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June 27, 2023

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Dane County Parks
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Madison, WI 53718

Pam Rood
Bureau of Facilities and Lands
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53703

RE: Section 4(f) Deminimis Determination/Section 6(f) Conversion

Project ID 5849-02-06/07
City of Fitchburg, Syene Road
McCoy Road Intersection
Dane County, Wisconsin

The purpose of this letter is to request your concurrence that the proposed improvement project will not adversely affect the activities, features, and attributes in Dane County Park's Jenni and Kyle Preserve, Lewis Nine Springs E-way Natural Resource Area, and Capital City Trail properties, thus allowing the Federal Highway Administration (FHWA) to make a Section 4(f) Deminimis impact determination.

Dane County Park's Jenni and Kyle Preserve, Lewis Nine Springs E-way Natural Resource Area, and Capital City Trail are afforded special protections under Section 4(f) of the United States Department of Transportation (USDOT) Act (recodified in 49 U.S.C 303 and 23 U.S.C. 138). Under the provisions of Section 4(f), if a proposed transportation project would result in adverse effects to park or recreation facilities, the transportation agency must conduct an evaluation to demonstrate that there is no prudent and feasible alternative to the use of the 4(f) properties. Because this evaluation can be expensive and potentially result in project delays, an exemption is provided in cases where the official with jurisdiction over the park or recreation area concurs in a determination that the impacts are not adverse. This concurrence enables FHWA to make a Deminimis (minimal) impact determination, which satisfies the requirements of Section 4(f) and precludes the need for a section 4(f) Evaluation. Deminimis impact on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not "adversely affect the activities, features and attributes" of the Section 4(f) resource.

The proposed project will require 0.231 acres for right-of-way (ROW) as Fee Simple (Fee) and 0.859 acres of temporary limited easement (TLE), as shown in Attachment 1 – Project Impacts. For purposes of federal law, including Section 4(f) of the USDOT Act of 1966, the future right of way will be considered transportation right of way, not parkland, and will be purchased from Dane County Parks. Compensation will be made for any land acquired for the project, in accordance with applicable federal and state laws. The project includes creation of a signalized crossing for the Capital City Trail at a relocated intersection, and the realignment of the Capital City Trail Trailhead parking lot driveway to match with the relocated intersection. These improvements are significant safety improvements for park and trail users and are the basis of the park Section 4(f) Deminimis determination.

Project Impacts

The City of Fitchburg, in cooperation with the Wisconsin Department of Transportation (WisDOT), is initiating a transportation improvement project located at the intersection of Syene Road and McCoy Road in the City of

Fitchburg in Dane County. The existing Syene Road and McCoy Road intersection is a three-legged intersection with stop control for the Syene Road northern leg. The Capital City Trail has an existing midblock crossing of the Syene Road northern leg approximately 200 feet north of the intersection. The existing Capital City Trail trailhead parking lot is 65 feet north of the path crossing.

The project proposes to reconstruct, re-align, and signalize the intersection, providing a safer intersection for all users, and will provide a safer signalized crossing for the Capital City Trail.

Improvements include realignment of the intersection so that Syene Road is the through movement and McCoy Road intersects with Syene Road. The intersection will be moved north, near the Capital City Trail crossing of Syene Road.

Temporary and permanent real estate interests will be required for the improvements, as shown in Attachment 1 – Project Impacts.

Jenni and Kyle Preserve

Project impacts will require 0.460 acres of TLE from the Jenni and Kyle Preserve for minor ditch grading, trailhead parking lot driveway and shared-use path improvements, and temporary pedestrian accommodations during construction.

Lewis Nine Springs E-way Natural Resource Area

Project impacts will require 0.104 acres of TLE from the Lewis Nine Springs parcel north of McCoy Road/east of Syene Road for minor ditch grading beyond the proposed ROW line.

Project impacts will require 0.221 acres of proposed ROW (Fee) from the Lewis Nine Springs parcel north of McCoy Road/east of Syene Road for roadway widening, intersection realignment, and ditch construction.

Project impacts will require 0.295 acres of TLE from the Lewis Nine Springs parcel south of McCoy Road/east of Syene Road for minor ditch grading beyond the proposed ROW line.

Project impacts will require 0.010 acres of proposed ROW (Fee) from the Lewis Nine Springs parcel south of McCoy Road/east of Syene Road for ditch construction.

Capital City Trail

The project includes creation of a signalized crossing for the Capital City Trail at a relocated intersection, and the realignment of the Capital City Trail Trailhead parking lot driveway to match with the relocated intersection.

Section 6(f) Land and Water Conservation Fund (LWCF) - Replacement Land Mitigation

Coordination between project sponsors and Dane County Park officials was conducted to avoid, minimize, or mitigate effects of the proposed project to Dane County Park resources in compliance with Section 4(f)/Section 6(f) requirements. This coordination resulted in the following replacement land, is proposed, to satisfy Section 6(f) LWCF requirements.

The intersection realignment will vacate a portion of the existing intersection footprint that abuts the Lewis Nine Springs E-Way Natural Resource Area. This existing right-of-way (ROW) will be restored to match to the maximum extent practicable the Nine Springs area it abuts. Reclamation will include seeding with native seed/flowering forb mixes as well as flowering forb shrubs to be planted along the realigned Capital City Trail.

Following reclamation, the land will be transferred to Dane County Parks as replacement mitigation for the permanent real estate interests required for intersection relocation and improvements.

A total of 0.231 acres of Fee Simple would be purchased from Dane County Park properties. A total of 0.41 acres of existing ROW would then be vacated and transferred as replacement land to Dane County Parks; see Attachment 2 – Dane County Parks Mitigation.

Section 6(f) Encumbrances (Land and Water Conservation Fund)

Section 6(f) encumbrances exist on properties affected by the proposed project.

Dane County Parkland West and East of Syene (Lewis Nine Springs E-way Natural Resource Area) received Land and Water Conservation Fund (LAWCON) funding:

- LWCF-55-01749 - E-Way - Watson Acquisition

Wisconsin Knowles Nelson Stewardship and US Fed. Highways, Rec. Trail Program:

The Capital City Trail received Recreational Trails Program (RTP) & Knowles Nelson Stewardship (STEW) funding:

- STEW-ADLP3-18-287-Capital City State Trail Resurfacing (Nob Hill Road to Glacier Valley Road)
- RTP-875-17N-Capital City State Trail Resurfacing (Nob Hill Road to Glacier Valley Road)

Dane County Parkland south of McCoy Road (Lewis Nine Springs E-way Natural Resource Area) received Knowles Nelson Stewardship (STEW) funding:

- STEW-SBPP-008-Dane County (Nine Springs Creek) Warf Acquisition

Concurrence

I concur with the determination that the proposed transportation project as described in this letter and shown on the accompanying attachments will not adversely affect the activities, features, and attributes that qualify Dane County Park's Jenni and Kyle Preserve, Lewis Nine Springs E-way Natural Resource Area, and Capital City Trail for protection under Section 4(f). I have also been informed that, based on my concurrence, the FHWA intends to make a Deminimis finding regarding impacts to Dane County Park's Jenni and Kyle Preserve, Lewis Nine Springs E-way Natural Resource Area, and Capital City Trail, thus satisfying the requirements of Section 4(f).

Furthermore, I concur that a Section 6(f) LWCF conversion is required in order to remain in compliance with the above referenced LWCF grant. The Wisconsin Department of Natural Resources (WDNR) LWCF Grant Managers intends to collaborate with Dane County Parks to ensure the public outdoor recreational resources are not compromised and suitable replacement land described in "Section 6(f) LWCF - Replacement Land Mitigation", or other remedy, is approved by Dane County, WDNR, and ultimately the National Park Service.

DANE COUNTY

Print: _____

Signature: _____

Date: _____

WI DNR, STEWARDSHIP AND LWCF FUNDING GRANT MANAGER

Print: _____

Signature: _____

Date: _____

WisDOT is thankful for your assistance in making this transportation project possible. Should you have any questions or concerns, please contact me at (608) 243-3382 or lorraine.betzel@dot.wi.gov

Sincerely,

Lorraine Betzel

Lorraine Betzel, P.E.
WisDOT Project Manager

Cc: Brian Taylor – WisDOT SW Region Regional Environmental Coordinator

Encls:

Attachment 1 – Project Impacts
Attachment 2 – Dane County Parks Mitigation

Attachment 1 – Project Impacts

Syene Road/McCoy Road Reconstruction - Project Location

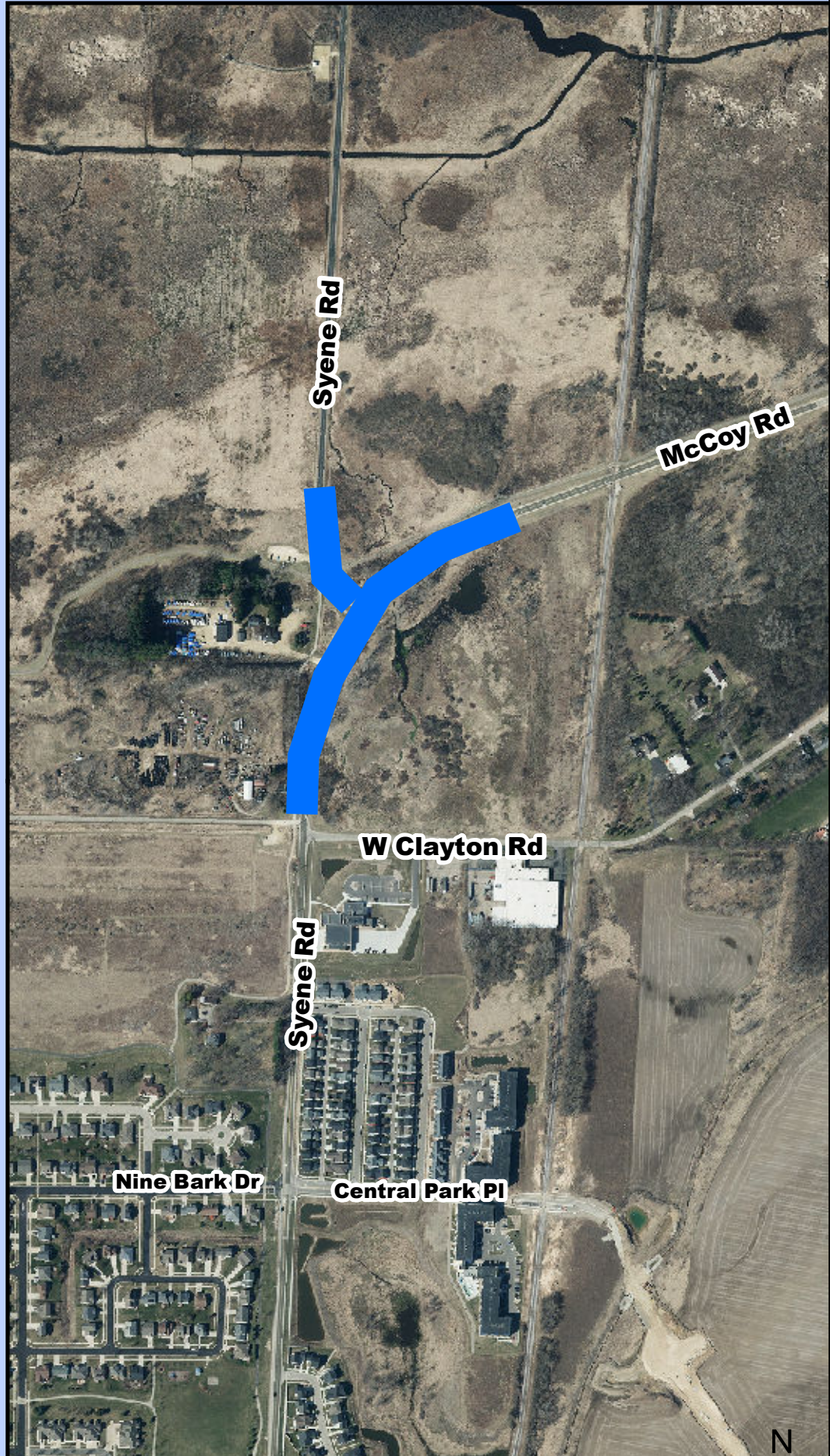
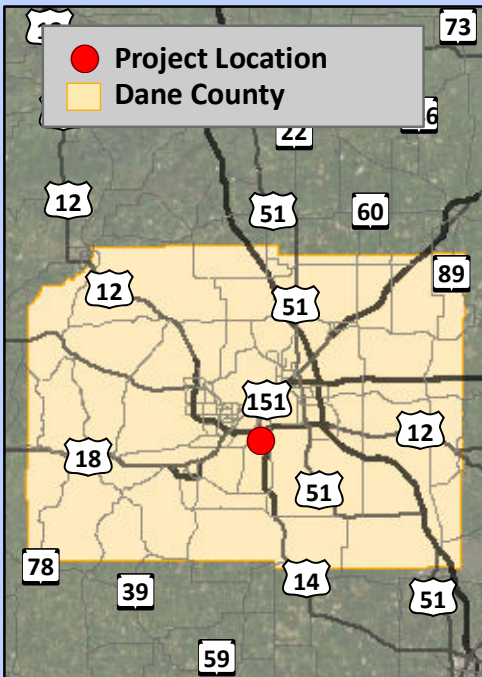
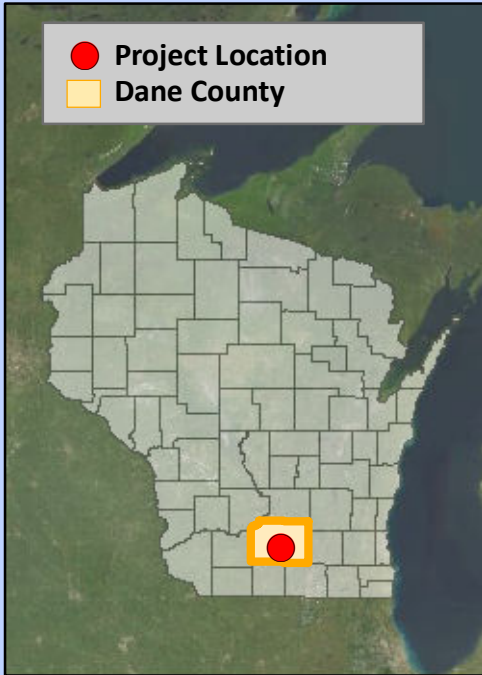
ID 5849-02-06/07

City of Fitchburg, Syene Road

McCoy Road Intersection

Local Street

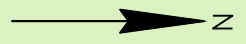
Dane County



Project Limits - ID 5849-02-06/07

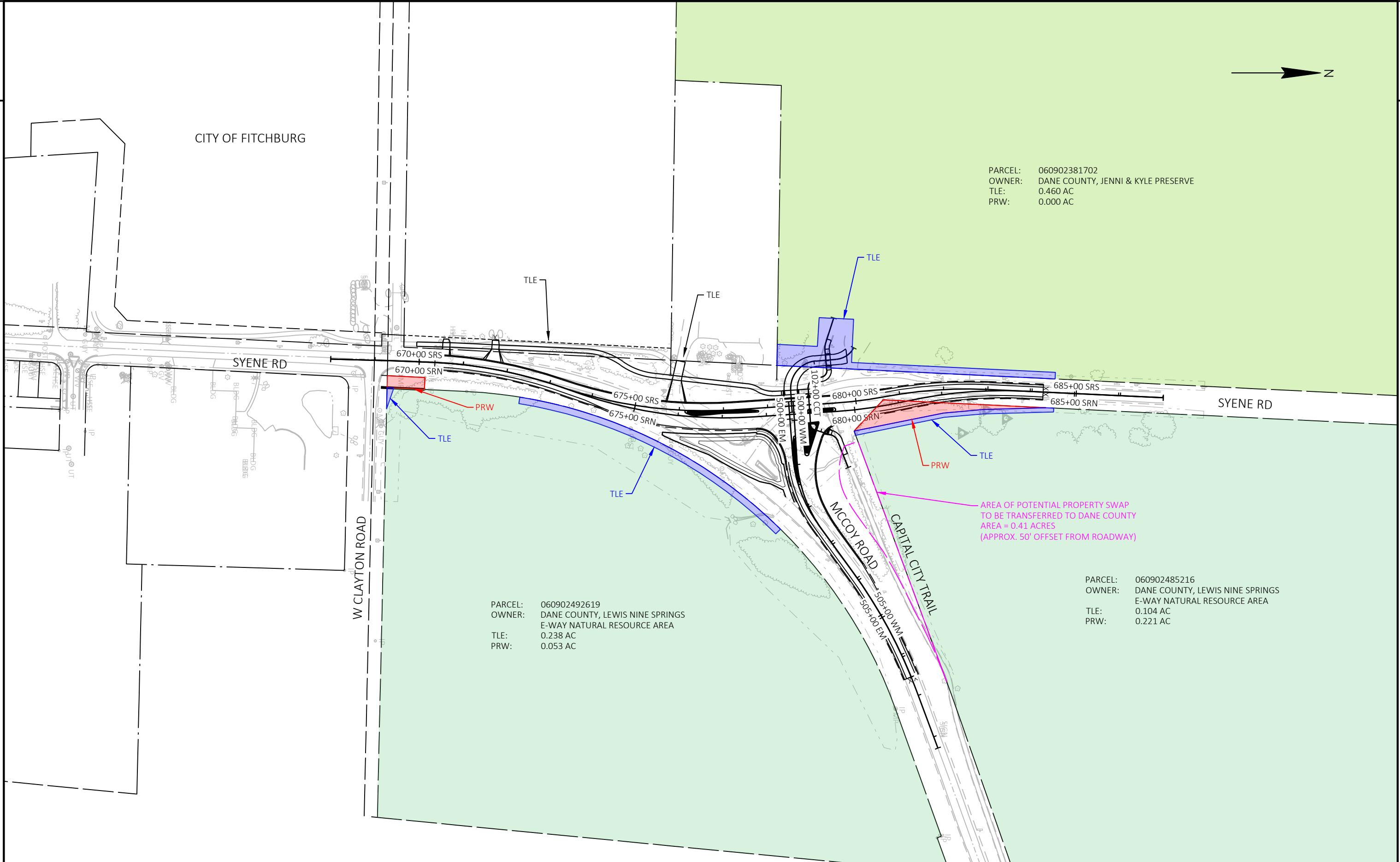


Attachment 2 – Dane County Parks Mitigation



CITY OF FITCHBURG

PARCEL: 060902381702
 OWNER: DANE COUNTY, JENNI & KYLE PRESERVE
 TLE: 0.460 AC
 PRW: 0.000 AC



PARCEL: 060902492619
 OWNER: DANE COUNTY, LEWIS NINE SPRINGS
 E-WAY NATURAL RESOURCE AREA
 TLE: 0.238 AC
 PRW: 0.053 AC

AREA OF POTENTIAL PROPERTY SWAP
 TO BE TRANSFERRED TO DANE COUNTY
 AREA = 0.41 ACRES
 (APPROX. 50' OFFSET FROM ROADWAY)

PARCEL: 060902485216
 OWNER: DANE COUNTY, LEWIS NINE SPRINGS
 E-WAY NATURAL RESOURCE AREA
 TLE: 0.104 AC
 PRW: 0.221 AC