**SAMPLE CONCURRENCE LETTER**

James Schumacher
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Subject: WIS 100 N. Mayfair Road – N. Lover’s Lane – Section 4(f) Concurrence

Dear Mr. Schumacher,

Thank you for meeting with us on April 20, 2021, August 2, 2021, and September 17, 2021, to discuss proposed construction on WIS 100 and potential work required within Currie Park and the Upper Menomonee River Parkway. As a publicly owned park and recreational resource, the park and parkway are subject to Section 4(f) considerations in accordance with FHWA’s Department of Transportation Act of 1966. Also, the larger parkway is eligible for listing on the National Register of Historic Places and therefore subject to consultation with the State Historic Preservation Office (SHPO) in accordance with Section 4(f). WisDOT is also coordinating with SHPO on this matter.

FHWA and WisDOT have informed Milwaukee County Parks, as the officials with jurisdiction (OWJ), that FHWA intends to make a *de minimis* impact determination for project impacts to the Oak Leaf Trail and Bubba’s Woods Mountain Bike Trail. For FHWA to make a *de minimis* impact determination, an opportunity for public review and comment must be provided and the OWJ must concur in writing, as required under 23 CFR 774.5(b)(2), that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. On September 2, 2021 WisDOT held a public involvement meeting, which presented project alternatives and potential impacts to Section 4(f) properties. One comment was received requesting a detour route during temporary closure of the Oak Leaf Trail. WisDOT has not yet established the feasibility of a detour but will continue to coordinate with MCP to minimize the disruption to trails during construction. No other public comments were received regarding Section 4(f) impacts.

The purpose of the project is to address deteriorating pavement and structural conditions to maintain safe and efficient vehicular movement along WIS 100 within the project limits. The project purpose is also to address existing design deficiencies and conditions to provide efficient bicycle and pedestrian travel. To meet this purpose, the project would resurface the roadway pavement, replace two bridges crossing the Menomonee River (B-40-339 and B-40-340) and complete minor concrete surface repairs on the underdeck of the two bridges over the Little Menomonee River (B-40-344 and B-40-345). Resurfacing would involve milling off four inches of the existing asphaltic surface, base patch concrete as-needed, and overlay with a four-inch HMA pavement. Additional work would upgrade curb ramps, replace guardrail, and install connecting sidewalks. Connecting sidewalks would be installed along WIS 100 between Capitol Drive and Townsend Street and along Capitol Drive between WIS 100 and N 110th Street. At the request of both the City of Wauwatosa and Milwaukee County Parks, the project would add a trail connection under WIS 100, along the north side of the Menomonee River as alternative access across WIS 100.

Upper Menomonee River Parkway, Currie Park Golf Course, and Currie Park Dog Park Net Benefit Evaluation

The project would disturb 3.64 acres for grading during construction within Section 4(f) properties under the jurisdiction of Milwaukee County Parks. The property will be restored with similar vegetation after construction is complete by the City of Waukesha (separate agreement). The project would require the following Section 4(f) impacts:

* Currie Park: Golf Course and Dog Park (west of WIS 100)
	+ 2.51 acres of temporary impact via right of entry permit due to grading
	+ 0.50 acres of permanent right of way acquisition due to sidewalk installation and trail underpass
* Upper Menomonee River Parkway (east of WIS 100)[[1]](#footnote-1)
	+ 1.20 acres of temporary impact via right of entry permit due to grading
	+ 0.19 permanent right of way acquisition due to the trail underpass
* Oak Leaf Trail
	+ Temporarily closure of 115 feet at WIS 100 for nine months due to grading
	+ Temporary spot closure at Little Menomonee River for two months due to minor bridge repairs
* Bubba’s Woods Mountain Bike Trail
	+ Temporarily impact 160 feet with closure for 9 months due to grading
	+ Permanently relocate 700 feet of trail due to grading

The temporary construction disturbance will not affect the activities, features, or attributes of the property. The addition of sidewalks along Currie Park and Currie Park Golf Course, and an Oak Leaf Trail underpass at WIS 100 will enhance pedestrian and bike connectivity to Menomonee River Parkway and Currie Park, allowing residents and visitors easier access to both properties. Overall, the Upper Menomonee River Parkway will be enhanced through improved and safer access to the parkway.

Oak Leaf Trail *De Minimis* Impact Determination

The project would require closing the Oak Leaf Trail at the WIS 100 crossing and at the Little Menomonee River during construction. WisDOT will notify Milwaukee County in advance of construction. During the spot closure at Little Menomonee River, trail users will be able to utilize existing trail connections to Hampton Avenue. After construction, the Oak Leaf Trail will be restored to match existing conditions. The addition of the Oak Leaf Trail underpass improves pedestrian and bike connectivity to Menomonee River Parkway and Currie Park, allowing residents and visitors easier non-motorized access to these recreational facilities.

Bubba’s Woods Mountain Bike Trail *De Minimis* Impact Determination

Grading and reprofiling would be required along the east side of WIS 100 between Keefe Avenue and the Menomonee River to accommodate the increased profile of the Menomonee River Bridge resulting from the Oak Leaf Trail underpass. The Bubba’s Woods Mountain Bike Trail runs roughly parallel to WIS 100 at this location. To accommodate construction, 160 feet of the Bubba’s Woods Mountain Bike Trail would be closed during construction. The work requires tree clearing, grubbing, and reconstruction of the trail. As coordinated with WisDOT, the trail would be reconstructed and relocated on a “shelf” directly east of WIS 100 on a similar route to provide similar access as exists today.

Public Comments

Impacts to these properties were discussed and shown at a Public Involvement Meeting on September 2, 2021. The public was provided an opportunity to comment on the impacts. One comment was received requesting a detour route during temporary trail closure. WisDOT has not yet established the feasibility of a detour but will continue to coordinate with MCP to minimize the disruption to trails during construction. No other public comments were received regarding Section 4(f) impacts.

Concurrence with *De Minimis* Impact Findings

Milwaukee County Parks, having been informed of the public comments on the WIS 100 construction project and FHWA's intent to make *de minimis* impact findings for impacts to Bubba’s Woods Mountain Bike Trail and the Oak Leaf Trail, concur the project will not adversely affect the activities, features, or attributes that qualify the properties for protection under Section 4(f).

Concurrence with Section 4(f) Programmatic Net Benefit Finding

Milwaukee County Parks, as an official with jurisdiction over the Upper Menomonee River Parkway agrees with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Upper Menomonee River Parkway; and that such measures will result in a net benefit to the Section 4(f) property.

Should the above assessment of project impacts change, please contact me. We look forward to working with WisDOT throughout the project.

Sincerely,

Guy Smith, Director
Milwaukee County Parks

1. Impacts listed for Upper Menomonee River Parkway do not include impacts at Currie Park, which is a contributing resource to the historic parkway. [↑](#footnote-ref-1)