

Project Name

North 33rd and Cornhusker

Project Number

LCLC-5233(4)

Control Number

13294

Date Completed

05/27/2021

Project Location (Town, County)

Lincoln, Lancaster

Name and Organization of Preparer

Amy Cherko, Olsson

The following form was developed as an initial assessment of potential Section 4(f) properties within a project area. The number of each question block corresponds directly to the NDOT Section 4(f) Guidance section with the same number. **One Initial Assessment Form per PROJECT must be included as an attachment to the CE Form or incorporated into the appropriate chapter in the EA/EIS.**

NOTE: At the time the Section 4(f) Initial Assessment Form is filled out, the Section 106 process must be sufficiently complete that historic properties have been identified. If a project effects determination has not been made by NDOT Section 106 Professionally Qualified Staff (PQS), use the best available information to make a determination and review during the NEPA process.

1. Identification of Section 4(f) Properties

- A. *For historic properties*, based on the NDOT Section 106 Tier Review Form or best available information, are there properties that are listed or eligible for listing on the National Register of Historic Places?

☐ Yes ☒ No ☐ N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

N/A

- B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within 0.25 miles of the project area?

☒ Yes ☐ No

- C. In consultation with the online resources identified in the Section 4(f) Guidance, list the resources used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

Lancaster County Nebraska Website, Google Maps, 33rd and Cornhusker Planning and Environmental Linkages Study, Lancaster County Comprehensive Plan, Nebraska Game and Parks Commission (NGPC) Interactive Map, NGPC Nebraska State Parks map, NGPC Owned or Managed Sites, Land and Water Conservation Fund listed sites, US Fish and Wildlife Service (USFWS) Wildlife Refuges, USFWS Wilderness Areas, USFWS Waterfowl Production Areas.

- D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges (*include property name(s), location(s) along project, etc.*).

If any properties are listed in 1.A. or 1.C., proceed to 2.A. – 2.E. If there are no properties, documentation is complete.

Fleming Fields Recreation Sports Park is located northwest of the intersection of North 33rd Street and Leighton Avenue, abutting the project alignment.

34th and Madison Park is located south of Madison Avenue, between North 33rd Street and North 35th Street, abutting the project alignment.

The University of Nebraska East Campus is located southeast of the intersection of North 33rd Street and Huntington Avenue, abutting the project alignment.

UPCO Park is located southwest of the intersection of North 40th Street and Adams Street, approximately 0.10 mile from the project alignment.

The 45th and Gladstone Playground is located northwest of the intersection of North 45th Street and Gladstone Street, approximately 0.5 mile from the project alignment.

The Dietrich Connector Trail runs north and south along North 27th Street, approximately 0.07-mile west of the project alignment at State Fair Park Drive.

The Dietrich Trail runs northeast to southwest, paralleling the project alignment. The Dietrich Trail passes through Fleming Fields Recreational Sports Park, 34th and Madison Park, UPCO Park, and the 45th and Gladstone Playground. The Dietrich Trail intersects the project alignment near the intersection of North 33rd Street and Huntington Avenue.

Huntington Trail runs along the south right-of-way of Huntington Avenue, along the northern boundary of the University of Nebraska East Campus, abutting the project alignment.

33rd Street Trail runs north and south along the east right-of-way of North 33rd Street, abutting the project alignment.

Theresa Trail is located along Salt Creek, approximately 0.20 mile north/northwest of the project alignment.

2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)

- A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

N/A

- B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

N/A

- C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

The University of Nebraska East Campus is a multiple-use property that consists of multiple buildings, access roads, sidewalk trails, and associated facilities including the Nebraska State Arboretum, Larsen Tractor Museum, and the UNL Recreation and Wellness Center.

- D. List all pedestrian or bicycle paths from 1.D. that are not officially designated primarily for recreation, and state below how this was determined.

N/A

- E. List all properties from 1.D. that were NOT called-out in 2.A., B., or C.; these properties will be carried forward in the Section 4(f) process. Carry forward any multiple-use properties from 2.C. If no properties are carried forward, note below and documentation is complete.

Fleming Fields Recreation Sports Park
34th and Madison Park
University of Nebraska East Campus
UPCO Park
45th and Gladstone Playground
Dietrich Connector Trail
Dietrich Trail
Huntington Trail
33rd Street Trail
Theresa Trail

3. Determination of Section 4(f) Use

- A. Is there a potential *use* of the Section 4(f) applicable properties from 2.E. above? Will the properties be impacted by the project, including access restrictions? (See Guidance Section 3 for definition of *use*.)

☒ Yes ☐ No Is there a potential *permanent* use?

☒ Yes ☐ No Is there a potential *temporary* use (including exceptions)?

☐ Yes ☒ No Is there a potential *constructive* use?

Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

No: state impact avoidance measures below, then documentation is complete.

- B. List impact avoidance measures (for "No" answer only). If justification is needed to support a "No" answer in 3.A., describe below.

The following properties would not be impacted by the project as property rights would not be required from any of the below properties and access would be maintained during the construction of the project:

- 45th and Gladstone Playground
- University of Nebraska East Campus
- UPCO Park
- 45th and Gladstone Playground
- Dietrich Connector Trail
- Theresa Trail

Additional Section 4(f) documentation will be prepared for the following Section 4(f) properties with uses:

- Fleming Fields Recreation Sports Park - temporary easements may be required for constructions activities related to the replacement of a storm sewer pipe and improvements to Griffith Street.
- 34th and Madison Park - ROW would be acquired from the 34th and Madison Park for construction of an on-ramp to the new viaduct structure.
- Dietrich Trail - Impacts to the trail would be related to construction of the viaduct structure and realignment of 33rd Street. Segments of trail would be removed with new segments constructed to replace removal areas. New segments of trail would be constructed to replace the removed segments, resulting in a net gain of overall trail network length. Detour routes would be required during construction.
- Huntington Trail - Impacts to the trail would be related to construction associated with Huntington Avenue. Segments of the trail would be removed near the intersection of 33rd Street and Huntington Avenue. New segments of trail would be constructed to replace the removed segments, resulting in a net gain of overall trail network length. Detour routes would be required during construction.
- 33rd Street Trail - Impacts to the trail would be related to construction of the viaduct structure and realignment of 33rd Street. Segments of trail would be removed. New segments of trail would be constructed to replace the removed segments, resulting in a net gain of overall trail network length. Detour routes would be required during construction.

NDOT Reviewer Approval Signature:

**Jake
Smith** Digitally signed
by Jake Smith


Date:

5/27/2021

NDOT Section or Documents Unit Manager signature is only required in the following circumstances:

- If the property is leased
- If the property is considered multiple-use
- If the Official(s) with Jurisdiction claims that the property is NOT significant

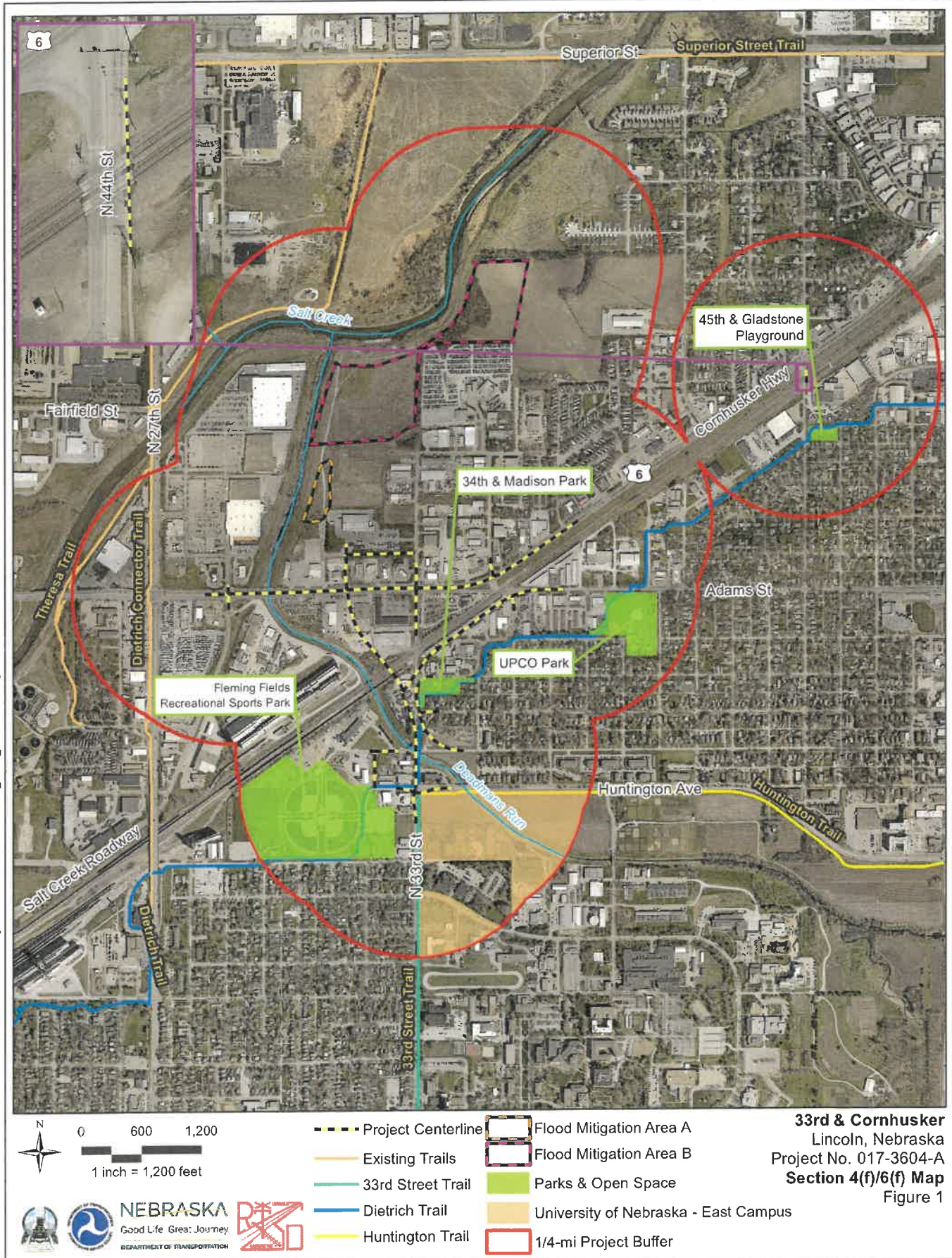
NDOT Section or Documents Unit Manager Signature:

 Digitally signed by
Jon Barber
Date: 2021.06.01
15:31:25 -05'00'

Date:

6/1/2021

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LINCOLN PARKS & RECREATION DEPARTMENT

3131 "O" Street, Suite 300, Lincoln, NE 68510-1514
402-441-7847 fax: 402-441-9249 lincoln.ne.gov

May 9, 2023

Hannah Jones
Assistant Division Administrator/Planning & Trails/Planning & Programming Division
Nebraska Game and Parks Commission
2200 N. 33rd St.
Lincoln, NE 68503

RE: LWCF –Proposal for Small Conversion of 0.06 acres of 34th and Madison Street Park in Lincoln, NE

Dear Hannah:

Attached are the materials supporting the City of Lincoln's request for the partial conversion of 0.06 acres of the 34th and Madison Street Park. Pursuant to earlier discussions, the City's understanding is that this partial conversion will be regarded as a "Small Conversion" by the National Parks Service.

The 34th and Madison Street Park (Park) is 1.77 total acres. Of that, 1.45 acres are subject to Land and Water Conservation Fund (LWCF) 6(f) restrictions.

The local Railroad Transportation Safety District is moving forward with a roads project that will create a new 33rd Avenue in northeast Lincoln. This project will require utilizing 0.06 acres of the LWCF-restricted area of the Park for a utility easement. The easements along the western and northwestern edge of the Park are required to accommodate underground water mains. The project will also require a temporary easement for construction access, impacting 0.09 acres of the Park.

The area of permanent conversion (0.06 acres) represents less than 10% of the entire LWCF-restricted area of the Park (1.45 acres).

The City of Lincoln will purchase property from Lincoln Public Schools at 9200 Castle Pine Drive, which will be developed as a neighborhood park currently referred to as Wilderness Hills Park. This site will serve as the replacement property for a separate conversion project, the Oak Lake Development Conversion (project 31-00215). The City will purchase additional property at 9200 Castle Pine Drive (for a total of 2.25 acres) to serve as the replacement property for this small conversion of the 34th and Madison Street Park as well.



In connection with the Oak Lake Development Conversion, an appraisal of the Wilderness Hills site was completed in conformance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition. The Wilderness Hills site was valued at \$207,000 as of March 21, 2022. The Oak Lake Park area property was valued at \$183,100, as of March 21, 2022.

Michelle R. Backemeyer, a Real Estate and Relocation Assistance Agent with the City's Urban Development Department, valued the 0.06 acres of converted property at the 34th and Madison Park at \$8,286 as of March 21, 2022. Thus, the value of the Wilderness Hills property (\$207,000) exceeds the combined value of the Oak Lake area converted property (\$183,100) and the 34th and Madison Street Park converted property (\$8,286).

To support this small conversion request, enclosed you will find the following:

- LWCF Compliance and Stewardship (C&S) Form, with the highlighted portions of the form completed, per earlier instructions.
- A revised LWCF 6(f) boundary area map indicating the deletion of the small converted area of the 34th and Madison Street Park.
- A proposed LWCF 6(f) boundary area map for the Wilderness Hills Park replacement property.
- A site development plan for the Wilderness Hills Park replacement property.

The C&S Form outlines the basis for determining there will be no significant environmental impacts on (1) the 0.06 acres proposed for conversion from the 34th and Madison St. Park, (2) the viability of the remaining LWCF-restricted land within the Park, and (3) the proposed Wilderness Hills replacement property. Given the small size of the conversion area and minimal impact on the existing LWCF-restricted area of the 34th and Madison St. Park, this proposed conversion is not anticipated to be controversial. None of the Extraordinary Circumstances outlined in 43 C.F.R. section 46.205 is applicable to this proposed small conversion. Based on these factors, we understand that this proposal qualifies for a Categorical Exclusion.

The Wilderness Hills Park replacement property will be made available for public use within one year after acquisition. The City will initiate park improvements within three years of acquisition/LWCF Section 6(f) designation.

Although the proposed LWCF 6(f) boundary area for Wilderness Hills Park reflects only the total 2.25 acres that will be purchased from Lincoln Public Schools, the City anticipates that an additional 0.62 acres (adjacent to the Lincoln Public Schools property) will be donated for park purposes, resulting in a 2.87 acre park site. The timing of the donation is expected to be completed during the 2026 calendar year. The attached site development plan for Wilderness Hills Park includes the entire 2.87 acres. If the additional 0.62 acres are not donated by 2026, the City will revise this site plan, with the Nebraska Game and Parks Commission's approval. Once the additional 0.62 acres are acquired, the City is open to expanding the LWCF 6(f) boundary map to include the donated area.

Thank you for meeting with the Lincoln Parks and Recreation Department team earlier this year to review the process for ensuring the Wilderness Hills site could serve as the replacement property for both conversions. We sincerely appreciate all of your guidance on these projects, and as well as your coordination of other Land and Water Conservation Fund projects.

Please contact Denise Pearce at 441-7804 (dpearce@lincoln.gov) or JJ Yost at 441-8255 (jjost@lincoln.ne.gov) with any questions, or if you need additional information regarding the enclosed small conversion proposal.

Sincerely,



Maggie Stuckey-Ross, Director
Lincoln Parks and Recreation Department

Enclosures

Cc: JJ Yost, Lincoln Parks and Recreation Department
Denise Pearce, Lincoln Parks and Recreation Department

Chase Jelden

From: Amy Cherko
Sent: Tuesday, October 3, 2023 2:13 PM
To: Bavougian, Christina
Cc: Aaron Keller; Susan Opperman; Chase Jelden; Divine, Dana
Subject: RE: 33rd+Cornhusker - Revised 4f IAF

Thank you so much Christina! I'll stick with the OG IAF. I'm sure we discussed it at some point during the project but I didn't have it well documented. This is helpful.

I'll be on the lookout for EJ!

Hope you have a great rest of your Tuesday!

-Amy

From: Bavougian, Christina <christina.bavougian@nebraska.gov>
Sent: Tuesday, October 3, 2023 1:41 PM
To: Amy Cherko <acherko@olsson.com>
Cc: Aaron Keller <akeller@olsson.com>; Susan Opperman <sopperman@olsson.com>; Chase Jelden <cjelden@olsson.com>; Divine, Dana <Dana.Divine@nebraska.gov>
Subject: RE: 33rd+Cornhusker - Revised 4f IAF

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Hi Amy!

Thanks for your thoughtful approach to documenting potential 4(f) properties. After some internal discussion at NDOT we would like to go ahead with the previously approved Initial Assessment. We don't believe East Campus would qualify for protection under Section 4(f) but even if it did, the NW corner where ROW impact is anticipated is not being used for recreation so we are comfortable not mentioning the impact to this property.

A quick note re: the EJ chapter, we are hoping to get the latest version document reviewed this week and will get back to you soon re: submittal to/coordination with FHWA or additional tweaks. Thank you for getting that updated and sent back to NDOT! Please copy Dana and me on any of EA related email topics – this is very helpful and much appreciated. Take care,

Christina

From: Amy Cherko <acherko@olsson.com>
Sent: Friday, September 15, 2023 11:48 AM
To: Bavougian, Christina <christina.bavougian@nebraska.gov>
Cc: Aaron Keller <akeller@olsson.com>; Chase Jelden <cjelden@olsson.com>
Subject: 33rd+Cornhusker - Revised 4f IAF

Hi Christina – happy Friday!

As I am wrapping up the Preliminary Draft EA for 33rd and Cornhusker, I noticed that 4f IAF did not call out ROW impacts to UNL – East Campus. I have revised the form for NDOT review and approval. I'm including the previously approved IAF to help clarify changes. I have uploaded a copy to the Sharefile, [HERE](#). Let me know if you have any other comments or questions. I left you a voicemail as well, feel free to give me a call if you'd like to discuss.

Thank you!

-Amy

Amy Cherko

(She, Her, Hers)

Team Leader / Environmental

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Omaha, NE 68106

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Chase Jelden

From: Divine, Dana <Dana.Divine@nebraska.gov>
Sent: Wednesday, February 14, 2024 8:05 AM
To: Amy Cherko; Aaron Keller; Chase Jelden
Cc: Bavougian, Christina; Barber, Jon
Subject: FW: CN 13294 33rd & Cornhusker - Wilderness Hills Park

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Amy and Team – Here's the email needed to support the statement that there will be no T&E impacts due to the Wilderness Hills Park conversion. If you can add it to the attachments, that would be great. Thanks,
Dana

From: Greiner, Matthew <Matthew.Greiner@nebraska.gov>
Sent: Wednesday, February 14, 2024 7:26 AM
To: Divine, Dana <Dana.Divine@nebraska.gov>
Cc: Bavougian, Christina <christina.bavougian@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>; Hartman, Jeff <jeff.hartman@nebraska.gov>
Subject: RE: CN 13294 33rd & Cornhusker - Wilderness Hills Park

Good morning, Dana,

Yes, if this area does not require any work to be done at the location, then the most recent T&E re-eval memo remains valid.

Thanks,

Matt

From: Divine, Dana <Dana.Divine@nebraska.gov>
Sent: Tuesday, February 13, 2024 3:54 PM
To: Greiner, Matthew <Matthew.Greiner@nebraska.gov>
Cc: Bavougian, Christina <christina.bavougian@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>; Hartman, Jeff <jeff.hartman@nebraska.gov>
Subject: CN 13294 33rd & Cornhusker - Wilderness Hills Park

Hi Matt,

I've attached a map showing the location of Wilderness Hills Park that we discussed the other day. My understanding based on our conversation is that the most recent T&E re-eval for CN 13294 is still valid because the scope of work does not include any construction activities at Wilderness Hills Park. If that understanding is correct, please respond to this email as confirmation. Thanks,
Dana