

Feasibility Study and Environmental Analysis

Hank Aaron State Trail: Amendment to the Master Plan

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A report to the Natural Resources Board prepared by:

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INTRODUCTION: THE FEASIBILITY STUDY AND ENVIRONMENTAL PROCESS

This document is a combined feasibility study and environmental analysis (EA) intended to include the required information for both types of studies, to avoid unnecessary duplication. Both the feasibility study and the EA function to provide the public and decision-makers with a factual, unbiased analysis of a proposal, and must identify reasonable alternatives in order to help make an informed decision. Results from this study will be included as an amendment to the *Henry Aaron State Park Trail: Feasibility Study Master Plan and Environmental Assessment* (1996).

A feasibility study is used to determine whether it is practicable for the Department to establish, acquire, develop, and manage new property. The study takes into account the physical and biological environment and its capabilities, the views of the public and of landowners adjoining the property, and the availability of funding and staffing to accomplish the project's purpose adequately. Furthermore, a feasibility study presents boundary alternatives, general land management strategies, and ensures integrated ecosystem management principles are considered.

The feasibility study also must meet the requirements of the Wisconsin Environmental Policy Act (WEPA) and its implementing codes. Certain DNR actions require an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Hank Aaron State Trail extension study requires an EA under NR 150 of Wisconsin's Administrative Code. The EA process is used to evaluate the likely impacts of a proposed project, primarily on the natural environment. The EA also helps determine whether an activity's impacts will be significant enough to warrant an EIS.

On July 25, 2005, the Department held a public informational meeting at Solomon Juneau Business High School located near the project area. Approximately 65 people attended the open house.

A summary of comments received at the meeting and throughout the following two-week public comment period are included in this document. For additional information, contact Melissa Cook, Southeast Region Trail Coordinator, at 2300 N. Dr. Martin Luther King Jr. Dr., Milwaukee, WI 53212, (414) 263-8559, Melissa.Cook@dnr.state.wi.us.

EXECUTIVE SUMMARY

This feasibility study considers the acquisition of a five-mile abandoned rail corridor in Milwaukee County to extend the Hank Aaron State Trail. The extension would connect to the Hank Aaron State Trail near Miller Park Stadium on the east with Milwaukee County's Oak Leaf Trail near Underwood Creek Parkway on the west. Benefits of this proposed project include creating a direct east-west route across Milwaukee County, contributing to regional and statewide trail systems and providing an opportunity for users to commute and recreate safely.

As an amendment to the Hank Aaron State Trail master plan (1996), the goals of the proposed project reflect those of the original trail. Extending the trail contributes to the goal of restoring, protecting and enhancing the natural, scenic, historical and cultural resources of the Menomonee River corridor while providing the public with recreational opportunities and access to the river.

While Milwaukee County's Oak Leaf Trail system provides approximately 99-miles of trail, it does not provide a direct east-west route across the county. Extending the Hank Aaron State Trail fills this need by creating a direct route through the highest density census tracts in the state and connecting them with numerous employment, commercial and recreational opportunities.

Within Milwaukee County, the trail connects Lake Michigan and the Henry Maier Festival Park with downtown, Marquette University, Potawatomi Bingo, Miller Park Stadium, State Fair Park, the western suburbs and the Oak Leaf Trail near the Milwaukee/Waukesha county line. Beyond Milwaukee County, users can connect via other state and county trails and travel across the southern portion of the state to Madison and Governor Dodge State Park in Dodgeville or travel north on the Ice Age National Scenic Trail.

Work on the existing portion of the trail reflects an extensive collaborative effort among public and private entities. The original master plan projected costs for the acquisition and development of the original trail between \$9,164,625 and \$9,575,875. Currently, all acquisitions for the original trail have been through donated easements at no cost to the state. Development costs for the original trail will be funded through three existing Congestion Mitigation and Air Quality Grants (CMAQ) totally \$3,819,300. The DNR's share is \$763,860, with the remaining 80% from Federal funds. The DNR's match funds come from an appropriation in the 99-01 FY budget. Therefore, due to community partnerships and successful grant funding, the DNR will spend about \$1 million for the original trail, far less than the projected \$9 million. The Department has gotten similar support from local officials on the proposed extension and anticipates continued collaboration. Funding for the acquisition of the extension will come from the Knowles-Nelson Stewardship Fund.

The Department held a public meeting in July to gather public opinion about the project and explore the public's desires and concerns about the proposal. Based on information in this document and public comments received, the Department believes the proposed extension to the Hank Aaron State Trail is feasible from the standpoint of legal authority, ecological soundness, public support and availability of funding. An environmental impact statement is not needed.

PROPOSAL

Project Description

This proposal describes the state acquisition of a five-mile line of abandoned railroad in Milwaukee County that extends from behind P&H Harnischfeger near State Highway 41 in Milwaukee to North 123rd Street and the Underwood Creek Parkway in Wauwatosa. Used by the Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company (“Soo Line”) as a corridor since 1864, the last use of the rail line was in October 2001. The rail line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East, and passes through portions of Milwaukee, West Milwaukee, West Allis and Wauwatosa. Refer to “Hank Aaron State Trail and Proposed Extension” locator map in Appendix E.

The Department proposes acquiring the abandoned rail line to extend the length of the Hank Aaron State Trail and create a direct east-west route across Milwaukee County. In October 1999, the White House Millennium Council in collaboration with the U.S. Department of Transportation and the Rails-to-Trails Conservancy designated the Hank Aaron State Trail as a Millennium Legacy Trail. Legacy Trails represent the essence and spirit of each of the 50 states. The Hank Aaron State Trail was selected as Wisconsin's representative because of its respectful celebration of the past, its connection to the community, and its far reaching vision for the future.

Development of the Hank Aaron State Trail from Lake Michigan to Miller Park Stadium is underway and anticipated to be completed by spring 2006. When completed, the original trail will cover approximately five miles, connecting Lake Michigan shoreline parks and downtown Milwaukee with the western suburbs. Although public and private collaboration on this project has been successful, piecing together the original trail segment through a developed, urban landscape has been time consuming. With this proposal, the Department has an opportunity to nearly double the length of the trail within an established corridor.

Land use within the project area is a mix of residential, commercial and industrial. Based on 2000 census data, there are an estimated 415,616 people living within a 15-minute bike ride (3-miles) of the Hank Aaron State Trail and proposed extension. No other trail in the state has as many potential users in such close proximity. The corridor also connects to large work sites such as downtown Milwaukee, Menomonee Valley business district, West Allis business district, and a light manufacturing park at 116th Street, and is located adjacent to high traffic generating destinations such as Miller Park Stadium, Henry Maier Festival Park, State Fair Park and the Lake Michigan shoreline. The proposed trail would provide an important linkage among many cultural, historic and natural sites, and numerous recreational venues in Milwaukee and Waukesha counties.

If the extension is approved, the 12-mile Hank Aaron State Trail will provide a Wisconsin State Park presence in the most populous section of the state giving both commuters and recreational users a direct east-west route connecting communities with employment, commercial and recreational opportunities. It will also provide an important linkage within the statewide trail system giving users the opportunity to travel along several trails between the Lake Michigan shoreline, Milwaukee, Waukesha, Madison and Dodgeville.

Property Designation

The property will be designated as an extension of the Hank Aaron State Trail, under the provisions of Wisconsin State Statute NR 23.175.

The Hank Aaron State Trail is classified under NR 44 – Master Planning for Department Properties as a Recreation Management Area with a Type 4 Recreation Use Setting. The management objective of a Recreation Management Area is to provide and maintain land and water areas and facilities for outdoor public recreation or education. The management objective for a Type 4 Recreational Use Setting is to provide areas offering opportunities for intensive recreational use activities and experiences. Facilities, when present, may provide a relatively high level of user comfort, convenience and environmental education.

Goals and Objectives

As an extension of the existing trail, many of the goals and objectives for this project are similar to that described in the *Henry Aaron State Park Trail: Feasibility Study Master Plan and Environmental Assessment* (1996):

Goal Statement

To restore, protect and enhance the natural, scenic, historical and cultural resources of the Menomonee River corridor while providing the public with recreational opportunities and access to the river.

Objectives (selected)

- Provide close-to-home recreational opportunities such as hiking, biking and nature study.
- Establish a multi-purpose trail linkage from the city of Milwaukee to local and state trail systems, and to the Ice Age National Scenic Trail.
- Provide parkland and open space opportunities for under-served inner-city neighborhoods.
- Provide equal access to a quality environment for all people.

Management

The Department should take the lead in all aspects of this project, including the acquisition of land, development of facilities, and operations in partnership with public, private, and non-profit entities. The potential exists with this project to implement parts of the study recommendations in partnership with local units of government. In the state and nation there is an initiative for more public-private partnership projects. Previous work on the Hank Aaron State Trail illustrates the collaborative nature of the project with public and private participation.

The Department anticipates similar collaboration in developing the west-end of the trail and will consider alternative implementation strategies and management partnerships. The proposed

extension has been strongly championed by city and county officials. A broad partnership effort for on-going operation of the trail will be formed between the state, county and city. The Department is communicating with the cities of Milwaukee, Wauwatosa, West Allis, Brookfield and the Village of Elm Grove to increase the number of connections that the trail will have to community trails, neighborhoods and businesses. Further, the Department is working closely with the Menomonee Valley Partners and business community to use the trail as a vehicle for bringing more employees into existing and developing businesses.

NEED

Recreational Needs

The primary need for this project is recreation-based. The Department is considering acquisition of the abandoned rail corridor to extend the Hank Aaron State Trail and provide an important link to Milwaukee and Waukesha County's trail systems, and to the statewide trail network. Extending the Hank Aaron State Trail offers a much-needed direct east-west corridor across Milwaukee County and through downtown connecting numerous recreational venues.

The trail can be promoted as an economic and tourism asset to local communities by providing an appealing alternative transportation corridor for users to commute and recreate safely. The development of the entire Hank Aaron State Trail contributes to the restoration, protection and enhancement of the natural, scenic, historical and cultural resources of the Menomonee River corridor while providing recreational opportunities and access to the river. Secondly, the preservation of this important environmental corridor aids in the restoration of fish and wildlife habitat and the rehabilitation of urban waterways, and provides valuable habitat for native plant and animal species.

In the fall of 2004, the Soo Line Railroad Company filed a Petition for an Exemption with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over an approximately five-mile line of railroad that extends between near State Highway 41 and near North 123rd Street in Milwaukee County. Since 1993, the Department has committed an extensive amount of effort piecing together the Hank Aaron State Trail route from Lake Michigan to Miller Park Stadium. Here is an opportunity to nearly double the trail length with an established corridor. By not pursuing this acquisition, the Department risks missing a great opportunity to acquire a key length of rail line, extend the Hank Aaron State Trail, and connect communities within a regional and statewide trail system.

With the trail extension in place, the Hank Aaron State Trail would connect Lakeshore State Park and the Henry Maier Festival Park to downtown Milwaukee through the Historic Third Ward, and into the Menomonee Valley – the historic core of industry in the Milwaukee area. The trail also passes the Milwaukee Art Museum, Potawatomi Bingo, and Miller Park Stadium, home to the Milwaukee Brewers. The proposed trail extension continues west from Miller Park Stadium toward the historic Ward Theatre on the grounds of the National Soldiers Home, past State Fair

Park and the Pettit National Ice Center, to the Oak Leaf Trail near the Milwaukee/Waukesha county lines.

Not only does this direct route connect some of Milwaukee's most celebrated venues, it is also adjacent to a densely populated area. The trail's location adjacent to the highest density census tracts in the state makes it an appealing transportation corridor within the regional trail system. The Department sees an opportunity to link residential neighborhoods to employment opportunities and recreational destinations and to make bicycle commuting a viable alternative. Reducing vehicle miles brings the added environmental benefits of reductions in traffic congestion and air quality contamination, which translates to added health benefits for sufferers of respiratory problems.¹

Trail Network

The development of the trail contributes to regional and statewide objectives, and is supported by the *Southeastern Wisconsin Regional Planning Commission's Regional Bicycle and Pedestrian Plan* (2001) and the *Wisconsin Department of Transportation's Bicycle Transportation Plan 2020* (1998) (Refer to Regional Perspective, Regional Plans discussion). The *Wisconsin State Trails Strategic Plan* (1993) clarifies the Department's role in and mission of providing trails, and discusses strategies for carrying out this mission. It describes a vision of a statewide network of interconnected trails into which smaller state, partnership, county, municipal and private trails feed.

The plan further states that preserving corridors for future use is a very important consideration when converting a rail line to a recreational and alternative transportation corridor. Converted rail corridors in "rail-to-trail" projects are integral parts of the proposed statewide trail network. Wisconsin's Department of Natural Resources is a national leader in the conversion of rail-to-trail projects with over 1,600 miles of trails developed on abandoned rail corridors. The Hank Aaron State Trail extension meets several key selection objectives identified in the *State Trails Network Plan* (amendment to Wisconsin State Trails Strategic Plan):

- Proximity to population centers that offer connections to a statewide trail network for recreational trails.
- Existing historical sites, tourist attractions, state and county parks, and other significant features.
- Links to existing federal, state, county, municipal trails.
- "Natural feature" corridors tied to rivers and other scenic landscape patterns including major topographic features.

¹ Actual trail user counts have been done along the Oak Leaf Trail. Based on infrared counts along a trail segment within a couple miles of the east-end of the Hank Aaron State Trail, there were 39,227 users passing one location between September 20-October 20, 2004. Surveys from additional nearby locations further supported these figures. Dividing these figures by 30 days in a month to determine an estimate of 1300 users/day, an average of 5 miles/trip, at 300 days/year, would translate to a mileage savings of 1,950,000 miles per year with air quality reductions potentially as high as : VOC-1.6 tons/yr; CO-17.6 tons/yr; Nox-2.0 tons/yr. (Source: CMAQ grant application, 5 April 2005).

Milwaukee County's approximately 99-mile Oak Leaf Trail system connects many parks around the perimeter of the county. It does not provide a direct east-west route across the county or go through the downtown area. An east-west connector exists south of the city of Milwaukee and is almost entirely on municipal streets and parkway. It is not a centrally located direct east-west link, and it does not provide the accessible commuting alternative that the Hank Aaron State Trail extension would provide. If the Trail is extended, the resulting trail system, including the City of Brookfield trail system, would provide approximately 120 miles of contiguous trail corridor with connections to commercial, education, and employment centers in a high density urban community.²

For users interested in longer distance trips, the extended Hank Aaron State Trail would link to the New Berlin Trail Connector, via a 2-mile route on Milwaukee County's Oak Leaf Trail, which in turn links with Waukesha's Fox River Trail, the Glacial Drumlin State Trail, the Capital City State Trail and the Military Ridge State Trail. This trail network would allow users to travel approximately 130 miles from the Lake Michigan shoreline to Governor Dodge State Park in Dodgeville. Users may also opt to travel north on the Ice Age National Scenic Trail, which connects with the Glacial Drumlin trail and offers miles of trail (about 600 miles are available for use; over 1,000 miles available when completed) throughout Wisconsin and many opportunities for links with other statewide trails.



Source: WDNR Hank Aaron State Trail brochure, PUB-PR-648 2004.

CONTEXT

Property Perspective

Corridor Route

The proposed trail extension is an abandoned rail line that had been used as a corridor since 1864 and currently passes through residential, commercial and industrial areas. Most of the line consists of single and removed track with an average right-of-way of 100 feet, and runs adjacent to the highest density census tracts in the state. The abandonment starts behind P&H manufacturing east of Highway 41 and heads west over the Highway 41 bridge with the Miller

² The City of Milwaukee and Milwaukee County Parks are working with the Bicycle Federation of Wisconsin to produce a new bicycle map, "Milwaukee By Bike – Your guide to Milwaukee's on-street bike routes and off-street trails." Refer to: www.milwaukeebybike.org.

Park Stadium to the north. The corridor crosses another bridge on a limestone base near the easternmost Veterans Administration service road and continues west toward the historic Ward Theatre on the grounds of the National Soldiers Home.

Currently, the trail crosses at-grade across Hawley Road and continues under the 70th Street bridge. Shopping and restaurants are three blocks south in downtown West Allis and Milwaukee Area Technical College is two blocks south. The rail line goes through State Fair Park and behind the Pettit National Ice Center, with access at 76th and 84th streets. The corridor from 84th to 92nd streets includes the bridge at 84th, a mix of residential and light industry, vegetation of shrubs and trees, and the 92nd Street bridge.

The corridor runs under I-894 to 100th Street near the Milwaukee County Zoo storage and greenhouse site, and continues under a railroad trestle built in 1910. The rail line travels under I-94 at 116th Street, crosses 121st Street at-grade, and ends near the Underwood Creek Parkway and Oak Leaf Trail intersection.

Biological and Cultural Resources

An environmental analysis conducted by attorneys representing the Soo Line reported no state or federal endangered or threatened species present in the rail corridor. Using the DNR Natural Heritage Inventory on-line database, a query of Town 7, Range 21 East in Milwaukee County returned one or more elements with a location too sensitive to map at a level more detailed than county.

An Endangered Resources Planning and Protection Specialist conducted an environmental review. Although a number of state or federally listed species occur in the general area, the only endangered resource known to occur in the project area was Butler's Gartersnake. One other endangered resource in the area is forked aster known from the Veteran's Medical Administration facility. This species could occur along the corridor, but would not likely be affected by the proposed project if the work is kept within the existing right-of-way. There are several state special concern mesic forest communities within one mile of the corridor. Complete results of the Natural Heritage Inventory review are on file with the property manager.³ Refer to Appendix A, Table 1 for a listing of non-sensitive elements.

While there are numerous areas of historical significance in the project area, there appear to be no known archaeological sites or historic structures within the railroad right-of-way (Dirst 2005). Refer to the property master plan (WDNR 1996) for a complete discussion of the area's cultural and historic resources.

Environmental Conditions

In anticipation of filing a Petition for Exemption with the US DOT – Surface Transportation Board to discontinue and abandon all freight rail operations on this stretch of rail line, attorneys for the Soo Line Railroad Company prepared an Environmental Report. As discussed in this report (2004):

³ Natural Heritage Inventory Data is exempt from State of Wisconsin Open Records Law. The data is considered sensitive for several reasons and thus not appropriate for general public distribution.

“The Phase I Environmental Site Assessment identified five Recognized Environmental Conditions (RECs) on the Rail Line, including but not limited to, batteries and railroad ties, former track hoppers at a cement and concrete plant, a junkyard, unauthorized dumping of unlabelled empty drums and household trash, and also soil piles containing concrete and wood that are located west of Highway 100.

Although the Phase I identified five RECs, the Rail Line is not listed as being currently or formerly on the following federal databases: the National Priorities List, CERCLIS, CORRACTS, ERNS, CERC-NFRAP, or a Proposed NPL or RCRIS List, nor is the Rail Line identified on any of the following State ASTM Standard databases: Indian UST, Leaking Underground Storage Tank (LUST), State Hazardous Waste sites (SHWS), State Solid Waste Facilities and Landfills (SWF/LF), or UST.

Additionally, while the railway was reportedly used to haul freight, it was not known to have transported hazardous materials or petroleum products. Further, based on water well construction logs dating back to 1936, the Rail Line does not contain any water wells. While some neighboring sites have been listed on the abovementioned databases, none of these sites currently poses a threat to the Rail Line. Additionally, there are 23 active land lease records associated with the Rail Line. One inactive lease is associated with a wire crossing that was assigned to the Wisconsin Electric Power Company. Finally, there are no known current or historical operations that are known to cause, or could have caused changes to the environmental condition of the Rail Line.”

A further check on the Department’s Bureau for Remediation and Redevelopment Tracking System (BRRTS) website identified incidents of soil or groundwater contamination neighboring the project area. The rail line travels through portions of Milwaukee, West Milwaukee, West Allis and Wauwatosa. A remediation activity search of United States Postal Zip Code 53215 (in Milwaukee) yielded 46 open or conditionally closed activities. Of those 46 activities, none are within the immediate rail corridor. A search of zip code 53214 (in West Allis) found 80 open or conditionally closed activities of which 12 activities are within approximately 1000 feet of the rail corridor. In zip code 53226 (in Wauwatosa), a search found 28 open or conditionally closed activities with five of the activities in the neighboring area. Zip code 53295 (in West Milwaukee) had two activities neither of which is in the project area. While located in the neighboring project area, none of these identified sites appears to pose a threat to the immediate rail corridor or trail development.

Regional Perspective

General Description

Milwaukee County is located in the Southern Lake Michigan Coastal ecological landscape. Landforms in this ecological landscape are characteristic of glacial lake influence, with ridge and swale topography, clay bluffs, and lake plain along Lake Michigan. Ground moraine is the

dominant landform further inland. Soils typically have a silt-loam surface overlying loamy and clayey tills.

Sugar maple-basswood-beech forests with some oak dominated the historic vegetation in the northern part of this ecological landscape while oak forest, oak savanna and prairies dominated the southern part. Wet, wet-mesic, and lake plain prairies were common in this area. Black ash and relict cedar and tamarack swamps were found in this ecological landscape.

Native Americans were the first people to populate the area. They called this place, *Millioki*, which means "gathering place by the waters." The Indians may have picked the name because they used the area for tribal gatherings or because they observed how three rivers, the Menomonee, the Kinnickinnic and the Milwaukee, met before flowing into the waters of Lake Mie-sit-gan (Michigan). In the earliest history of Milwaukee, Native Americans representing a variety of tribes grew wild rice and fished in the former swamps that now house the downtown Milwaukee area.

Socio-economics

The Southern Lake Michigan Coastal ecological landscape includes Milwaukee, Kenosha and Racine counties with a total land area of 539,824 acres. It has the lowest percent acreage in timberland (8%) of all the ecological landscapes; only 1% is in public land. Most of the area is dominated by dairy and cash grain agriculture and intense urban development.

Among all the ecological landscapes, Southern Lake Michigan Coastal has the highest population density, but has lost the largest percentage of its population since 1970, especially in Milwaukee County. Yet, Milwaukee County is among the 100 largest counties in the United States. The population density in Milwaukee County (3,892 persons/mi²) is nearly 40 times higher than the statewide population density of 98.8 persons/mi². Milwaukee is the 19th largest city in the United States with a population of 596,974 in the city and 1.5 million in the metropolitan area (based on Census 2000 data). The City borders the western shore of Lake Michigan and is just 90 miles north of Chicago.

As described in the workforce profile (DWD 2004), Milwaukee County is the heart of the state's economy demonstrated by the fact that almost one out of every five jobs in Wisconsin is in Milwaukee County. Civilian Labor Force Data for 2003 indicates that Milwaukee County had a labor force of 487,689 and an unemployment rate of 7.1% with the City of Milwaukee contributing a disproportionately abundant number of unemployed residents. Removing the City of Milwaukee from the county's total labor force would result in a 'balance of county' unemployment rate of 3.8% in 2003.

Urban areas like Milwaukee County tend to draw workers for the abundant and diverse job opportunities they offer. Based on 2000 census data, 82,500 Milwaukee County residents travel outside of the county for work, nearly 60,000 are commuting to neighboring Waukesha County. An estimated 118,800 workers travel into Milwaukee County with just over 60,000 commuting from Waukesha County. When traveling to work, 76 percent of Milwaukee County workers drove to work alone in 2003, 10 percent carpooled, 8 percent took public transportation, and 4

percent used other means. The remaining 3 percent worked at home. Among those who commuted to work, it took them on average 21 minutes to get to work.

Data from the U.S. Census Bureau (2003) indicates that for the employed population 16 years and older, the leading industries in Milwaukee County were educational, health and social services (22%), and manufacturing (15%). Among the most common occupations were management, professional and related occupations, and sales and office occupations. Eighty-three percent of the people employed were private wage and salary workers; 12 percent were federal, state or local government workers, and 5 percent were self-employed.

Regional Plans

In 2001, the Department of Natural Resources Bureau of Parks and Recreation developed a *State Trails Network Plan* to identify the Department's role and mission of providing all types of trails. It also describes a vision of a statewide network of interconnected rail trails into which smaller state, partnership, county, municipal, and private trails feed.

The Wisconsin Department of Transportation (WisDOT) has been active in establishing bicycling as a viable, convenient and safe transportation choice in the 21st Century. WisDOT, recognizing the importance of the bicycle as a legitimate mode of transportation, especially in urban areas and communities, prepared *Bicycling into the 21st Century via the Wisconsin Bicycle Transportation Plan* (1998) to encourage bicycling and increase the number of bicyclist in Wisconsin. Benefits of bicycling include improving health, moving people and allowing them to park inexpensively, reducing congestion and air pollution, and providing a primary means of transportation (along with walking) for children and households with no car or driver. The plan notes bicycling is not only good for one's health, but it is also environmentally friendly. When bicycle trips replace motor vehicle trips, air emissions can be reduced. These reductions can be considerable within urban areas where bicycle use is high.

The WisDOT plan recommends policies and actions for both urban (including suburban and smaller communities) and rural (or intercity) areas. Implementing the urban/suburban element of the plan is critical to attaining the major goals of increasing bicycle usage and reducing the rate of bicycle crashes. Moreover, much of the urban strategy is tied to the implementation of completed metropolitan bicycle plans. All of the state's 11 Metropolitan Planning Organizations (MPOs) have either produced a bicycle plan or prepared a bicycle element as part of their overall transportation plan.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) – the MPO for the seven-county region that includes the urbanized areas of Milwaukee, Racine and Kenosha – not only prepared a bicycle plan for the three metropolitan areas, but also developed a region wide plan for the rest of its seven counties (2001).⁴ The regional bicycle and pedestrian plan for Southeastern Wisconsin considers projected need from 2010 to the year 2020.

The year 2010 bicycle and pedestrian plan therefore sought to provide safe facilities for bicyclists and pedestrians as integral parts of the street and highway system, with consideration

⁴ SEWRPC includes the following counties: Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha.

given to locating bicycle and pedestrian ways in off-street corridors where suitable alternatives to on-street locations exist. As noted, the plan was designed to provide connections between the Kenosha, Milwaukee, and Racine urbanized areas and between cities and villages with a population of 5,000 or more located outside the three urbanized areas, such cities and villages being termed “small urban areas”; and to provide bicycle access to major activity centers and transit stations located outside an urbanized or small urban area.

The 2010 plan identifies 258 miles of existing bicycle ways within the seven-county region and proposes an additional 1,269 miles (total miles=1,527).⁵ The year 2020 plan envisions the development of a total of approximately 1,805 miles of recommended bicycle ways within the region (includes 317 miles of existing trail; 1,488 miles proposed).

Milwaukee County’s park system offers over 140 parks and parkways totaling nearly 15,000 acres. Commuters and recreational users alike recognize Milwaukee County’s Oak Leaf Trail as a premier trail system. Approximately 99-miles in length, the Oak Leaf Trail is composed of 42 miles of off-road paths, 31 miles of parkway drives, and 26 miles of municipal streets as connecting routes.

ESTIMATED COSTS AND TIMELINE

Acquisition

Funding for land acquisition is Knowles-Nelson Stewardship Fund. The Department estimates acquisition costs for the abandoned rail line to be in the range of \$3-5 million. Actual acquisition costs will be determined pending the appraisal and negotiations. **All land acquisition is on a willing-seller basis with costs spread out over many years as owners have interest in selling and funds are available.**⁶ Refer to Appendix B to review a copy of the Memorandum of Agreement the Department has with City of Milwaukee regarding the acquisition, development, and operation of the original trail. Refer to Appendix C to review a copy of the Cooperative Trail Easement Agreement with the City of Milwaukee.

Development

Development costs are estimated to be approximately \$1.6 million. This includes \$710,800 for trail development and \$443,600 for bridge development. The trail will have a stone base and asphalt paving. Additional trail costs include brushing and clearing, signage, modification and restoration to existing bridges, and fencing and guard rails. Bridge development costs include

⁵The term “bicycle way” was defined for regional planning purposes as a pathway or portion of a roadway that is specifically designated for exclusive or preferential bicycle travel. The term includes bicycle paths, bicycle lanes, and bicycle routes.

⁶ In Wisconsin, State law provides for payments from the DNR that fully replace or exceed the property taxes that would have been collected if the land were not acquired by the DNR. Therefore, the potential impact on property taxes from DNR ownership of land is negligible. In addition, each town, village or city gains the benefits of natural resource protection and outdoor recreation that public lands offer to all (WDNR Public Land and Property Taxes, PUB-LF-001 99 REV).

fill, retaining wall, and a 90'X12' pre-fabricated steel bridge. Remaining costs include engineering and supervision, Metro Milwaukee and estimating cost factors, and a 10% contingency.⁷

The DNR has applied for a Congestion Mitigation and Air Quality grant (CMAQ) that would fund 80% of the projected development costs of the new acquisition. Preliminary feedback on the application has been very positive.

Operation

A trail manager and a half-time limited term employee currently manage the trail. Staff will be located at the future Lakeshore State Park. Park staff can assist in patrolling and maintenance. Mowing and other necessary maintenance service could be contracted out as necessary. Based on the Memorandum of Understanding between the Department and the City of Milwaukee, all on-street portions of the trail will be maintained by the City. Milwaukee County has also indicated that there is potential for partnering on some aspects of trail maintenance. Operational requirements will not exceed the \$140,000 allotted amount identified initially in the 1999-2001 biennium.

ALTERNATIVES

No Action

The Department could decide not to acquire the abandoned rail line. Currently there is a 3.3-mile east-west connector between Milwaukee County's Doyne and Hoyt parks consisting of off-road path and parkway drive. From Hoyt Park, the Oak Leaf Trail is a 3.1-mile combination off-road path and parkway drive to the Underwood Creek Parkway intersection. This is not a desired route considering it is not centrally located and much of the trail is on the road, which is not a particularly good road for biking. The route is also difficult to navigate. Further, it does not provide a connection to such venues as the National Soldiers Home, State Fair Park or the Pettit National Ice Center. In comparison, the trip from Miller Park to Underwood Creek via this route is 7.4 miles versus the five-mile corridor of rail line from Miller Park Stadium to Underwood Creek.

Preferred Alternative

The preferred alternative is to purchase the abandoned rail line from behind P&H near Miller Park Stadium to Underwood Creek Parkway intersection near the Milwaukee/Waukesha county line. This creates a more direct, centrally-located route connecting the Hank Aaron State Trail to Milwaukee County's Oak Leaf Trail. Extending the Hank Aaron State Trail provides easier access to the regional trail network and creates an accessible and attractive opportunity for

⁷ Estimates submitted by the Site Development Section of the Milwaukee County Department of Public Works, cross-referenced with the SER Engineering staff and Capital Development Cost Estimating Workbook.

commuting to work sites in downtown Milwaukee and the Menomonee Valley business district or to popular event destinations such as Miller Park Stadium, State Fair Park or the Henry Maier Festival Park. Users can also follow the Oak Leaf Trail south approximately 2.2 miles to the New Berlin Trail Connector, which leads to many miles of trails within the statewide network.

Collaboration with Milwaukee County

Another alternative is for the DNR to purchase the corridor and have the county manage it within their trail system. Milwaukee County has been a strong partner in trail development and chose to develop the segment of the Hank Aaron State Trail from Doyne to Hoyt park as the Oak Leaf Trail in an effort to connect their parks. The County has expressed an interest in partnering on selected maintenance aspects of the proposed trail extension.

EVALUATION OF PROJECT SIGNIFICANCE

Environmental Effects and Their Significance

The Department does not anticipate negative environmental effects associated with the trail development of an abandoned rail corridor. The rail line had been used as a corridor since 1864; last use of the rail was in October 2001. It passes through residential, commercial, and industrial areas. No prime farmlands are affected. No historic or cultural resources are located within the immediate corridor nor are there any state or federal endangered or threatened species. The proposed site was evaluated according to the criteria of the Butler's Gartersnake Conservation Strategy. Due to the size and quality of suitable Butler's Gartersnake habitat, the site was classified as containing a portion of Tier 1 Site (Site of Minimal Conservation Value). As a result, the site is covered under the broad *Incidental Take Authorization for Tier 1 Butler's Gartersnake sites*.

Several state special concern mesic forest communities are within one mile of the corridor. Vegetated areas that are disturbed by the project activities should be re-seeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced.

The project has the potential to enhance the quality of the environment by improving the environmental condition of the corridor, returning valuable habitat for native plant and animal species, and improving air quality. The proposed project promotes improved air quality because it will provide the opportunity for an increased number of people choosing to ride bikes or walk, for both commuting and recreational purposes, rather than use automobiles for their transportation needs. Given the densely populated areas adjacent to the Hank Aaron State Trail, there is considerable potential in Milwaukee County to reduce automobile use. Recent calculations for a similar stretch of trail on Milwaukee's Oak Leaf Trail estimate 1,300 users/day. Using this value at 5 miles/trip and 300 days/year translates to a mileage savings of 1,950,000 miles/year with air quality reductions potentially as high as: VOC=1.6 tons/year,

CO=17.6 tons/year and Nox=2.0 tons/year.⁸ The Department anticipates the Hank Aaron State Trail would receive as great or greater use than this segment of the Oak Leaf Trail.

Significance of Cumulative Effects

Cumulative effects on the environment are expected to be insignificant. In general, abandoned rail corridors are not viewed as community assets. They tend to become overgrown and accumulate trash and other unwanted debris. On the other hand, when developed as a trail they tend to become safer given public accessibility and maintenance. As such, they tend to contribute to neighboring property values and can be promoted as an economic and tourism asset. The proposed project will enhance the corridor by restoring habitats and creating a direct east-west connector route for commuter and recreational users.

The project has potential positive cumulative effects as an alternative transportation corridor. A reduction in automobile use creates less traffic congestion and energy consumption. This has long-term implications for improving quality of life by reducing harmful environmental effects caused by automobile use and encouraging a healthy lifestyle through exercise.

Significance of Risk

Purchasing the abandoned rail corridor does not pose a risk to the resources. Not purchasing the abandoned rail corridor poses a risk in terms of missed opportunity. Extending the Hank Aaron State Trail offers many opportunities for connecting communities with employment, commercial and recreational opportunities.

The proposed rail corridor crosses five bridges. An inspection report from Department engineers documenting bridge costs and conditions is pending.

A potential safety risk is the at-grade crossing at Hawley Road. At this intersection, the annual average daily traffic count is 22,800. A bridge for the trail currently exists at 70th Street, which has a traffic count of 19,000. Given the high volume of trail users that are anticipated to be using the trail for commuting purposes, the Department recommends a bridge be constructed across Hawley Road.

A further check of the Department's Bureau of Remediation and Redevelopment Tracking System (BRRTS) website identified incidents of soil or groundwater contamination neighboring the project area. While located in the neighboring project area, none of these identified sites appears to pose a threat to the immediate rail corridor or trail development.

Significance of Precedent

⁸ Data from CMAQ Program Application for Funding, 5 April 2005.

Converting an abandoned rail line into a recreation trail is not precedent setting. Extending the Hank Aaron State Trail is consistent with the property master plan and with WisDOT's *Bicycle Transportation Plan* (1998) and SEWRPC's *Regional Bicycle and Pedestrian Plan* (2001). In addition, this project will contribute to the well-established Milwaukee and Waukesha County parkway and trail systems, the state of Wisconsin established trail systems, and the National Park Service's Ice Age National Scenic Trail system.

Significance of Controversy

To date there is little controversy associated with the Hank Aaron State Trail. The existing trail segment is a successful example of collaboration among both public and private organizations with Milwaukee County and the City of Milwaukee playing key roles in trail development. The Department placed a considerable emphasis on gathering public input during the planning process. Additionally, the Department formed a 21-member Citizen's Advisory Committee to provide direction and review of the feasibility study products. The Department anticipates similar collaboration for the extension. Milwaukee County has been integrally involved in the planning process; the City has been a strong partner in the trail's development since the inception of the Hank Aaron State Trail.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

One purpose of a feasibility study is to gather public opinion about the need for the proposed project and explore the public's desires and concerns about the proposal. On July 25, 2005, the Department held a public information meeting at Solomon Juneau High School to solicit public comment on the proposed project. The Department partnered with City of Milwaukee Alderman Michael Murphy in hosting the meeting. His district runs along about 80% of the proposed extension. He sent out written notification of the meeting to 1400 of his constituents.

The Department sent a press release to all major media in the area. Refer to Appendix D, Public Involvement Log. The Milwaukee Journal Sentinel did an article on the extension and meeting, which was published on the Saturday before the meeting.

E-mails were also sent to and distributed to Milwaukee County, City of West Allis, Village of Wauwatosa, State Fair Park, Friends of Hank Aaron State Trail, Menomonee Valley Partners, and the Bicycle Federation of Wisconsin – Milwaukee Chapter.

Approximately 65 individuals attended the meeting. Twenty-nine written comments and several phone messages were submitted to the Southeast Region office of the DNR. Of those comments received, all but one comment were very supportive of the corridor's development as a multi-use trail. The comment that was the exception indicated an opinion that the rail line should stay active for shipping by rail. One additional letter was received by Secretary Hassett and also indicated a desire to see the corridor remain in rail use.

To date, the Hank Aaron State Trail and proposed extension has widespread support from both public and private sectors. The extension borders several jurisdictions and will function as the main spine for several trails and numerous linkages. The proposed extension has been strongly championed by city and county officials.

The Department is communicating with the cities of Wauwatosa, West Allis, Brookfield and the Village of Elm Grove to increase the number of connections that the trail will have to community trails, neighborhoods and businesses. Further, the Department is working closely with the Menomonee Valley Partners and the business community who have given their full support for the trail efforts. They value the trail and extension as a vehicle for bringing more employees into existing and developing Valley businesses. Access from adjoining neighborhoods has always been a major component of the trail's development and will continue to be an important component of the extension. The Department will continue past efforts to garner public input.

FEASIBILITY DETERMINATION

Based on the information and evaluation presented in this study and on public opinion, Department staff believes that the proposed extension of the Hank Aaron State Trail is feasible from the standpoint of legal authority, ecological soundness, public support and availability of funding.

ENVIRONMENTAL ANALYSIS DECISION

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11 Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

Analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIS Process

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator

Date Signed

Noted: Regional Supervisor or Bureau Director

Date Signed

Copy of news release or other notice attached? Yes No

Number of responses to public notice: 29 written comments; several phone messages.

Public response log attached? Yes No

CERTIFIED TO BE IN COMPLIANCE WITH WEPA

Regional Director or Director, Bureau of Integrated Science Services (or designee) Date Signed

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LIST OF APPENDIX ITEMS

- Appendix A: Table 1: Non-sensitive elements of T7N, R21E
- Appendix B: Copy of Memorandum of Agreement between the City of Milwaukee and the State of Wisconsin Department of Natural Resources
- Appendix C: Copy of Cooperative Trail Easement Agreement with the City of Milwaukee
- Appendix D: Public Involvement Log
- Appendix E: Map
 - Map 1: Hank Aaron State Trail and Proposed Extension

Table 1: Non-sensitive Elements of T7N, R21E.

Group Name	Scientific Name	Common Name	Last Observation Date
Bird	HALIAEETUS LEUCOCEPHALUS	BALD EAGLE	1995
Community	NORTHERN DRY-MESIC FOREST	NORTHERN DRY- MESIC FOREST	1980
Community	NORTHERN MESIC FOREST	NORTHERN MESIC FOREST	1982
Community	LAKE--SHALLOW; SOFT; DRAINAGE	LAKE--SHALLOW; SOFT; DRAINAGE	1996
Community	LAKE--SOFT BOG	LAKE--SOFT BOG	1982
Community	NORTHERN WET FOREST	NORTHERN WET FOREST	1982
Community	SHRUB-CARR	SHRUB-CARR	1982
Invertebrate	HESPERIA COMMA	LAURENTIAN SKIPPER	1996
Invertebrate	HYDROBIUS MELAENUM	A WATER SCAVENGER BEETLE	1996
Invertebrate	HYDROPORUS VITTATUS	A PREDACEOUS DIVING BEETLE	1996
Invertebrate	LYCAENA DORCAS	DORCAS COPPER	1996
Invertebrate	OPHIOGOMPHUS CAROLUS	RIFFLE SNAKETAILED	1996
Plant	CAREX PALLESCENS VAR. NEOGAEA	PALE SEDGE	1996
Plant	CLEMATIS OCCIDENTALIS	PURPLE CLEMATIS	1996
Plant	DRYOPTERIS FRAGRANS VAR. REMOTIUSCULA	FRAGRANT FERN	1995
Plant	LEUCOPHYSALIS GRANDIFLORA	LARGE-FLOWERED GROUND-CHERRY	1934
Plant	MELICA SMITHII	SMITH MELIC GRASS	1993
Plant	POLYSTICHUM BRAUNII	BRAUN'S HOLLY- FERN	1974
Plant	STREPTOPUS AMPLEXIFOLIUS	WHITE MANDARIN	1971
Plant	VACCINIUM VITIS-IDAEA SSP. MINUS	MOUNTAIN CRANBERRY	1996
Plant	CERATOPHYLLUM ECHINATUM	PRICKLY HORNWORT	1996
Bird	ICTERUS SPURIUS	ORCHARD ORIOLE	1999
Community	SOUTHERN DRY-MESIC FOREST	SOUTHERN DRY- MESIC FOREST	1991
Community	SOUTHERN MESIC FOREST	SOUTHERN MESIC FOREST	1993
Community	FLOODPLAIN FOREST	FLOODPLAIN FOREST	1992

Group Name	Scientific Name	Common Name	Last Observation Date
Fish	CLINOSTOMUS ELONGATUS	REDSIDE DACE	1924
Fish	ETHEOSTOMA MICROPERCA	LEAST DARTER	1924
Herptile	THAMNOPHIS BUTLERI	BUTLER'S GARTER SNAKE	1998
Invertebrate	ARCHILESTES GRANDIS	GREAT SPREADWING	1984
Invertebrate	CRANGONYX GRACILIS	A SIDE-SWIMMER	1994
Invertebrate	PROCAMBARUS GRACILIS	PRAIRIE CRAYFISH	1910
Plant	ASCLEPIAS PURPURASCENS	PURPLE MILKWEED	1912
Plant	ASTER FURCATUS	FORKED ASTER	2001
Plant	ASTRAGALUS NEGLECTUS	COOPER'S MILKVETCH	1939
Plant	CACALIA MUEHLENBERGII	GREAT INDIAN-PLANTAIN	1937
Plant	ERIGENIA BULBOSA	HARBINGER-OF-SPRING	1897
Plant	JEFFERSONIA DIPHYLLO	TWINLEAF	1999
Plant	LITHOSPERMUM LATIFOLIUM	AMERICAN GROMWELL	2001
Plant	PTELEA TRIFOLIATA	WAFER-ASH	1996
Plant	SCUTELLARIA OVATA	HEART-LEAVED SKULLCAP	2001
Plant	SOLIDAGO CAESIA	BLUESTEM GOLDENROD	1995
Plant	TRILLIUM RECURVATUM	REFLEXED TRILLIUM	1846
Plant	VIBURNUM PRUNIFOLIUM	SMOOTH BLACK-HAW	1999
Plant	CONIOSELINUM CHINENSE	HEMLOCK PARSLEY	1897
Plant	CYPRIPEDIUM ARIETINUM	RAM'S-HEAD LADY'S-SLIPPER	1897
Plant	CYPRIPEDIUM CANDIDUM	SMALL WHITE LADY'S-SLIPPER	1850
Plant	LIATRIS SPICATA	MARSH BLAZING STAR	1875
Plant	THALICTRUM REVOLUTUM	WAXLEAF MEADOWRUE	1933

Source: WDNR NHI On-line Database.

Memorandum of Agreement between the City of Milwaukee and the State of Wisconsin Department of Natural Resources

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF MILWAUKEE AND
THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

I. Introduction

The purpose of this Memorandum of Agreement, (MOA) is to set forth the agreements and understandings which have been reached between the City of Milwaukee, (City) and the State of Wisconsin Department of Natural Resources (DNR) regarding the acquisition, development, replacement and operation of approximately 6 miles of trail located in the City of Milwaukee, Milwaukee County between Lake Michigan and the County's Doyne Park.

The DNR is interested in developing, replacing, maintaining, and operating a trail on the corridor for commuting and recreational trail purposes. The City of Milwaukee and the DNR agree to work together to achieve their mutual goals as set forth below.

II. Description of the Property

The map attached to this MOA dated May 20, 2004 describes in general the recreation corridor as it is anticipated to appear when completed. While the map shows an off-street trail along Erie Street, the intent is to provide bike lanes subject to the provisions of Section IV.2. The provisions of this agreement apply only to the links identified as the Hank Aaron State Trail and not to "Future Opportunity Areas" or "Proposed Riverwalk" etc. An exact legal description of the property(ies) will be provided upon the execution of trail easements. In cases where the off-street trail is located within City right-of-way, a permissive resolution will be provided and a permit issued describing the location of the trail.

III. Consideration

The DNR will take full responsibility for the management of the trail. It is understood that they may do this either with DNR staff or through contracts with other entities. They may also create agreements with adjacent property owners, units of government, or private organizations to provide a high level of quality and safety for all trail users.

It is expected that adjacent property owners will pick up any debris on or along the trail that is the result of an event sponsored or housed on that property.

In the exercise of its rights herein, including but not limited to the operation of the cased property as a recreational and commuting trail, the DNR and the City shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States.

IV. Obligations of the City of Milwaukee

1. The City of Milwaukee agrees to prepare and provide mutually acceptable non-exclusive trail easements to the DNR for agreed upon off-street trail segments on city owned lands for the purpose of developing, operating, repairing, and maintaining the trail
2. For agreed upon on-street trail segments, the City will install any pavement markings, install signage to be provided by the DNR, and provide on going maintenance of the

facility. Any necessary geometric changes to accommodate the bicycle facilities shall be approved by the DNR and coordinated with the City or City sponsored work affecting the trail. If construction is occurring as part of a development, the accommodation of the trail will be addressed as part of that development. The DNR will fund necessary geometric changes that can not be accomplished as part a development or other roadwork.

3. For the segment between 6th Street and Miller Park where an off-street trail within City right-of-way will be provided, the City will provide a permissory resolution and issue permits to the DNR allowing the DNR to develop, maintain, repair and operate a recreation and commuting trail. The City retains the right to issue non-conflicting easements, leases or permits to others for trail crossings, adjoining landowner needs and utilities, but shall not enter into agreements that would materially alter the trail or its uses.
4. The City agrees to take responsibility for the management, engineering, construction, and contract administration of the existing 44th Street segment Congestion Mitigation & Air Quality (CMAQ) grant in possession of the City for the development of the trail. The City will take responsibility for any cost overruns associated with implementation of the 44th Street segment grant.
5. For agreed upon off-street trail segments on private property within the 44th Street segment, the City will prepare and acquire surface trail easements with conveyance to the DNR. Any costs associated with acquisition or relocation shall be funded by grant and local match funds or with prior consent, the DNR.
6. The City agrees to take responsibility for the management, engineering, construction, and contract administration of the existing grant to develop a separated/parallel 10' wide asphalt trail adjacent to Canal Street between Miller Park and 6th Street as part of the reconstruction of Canal Street. Since portions of this alignment differ from those indicated in the original grant agreement, the City will seek the consent for those changes from the Department of Transportation, the grant administrator. The DNR has agreed to the use of the grant for development of this portion of the trail, but will not be responsible for the local match to this segment of the trail. Any remaining grant funds will be used to develop portions of the trail as identified in the original grant application (i.e. Airline Yards).
7. The City agrees to take responsibility for the right-of-way acquisition and construction phases associated with the existing Congestion Mitigation & Air Quality grant project for the development of a ramp and stairway off of the Sixth Street Bridge and trail segment to attach to Pittsburgh Street. The City will implement the design provided by the DOA's contractor for this segment, provided sufficient grant funds are available.
8. The City agrees the trail will meet DNR and AASHTO trail standards for the uses permitted to the extent practical. Any exceptions to these standards shall be permitted by mutual consent. The DNR will have the opportunity for review and input on all design and engineering documents prior to the development of any segments implemented by the City.
9. The City agrees that any advertising or display materials relating to the trail shall clearly identify the property as Hank Aaron State Trail and that it is under the management of the DNR. No additional commercial advertising shall be allowed in the trail corridor, other than signs providing directional information about trail-related services.
10. The City will provide assistance with patrolling, law enforcement, and fire service
11. The City will provide the DNR with a reasonable time frame for review and input on all design & engineering documents affecting the Hank Aaron State Trail prior to the

finalization of documents for the development of any segments developed by the City of Milwaukee or an entity working with the City.

V. Obligations of the Department of Natural Resources

1. The DNR will designate the trail as a "State Trail" under section NR 51.73, Wis. Adm. Code. The trail will be included in any appropriate list of state trails.
2. The DNR will participate in or conduct public meetings, which may be necessary for the establishment and development, management, and improvements of the trail project.
3. The DNR will coordinate and prepare a master plan for the trail. Specific recreational uses are determined through the master planning process.
4. The DNR will provide the 20% match to the existing CMAQ grants (44th Street segment and the 6th Street Ramp segment) obtained for the development of the trail (with the exception of the trail segment build in conjunction with the redevelopment and extension of Canal Street).
5. The DNR agrees to take responsibility for the design engineering (including development of the right-of-way plat) associated with the existing Congestion Mitigation & Air Quality grant project for the development of a ramp and stairway off of the Sixth Street Bridge and trail segment to attach to Pittsburgh Street.
6. The DNR will take responsibility for the on-going maintenance and operation of all portions designated as Hank Aaron State Trail, with the exception of on-street portions, which will be the responsibility of the City.
7. The DNR will take responsibility for completion of segments within the Stadium District.
8. The DNR will take responsibility for management and establishment of landscaping and habitat improvements on segments within the Stadium District and segments along the Menomonee River between 25th Street and Ember Lane. Future segments may be added to this responsibility. In the event adjoining entities prefer a more intensely manicured landscape, those entities through agreement with the DNR, may opt to maintain the corridor on their own.
9. The DNR agrees to work with the City and other stakeholders to determine the alignment and configuration of the trail within the property known as the Airline Yards. Funding for the development of this segment will be pursued.
10. The DNR will take responsibility for enforcement of state statutes pertaining to trail use, snow removal, sweeping the trail, trash pick up, and other operational needs. In cases where the Hank Aaron State Trail functions as a public sidewalk (located within City right-of-way between the curb line and property line), the DNR shall take responsibility for snow removal in accord with City Ordinances.
11. The DNR will provide all trail signage, both directional and interpretive.
12. The DNR will coordinate with and provide staff assistance for the Friends of the Hank Aaron State Trail.
13. The DNR will provide the City with a reasonable time frame for review and input on all design & engineering documents affecting the Hank Aaron State Trail prior to the finalization of documents for the development of any segments developed or implemented by the DNR.

VI. General

1. This Memorandum of Agreement is subject to all applicable laws and regulations.
2. This Memorandum of Agreement may be revised by mutual written agreement of the DNR and the City.
3. An annual meeting between the City and DNR will take place to review development and acquisition progress, operational problems, and maintenance standards needing attention and to exchange ideas and information for the good of the trail project.
4. The MOA shall not be construed as creating a public debt on the part of the DNR in contravention of Article VIII, Wisconsin Constitution and all payments or obligations hereunder are subject to the availability of future appropriations and grants.
5. The parties agree that the provisions of Chapter NR 45.04(1)(a), Wisconsin Administrative Code, remain applicable to the Premises. Pursuant to NR 45, Wisconsin Administrative Code, the Department retains management, supervision, and control over the Premises for the purpose of enforcing Chapter 45, Wisconsin Administrative Code, when needed to protect the Premises. Daily routine enforcement remains the responsibility of the City and the County.

IN WITNESS WHEREOF, the DNR and the City have caused this memorandum to be executed in their respective names by their respective duly authorized representatives.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Scott Hassett 5/2/05
Scott Hassett, Secretary Dated

CITY OF MILWAUKEE

By Jeff Manta 12-9-04
Commissioner, Department of Public Works Dated

Cooperative Trail Easement Agreement with the City of Milwaukee

Document Number	Document Title
<p>BY THIS AGREEMENT, the City of Milwaukee, hereinafter referred to as CITY, in consideration of One (\$1.00) Dollar and the mutual covenants hereinafter set forth, does hereby convey to the State of Wisconsin, Department of Natural Resources, hereinafter referred to as the DNR, a nonexclusive easement for the purpose of developing, operating, repairing and maintaining a recreational trail on the following described property in the City of Milwaukee:</p>	<p>COOPERATIVE TRAIL EASEMENT AGREEMENT</p> <hr/> <p>Recording Area Name and Return Address</p> <p>Mr. Harry A. Stein Assistant City Attorney City Attorney's Office 200 East Wells Street, Room 800 Milwaukee, WI 53202</p>
<p>The land subject to this conveyance, hereinafter referred to as the "Property", is identified in the attached Exhibit A.</p>	<hr/> <p>Parcel Identification Number (PIN)</p>

1. The DNR shall develop, maintain, operate and repair, a public recreational and commuting trail on the above-described Property for the purpose of bicycling, rollerblading, walking or other mutually agreed upon compatible uses, as determined through the master planning process.
2. A Memorandum of Agreement has been reached between the CITY and DNR to set forth agreements and understandings regarding the acquisition, development, repair, replacement and operation of the Hank Aaron State Trail ("Trail") located in the City of Milwaukee. The Memorandum of Agreement, was approved by the Milwaukee Common Council on July 7, 2004, via file number 040006 and is attached hereto as Exhibit B.
3. All fencing, surveying, signing, and similar activities, which are related to the development, maintenance, repair and operation of the Trail shall be the responsibility of the DNR or as designated in the Memorandum of Agreement.

4. The CITY reserves the right to convey other easements on the Property including utility easements in and to the Property. The CITY must approve, and has sole discretion over, all land transactions, trail crossings, and easements for the Trail corridor within CITY land. Guidelines relating to easements for the driveways and road crossings will be provided to the CITY by DNR. If requests for crossings do not conform to DNR guidelines, the CITY will make a good faith effort to provide alternatives or deny the request. All proceeds from these transactions shall be payable to the CITY. If the CITY conveys any additional easements within the Property, the CITY will require the respective grantees to restore the recreational Trail to the satisfaction of the DNR.
5. The DNR will not permit any mortgage, pledge, security interest, lien or encumbrance, including without limitation tax liens or encumbrances and liens or encumbrances with respect to work performed or equipment furnished in connection with the construction, installation, repair, maintenance or operation of the recreational trail or any portion of the Property.
6. The DNR shall pay all transfer taxes, recording costs or fees, or any similar expense in connection with the recording or filing of this easement agreement.
7. The CITY is a independent party and has no control over the employment, discharge, compensation of or services rendered by the DNR employees or contractors..
8. In the exercise of its rights herein, including but not limited to the operation of the Property as a public recreational and commuting trail, the DNR shall not discriminate against any member of the public on the basis of age, race, creed, color, handicap, sex, marital status, arrest or conviction records, ancestry, sexual orientation, or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States.

9. In connection with the performance of any work under the easement, the DNR agrees not to discriminate against any employee or applicant for employment because of age, handicap, physical condition, developmental disability as defined in s. 51.01(5), Stats., race, religion, sex, color, sexual orientation or national origin regarding employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
10. The DNR and the CITY agree that the provisions of Chapter NR 45, Wisconsin Administrative Code, are applicable to the Property. Pursuant to s. NR 45.01(1), Wisconsin Administrative Code, the DNR maintains management, supervision, and control over the property for the purpose of enforcing Chapter NR 45, Wisconsin Administrative Code, when needed to protect the Property. The CITY will provide customary patrolling, law enforcement, and fire services.
11. Boundary disputes, trespass and other claims shall be the responsibility of the CITY. Should any of the adjacent landowners challenge the City and/or the State of Wisconsin's right to develop this trail by way of court action in either State or Federal court, or by other judicial or administrative challenge, the State will fully defend its rights to develop, in conjunction with the CITY, the trail which is the subject of this easement agreement.
12. The title to the Property shall automatically revert to and re-vest in the CITY without reentry upon the abandonment of the use of the same for recreational trail purposes or upon non-use of the same for a period of two years.
13. This easement agreement shall be deemed in effect as of the date first written below and for a period of ninety nine (99) years.

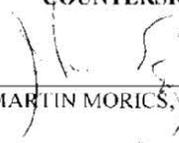
IN WITNESS WHEREOF, the CITY OF MILWAUKEE executed this easement this 14th day of February, 2004.

CITY OF MILWAUKEE

By: 
TOM BARRETT, Mayor

By: 
RONALD D. LEONHARDT, City Clerk

COUNTERSIGNED:

By:  SPECIAL DEPUTY
W. MARTIN MORICS, City Comptroller

The terms of this easement agreement accepted this 2nd day of May,
2005.

**STATE OF WISCONSIN,
DEPARTMENT OF NATURAL RESOURCES**

By: 
SCOTT HASSETT, Secretary

This document was drafted by the
Department of Natural Resources

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)



Personally came before me this 14th day of December, 2004, Tom Barrett, Mayor of the above-named municipal corporation, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

Jodie Tabak
NOTARY PUBLIC, State of Wisconsin
My Commission Expires: 10/5/08

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)

Personally came before me this 1st day of Dec, 2004, Ronald D. Leonhardt, City Clerk of the above-named municipal corporation, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.



Kathleen H. Molica
NOTARY PUBLIC, State of Wisconsin
My Commission Expires: 2-10-08

STATE OF WISCONSIN)
)ss.
DANE COUNTY)

Personally came before me this 2nd day of May, 2004, Scott Hassett, secretary of the above-named State agency, who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

Michael A. Loef
NOTARY PUBLIC, State of Wisconsin
My Commission Expires: is permanent

As per Melissa Cook, Hank Aaron State Trail Manager. News release follows on next page.

Hank Aaron State Trail Extension Public Meeting – July 25, 2005

The Department partnered with City of Milwaukee Alderman Michael Murphy in hosting the meeting. His district runs along about 80% of the proposed extension. He sent out written notification of the meeting to 1400 of his constituents.

We sent a press release to all major media in the area.

The Milwaukee Journal Sentinel did an article on the extension and meeting, which was published on the Saturday before the meeting.

An e-mail was sent to and distributed to Milwaukee County, City of West Allis, Village of Wauwatosa, State Fair Park, Friends of Hank Aaron State Trail, Menomonee Valley Partners, and the Bicycle Federation of Wisconsin – Milwaukee Chapter.



NEWS RELEASE

Wisconsin Department of Natural Resources
Southeast Region

2300 N Dr Martin Luther King Jr Dr, P.O. Box 12346, Milwaukee,
WI 53212

Phone: (414) 263-8500

www.dnr.state.wi.us www.wisconsin.gov

DATE: July 15, 2005

CONTACT: Melissa Cook, Hank Aaron State Trail Manager, 414/263-8559

SUBJECT: Public informational meeting July 25 on proposed extension of
Hank Aaron State Trail

MILWAUKEE, Wis. – The public is invited to attend an informational meeting July 25 on a Department of Natural Resources proposal to extend the Hank Aaron State Trail. The trail would be extended from approximately Miller Park to the Underwood Creek Parkway just south of Bluemound Road. The Department is considering acquiring approximately five miles of abandoned railroad corridor from the Canadian Pacific Railroad for this project.

The public meeting will be held Monday, July 25th, 2005 in the cafeteria of Juneau High School, 6415 West Mount Vernon (approximately 64th and Bluemound Road in the City of Milwaukee). The public is invited to stop by between 5:30 p.m. and 7 p.m. to share views about this proposed recreational trail project. There will be a brief presentation on the project at 6 p.m.

The corridor passes through the historic National Soldiers Home, goes through State Fair Park, and is adjacent to the Pettit National Ice Center and the Milwaukee County Zoo. The Underwood Creek Parkway connection on the west end is within two miles of Waukesha County's New Berlin Trail, which connects to the Glacial Drumlin State Trail.

The Department of Natural Resources would take the lead in planning and developing the corridor, and would work with partners to maintain it as a non-motorized multi-use State Recreation Trail.

For more information contact Melissa Cook, Hank Aaron State Trail Manager at (414) 263-8559.

Map 1: Hank Aaron State Trail and Proposed Extension

Project Name: Hank Aaron State Trail Amendment

County: Milwaukee

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s.1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

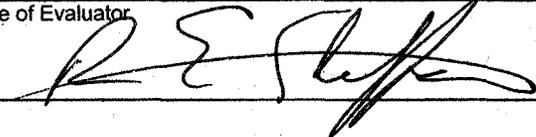


The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department.

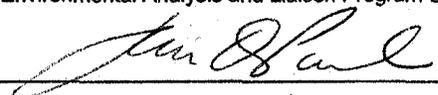
B. Major Action Requiring the Full EIS Process



The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator 	Date Signed 11-3-05
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Number of responses to news release or other notice: 26

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff 	Date Signed 11/3/05

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.



NEWS RELEASE

**Wisconsin Department of Natural Resources
Wisconsin Dept. of Natural Resources
2300 N Dr Martin Luther King Jr. Dr.
Milwaukee WI 53212-3128
Phone: 414-263-8559
E-mail: melissa.cook@dnr.state.wi.us**

FOR RELEASE: September 30, 2005

CONTACT: Melissa Cook, Parks and Recreation Specialist

SUBJECT: Hank Aaron State Trail Master Plan Amendment

Milwaukee, Wis. -- The Department proposes acquiring five miles of abandoned rail line to extend the length of the Hank Aaron State Trail and create a direct east-west route across Milwaukee County. The trail would extend from behind P&H Harnischfeger near State Highway 41 in Milwaukee to North 123rd Street and the Underwood Creek Parkway in Wauwatosa.

Currently, development of the initial section of the Hank Aaron State Trail from Lake Michigan to Miller Park Stadium is underway. With this new proposal, the Department has an opportunity to nearly double the length of the trail.

The Department has prepared a Feasibility Study and Environmental Assessment for this Master Plan Amendment.

The proposed Department action is not anticipated to result in significant adverse environmental effects. The Department has made a preliminary determination that an environmental impact statement will not be required for this action.

Copies of the environmental assessment that led to the DNR's preliminary determination can be obtained from Melissa Cook, Parks and Recreation Specialist, 414-263-8559, melissa.cook@dnr.state.wi.us.

Public comments, either written or oral, on the environmental assessment are welcome and must be submitted to Melissa Cook no later than 4:30 p.m. October 18, 2005.