

Date: May 10, 2023

Wendall Meyer
Division Administrator
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-2904

In reply refer to:

De Minimis Determination Notice of Intent Request for Riesgraf Lions Park
Minn. Proj. No. TBD
S.P. 7008-112; S.P. 070-609-010; S.A.P. 070-593-002
Trunk Highway (TH) 169 at TH 282/County Highway (CH) 9
City of Jordan, Scott County, Minnesota

Attn: Abbi Ginsberg

MnDOT is requesting that FHWA issue a notice of intent to make a determination that the impact of the above referenced project on Riesgraf Lions Park would be de minimis. Please note that this project is being led by Scott County, however MnDOT is leading the right of way process.

Information supporting this request is presented below.

1. General Project Information

SP 7008-112; **SP**: 070-609-010; **SAP**: 070-593-002

Federal Project No.: TBD

Route: TH 169

From/To: At TH 282/CH 9

Description of Proposed Improvement: The proposed geometric layout is shown in **Attachment A**. The TH 169/TH 282/CH 9 Intersection Improvement Project consists of the following primary components:

- A grade-separated interchange at TH 169/TH 282/CH 9
- A SB TH 169 on-ramp
- A NB TH 169 off-ramp
- A half button hook exit of SB TH 169
- Access to NB TH 169 from Creek Ln
- A roundabout at the TH 169 SB on-ramp/CH 9/Syndicate St intersection
- A new traffic signal at the TH 169 NB off-ramp and TH 282
- Construction of retaining walls at various locations
- Acceleration/deceleration lane and shoulder improvements on TH 169
- Roadway reconstruction on TH 282, CH 9, and Syndicate St
- Grade separation of the Union Pacific Railroad (UPRR)
- Bridge rehab and widening on the existing TH 169 bridge over Sand Creek

- Rehabilitation work on the existing Syndicate St bridge over Sand Creek
- Access management improvements along TH 169, TH 282, and CH 9
- New concrete noise walls along both sides of TH 169 north of Syndicate St (depending upon results of noise voting).
- A multiuse trail underpass of TH 169 near Creek Lane
- Sidewalk construction and/or reconstruction along TH 282, CH 9, and Syndicate St
- Access modifications and closures
- Stormwater improvements including replacement of the existing box culvert under the proposed roundabout and extension of the existing box culvert under TH 169
- Construction of a new stormwater BMP south of CH 9 between the Union Pacific Railroad and the proposed TH 169 southbound on-ramp
- Installation of advance signing at eight locations for the new TH 169 exits

Project Manager:

Name: Mark Callahan, PE

Title: Traffic Engineer, Scott County

Address: 200 4th Ave W Shakopee, MN 55379

Phone: (952) 496-8367

Email: macallahan@co.scott.mn.us

2. Description of the Section 4(f) Property.

Riesgraf Lions Park is approximately 1.99 acres in size and is owned and maintained by the City of Jordan. The north and west borders of the park are directly adjacent to the proposed intersection improvements. The location of the park in relation to the project area is shown in **Figure 1** and **Attachment B**.

Name: Riesgraf Lions Park

Total Size (acres): 1.99 acres

Location: East of Creek Lane, Southeast of TH 169. The north end of the park borders TH 169 for approximately 0.05 miles, while the west end borders Creek Lane North for approximately 0.21 miles.

Section 4(f) Property Owner/Manager: City of Jordan

Official(s) with Jurisdiction (OWJ):

Tom Nikunen, City Administrator

(952) 492-2535

City of Jordan

210 East First Street, Jordan, MN 55352

Type of Section 4(f) Property: Park

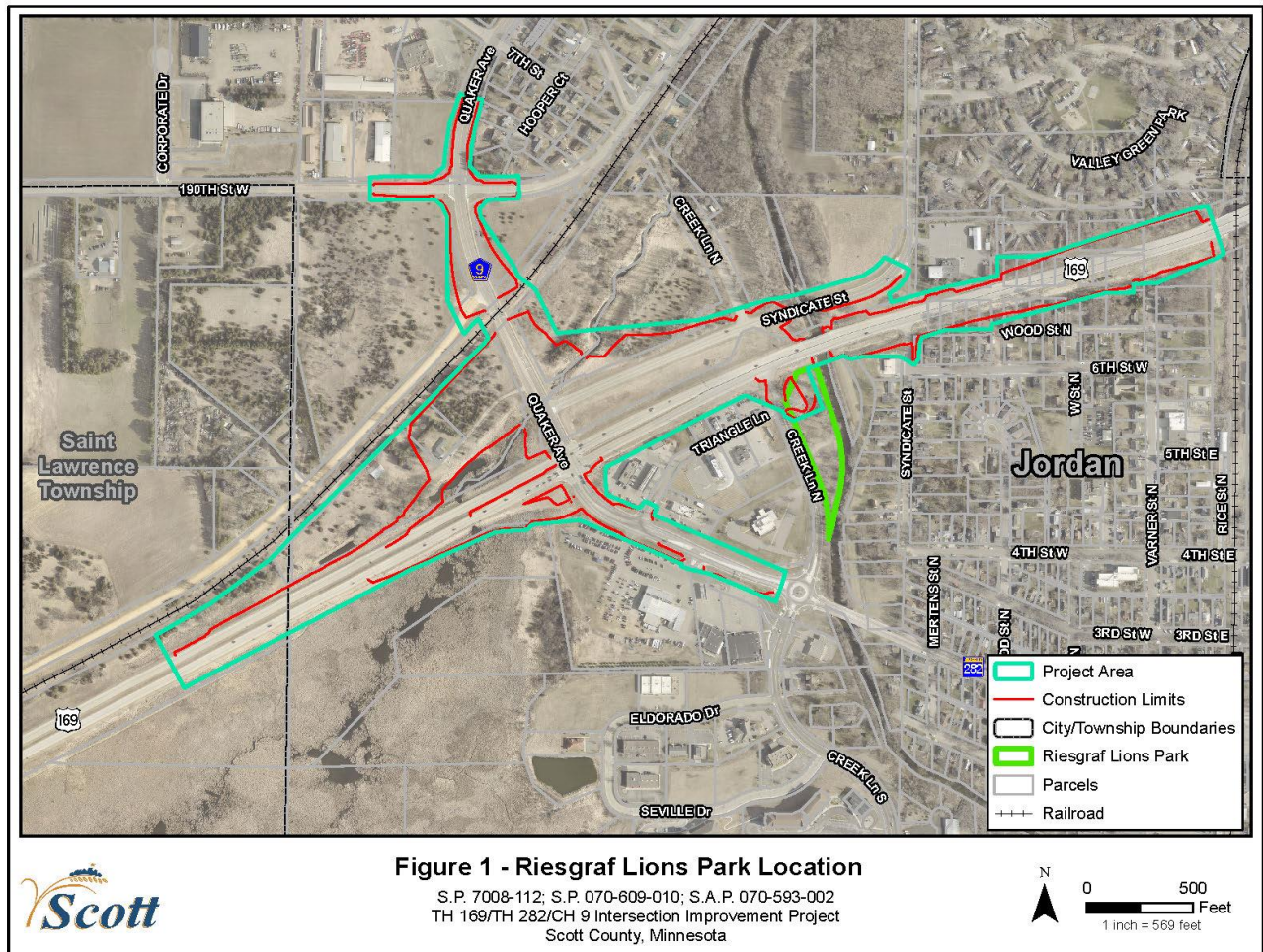
Function of or Available Activities on the Property: The park is used for picnicking, horseshoes, and other recreational activities.

Description and Location of Existing and Planned Facilities: The park includes a picnic shelter, picnic tables, three grills, three horseshoe pits, bicycle parking, and off-street motor vehicle parking. Planned improvements consist of trees to buffer TH 169, as well as the trail that is part of the proposed project.

Access: The park is accessible to pedestrian, bicycle, and motor vehicle traffic via Creek Ln N.

Other Features or Attributes Important to the Section 4(f) resource: Sand Creek, a DNR Public Water, runs along the eastern edge of the park property.

Figure 1 – Riesgraf Lions Park Location



3. Impacts to the Section 4(f) Property.

As part of the intersection improvement project, MnDOT will create an additional nonmotorized crossing of TH 169 by constructing a pedestrian box culvert just west of Sand Creek and two connecting segments of 10-foot concrete trail. These improvements will create a continuous separated pathway for pedestrians and bicyclists between Syndicate St on the north side of TH 169 and Creek Ln N on the south side of TH 169. MnDOT is seeking a temporary easement of approximately 0.55 acres in the northwest corner of the park (shown in **Attachment C**) to facilitate construction of the trail and pedestrian underpass. Following construction, the parkland (including the newly constructed trail) will continue to be owned and maintained by the City of Jordan.

Amount of land impacted (acres): Approximately 0.55 acres

Permanent R/W Acquisition/Easements: None.

Temporary Easements: Approximately 0.55 acres in the northwest portion of the park.

Functions/Activities Affected: Passive activities taking place within the temporary easement area will be affected during construction.

Facilities Affected: Access to the park shelter from the parking lot will be impacted during the construction period.

Access Affected: While the parking lot will not be affected by the construction of the trail, construction areas will surround the parking lot area. Temporary access will be provided during construction between the parking lot and other facilities within the park.

Other Features or Attributes Affected: NA

4. Considerations in consultation with the OWJ.

The intersection of TH 169 and TH 282/CH 9 has been an area of concern for MnDOT, Scott County and the City of Jordan for over 20 years. During that time several studies, a state environmental document and a value engineering study have been conducted to get the project to the point where it is today – seeking to obtain federal environmental clearance. The proposed trail and pedestrian underpass was not part of preliminary project layouts. This feature was added following public engagement and conversations with the City of Jordan out of a desire to improve walkability/bikeability and serve residents of the Valley Green manufactured home community on the north side of TH 169.

MnDOT intends to secure a temporary easement from the City of Jordan for the portion of the park identified in **Attachment C**. Following construction, the trail and parkland in question will be owned and maintained by the City, and the areas disturbed during construction will be restored to a condition at least as good as before the project.

Impact avoidance: The intersection improvement project has been designed to avoid impacts to the park property. The TH 169 northbound on-ramp proposed adjacent to the park will be constructed entirely within existing MnDOT right of way. The only impacts to the park will be from construction of the trail and box culvert that will serve the park.

Planning to minimize harm: The proposed project has been designed to minimize impacts to the park while addressing the goals of the project. There will be no permanent adverse impacts to the park as a result of the project.

Mitigation: Following construction, the trail and parkland in question will be owned and maintained by the City, and the areas disturbed during construction will be restored to a condition at least as good as before the project. Access will be maintained to all park facilities during construction outside of active construction areas.

Enhancement: The new underpass and trail will improve access to the park for residents living on the opposite side of TH 169. The new trail will also serve as a park amenity and enhance the overall experience for recreational users. The project is consistent with the most recent City of Jordan

Comprehensive Plan (2040) and the City’s desire to improve walkability and bikeability in the community.

5. Coordination with Responsible Official with Jurisdiction (OWJ) Over the Section 4(f) Property:

Scott County, the City of Jordan, and MnDOT have been collaborating on the development of the proposed improvements. Regular Project Management Team (PMT) meetings have been held with staff from these agencies and consultant staff to inform the design process. The City of Jordan has been involved in the project throughout the design process as a key partner and is supportive of the park impacts required to facilitate construction of the trail and underpass.

Consultation Activities with City of Jordan

Date	Agency/Organization, Personnel, and their Position	Discussion description	Conclusions
Ongoing (May 2022– Present)	Scott County City of Jordan MnDOT FHWA WSB (Scott County Consultant) Bolton & Menk (City of Jordan Consultant)	Project Management Team (PMT) Meetings	<ul style="list-style-type: none"> • New underpass and trail needed for walkability/bikeability • No impacts to park anticipated aside from underpass and trail construction • MnDOT to acquire temporary easement for construction. • New trail to be owned and maintained by City of Jordan following construction • Parkland within easement area to be owned and maintained by City of Jordan following construction

If after consideration of the information presented in this letter, FHWA intends make a de minimis determination, conditioned upon consideration of any comments received during the required 14-day public comment period, please indicate by signature below. MnDOT will transmit a copy of this signed letter to the OWJ as notice of FHWA’s intent to make a de minimis finding.

Scott County is planning to complete the Categorical Exclusion document for the project in summer 2023. The Section 4(f) de minimis public notice and opportunity for comment is anticipated to take place in spring/summer 2023. The de minimis process, including correspondence related to FHWA’s intent to make a de minimis

determination, comments received on the notice of FHWA's intent to make a de minimis determination, FHWA's final de minimis determination, and the OWJ's final concurrence will be reported in the Categorical Exclusion document.

Sincerely,

Mark Callahan, PE
Traffic Engineer
Scott County

FHWA Intent to Make a De Minimis Determination conditioned on results of public notice and comment period:

FHWA Engineer _____ **Date** _____

Attachments

- Attachment A – Project Layout
- Attachment B – Riesgraf Lions Park Location
- Attachment C – Riesgraf Lions Park Impacts

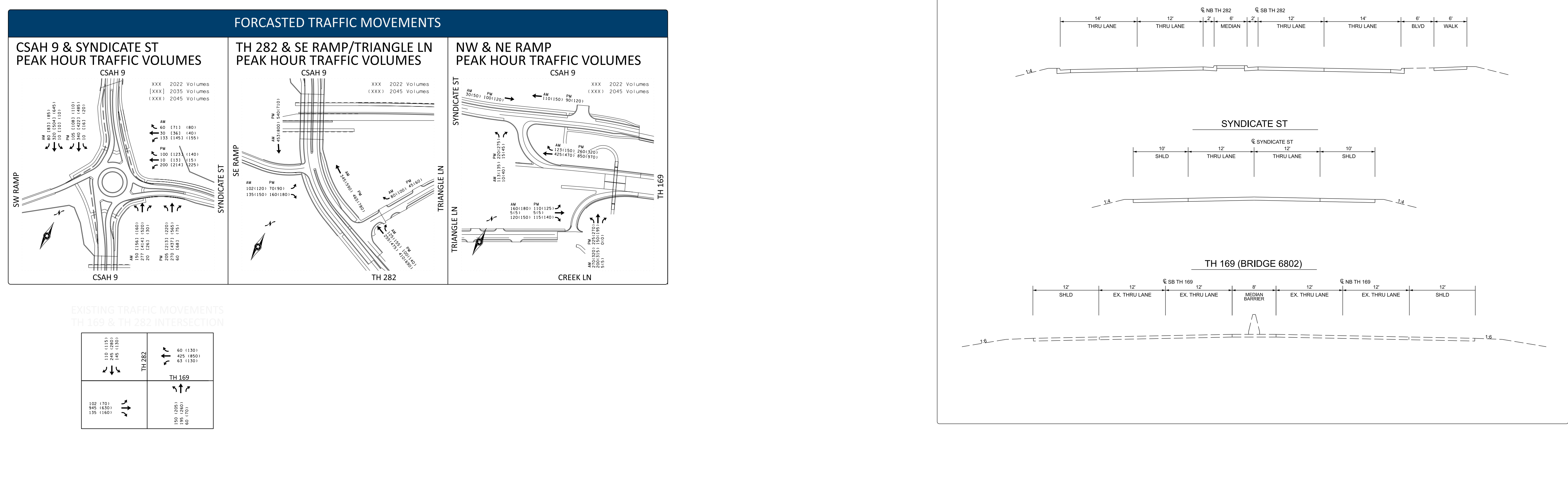
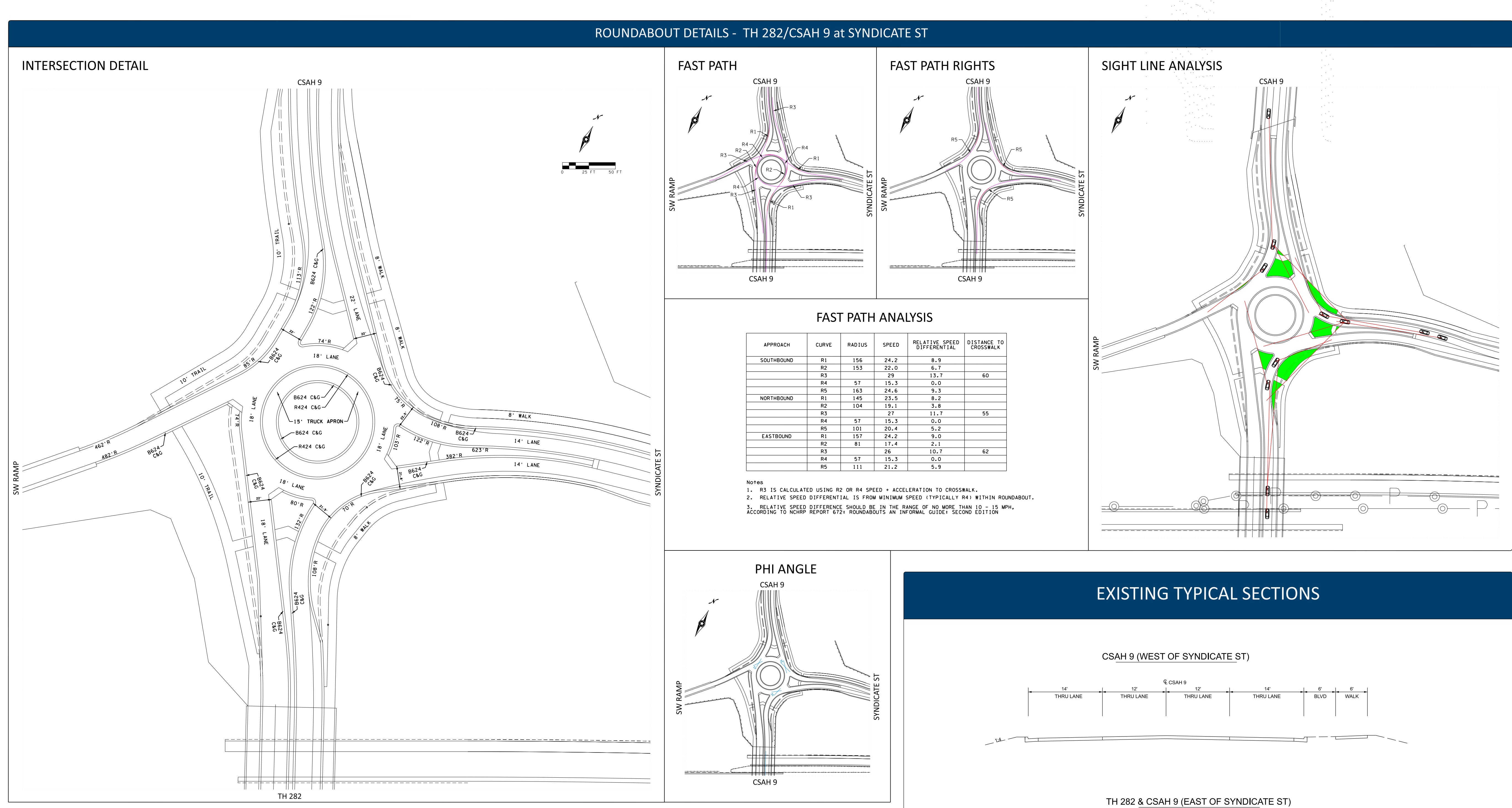
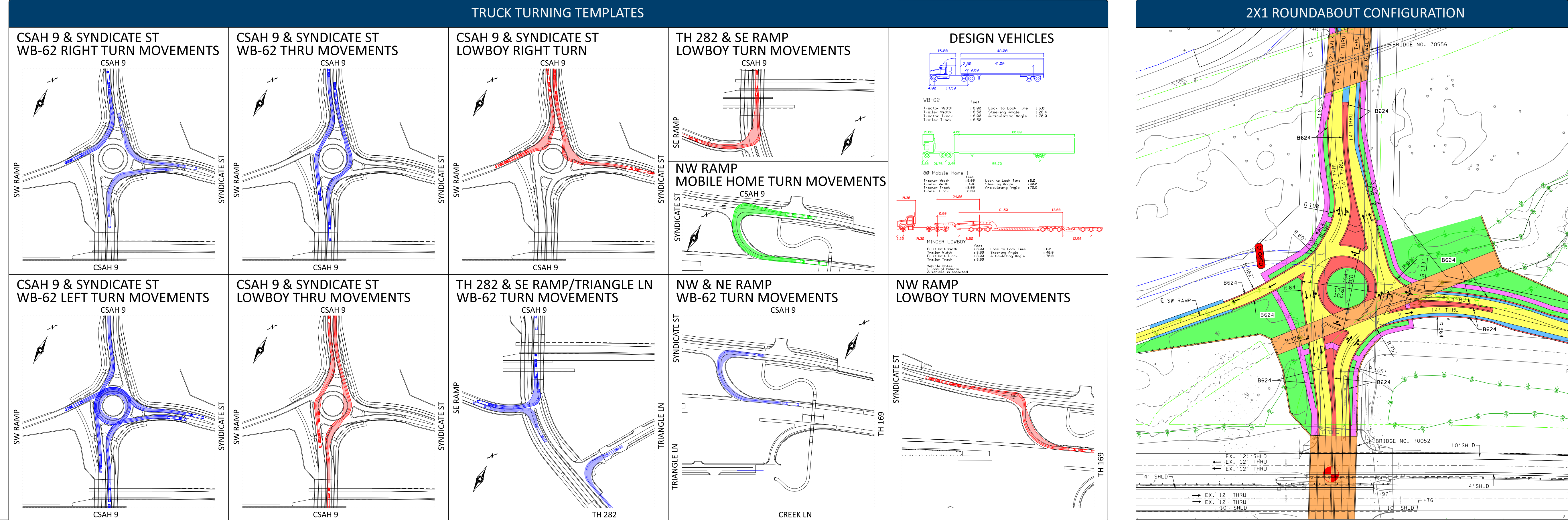
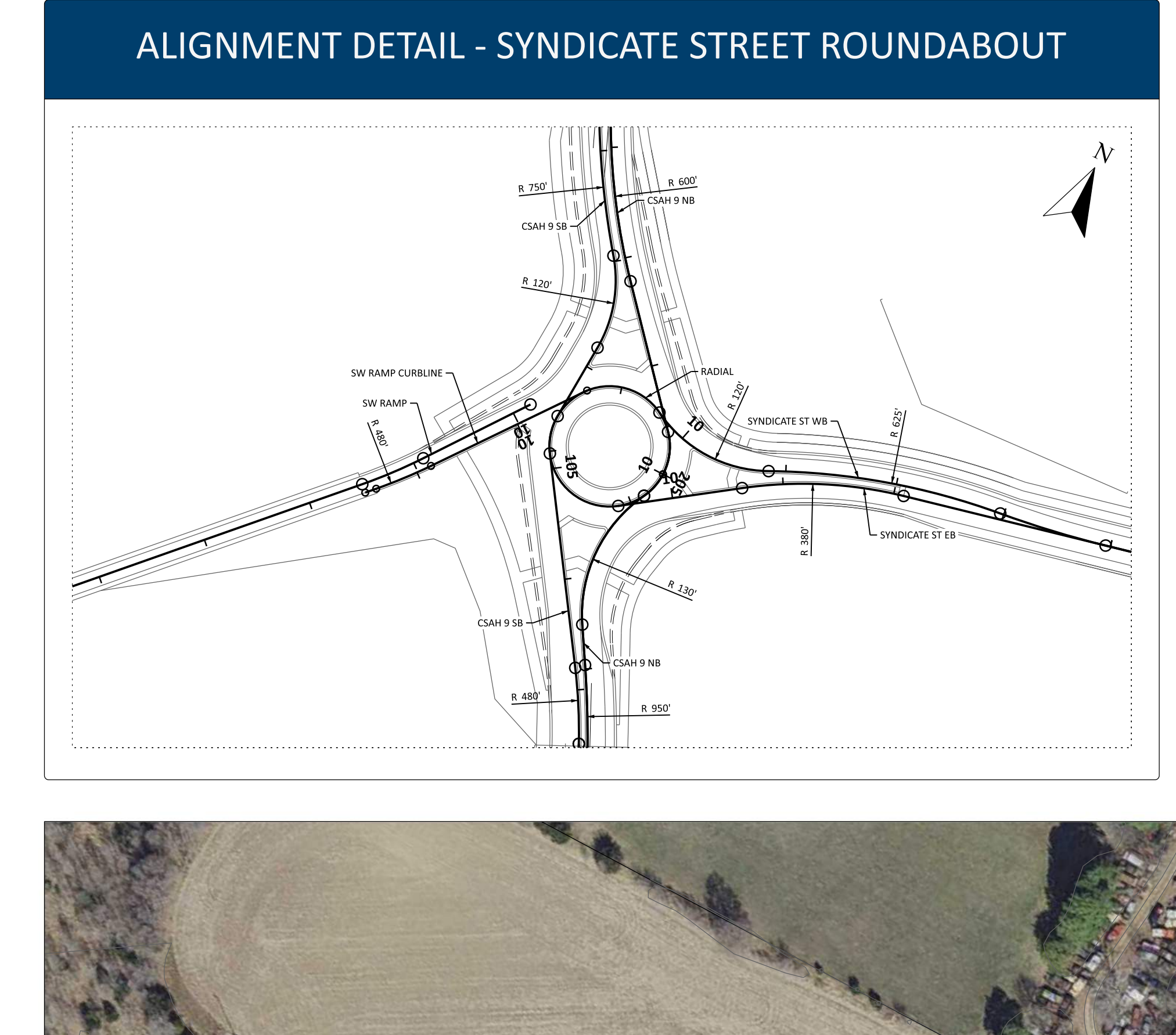
The purpose of the TH 169/TH 282/CR 9 Interchange improvement project is to improve safety and mobility for motor vehicles, including freight, by addressing the existing safety and operational concerns in the study area while adhering to existing and applicable state and federal regulations...

The intersection of TH 169 and TH 282/CR 9 has been an area of concern for MnDOT, Scott County and the City of Jordan for over 20 years. During that time several studies, a state environmental document and a state engineering study have been conducted to address the concerns...

Proposed Design Exception: 1. Ramp widths of 21.8 proposed where additional width not needed for truck lanes (shoulder - 12 lane - 4' shoulder)

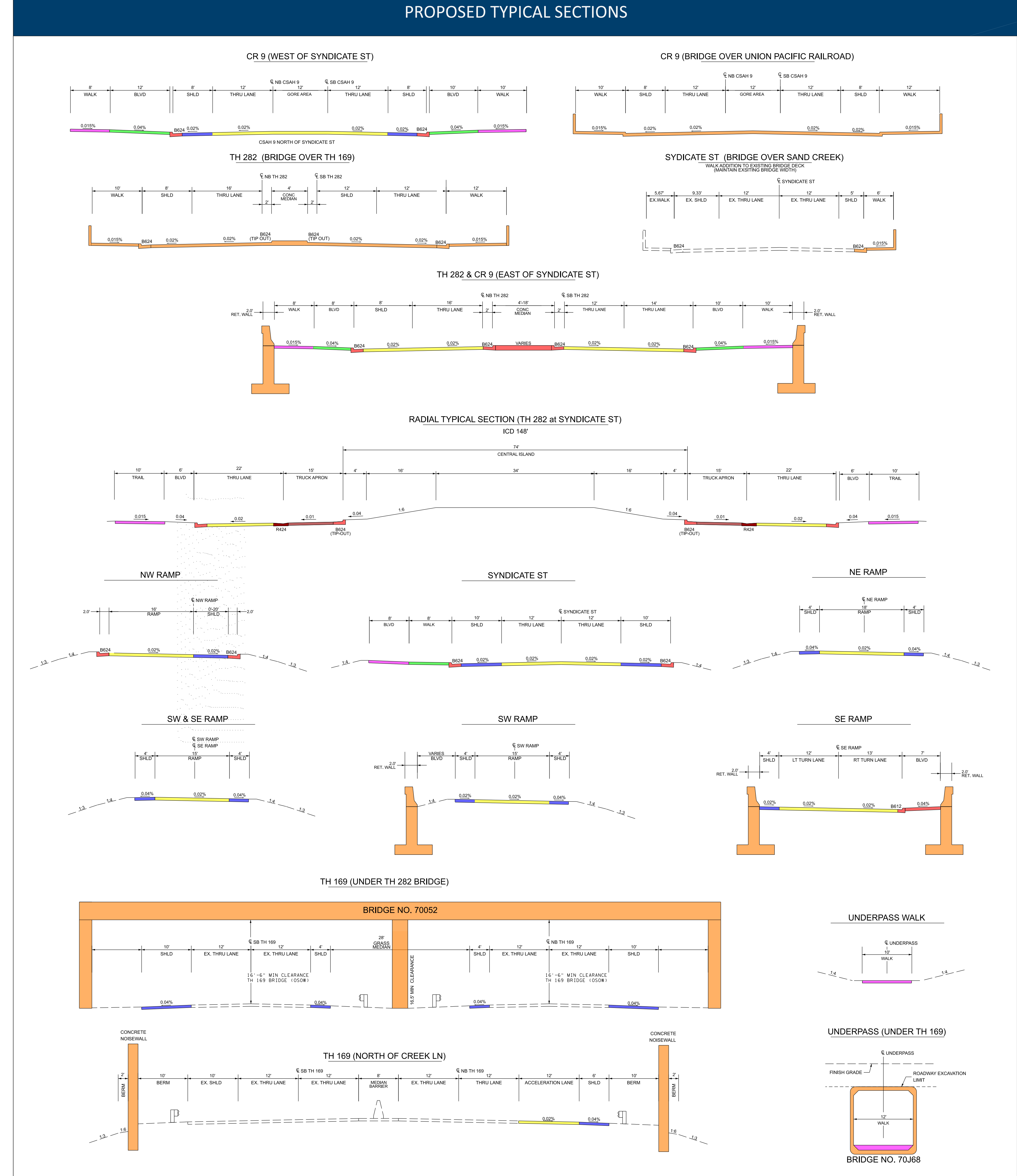
January 13, 2023 - Layout 1 was submitted for Preliminary Review and Comment. In March 2023, the project team responded to the public feedback to the layout for the project and a single-lane roundabout is being proposed to be constructed...

TH 169 / TH 282 / CR 9 Interchange City of Jordan, Scott County, Minnesota SP 7008-112 GEOMETRIC LAYOUT Date: March 24th, 2023. Includes project location map, city of Jordan zoning map, and legend.



Attachment A

TH 169 & TH 282 is an Oversize Overweight (OSOW) Super Load Corridor and a House Moving Route.



LAYOUT NO. 1A, COPY NO. 1. T.H. VICINITY OF CITY OF JORDAN, MINN. FROM US 169 / TH 282 / CR 9 INTERCHANGE. PREPARED BY WBSB & ASSOCIATES, INC. DATE: 03/24/23.

Level 1A LAYOUT APPROVAL. Programmed, Reviewed, Approved by various engineering and planning staff.

DISCLAIMER and LEGEND. Includes WBSB logo, legend for road types, and disclaimer text regarding construction impacts.

LIMITS AFFECTED BY CONSTRUCTION WILL BE RELOCATED / ADJUSTED AS NECESSARY AND COORDINATED BY THE UTILITY GOVERNMENT PROCESS. PEDESTRIAN ACCOMMODATIONS WILL MEET ADOPTING REQUIREMENTS. TH 169 & TH 282 IS AN OVERSIZE / OVERWEIGHT SUPER LOAD CORRIDOR.

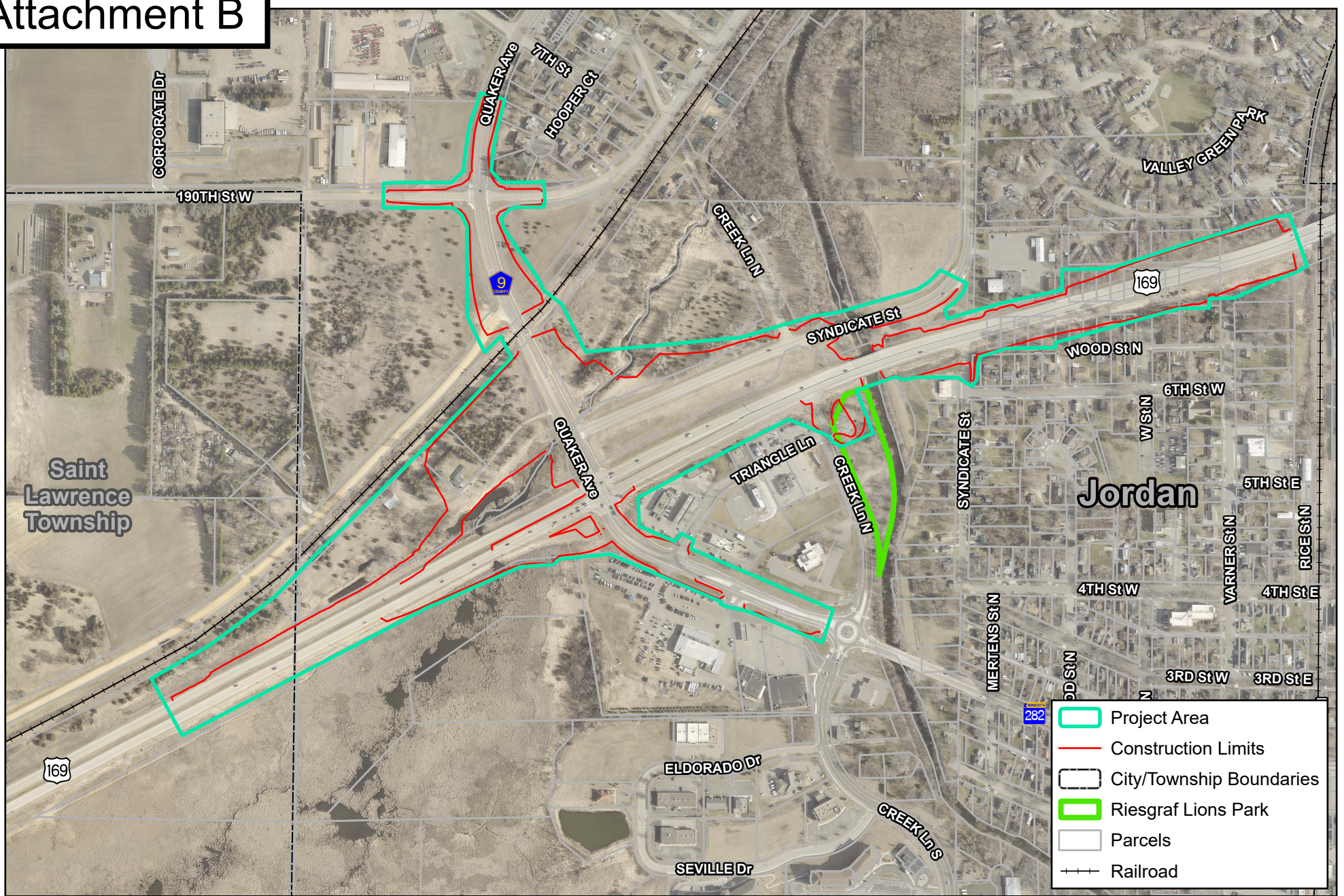


Figure 1 - Riesgraf Lions Park Location

S.P. 7008-112; S.P. 070-609-010; S.A.P. 070-593-002
 TH 169/TH 282/CH 9 Intersection Improvement Project
 Scott County, Minnesota



0 500 Feet
 1 inch = 569 feet



RIGHT OF WAY PARCEL LAYOUT

C.S. 7008(169=5)901

S.P. 7008-112

OWNER: City of Jordan







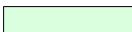




COUNTY: Scott

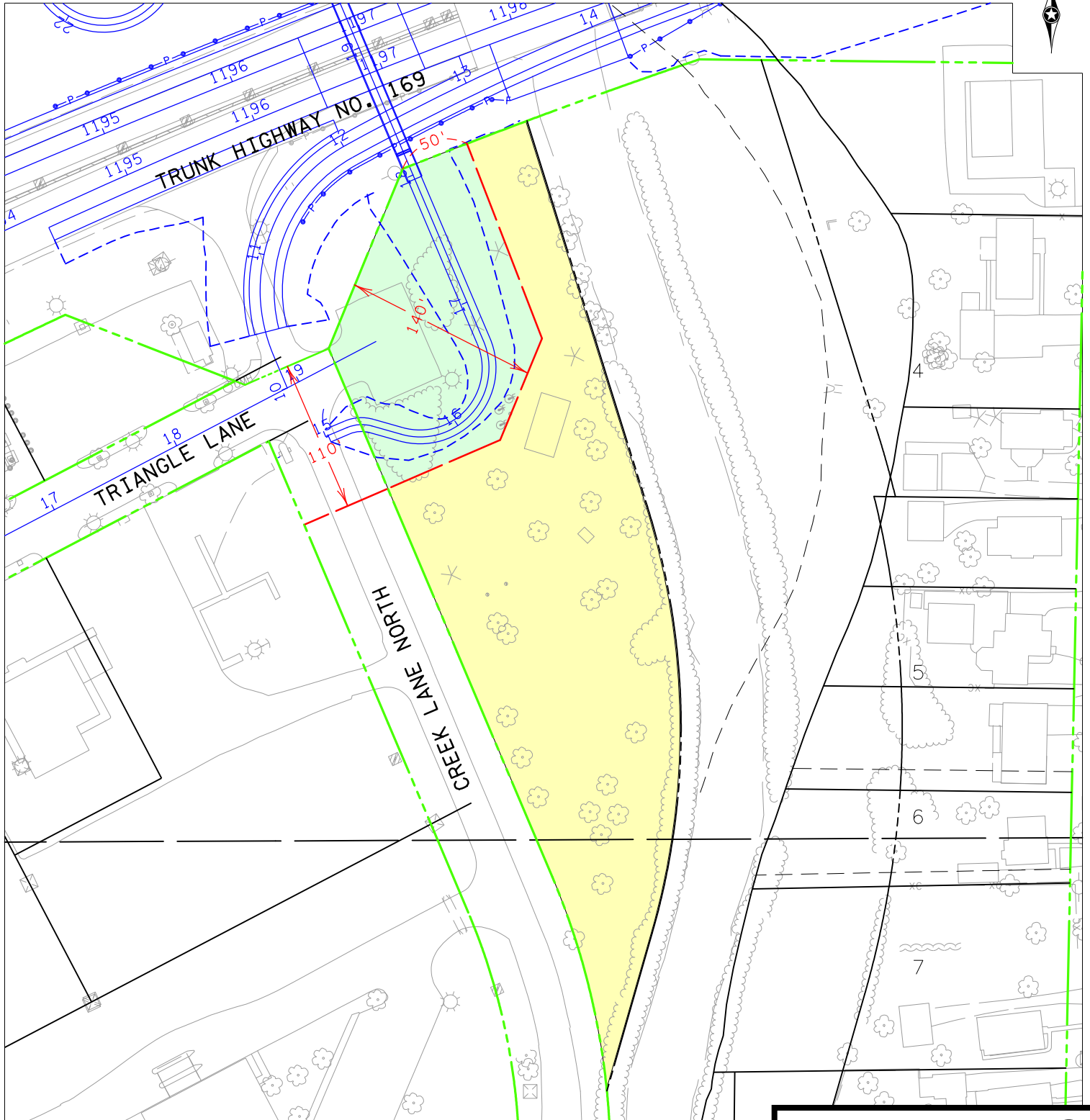
PARCEL NUMBER: 3381



PAGE 1 OF 1

SCALE 1" = 100 ft.

- | | | | | | |
|---|--|---|--|---|-------------------------|
|  | Parent Tract |  | Existing Highway Easement to be purchased in FEE |  | Existing Access Control |
|  | New Right of Way (Fee) or Highway Easement |  | Permanent Easement |  | Inplace R/W Line |
|  | Temporary Easement | | |  | New Access Control |
| | | | |  | New R/W Line |
| | | | |  | Temporary Easement |
| | | | |  | Proposed Construction |



LAYOUT SKETCH BY: MSL

DATE: 3/6/2023

Attachment C