**Wisconsin Federal Highway Administration**

# Finding of *De Minimis* Impact on Parks, Recreation Areas and Wildlife and Waterfowl Refuges (Updated 7/25/2017)

1. **Project Description**

WISDOT ID: 4550-04-00 and 4550-03-00

Route: STH 67

Termini: Suhrke Road (Sheboygan County) to STH 32/57 (Manitowoc County)

City/County: Sheboygan and Manitowoc Counties

Project Description:

WisDOT is proposing the resurfacing of approximately 11.5 miles of STH 67 between Suhrke Road to North County Line in Sheboygan County and South County Line to STH 32/57 in Manitowoc County (Attachment 1). The purpose of the proposed project is to address deteriorating pavement conditions and improve safety along STH 67. The need for improvements is due to the existing conditions of the roadway. The existing concrete pavement has cracked slabs with movement and the asphaltic pavement has transverse cracking. This results in a poor ride for vehicles and can lead to safety issues if pavement continues to deteriorate. There are also substandard design elements that create safety problems in the corridor which are discussed in more detail below.

The project improvements involve a simple mill and overlay with minimal pavement replacement. The driving surface of the bridge over the Mullet River, just north of the WIS 23 interchange, will receive a concrete overlay, and an existing box culvert at the Meuhl Springs between County MM and Holzman Road are proposed to be replaced with a new box culvert. There will be no driving lanes or sidewalks added and no road widening for this project. There will be no changes in access. Paved shoulder widths are proposed to be widened from three feet to five feet in most areas which will improve safety. Additional work proposed to correct substandard design elements in the corridor include guardrail additions and upgrades, spot slope filling, drainage pipe and structure work, upgrading existing signs, and adding rumble strips at the centerline and along the shoulders. Most deficient intersection features are proposed to be updated for compliance to current standards. This is proposed to include adding or lengthening right turn lanes, correcting corner radii, and adding paved shoulders. These features will help improve safety in the corridor.

The project will have a total estimated cost of $11,227,000, which includes construction and right-of-way. Small strips of right-of-way will be necessary along the corridor for steep side slope and intersection improvements. Approximately 6.5 acres consisting of fee acquisition, and 0.5 acres of Temporary Limited Easements, will be acquired as part of the project. This will impact approximately 25 properties.

Impacts resulting from this project will be documented by a FHWA Categorical Exclusion, (Categorical Exclusion Checklist), category C(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes). A project location map is presented in Attachment 1.

1. **Name of Section 4(f) resource:** Muehl Springs State Natural Area
2. **Description of Section 4(f) resource**:

Muehl Springs is a 72-acre State Natural Area located in the Town of Rhine approximately two miles north of Elkhart Lake. The primary attributes that make this property a 4(f) resource are that it’s owned by the Wisconsin Department of Natural Resources (DNR) for use as a State Natural Area and its purpose to protect a unique resource. The property is open to the public for recreational uses including hiking, fishing, cross country skiing, hunting, trapping, and wildlife watching. The property also contains an undisturbed sedge meadow fed by several high-quality springs. The soft-water springs emerge and draw into a diverse stream system that flows into the Sheboygan River and associated wetlands. The meadow features characteristic species such as bluejoint grass, numerous Carex species, turtlehead, fringed brome, Joe-pye weed and other calcium-loving plants. The terrain here is moderately rolling ground moraine and just west of rough interlobate moraine - glacial till found between two lobes of glacial ice.

There are no trails, parking lots, or other features identified for this site on the DNR property map, nor are any features visible on aerial photography.

1. **Description of impacts:**

The roadway adjacent to Muehl Springs is proposed to be milled and resurfaced. Within the property limits, an existing box culvert between County MM and Holzman Road is proposed to be replaced with a new box culvert and beam guards replaced. The shoulder widths are proposed to be increased in the area of the beam guard and box culvert to improve safety. There may be minor grading and ditching along the property. There will be no driving lanes or sidewalks added and no lane or capacity expansion for this project. There will be no changes in access. Work items may include some clearing and grubbing of trees, excavation for installation of the new box culvert, adding gravel to the roadway shoulders, and milling/overlaying the pavement.

As a result of the work approximately 0.75 acres of fee acquisition and 0.5 acres of Temporary Limited Easements are proposed to be acquired from the property. On the west side of STH 67 at the north end of the property, right-of-way is being purchased to remove trees. These trees obscure the line of sight for vehicles creating a safety issues, especially for southbound traffic along STH 67 trying to turn onto Holzman Road. The trees block motorists’ views and does not provide adequate stopping time to avoid a crash with a fixed object such as a stopped vehicle. This concern was expressed by multiple citizens at the Public Involvement Meeting and confirmed by design calculations. Purchasing the right-of-way will allow WisDOT to remove the trees and continue to keep the line of sight clear from obstructions in the future, thereby improving safety along STH 67. This work will not impact the recreational opportunities available at the property.

Impact displays are provided in Attachment 2.

1. **Discuss avoidance, minimization, and compensation efforts and how the impacts after avoidance, minimization, and compensation do not adversely affect the activities, features, and attributes listed in Number 3 above:**

The features, attributes, and functionality of the park would remain as is. The proposed temporary and permanent acquisitions occur largely outside of the portion of the property containing the activities, features, and attributes that qualify the property for protection under Section 4(f). As shown on attachment 2 (impacts map), the work occurs adjacent to the existing roadway which consist mostly of previously disturbed areas and not areas that would be of significant use for outdoor recreation activities listed above in section.

All impacts cannot be avoided due to the need to improve safety through the corridor and replacement of the culvert. Impacts were minimized by steepening the side slopes. The use of beam guard near the box culvert allows for steeper slopes behind it which minimizes impacts in the area. WisDOT could avoid taking property on the west side of STH 67 at the north end of the property for tree clearing, however, this would create safety issues along the roadway as described above.

1. **Describe the public involvement process and results:**

Proposed impacts to the Section 4(f) property were presented to the public at a public involvement meeting was held on November 16, 2017 at Elkhart Lake-Glenbeulah High School. The meeting included exhibits showing the proposed project, provided updates on the project, and allowed the public to provide comments. The meeting display, information handout, and a summary of the comments received are in Attachment 3. No comments were received regarding Muehl Springs.

1. **Name of and notification to the official(s) with jurisdiction over the property:**

The Wisconsin Department of Natural Resources is the official with jurisdiction of Muehl Springs State Natural Area. The DNR was notified in January 2018 of WisDOT’s preliminary determination of *de minimis* impacts on the property. On February 6, 2018, the DNR received an official request for a Section 4(f) concurrence letter following confirmation that impacts could not be avoided.

1. **Describe the results of coordination with the official(s) with jurisdiction over the property following public involvement (attach correspondence from the official(s)):**

The DNR provided a letter regarding the acquisition from the Muehl Spring State Natural Area property on March 12th, 2018. No significant concerns were expressed, and they concurred that the project will not adversely affect the activities, features, or attributes of the 4(f) resource. The letter is included as attachment 4.

1. **Are there federal and/or state special funding encumbrances such as Land and Water Conservation funds or Knowles-Nelson Stewardship Program grants on the Section 4(f) resource?**

The property was used as a match grant parcel for the North American Wetlands Conservation Act (NAWCA) Grant No. MI-N561B between USFWS and Ducks Unlimited for the Southeast Wisconsin Coastal Initiative No. 5. NAWCA requires mitigation land of equal or more acreage and equivalent use, but more importantly it requires equal or greater wetland acres to be replaced. This can be either existing wetland areas that are purchased, or wetlands that are created on those lands. Currently a 2.0 acre mitigation property has been selected that is mostly wetland and also adjacent to the State Natural Area. Final agreement from the DNR to proceed with the acquisition of the mitigation property is pending.

**This *de minimis* determination documentation was prepared by**

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title Jennifer Sonnenberg, *Consultant*

*(Consultant or Region Project Staff)*

**This *de minimis* determination documentation was reviewed by**

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title Mike Helmrick, *Regional Environmental Coordinator*

(*Regional Environmental Coordinator or Region Local Program Manager)*

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title Sherman Banker, *EPDS Liaison*

(EPDS *Liaison or Section Manager)*

**This *de minimis* determination documentation was reviewed and approved by**

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name & Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Federal Highway Administration)*

cc: WISDOT Bureau of Technical Service /EPDS

 WISDOT Region

**List of Attachments**

**Attachment 1:** Project Location Map

**Attachment 2:** Impact Map

**Attachment 3:** Public Involvement Documentation

**Attachment 4:** Official with Jurisdiction Letter