
Appendix F

FHWA Intent to Make a Section 4(f) De Minimis Determination for the Reverend Dr.
Martin Luther King Jr. Memorial Park



U.S. Department
of Transportation

**Federal Highway
Administration**

Minnesota Division

February 24, 2016

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Cray Plaza, Suite 500
St. Paul, MN 55101-4802

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Adam R. Arvidson
Minneapolis Park and Recreation Board
Parks and Trails Division
2117 West River Road
Minneapolis, Minnesota 55411

Re: Minnesota State Project Number 2782-327
Pedestrian Bridge 9618 – 40th Street Pedestrian Bridge over Interstate 35W

Dear Mr. Arvidson:

This letter is regarding the proposed impacts, of the Interstate 35W reconstruction project and the replacement of the 40th Street Pedestrian Bridge over Interstate 35W (Bridge 9618 as part of State Project 2782-327), to Reverend Dr. Martin Luther King Jr. Memorial Park. Hereafter in this letter, Reverend Dr. Martin Luther King Jr. Memorial Park is referred to as THE PARK. A location map is enclosed identifying the location of the existing bridge (Bridge 9618), the proposed location and design of the pedestrian-trail bridge at 40th Street (Bridge 27700), and the impacts to THE PARK with respect to the proposed design of the new pedestrian bridge.

As a recreational resource, THE PARK is subject to Section 4(f) of the U.S. Department of Transportation Act of 1966. The Section 4(f) process is simplified when there are only *de minimis* (very minor impacts) to Section 4(f) properties. If the Federal Highway Administration (FHWA) makes a *de minimis* determination of a project's Section 4(f) impacts, the Section 4(f) process is satisfied and no further action is needed.

The I-35W reconstruction project (SP 2782-327) includes the replacement of the pedestrian-trail bridge. The proposed alignment and design of the pedestrian-trail bridge will require the relocation of an existing trail within the limits of Reverend Dr. Martin Luther King Jr. Memorial Park. The relocation of the trail will require the trail to be constructed within the limits of THE PARK.

The following mitigation is proposed:

- 1) All construction within the limits of THE PARK will be returned to its current condition, including but not limited to:
 - a. Removal of all construction materials,
 - b. Protection of all existing trees and plants that will not be impacted during construction,
 - c. Re-establishment of all turf disturbed during the construction activities.
- 2) Any re-routing of pedestrian traffic during construction will be addressed with advanced signing and notification.
- 3) The duration of construction will be minimized to reduce the adverse impacts to the pedestrians and bicycles.

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, THE PARK is considered a Section 4(f) resource. A review of the project impacts and proposed construction show that, in FHWA's opinion, the impact to the trail will be minimal and will not adversely alter or affect the use of the facility. Based on this assessment, FHWA intends to make a *de minimis* determination.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed *de minimis* finding will be provided as part of the Environmental Assessment process. The 30 day public comment period is expected to begin on March 21, 2016 and go through April 20, 2016.

In order to make the Section 4(f) *de minimis* finding, your written concurrence that this project will not adversely affect the activities, features, and attributes of the facility is necessary. To acknowledge that you have been notified of the intent to apply the Section 4(f) *de minimis* finding and your agreement that the activities, features, and attributes of the facility will not be adversely affected, please sign below and return the signed copy to Nnaemeka Ezekwemba at the letterhead address. Your prompt response is appreciated, no later than 15 days after the close of the comment period.

If you have any questions, please call me at (651) 291-6108.

Sincerely,

Nnaemeka Ezekwemba
2/24/2016

Nnaemeka Ezekwemba
FHWA MN, Area Engineer

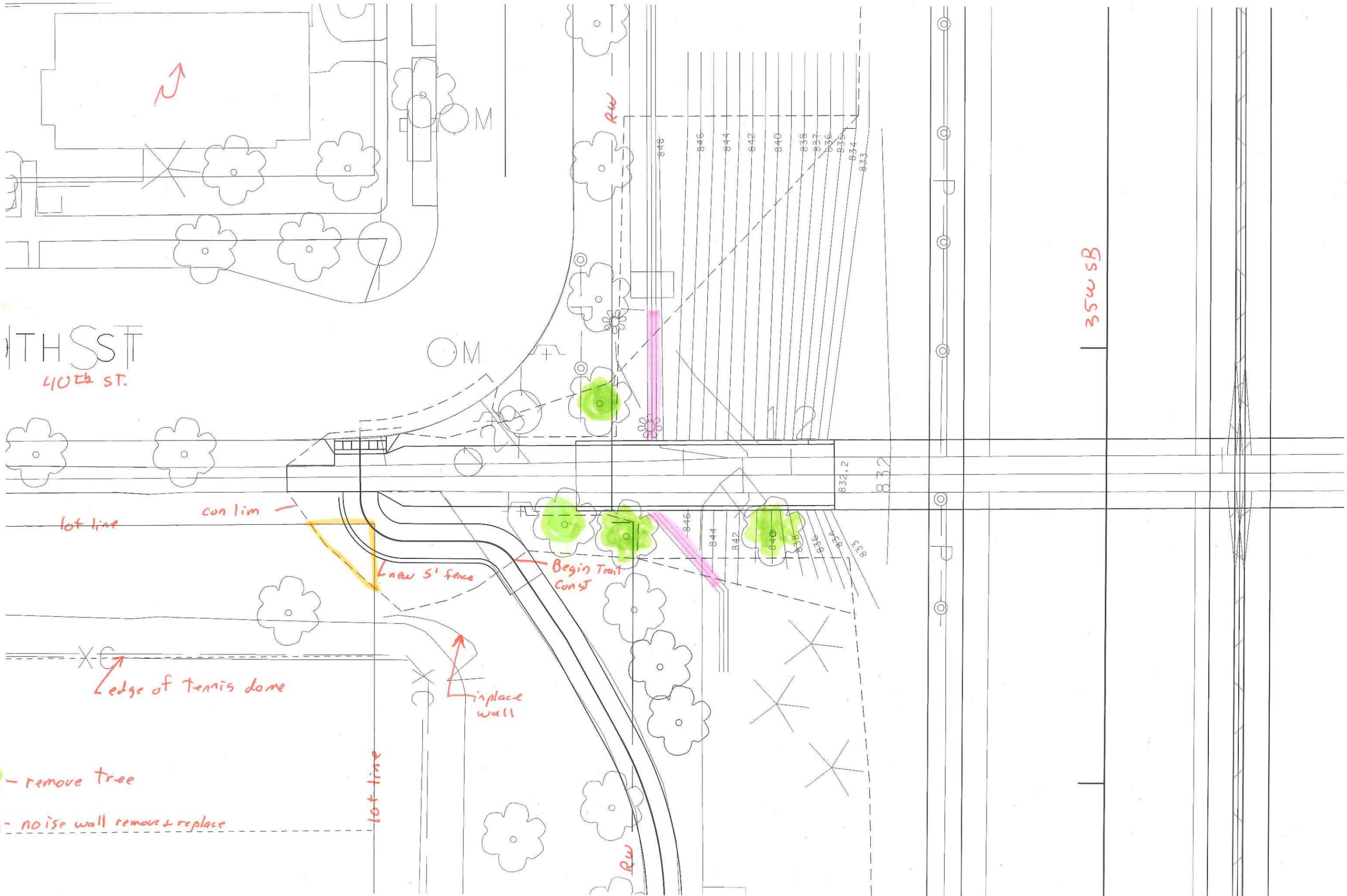
As the official with jurisdiction over Reverend Dr. Martin Luther King Jr. Memorial Park, I hereby concur that the use and impacts of the construction of the pedestrian-trail bridge associated with this project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify Martin Luther King Jr. Park for protection under Section 4(f). I understand that concurrence with the FHWA's assessment of the impact to Martin Luther King Jr. Park will result in the FHWA making a Section 4(f) *de minimis* determination for the impacts to Reverend Dr. Martin Luther King Jr. Memorial Park.

Liz Wielinski, President
Minneapolis Parks and Recreation Board

4/20/16
Date:

Jayne Miller, Superintendent
Minneapolis Park and Recreation Board

4/27/2016
Date:



MINNEAPOLIS PARK AND RECREATION BOARD

AN ACTION, RESOLUTION OR ORDINANCE

In accordance with Article VI, Section 6.2(j), of the City Charter, there is herewith submitted to you, the Mayor of the City of Minneapolis, an action, resolution or ordinance adopted by the Minneapolis Park and Recreation Board which you may approve by affixing your signature herein below or if you disapprove of same to return to the Board, with your objection thereto, by depositing the same with the Secretary of the Board to be presented to the Board at their next meeting where the question of its passage will be put again before the Board.

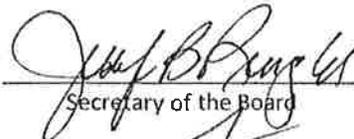
8.A.2 That the Board adopt Resolution 2016-147 captioned as follows:

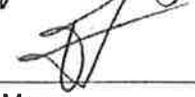
Resolution 2016-147

Resolution Approving a De Minimis Letter to the Federal Highway Administration Related to Impact of Replacement of the 40Th Street Pedestrian Bridge on the Rev. Dr. Martin Luther King, Jr. Park

PASSED April 6, 2016 _____

APPROVED _____


Secretary of the Board


Mayor