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

Minnesota Division

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October 13, 2016

Mr. Matt Podhradsky,
City Administrator
City of Chaska
1 City Hall Plaza
Chaska, MN 55318

Re: Minnesota State Project Number 1008-85, Trunk Highway 41 Improvements
Section 4(f) *De Minimis* Impact Determination
Request for Concurrence on De Minimis Impact to Park

Dear Mr. Podhradsky:

This letter concerns impacts from the proposed Trunk Highway (TH) 41 Roadway Expansion project in Chaska to two resources under the jurisdiction of the City of Chaska. Please refer to the attached location and project maps (**Figure 1** and **Figure 2**). The two resources involved are: a) the City-owned trail network in the vicinity of the proposed project, and b) the City-owned open space on the east side of TH 41 generally between Hundertmark Road and County State Aid Highway (CSAH) 14 (Pioneer Trail). The City-owned open space is Outlot B of the Cortina Woods development plat. Please refer to **Figure 3** for a depiction of the Section 4(f) resources and impacts from the proposed improvements. Carver County has secured federal and state funding for the TH 41 improvements and is leading the project, with MnDOT as a project partner. TH 41 is under the jurisdiction of the State of Minnesota.

As publicly-owned outdoor recreational resources, the City trail network and open space referenced above are subject to Section 4(f) of the US Department of Transportation Act of 1966. While the City-owned open space is not formally designated as a park, it is a publicly-owned green space with a trail system through it and thus is considered a Section 4(f) resource for the purposes of the overall National Environmental Policy Act (NEPA) process for proposed project. The Section 4(f) process is simplified when there are only *de minimis* (very minor) impacts to Section 4(f) resources. 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 overall project is to convert TH 41 from a two-lane roadway to a four-lane divided design from north of TH 212 to north of the County State Aid Highway (CSAH) 14 (Pioneer Trail) intersection. Due to constraints on the west side of TH 41, the widening will primarily expand the roadway footprint to the east. Intersection, access, and drainage improvements are also significant project elements. A City underpass project is proposed to be included in the overall construction project as depicted on the attached mapping. While no Federal funding is supporting the underpass project and it has independent utility from the highway project, the fact that it is being constructed together with the TH 41 improvements "federalizes" it and means that it must meet Federal requirements including Section 4(f).

A summary of the impacts is provided below:

City-owned Open Space

As depicted on **Figure 3**, there would be five categories of impacts to the City-owned open space:

- Trees: Approximately 0.31 acres (tree canopy) of tree removal.
- Stormwater ponds: Expansion of an existing stormwater pond from approximately 8,800 square feet (SF) to approximately 12,300 SF; construction of a new pond to the north approximately 7,200 SF in size.
- Permanent easement: an existing drainage utility easement on the City-owned open space will be expanded by approximately 1.73 acres as depicted on **Figure 3** to accommodate the pond improvements as part of this project as well as potential future drainage improvements.
- Temporary easements: a combined total of approximately 0.89 acre of temporary easements will be required within the City-owned open space for construction purposes.
- Trails: Relatively minor alignment shifts to existing trails, plus a new trail connection between the proposed TH 41 underpass and the existing trail network in the City-owned open space.

Trail Network outside City-Owned Open Space

It can be seen on attached **Figure 3** that there will be a number of relatively minor realignments of existing trail sections in the overall project area outside of the City-owned open space. These shifts will be required to accommodate the roadway widening and/or new retaining wall locations. Work will also include reconstructing existing pedestrian ramps to be Americans with Disabilities Act (ADA)-compliant, building one new ADA-compliant ramp, and adding approximately 500 feet of new trail section on the south side of CSAH 14 west of TH 41.

The following mitigation is proposed:

1. All Section 4(f) construction areas will be returned to their current condition, including but not limited to:
    a. Removal of all construction materials
    b. Protection of all existing trees and plants that to not need to be removed as part of project construction; replace trees at 1 to 1 ratio or greater within the City-owned open space[1]
    c. Re-establishment of all turf disturbed during construction activities
2. Any re-routing of non-motorized 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 pedestrians and bicycles.

[1] MnDOT has programmed $100,000 for landscaping mitigation for the overall TH 41 project (SP 1008-92). This will primarily be dedicated to tree replacement. The precise replacement plan is not known at this time, but the trees removed from the City-owned open space for the project would be at minimum replaced.

A review of the project impacts and proposed construction show that, in FHWA's opinion, the impact to the Section 4(f) resources identified will be minimal and will not adversely alter or affect the use of the resources. Based on this assessment, FHWA intends to make a *de minimis* impact determination.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed *de minimis* finding will be provided. Based on the volume of response, a public meeting might be deemed appropriate. The 30-day public notice period is expected to begin on October 20 and go through November 21. Any comments received regarding this issue during the public review period will be considered by FHWA as part of the final *de minimis* impact determination.

In order to make the Section 4(f) *de minimis* impact 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* impact 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 Abbi Ginsberg at the letterhead address. We would appreciate your response no later than 15 days after the closure of the public comment period.

If you have any questions, please call me at (651) 291-6104 or email me at abbi.ginsberg@dot.gov.

Sincerely,

Abigail Ginsberg ABIGAIL GINSBERG 2016.10.13 13:19:13 -05'00'

Abigail Ginsberg
Area Engineer

Attachment

As the official with jurisdiction over the City-owned trail network and the City-owned open space east of Trunk Highway 41 between Hundertmark Road and County Highway 14 (Pioneer Trail), I hereby concur that the use and impacts associated with this project combined with identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the identified resources for protection under Section 4(f). I understand that concurrence with the FHWA's assessment of the impact to the identified resources will result in the FHWA making a Section 4(f) *de minimis* determination for the impacts to the identified resources pending public comment during the 30-day review period.

Matt Podhradsky
City Administrator

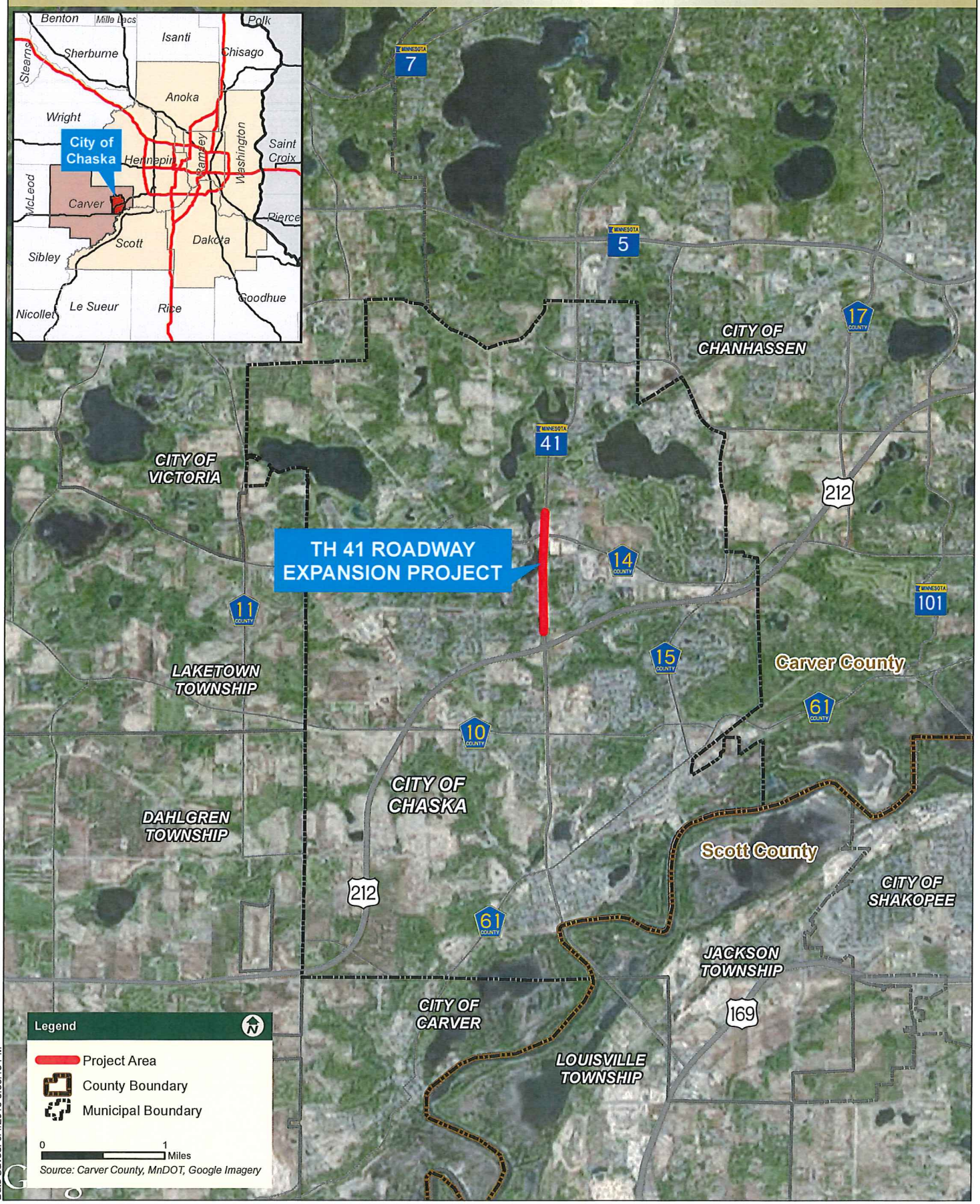
10-20-16
Date

4(f) De Minimis Determination

Carver County

Figure 1 - Regional Location

October 2016



Map Document: \\metrosouth1\gis\CACO\T42111204\ESRI\Maps\DeMinimis\111204_4F_Fig1_RegionalLocation_85x11P.mxd
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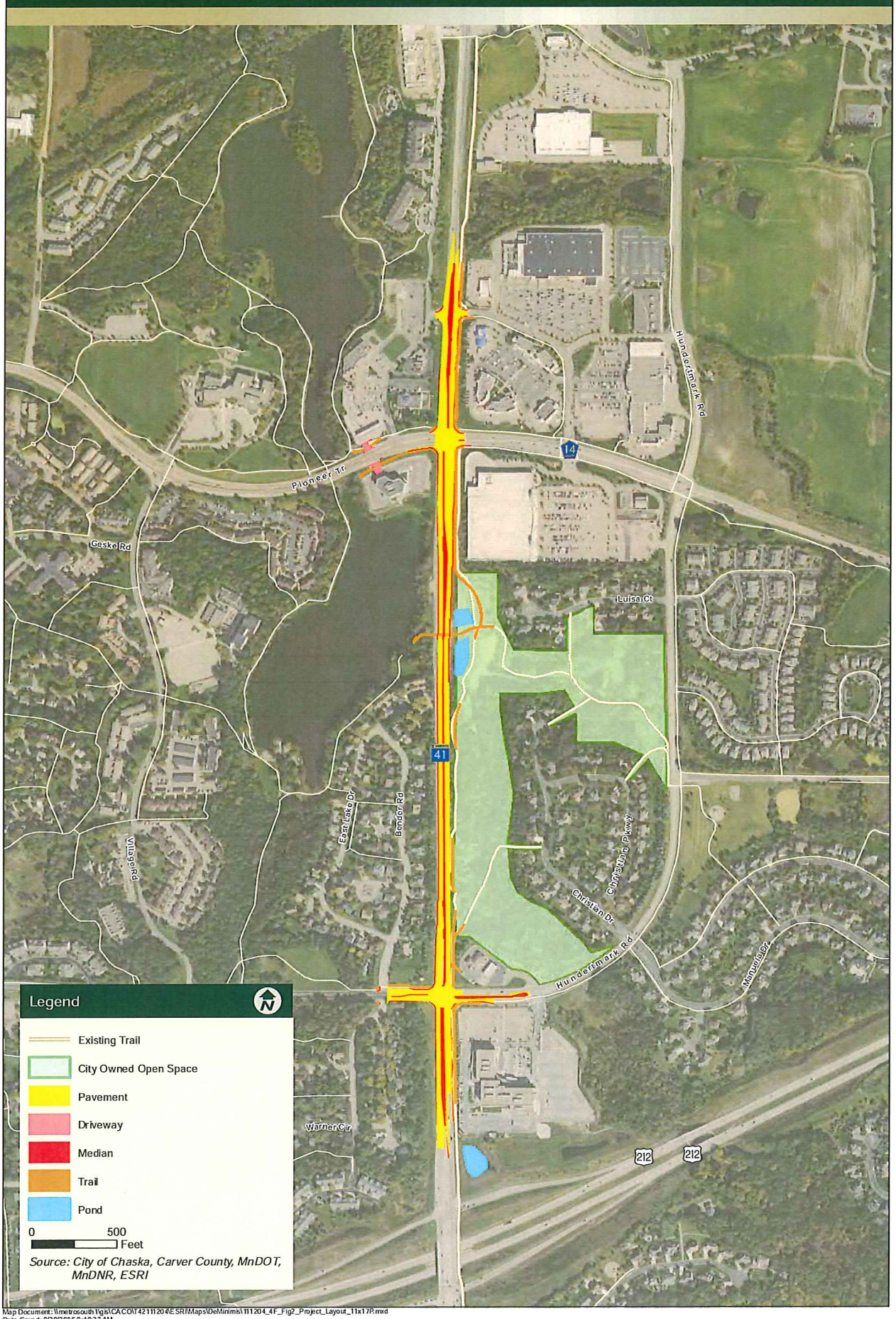
TH41 4(f) De Minimis Determination

Figure 2 - Project Layout

Carver County

October 2016



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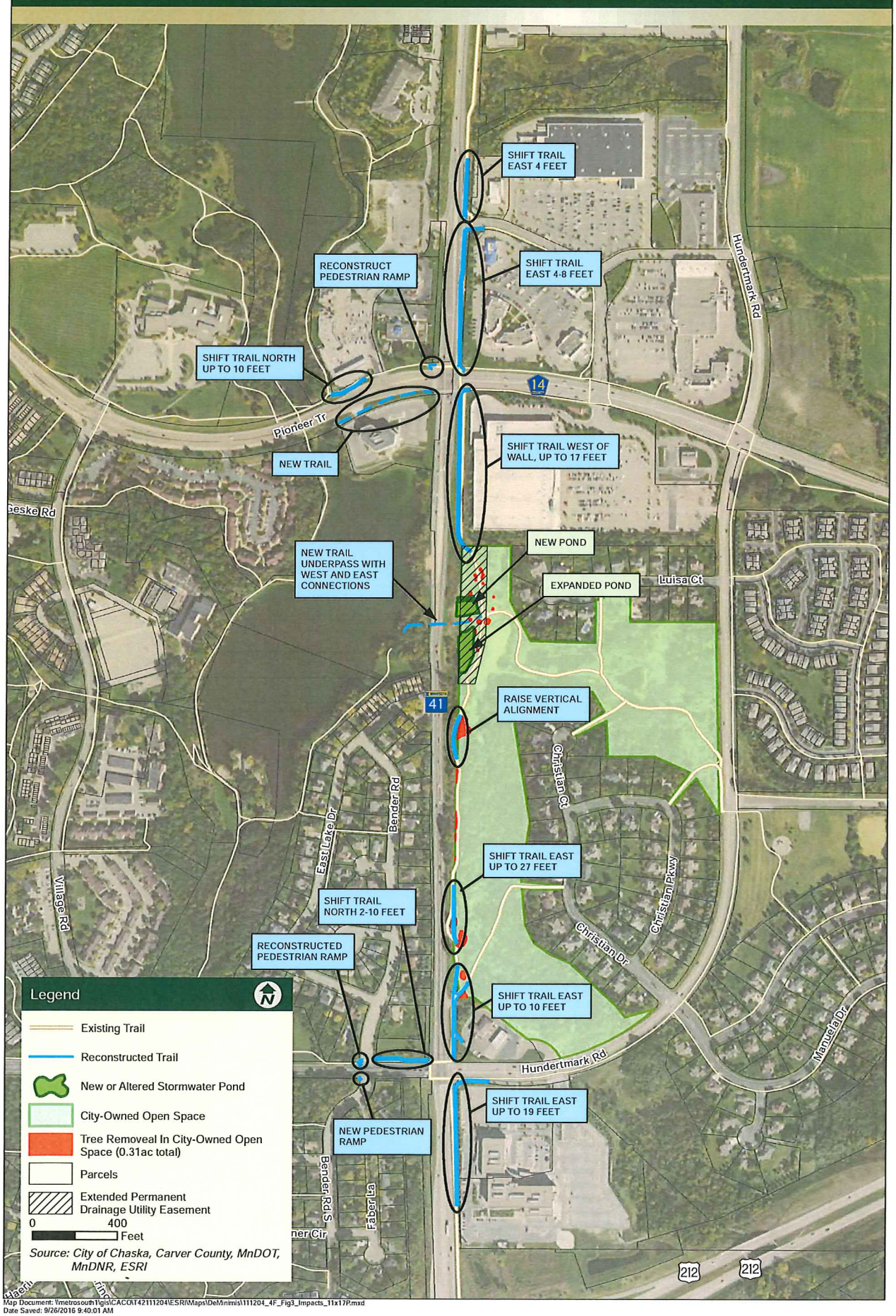
TH41 4(f) De Minimis Determination

Carver County

Figure 3 - Impacts

October 2016



Map Document: \\metrosouth1\gis\CACO\T42111204\ESRI\Maps\DeMinimis\111204_4F_Fig3_Impacts_11x17P.mxd
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