



Technical Memo

Date: October 16, 2020

Project: I-29 Exit 130 (20th Street South) Interchange

To: File

From: HDR

Subject: Section 4(f) Properties and *De minimis* Determination for Allyn Frerichs Trail

Background

Due to its use of federal funds, the I-29 Exit 130 (20th Street South) Interchange (Project) is subject to the requirements of Section 4(f) of the Department of Transportation (DOT) Act of 1966, which affords protection to publicly owned parks, recreation areas, and wildlife and waterfowl refuges. Section 4(f) prohibits the use of a Section 4(f) property unless the USDOT agency can demonstrate that:

1. There is no feasible and prudent avoidance alternative to the use of land; and
2. The action includes all possible planning to minimize harm to the property resulting from such use.
3. The Administration determines that the use of the property will have a *de minimis* impact.

Purpose

The purpose of this memo is to provide information regarding the Section 4(f) properties and the anticipated *de minimis* impact to Allyn Frerichs Trail. In accordance with the Federal Highway Administration (FHWA) implementing regulations found at 23 CFR Part 774, comments are being solicited on the effects this project would have on the Allyn Frerichs Trail.

As part of the environmental review process, the Edgebrook Golf Course and Allyn Frerichs Trail have been determined to be Section 4(f) properties. These properties were evaluated under Section 4(f) to determine if the project impacts would constitute a “use”. A ‘Use’ of Section 4(f) property occurs when:

1. Land is permanently incorporated into a transportation facility;
2. There is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute’s preservationist purposes; or
3. There is a constructive use of a Section 4(f) property.

The following describes the resources and findings.

Allyn Frerichs Trail

The Allyn Frerichs Trail is an existing shared use trail designated and functioning primarily for recreation. The City Parks and Recreation Department maintains and manages the trail and has confirmed the significance of this trail as part of its recreation system. The trail begins north of Exit 132 (6th Street), then continues on the east side of I-29, crosses at the railroad, then continues north and on the west side of Edgebrook Golf Course, on the east side of 22nd Avenue South within the Study Area. The trail continues west through portions



of the City's residential areas. It connects to several park trail systems and is part of a planned 2025 loop trail. The loop, when complete, will provide connections to a larger system of existing and planned shared use paths that have been identified in the Brookings Area Master Transportation Plan. The trail is also under consideration as a potential US Bicycle Route 55 Alignment.

As part of the I-29/20th Street South project, intersection improvements at 22nd Avenue and 20th Street South would be constructed as shown in attached Figure 2. Just north of the 20th Street and east of 22nd Avenue, the trail will be slightly re-aligned to tie in adequately with the new intersection and provide appropriate geometrics for a shared-use trail at a signalized intersection. The re-alignment of the trail will not impact golf course operations or activities.

South of 20th Street South, 22nd Avenue South will be widened to the east to allow for an exclusive left turn lane for north-bound traffic on 22nd Avenue turning west on 20th Street South. This widening will require a minor shift in the shared-use trail on the east side of the road (see attached Figure 2).

During construction, the trail segment north of 20th Street South will be detoured to the 22nd Avenue west side sidewalk. The trail segment south of 20th Street South will be closed during construction of the new trail along 22nd Avenue. The estimated timeframe for trail closure would be one month. Once construction is complete, the overall condition of the trail in these locations will be the same or better than the current condition. Signage would be provided to direct users around the construction.

A temporary easement would be needed from the City to realign the trail north of 20th Street South. There would be no interference with the protected activities, features or attributes of the trail during construction.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed *de minimis* findings is provided as part of the environmental process. In accordance with 23 CFR 774, the proposed project will have a ***de minimis*** impact upon Allyn Frerichs Trail based upon the following assessment:

- All possible planning to minimize harm has been incorporated into project development.
- The nature and magnitude of changes will not adversely affect the recreational activities, features, or attributes that qualified the property for 4(f) protection.
- Proposed measures to minimize harm and resulting mitigation, in regard to protecting the 4(f) property and maintaining access and safety, are considered to be reasonable and acceptable.

Edgebrook Golf Course

Edgebrook Golf Course is a regulation public 18-hole facility with a nine-hole junior/short course located at 1415 22nd Avenue South. It is owned and operated by the City of Brookings. Fees are reviewed and set annually by Brookings Parks & Recreation Advisory Board and include single rounds of golf and seasonal passes. Section 6(f) of the 1965 LWCF Act of 1965, codified in federal law in Title 16 U.S.C Section 4601-4 et seq. also

applies to the property boundary at the time the LWCF grant funds were utilized (Projects 46-00166 and 46-01035; SD Game Fish and Parks, 2020¹).

Minimal grading would be needed along the south edge of the golf course for 20th Street construction as shown in attached Figure 1. The alignment of proposed 20th Street has been shifted to the south specifically to avoid impacts to the golf course. Near 22nd Avenue, the 20th Street fill slope would extend onto the golf course as shown in the Section A-A view of Figure 1. This allows 20th Street to line up across 22nd Avenue.

No permanent right-of-way is needed for the 20th Street South construction and no operations or activities of the golf course would be impacted. A temporary easement would be needed to complete the work along the south edge of the golf course near 20th Street. The area will be re-graded and reseeded to a similar or better condition once construction of the area is complete.

The proximity of impacts of the project to Edgebrook Golf Course will not result in a constructive use as the project will not result in an impairment of the property's activities, features, or attributes. Noise levels near the golf course will increase, however, these will not cause a substantial increase in noise levels that would reduce or remove the sub purpose or significance of the 4(f) property².

In accordance with 23 CFR 774.13(d), the temporary occupancy of land associated with Edgebrook Golf Course will not constitute a "use", based on the following assessment:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Minimization Efforts

The following measures to minimize harm will be incorporated into the plans as plan notes and as environmental commitments in the environmental document:

- Access to Allyn Frerichs Trail will be restricted for a period of time that is anticipated to be less than the time needed for construction. Detours will be provided where feasible and safe. Access or use of Edgebrook Golf course will not be impacted.

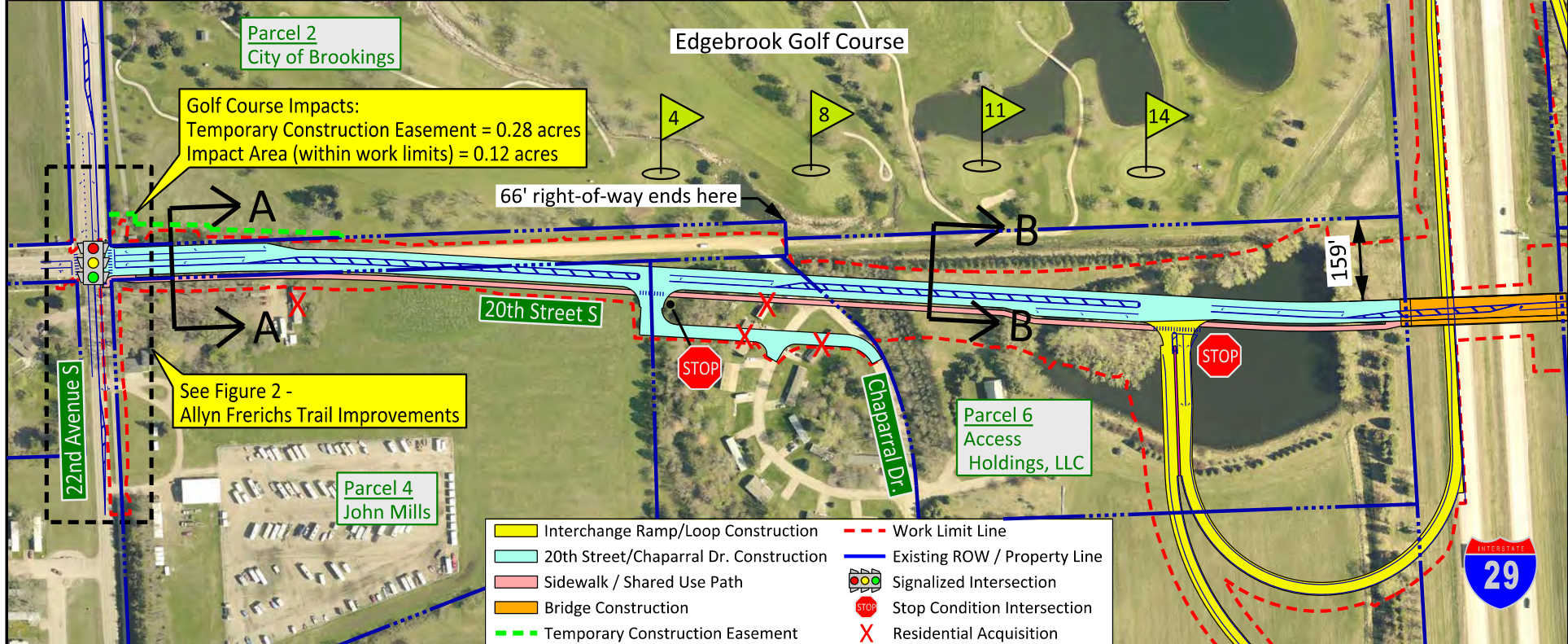
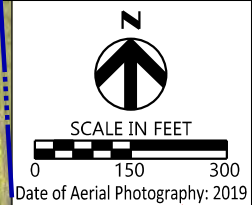
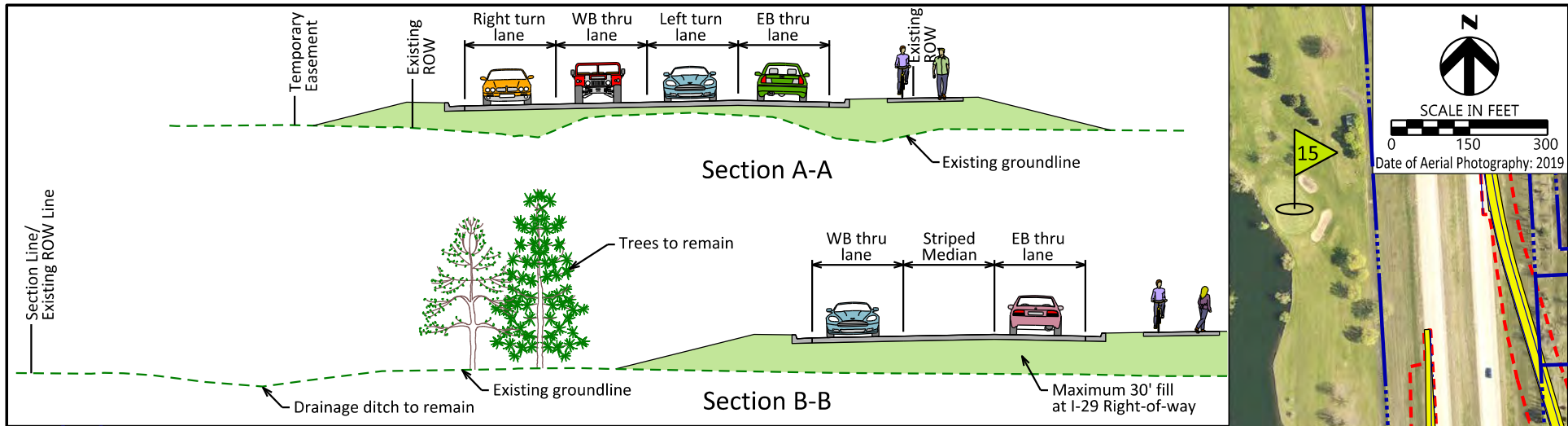
¹ SD GFP. March 26, 2020 Email to HDR and SDDOT regarding 6f Properties within Study Area.

² HDR. 2020. Noise Study Technical Report: I-29 Exit 130 (20th Street South) Interchange. Completed as part of SDDOT Project EM 0295(45)130 PCN 020V.



- Temporary construction fencing shall be installed along proposed construction limits near the Allyn Frerichs Trail and Edgebrook Golf Course prior to the start of construction activities to protect the existing 4(f) property and the public.
- Appropriate signage shall be installed to alert users of Allyn Frerichs Trail of construction activities, access restrictions or closures, and to direct users to secondary access points.
- The staging and/or storage of construction equipment or materials shall not take place outside proposed construction limits that are within the defined boundaries of the 4(f) property.
- The Contractor shall be required to closely coordinate the construction schedule with SDDOT and City of Brookings prior to the start of construction activities.

The public is asked to provide comment on the *de minimis* finding for the Allyn Frerichs Trail. Comments can be provided on the website at <https://www.20thstinterchange.com/> as part of the Draft Environmental Assessment review.



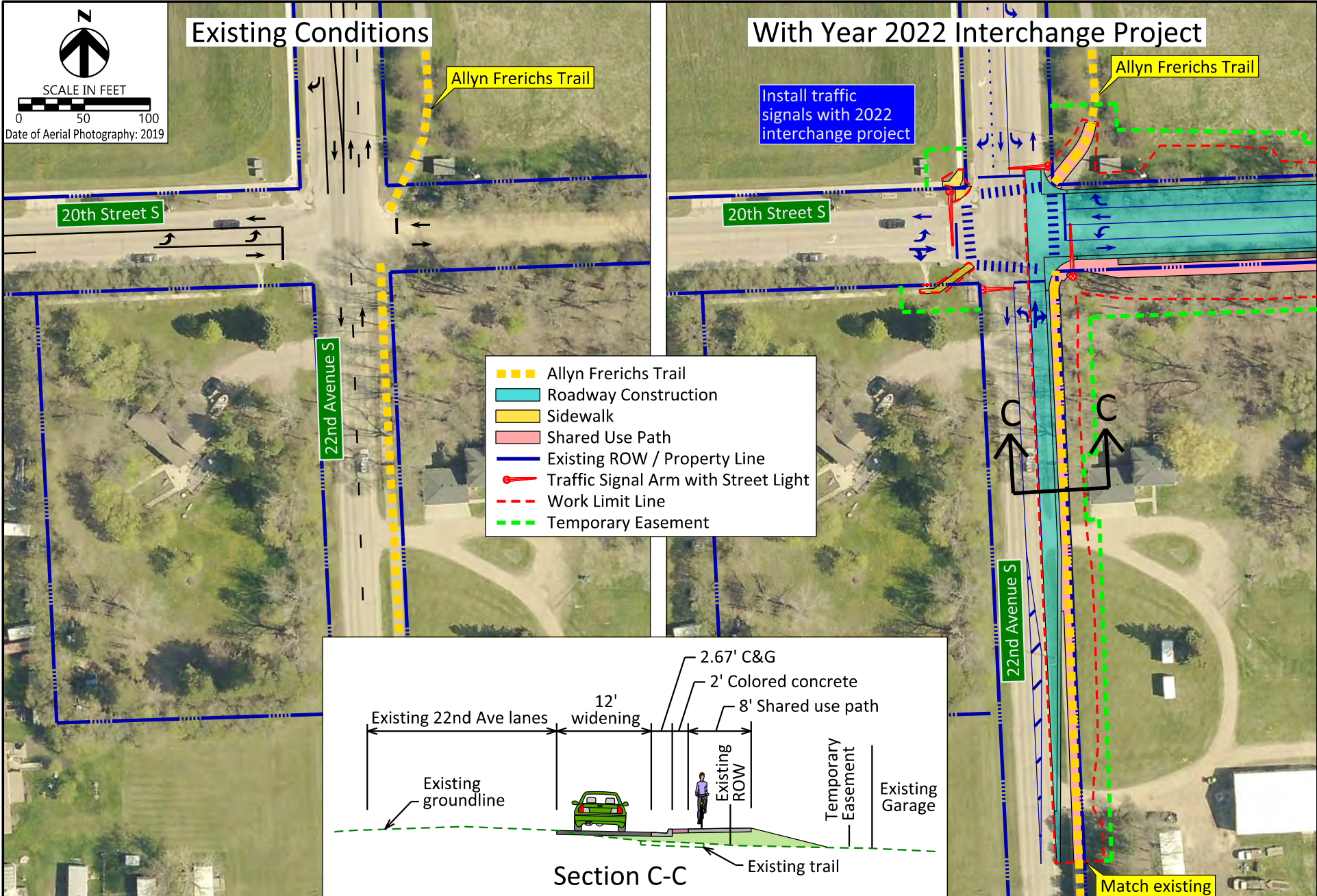
- Interchange Ramp/Loop Construction
- 20th Street/Chaparral Dr. Construction
- Sidewalk / Shared Use Path
- Bridge Construction
- Temporary Construction Easement
- Work Limit Line
- Existing ROW / Property Line
- Signalized Intersection
- Stop Condition Intersection
- X Residential Acquisition

Drawn By: B.Miller
 Date: 9/2/2020
 Chkd By: J.Unruh
 Date: 9/2/2020
 Revision:



20th Street Improvements at Edgebrook Golf Course
 Section 4(f) and 6(f) Impacts Analysis
 I-29 Exit 130 (20th Street S) Interchange - PCN 020V

Figure
1
 Brookings, SD



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Allyn Frerichs Trail Improvements
Section 4(f) and 6(f) Impacts Analysis
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Brookings, SD

Figure
2