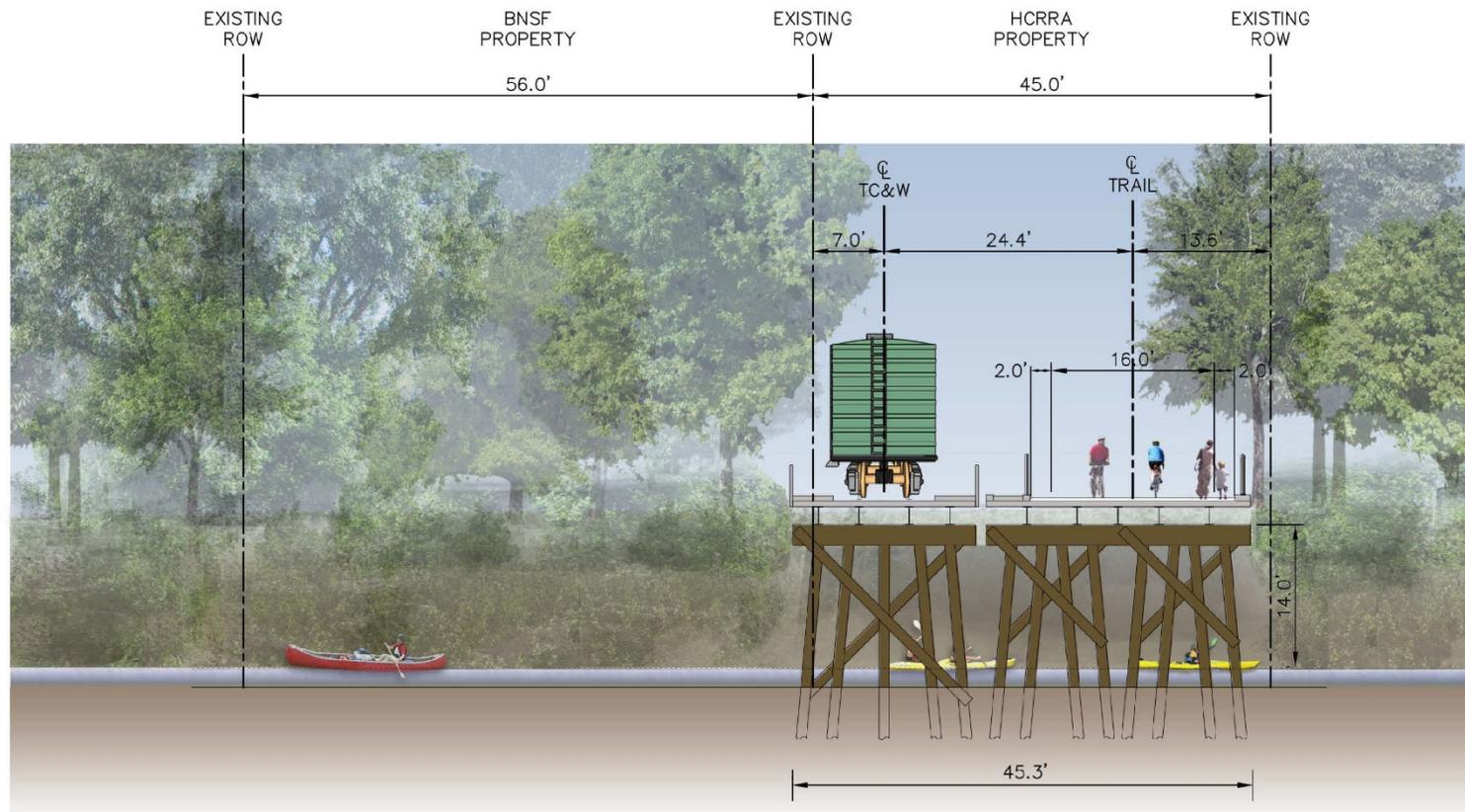
- Removal of the existing non-contributing railroad and trail bridges across the channel
- Replacement of the existing railroad and trail bridges with new light rail, freight rail, and trail bridges over the channel
- Impact of the width of the new crossing on the character and feeling of the middle section of the Kenilworth Lagoon and on the experience of using the waterway when passing under the new structure
- Design and visibility of the new bridge structures across the channel
- Visual impact from the width of the new crossing on the character and feeling of the middle section of the channel and on the experience of using the waterway when passing under the new structure
- Partial removal and/or alterations of contributing WPA-era retaining walls
- Removal and/or replacement of some existing vegetation on a portion of the channel banks and reconstruction of portions of the channel banks
- Reconstruction of portions of the lagoon banks

Exhibits 6.6-23 through 6.6-35 illustrate a variety of cross sections and simulations of the proposed bridge type, design, and railing treatments that were developed by project staff to help facilitate the Section 106 consultation process to minimize and mitigate adverse effects to the Kenilworth Lagoon/Grand Rounds Historic District. Other potential bridge plans, cross sections, and simulations were presented and discussed at the project's November 24, 2014, Section 106 Consultation Meeting to help initiate the project's coordination effort with the consulting parties on potential ways to resolve a Section 106 adverse effect on the historic property. The exhibits were used at the November 2014 meeting to initiate the avoidance, minimization, and mitigation process for the Kenilworth Lagoon/Grand Rounds Historic District. Continuing that process, additional draft designs, cross sections, and simulations of bridge span configurations and railing options were discussed during the project's February 6 and 24, 2015, June 17, 2015, July 29, 2015, and September 23, 2015, Section 106 Consultation Meetings. The Section 106 consultation process will conclude with the execution of the Project's Section 106 Memorandum of Agreement, which will be included in the Project's Record of Decision. In addition, design options to minimize or mitigate adverse effects to topographical features (vegetation and WPA-era retaining walls) are also included in the Memorandum of Agreement. The final Section 106 Memorandum of Agreement is provided in Appendix H of this Final EIS. The Section 106 Consultation Meeting materials are included in Appendix N.

Based on the information summarized in this section, FTA has concluded that the Project will result in a non-*de minimis* use of the historic Kenilworth Lagoon Section 4(f) resource.

EXHIBIT 6.6-23

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (looking north)

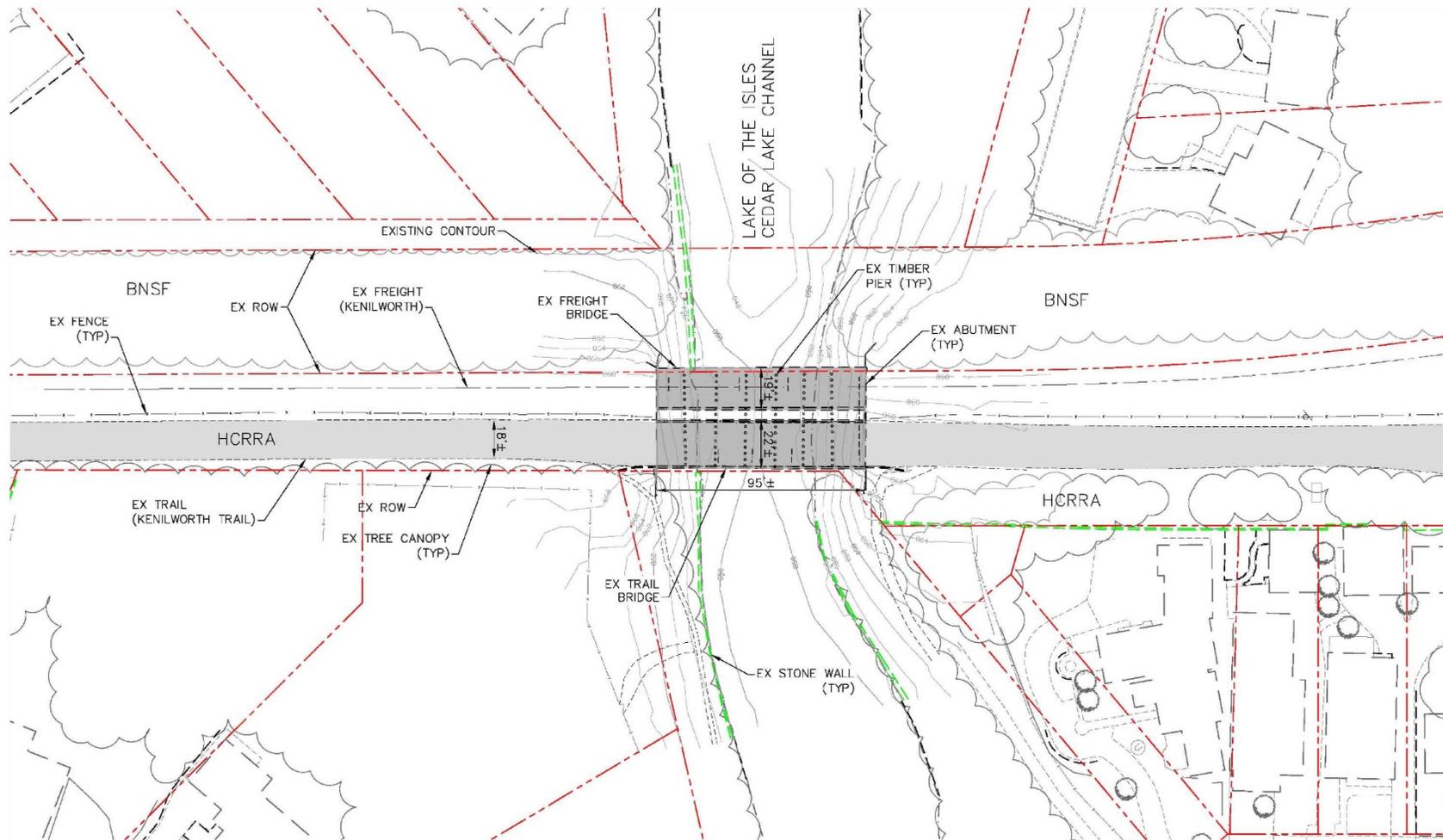


DRAFT - WORK IN PROCESS

	<p style="text-align: center;">Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (looking north)</p>		
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EXHIBIT 6.6-24

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (plan view)



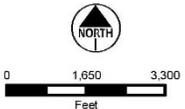
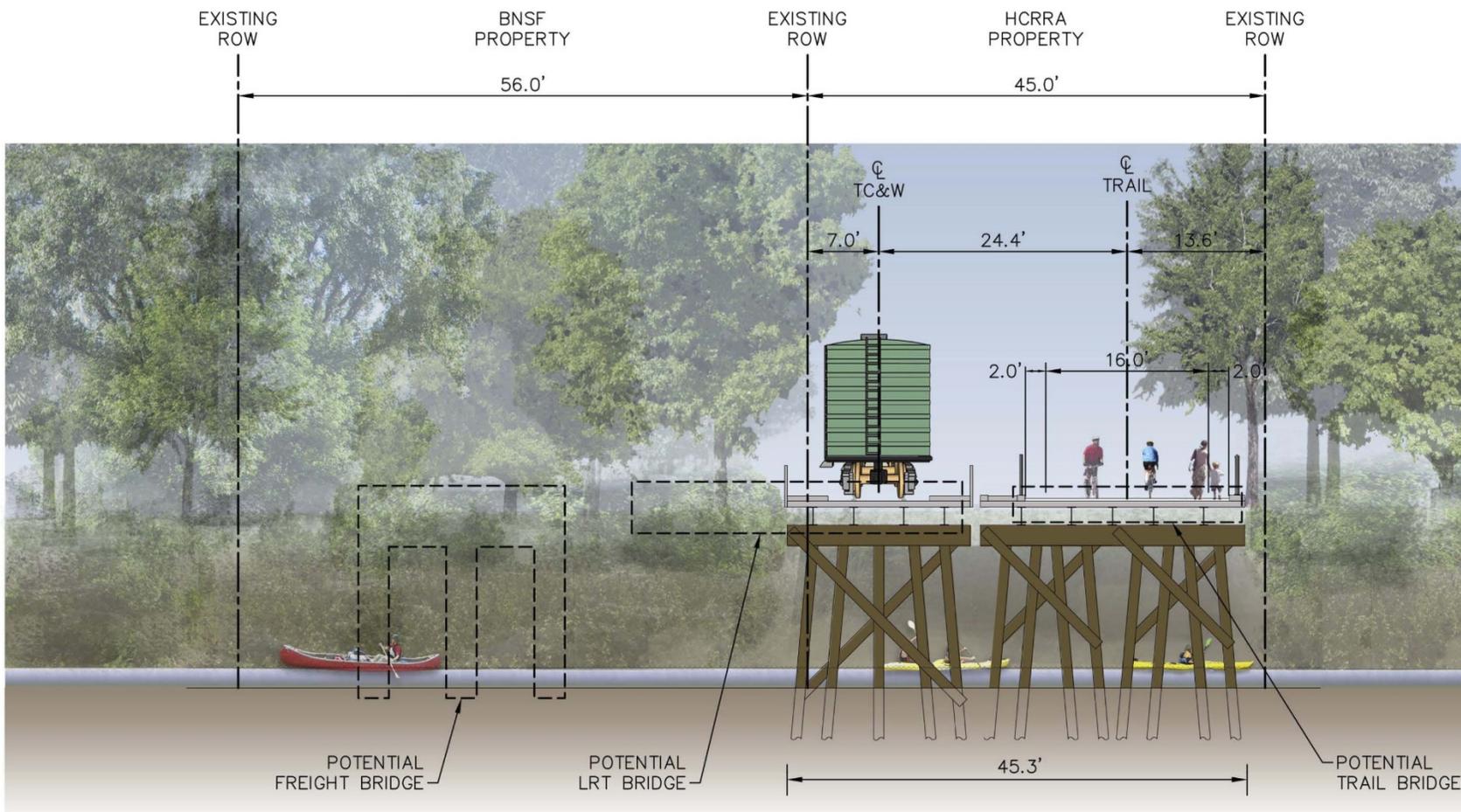
	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (plan view)</p>		
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EXHIBIT 6.6-25

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (looking north – relative to proposed new bridges)

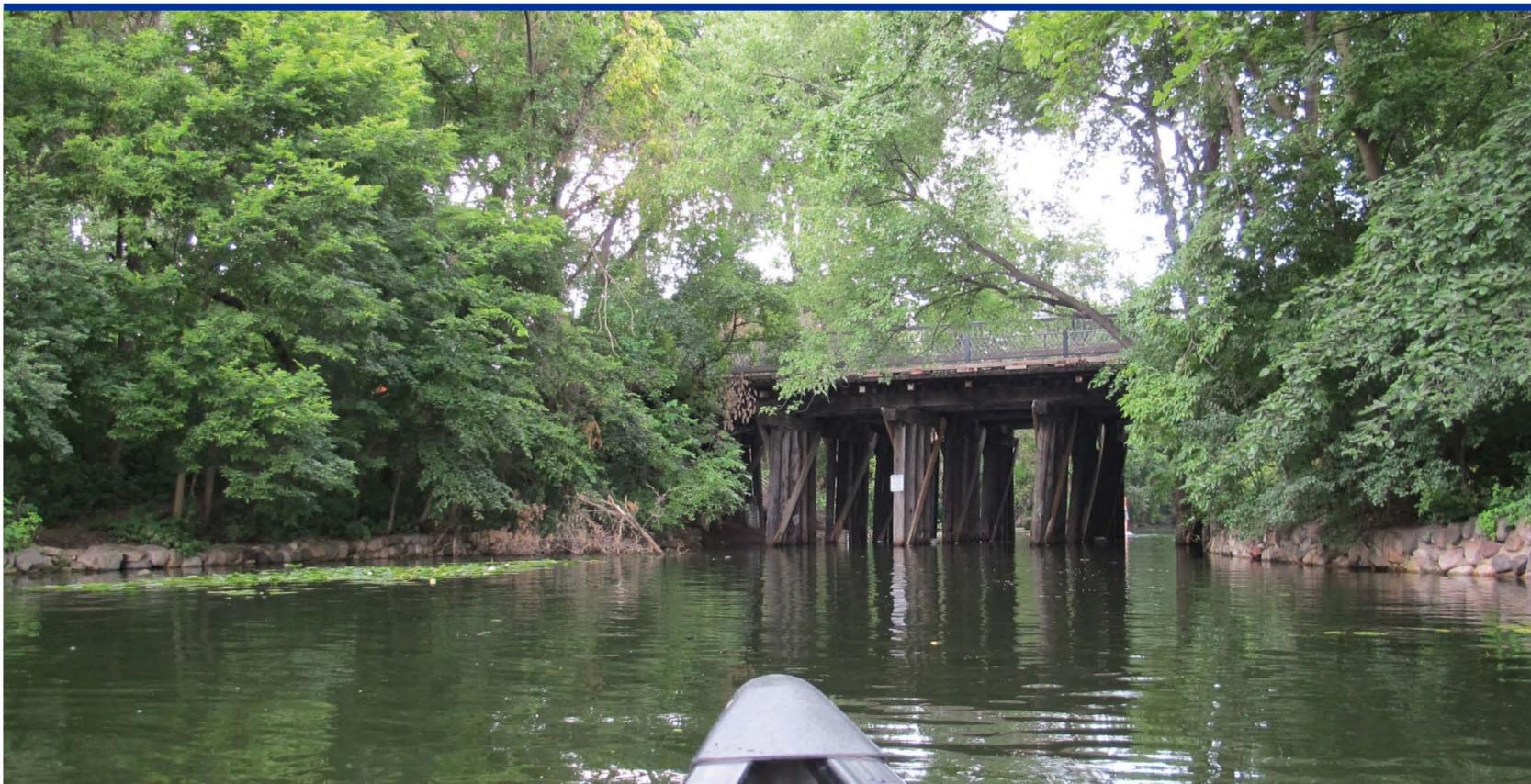


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	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (looking north – relative to proposed new bridges)</p>	
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EXHIBIT 6.6-26

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (from water level)



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	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District Existing Conditions (from water level)</p>		
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EXHIBIT 6.6-27

Final Section 4(f) Evaluation – Kenilworth Channel/Lagoon (element of the Grand Rounds Historic District)

LEGEND

- Grand Rounds Historic District (includes Kenilworth Lagoon)
- - - Proposed Permanent Right-of-Way Acquisition Boundary



Southwest LRT FINAL EIS
 Final Section 4(f) Evaluation
 Kenilworth Channel/Lagoon
 (element of the Grand Rounds Historic District)

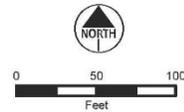
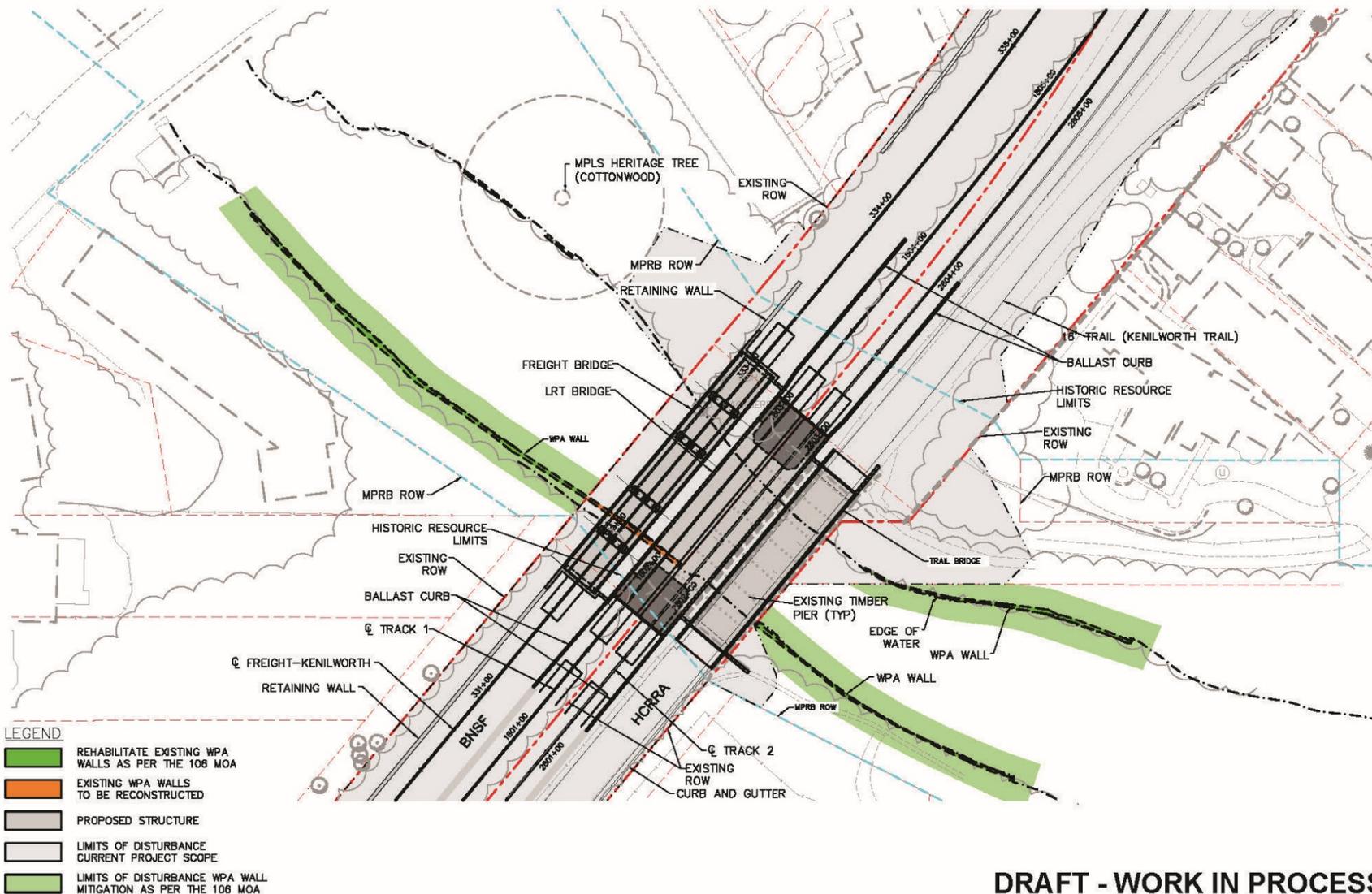


EXHIBIT 6.6-28

Final Section 4(f) Evaluation – Proposed Kenilworth Lagoon Freight Rail, Light Rail, and Trail Bridges – Plan View

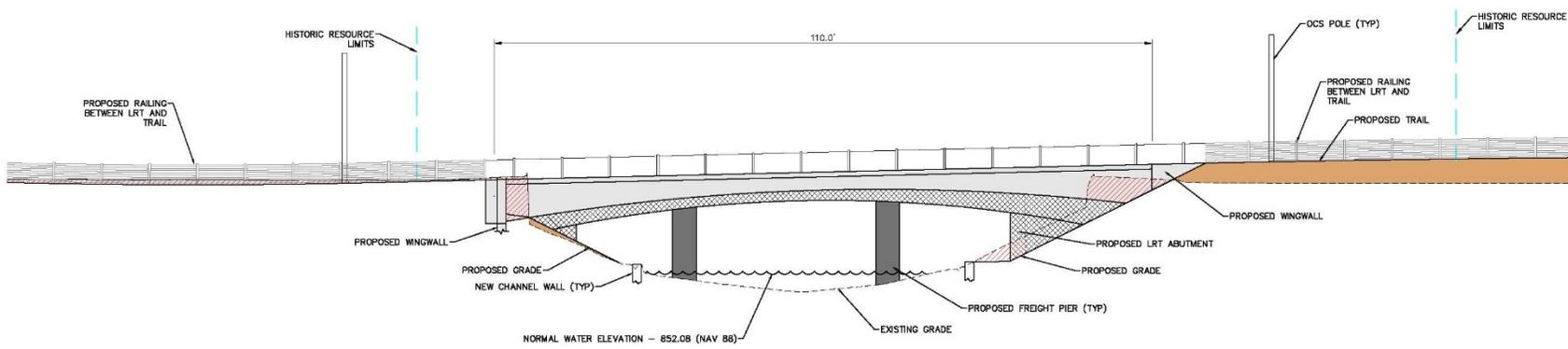
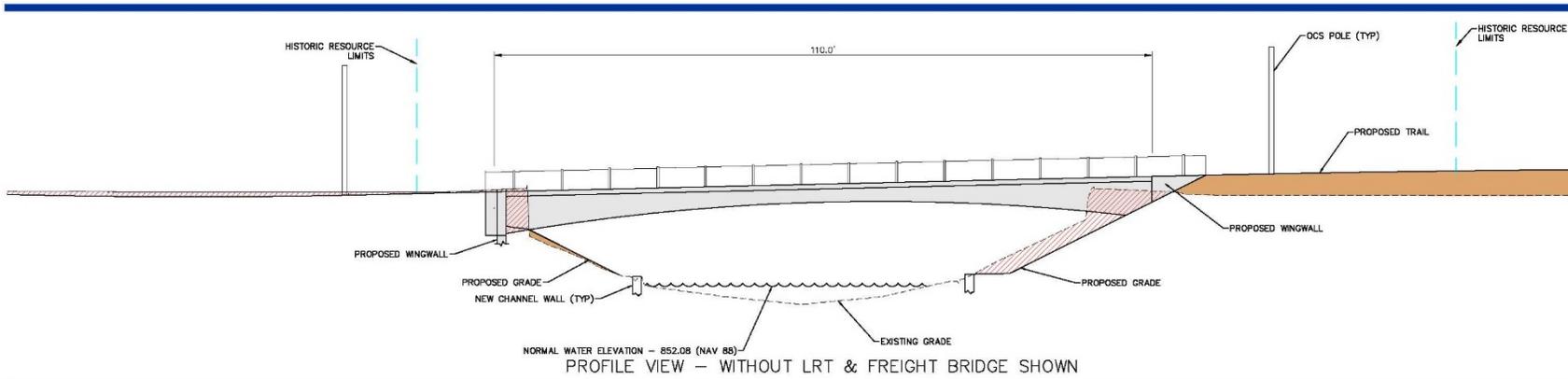


Southwest LRT Final EIS
 Final Section 4(f) Evaluation
 Proposed Kenilworth Lagoon Freight Rail, Light Rail, And Trail Bridges
 Plan View



EXHIBIT 6.6-29

Final Section 4(f) Evaluation – Proposed Kenilworth Lagoon Light Rail and Trail Bridges – Profile Views



COLOR LEGEND	
	EXISTING GROUND CUT
	PROPOSED FILL
	PROPOSED TRAIL BRIDGE
	PROPOSED LRT BRIDGE
	PROPOSED FREIGHT BRIDGE

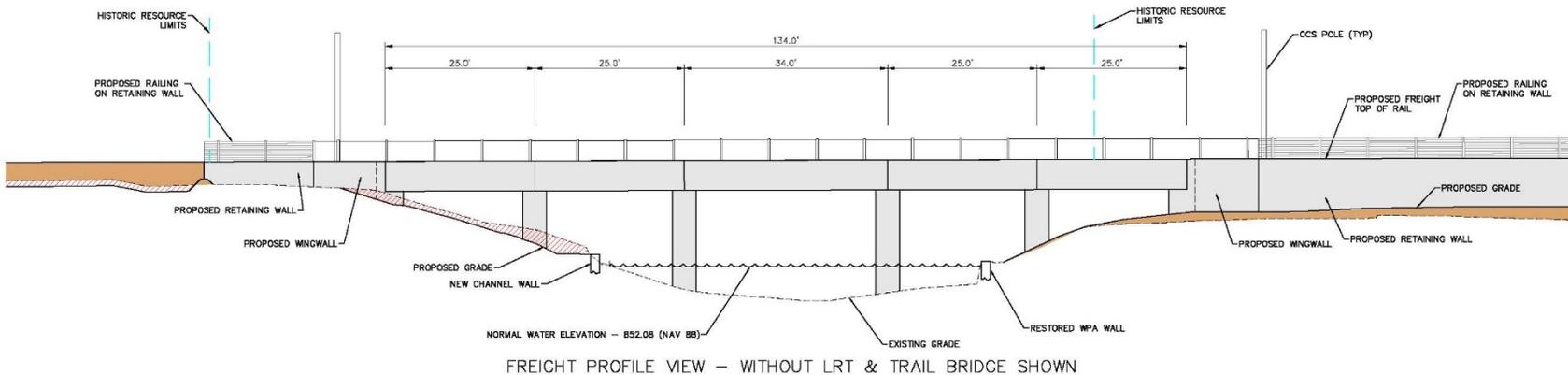
PROFILE VIEW – LRT & FREIGHT BRIDGE SHOWN

DRAFT - WORK IN PROCESS

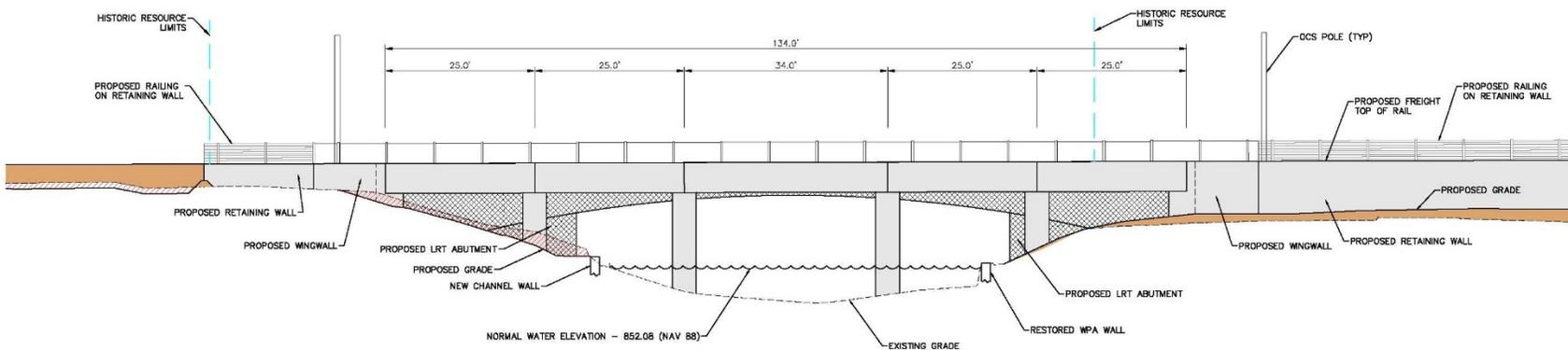
	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Proposed Kenilworth Lagoon Light Rail and Trail Bridges – Profile Views</p>	
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EXHIBIT 6.6-30

Final Section 4(f) Evaluation – Proposed Kenilworth Lagoon Freight Rail Bridge – Profile Views



FREIGHT PROFILE VIEW – WITHOUT LRT & TRAIL BRIDGE SHOWN



FREIGHT PROFILE VIEW – LRT & TRAIL BRIDGE SHOWN

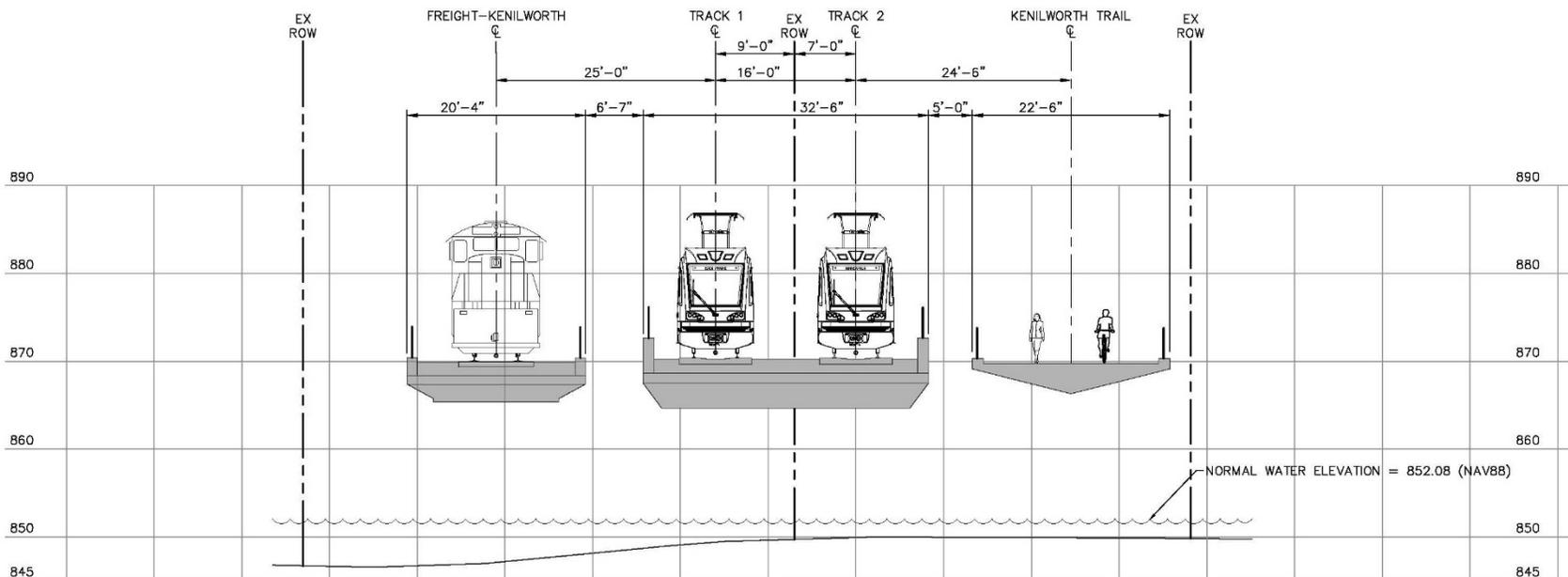
COLOR LEGEND	
	EXISTING GROUND CUT
	PROPOSED FILL
	PROPOSED FREIGHT BRIDGE
	PROPOSED LRT BRIDGE
	PROPOSED TRAIL BRIDGE

DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Proposed Kenilworth Lagoon Freight Rail Bridge – Profile Views</p>	
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EXHIBIT 6.6-31

Final Section 4(f) Evaluation – Proposed Kenilworth Lagoon Freight Rail, Light Rail, and Trail Bridges Cross Section At The Lagoon



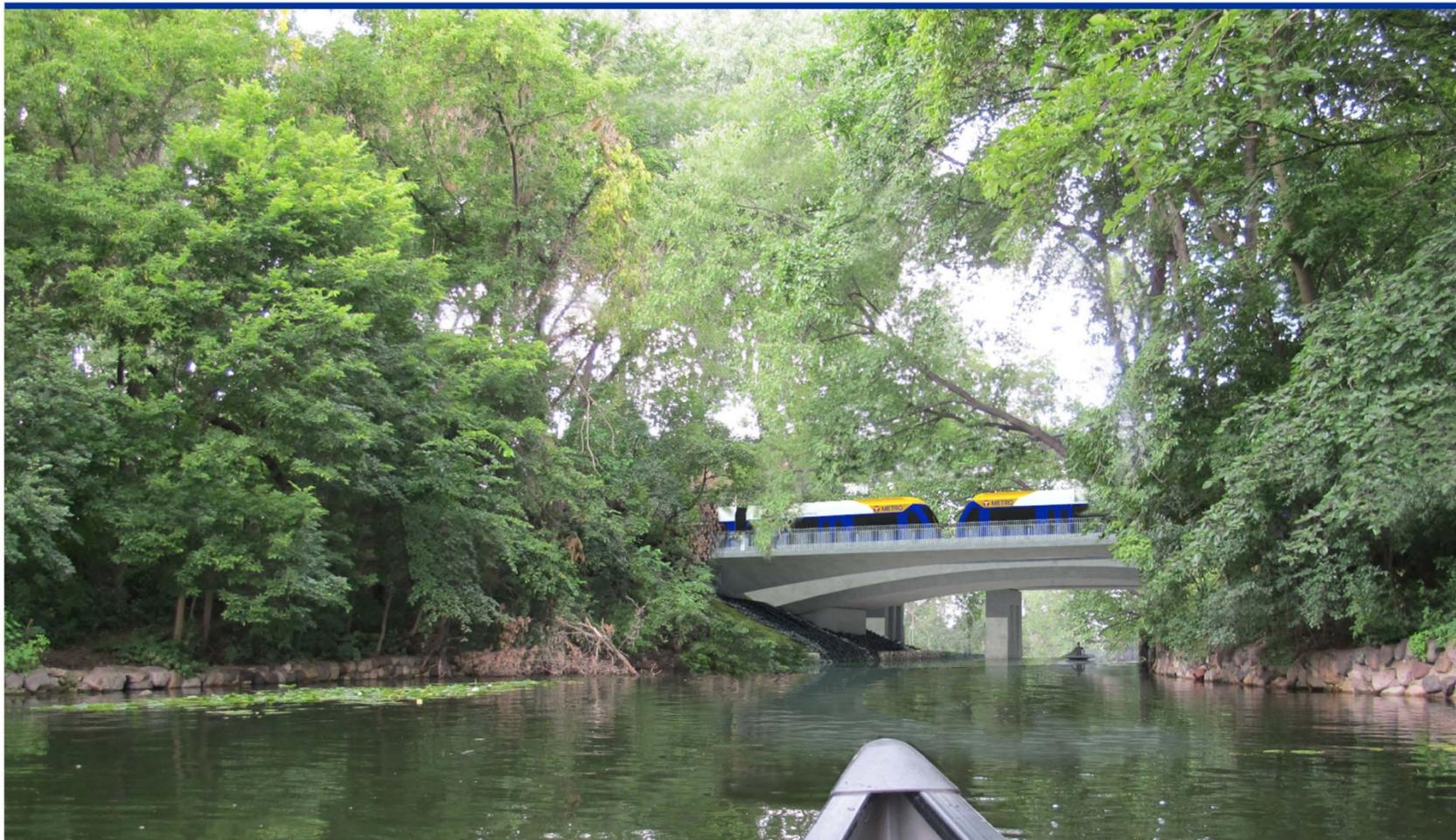
COLOR LEGEND	
	EXISTING GROUND CUT
	PROPOSED FILL
	PROPOSED STRUCTURE

DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Proposed Kenilworth Lagoon Freight Rail, Light Rail, And Trail Bridges Cross Section At The Lagoon</p>		
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EXHIBIT 6.6-32

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) – View A



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	<p style="text-align: center;">Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) - View A</p>		
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EXHIBIT 6.6-33

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) – View B



DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) - View B</p>		
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EXHIBIT 6.6-34

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) – View C



DRAFT - WORK IN PROCESS

	<p style="text-align: center;">Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) - View C</p>		
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EXHIBIT 6.6-35

Final Section 4(f) Evaluation – Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) – View D



DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Final Section 4(f) Evaluation Kenilworth Lagoon/Grand Rounds Historic District under the Project Conditions (from water level) - View D</p>		
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C. Avoidance Alternatives Analysis

The Section 4(f) statute requires the selection of an alternative that completely avoids the use of Section 4(f) property if that alternative is deemed feasible and prudent. Based on project analysis performed to-date, the No Build and Enhanced Bus Alternative as described and evaluated in the project Draft EIS will completely avoid the use of any Section 4(f) property. No other alternatives developed and evaluated would completely avoid the use of a Section 4(f) property. Following is a summary of FTA and the Council assessment of the feasibility and prudence of those two alternatives. In summary, the determination is that both the No Build Alternative and the Enhanced Bus Alternative are feasible but not prudent avoidance alternatives as per the criteria provided in 23 CFR Part 774.17 and described in Section 6.4.3 of this Final EIS.

D. No Build Alternative

The No Build Alternative is required by the NEPA/MEPA process and includes all existing and committed transportation infrastructure, facilities, and services contained in the region's fiscally constrained and federally approved transportation plan, the Metropolitan Council's Transportation Policy Plan (TPP).

As defined in Chapter 2 of this Final, the No Build Alternative will completely avoid a use of all Section 4(f) resources.

E. Evaluation of Feasibility

As per 23 CFR Part 774.17 of the Section 4(f) regulations, an alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FTA and the Council have determined that the No Build Alternative will be feasible from an engineering perspective, because no construction will be required to implement the alternative.

F. Evaluation of Prudence

Section 6.4.3 lists the Section 4(f) criteria used by FTA to determine the prudence of a full avoidance alternative as per 23 CFR Part 774.17.

i. *Effectiveness in Meeting Purpose and Need*

The project's Purpose and Need is summarized in Chapter 1 of this Final EIS. In the Draft EIS, FTA and the Council concluded that, while the No Build Alternative will avoid potential disruption to neighborhoods, commercial districts, and historic areas in the corridor, the No Build Alternative will not adequately support the Purpose and Need of the project as expressed through the project's evaluation goal, objectives, criteria, and measures (see Section 11.2.1 of the Draft EIS). In summary, the No Build Alternative will be inconsistent with local and regional comprehensive plans, which include or are consistent with implementation of the Southwest LRT Project. Furthermore, the No Build Alternative will not improve mobility, provide a cost-effective efficient travel option, or support economic development and an economically competitive freight rail system, which are key elements of the project's Purpose and Need (see Chapter 1 of this Final EIS).

FTA and the Council have determined that the No Build Alternative will compromise the Project to a degree that, under the No Build Alternative, the stated Purpose and Need for the Project will not be met; therefore, the No Build Alternative does not constitute a prudent alternative that will fully avoid the use of Section 4(f) properties.

ii. *Safety and Operational Considerations*

- None.

iii. *Social, Economic, Environmental, and Community Impacts*

- None.

iv. *Cost*

- None.

v. *Unique Problems or Unusual Factors*

- None.

vi. Cumulative Consideration of Factors

- None.

Avoidance Alternative Determination: The No Build Alternative will avoid uses of all Section 4(f) resources, but it is deemed not prudent under the definition in 23 CFR Part 774.17. The No Build Alternative is not prudent per 23 CFR Part 774.17 because it neither addresses nor corrects the transportation purpose and need that prompted the proposed Project.

6.6.2.16 Enhanced Bus Alternative

The Enhanced Bus Alternative, carried forward into the Draft EIS from the SouthWest Transitway Alternatives Analysis and scoping, was refined with FTA input into the New Starts Baseline/Transportation System Management Alternative for the purpose of the New Starts project development process.²³ By definition, the Enhanced Bus Alternative is a low-capital cost alternative that will provide the best transit service to the corridor without a major capital investment. The Enhanced Bus Alternative included the same highway and roadway network improvements contained in the No Build Alternative. The Enhanced Bus Alternative did not include any modifications to the existing highway or roadway infrastructure in the project study area.

The Enhanced Bus Alternative will have included two new limited-stop bus routes providing bidirectional service between Eden Prairie and downtown Minneapolis, with stops in Minnetonka, Hopkins, and St. Louis Park. The alternative also included minor modifications to the existing express bus service along with increased service frequencies and restructured local service to provide access to stops along the new express routes.

As defined in Chapter 2 of the Draft EIS and summarized in Section 2 of this Final EIS, the Enhanced Bus Alternative will completely avoid the use of all Section 4(f) resources.

A. Evaluation of Feasibility

As per 23 CFR Part 774.17 of the Section 4(f) statute, an alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FTA and the Council have determined that the Enhanced Bus Alternative could be built as a matter of sound engineering judgment and therefore it will be feasible from an engineering perspective.

B. Evaluation of Prudence

Section 6.4.3 of this Final EIS lists the Section 4(f) criteria used by FTA to determine the prudence of a full avoidance alternative as per 23 CFR Part 774.17.

i. Effectiveness in Meeting Purpose and Need

The project's Purpose and Need is summarized in Chapter 1 of this Final EIS. In the Draft EIS, FTA and the Council concluded that, while the Enhanced Bus Alternative will avoid potential disruption to neighborhoods, commercial districts, and historic areas in the corridor, the Enhanced Bus Alternative will not adequately support the project's Purpose and Need of the project as expressed through the project's evaluation goal, objectives, criteria, and measures (see Section 11.2.1 of the Draft EIS). In summary, the Enhanced Bus Alternative will be inconsistent with local and regional comprehensive plans, which include or are consistent with implementation of the Southwest LRT Project. The Enhanced Bus Alternative will only marginally improve mobility, and it will not provide an efficient travel option, or support economic development.

FTA and the Council have determined that the Enhanced Bus Alternative will compromise the project to a degree that, under the Enhanced Bus Alternative, the stated Purpose and Need for the project will not be met; therefore, the Enhanced Bus Alternative does not constitute a feasible and prudent alternative that will fully avoid the use of Section 4(f) properties.

²³ A baseline alternative is no longer required by FTA for their New Starts rating process.

- ii. *Safety and Operational Considerations*
 - None.
- iii. *Social, Economic, Environmental, and Community Impacts*
 - None.
- iv. *Cost*
 - None.
- v. *Unique Problems or Unusual Factors*
 - None.
- vi. *Cumulative Consideration of Factors*
 - None.

Avoidance Alternative Determination: The Enhanced Bus Alternative will avoid uses of all Section 4(f) resources, but it is deemed not prudent under the definition of in 23 CFR Part 774.17. The Enhanced Bus Alternative is not prudent per 23 CFR Part 774.17 because it neither addresses nor corrects the transportation purpose and need that prompted the proposed project.

C. All Possible Planning to Minimize Harm Analysis

In addition to a determination that there is no feasible and prudent alternative that avoids the use of a Section 4(f) resource, the Section 4(f) regulations also states that FTA may not approve the use of a Section 4(f) resource unless it determines that the proposed action includes all possible planning, as defined in 23 CFR Part 774.17, to minimize harm to the property resulting from such use.

In evaluating the reasonableness of measures to minimize harm under §774.3(a)(2), FTA will consider the preservation purpose of the Section 4(f) statute and:

- The views of the official(s) with jurisdiction over the Section 4(f) property;
- Whether the cost of the measures is a reasonable public expenditure in light of the adverse impacts of the project on the Section 4(f) property and the benefits of the measure to the property, in accordance with §771.105(d) of this chapter; and
- Any impacts or benefits of the measures to communities or environmental resources outside of the Section 4(f) property.

Project staff have consulted with MnHPO and identified consulting parties during the design of the new bridges and related work on the lagoon to avoid, minimize, and/or mitigate adverse effects from construction and operation of the project through sensitive design and the incorporation of protective measures. The design of the bridges, including span configurations, materials, and railing options, continue to be developed as part of the advancement of the design for the project.

FTA, MnDOT CRU, and the Council are responsible for the project's implementation of the Section 106 consultation process, including coordination with the USACE, which has Section 106 responsibilities as a NEPA Cooperating Agency. The USACE recognizes FTA as the Lead Federal Agency for the Section 106 process. The Project's Section 106 consultation process is summarized in Section 3.5. Table 6.6-4 lists the Section 106 coordination meetings that the Council has held under the Section 106 process. Section 3.5 provides additional information about these meetings and Appendix N includes documentation of Section 106 consultation packages and meetings.

In particular, on April 30, 2014, the Council and MnDOT CRU held a consultation meeting to review listed and eligible historic properties and potential Project effects. Comments from the consulting parties were solicited during the meeting and in written form after the meeting on these resources. A subsequent meeting was held on November 24, 2014, to:

1. Present project adjustments identified since the April 30, 2014, meeting, as adopted at the July 9, 2014, Council meeting;

TABLE 6.6-4
Council Meetings Related to Section 106

Date	Meeting Type
October 7, 2008	Public Scoping Meeting/Scoping Hearing
October 14, 2008	Public Scoping Meeting/Scoping Hearing
October 23, 2008	Public Scoping Meeting/Scoping Hearing
May 18, 2010	Public Open House
May 19, 2010	Public Open House
May 20, 2010	Public Open House
April 12, 2012	Section 106 Consulting Parties Meeting
April 30, 2014	Section 106 Consulting Parties Meeting
November 24, 2014	Section 106 Consulting Parties Meeting
February 6, 2015	Section 106 Consulting Parties Meeting
February 24, 2015	Section 106 Consulting Parties Meeting
April 22, 2015	Section 106 Consulting Parties Meeting
June 16, 2015	Supplemental Draft EIS Public Open House and Hearing
June 17, 2015	Section 106 Consulting Parties Meeting
June 17, 2015	Supplemental Draft EIS Public Open House and Hearing
June 18, 2015	Supplemental Draft EIS Public Open House and Hearing
July 29, 2015	Section 106 Consulting Parties Meeting
September 23, 2015	Section 106 Consulting Parties Meeting
December 3, 2015	Section 106 Consulting Parties Meeting
February 25, 2016	Section 106 Consulting Parties Meeting

2. Consult to consider effects to historic properties and reach agreement on determinations of effect; and,
3. Identify measures to avoid, minimize, or mitigate impacts to architecture/history and archaeology resources for inclusion in the Section 106 Agreement.

Further, in February 2015, the Council and MnDOT CRU held two Section 106 consultation meetings. At the February 6, 2015, meeting, the Council, and MnDOT CRU presented revised bridge design concepts and discussed effects related to the new crossing over the Kenilworth Lagoon/Grand Rounds Historic District. At the February 24, 2015, meeting, the Council and MnDOT CRU led a discussion on effects to historic properties throughout the Project area and provided an overview of the content and consulting parties’ roles in the development of a Section 106 agreement.

The design of the bridges, including span configurations, materials, and railing options, continued to be developed as part of the advancement of the design for the Project, as were designs to minimize or mitigate adverse effects on the lagoon’s topographical features, vegetation, and WPA-era retaining walls. Within the Section 106 process, the potential bridge designs were the focus of the July 29, 2016, consulting parties meeting. Within their August 21, 2015, letter to the MnDOT CRU, the MnHPO provided their comments in response to that meeting and the associated correspondence and review material submitted by the Council to the MnHPO on July 21, 2015. See Appendix N for a copy of that letter.

Subsequent Section 106 consultation meetings focused on findings of effect and resolution of adverse effects, including the Project’s effects on the Kenilworth Lagoon/Grand Rounds Historic District. Among other topics, coordination activities between the Council and MnHPO and others focused on the visual and noise effects of

the Project on the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park and helped lead to the development of the Project's Section 106 Memorandum Agreement for the Kenilworth Lagoon/Grand Rounds Historic District. The Section 106 Memorandum of Agreement is documentation that commits FTA and the Council to implement measures to avoid, minimize, or mitigate adverse effects on historic properties and archaeological resources (see Appendix H).

All Possible Planning to Minimize Harm Determination: Based on the summary within this section, FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm has been conducted and implemented through the completion of the project's Section 106 process and with execution of the Project's Section 106 Agreement.

D. Least Overall Harm Analysis

Per 23 CFR Part 774.3(c), if the Section 4(f) analysis for a property that will be used by a project concludes that there is no feasible and prudent avoidance alternative, then FTA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose. If the assessment of least overall harm finds that two or more alternatives are substantially equal, FTA can approve any of those alternatives. To determine which of the alternatives will cause the least overall harm, FTA must compare seven factors set forth in 23 CFR 774.3(c)(1) concerning the alternatives under consideration (see Section 6.4.3 of this Final EIS for a description of those seven criteria).

The consultation process, including meetings, is ongoing and will continue to proceed through execution of the Section 106 Agreement. The Council and FTA have also committed to continue Section 4(f) coordination activities with the MPRB related to proposed bridge crossing designs. The continuing coordination efforts between the Council and the MPRB may include the development of additional bridge design concepts and minimization and mitigation measures. In general, these Section 4(f) coordination activities will focus on the visual and noise effects of the Project on the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park and will be coordinated with the MnHPO through development of a Section 106 Agreement for the Kenilworth Lagoon/Grand Rounds Historic District.

A final determination of least overall harm requires the completion of the process to determine all possible planning to minimize harm. Because the Kenilworth Lagoon/Grand Rounds Historic District is a Section 106 resource, all possible planning to minimize harm for it will be completed when the Section 106 process concludes with an executed Section 106 Agreement. That Section 106 Agreement will specify how the project will resolve the adverse effect it will have on the Kenilworth Lagoon/Grand Rounds Historic District. This update includes a least overall harm analysis based on an anticipated Section 106 Agreement that will address the adverse effect to the Kenilworth Lagoon/Grand Rounds Historic District.

As the Draft Section 4(f) Evaluation Update was being prepared, two options (in addition to the Project) that would have resulted in the use of the Kenilworth Lagoon/Grand Rounds Historic District remained under consideration: a) Shallow LRT Tunnel – Under Kenilworth Lagoon²⁴ (Exhibit 6.6-36); and b) Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon (Exhibit 6.6-37). Following is a description of those two options that remained under consideration and a comparison of those options with the Project, based on the Shallow LRT Tunnel – Over Kenilworth Lagoon option that was developed and evaluated as a part of the project's design adjustment process (see Section 2 and Appendix F of this Final EIS for additional information on the evaluation process and measures). Detailed descriptions of the Project, including where light rail will cross the Kenilworth Lagoon, are provided in Chapter 2 of this Final EIS, as well as previously

²⁴ Two variations of the Shallow LRT Tunnel – Over Kenilworth Lagoon option were initially developed; one short and one long. Exhibits 2.3-11 and 2.3-12 in Appendix F of this Final EIS illustrate the extent of the LRT tunnel under the short and long options, respectively. Both variations of the Shallow LRT Tunnel – Under Kenilworth Lagoon would have identical use and impacts to the Kenilworth Lagoon. The short tunnel variation was used for this least overall harm analysis because the overall tunnel length in that variation would be more similar to the tunnel length under the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon.

within this chapter. Base year and year-of-expenditure capital costs of the Project are provided in Chapters 2 and Chapter 7 of this Final EIS, respectively.

E. Shallow LRT Tunnel – Under Kenilworth Lagoon Option

The Shallow LRT Tunnel – Under Kenilworth Lagoon option, which is a variation of the Shallow LRT Tunnel – Over Kenilworth Lagoon option, will extend the LRT alignment under the Kenilworth Lagoon to a portal north of the lagoon, and it will eliminate the need for a light rail bridge over the lagoon. However, because the LRT tunnel will be constructed where there are existing wood piles, the existing wood pile bridges carrying freight rail and the trail will need to be replaced with new freight rail and trail bridges. Those two new bridges will be located on either side of the LRT tunnel alignment. Due to the tunnel's cut-and-cover construction and bridge demolition and construction, approximately all of the area across the Kenilworth Lagoon will be reconstructed, including the banks, retaining walls, and vegetation. The result will be that all of the historic components of the Kenilworth Lagoon/Grand Rounds Historic District will be removed, replaced, and reconstructed.

Beneath the lagoon, the tunnel will descend to where the tunnels will cross under the Kenilworth Lagoon, approximately 10 feet from the Kenilworth Lagoon water surface elevation (in part, the depth of the tunnel under the lagoon will be needed to provide space to replace the channel soils above the top of the tunnel after construction). Two variations of the Shallow LRT Tunnel – Over Kenilworth Lagoon option were initially developed; one short and one long. Exhibit F-28 and Exhibit F-29 in Appendix F illustrate the extent of the LRT tunnel under the short and long options, respectively.

Both variations of the Shallow LRT Tunnel – Under Kenilworth Lagoon will have identical use and impacts to the Kenilworth Lagoon. The short tunnel variation was used for comparison with the Shallow LRT Tunnel – Over Kenilworth Lagoon option (Exhibit 6.6-36) in this least overall harm analysis because the overall tunnel length in that variation will be more similar to the tunnel length under the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon (Exhibit 6.6-37).

Exhibit 6.6-38A/B illustrates the general sequence that will be used to construct the cut-and-cover tunnel under the Kenilworth Lagoon and to demolish and replace the existing freight rail and trail bridges.

Construction of the Shallow LRT Tunnel – Under Kenilworth Lagoon option would extend the overall project's construction schedule by up to one year, delaying benefits of the project for up to one year. Tunnel construction would also result in the closure of the Kenilworth Lagoon to recreational use at the construction site intermittently for approximately one year, which would effectively isolate Lake of the Isles and Cedar Lake from each other for water and ice-related activities. The tunnel construction would directly increase project costs by approximately \$60 to \$75 million (depending on the length of the tunnel extension) and the project would incur approximately \$45 to \$50 million in additional costs due to the project delay. The cost increases and project delays that would result from the Shallow LRT Tunnel - Under Kenilworth Lagoon would be over and above the capital costs summarized in Section 2.3 and Chapter 7 of this Final EIS.

FTA and the Council have concluded that the Shallow LRT Tunnel – Over Kenilworth Lagoon option will result in the least overall harm to the protected Section 4(f) property. That conclusion is based on the following (see Appendix F of this Final EIS for additional detail):

- At the November 24, 2014, Section 106 Consulting meeting, which included MnHPO and other consulting parties, the parties discussed whether minimization and mitigation efforts can adequately address the adverse effects under the Shallow LRT Tunnel – Under Kenilworth Lagoon option. The parties agreed that under (23 CFR Part 774.3(c)1(i)), the Shallow LRT Tunnel – Under Kenilworth tunnel cannot adequately be addressed, as this option will leave little (if any) of the contributing elements of the Grand Rounds Historic District.
- There would be a substantial cost difference. The Shallow LRT Tunnel – Under Kenilworth Lagoon option would result in \$60 to \$75 million in additional direct costs and \$45 to \$50 million in cost increases due to the schedule delay, for a total additional project costs of up to \$125 million. The Council approved the Project's scope and budget in July 2015. Local funding partners capped their funding commitments based

EXHIBIT 6.6-36

Shallow LRT Tunnel – Under Kenilworth Lagoon

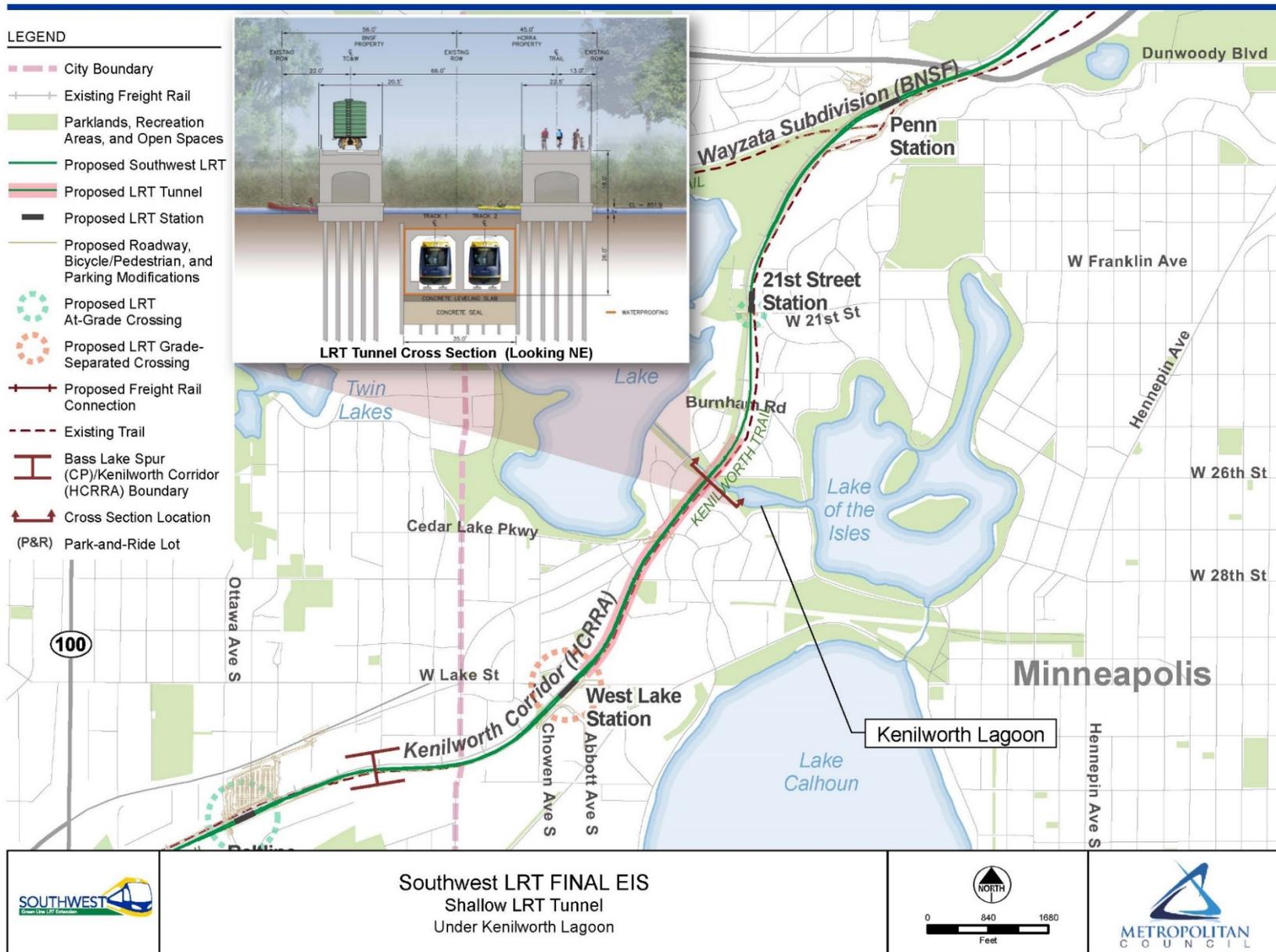


EXHIBIT 6.6-37

Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon

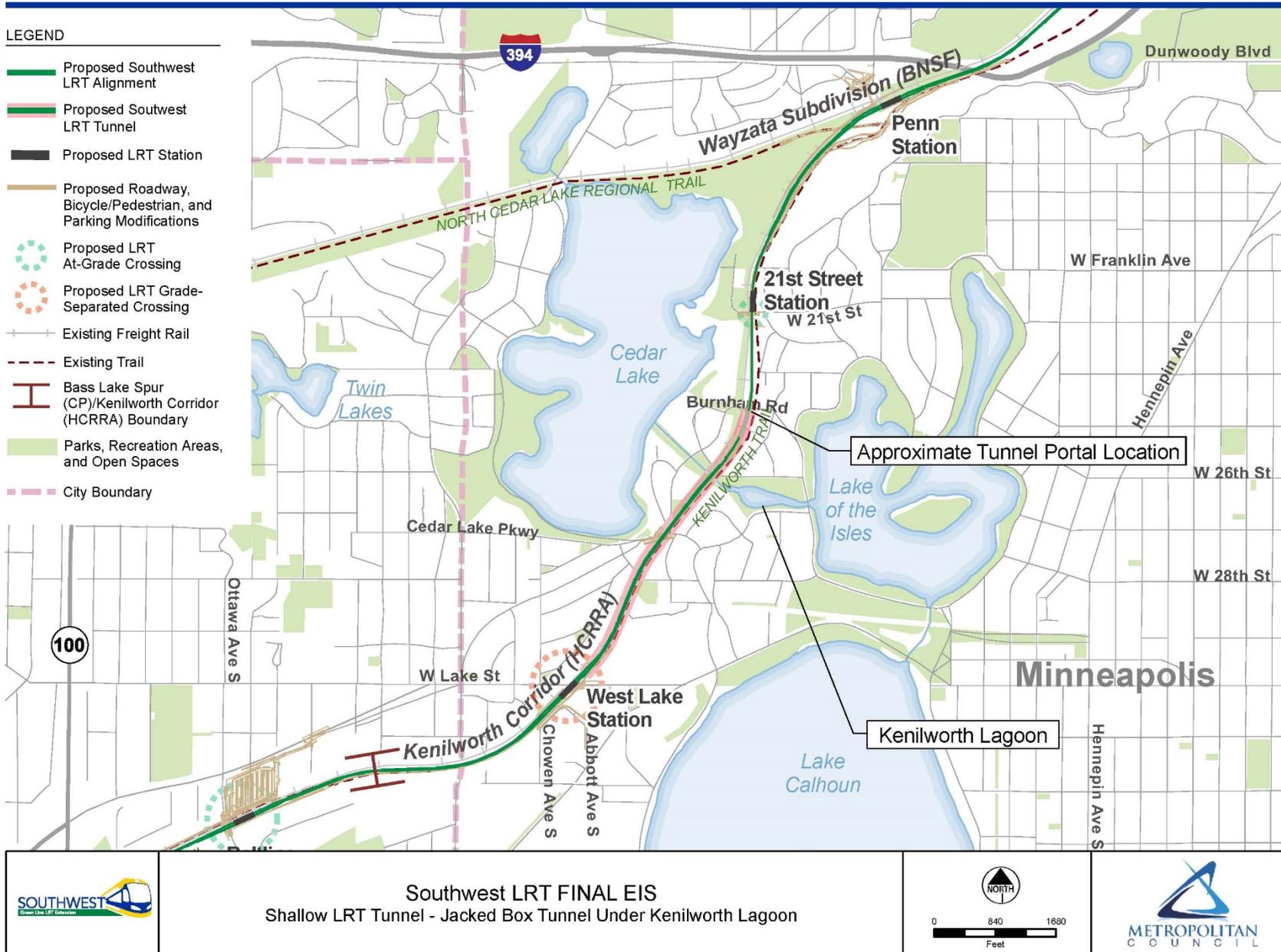
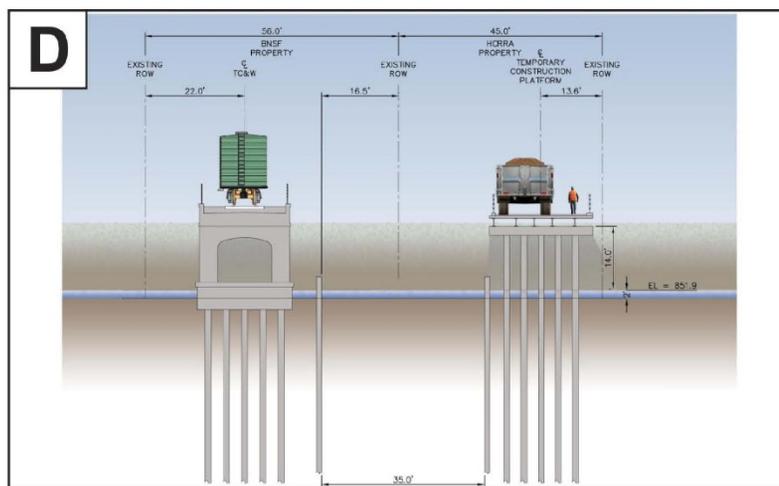
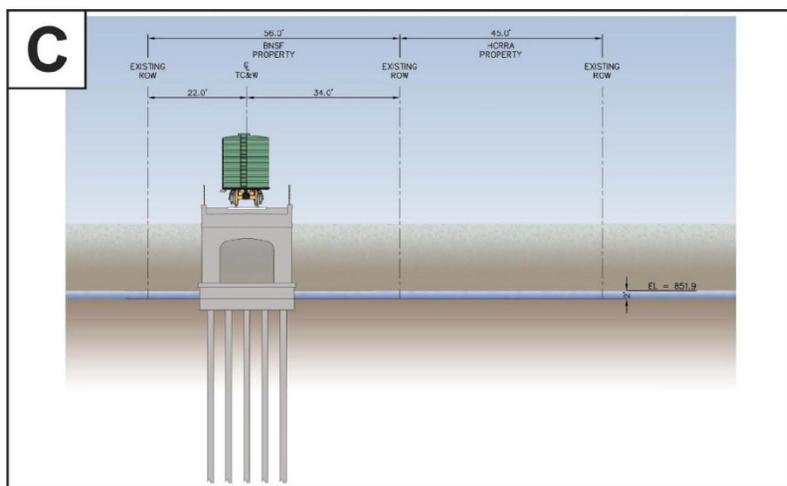
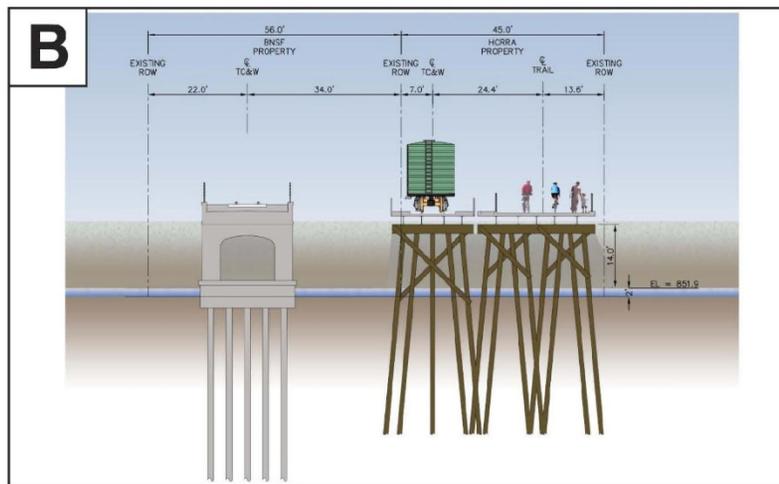
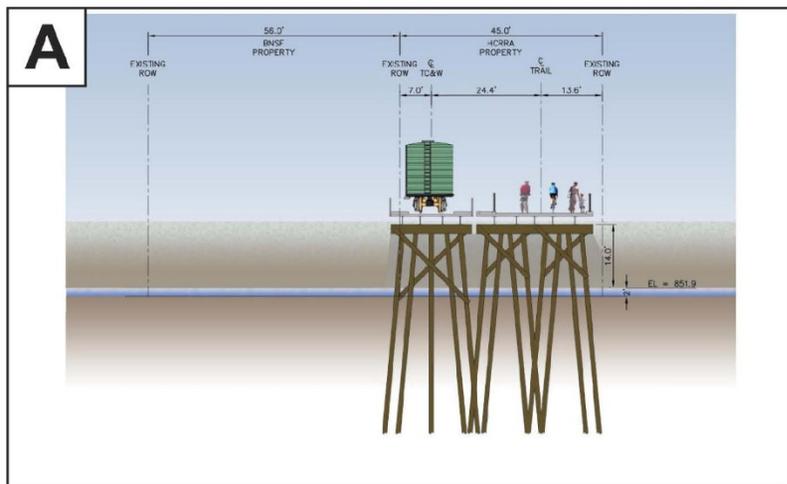


EXHIBIT 6.6-38A

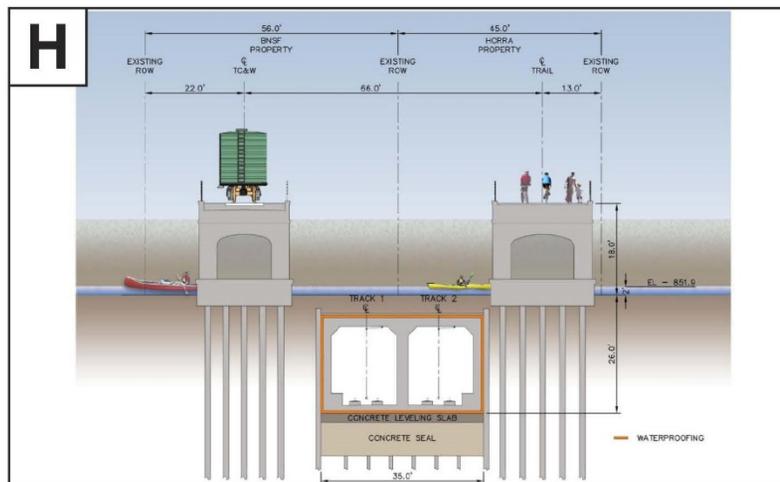
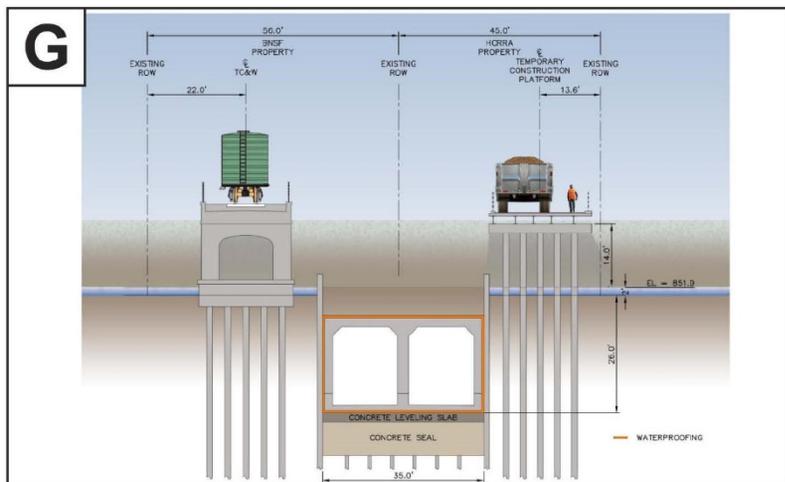
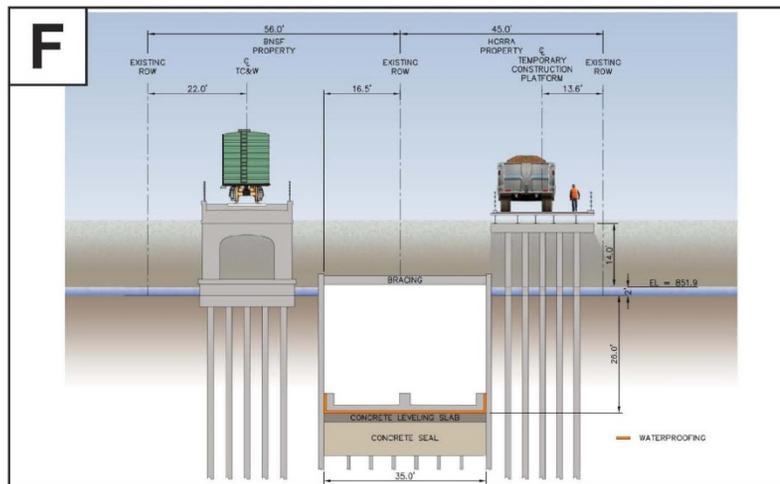
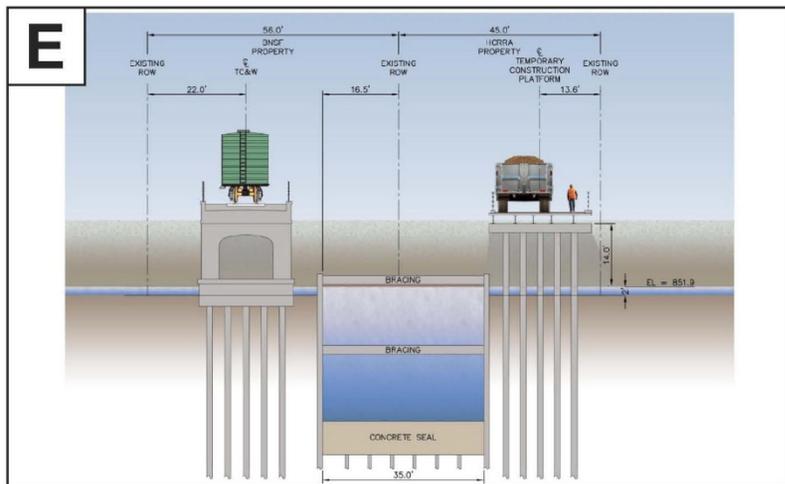
Construction Sequence for the Shallow LRT Tunnel Under Kenilworth Lagoon (cut-and cover construction at the Kenilworth Lagoon, looking northeast)



	<p>Southwest LRT FINAL EIS Construction Sequence for the Shallow LRT Tunnel Under Kenilworth Lagoon (cut-and cover construction at the Kenilworth Lagoon, looking northeast)</p>		
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EXHIBIT 6.6-38B

Construction Sequence for the Shallow LRT Tunnel Under Kenilworth Lagoon (cut-and-cover construction at the Kenilworth Lagoon, looking northeast)



	<p>Southwest LRT FINAL EIS Construction Sequence for the Shallow LRT Tunnel Under Kenilworth Lagoon (cut-and cover construction at the Kenilworth Lagoon, looking northeast)</p>	
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on the Council budget; therefore, additional cost increases from this option are not authorized and would require the support and approval from the local funding partners. Further, there would be little if any environmental benefit or benefit to the protected Section 4(f) property as a result of the substantial cost increase and project schedule delay. (23 CFR Part 774.3(c)1(vii))

For the reasons outlined in this section, FTA and the Council have determined that, compared to the Shallow LRT Tunnel – Under Kenilworth Lagoon option, the Shallow LRT Tunnel – Over Kenilworth Lagoon would result in the least overall harm to the Kenilworth Lagoon/Grand Rounds Historic District (23 CFR Part 774.3(c)1).

F. Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option

The Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option (Exhibit 6.6-36) was proposed and conceptually developed and evaluated by the MPRB. Project staff coordinated with MPRB as they independently developed and evaluated the option through a series of staff meeting in late 2014 and early 2015. Documentation of the MPRB's efforts to develop and evaluate the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option is provided in Appendix I.

As proposed by the MPRB, the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option, which is a variation of the Shallow LRT Tunnel – Over Kenilworth Lagoon option, would extend the LRT alignment under the Kenilworth Lagoon to a portal approximately 400 feet north of the lagoon and would eliminate the need for a light rail bridge over the lagoon. However, because the LRT tunnel would be constructed where there are existing wood piles, the existing wood pile bridges carrying freight rail and the trail would need to be replaced with two new bridges. Those two new bridges would be located on either side of the LRT tunnel alignment. Due to the tunnel construction and bridge demolition and construction, compared to the Shallow LRT Tunnel – Over Kenilworth Lagoon, a similar area across the Kenilworth Lagoon would be reconstructed, including the banks, retaining walls, and vegetation.

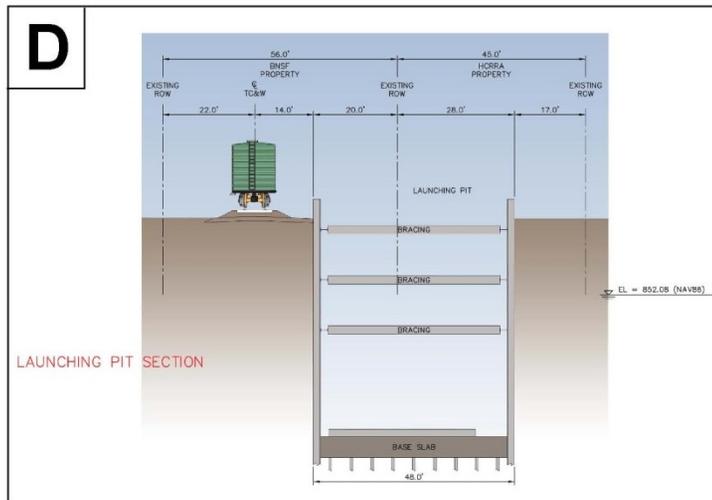
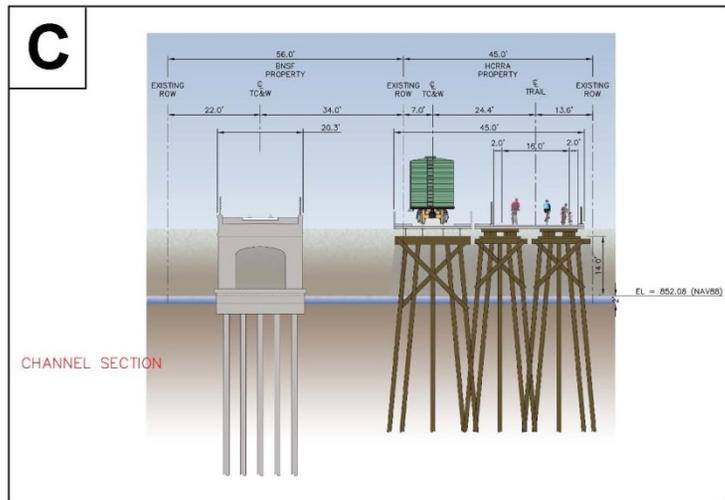
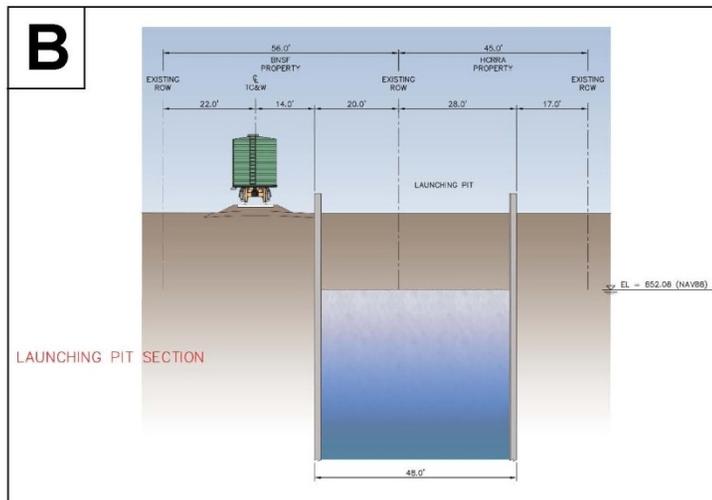
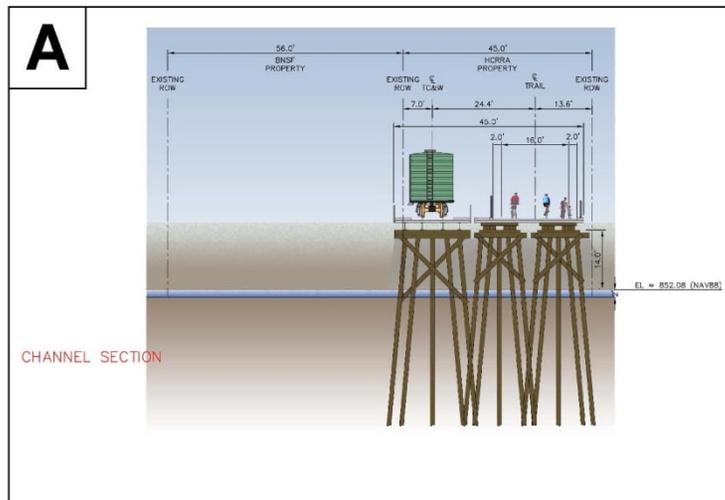
Beneath the lagoon, the tunnel would descend to where the tunnel will cross under the Kenilworth Lagoon, approximately 10 feet from the Kenilworth Lagoon water surface elevation (in part, the additional depth of the tunnel will be needed to maintain the integrity of the lagoon during construction of the tunnel under the lagoon). Exhibit 6.6-37 illustrates the extent of the LRT tunnel under the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option. Exhibit 6.6-39A/B illustrates the general sequence that would be used to construct the jacked box tunnel under the Kenilworth Lagoon and to demolish and replace the existing freight rail and trail bridges. Following is a description of the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option as provided in the MPRB's independent draft report *Kenilworth Channel – Tunnel Crossing Study* (MPRB; March 2015; page 8 – see Appendix I):

“The Jacked Box method [of tunnel construction] involves digging a pit on either side of the Kenilworth Channel and supporting the pit walls in similar fashion to the cut and cover method (sheet pile walls with bracing and bottom slab). The pits are identified as launching and receiving pits, respectively. The launching pit is larger in order to accommodate the construction of the tunnel box. For Kenilworth, the box will be approximately 205 feet in length and the pit must be at least that large to allow the box and clearances for construction. The receiving pit on the opposite side of the channel is significantly smaller. The jacking process is accomplished by hydraulic equipment and can be done either by pulling the box with high strength steel cables or pushing it with hydraulic rams. We have chosen the pulling method as the most effective for Kenilworth as it also provides improved alignment tolerances compared to the pushing method. Controlling the ground during the tunneling method is critical. As mentioned previously, the alluvial soils present along with a submerged condition result in a ‘flowing ground’ condition without ground support.

“Controlling the ground at the open face of the tunnel can be accomplished by ground modification methods such as freezing, grouting with either chemical or cement grouts, or dewatering. Dewatering is not practical due to the high permeability of the soil, the shallow design, and the presence of the channel water as a nearly infinite source of water. Ground freezing is a good option; however, consideration should be given to potential for freezing of portions of the channel water. Grouting of the soil was chosen as the best option for ground improvement. The grouting will provide a stable

EXHIBIT 6.6-39A

Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Construction Sequence

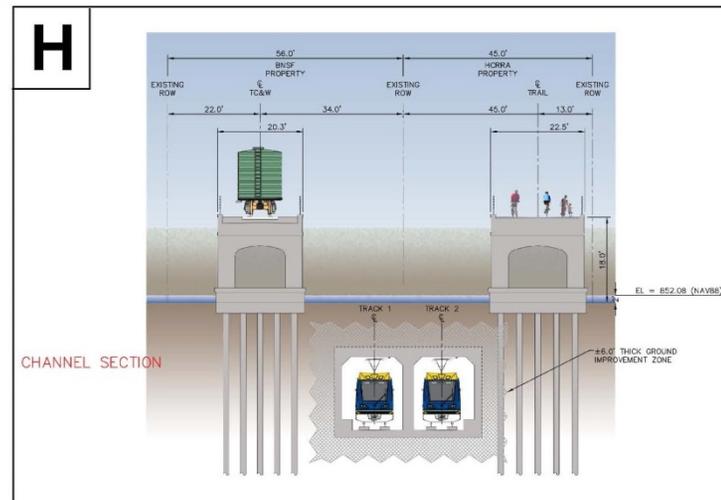
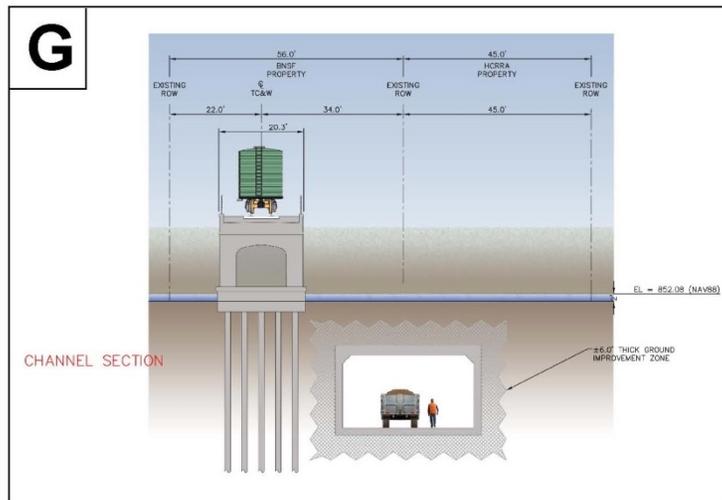
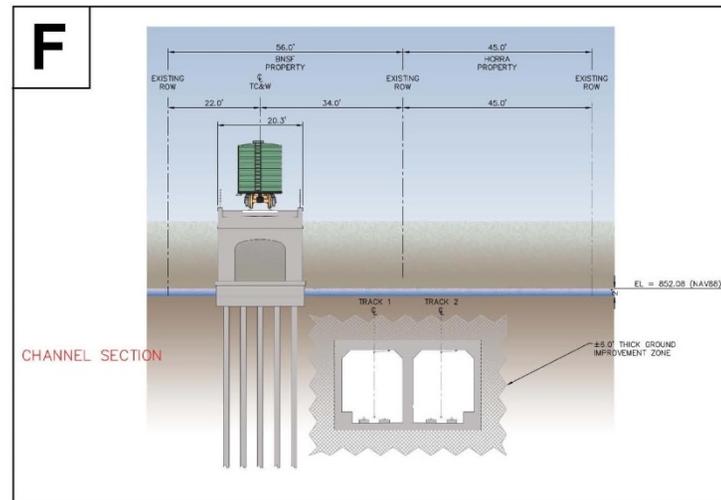
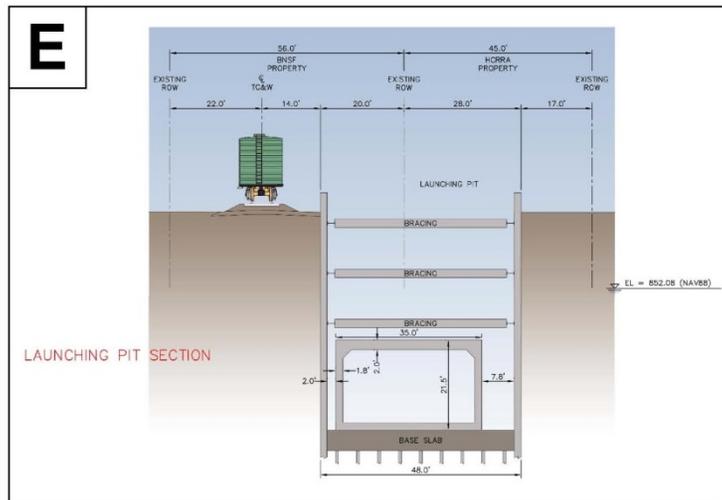


DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Shallow LRT Tunnel Jacked Box Tunnel Under Kenilworth Lagoon Construction</p>		
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EXHIBIT 6.6-39B

Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Construction Sequence



DRAFT - WORK IN PROCESS

	<p>Southwest LRT FINAL EIS Shallow LRT Tunnel Jacked Box Tunnel Under Kenilworth Lagoon Construction Sequence</p>		
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face at the leading edge of the tunnel during construction, minimize ground water intrusion during construction, and will also serve to impede ground water permanently.

“Permanent waterproofing of the tunnel box is imperative to prevent water intrusion and ice damming during cold months. The methods of membrane installation that are considered for the cut and cover tunnel are not practical for the jacked box method. For the Jacked Box method of construction, the tunnel can be effectively waterproofed by a combination of several design features.”

Construction of the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option would extend the project’s overall construction schedule by up to 12 months, delaying benefits of the project for up to 12 months. The tunnel construction will directly increase project costs by approximately \$80 to \$95 million and the project would incur approximately \$45 to \$50 million in additional costs due to the project delay, increasing the overall cost burden for the project by up to \$145 million. The cost increases and project delays that will result from the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option would be over and above the capital cost estimates in Section 2.3 and Chapter 7 of this Final EIS.

In comparing the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option to the Shallow LRT Tunnel – Over Kenilworth Lagoon option and its effects on the Kenilworth Lagoon/Grand Rounds Historic District, FTA and the Council have concluded that the Shallow LRT Tunnel – Over Kenilworth Lagoon option will result in the least overall harm to the protected Section 4(f) property. That conclusion is based on the following (see Appendix I for additional draft information on the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option that was prepared by the MPRB):

- There would be a substantial cost difference between the alternatives, as the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option will result in additional costs up to \$145 million (not accounting for potential additional delay due to a potentially longer review process – source: MPRB 2015). The Council approved the Project’s scope and budget in July 2015. Local funding partners capped their funding commitments based on the Council budget at that time; therefore, additional cost increases from this option are not authorized and will require the support and approval from the local funding partners. Further, there would be little if any environmental benefit or benefit to the protected Section 4(f) property as a result of the substantial cost increase and project schedule delay. (23 CFR Part 774.3(c)1(vii))
- The tradeoffs between the Shallow LRT Tunnel – Over Kenilworth Lagoon option and the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option were reviewed and discussed at the February 6, 2015, Section 106 Consultation meeting, which included the MnHPO (see Appendix C and Appendix E) (23 CFR Part 774.3(c)1(iv)). In summary, it was noted that both the Shallow LRT Tunnel – Over Kenilworth Lagoon and Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option would have an adverse effect on the Kenilworth Lagoon/Grand Rounds Historic District. Specifically, it was noted that the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option will result in the removal of the existing freight rail and trail bridges and construction of replacement bridges, because the tunnel will be constructed in the same location as the wood piers for the existing bridges. The Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon would also disturb and eliminate the WPA-era retaining walls and vegetation along the banks, both of which are contributing elements to the Grand Rounds Historic District. In response to an MnHPO inquiry, MPRB staff noted that the MPRB has not identified concerns related to deeply buried archaeological deposits in vicinity of where the jacked box tunnel will be located.
- On March 5, 2015, the MPRB provided the Council with a letter that summarizes the MPRB’s understanding of the project’s consultation efforts with the Council and FTA on Section 4(f) issues, particularly related to the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park (see Appendix I). The letter documents the MPRB’s finding that, based on its independent engineering study, the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option would not be prudent, because of the additional costs and extended schedule under that option, compared to the Shallow LRT Tunnel – Over Kenilworth Lagoon. In particular, the letter states that MPRB determined

that the additional costs and extended schedule the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option would “not be prudent.”

For the reasons outlined in this section, FTA and the Council have determined that, compared to the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option, the Shallow LRT Tunnel – Over Kenilworth Lagoon option would result in the least overall harm to the Kenilworth Lagoon/Grand Rounds Historic District (23 CFR Part 774.3(c)1).

Section 4(f) Determination: Based on the above analysis and summarized in this section, FTA and the Council have determined that the Project (i.e., Shallow LRT Tunnel – Over Kenilworth Lagoon option) will result in a non-*de minimis* use of the Kenilworth Lagoon/Grand Rounds Historic District Section 4(f) property and that there is no feasible and prudent alternative that would avoid a use of this historic property. In addition, based on the summary within this section, FTA has determined, in accordance with 23 CFR Part 774.17, that all possible planning to minimize harm has been conducted and implemented through the completion of the project’s Section 106 process through the execution of a Section 106 Agreement. FTA and the Council have determined that the Project will be the alternative that will result in the least overall harm to the Kenilworth Lagoon/Grand Rounds Historic District.

6.6.2.17 Frieda and J. Neils House – No Use

A. Property Description

The Frieda and Henry J. Neils House is located at 2801 Burnham Boulevard in Minneapolis and is listed on the NRHP under Criterion C. For more detailed information on this historic, property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Frieda and Henry J. Neils House historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Frieda and Henry J. Neils historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Frieda and Henry J. Neils House (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Frieda and Henry J. Neils House historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Frieda and Henry J. Neils House historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Frieda and Henry J. Neils House historic property.

6.6.2.18 Mahalia & Zachariah Saveland House – No Use

A. Property Description

The Mahalia & Zachariah Saveland House is located at 2405 W. 22nd Street in Minneapolis. It is eligible for the NRHP under Criterion C. For more detailed information on this historic property see Section 3.5 and Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Mahalia & Zachariah Saveland House historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Mahalia & Zachariah Saveland House historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Mahalia & Zachariah Saveland House (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Frieda and J. Neils House historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Mahalia & Zachariah Saveland House historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Mahalia & Zachariah Saveland House historic property.

6.6.2.19 Frank W. and Julia C. Shaw House – No Use**A. Property Description**

The Frank W. and Julia C. Shaw House is located at 2036 Queen Avenue S. in Minneapolis. It is eligible for the NRHP under Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Frank W. and Julia C. Shaw House historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Frank W. and Julia C. Shaw House historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Frank W. and Julia C. Shaw House (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Frank W. and Julia C. Shaw House historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Frank W. and Julia C. Shaw House historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Frank W. and Julia C. Shaw House historic property.

6.6.2.20 Kenwood Parkway – No Use

A. Property Description

Kenwood Parkway, located in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District, which FTA and MnHPO have determined to be eligible for the NRHP under Criterion A and Criterion C. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Kenwood Parkway historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Kenwood Parkway historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Kenwood Parkway (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Kenwood Parkway historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Kenwood Parkway historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Kenwood Parkway historic property.

6.6.2.21 Kenwood Park – No Use

A. Property Description

Kenwood Park, located in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District, which FTA and MnHPO have determined to be eligible for the NRHP under Criterion A and Criterion C. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Kenwood Park historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Kenwood Park historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Kenwood Park (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Kenwood Park historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Kenwood Park historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Kenwood Park historic property.

6.6.2.22 Kenwood Parkway Residential Historic District – No Use**A. Property Description**

Kenwood Parkway Residential Historic District is located on Kenwood Parkway (1805-2216 Kenwood Parkway) in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District and has been individually determined eligible for the NRHP under Criterion A. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Kenwood Parkway Residential Historic District – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Kenwood Parkway Residential Historic District during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Kenwood Parkway Residential Historic District (see the Section 106 consultation documentation in Appendix H, I and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Kenwood Parkway Residential Historic District will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Kenwood Parkway Residential Historic District under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Kenwood Parkway Residential Historic District.

6.6.2.23 Kenwood Water Tower – No Use**A. Property Description**

The Kenwood Water Tower is located at 1724 Kenwood Parkway in Minneapolis, is considered a contributing site within the overall potential Grand Rounds Historic District and has been individually determined eligible for the NRHP under Criterion A and Criterion C. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Kenwood Water Tower historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Kenwood Water Tower historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at Kenwood Water Tower (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Kenwood Water Tower historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Kenwood Water Tower historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Kenwood Water Tower historic property.

6.6.2.24 Mac Martin House – No Use**A. Property Description**

The Mac Martin House is located at 1828 Mt. Curve Avenue in Minneapolis. It is eligible for the NRHP under Criterion B. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Mac Martin House historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Mac Martin House historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Mac Martin House (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Mac Martin House historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Mac Martin House historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Mac Martin House historic property.

6.6.2.25 St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District – *De Minimis* Determination**A. Property Description**

The St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District, located in Minneapolis, is eligible for the NRHP under Criterion A. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

The Project will result in the permanent incorporation of approximately 1.53 acres of property from the historic St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District; approximately 5.42 acres will be temporarily occupied for construction access (see Exhibit 6.6-40).

EXHIBIT 6.6-40

Final Section 4(f) Evaluation – St. Paul, Minneapolis & Manitoba Railroad Historic District



A portion of this rail line in Minneapolis is located within the Project corridor. The Project will shift a segment of the existing railroad tracks, from approximately I-94 to Royalston Avenue (total length of 2,543 feet), approximately 0 to 25 feet north within the existing railroad right-of-way. The continuity of the linear resource will be maintained within the historic right-of-way, resulting in a minor effect to the alignment of the tracks. BNSF trains will continue to be able to use the line. There will also be minor visual effects from the introduction of the LRT catenary along this section of the rail corridor. None of these impacts will have an adverse effect on the ability of this resource to convey its historic significance or on its historic uses as a railroad and its movement of goods on the tracks. Based on the preceding discussion and consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District (see Section 3.5 and the Section 106 consultation documentation in Appendix H of this Final EIS).

C. Determination of Permanent Section 4(f) Use: Section 4(f) de minimis Use

As defined in 23 CFR Parts 774.5 and 774.17, a *de minimis* use determination is made for an historic site if FTA makes a determination for a property of “No Adverse Effect” or “No Historic Properties Affected” through consultation under Section 106 of the National Historic Preservation Act (NHPA), and the HPO concurs with that determination. Because a Section 106 Finding of No Adverse Effect has been made with respect to Project actions at the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District in tandem with consultation with the MnHPO, a subsequent *de minimis* impact determination is concluded in this document. MnHPO has agreed with the *de minimis* determination concluded here and will be providing written concurrence to this effect.

6.6.2.26 Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District – No Use

A. Property Description

The Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District is within 0.25 mile of the proposed Van White Station. The Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District has been found eligible for the NRHP under NRHP Criterion A. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Osseo Branch Line of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway

Historic District under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Osseo Branch of the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway Historic District.

6.6.2.27 Minneapolis Warehouse Historic District – No Use

A. Property Description

The Minneapolis Warehouse Historic District is located in the vicinity of 1st Avenue N., N. 1st. Street, 10th Avenue N., and N. 6th Street in Minneapolis. The Minneapolis Warehouse Historic District has been found eligible for the NRHP under NRHP Criterion A and Criterion C. For more detailed information on this historic property, see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the Minneapolis Warehouse Historic District – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the Minneapolis Warehouse Historic District during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the Minneapolis Warehouse Historic District (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the Minneapolis Warehouse Historic District will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the Minneapolis Warehouse Historic District under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Minneapolis Warehouse Historic District.

6.6.2.28 William Hood Dunwoody Institute – No Use

A. Property Description

The William Hood Dunwoody Institute is located at 818 Dunwoody Boulevard in Minneapolis (see Exhibit 3.5-2). The Dunwoody Industrial Institute has been found eligible for the NRHP under NRHP Criterion A. For more detailed information on this historic property see Appendix H of this Final EIS.

B. Determination of Permanent Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in a permanent incorporation of land from the William Hood Dunwoody Institute historic property – as such, there will not be a Section 4(f) permanent use of the property.

C. Determination of Temporary Section 4(f) Use

As illustrated in the Southwest LRT preliminary engineering plans, the Project will not result in the temporary use of property from the William Hood Dunwoody Institute historic property during construction.

D. Determination of Constructive Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and continued consultation with MnHPO, a Section 106 finding of No Adverse Effect has been made with respect to Project impacts at the William Hood Dunwoody Institute historic property (see the Section 106 consultation documentation in Appendixes H, I, and N of this Final EIS). Based on the Section 106 finding of No Adverse Effect, FTA has concluded that the

William Hood Dunwoody Institute historic property will not be substantially impaired by proximity impacts associated with the Project, and therefore no constructive use will occur, consistent with 23 CFR Part 774.15(a).

E. Section 4(f) Use Determination

Based on the above findings, FTA has determined that there will be no permanent or temporary Section 4(f) use of the William Hood Dunwoody Institute historic property under the Southwest LRT Project and that the proximity impacts associated with the Southwest LRT Project will not result in a Section 4(f) constructive use of the Dunwoody Institute historic property.

6.7 Coordination

This section summarizes the Project's Section 4(f) coordination activities that have occurred since publication of the Draft Section 4(f) Evaluation and the Draft EIS, which address Section 4(f) coordination and concurrence requirements set forth in 23 Part CFR 774.

6.7.1 Department of Interior (DOI)

The Draft Section 4(f) Evaluation was provided to the DOI for review and comment during the Draft EIS comment period, which concluded on December 31, 2012. The DOI's comments on the Draft Section 4(f) Evaluation are included in Appendix L; DOI comments on the Draft Section 4(f) Evaluation Update are provided in Appendix M.

6.7.2 Officials with Jurisdiction

Following is a summary of the Section 4(f) coordination activities that have occurred with officials with jurisdiction since publication of the Draft Section 4(f) Evaluation and the Draft EIS. See Appendix H for documentation of the Section 106 consultation process and Appendix I for documentation of Section 4(f) coordination meetings with officials with jurisdiction, including meeting agendas, notes, and handouts.

- **Eden Prairie.** FTA and Council staff met with City of Eden Prairie staff on February 20, 2015, to review the project's construction plan for Purgatory Creek Park and modifications to the plan were subsequently made by the Council, as reflected in this assessment. See Appendix I for meeting notes and materials. On July 21, 2015, the City of Eden Prairie provided the Council with comments on the Supplemental Draft EIS, including comments concerning the Draft Section 4(f) Evaluation Update. Those comments have been addressed in this Final Section 4(f) Evaluation. All substantive comments from the City of Eden Prairie received during the Supplemental Draft Evaluation public comment period are documented and responded to in Appendix M. In January 2016, the City of Eden Prairie concurred in writing with the FTA's temporary occupancy exception for Purgatory Creek Park (see Appendix I).
- **Minnetonka.** FTA and Council staff met with City of Minnetonka staff on January 5, 2016, to review the Project's construction plan for Purgatory Creek Park and modifications to the plan were subsequently made by the Council, as reflected in this assessment. In March 2016, the City of Minnetonka concurred in writing with the FTA's Section 4(f) *de minimis* use determinations for the Unnamed Open Space B and the Opus development area trail network.
- **Minneapolis Park and Recreation Board.** FTA and Council staff met with MPRB staff on February 13 and March 6, 2015, to coordinate on determinations and avoidance, minimization, and mitigation measures for MPRB Section 4(f) properties that are addressed within this Draft Section 4(f) Evaluation Update—those meetings also included staff from Hennepin County and Minneapolis. Agendas, notes, and handouts from those meetings are provided in Appendix I. On March 5, 2015, the MPRB provided the Council with a letter that summarizes the MPRB's understanding of the Project's consultation efforts to date with the Council and FTA on Section 4(f) issues, particularly related to the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park (see Appendix I). In particular, the letter states that MPRB determined that the additional costs and extended schedule for the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon option “will not be prudent.” On July 21, 2015, the MPRB provided the Council with comments on the Supplemental Draft EIS, including

comments concerning the Draft Section 4(f) Evaluation Update. Those comments have been addressed in this Final Section 4(f) Evaluation. All substantive comments from the MPRB received during the Supplemental Draft Evaluation public comment period are documented and responded to in Appendix M. In January 2016, the MPRB concurred in writing with the FTA's Section 4(f) *de minimis* use determinations for the Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) and the Bryn Mawr Meadows Park and with the FTA's temporary occupancy exception for Cedar Lake Park (see Appendix I).

- **Minnesota Historic Preservation Officer.** Table 6.6-4 lists the Council's meetings that were held related to the Section 106 process, which included participation by MnHPO. In particular related to coordination with the Project's Section 4(f) process, on April 30, 2014, the Council and MnDOT CRU held a consultation meeting to review listed and eligible historic properties and potential project effects. Comments from the consulting parties were solicited during the meeting and in written form after the meeting on these resources. A subsequent meeting was held on November 24, 2014, to: (1) present project adjustments identified since the April 30, 2014 meeting, as adopted at the July 9, 2014, Council meeting; (2) consult to consider effects to historic properties and reach agreement on determinations of effect; and (3) identify measures to avoid, minimize, or mitigate impacts to architecture/history and archaeology resources for inclusion in the Section 106 Agreement. In February 2015, the Council and MnDOT CRU held two Section 106 consultation meetings. At the February 6, 2015, meeting, the Council and MnDOT CRU presented revised bridge design concepts and discussed effects related to the new crossing over the Kenilworth Lagoon. At the February 24, 2015, meeting, the Council and MnDOT CRU led a discussion on effects to historic properties throughout the project area and provided an overview of the content and consulting parties' roles in the development of a Section 106 agreement. Within the Section 106 process, the potential bridge designs were the focus of the July 29, 2016 Section 106 consultation meeting, with an update on the designs provided at the September 23, 2015, consultation meeting. Within their August 21, 2015, letter to the MnDOT CRU, the MnHPO provided their comments in response to that meeting and the associated correspondence and review material submitted by the Council to the MnHPO on July 21, 2015. See Appendix N for a copy of that letter. The September 23, 2015, consultation meeting was also used to provide information on changes to traffic and parking that could affect historic properties. In December 2015, the MnHPO concurred in writing with FTA's Section 4(f) temporary occupancy exception determinations for the Minikahda Club and the Cedar Lake Parkway (see Appendix I). Through its concurrence with the Section 106 finding of adverse effect for the St. Paul, Minneapolis & Manitoba Railroad Historic District, the MnHPO concurred with FTA's Section 4(f) *de minimis* use determination for the St. Paul, Minneapolis & Manitoba Railroad Historic District (see Appendix H).

In addition, the project's Draft Section 4(f) Evaluation was provided to the officials with jurisdiction for review and comment during the Draft EIS comment period, which concluded on December 31, 2012, and with the Draft Section 4(f) Evaluation Update for review and comment during the Supplemental Draft EIS comment period, which concluded on July 21, 2015. All substantive comments received from officials with jurisdiction on the Draft EIS (including the Draft Section 4(f) Evaluation) and the Supplemental Draft EIS (including the Draft Section 4(f) Evaluation Update) are addressed in the Final EIS (see Appendix L and Appendix M, respectively).

6.7.3 Public

The Draft Section 4(f) Evaluation was provided to the public for review and comment during the official Draft EIS comment period, which concluded on December 31, 2012, and with the Draft Section 4(f) Evaluation Update for review and comment during the Supplemental Draft EIS comment period, which concluded on July 21, 2015. In addition, the Amended Draft Section 4(f) Evaluation was provided to the public for review and comment from January 11, 2016 through February 25, 2016. All substantive comments received from officials with jurisdiction on the Draft EIS (including the Draft Section 4(f) Evaluation), the Supplemental Draft EIS (including the Draft Section 4(f) Evaluation Update), and the Amended Draft Section 4(f) Evaluation are addressed in this Final EIS (see Appendix L for comments and responses on the Draft EIS

and Appendix M for comments and responses on the Supplemental Draft EIS and the Amended Draft Section 4(f) Evaluation).

6.8 Determination of Section 4(f) Use

Based on Southwest LRT preliminary engineering plans and analysis conducted to-date, FTA has made the following Section 4(f) determinations:

- The Project will result in a non-*de minimis* use of the Kenilworth Lagoon/Grand Rounds Historic District historic Section 4(f) property and there is no feasible and prudent alternative that would avoid a use of this historic property. In addition, based on the summary within this section, FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm has been conducted and implemented through the completion of the Project's Section 106 process through the execution of the Section 106 Memorandum of Agreement (see Appendix H). Further, FTA and the Council have determined that the Project is the alternative that would result in the least overall harm to the Kenilworth Lagoon/Grand Rounds Historic District.
- The Project will have Section 4(f) *de minimis* impacts on four Section 4(f) park/recreational properties – Unnamed Open Space B, the Opus development area trail network, Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park), and Bryn Mawr Meadows Park, and a Section 4(f) *de minimis* impacts on one historic property – the St. Paul, Minneapolis & Manitoba Railroad Historic District. Measures to minimize harm, such as avoidance, minimization, mitigation, and enhancement measures, include the following:
 1. **Unnamed Open Space B.** Most of the natural areas of Unnamed Open Space B, which are predominantly located in the northern portion of the property, will not be directly affected by the Project. Those areas, such as the wetland, will not be altered by the Project, either permanently or temporarily. In addition, the proposed light rail alignment will generally be screened from view from those natural areas due to retained trees and existing residential buildings located between the proposed alignment and those natural areas. The recreation activities that currently occur within Unnamed Open Space B will be maintained both during and after construction of the Project. The Council will also provide the City of Minnetonka and the public with ongoing notification of construction activities within the open space, such as the timing and location of heavy construction activities and trail detours. All areas of the remaining Unnamed Open Space B property that will be affected by Project construction activities will be restored to existing conditions or better and restoration plans will be developed and implemented in consultation with the City of Minnetonka.
 2. **Opus Development Area Trail Network.** Each new trail segment will have the same or better physical and functional characteristics of the trail segment that it will replace. Specifications for the new replacement trail segments have and will be developed in consultation with the City of Minnetonka. Construction activities within the Opus development area trail network include grading, vegetation removal and replacement, landscaping, trail repaving segments of the trail that will remain in place to match new trail segments, temporary trail connections and signage, and other activities associated with reconstruction of affected trails. Replanting specifications for the temporary construction areas associated with alternations to the Opus development area trail network will be agreed upon between the Council and City of Minnetonka. The Project will provide the public and the City of Minnetonka with construction detour information. Further, the Project will restore all segments of the Opus development area trail network that are altered (but not permanently moved by the Project) to pre-construction conditions or better, based on specifications agreed to between the Council and the City of Minnetonka. The design of the Project has and will continue to ensure that recreation activities that currently occur within the Opus development area trail network will be maintained both during and after construction of the Project.
 3. **Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park).** The Council and FTA have participated in coordination activities with the MPRB to identify avoidance, minimization, and mitigation measures to address the Project's use of and effects on the

recreational attributes, facilities, and activities of the Kenilworth Channel/Lagoon, as described in Section 6.6.1.10. The coordination efforts between the Council and the MPRB included the development of additional bridge design concepts and minimization and mitigation measures. These Section 4(f) coordination activities focused on the visual and noise effects of the Project on the Kenilworth Channel/Lagoon and were coordinated with the development of the Section 106 Memorandum of Agreement for the Kenilworth Lagoon/Grand Rounds Historic District historic property (see Section 3.5 and Appendix H for additional information on the historic property).

4. **Bryn Mawr Meadows Park.** All existing trail connections for the Luce Line Trail will be maintained in the long-term under the Project. Except for the potential for short-term trail closures to ensure trail user safety, all existing trail connections will be maintained during construction of the new trail alignment and elevated trail crossing. During those short trail closures, trail users will be provided with detour routes and information. Under the current construction plan, temporary trails will be constructed to allow for the removal of existing trail segments and construction of new trail segments. Construction activities within Bryn Mawr Meadows Park will be closely coordinated with MPRB to help avoid and minimize effects on recreational activities within the park. The Project will also provide the MPRB and the public with ongoing notification of construction activities within the park, such as the timing and location of trail detours. All areas of the park that are affected by construction activities outside of the permanent easement area will be restored to existing conditions or better.
 5. **St. Paul, Minneapolis & Manitoba Railroad Historic District.** All possible planning to minimize harm to the historic district was conducted and implemented through the completion of the Project's Section 106 process and through the execution of the Project's Section 106 Agreement (see Appendix H).
- The Project will result in Section 4(f) temporary occupancies during construction of two Section 4(f) park/recreation properties – Purgatory Creek Park and Cedar Lake Park, and two historic properties – Minikahda Club and Cedar Lake Parkway. FTA has determined that the Section 4(f) temporary occupation exception criteria in 23 CFR Part 774.13(d) have been met in all four of these instances and therefore no use will result at any of these four properties.

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