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# Updated Final Section 4(f) Evaluation

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## 4.1 Introduction

The United States Department of Transportation's (USDOT's) Section 4(f) law (49 United States Code [USC] 303 and 23 USC 138) states that the Federal Highway Administration (FHWA) and other USDOT agencies cannot approve the use of land from significant publicly owned parks, recreation areas, wildlife or waterfowl refuges, or significant public and private historic sites unless it is determined that there is no feasible and prudent alternative to the use of land from such properties, and the action includes all possible planning to minimize harm to the property resulting from such use or the use is *de minimis*. Section 4(f) helps guide the decision-making process for the selected alternative.

Following the Section 4(f) Evaluation Process for the 2016 Final Environmental Impact Statement (EIS) (refer to Section 4 of the 2016 Final EIS), a Section 106 Programmatic Agreement for historic properties potentially affected by the Interstate 94 (I-94) East-West Corridor project, in accordance with Section 106 of the National Historic Preservation Act of 1966, was executed in July 2016. This Section 106 Programmatic Agreement was amended as part of this Supplemental EIS process, was executed in February 2024, and is in Appendix I.

**This Section 4(f) evaluation updates the Final Section 4(f) evaluation in the 2016 Final EIS.** This section summarizes the findings in the 2016 Final 4(f) Evaluation and FHWA's draft evaluation of the applicability of Section 4(f) to certain properties identified since the 2016 Final EIS, assessment of their use, and *de minimis* impact determinations. In addition, this section provides updated details for the alternatives retained for detailed study in the Supplemental EIS (Section 4.4).

As part of the Supplemental EIS process, FHWA reconsulted with officials with jurisdiction over the Section 4(f) properties. After consultation with the officials, and concurrence in the Section 106 No Adverse Effect findings, FHWA made *de minimis* impact determinations for two properties: the Soldiers' Home National Historic Landmark (NHL) and Soldiers' Home Historic District. In addition, FHWA made a *de minimis* impact determination for one new Section 4(f) property, the Menomonee Valley Community Park. The preferred alternative would have no more than *de minimis* impacts to Section 4(f) properties. This finding is consistent with the 2016 Final EIS. Refer to **Table 4-1** for more information.

## 4.2 Summary of Final Section 4(f) Evaluation from 2016 Final EIS

The 2016 Final Section 4(f) Evaluation (Section 4 of the 2016 Final EIS) reported the following findings regarding use of Section 4(f) properties:

- *De minimis* impact determination for the Soldiers' Home NHL
- *De minimis* impact determination for the Soldiers' Home Historic District

Section 4(f) properties in the study area for which FHWA concluded there would be no Section 4(f) use in 2016 are as follows:

- Calvary Cemetery (eligible for listing on the National Register of Historic Places [National Register])
- Soldiers' Home Reef NHL
- Story Hill Residential Historic District 1 (eligible for listing on the National Register)
- Story Hill Residential Historic District 2 and 3 (eligible for listing on the National Register)

- Doyne Park
- Oak Leaf Trail
- Valley Park
- Mitchell Boulevard Park
- Former Paradise Theater (eligible for listing on the National Register)

The 2016 Final EIS stated there would be no Section 4(f) use of Story Parkway. However, FHWA preliminarily determined that there would be no more than *de minimis* impacts to Story Parkway if a noise barrier were built. A final decision on the construction of a noise barrier will be made by the benefited receptors in Story Hill Residential District 2 and 3 during final design after the Supplemental Final EIS/Record of Decision is approved. If a noise barrier is built, the amended Section 106 Programmatic Agreement for this project stipulates that the Wisconsin Department of Transportation (WisDOT) would prepare a Noise Barrier Design Plan in consultation with the Section 106 consulting parties. FHWA and WisDOT would consult with the consulting parties about the appearance of the wall and other measures to avoid and minimize its effect. FHWA will re-evaluate Section 4(f) determinations for Story Parkway and Story Hill Residential Historic District 2 and 3 based on the results of the noise wall decision. At that time, FHWA will also coordinate with Milwaukee County and the Wisconsin State Historic Preservation Office (SHPO) as the officials with jurisdiction over Story Parkway from a Section 4(f) standpoint in accordance with the *de minimis* provisions.

Impacts to the two Section 4(f) resources where *de minimis* determinations were made in 2016 (Soldiers' Home NHL and Soldiers' Home Historic District) as well as the Section 4(f) analysis of each of the properties listed in Section 4.2 are detailed in Sections 4.4.1.2 and 4.4.1.3 of the 2016 Final EIS.

The Hank Aaron State Trail, as described in Section 3.26.1.1, is not subject to Section 4(f). WisDOT and the Wisconsin Department of Natural Resources agreed in the Zoo Interchange Project Memorandum of Understanding that the trail's primary use is for transportation, not recreation. Also, the rail banking provisions of the National Trails Systems Act and 23 *Code of Federal Regulations* (CFR) 774.11(h) and 23 CFR 774.13(f) support this determination.

### 4.3 Description of Section 4(f) Properties Identified since 2016 Final EIS

As part of the Section 4(f) evaluation, properties adjacent to I-94 were evaluated as possible Section 4(f) properties if they are one or more of the following: publicly owned land of a park, recreation area, or any land of an historic site (in public or private ownership). There are no publicly owned wildlife or waterfowl refuges in the study area.

In addition to the 12 properties determined to be Section 4(f) resources in the 2016 Final EIS, three additional Section 4(f) properties were identified during the Supplemental EIS process (**Exhibit 4-1**):

- West St. Paul Avenue Industrial Historic District
- 16<sup>th</sup> Street Viaduct
- Menomonee Valley Community Park

FHWA's determination regarding Section 4(f) applicability to the three additional adjacent properties is summarized in Sections 4.3.1 through 4.3.3. The impacts of the No-build and 8- and 6-lane alternatives on Section 4(f) properties are evaluated in Section 4.4, which has been updated to include changes in design and costs since the 2016 Final EIS. Other Section 4(f) properties in the vicinity, but not adjacent to I-94 or any 8- or 6-lane alternative actions, are illustrated in **Exhibit 3-28**, Recreational

Resources/Public Use Lands. These parks and playgrounds are far enough from I-94 that they would not be affected by the project.

The West St. Paul Avenue Industrial Historic District and the 16<sup>th</sup> Street Viaduct, discussed in Sections 4.3.1 and 4.3.2, are listed in the National Register.

### 4.3.1 West St. Paul Avenue Industrial Historic District

The West St. Paul Avenue Industrial Historic District was listed in the National Register in 2018 under Criterion C for its demonstration of late 19<sup>th</sup> century and 20<sup>th</sup> century architecture, with construction occurring from 1888 to 1951. The district is on the south side of I-94 near the east terminus of the project, covers 27.7 acres, and is generally bounded by the buildings on the north and south side of West St. Paul Avenue, including 272 to 405 North 12<sup>th</sup> Street, 324 to 422 North 15<sup>th</sup> Street, and 1101 to 2045 West St. Paul Avenue.

There are 24 buildings in the district, of which 22 are contributing resources and 2 are noncontributing resources. Nine of the 22 contributing resources are within view of the project.

The SHPO and the Advisory Council on Historic Preservation (ACHP) are the officials with jurisdiction over the property because it is listed in the National Register.

*Section 4(f) applies to the West St. Paul Avenue Industrial Historic District because it is a significant historic site.*

### 4.3.2 16<sup>th</sup> Street Viaduct

The 16<sup>th</sup> Street Viaduct, also called the James E. Groppi Unity Bridge, was built in 1929. The 4,000-foot-long steel girder bridge carries traffic over the valley of the Menomonee River. The viaduct aligns with North 16<sup>th</sup> Street from West Clybourn Street to West Pierce Street. The viaduct is significant for civil rights events that occurred in 1967 and 1968. It was listed in the National Register under Criterion A in May 2019.

The viaduct stands above the revised Area of Potential Effects (APE); only the bridge foundations are within the West St. Paul Avenue Industrial Historic District boundary; the bridge is considered neither a contributing nor a noncontributing resource to that district.

The SHPO and the ACHP are the officials with jurisdiction over the property because it is listed in the National Register.

*Section 4(f) applies to the 16<sup>th</sup> Street Viaduct because it is a significant historic site.*

### 4.3.3 Menomonee Valley Community Park

The 15-acre Menomonee Valley Community Park is approximately 500 feet south of the I-94/35<sup>th</sup> Street interchange. The 35<sup>th</sup> Street viaduct bisects the park and is situated approximately 60 feet over the park. The Menomonee Valley Community Park is part of the Menomonee Valley Industrial Center and sits at the site of the former Milwaukee Road Shops, where locomotives and railcars were built and maintained. The park is owned by the Redevelopment Authority of the City of Milwaukee.

Through a partnership between the City of Milwaukee and Menomonee Valley Partners, the Menomonee Valley Community Park was constructed in 2007 in an effort to control stormwater runoff from 60 acres of industrial land, rather than allowing the stormwater to flow into the Menomonee River.

Water that falls on the buildings, streets, sidewalks, and parking lots flows toward a filtration area. Pipes carry the filtered water into the Menomonee Valley Community Park, where native grasses, shrubs, and trees absorb the filtered stormwater runoff. Finally, water soaks into the ground and is filtered even more before a portion of the original stormwater flows into the Menomonee River.

In addition to its function to control stormwater runoff, the Menomonee Valley Community Park houses up to eight soccer fields, depending on the size and orientation of the soccer fields. Although the park was opened in 2007, soccer was not played in the park until 2018. The use of the soccer fields is granted by the Redevelopment Authority of the City of Milwaukee through a 1-year license for a youth soccer program. The park is publicly owned, and it is also used by soccer teams from outside the immediate neighborhood. In spring and fall, the soccer fields are generally used 2 days per week with occasional weekend usage. Generally, not all of the soccer fields are in use at the same time; the fields east of the viaduct receive more use than the fields west of the viaduct. The south end of the park includes a sculpture honoring the Milwaukee Road workers along with signage noting the history of the Milwaukee Road Shops.

*Section 4(f) applies to the Menomonee Valley Community Park because it meets the definition of a publicly owned park.*

## 4.4 Assessment of Use of Section 4(f) Properties Identified since 2016 Final EIS

This section assesses potential uses of the newly identified Section 4(f) properties associated with the 8-lane and both 6-lane alternatives. Because the alternatives are not anticipated to impact any Section 4(f) properties greater than *de minimis*, the regulations do not require FHWA to conduct a Section 4(f) feasible and prudent avoidance analysis or least overall harm analysis (refer to 23 CFR 774.3 and 774.17). Refer to Section 4 of the 2016 Final EIS for a discussion of the previously identified properties.

### 4.4.1 Assessment of Use of Section 4(f) Properties Identified since 2016 Final EIS

#### 4.4.1.1 West St. Paul Avenue Industrial Historic District

The 8- and 6-lane alternatives would not permanently or temporarily incorporate property from the West St. Paul Avenue Industrial Historic District. The slightly revised freeway alignment in this area would not directly impact the district; it would remain within the existing right-of-way.

FHWA and WisDOT have determined that there would be No Adverse Effect from the 8- or 6-lane alternatives on the West St. Paul Avenue Industrial Historic District under 36 CFR 800.5. The alternatives would not alter or change the character of the district in a manner that diminishes the historic integrity of the district. The district would retain its integrity of location, association, feeling, setting, workmanship, design, and materials. The SHPO concurred with the Section 106 No Adverse Effect finding with respect to the preferred alternative impacts to the West St. Paul Avenue Industrial Historic District.

Based on these findings, FHWA has determined that there would be no use of the West St. Paul Avenue Industrial Historic District as a result of project actions.

#### 4.4.1.2 16<sup>th</sup> Street Viaduct

The 8- and 6-lane alternatives would not temporarily or permanently incorporate property from the 16<sup>th</sup> Street Viaduct.

The 16<sup>th</sup> Street Viaduct passes over I-94. 16<sup>th</sup> Street is the east terminus of the I-94 East-West Corridor project, though construction would end closer to 17<sup>th</sup> Street to the west of the viaduct. No permanent construction work would take place on or adjacent to the viaduct. There may be some temporary maintenance of traffic operations (restriping of lanes, jersey barriers) underneath the viaduct during construction.

FHWA and WisDOT have determined that there would be No Adverse Effect from the 8- or 6-lane alternatives on the 16<sup>th</sup> Street Viaduct under 36 CFR 800.5. The alternatives would not alter or change the character of the viaduct in a manner that diminishes the historic integrity of the property. The viaduct would retain its integrity of location, association, feeling, setting, workmanship, design, and materials. The SHPO concurred with the Section 106 No Adverse Effect finding with respect to the preferred alternative impacts to the 16<sup>th</sup> Street Viaduct.

Based on these findings, FHWA has determined that there would be no use of the 16<sup>th</sup> Street Viaduct as a result of project actions.

#### 4.4.1.3 Menomonee Valley Community Park

The preferred alternative would not result in a permanent incorporation of property from the Menomonee Valley Community Park. As part of the preferred alternative, WisDOT would reconstruct the 35<sup>th</sup> Street viaduct to a location that is approximately 200 feet south of the Menomonee Valley Community Park's northern boundary (**Exhibit 4-2**). This would temporarily require approximately 4.8 acres of park property, including the soccer fields west of the viaduct, the area under the viaduct, and an area about 50 feet east of the viaduct, during construction to access the construction site, stage construction equipment (such as cranes), and provide a buffer between the construction area and the soccer fields east of the viaduct to ensure the safety of those using the soccer fields. This area would be needed for no more than two construction seasons (about 18 months). The soccer fields east of the viaduct would continue to be available for use during construction. The project would not necessitate the permanent acquisition of any land at the park.

One existing bridge support, or pier, currently within the park would be removed and replaced by two new piers located both south and north of the existing pier being removed. The width of the new piers in the east-west direction would match the width of the existing pier at ground level (**Exhibit 4-3**). The exact location of the new piers would not be finalized until the bridge plans are completed. The width of the bridge at the deck level would be approximately 20 feet wider than the existing bridge at the northern limits of the park and progressively narrow until it matches with the existing bridge cross section 200 feet south of the Menomonee Valley Community Park's northern boundary.

#### Measures to Minimize Harm

After the reconstruction of the 35<sup>th</sup> Street viaduct is completed, the Menomonee Valley Community Park property WisDOT temporarily occupied during construction would be returned to its preconstruction condition. WisDOT would ensure that the stormwater filtration systems built into the park remain intact and function as intended when reconstruction of the 35<sup>th</sup> Street viaduct is completed.

During the two construction seasons, the one large soccer field and three smaller fields west of the viaduct would be temporarily out of use. The larger area east of the viaduct that currently houses four



large soccer fields would remain accessible and open for use during construction. Currently, these fields east of the viaduct receive more use than the fields west of the viaduct. These fields can also be configured differently to accommodate the different sizes of fields for different age groups. WisDOT would work with the Redevelopment Authority of the City of Milwaukee to ensure that youth groups would continue to be able to use the soccer fields to the fullest extent possible during construction. Based on current usage of the soccer fields, the group using the fields would be able to continue running its soccer program at this site while construction is ongoing. When construction is complete, WisDOT would repair the ground west of the viaduct so that it is once again suitable for soccer use. Thus, following construction, the amount of space and number of soccer fields available would be the same as today.

During construction, WisDOT would install fencing around the construction and staging areas to ensure the safety of park users. Additionally, the construction and staging area would extend 50 feet east of the viaduct to provide a buffer area between construction and those using the soccer fields east of the viaduct. WisDOT would install netting between the construction and staging area and the soccer fields to prevent soccer balls from entering the construction and staging area and eliminate the potential for people to attempt to access that area to retrieve soccer balls.

WisDOT would also provide a temporary walkway to the soccer fields from the west side of the park. Many users of the soccer fields park their vehicles west of the park along Wheelhouse Drive and 36<sup>th</sup> Street. A walkway from the west side of the park to the soccer fields would allow people to safely access the soccer fields during construction. Based on continuing discussions with the Redevelopment Authority of the City of Milwaukee, following the reconstruction of the 35<sup>th</sup> Street viaduct, WisDOT could provide chain-link fencing on the viaduct to prevent debris from falling down to the park and soccer fields.

WisDOT would obtain a temporary limited easement (TLE) to use a portion of the park temporarily for highway construction purposes. A TLE is limited in purpose and time, and the right for WisDOT to use the property would terminate upon completion of construction. As part of the TLE, the Redevelopment Authority of the City of Milwaukee would be monetarily compensated for the temporary use of its land.

#### Section 4(f) Use Determination

Based on the above findings and through coordination with the Redevelopment Authority of the City of Milwaukee, FHWA has determined the impacts to the Menomonee Valley Community Park to be *de minimis* as a result of project actions. The Redevelopment Authority of the City of Milwaukee concurred in writing with this *de minimis* impact determination (Appendix J).

#### 4.4.2 Summary of 8- and 6-lane Alternative Potential Uses

**Table 4-1** summarizes potential use of Section 4(f) properties in the study area as a result of 8- and 6-lane alternatives and the hybrid interchange and diverging diamond interchange options at the Stadium Interchange. Section 2 of the Supplemental Draft EIS provides a detailed account of each alternative. **The 8-lane alternative with a diverging diamond interchange has been identified as the preferred alternative.**



**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Calvary Cemetery	No	<p>No permanent or temporary right-of-way acquisition would occur. Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange (hybrid interchange or diverging diamond interchange), and the Hawley Road interchange would be reconstructed as a full or half interchange. With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard.</p> <p>However, the 8- and 6-lane alternatives would not alter or change the character of the Calvary Cemetery property in a manner that diminishes the historic integrity of the property's historic associations and architectural value of the chapel or other buildings. There would be no impacts to the Calvary Cemetery with the hybrid interchange or diverging diamond interchange.</p> <p>Based on these findings, FHWA has determined that there would be no use of Calvary Cemetery as a result of project actions.</p>
Soldiers' Home NHL	<i>de minimis</i>	<p>I-94 would be reconstructed as an 8- or 6-lane at-grade freeway with narrow lanes and/or shoulders in each direction between the NHL. No right-of-way acquisition would occur adjacent to I-94. The Zablocki Drive bridge over I-94 and its approaches would be reconstructed at about its same location within the Soldiers' Home NHL boundary (<b>Exhibit 4-4</b>). For both Stadium Interchange alternatives (hybrid interchange or diverging diamond interchange), replacing the bridge on Zablocki Drive and reconstructing General Mitchell Boulevard south of I-94 would require a temporary easement consisting of about 2 acres of Soldiers' Home NHL property (<b>Exhibit 4-5</b>). Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange, and the Hawley Road interchange would be reconstructed as a full or half interchange. With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard. The hybrid interchange and diverging diamond interchange would not impact the Soldiers' Home NHL.</p> <p>For the 8-lane alternative and the 6-lane alternative with half interchange at Hawley Road, a right-turn lane would be provided from westbound National Avenue to the United States Department of Veterans Affairs (VA) Campus entrance at General Mitchell Boulevard/47<sup>th</sup> Street. This was requested by the VA to improve access to its campus and would improve traffic operations along National Avenue. In addition, the westbound through lane along National Avenue at General Mitchell Boulevard would be extended an additional 500 feet. As part of the improvement, approximately 0.20 acre of the Soldiers' Home NHL would be required for transportation right-of-way (<b>Exhibit 4-6</b>).</p> <p>Based on the Section 106 Finding of No Adverse Effect in addition to the discussion provided in this section regarding the net impact to the Soldiers' Home NHL, and after consideration of measures to minimize harm, a subsequent <i>de minimis</i> impact determination was concluded as part of the 2016 Final EIS. As part of the 2016 Final EIS, the Wisconsin SHPO, National Park Service, and ACHP concurred in writing with FHWA's Section 106 finding of No Adverse Effect regarding project impacts at the Soldiers' Home NHL.</p> <p>Based on the amount of time that elapsed between the 2016 Final EIS and the 2023 Supplemental Final EIS, FHWA re-engaged the Wisconsin SHPO, National Park Service, and ACHP on the "no more than a <i>de minimis</i> impact" determination for the Soldiers' Home NHL. In February 2024, the Wisconsin SHPO, National Park Service, and ACHP (via the signed amended Section 106 Programmatic Agreement) once again concurred with FHWA's Section 106 finding of No Adverse Effect regarding project impacts at the Soldiers' Home NHL.</p> <p>Based on these findings, FHWA has determined that there would be no more than a <i>de minimis</i> impact to the Soldiers' Home NHL as a result of project actions.</p>



**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Soldiers' Home Historic District	<i>de minimis</i>	<p>I-94 would be reconstructed as an 8- or 6-lane at-grade freeway with narrow lanes and/or shoulders in each direction between the Historic District. No right-of-way acquisition would occur. The Zablocki Drive bridge over I-94 and its approaches would be reconstructed at about its same location within the Soldiers' Home Historic District boundary (<b>Exhibit 4-4</b>). For both Stadium Interchange alternatives (hybrid interchange or diverging diamond interchange), replacing the bridge on Zablocki Drive and reconstructing General Mitchell Boulevard south of I-94 would require a temporary easement consisting of about 3 acres of Soldiers' Home Historic District property (the boundaries Soldiers' Home Historic District and Soldiers' Home NHL differ near General Mitchell Boulevard south of I-94, thus the difference in the amount of temporary easement required) (<b>Exhibit 4-5</b>). Although there is no permanent Section 4(f) use, FHWA is processing the temporary occupancy with a <i>de minimis</i> impact determination.</p> <p>Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange, and the Hawley Road interchange would be reconstructed as a full or half interchange. With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard. The hybrid interchange and diverging diamond interchange would not impact the Soldiers' Home Historic District.</p> <p>Based on the Section 106 finding of No Adverse Effect in addition to the discussion provided in this section regarding the net impact to the Soldiers' Home Historic District, and after consideration of measures to minimize harm, a subsequent <i>de minimis</i> impact determination was made as part of the 2016 Final EIS. As part of the 2016 Final EIS, the Wisconsin SHPO and ACHP concurred in writing with FHWA's Section 106 finding of No Adverse Effect regarding project impacts at the Soldiers' Home Historic District.</p> <p>Based on the amount of time that elapsed between the 2016 Final EIS and the 2023 Supplemental Final EIS, FHWA re-engaged the Wisconsin SHPO and ACHP on the <i>de minimis</i> impact determination for the Soldiers' Home Historic District. In February 2024, the Wisconsin SHPO and ACHP (via the signed amended Section 106 Programmatic Agreement) once again concurred with FHWA's Section 106 finding of No Adverse Effect regarding project impacts at the Soldiers' Home NHL.</p> <p>Based on these findings, FHWA has determined that there would be no more than a <i>de minimis</i> impact to the Soldiers' Home Historic District as a result of project actions.</p>

**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Mitchell Boulevard Park	No (temporary occupancy exception)	<p>For both the hybrid interchange and diverging diamond interchange, I-94 would be moved slightly south, away from the park. Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange (hybrid interchange or diverging diamond interchange). The diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard. There would be no impacts to Mitchell Boulevard Park with the hybrid interchange or diverging diamond interchange.</p> <p>For both Stadium Interchange alternatives, north of I-94, at the southern end of Mitchell Boulevard Park, General Mitchell Boulevard would be reconstructed for approximately 350 feet. No right-of-way acquisition would occur, and General Mitchell Boulevard would be reconstructed within its current footprint. Reconstructing General Mitchell Boulevard and its adjacent sidewalk would result in a temporary occupancy of park property. Refer to <b>Exhibit 4-7</b>.</p> <p>The reconstruction of General Mitchell Boulevard and its adjacent sidewalk would necessitate the temporary occupancy of property at Mitchell Boulevard Park. However, this temporary occupancy meets all the conditions of 23 CFR 774.13(d); therefore, the temporary occupancy will not result in a use of Mitchell Boulevard Park.</p> <p>As part of the 2016 Final EIS (Section 4.4.1.4), the temporary occupancy met all conditions of 23 CFR 774.13(d), meeting temporary occupation exception criteria and therefore not resulting in a use. Additional coordination with Milwaukee County Parks Department (official with jurisdiction) was conducted as part of the Supplemental Final EIS to document their agreement with the temporary occupancy exception, resulting in no use to Mitchell Boulevard Park (Appendix J).</p>
Soldiers' Home Reef NHL	No	<p>I-94 reconstruction would be more than 1,000 feet away from the Soldiers' Home Reef NHL. Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange (hybrid interchange or diverging diamond interchange), and the Hawley Road interchange would be reconstructed as a full or half interchange. With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard. There would be no impacts to the Soldiers' Home Reef NHL with the hybrid interchange or diverging diamond interchange.</p> <p>Based on these findings, FHWA has determined that there would be no use of the Soldiers' Home Reef NHL as a result of project actions.</p>

**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Story Hill Residential Historic District 2 and 3	No	<p>Under both Stadium Interchange options, I-94 would move slightly south and Wisconsin State Highway (WIS) 175 slightly east, away from the neighborhood. With the hybrid interchange at the Stadium Interchange, a new local street would be built on the west side of WIS 175 but would be several hundred feet from the neighborhood.</p> <p>Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange (hybrid interchange or diverging diamond interchange). With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard.</p> <p>As part of the hybrid interchange, there would be no access from northbound Brewers Boulevard to the Wisconsin Avenue interchange on WIS 175. For the diverging diamond interchange, there would continue to be access from northbound Brewers Boulevard to the Wisconsin Avenue interchange on WIS 175. Additionally, those entering WIS 175 southbound from Wisconsin Avenue would continue to be able to access I-94 in both directions and travel south along WIS 175/Brewers Boulevard. The southbound entrance ramp to WIS 175, adjacent to the neighborhood, would not be reconstructed.</p> <p>With the hybrid interchange, the highest point of the new Stadium Interchange would be about 25 feet higher than the existing interchange, which would have minimal visual impacts to the neighborhood. With the diverging diamond interchange, the new Stadium Interchange would be approximately the same height as the existing interchange. No right-of-way acquisition would occur. No Adverse Effect under Section 106 and no use would occur.</p> <p>A final decision on the construction of a noise barrier along Story Parkway, adjacent to the district, will be made during the final design phase. The noise barrier would be the same with the hybrid interchange and diverging diamond interchange.</p> <p>Based on these findings, it is anticipated that if a noise barrier were to be constructed, the impacts would be <i>de minimis</i> in nature; however, this determination will be evaluated, as appropriate, during final design when more is known about the potential barrier.</p>

**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Story Parkway	No	<p>Under both Stadium Interchange options, I-94 would move slightly south and WIS 175 slightly east, away from Story Parkway. With the hybrid interchange at the Stadium Interchange, a new local street would be built on the west side of WIS 175 but would be several hundred feet from Story Parkway.</p> <p>Access to General Mitchell Boulevard from I-94 would change due to the reconstructed Stadium Interchange (hybrid interchange or diverging diamond interchange). With the diverging diamond interchange ramps to and from I-94 would connect directly to General Mitchell Boulevard, while with the hybrid interchange, ramps to and from I-94 would connect to local roads (44<sup>th</sup> or 46<sup>th</sup> Streets) and use frontage roads to access General Mitchell Boulevard.</p> <p>As part of the hybrid interchange, there would be no access from northbound Brewers Boulevard to the Wisconsin Avenue interchange on WIS 175. For the diverging diamond interchange, there would continue to be access from northbound Brewers Boulevard to the Wisconsin Avenue interchange on WIS 175. Additionally, those entering WIS 175 southbound from Wisconsin Avenue would continue to be able to access I-94 in both directions and travel south along WIS 175/Brewers Boulevard. The southbound entrance ramp to WIS 175, adjacent to Story Parkway, would not be reconstructed.</p> <p>With the hybrid interchange, the highest point of the new Stadium Interchange would be about 25 feet higher than the existing interchange, which would have minimal visual impacts to Story Parkway. With the diverging diamond interchange, the new Stadium Interchange would be approximately the same height as the existing interchange. No right-of-way acquisition would occur.</p> <p>A final decision on the construction of a noise barrier along Story Parkway, adjacent to Story Hill Residential Historic District 2 and 3, may be made during the final design phase. The noise barrier would be the same with the hybrid interchange and diverging diamond interchange.</p> <p>Based on these findings, FHWA has determined that there would be no use of Story Parkway as a result of project actions. FHWA has preliminarily determined that there would be a <i>de minimis</i> use of Story Parkway if a noise wall is built on Milwaukee County–owned land.</p>
Story Hill Residential Historic District 1	No	Both Stadium Interchange alternatives (hybrid interchange and diverging diamond interchange) WIS 175 would not be reconstructed adjacent to the district. No right-of-way acquisition would occur. Based on the above findings, FHWA has determined that there would be no use of Story Hill Residential Historic District 1 as a result of project actions.
Oak Leaf Trail	No	WIS 175 would be reconstructed south of where the Oak Leaf Trail connects to the Hank Aaron State Trail Extension in Doyne Park. The northerly limit of construction would be approximately 300 feet south of the trail’s end point in Doyne Park. The 8- and 6-lane alternatives would provide a new connection to the Oak Leaf Trail from the Hank Aaron State Trail along 44 <sup>th</sup> Street and Wells Street, traveling under I-94 east of the Stadium Interchange. The connection would not differ between the hybrid interchange and diverging diamond interchange. Based on the above findings, FHWA has determined that there would be no use of the Oak Leaf Trail as a result of project actions.
Doyne Park	No	WIS 175 would be reconstructed south of the park. The northerly limit of construction would be about 300 feet south of the park’s south boundary. Based on the above findings, FHWA has determined that there would be no use of Doyne Park as a result of project actions.

**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Valley Park	No	The alternatives would not result in a permanent incorporation of property from Valley Park and would not result in the temporary occupancy of park property during construction. The reconfigured westbound I-94 exit ramp to WIS 175/Brewers Boulevard, 44 <sup>th</sup> Street, and General Mitchell Boulevard (hybrid interchange) and the 35 <sup>th</sup> Street entrance ramp to I-94 westbound (diverging diamond interchange) east of the Stadium Interchange would be located close to Valley Park. However, there would be no indirect impacts that would substantially impair the recreational features or attributes of Valley Park. Based on the above findings, FHWA has determined that there would be no use of Valley Park as a result of project actions.
Paradise Theater	No	For the 8-lane alternative and the 6-lane alternative with half interchange at Hawley Road, improvements at the National Avenue/Greenfield Avenue intersection will not require any property acquisition. Based on the above findings, FHWA has determined that there would be no use of the Paradise Theater as a result of project actions.
West St. Paul Avenue Industrial Historic District	No	The district is in an industrial and commercial corridor along West St. Paul Avenue. The slightly revised freeway alignment in this area would not directly impact the district; it would remain within the existing right-of-way and would not extend into the district. No Adverse Effect under Section 106 and no Section 4(f) use would occur. Based on the above findings, FHWA has determined that there would be no use of the West St. Paul Avenue Industrial Historic District as a result of project actions.
16 <sup>th</sup> Street Viaduct	No	The 16 <sup>th</sup> Street Viaduct passes over I-94. No permanent construction work would take place on or adjacent to the viaduct, and it is outside the construction limits. The project would not impact the viaduct. No Adverse Effect under Section 106 and no Section 4(f) use would occur. Based on the above findings, FHWA has determined that there would be no use of the 16 <sup>th</sup> Street Viaduct as a result of project actions.

**Table 4-1. Summary of 8- and 6-lane Alternative Potential Use of Section 4(f) Properties**

Section 4(f) Property	Section 4(f) Use	Description of Potential Use
Menomonee Valley Community Park	<i>de minimis</i>	<p>The preferred alternative would not result in a permanent incorporation of property from the park. WisDOT would reconstruct the 35<sup>th</sup> Street viaduct to a location that is approximately 200 feet south of the park’s northern boundary. This would temporarily require approximately 4.8 acres of park property, including the soccer fields west of the viaduct, the area under the viaduct, and an area about 50 feet east of the viaduct, during construction to access the construction site, stage construction equipment, and provide a buffer between the construction area and the soccer fields east of the viaduct. This area would be needed for no more than two construction seasons. The soccer fields east of the viaduct would continue to be available for use during construction. The project would not necessitate the permanent acquisition of any land at the park.</p> <p>One existing bridge support, or pier, currently within the park would be removed and replaced by two new piers located both south and north of the existing pier being removed. The width of the new piers in the east-west direction would match the width of the existing pier at ground level. The exact location of the new piers would not be finalized until the bridge plans are completed. The width of the bridge at the deck level would be approximately 20 feet wider than the existing bridge at the northern limits of the park and progressively narrow until it matches with the existing bridge cross section.</p> <p>After the reconstruction of the 35<sup>th</sup> Street viaduct is completed, the Menomonee Valley Community Park property WisDOT temporarily occupied during construction would be returned to its preconstruction condition. WisDOT would ensure that the stormwater filtration systems built into the park remain intact and function as intended when reconstruction of the 35<sup>th</sup> Street viaduct is completed.</p> <p>During the two construction seasons, the one large soccer field and three smaller fields west of the viaduct would be temporarily out of use. The larger area east of the viaduct that currently houses four large soccer fields would remain accessible and open for use during construction. WisDOT would work with the Redevelopment Authority of the City of Milwaukee to ensure that youth groups would continue to be able to use the soccer fields to the fullest extent possible during construction. Following construction, the amount of space and number of soccer fields available would be the same as today.</p> <p>During construction, WisDOT would install fencing around the construction and staging areas to ensure the safety of park users. Additionally, the construction and staging area would extend 50 feet east of the viaduct to provide a buffer area between construction and those using the soccer fields east of the viaduct. WisDOT would install netting between the construction and staging area and the soccer fields. WisDOT would also provide a temporary walkway to the soccer fields from the west side of the park. Based on continuing discussions with the Redevelopment Authority of the City of Milwaukee, following the reconstruction of the 35<sup>th</sup> Street viaduct, WisDOT could provide chain-link fencing on the viaduct to prevent debris from falling down to the park and soccer fields.</p> <p>WisDOT would obtain a TLE to use a portion of the park temporarily for highway construction purposes.</p> <p>Based on the above findings and through coordination with the Redevelopment Authority of the City of Milwaukee, FHWA has determined the impacts to the Menomonee Valley Community Park to be <i>de minimis</i> as a result of project actions. The Redevelopment Authority of the City of Milwaukee concurred in writing with this <i>de minimis</i> impact determination (Appendix J).</p>

## 4.5 Coordination for Supplemental EIS Section 4(f) Evaluation

In May 2021, FHWA and WisDOT reinitiated National Historic Preservation Act of 1966 Section 106 consultation for this Supplemental EIS to discuss changes to the alternatives, updates to the APE, and updates to historic properties within the APE. The 2016 PA was amended as a part of this consultation process.

Coordination and consultation efforts specific to the Section 106 process for the Supplemental EIS are summarized as follows and are documented in Appendix C and Appendix J of the Supplemental Final EIS:

- February 22, 2017**—WisDOT provided the first biannual report to the Section 106 consulting parties as stipulated by the signed 2016 Section 106 Programmatic Agreement. The report notified the consulting parties that “...additional funding is necessary to continue advancing the project through the design. As of the date of this email, the project has not received necessary funding, therefore no progress in fulfilling commitments listed in the [Section 106 Programmatic Agreement] has occurred.”
- August 23, 2017**—WisDOT provided the second biannual report to the Section 106 consulting parties. The report notified the consulting parties that “As of the date of this email, there has been no change in funding for the project. Therefore, no progress in fulfilling commitments listed in the [Section 106 Programmatic Agreement] has occurred since last February.” The consulting parties were advised that an update would be provided once the funding for the project is secured.
- August 18, 2021**—The 13th Section 106 consultation meeting took place virtually. FHWA and WisDOT presented a project update, summary of the Section 106 consultation process to date, and changes to historic properties since the 2016 Final EIS, including the addition of the West St. Paul Avenue Industrial Historic District to the APE. There were no questions or comments from the Section 106 consulting parties.
- November 16, 2021**—The 14th Section 106 consultation meeting took place virtually. FHWA and WisDOT presented an overview of the project alternatives, changes to the 2016 Final EIS preferred alternative, and differences between the 8- and 6-lane alternatives. The presentation included changes to the APE since the August 2021 meeting. The SHPO noted that the 16<sup>th</sup> Street Viaduct was listed on the National Register in 2019. Because the viaduct traverses the West St. Paul Avenue Industrial Historic District, a discussion of the 16<sup>th</sup> Street Viaduct has been added to the Supplemental EIS and Section 4(f) evaluation. Consulting parties were asked to provide comments on the revised APE and the potential impacts from alternatives to the West St. Paul Avenue Industrial Historic District. The Milwaukee Historic Preservation Commission submitted comments recommending expanding the APE to the east side of 16<sup>th</sup> Street and expressed concern about potential Section 4(f) uses of Valley Park. The 2016 Final Section 4(f) Evaluation indicates there would be no use of Valley Park as a result of project actions. There is no change to that finding in the Supplemental EIS.
- July 27, 2022**—Virtual Section 106 consultation meeting in which FHWA and WisDOT provided a project update and shared changes to the alternatives under consideration, including consideration of a diverging diamond interchange at the Stadium Interchange. FHWA and WisDOT also presented an update on the historic properties in the revised APE. Consulting parties were asked to provide comment on potential impacts from the diverging diamond interchange by August 31, 2022. No comments were received.



- **February 22, 2023**—Virtual Section 106 consultation meeting in which FHWA and WisDOT provided a project update since the third consultation meeting held on July 27, 2022, discussed the Preferred Alternative, shared public comments received during the recent public comment period, and shared and solicited consulting party input on proposed updates to the 2016 Section 106 Programmatic Agreement. Consulting parties were asked to provide comment on the proposed updates to the 2016 Section 106 Programmatic Agreement by March 24, 2023. No input was received.
- **April 10, 2023**—WisDOT sent an email to Section 106 consulting parties requesting their review and any comments they may have on the draft amended Section 106 Programmatic Agreement by May 10, 2023, so that they could be included in the final amended Section 106 Programmatic Agreement. No input was received.
- **June 2, 2023**—The amended Section 106 Programmatic Agreement was sent to consulting parties for signature.
- **August 4, 2023**—The amended Section 106 Programmatic Agreement was sent to the SHPO for signature. The SHPO's signature was received on August 11, 2023.
- **September 5, 2023**—The amended Section 106 Programmatic Agreement was sent to ACHP for signature. The amended Section 106 Programmatic Agreement went into effect on February 14, 2024, with the ACHP's signature (Appendix I).