

# CATEGORICAL EXCLUSION CHECK LIST

FOR 23 CFR 771.117(c) ACTIONS  
Wisconsin Department of Transportation  
Revised July 2015

WisDOT Design and Construction IDs 7224-00-02 (Design) 7224-00-72 (Construction)	Federal Project IDs (if available) N/A	Legal Description (Township, Range, Section) Section 6 / T18N / R10W Section 31 & 32 / T19N / R10W	County Buffalo
Project Name Great River State Trail – Winona Connector		Project Termini/ Location STH 54 – Marshland, Town of Buffalo	
Name of Route or Facility to be Improved Non-Highway	Facility Classification Non-Highway	Improvement Type Miscellaneous	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost) \$2,600,000 (YOE 2019)		Funding Source(s) (check all that apply) <input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Local	
23 CFR 771.117(c) Project Type Number and Text 23 – Federally-funded projects: (i) That receive less than \$5,403,484.88 of Federal funds.			
Section 4(f) <input type="checkbox"/> None <input checked="" type="checkbox"/> De Minimis <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Historic Bridge <input type="checkbox"/> Net Benefit <input checked="" type="checkbox"/> Exception			
Right of Way Acquisition 5.62 Total Acres 0.23 Highway Easement (Railroad) 1.15 Permanent Easement Acre 1.34 Temporary Easement Acres 2.90 Fee Simple Acres			
Number of Buildings Acquired <input checked="" type="checkbox"/> None Vacant Buildings Occupied Buildings			
Name of Individual/ Firm Preparing this Form Tara Krista, PE/Short Elliott Hendrickson, Inc.		CE Preparation Date 09/20/2018	Environmental Process Start Date 04/09/2009

## WisDOT Region Environmental Coordinator or Local Program Management Consultant

I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document, and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b) and will not result in significant environmental impacts. I recommend this CE for approval.

(Signature)

Nick Schaff, NW Region Environmental Coordinator

(Print Name)

(Date)

9-25-18

## WisDOT Region, Central Office, or Local Program Project Manager

I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE.

(Signature)

Ross Johnson, PE NW Region Local Program Project Manager

(Print Name)

(Date)

9/25/18

A determination that this project satisfies the criteria for an FHWA (c)-listed Categorical Exclusion (CE) does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a (c)-listed CE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with Federal, State, or Local laws or regulations should be maintained in the project file and provided with this checklist upon request.

**I. Proposed (c)-list Categorical Exclusion** – Insert the number and text of the applicable FHWA (c)-list CE from 23 CFR 771.117(c). Updated copies of the FHWA CE regulations are available on the [US Government Printing Office Website](#).

23 – Federally-funded projects: (i) That receive less than \$5,403,484.88 of Federal funds.

☒ Project is not being processed as a (c)(26), (c)(27), or (c)(28) project

*Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). Check all boxes that apply to the proposed project. If any boxes are checked, the project cannot be documented with this checklist. Instead, process it with a PCE if it meets the criteria in Section VII of the FHWA – WisDOT CE Agreement. If the action is disqualified by the Section VII criteria, prepare an ER, EA, or EIS, as applicable.*

23 CFR 771.117(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

- ☐ (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements  
*\*In Wisconsin, a minor amount of right-of-way is defined as fee or PLE acquisition  $\leq 1$  acre/ mile on average for (c)(26) actions and  $\leq 0.5$  acre total for (c)(27)&(28) actions.*
- ☐ (2) An action that needs a bridge permit from the US Coast Guard
- ☐ (2) An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899
- ☐ (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act
- ☐ (3) The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts  
*\*If a project includes a 4(f) de minimis determination or programmatic evaluation, the 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE.*
- ☐ (3) A finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act
- ☐ (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions  
*\*In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.*
- ☐ (5) Changes in access control  
*\*In Wisconsin, changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using this checklist.*
- ☐ (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

**II. Description of Proposed Action** – Provide a concise project description below, including the project purpose and need and scope of work. Attach a project location map and other appropriate exhibits (existing and proposed typical sections, etc.). The description must be consistent with the specific CE listed in Section I, above.

The project environmental documentation was in development prior to the July 27<sup>th</sup>, 2018 memo from Jay Waldschmidt titled "Appropriate Environmental Documentation Type Selection". Under this memo, the environmental document type selected for this project does not need to be reconsidered. This determination was coordinated with WisDOT CO BTS-EPDS and FHWA environmental staff.

### Project Background

Buffalo County, in cooperation with the Wisconsin Department of Transportation is developing plans for a proposed trail project located in the Town of Buffalo, Buffalo County, Section 6, T18N, R10W and Sections 31 and 32, T19N, R10W. The Town of Buffalo is located southwest of Fountain City, WI, and includes the unincorporated communities of Bluff Siding and Marshland. A project location map is included in **Exhibit A**.

Dubbed the "Winona Connector", the project is the first of two phases of trail improvements intended to extend the Great River State Trail westward to Minnesota. This interstate trail connection would follow STH 35 and fall on US Bike Route 30 as identified on the National Corridor Plan. See **Exhibit B**.

The Great River State Trail is a 24-mile recreational trail that travels through the prairies and backwaters of the upper Mississippi River valley. Built on an abandoned Chicago-Northwestern railroad line, the trail has a finely crushed limestone surface suitable for walking and bicycling for much of the year and snowmobiling, cross-country skiing and snowshoeing in winter. The Great River State Trail passes through two National Wildlife Refuges.

The trail begins in Onalaska, Wisconsin and travels north through Wisconsin's scenic Coulee Region. Visitors to the Great River State Trail enjoy the changing wetlands of the Mississippi River backwaters, 500-foot bluffs, hardwood forests, unique sand prairies and oak savannahs. The Great River State Trail links to the La Crosse River State Trail via a short road route in the city of La Crosse. The trail currently ends in the unincorporated community of Marshland in the Town of Buffalo. A trail location map is included in **Exhibit C**.

#### Existing Facility

Cyclists and pedestrians currently travelling between Winona, Minnesota and the Great River State Trail in Marshland must use the shoulders along STH 54 and STH 35. The landscape along the highways is rural, and includes the adjacent Trempealeau National Wildlife Refuge. The highway cross sections are rural, with paved shoulders.

Traffic volumes are currently 9700 ADT on STH 54, and 7600 ADT on STH 35. The highways are not on the National Highway System, but STH 35 is a long truck route. The BNSF railroad has a facility along STH 35 near Winona which carries 100 trains per day at high speeds. The rail line is one of the busiest in the Midwest. Because of the railroad, cyclists and pedestrians travelling between Minnesota and Wisconsin must use STH 54 and its grade-separation overpass to cross the BNSF railroad; see **Figure 2**. A highway route map is included in **Exhibit D**.

#### Purpose

The purpose of this project is to address the lack of a safe and convenient interstate trail connection between the Great River State Trail in Wisconsin and the City of Winona, Minnesota.

#### Need

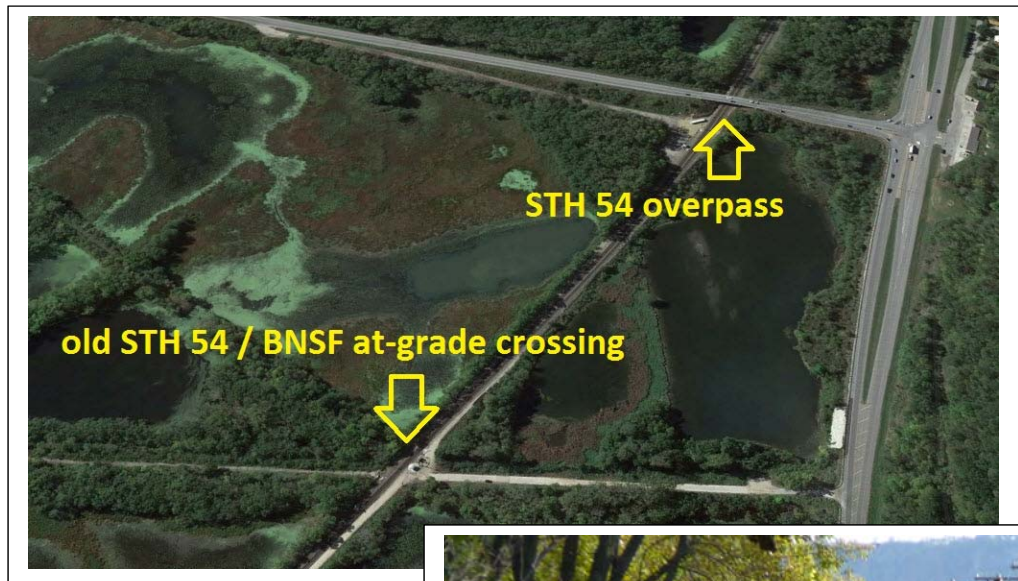
Cyclists and pedestrians who attempt to use the shoulders of STH 54 and STH 35 to travel between Winona and the Great River State Trail encounter high volumes of high speed traffic, including a high percentage of trucks. Unsafe bicycle and pedestrian conflicts with traffic occur on the STH 54 structure over the railroad, and at the STH 54 / STH 35 intersection. The STH 54 structure has narrow (3 ft.) shoulders. The signalized intersection at STH 54 / STH 35 is not designed for bike and pedestrian crossings and discourages such use; cyclists must share the lanes with motor vehicles. It is rare to witness pedestrians crossing the intersection and walking along the shoulders. See **Figure 1**.

Cyclists have been observed ignoring a gate across old STH 54 and trespassing across BNSF property to reach STH 35 from the City of Winona's Aghaming Park, which borders the BNSF property in the Town of Buffalo. Using old STH 54 to trespass across the railroad tracks is an illegal and very dangerous act. See **Figure 2**.

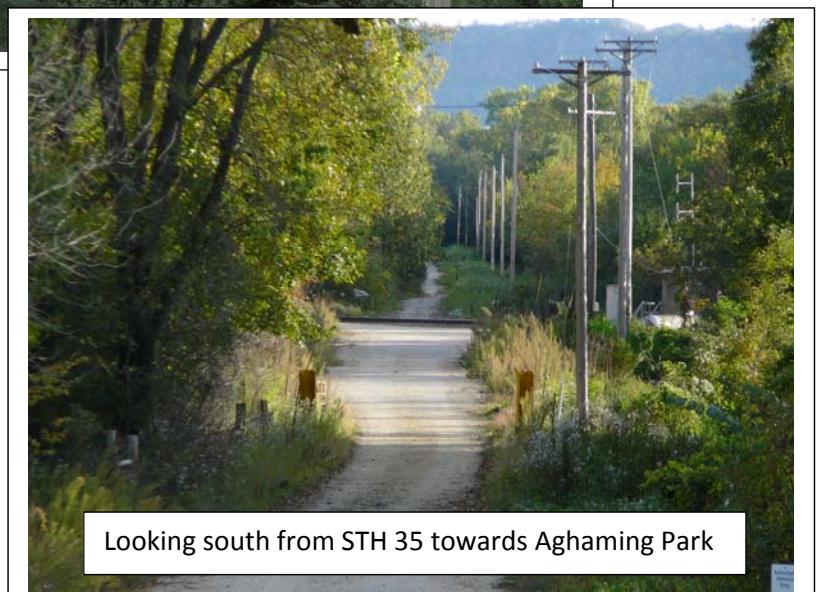
Safer and more convenient accommodations are needed to connect the Great River State Trail in Wisconsin with Winona, Minnesota while avoiding conflicts with the BNSF railroad.



**Figure 1.** The intersection of STH 54 / 35 does not accommodate bicycles or pedestrians.



**Figure 2.** The BNSF property at the abandoned old STH 54 at-grade railroad crossing.





## **Summary of Alternatives**

### *Alternative A – No Build*

This alternative would leave the existing facility as-is. Bicycle and pedestrian conflicts with traffic along STH 54 and STH 35 would remain unresolved, and the interstate trail connection would not be provided. The temptation to trespass across the railroad property to reach STH 35 from Aghaming Park will remain. This alternative is not prudent because it does not satisfy the purpose and need of the project, but is considered as a baseline to evaluate other alternatives.

### *Alternative B – Full Connection*

This alternative would construct the entire 4.2 mile Great River State Trail connection between Winona and Marshland. The project would begin on the old alignment of STH 54, beginning approximately ½ mile south of the Burlington Northern Santa Fe (BNSF) Railroad in Winona's Aghaming Park in the Town of Buffalo. Using the old highway alignment plus an old railroad grade, the proposed trail would include a new grade-separation structure over the BNSF property to reach STH 35, then continue along the south side of STH 35 to the existing trailhead in Marshland. Bicycles and pedestrians would be accommodated by providing a dedicated and complete facility. Conflicts with traffic along STH 54 and at its intersection with STH 35 would be eliminated. This alternative satisfies the purpose and need of the project, but was not selected due to lack of funding.

### *Alternative C – Partial Connection (Preferred Alternative)*

This alternative proposes to construct a 1.8-mile trail on the same alignment as the full-connection alternative, except terminate at the Buffalo Town Park prior to the existing Marshland trailhead. Bicycles and pedestrians would be accommodated by providing a dedicated facility that avoids the use of STH 54 and the STH 54/35 intersection, and also provides the safe grade-separated crossing of the BNSF railroad. Conflicts with traffic along STH 54 and its intersection with STH 35 would be eliminated. The Town of Buffalo Town Park is a logical interim trailhead mid-way between Winona and Marshland, shortening the remaining distance needed to reach the Great River State Trail using the STH 35 paved shoulders. This alternative satisfies the purpose and need of the project, and was selected as the preferred alternative.

## **Description of Proposed Action**

The proposed action includes approximately 1.8 miles of trail, a bridge over a Mississippi River backwater utilizing existing cut stone abutments, and a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad. Right-of-way acquisitions include 1.15 acres of PLE, 1.34 acres of TLE, 2.90 acres of FEE and 0.23 acres of railroad Highway Easement (HE).

The project begins on the old alignment of STH 54 approximately ½ mile south of the Burlington Northern Santa Fe Railroad and will end at the Town of Buffalo Town Park. The trail follows the old STH 54 alignment, the abandoned Chicago Northwestern Railroad alignment, and the edge of STH 35. Access into the City of Winona will be provided by the existing pavement of old STH 54 in Aghaming Park. Brush along the old highway will be cleared. See **Figure 3**.



The proposed bridge over the BNSF railroad track is a seven-span open through steel truss approximately 906 feet long. The clear width of the bridge will be 12 feet. The bridge will be constructed on a curve to connect the old STH 54 alignment to the abandoned Chicago Northwestern alignment. The proposed bridge will have 23 feet of clearance from the top of track rail to the bottom of the bridge and a 5% minimum slope on the approach.

The project also includes a bridge over a Mississippi River backwater slough approximately 750 feet east of the railroad overpass crossing. This bridge will be approximately 50 feet long and will replace the railroad bridge that was removed at the time of abandonment of the Chicago Northwestern Railroad. The existing stone bridge abutments will be repaired and reused for the new bridge.

The remainder of the trail will follow the south side of STH 35 and end at the Town of Buffalo Town Park. See **Figure 4**. The trail will be 10 feet wide surfaced with limestone screenings. Where embankment fills are required in wetland areas, the trail will be 8 feet wide to help reduce wetland impacts. A 5-foot safety area will be provided along both sides of the trail with an exception being 3 feet along the existing guardrail along STH 35. See **Exhibit E** for Preliminary Project Plans.



**Figure 4.** Town of Buffalo Town Park.

The proposed action will complete the first phase of a complete trail connection with the Great River State Trail. The Wisconsin Department of Natural Resources will ultimately construct the final phase of trail in the future, between the Town of Buffalo Town Park and the Great River State Trail trailhead at Marshland. The trail was split into phases due to lack of available funding to complete the entire connection with one project.

This is a non-highway project not on the National Highway System. STH 35 is a designated long truck route.

The project was included in the 2018-2021 final Statewide Transportation Improvement Plan (STIP).

Shoulder closures will facilitate trail construction along STH 35. A temporary at-grade crossing of the BNSF tracks will facilitate trail and bridge construction in Aghaming Park. Access into the park from Winona is restricted due to the posted weight limit on an existing bridge over the Mississippi River.

The proposed action is consistent with the following local, regional, and state planning activities:

**Plan/Ordinance:**

Connections 2030 Statewide Long-Range Transportation Plan

State of Wisconsin Department of Transportation

<http://wisconsindot.gov/Pages/projects/multimodal/conn2030.aspx>

Statewide Transportation Improvement Program (2015-2018)  
State of Wisconsin Department of Transportation  
<http://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/stip.aspx>

Mississippi River Regional Comprehensive Plan (2014-2034)  
Mississippi River Regional Planning Commission  
[http://www.mrrpc.com/Local\\_Plans.html](http://www.mrrpc.com/Local_Plans.html)

Buffalo County Comprehensive Land Use Plan (2013-2033)  
Buffalo County  
<http://www.buffalocounty.com/205/Comprehensive-Land-Use-Plan>

**III. Project is a Complete FHWA Action** – Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check either boxes (1-3) or the last box. If this is not possible, adjust the scope of the project to meet the criteria.

23 CFR 771.111(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated shall:

- ☒ (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope
- ☒ (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made
- ☒ (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements
- ☐ Project is not an action resulting in construction and does not require compliance with (1-3) above

**IV. Categorical Exclusion Definition** - Check all boxes that apply to the proposed project. If you are unable to check a box in this section, evaluate the scope of the project and prepare more detailed environmental documentation.

23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- ☒ Do not induce significant impacts to planned growth or land use for the area
- ☒ Do not require the relocation of significant numbers of people
- ☒ Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- ☒ Do not involve significant air, noise, or water quality impacts
- ☒ Do not have significant impacts on travel patterns
- ☒ Do not otherwise, either individually or cumulatively, have any significant environmental impacts

**V. Unusual Circumstances** - Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper.

Such unusual circumstances include:

- ☐ (1) Significant environmental impacts
- ☐ (2) Substantial controversy on environmental grounds
- ☐ (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act
- ☐ (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action
- ☐ Other unusual circumstances not listed in FHWA regulations (describe below)  
*(In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project.)*

Describe any unique or unusual circumstances and subsequent coordination with FHWA:

None

**VI. Supporting Documentation** – List any additional discussion, agency correspondence, or supporting documentation used in this CE determination. Attach this documentation to the checklist and maintain a copy in the project file. Projects with 4(f) *de minimis* determinations or programmatic evaluations will require review by WisDOT Central Office and review and approval by FHWA prior to the approval of this CE.

#### **Public Involvement**

SEH and WisDOT held a public involvement meeting on April 2, 2014 from 5:00 - 7:00 p.m. at the Buffalo Town Hall. The PIM sparked general project related questions. One issue was the use of limestone screenings verses asphalt. Residents mentioned users would prefer asphalt over screenings. Cost is a factor in choosing limestone screenings over asphalt. Another concern was placing the trail so close to the highway. Certain areas of the proposed trail were shifted closer to the guardrail, where possible, to reduce wetland impacts. No other issues were identified.

SEH and WisDOT held an additional public involvement meeting on August 23, 2017 from 5:00 - 7:00 p.m. at the Buffalo Town Hall. The PIM sparked general project related questions. All attendees present expressed their excitement and interest in seeing the project move forward again and completed. Many were concerned about the proposed timeline and would like to see construction prior to 2020. Two individuals were curious how road bikes would ride on limestone screenings. No other issues were identified.

#### **Environmental Justice**

There is no indication that the proposed improvements would affect any individuals, groups, or populations subject to Environmental Justice requirements. No residential relocations are taking place and existing access to businesses will remain. Thus, there will be no disproportionate impacts to any populations covered by EO 12898 on Environmental Justice. There are no Environmental Justice concerns with the proposed action.

#### **Hazardous Materials**

A Phase 1 Hazardous Materials Assessment site summary was signed on April 29, 2014. No potentially hazardous sites were within 1250 feet from the project corridor. See **Exhibit F** for Phase 1 Hazardous Materials Assessment.

#### **Wetlands**

Approximately 0.160 acres of wetland would be filled due to construction of the trail slide slopes. See **Exhibit G** for wetland impacts. Impacts due to the channel bridge over the Mississippi backwater and the culverts to be extended on Chicken Valley/Whiskey Creek at the Buffalo Town Park are wetlands below the ordinary high water mark and therefore regulated under Chapter 30, Wisconsin Statutes in accordance with the WisDNR permitting process.

#### **Section 106**

The project was placed on the WisDOT Screening List for History on December 17, 2007. No historic resource impacts are anticipated. Section 106 review was approved on September 16, 2014. See **Exhibit H** for Section 106 documentation.

#### **Section 4(f) de minimis determination**

The project requires acquisition of land from two Section 4(f) resources. These resources are the Town of Buffalo Town Park (0.04 Permanent Limited Easement acres) and the Trempealeau National Wildlife Refuge (0.25 Permanent Limited Easement acres).

For the two Section 4(f) de minimis findings, letters of concurrence were received from the Town of Buffalo and United States Fish and Wildlife Service representatives, the respective officials with jurisdiction over these resources. Both letters affirmed the agencies' understanding that there will be no negative impacts to these Section 4(f) resources as a result of implementing the preferred alternative. See **Exhibit I** for the Section 4(f) de minimis determinations.

#### **Section 4(f) exception**

The use of the Section 4(f) protected lands in Aghaming Park qualifies for the Section 4(f) exception for enhancement projects, per 23 CFR 774.13 (g). Written concurrence was received from the City of Winona and US Fish & Wildlife Service to support the exception; see **Exhibit I** for documentation. See Aghaming Park Factor Sheet B-8 for supporting discussion. The project requires the acquisition of 0.43 Permanent Limited Easement acres and 0.94 Temporary Limited Easement acres from Aghaming Park.



**Factor Sheets**

B8 Section 4(f) and 6(f) or Other Unique Areas – Trempealeau National Wildlife Refuge

B8 Section 4(f) and 6(f) or Other Unique Areas – Town of Buffalo Town Park

B8 Section 4(f) and 6(f) or Other Unique Areas – City of Winona Aghaming Park

C1 Wetlands Evaluation

C7 Threatened, Endangered and Protected Resources Evaluation

**List of Exhibits**

Exhibit A – Project Location Map

Exhibit B – Buffalo County Wisconsin Bicycle Map

Exhibit C – Trail Location Map

Exhibit D – Highway Route Map

Exhibit E – Preliminary Project Plans

Exhibit F – Phase 1 Hazardous Materials Assessment

Exhibit G – Wetland Impacts

Exhibit H – Section 106 Documentation

Exhibit I – Section 4(f) documentation

Exhibit J – Tribal Notification Letters

Exhibit K – WDNR Coordination

Exhibit L – USFWS Section 7 Streamlined Consultation

Exhibit M – USCOE 404 Permit

Exhibit N – USCG Coordination

**VII. Mitigation & Commitments** – List any environmental mitigation measures or commitments that will be incorporated into the project. Any items listed below must be incorporated into the project plans and contract documents. *Attach a copy of this page to the design study report (DSR) and the plans, specifications, and estimate (PS&E) submittal package.*

Environmental Factor	Commitment (If none, include 'No special or supplemental commitments required.')
General Economics	No special or supplemental commitments required.
Business	No special or supplemental commitments required.
Agriculture	No special or supplemental commitments required.
Community or Residential	No special or supplemental commitments required.
Indirect Effects	No special or supplemental commitments required.
Cumulative Effects	No special or supplemental commitments required.
Environmental Justice	No special or supplemental commitments required.
Historic Resources	No special or supplemental commitments required. On screening list for History on July 1, 2014. The Section 106 Review Archaeological/Historical Information document was approved on September 16, 2014.
Archaeological/Burial Sites	<p>Commitments Made.</p> <p>The Section 106 Review Archaeological/Historical Information document was approved on September 16, 2014.</p> <p>The area of potential effect contains the isolated find (MAP site 47BF-IF-2006). The artifact is considered to represent transported material and the find location does not represent an archaeological site. The Alf Site (47BF46) is not located within the WisDOT project area and this archaeological site is situated east of Buffalo Town Park. Bluff Siding (47BF45/BBF-0095), Bluff Siding II (47BF131) and Alf Site (47BF46) should not be used for borrow or waste disposal, and the portions of the sites which are not currently capped by asphalt/concrete should not be used for the staging of personnel, equipment and/or supplies.</p> <p>See <b>Exhibit H</b> for the approved document and location of nearby archaeological sites. The Construction Supervisor will assure fulfillment.</p>
Tribal Coordination/Consultation	No special or supplemental commitments required.

Section 4(f) and 6(f) or Other Unique Areas	<p>No special or supplemental commitments required.</p> <p>The Trempealeau National Wildlife Refuge is a 6,446-acre National Wildlife Refuge located along the Upper Mississippi River in southern Buffalo County and southwestern Trempealeau County in Wisconsin. The refuge is federal land managed by the US Fish &amp; Wildlife Service. The proposed project will use 0.25 PLE acres from the wildlife refuge. There will be no loss of refuge uses and activities as a result of the project. A Section 4(f) de minimis finding was approved on Sept. 20, 2018.</p> <p>The Town of Buffalo Town Park is located along STH 35 in Buffalo County, approximately 2 miles west of Marshland. The park covers 8 acres and is owned by the Town of Buffalo. The proposed project will use 0.04 PLE acres from the town park. There will be no permanent loss of park uses and activities as a result of the project. A Section 4(f) de minimis finding was approved on Sept. 20, 2018.</p> <p>The City of Winona Aghaming Park is located south of the Burlington Northern Santa Fe Railroad adjacent to old State Highway 54. The park covers approximately 1200 acres and is owned by the City of Winona. The proposed project will use 0.43 PLE acres from Aghaming Park. There will be no permanent loss of park uses and activities as a result of the project. A Section 4(f) exception applies to the park.</p> <p>See <b>Exhibit I</b> for the Section 4(f) de minimis findings and documentation. See the Aghaming Park Factor Sheet for the justification of a Section 4(f) Exception.</p>
Aesthetics	No special or supplemental commitments required.
Wetlands	<p>Commitments Made.</p> <p>0.16 acres of wetland (0.05 Type RPF and 0.11 Type SS) will be impacted through this project. See <b>Exhibit G</b> for wetland locations. Wetland impacts are permitted under GP-WC-2018-6-00798. See <b>Exhibit K</b>.</p> <p>The Construction Supervisor will assure fulfillment.</p>

Rivers, Streams and Floodplains	<p>Commitments Made.</p> <p>Activities may not result in the discharge or deposition of materials (for example paint, sand or abrasives, metal or chemicals) into the waterway.</p> <p>Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under chapter NR 40 Wis. Adm. Code. Further information on species classified as Restricted or Prohibited under NR 40 can be found at: <a href="http://dnr.wi.gov/topic/Invasives/classification.html">http://dnr.wi.gov/topic/Invasives/classification.html</a>.</p> <p>Any equipment coming into contact with surface waters must be properly cleaned and disinfected to address the spread of invasive species and viruses. Special provisions must require contractors to implement the following measures before and after mobilizing in-water equipment to prevent the spread of VHS, Zebra Mussel, and other invasive species. Contractors should follow <i>STSP 107-055 Environmental Protection, Aquatic Exotic Species Control</i>, or protocol found here: <a href="http://dnr.wi.gov/topic/fishing/documents/vhs/disinfection_protocols.pdf">http://dnr.wi.gov/topic/fishing/documents/vhs/disinfection_protocols.pdf</a>.</p> <p>Additional information on invasive species and infested waters can be found at: <a href="http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx">http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx</a></p> <p>WisDOT Construction Supervisor will assure commitments are fulfilled.</p>
Lakes or other Open Water	No special or supplemental commitments required.
Groundwater, Wells and Springs	No special or supplemental commitments required.
Upland Wildlife and Habitat	No special or supplemental commitments required.
Coastal Zones	No special or supplemental commitments required.



Threatened and Endangered Species	<p>Commitments Made.</p> <p>Tree removal will not occur within 0.25 miles of a known Northern Long Eared Bat hibernacula, nor will a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree be removed from June 1 – July 31.</p> <p>The following birds were identified to have suitable habitat in the project area: Cerulean Warbler, Prothonotary Warbler, Red-shouldered Hawk, Bald Eagle, Great Egret, Black-crowned Night-Heron, Yellow-crowned Night-Heron. Tree removal is prohibited from March 15 through August 24 of any calendar year</p> <p>This project is within 1 mile of a bald eagle nest and suitable habitat for the eagle is present in the project area. If an eagle nest is present and active, then human activity should be avoided from January 15 through July 30 within 660 feet of the nest. The bald eagle is federally protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Visit the USFWS Bald Eagle Management website at <a href="http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/step1.html">www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/step1.html</a> for detailed guidelines and conservation measures. Contact Anna Rossler, Endangered Resources Reviewer at 608.264.8968 for location of the nest.</p> <p>To prevent the entrapment of species, biodegradable erosion mat is required.</p> <p>The Construction Supervisor will assure fulfillment.</p>
Air Quality	No special or supplemental commitments required.
Construction Stage Sound Quality	No special or supplemental commitments required.
Traffic Noise	No special or supplemental commitments required.
Hazardous Substances or Contamination	No special or supplemental commitments required.
Storm Water	No special or supplemental commitments required.

Erosion Control	<p>Commitments Made</p> <p>If erosion mat is used along stream banks, DNR recommends that biodegradable non-netted mat be used (e.g. Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animals to become entrapped while moving in and out of the stream. Avoid the use of fine mesh matting that is tied or bonded at the mesh intersection such that the openings in the mesh are fixed in size. Erosion mat will be biodegradable.</p> <p>Proper erosion control measures will be used and maintained during all phases of construction. Construction shall be accomplished in such a manner as to minimize erosion and siltation in to surface waters. Erosion control measures must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. An erosion control implementation plan (ECIP) will be developed and submitted to WDNR office 14 days prior to the preconstruction conference.</p> <p>The Construction Supervisor will assure fulfillment.</p>
Other	No special or supplemental commitments required.

**SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS**

Wisconsin Department of Transportation

**Factor Sheet B-8**

Alternative C – Partial Connection	Total Length of Center Line of Existing Roadway N/A Length of This Alternative 1.8 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

**1. Property Name:** Trempealeau National Wildlife Refuge**2. Location:** Town of Buffalo, Buffalo County  
Section 6, T18N, R10W and Sections 31 and 32, T19N, R10W**3. Ownership or Administration:** U.S. Fish & Wildlife Service**4. Type of Resource:**

- ☐ Public Park.
- ☐ Recreational lands.
- ☐ Ice Age National Scenic Trail.
- ☐ NRCS Wetland Reserve Program.
- ☒ Wildlife Refuge.
- ☐ Waterfowl Refuge.
- ☐ Historic/Archaeological Site eligible for the National Register of Historic Places (NRHP).
- ☐ Other – Identify:

**5. Do FHWA requirements for section 4(f) apply to the project's use of the property?**

- ☐ No - Check all that apply:
  - ☐ Project is not federally funded.
  - ☐ No land will be acquired in fee or PLE and the alternative will not affect the use.
  - ☐ Property is not on or eligible for the NRHP.
  - ☐ Property is on or eligible for the NRHP however includes a *de minimus* effect finding.
  - ☐ Interstate Highway System Exemption.
  - ☐ Other - Explain: \_\_\_\_\_
- ☒ Yes - Check all that apply:
  - ☐ Indicate which of the Programmatic/Negative Declaration 4(f) Evaluation(s) applies.
    - ☐ Historic Bridge.
    - ☐ Park minor involvement.
    - ☐ Historic site minor involvement.
    - ☐ Independent bikeway or walkway.
    - ☐ Great River Road.
    - ☐ Net Benefit to Section 4(f) Property. Explain: \_\_\_\_\_
  - ☒ Determination of De Minimis impact to Section 4(f) lands. Approved on Sept. 20, 2018. See Exhibit I.
  - ☐ Full 4(f) evaluation approved on \_\_\_\_\_.

**6. Was special funding used to acquire the land or to make improvements on the property?**

- ☐ No - Special funding was not used for the acquisition of this property.
- ☒ Yes:
  - ☒ s.6(f) LWCF (Formerly LAWCON).
  - ☐ Dingell-Johnson (D/J funds).
  - ☐ Pittman-Robertson (P/R funds).
  - ☐ Other – Describe:

**7. Describe the significance of the property:**

For other unique areas, include or attach statements of significance from officials having jurisdiction.

The Trempealeau National Wildlife Refuge is a 6,446-acre National Wildlife Refuge located along the Upper Mississippi River in southern Buffalo County and southwestern Trempealeau County in Wisconsin. The refuge is federal land managed by the US Fish & Wildlife Service. The refuge was established to serve as a refuge and breeding ground for migratory birds and other wildlife and is currently managed with multiple uses in mind. Activities include wildlife observation, photography, hunting, fishing, hiking, and biking. The refuge also hosts environmental education programs for schools and organizations.

**8. Describe the proposed alternative's effects on this property:**

- a. Describe any effects on or uses of land from the property. For other areas, include or attach statements from officials having jurisdiction over the property which discusses the alternative's effects on the property: **(A map, sketch, plan, or other graphic which clearly illustrates use of the property and the project's use and effects on the property must be included.)**

The proposed project will use 0.25 permanent limited easement acres from the wildlife refuge.

**Figure 1** shows a typical section of the proposed trail.

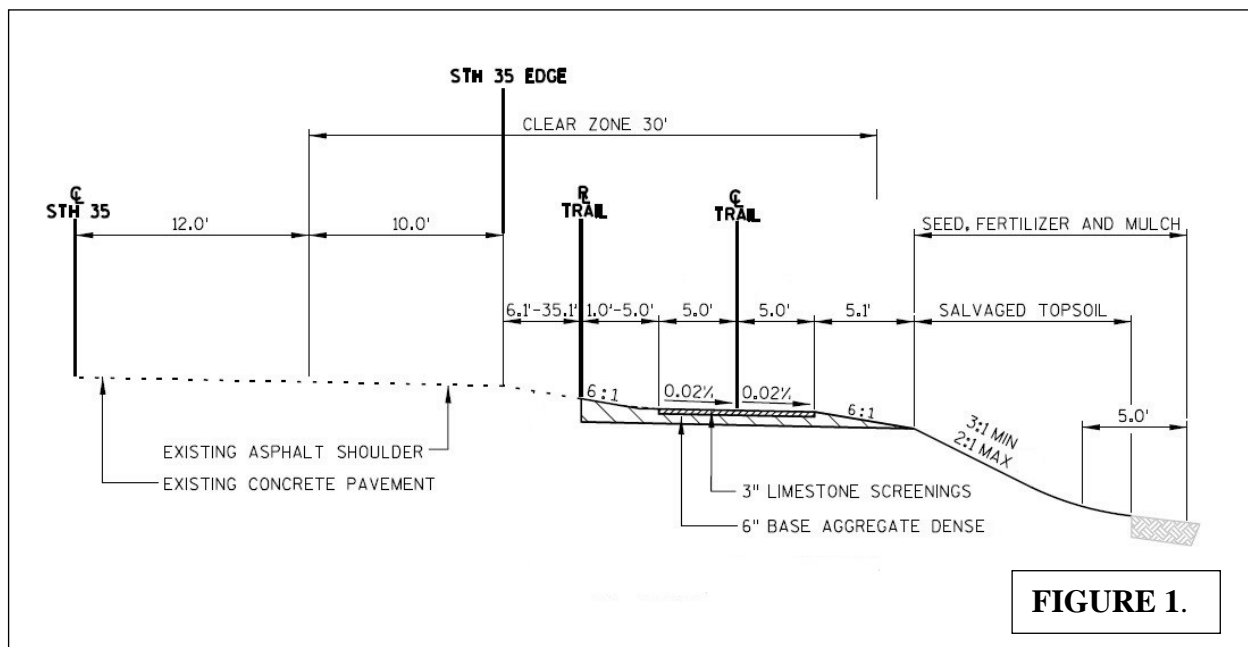
**Figure 2** shows a photo of the existing typical roadway slope conditions along the refuge.

The easement is required to construct a wider roadway section along STH 35. The wider roadway section, as shown in **Figure 1**, will accommodate the proposed trail. Widening the roadway section results in a cumulative loss of 0.25 acres of Section 4(f) wildlife refuge lands along the roadway embankment toe-of-slope, at locations where the widened slopes encroach into the refuge.

There will be no loss of wildlife refuge uses and activities as a result of the project. The 0.25 acres of impact includes 0.16 acres of wetland losses adjacent to the highway right of way. The losses will be permitted by WisDNR and the US Army Corp of Engineers through the wetland permitting process.

Designing the trail to impact no more than 0.16 acres of wetlands is preferred by WisDNR due to the requirements of obtaining a general permit. Granting a general permit requires less than 10,000 sq. ft. of impact (0.23 acres).

See **Exhibit I** for the approved Section 4(f) de minimis finding and additional documentation.







**FIGURE 2.**

b. Discuss the following alternatives and describe whether they are feasible and prudent and why:

1. Do nothing alternative.
2. Improvement without using the 4(f) lands.
3. Alternatives on new location.

A Section 4(f) di minimis finding applies, therefore a discussion of avoidance alternatives is not required.

**9. Indicate which measures will be used to minimize adverse effects, mitigate for unavoidable adverse effects or enhance beneficial effects:**

- ☐ Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.
- ☐ The Small Conversion Policy for Lands Subject to Section 6(f) will be used.
- ☐ Replacement of facilities impacted by the project including sidewalks, paths, lights, trees, and other facilities.
- ☒ Restoration and landscaping of disturbed areas.
- ☒ Incorporation of design features and habitat features where necessary to reduce or minimize impacts to the Section 4(f) property.
- ☐ Payment of the fair market value of the land and improvement taken.
- ☐ Improvements to the remaining 4(f) site equal to the fair market value of the land and improvements taken.
- ☐ Such additional or alternative mitigation measures determined necessary based on consultation with officials having jurisdiction. The additional or alternative mitigation measures are listed or summarized below:
- ☐ Property is a historic property or an archeological site. The conditions or mitigation stipulations are listed or summarized below:
- ☒ Other – Describe:

Most of the refuge was acquired in 1979 under authority of the Land and Water Conservation Fund Act of 1966. The proposed project is a public recreation trail that does not result in a conversion of Section 6(f) protected LAWCON lands because it is a permissible recreational amenity that enhances the property. The proposed trail project will not impact any of the uses or amenities provided by the wildlife refuge.

Acquisition of Permanent Limited Easement as opposed to Fee Simple minimizes the property impact.

**10. Briefly summarize the results of coordination with other agencies that were consulted about the project and its effects on the property:**

(For historic and archeological sites, refer to Factor Sheet B-5 and/or B-6 for documentation. For other unique areas, attach correspondence from officials having jurisdiction that documents concurrence with impacts and mitigation measures.)

On September 26, 2017 Vickie Hirschboeck, Refuge Manager on behalf of the US Fish & Wildlife Service determined that the proposed project will not adversely affect the activities, features, or attributes that qualify the Trempealeau National Wildlife Refuge for protection under Section 4(f). The concurrence letter is included in **Exhibit I**.

On January 23, 2018 Jennifer Gihring, Grants Project Officer on behalf of the Wisconsin Department of Natural Resources determined that the proposed project will not result in a conversion of LAWCON lands qualifying for protection under Section 6(f). The concurrence email is included in **Exhibit K**.

**SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS**

Wisconsin Department of Transportation

**Factor Sheet B-8**

Alternative C – Partial Connection	Total Length of Center Line of Existing Roadway N/A Length of This Alternative 1.8 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

**1. Property Name:** Town of Buffalo Town Park**2. Location:** Town of Buffalo, Buffalo County  
Section 5, T18N, R10W and Section 32, T19N, R10W**3. Ownership or Administration:** Town of Buffalo Board of Supervisors**4. Type of Resource:**

- ☒ Public Park.
- ☐ Recreational lands.
- ☐ Ice Age National Scenic Trail.
- ☐ NRCS Wetland Reserve Program.
- ☐ Wildlife Refuge.
- ☐ Waterfowl Refuge.
- ☐ Historic/Archaeological Site eligible for the National Register of Historic Places (NRHP).
- ☐ Other – Identify:

**5. Do FHWA requirements for section 4(f) apply to the project's use of the property?**

- ☐ No - Check all that apply:
  - ☐ Project is not federally funded.
  - ☐ No land will be acquired in fee or PLE and the alternative will not affect the use.
  - ☐ Property is not on or eligible for the NRHP.
  - ☐ Property is on or eligible for the NRHP however includes a *de minimus* effect finding.
  - ☐ Interstate Highway System Exemption.
  - ☐ Other - Explain: \_\_\_\_\_
- ☒ Yes - Check all that apply:
  - ☐ Indicate which of the Programmatic/Negative Declaration 4(f) Evaluation(s) applies.
    - ☐ Historic Bridge.
    - ☐ Park minor involvement.
    - ☐ Historic site minor involvement.
    - ☐ Independent bikeway or walkway.
    - ☐ Great River Road.
    - ☐ Net Benefit to Section 4(f) Property. Explain: \_\_\_\_\_
  - ☒ Determination of De Minimis impact to Section 4(f) lands. Approved on Sept. 20, 2018. See Exhibit I.
  - ☐ Full 4(f) evaluation approved on \_\_\_\_\_.

**6. Was special funding used to acquire the land or to make improvements on the property?**

- ☐ No - Special funding was not used for the acquisition of this property.
- ☒ Yes:
  - ☐ s.6(f) LWCF (Formerly LAWCON).
  - ☐ Dingell-Johnson (D/J funds).
  - ☐ Pittman-Robertson (P/R funds).
  - ☒ Other – Describe: Wisconsin DNR Knowles-Nelson Stewardship Funds

**7. Describe the significance of the property:**

For other unique areas, include or attach statements of significance from officials having jurisdiction.

The Town of Buffalo Town Park is located along STH 35 in southern Buffalo County, approximately 2 miles west of Marshland. The park covers 8 acres and is owned by the Township of Buffalo. The park includes playground equipment, a pavilion, and a baseball diamond. Activities include baseball, picnics, wedding receptions, general recreation, and public gatherings held at the Town Hall located in the park.

**8. Describe the proposed alternative's effects on this property:**

- a. Describe any effects on or uses of land from the property. For other areas, include or attach statements from officials having jurisdiction over the property which discusses the alternative's effects on the property: **(A map, sketch, plan, or other graphic which clearly illustrates use of the property and the project's use and effects on the property must be included.)**

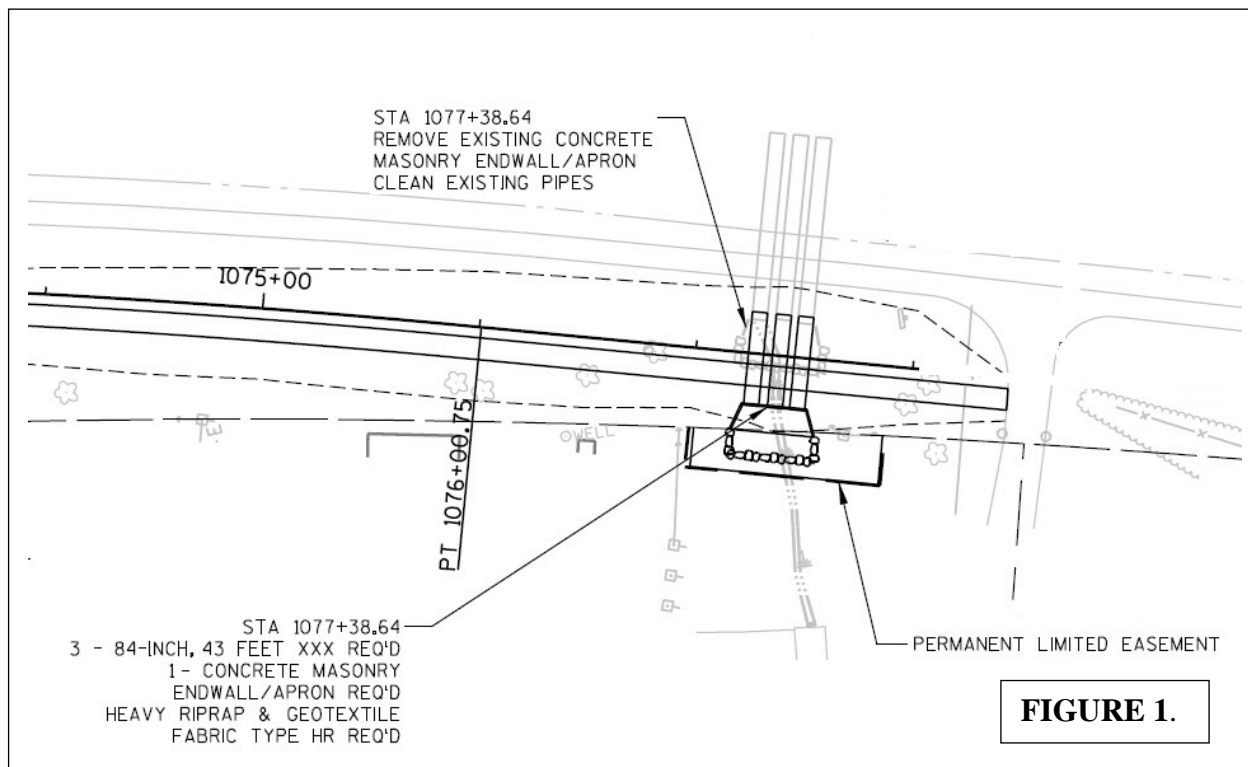
The proposed project will use 0.04 permanent limited easement acres from the park. **Figure 1** shows a drawing of the proposed impacts.

The easement is required to extend existing STH 35 highway culverts. The culverts convey storm water from the park and adjacent wetland areas. The trail will cross over the culverts near the shoulder of the highway and terminate at the park driveway. The existing culverts are shown in **Figure 2** and **Figure 3**. Disturbed areas in the ditch and around the new culvert extensions will be restored with proper erosion control measures.

There will be no permanent loss of park uses or activities as a result of the project.

During construction, contractors may share the parking lot and enter areas along the STH 35 right-of-way to temporarily move and stage materials and equipment. There will be short-term disruption of access due to grading and paving operations at the park driveway.

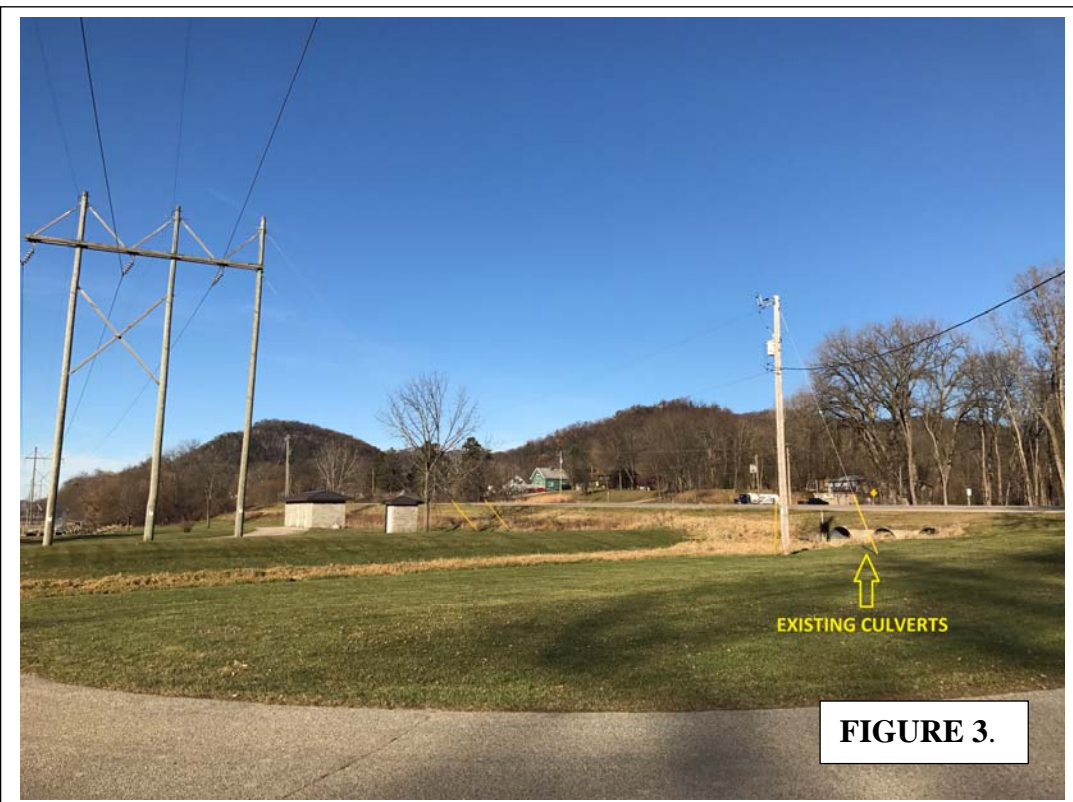
See **Exhibit I** for the approved de minimis finding and additional documentation.







**FIGURE 2.**



**FIGURE 3.**

b. Discuss the following alternatives and describe whether they are feasible and prudent and why:

1. Do nothing alternative.
2. Improvement without using the 4(f) lands.
3. Alternatives on new location.

A Section 4(f) de minimis finding applies, therefore a discussion of avoidance alternatives is not required.

**9. Indicate which measures will be used to minimize adverse effects, mitigate for unavoidable adverse effects or enhance beneficial effects:**

- ☐ Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.
- ☐ The Small Conversion Policy for Lands Subject to Section 6(f) will be used.
- ☐ Replacement of facilities impacted by the project including sidewalks, paths, lights, trees, and other facilities.
- ☒ Restoration and landscaping of disturbed areas.
- ☒ Incorporation of design features and habitat features where necessary to reduce or minimize impacts to the section 4(f) property.
- ☐ Payment of the fair market value of the land and improvement taken.
- ☐ Improvements to the remaining 4(f) site equal to the fair market value of the land and improvements taken.
- ☐ Such additional or alternative mitigation measures determined necessary based on consultation with officials having jurisdiction. The additional or alternative mitigation measures are listed or summarized below:
- ☐ Property is a historic property or an archeological site. The conditions or mitigation stipulations are listed or summarized below:
- ☒ Other – Describe:

Knowles-Nelson Stewardship Funds were used for the development of the park. The project was completed and received final grant payment in 1993. The project is a public recreation trail that does not result in a conversion of any Section 6(f) protected lands because it is a permissible recreational amenity that enhances the property. The proposed trail project will not impact any of the uses or amenities provided by the original park development project.

Acquisition of Permanent Limited Easement as opposed to Fee Simple minimizes the property impact.

**10. Briefly summarize the results of coordination with other agencies that were consulted about the project and its effects on the property:**

(For historic and archeological sites, refer to Factor Sheet B-5 and/or B-6 for documentation. For other unique areas, attach correspondence from officials having jurisdiction that documents concurrence with impacts and mitigation measures.)

On September 27, 2017 Steve James, Town of Buffalo Chairman on behalf of the Town of Buffalo Board Supervisors determined that the proposed project will not adversely affect the activities, features, or attributes that qualify the Town of Buffalo Town Park for protection under Section 4(f). The concurrence letter is included in **Exhibit I**.

**SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS**

Wisconsin Department of Transportation

**Factor Sheet B-8**

Alternative C - Partial Connection	Total Length of Center Line of Existing Roadway N/A Length of This Alternative 1.8 miles
Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	

**1. Property Name:** Aghaming Park / Aghaming Park and Preserve / Aghaming Park: A John Latsch Preserve**2. Location:** Town of Buffalo, Buffalo County, Wisconsin  
SW NW Sec. 6, T 18 N, R 10 W  
NW NW Sec. 6, T 18 N, R 10 W**3. Ownership or Administration:** City of Winona, Minnesota**4. Type of Resource:**

- ☒ Public Park.
- ☐ Recreational lands.
- ☐ Ice Age National Scenic Trail.
- ☐ NRCS Wetland Reserve Program.
- ☐ Wildlife Refuge.
- ☐ Waterfowl Refuge.
- ☐ Historic/Archaeological Site eligible for the National Register of Historic Places (NRHP).
- ☒ Other – Identify: Nature preserve

**5. Do FHWA requirements for section 4(f) apply to the project's use of the property?**

- ☒ No - Check all that apply:
  - ☐ Project is not federally funded.
  - ☐ No land will be acquired in fee or PLE and the alternative will not affect the use.
  - ☐ Property is not on or eligible for the NRHP.
  - ☐ Property is on or eligible for the NRHP however includes a *de minimis* effect finding.
  - ☐ Interstate Highway System Exemption.
  - ☒ Other - Explain: The project activities will occur on Section 4(f) protected lands owned by the City of Winona.

The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection. Based on the scope of the proposed action, the project qualifies for the Section 4(f) exception for enhancement projects per 23 CFR 774.13 (g). See **Exhibit I** for City of Winona and US Fish & Wildlife Service (USFWS) written concurrence to support the Section 4(f) exception.

- ☐ Yes - Check all that apply:
  - ☐ Indicate which of the Programmatic/Negative Declaration 4(f) Evaluation(s) applies.
    - ☐ Historic Bridge.
    - ☐ Park minor involvement.
    - ☐ Historic site minor involvement.
    - ☐ Independent bikeway or walkway.
    - ☐ Great River Road.
    - ☐ Net Benefit to Section 4(f) Property. Explain: \_\_\_\_\_
- ☐ Full 4(f) evaluation approved on \_\_\_\_\_.

**6. Was special funding used to acquire the land or to make improvements on the property?**

- ☒ No - Special funding was not used for the acquisition of this property.
- ☐ Yes:
  - ☐ s.6(f) LWCF (Formerly LAWCON).
  - ☐ Dingell-Johnson (D/J funds).
  - ☐ Pittman-Robertson (P/R funds).
  - ☐ Other – Describe:

## 7. Describe the significance of the property:

Aghaming Park (also known as Aghaming Park and Preserve, or Aghaming Park: A John Latsch Preserve) is an approximate 1,200 acre floodplain forest that was donated to the City of Winona in the early 1900s by the philanthropist John Latsch. The donated lands were intended to be a nature preserve. The park is undeveloped and will be maintained under a new Management Plan to be developed between the City of Winona and the USFWS. A lease agreement to manage the park habitats was approved between the city and USFWS in early 2018. The park is located across the Mississippi River from Winona in Buffalo County, Wisconsin. A map of the park is included in **Exhibit I**. It is bordered by the Mississippi River, the BNSF Railroad, the Trempealeau National Wildlife Refuge, and the abandoned highway right of way of old STH 54.

When the State of Wisconsin relocated STH 54 in 1942 to its current alignment, the roadway through Aghaming Park was abandoned and reverted back to the adjacent property owners. Those portions of the old STH 54 highway right of way which abutted Aghaming Park reverted to the City of Winona. Access from Winona into Aghaming Park is only available from the abandoned STH 54 roadway. Entry is only from the Minnesota side of the Mississippi River. The roadway is closed to motor vehicle traffic.

The City of Winona trails and bikeways map depicts the abandoned concrete pavement of old STH 54 as a proposed multi-use trail through the park. See **Exhibit I**. The trail is currently open to the public. It dead-ends at the BNSF railroad property which forms the northern boundary of the park. In addition to being a safety hazard, any public crossing of the railroad property and tracks is strictly prohibited and is considered trespassing.

The trail entrance into the park is barricaded to prevent ingress and egress of motor vehicle traffic. Park visitors and trail users must climb over or walk around the closed gate and concrete barrier to enter the park. Because of this restriction, persons with disabilities currently have difficulty entering the park. The heavy growth of brush and trees along the sides of the old STH 54 pavement includes heavy weeds and poison ivy. The heavy vegetation results in a very narrow useable trail width, and makes entry into adjacent natural areas of the park very difficult for all park users. The trail is 2,300 feet long between the barricades and the BNSF property. See **Figure 1** for photographs of the park entrance and trail.

Because of infrequent land and trail maintenance prior to 2018, many intended uses of the park such as fishing, biking, hiking, nature photography and bird watching occur less frequently. The difficult public access conditions generally restrict the population of users able to enjoy the park to those who are able-bodied.

## 8. Describe the proposed alternative's effects on this property:

- a. Describe any effects on or uses of land from the property. For other areas, include or attach statements from officials having jurisdiction over the property which discusses the alternative's effects on the property: **(A map, sketch, plan, or other graphic which clearly illustrates use of the property and the project's use and effects on the property must be included.)**

A total of 0.43 acres of Permanent Limited Easement and 0.94 acres of Temporary Limited Easement will be acquired by Buffalo County from the City of Winona. The easements will follow the STH 54 abandoned right of way. The 0.43 acres of Permanent Limited Easement is needed to provide room for bridge construction activities and future bridge and bridge approach maintenance. The 0.94 acres of Temporary Limited Easement is needed to allow clearing of trees and brush away from the old pavement, and provide additional space for temporary widening for construction along the bridge work zone.

A segment of the existing old STH 54 concrete pavement will be removed to allow the south abutment and two piers of proposed trail structure B-6-500 over the BNSF railroad to be constructed along the centerline of the old highway. The remaining old STH 54 concrete pavement south of the bridge will remain in-place to preserve trail access through the park to Winona. Preliminary plans of the trail are included in **Exhibit E**.

The existing pavement of old STH 54 is curbed, with a total width of 24 ft. (face to face of curb). The easements include the old pavement, and extend 2 ft. beyond back of curb. Adjacent to the bridge work zone, the temporary easement limits will extend out to 22.5 ft. from back of curb, to allow temporary roadway widening areas for construction access around the new bridge piers.

Upon completion, the trail and bridge will be maintained by the City of Winona, Buffalo County, and the Wisconsin Department of Natural Resources (WisDNR) through agreements.

b. Discuss the following alternatives and describe whether they are feasible and prudent and why:

1. Do nothing alternative. N/A
2. Improvement without using the 4(f) lands. N/A
3. Alternatives on new location. N/A

Comment: A Section 4(f) exception applies, therefore a discussion of avoidance alternatives is not required.

**9. Indicate which measures will be used to minimize adverse effects, mitigate for unavoidable adverse effects or enhance beneficial effects:**

- ☐ Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value.
- ☐ The Small Conversion Policy for Lands Subject to Section 6(f) will be used.
- ☐ Replacement of facilities impacted by the project including sidewalks, paths, lights, trees, and other facilities.
- ☒ Restoration and landscaping of disturbed areas.
- ☐ Incorporation of design features and habitat features where necessary to reduce or minimize impacts to the section 4(f) property.
- ☐ Payment of the fair market value of the land and improvement taken.
- ☐ Improvements to the remaining 4(f) site equal to the fair market value of the land and improvements taken.
- ☐ Such additional or alternative mitigation measures determined necessary based on consultation with officials having jurisdiction. The additional or alternative mitigation measures are listed or summarized below:
- ☐ Property is a historic property or an archeological site. The conditions or mitigation stipulations are listed or summarized below:
- ☒ Other – Describe:

The proposed trail enhancement project will maintain and improve public access into the park, and will increase use and enjoyment of the park by eliminating the current trail dead-end at the BNSF railroad. The trail bridge will safely span the railroad property, connecting the trail to the Great River State Trail in Wisconsin.

Trail users in the park will enjoy the full 24 ft. width of the existing pavement up to the bridge. Removing the brush and vegetation along the existing pavement will improve pedestrian and bicycle travel along the trail, allowing diverse uses such as walking, cycling and nature photography to safely coexist along the wide pavement area. Clearing the vegetation away from the pavement will also improve access into the adjacent forest and wetlands.

Conditions for hiking, nature photography, bird watching, and viewing of the park will further be improved due to the bridge providing scenic views across the adjacent landscape.

During construction, public access into Aghaming Park will be maintained at the south clearing limit. Once brush clearing operations are completed, public access into the natural areas of Aghaming Park will resume along the old STH 54 roadway. Public access will continue to be restricted at the bridge work area until the bridge is completed.

After project completion, the gate and barricade at the south project limit will be removed by the City of Winona.

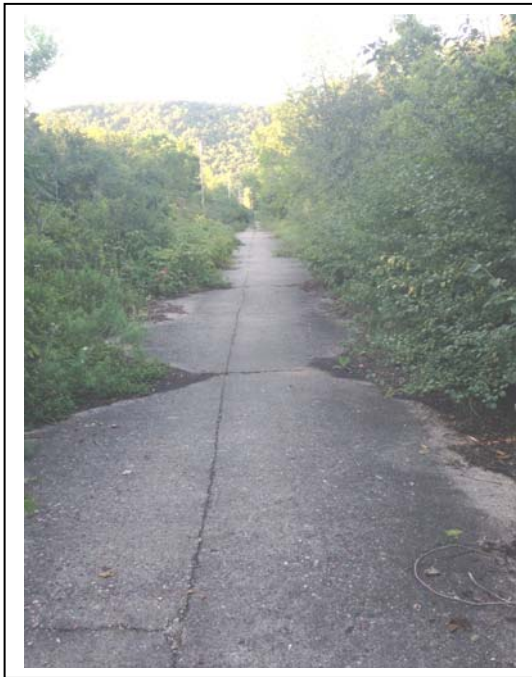
**10. Briefly summarize the results of coordination with other agencies that were consulted about the project and its effects on the property:**

The City of Winona is the owner of Aghaming Park. As an official with jurisdiction, the Mayor of Winona signed a city council resolution on September 4, 2018 concurring with the project's use of Aghaming Park, to support the Section 4(f) exception. See **Exhibit I** for the City of Winona concurrence resolution.

The US Fish & Wildlife Service entered into a 25-year lease agreement with the city on March 27, 2018 to act as the fish & wildlife habitat manager and law enforcement authority for Aghaming Park, under a land management plan. As an official with jurisdiction, Mary Stefanski, Winona District Manager for the US Fish & Wildlife Service, provided written concurrence for the project's use of Aghaming Park, to support the Section 4(f) exception. See **Exhibit I** for the US Fish & Wildlife Service concurrence letter.



The Wisconsin Department of Natural Resources provided guidance on avoiding impacts to wildlife in the park. The coordination occurred as part of the WisDNR endangered resource review. See **Exhibit L** for documentation. Measures to avoid species impacts have been included in the environmental commitments.



**FIGURE 1. Abandoned STH 54 in Aghaming Park**

# THREATENED, ENDANGERED and PROTECTED RESOURCES EVALUATION

Wisconsin Department of Transportation

## Factor Sheet C-7

Alternative C - Partial Connection	Preferred <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Identified	Project ID: 7224-00-02
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### Federal Resources

1. Complete the following table using the Official Species List from U.S. Fish and Wildlife Service (FWS).

Date of Official Species List: April 12, 2018

Document all species identified on Official Species List, including proposed species.

Species Common Name	Species Scientific Name	Federal Status	Effect Determination	Justification/ Explanation
Northern Long-eared Bat	Myotis septentrionalis	Threatened	May affect, not likely to adversely affect	No roost trees or hibernacula near project area, per coordination with WDNR.
Eastern Massasauga	Sistrurus catenatus	Threatened	No effect	No known habitat at project site per coordination with WDNR
Higgins Eye	Lampsilis higginsii	Endangered	No effect	No known habitat at project site per coordination with WDNR
Sheepnose Mussel	Plethobasus cyphus	Endangered	No effect	No known habitat at project site per coordination with WDNR

2. Is there designated or proposed critical habitat in the vicinity of the project?

- ☒ No  
☐ Yes – Describe critical habitat, proximity to project, and potential impacts to the critical habitat.

There are no known critical habitats located within the project area for the above noted species so it is anticipated that the proposed project will not have any impact on them.

3. Has Section 7 consultation with FWS been completed?

- ☐ No – Explain:  
☒ Yes – Describe consultation efforts and conclusions:

WisDOT has determined that the proposed activity will not result in prohibited take of the NLEB. The activity does involve a minor amount of tree removal.

4. Are avoidance, minimization or compensatory mitigation measures required?

- ☐ No  
☒ Yes – Describe. Include commitments on Basic Sheet 8, Environmental Commitments.

Yes the avoidance measures are required. Time of year restrictions on tree clearing will be enforced in the special provisions.

### State Resources

1. Are threatened or endangered species known to occur in the vicinity of the project?

- ☐ None identified.



☒ Yes – Complete the following table and include the date of the most recent NHI review by WDNR.

Date of Natural Heritage Inventory (NHI) database review: February 2018 Endangered Resources Review (ERR Log #18-058)

Species Common Name	Species Scientific Name	State Status	Effect Determination	Justification/ Explanation
See Page 4				

2. Has threatened and endangered resource coordination with WDNR been completed?

☐ No – Explain:

☒ Yes – Attach and reference location in this document:

See USFWS Section 7 Streamlined Consultation in Exhibit L.

3. Are avoidance, minimization or compensatory mitigation measures required?

☐ No

☒ Yes – Describe. Include commitments on Basic Sheet 8, Environmental Commitments.

Yes the avoidance and minimization measures are required. Time of year restrictions on tree clearing will be enforced in the special provisions. In addition, biodegradable erosion mat will be utilized throughout the project.

## Other Protected Resources

### Bald and Golden Eagles

1. Are bald and/or golden eagles known to occur in the vicinity of the project?

☐ None identified.

☒ Yes

This project is within 1 mile of a bald eagle nest and suitable habitat for the eagle is present in the project area. If an eagle nest is present and active, then human activity should be avoided from January 15 - July 30 within 660ft of the nest.

2. Will there be adverse or beneficial effects on bald and/or golden eagles as a result of the project?

☒ No – Explain:

☐ Yes – Describe general proximity to project and potential impacts:

3. Has bald and golden eagle-related coordination with WDNR and/or FWS been completed?

☐ No – Explain:

☒ Yes – Attach and reference location in this document:

See WisDNR NHI Review documentation within the USFWS Section 7 Streamlined Consultation in Exhibit L.

4. Are avoidance, minimization or compensatory mitigation measures required?

☐ No

☒ Yes – Describe. Include commitments on Basic Sheet 8, Environmental Commitments.

Yes avoidance measures are required. Contractor will maintain a buffer of at least 330 feet between construction activities and the nest. All clearing, external construction and landscaping activities within 660 feet of the nest are prohibited from January 15 to August 1. Maintain established landscape buffers that screen the activity from the nest.

#### Migratory Birds

1. Are migratory birds known to occur in the vicinity of the project?

- ☐ None identified.  
☒ Yes

Yes the following birds were identified to have suitable habitat in the project area: Cerulean Warbler, Prothonotary Warbler, Red-shouldered Hawk, Bald Eagle, Great Egret, Black-crowned Night-Heron, Yellow-crowned Night-Heron

2. Will there be adverse or beneficial effects on migratory birds as a result of the project?

- ☒ No – Explain: All suitable habitat tree clearing will occur outside of the date restrictions when the species will not be present.  
☐ Yes – Describe general proximity to project and potential impacts:

3. Has migratory bird-related coordination with WDNR and/or FWS been completed?

- ☐ No – Explain:  
☒ Yes – Attach and reference location in this document:

See USFWS Section 7 Streamlined Consultation in Exhibit L.

4. Are avoidance, minimization or compensatory mitigation measures required?

- ☐ No  
☒ Yes – Describe. Include commitments on Basic Sheet 8, Environmental Commitments.

Yes the avoidance and minimization measures are required. Time of year restrictions on tree clearing will be enforced in the special provisions.

#### Rusty Patched Bumble Bee:

The USFWS has created a Rusty Patched Bumble Bee High Potential Zone to show where there is a high likelihood for the species to be present. If a project overlaps with this zone then steps should be taken to determine if suitable habitat is present for the bee and if necessary surveys can be conducted. The USFWS database was consulted for this project on 8/2/2018 and per USFWS guidance, it was determined that this project does not intersect with a High Potential Zone nor a Low Potential Zone. Therefore, no impacts to the Rusty-Patched Bumblebee are anticipated.

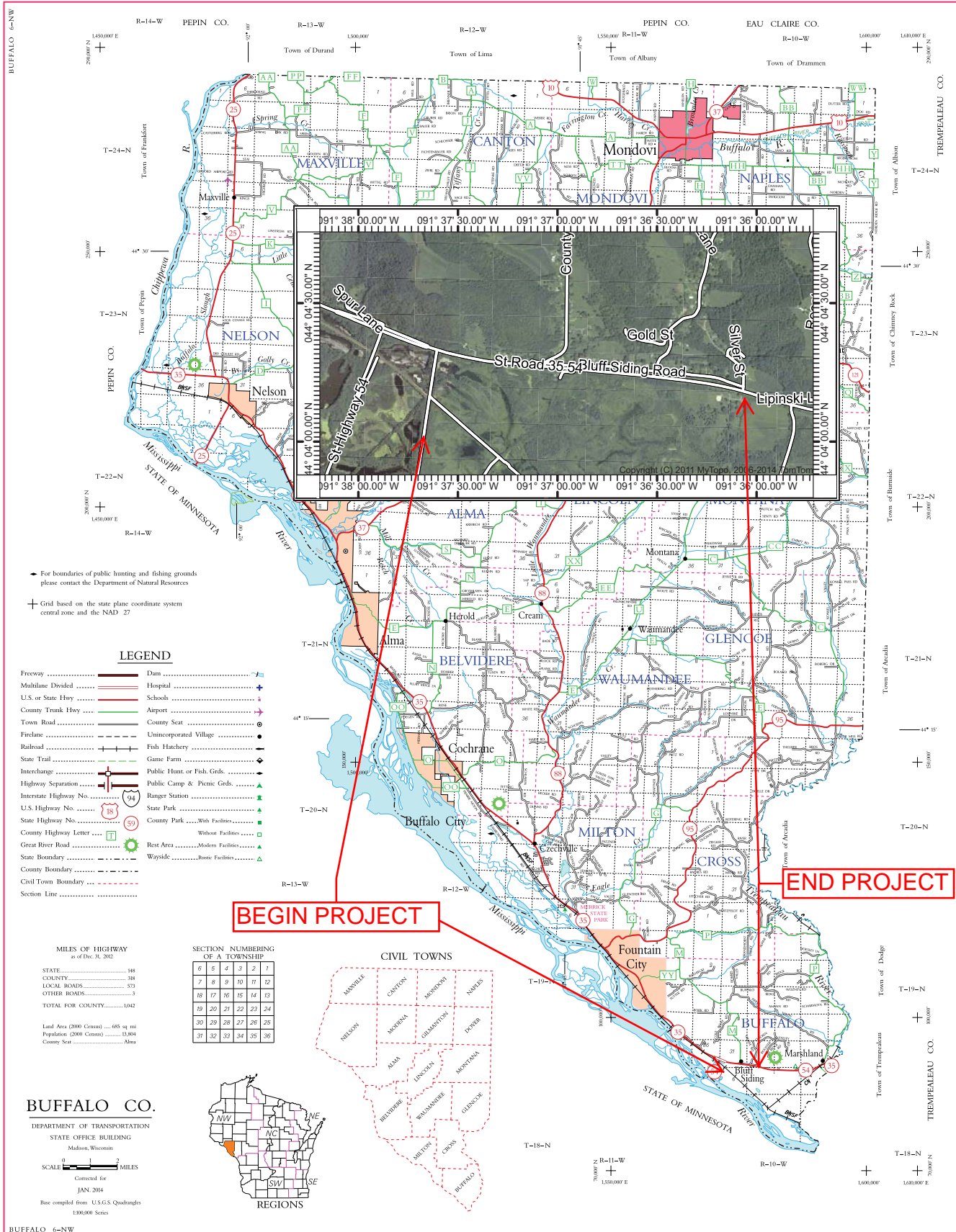
## THREATENED, ENDANGERED and PROTECTED RESOURCES EVALUATION

Factor Sheet C-7

Species Common Name	Species Scientific Name	State Status	Effect Determination	Justification/ Explanation
Peregrine Falcon	Falco peregrinus	Endangered	No effect	Lack of suitable habitat within project boundary
Cyrtal Darter	Cyrtallaria asprella	Endangered	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Pallid shiner	Hybopsis amnis	Endangered	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Bluntnose Darter	Etheostoa chlorosoma	Endangered	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Goldeye	Hiodon alosoides	Endangered	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Ebonysnail	Fusconaia ebena	Endangered	No Effect	Lack of suitable habitat within project boundary
Elephant Ear	Elliptio crassidens	Endangered	No Effect	Lack of suitable habitat within project boundary
Bell's Vireo	Vireo bellii	Threatened	No effect	Lack of suitable habitat within project boundary
Cerulean Warbler	Setophaga cerulea	Threatened	May affect, not likely to adversely affect	Time of year restrictions
Red-shouldered Hawk	Buteo lineatus	Threatened	May affect, not likely to adversely affect	Time of year restrictions
Great Egret	Ardea alba	Threatened	May affect, not likely to adversely affect	Time of year restrictions
Yellow-crowned Night-Heron	Nyctanassa violacea	Threatened	May affect, not likely to adversely affect	Time of year restrictions
Shoal Chub	Macrhybopsis hyostoma	Threatened	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Black Buffalo	Ictiobus niger	Threatened	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
River Redhorse	Moxostoma carinatum	Threatened	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Paddlefish	Polyodon spathula	Threatened	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Blue Sucker	Cycoreus elongatus	Threatened	May affect, not likely to adversely affect	Biodegradable erosion mat will be used
Monkeyface	Quadrula metanevra	Threatened	No Effect	Lack of suitable habitat within project boundary
Fawnsfoot	Truncilla donaciformis	Threatened	No Effect	Lack of suitable habitat within project boundary
Pale Green Orchid	Platanthera flava var. herbiola	Threatened	No Effect	Lack of suitable habitat within project boundary
Bald Eagle	Haliaeetus leucocephalus		May affect, not likely to adversely affect	Time of year restrictions

## Exhibit A – Project Location Map

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PROJECT ID 7224-00-72  
TOWN OF BUFFALO  
GREAT RIVER STATE TRAIL WINONA CONNECTOR  
BUFFALO COUNTY

## Exhibit B – June 2018 National Corridor Plan

---



The goal of The United States Bicycle Route System is to connect America through a network of numbered interstate bicycle routes.

## NATIONAL CORRIDOR PLAN

June 2018



DESIGNATED U.S. BICYCLE ROUTE

Established U.S. Bicycle Route designated by AASHTO.

\*\*\*\*\*

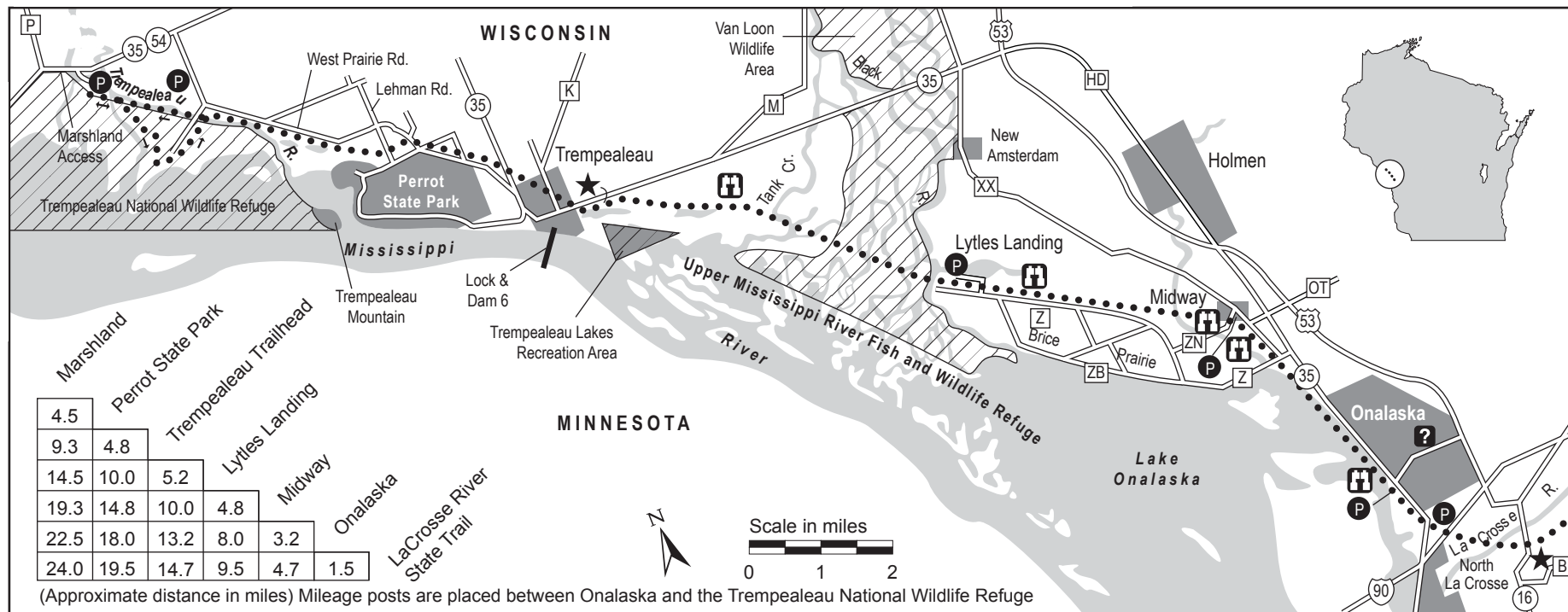
UNDEVELOPED CORRIDOR

These corridors are not routes, but 50-mile wide areas where a route may be developed.



## Exhibit C – Trail Location Map

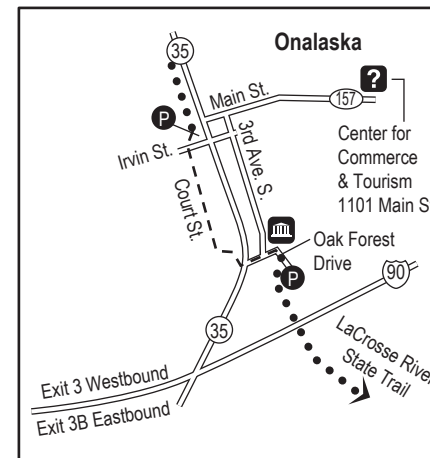
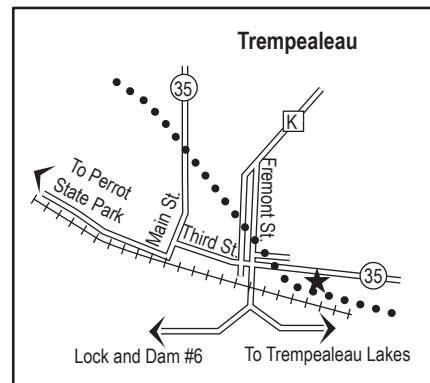
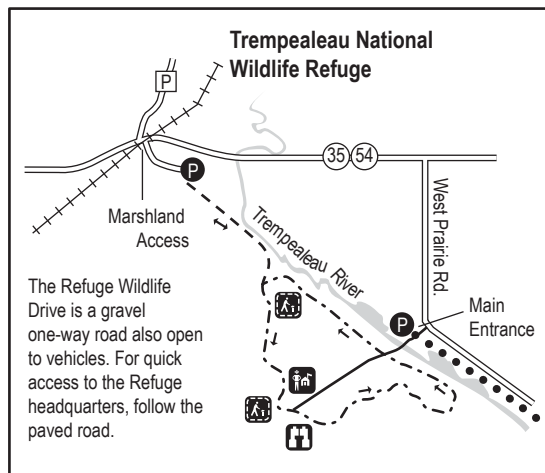
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jg/07

## Map Legend

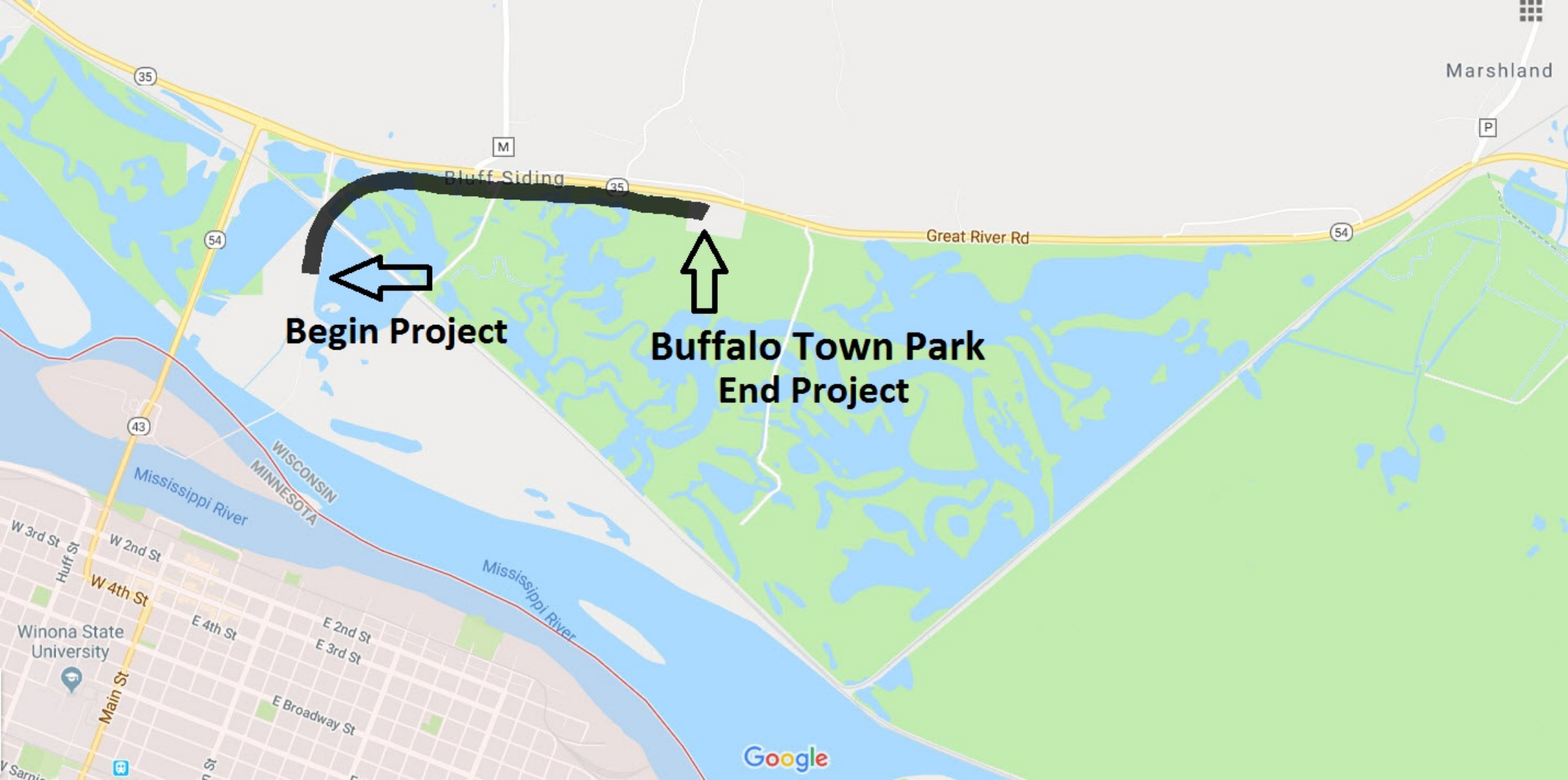
- ..... Great River State Trail
- Designated Bike Route
- Refuge Wildlife Drive
- ★ Trailhead (parking, restrooms, water)
- P Parking area
- ? Information
- Museum
- Interpretive trail
- Observation stop
- Refuge Headquarters



Food and beverages are available in Onalaska, Midway and Trempealeau.  
 Drinking water can be found along the trail at Lytle's and Trempealeau.  
 A bicycle repair and rental shop is located in Onalaska.  
 For area lodging and general information, call 608-781-9570 or 1-800-873-1901.

## Exhibit D – Highway Route Map

---



Marshland

P

M

Bluff Siding

35

Great River Rd

54

54

35

43

**Begin Project**

**Buffalo Town Park  
End Project**

WISCONSIN  
MINNESOTA

Mississippi River

Mississippi River

Winona State  
University

E 4th St

E 2nd St  
E 3rd St

E Broadway St

Main St

W 4th St

W 2nd St

Huff St

W 3rd St

Google

## Exhibit E – Preliminary Project Plans

---

PROJECT ID: 7224-00-72  
WITH: N/A

COUNTY: BUFFALO

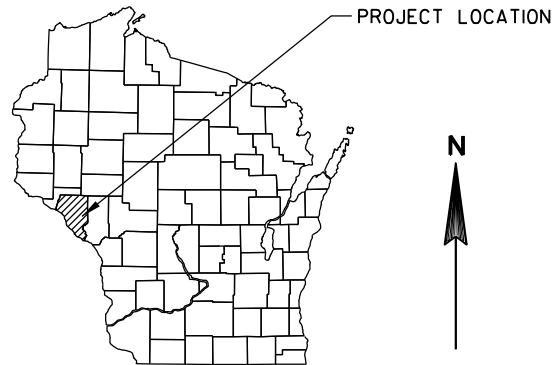
INDEX OF SHEETS

Section No. 1	Title
Section No. 2	Typical Sections and Details
Section No. 3	Estimate of Quantities
Section No. 3	Miscellaneous Quantities
Section No. 4	Right of Way Plat
Section No. 5	Plan and Profile (Includes Erosion Control Plans)
Section No. 6	Standard Detail Drawings
Section No. 7	Sign Plates
Section No. 8	Structure Plans
Section No. 9	Computer Earthwork Data
Section No. 9	Cross Sections

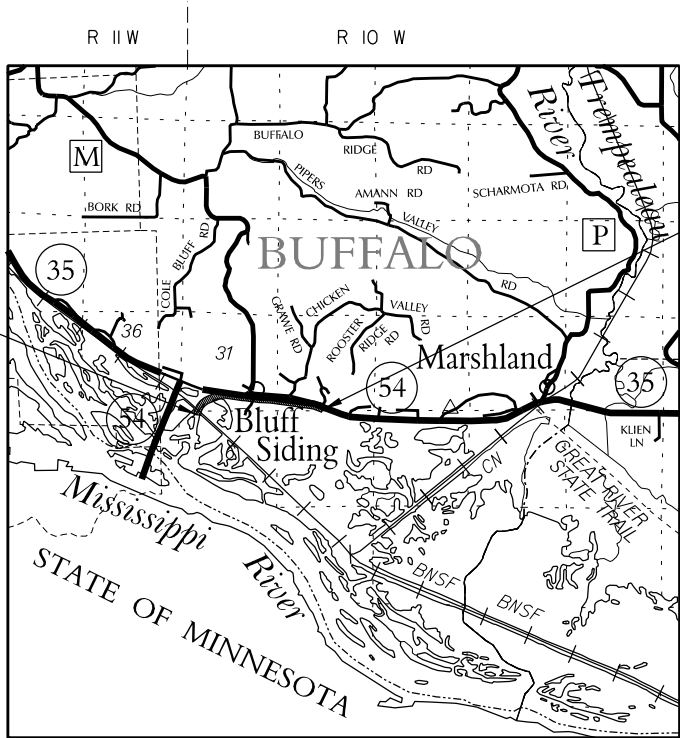
TOTAL SHEETS =

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
PLAN OF PROPOSED IMPROVEMENT  
TOWN OF BUFFALO  
GREAT RIVER STATE TRAIL WINONA CONNECTOR  
NON-HIGHWAY  
BUFFALO COUNTY

STATE PROJECT	FEDERAL PROJECT	
	PROJECT	CONTRACT
7224-00-72		



STATE PROJECT NUMBER  
7224-00-72



END PROJECT 7224-00-72  
STA 1078+44.37

BEGIN PROJECT 7224-00-72  
STA 983+00.00  
Y = 212021.429  
X = 619254.873

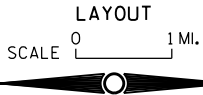
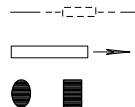
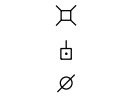
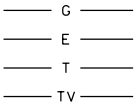
DESIGN DESIGNATION

A.A.D.T.	2008	=	XXXX
A.A.D.T.	2028	=	XXXX
D.H.V.		=	XX
D.D.		=	XXXX
T.		=	N/A
DESIGN SPEED		=	15 MPH
ESALS		=	N/A

CONVENTIONAL SYMBOLS

COUNTY LINE	---
CORPORATE LIMITS	////
PROPERTY LINE	P.L. 58.1
LOT LINE	---
LIMITED EASEMENT	---
EARTHWORK BALANCE POINT	⊙
EXISTING RIGHT OF WAY	---
PROPOSED OR NEW R/W LINE	---
SURVEY LINE	---
SLOPE INTERCEPT	---
ORIGINAL GROUND	---
MARSH OR ROCK PROFILE (To be noted as such)	ROCK
MARSH AREA	⊙
WOODED OR SHRUB AREA	⊙

COMBUSTIBLE FLUIDS	⊙
UNDERGROUND UTILITIES	---
GAS	G
ELECTRIC	E
TELEPHONE OR TELEGRAPH	T
TV/CABLE	TV
SERVICE PEDESTAL	⊙
POWER POLE	⊙
TELEPHONE POLE	⊙
RAILROAD	---
SANITARY SEWER	SAN
STORM SEWER	SS
WATER	W
EXISTING CULVERT	---
PROPOSED CULVERT (Box or Pipe)	---
CULVERT (Profile View)	⊙



TOTAL NET LENGTH OF CENTERLINE = 1.486 MI.

Coordinates on this plan are referenced to the Wisconsin County  
Coordinate System (WCCS), BUFFALO County.

ACCEPTED FOR  
COUNTY of BUFFALO  
DATE:

ORIGINAL PLANS PREPARED BY:  
SEH

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
PREPARED BY  
Surveyor SEH  
Designer SEH  
Management Consultant KJOHNSON ENGINEERS  
C.O. Examiner

APPROVED FOR DEPARTMENT  
DATE: (Management Consultant Signature)

E

STANDARD ABBREVIATIONS

ABUT	ABUTMENT	HYD	HYDRANT
AC	ACRE	ID	INSIDE DIAMETER
AGG	AGGREGATE	INV	INVERT
AECPRC	APRON ENDWALL FOR CULVERT PIPE	IP	IRON PIPE ON PIN
	REINFORCED CONCRETE	LHF	LEFT-HAND FORWARD
ASPH	ASPHALTIC	L	LENGTH OF CURVE
AVG	AVERAGE	LF	LINEAR FOOT
ADT	AVERAGE DAILY TRAFFIC	LC	LONG CHORD OF CURVE
BF	BACK FACE	LS	LUMP SUM
BM	BENCH MARK	MH	MANHOLE
BNSF	BURLINGTON NORTHERN SANTA FE	MOR	MID POINT OF RADIUS
BR	BRIDGE	NC	NORMAL CROWN
CE	COMMERCIAL ENTRANCE	NO	NUMBER
CL OR C/L OR ☿	CENTER LINE	OBLIT	OBLITERATE
Δ	CENTRAL ANGLE OR DELTA	PAVT	PAVEMENT
CONC	CONCRETE	PE	PRIVATE ENTRANCE
CPRC	CULVERT PIPE REINFORCED CONCRETE	PVRC	POINT OF VERTICAL REVERSE CURVE
CPRCHE	CULVERT PIPE REINFORCED CONCRETE	QOR	QUARTER POINT OF RADIUS
	HORIZONTAL ELLIPTICAL	R	RADIUS
CR	CREEK	REQ'D	REQUIRED
CY	CUBIC YARD	RES	RESIDENCE OR RESIDENTIAL
C & G	CURB AND GUTTER	RHF	RIGHT-HAND FORWARD
D	DEGREE OF CURVE	R/W	RIGHT-OF-WAY
DHV	DESIGN HOUR VOLUME	R	RIVER
DISCH	DISCHARGE	RDWY	ROADWAY
DG	DITCH GRADE	R/L OR R	REFERENCE LINE
DWY	DRIVEWAY	SALV	SALVAGED
X	EAST GRID COORDINATE	SAN	SANITARY SEWER
EAT	STEEL PLATE BEAM GUARD	SF	SQUARE FEET
	ENERGY ABSORBING TERMINAL	SY	SQUARE YARD
EOR	END POINT OF RADIUS	SDD	STANDARD DETAIL DRAWINGS
EL	ELEVATION	STA	STATION
ENT	ENTRANCE	SS	STORM SEWER
ESALS	EQUIVALENT SINGLE AXLE LOADS	SSPRC	STORM SEWER PIPE REINFORCED CONCRETE
EXC	EXCAVATION	SE	SUPERELEVATION RATE
EBS	EXCAVATION BELOW SUBGRADE	TC	TOP OF CURB
EXIST	EXISTING	T OR TN	TOWN
FC	FACE OF CURB	T	TRUCKS (PERCENT OF)
FF	FACE TO FACE	TYP	TYPICAL
FERT	FERTILIZE	VAR	VARIABLE
FE	FIELD ENTRANCE	VC	VERTICAL CURVE
FL	FLOW LINE	Y	NORTH GRID COORDINATE
FO	FIBER OPTIC	YD	YARD
CWT	HUNDREDWEIGHT		

GENERAL NOTES

ELEVATIONS SHOWN ON THE PLAN ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

WHEN THE QUANTITY OF BASE AGGREGATE OR HMA PAVEMENT IS MEASURED FOR PAYMENT BY THE TON OR CUBIC YARD, THE DEPTH OR THICKNESS OF THE LAYER SHOWN ON THE PLANS IS APPROXIMATE AND THE ACTUAL THICKNESS WILL DEPEND ON THE DISTRIBUTION OF THE MATERIAL AS DIRECTED BY THE ENGINEER.

THE LOCATION OF EXISTING AND PROPOSED UTILITY INSTALLATIONS AS SHOWN ON THE PLANS IS APPROXIMATE. THERE MAY BE OTHER UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

NO TREES OR SHRUBS ARE TO BE REMOVED WITHOUT THE APPROVAL OF THE ENGINEER.

CURVE DATA IS BASED ON THE ARC DEFINITION.

BEARINGS SHOWN ON THE PLANS ARE PROJECT BEARINGS TO THE NEAREST SECOND.

THE LOCATION OF ALL DRIVEWAYS WILL BE DETERMINED BY THE ENGINEER.

GRADE TO MATCH PROPOSED CROSS SLOPE AND SUPER ELEVATION.

BEARINGS SHOWN ON THE PLAN ARE REFERENCED TO THE EXISTING ROADWAY CENTERLINE AND ARE ASSUMED.

UTILITY CONTACTS

CENTURYLINK  
20244 W MILL ROAD, P.O. BOX 524  
GALESVILLE, WI 54630  
TELEPHONE: 608.582.2227  
ATTENTION: STU HOEL  
EMAIL: STUART.HOEL@CENTURYLINK.COM

HIAWATHA BROADBAND COMMUNICATION  
58 JOHNSON STREET  
WINONA, MN 55987  
TELEPHONE: 507.474.5805  
ATTENTION: DAN PECARINA  
EMAIL: DAN.PECARINA@HBCI.COM

RIVERLAND ENERGY COOP  
P.O. BOX 277  
ARCADIA, WI 54612  
TELEPHONE: 800.411.9115  
ATTENTION: DAVE WOYICKI  
EMAIL: DWOYICKI@RIVERLANDENERGY.COM

WIDOT NORTHWEST REGION  
718 W CLAIREMONT  
EAU CLAIRE, WI 54701  
TELEPHONE: 715.836.2919  
ATTENTION: JEFF KERN  
EMAIL: JEFFREY.KERN@DOT.WI.GOV

XCEL ENERGY  
3215 COMMERCE STREET, P.O. BOX 727  
LA CROSSE, WI 54601  
TELEPHONE: 507.450.3788  
ATTENTION: TIM SMITH  
EMAIL: TIMOTHY.E.SMITH@XCELENERGY.COM



DESIGN CONTACT

SEH INC.  
10 NORTH BRIDGE STREET  
CHIPPEWA FALLS, WI 54729  
TELEPHONE: 715.720.6200  
ATTENTION: TARA KRISTA  
EMAIL: TKRISTA@SEHINC.COM

WDNR CONTACT

EAU CLAIRE SERVICE CENTER  
1300 W CLAIREMONT AVENUE  
EAU CLAIRE, WI 54701  
TELEPHONE: 715.836.6571  
ATTENTION: AMY LESIK  
EMAIL: AMYL.LESIK@WISCONSIN.GOV

RAILROAD COORDINATOR

NORTHWEST REGION, SUPERIOR  
1701 NORTH 4TH STREET  
SUPERIOR, WI 54880  
TELEPHONE: 715.392.7960  
ATTENTION: ANNA DAVEY  
EMAIL: ANNA.DAVEY@DOT.STATE.WI.US



TYPICAL FINISHED SECTION  
STA 1000+00.00 TO STA 1020+50.00

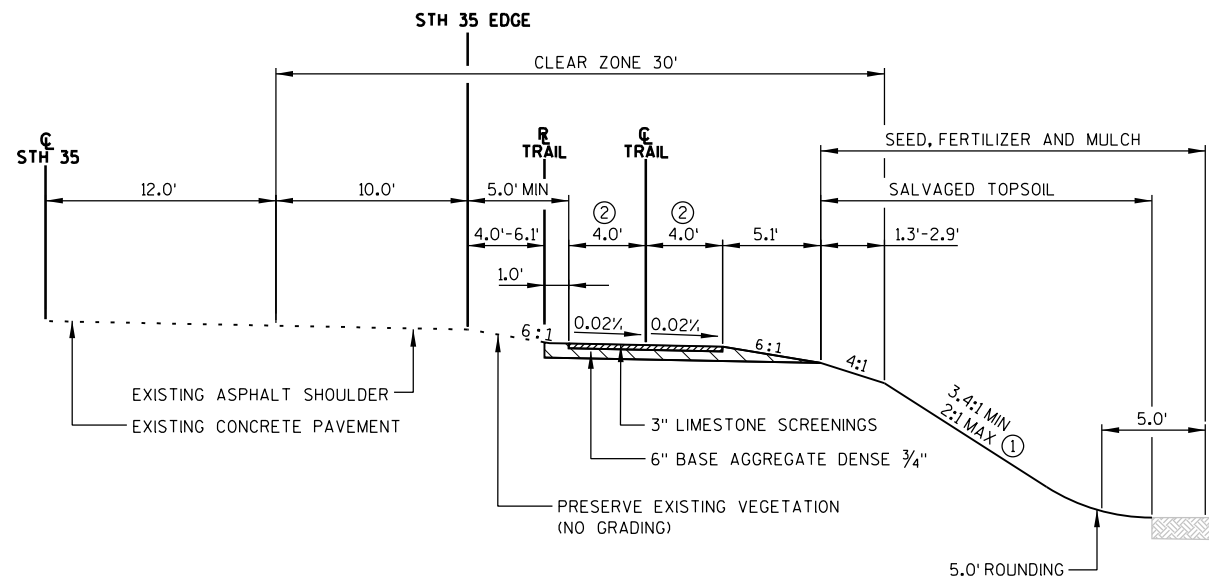
**TYPICAL FINISHED SECTION**  
STA 1020+50.00 TO STA 1021+33.83

**TYPICAL FINISHED BEAM GUARD SECTION**  
STA 1021+33.83 TO STA 1037+50.00

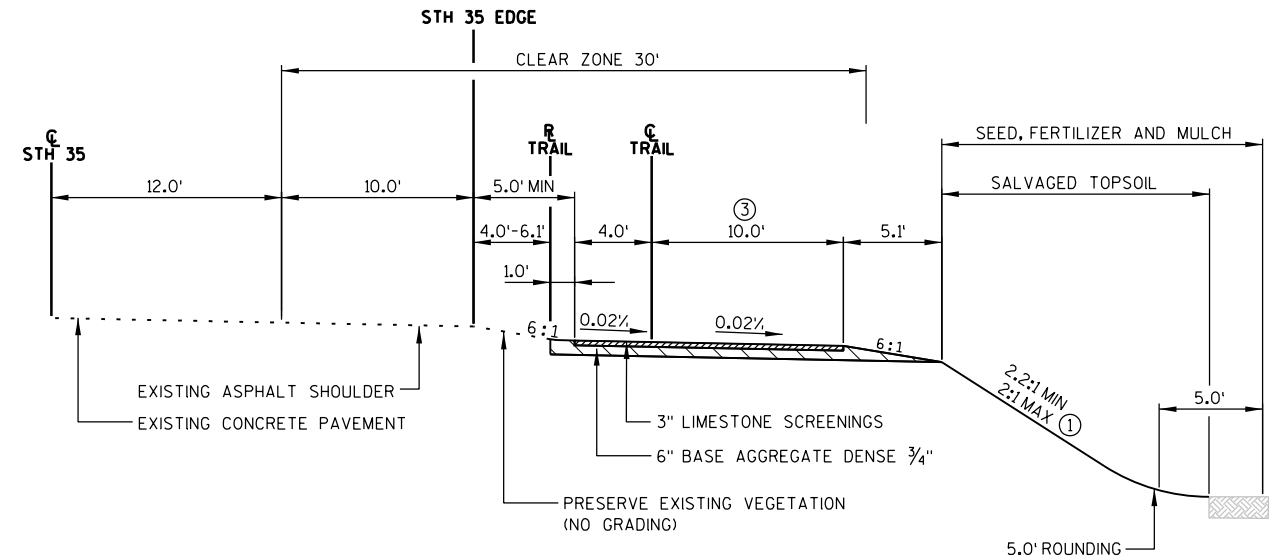
**TYPICAL FINISHED BEAM GUARD SECTION**  
STA 1037+50.00 TO STA 1041+50.00

NOTES:

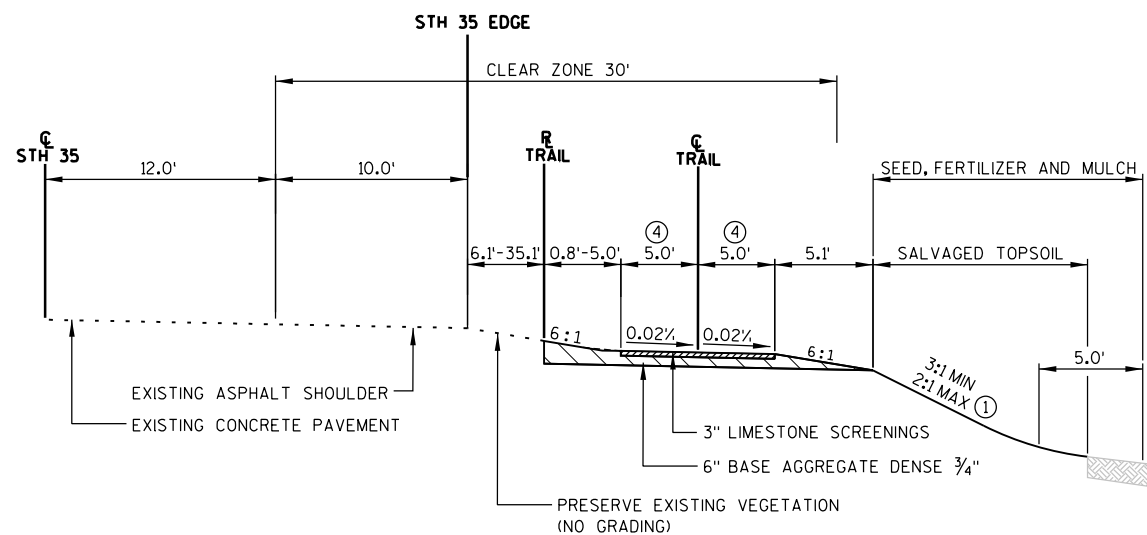
- ① ON ALL 2:1 SLOPES USE EROSION MAT CLASS III, TYPE B AND EROSION MAT CLASS II, TYPE B.
- ② ON ALL SLOPES STEEPER THAN 2:1 USE EROSION MAT CLASS III, TYPE D AND SOIL STABILIZER TYPE A.
- ③ CROSS SLOPE TRANSITIONS FROM STA 1021+00 NORMAL CROWN TO STA 1021+50 REVERSE CROWN. WIDTH VARIES FROM 5.0' AT STA 1020+88 TO 4.0' AT STA 1022+16.
- ④ WIDTH VARIES FROM 4.0' AT STA 1037+00.00 TO 5.0' AT STA 1037+50.00.
- ⑤ EXISTING BEAM GUARD ENDS AT STA 1040+62.



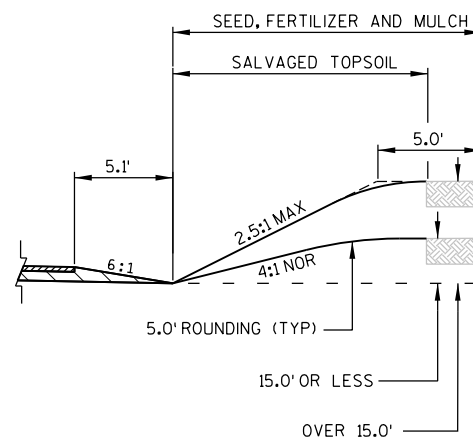
TYPICAL FINISHED SECTION  
STA 1041+50.00 TO STA 1046+90.00



TYPICAL FINISHED SECTION  
STA 1046+90.00 TO STA 1047+60.00



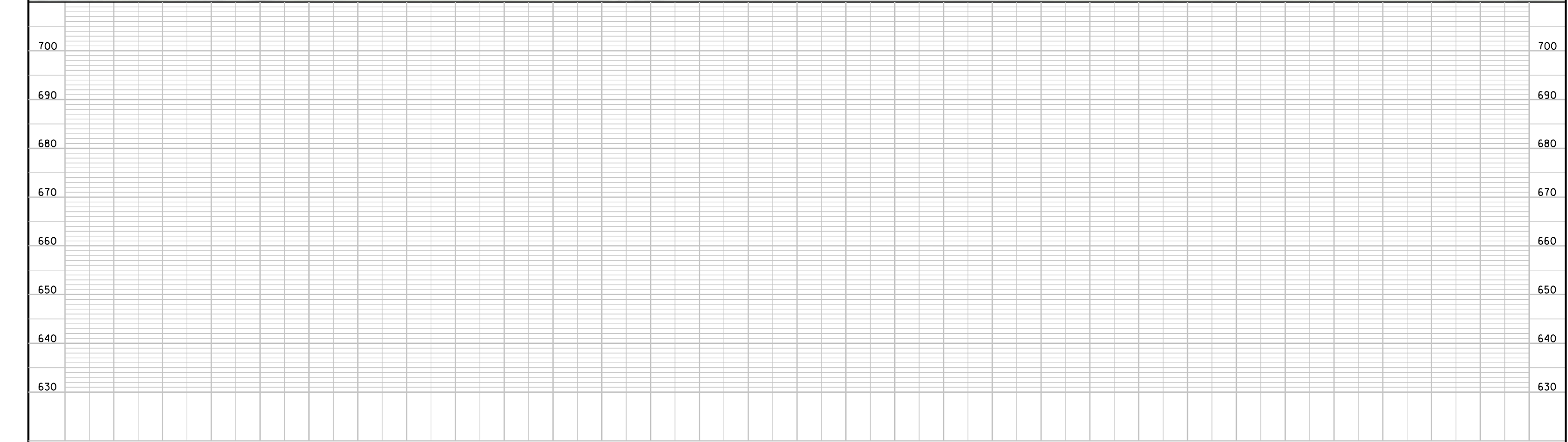
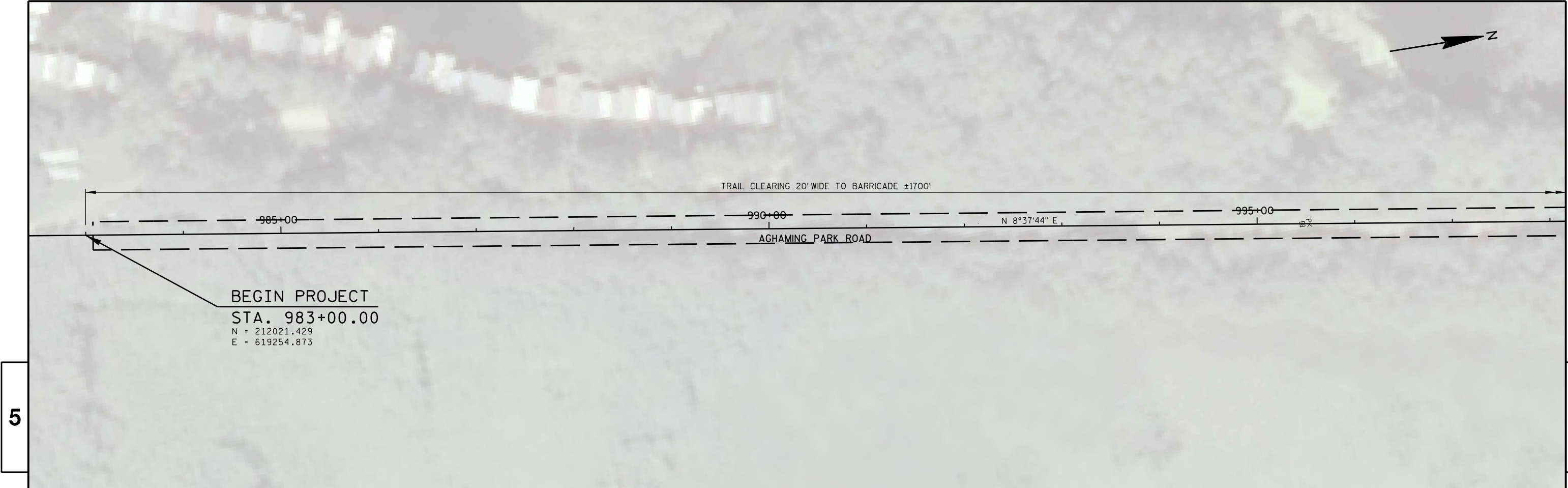
TYPICAL FINISHED SECTION  
STA 1054+81.66 TO STA 1078+44.37

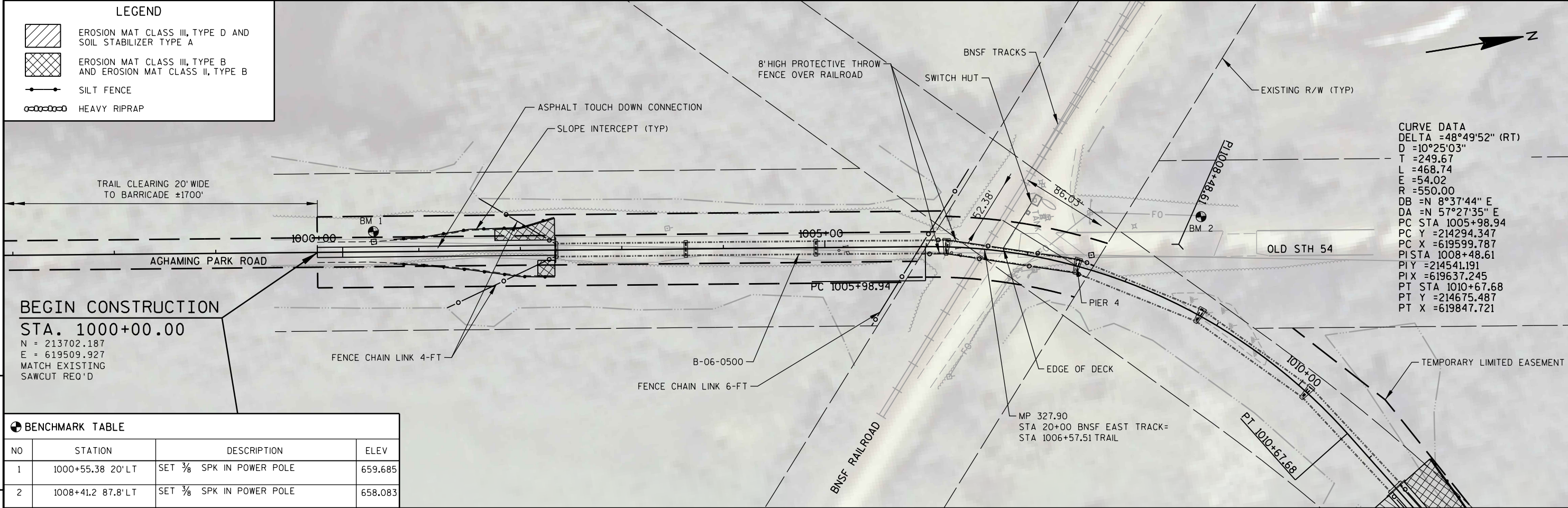


TYPICAL FINISHED SECTION  
STA 1047+60.00 TO STA 1054+81.66

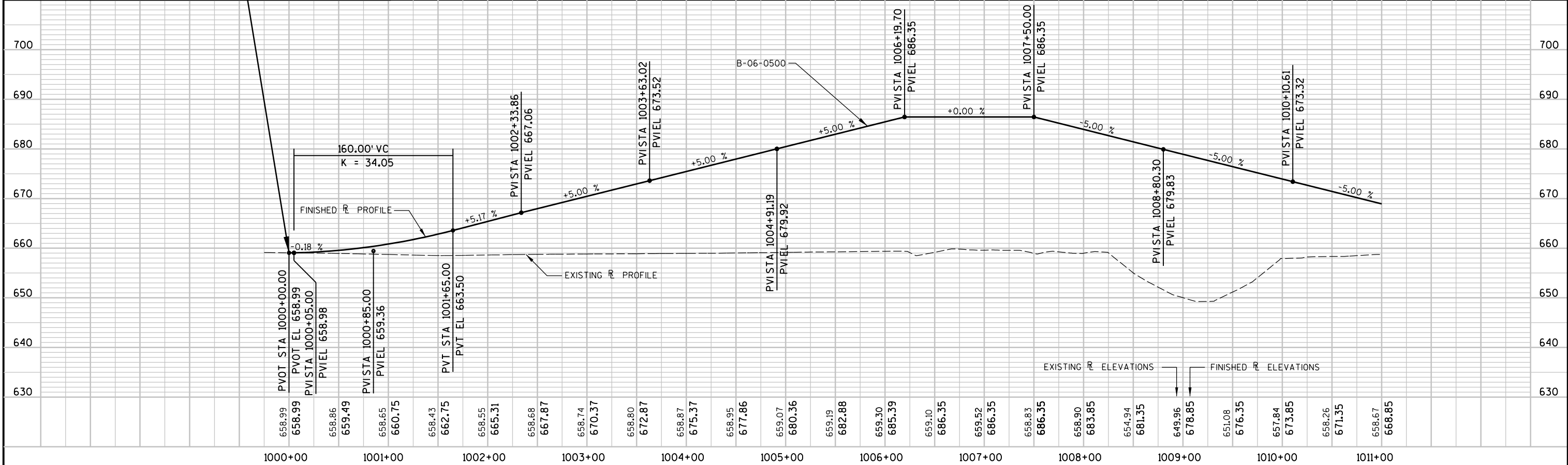
NOTES:

- ① ON ALL 2:1 SLOPES USE EROSION MAT CLASS III, TYPE B AND EROSION MAT CLASS II, TYPE B.
- ② WIDTH VARIES FROM 5.0' AT STA 1041+50.00 TO 4.0' AT STA 1042+00.00.
- ③ WIDTH VARIES FROM 4.0' AT STA 1046+90.00 TO 10.0' AT STA 1047+00.00 AND FROM 10.0' AT STA 1047+50.00 TO 4.0' AT STA 1047+60.00.
- ④ WIDTH VARIES FROM 4.0' AT STA 1056+09.66 TO 5.0' AT STA 1057+97.45.

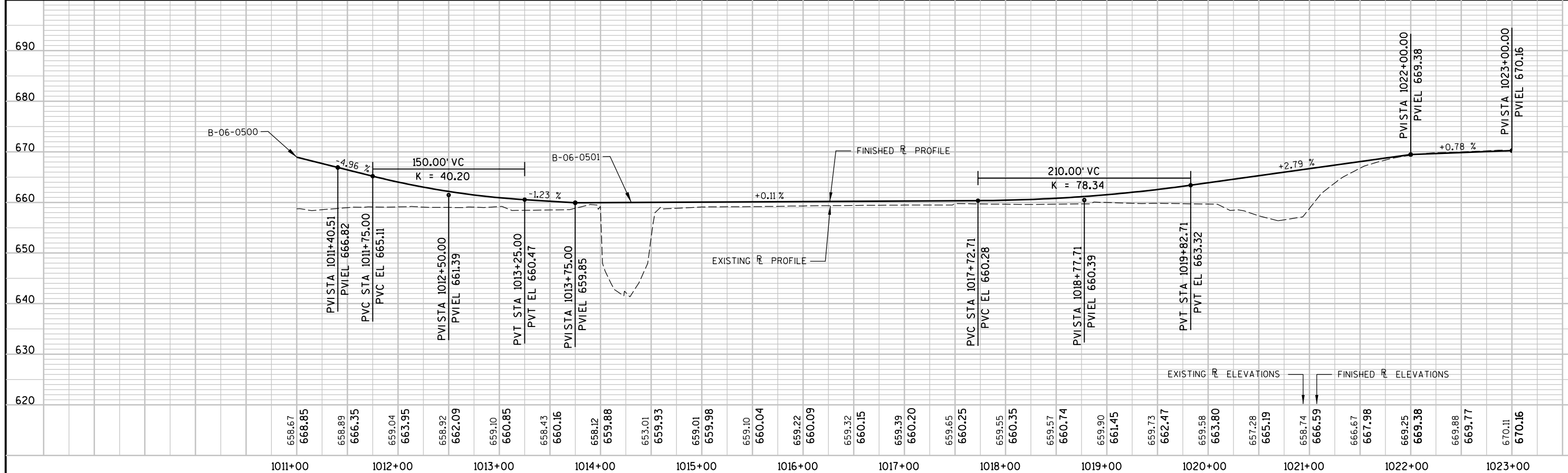
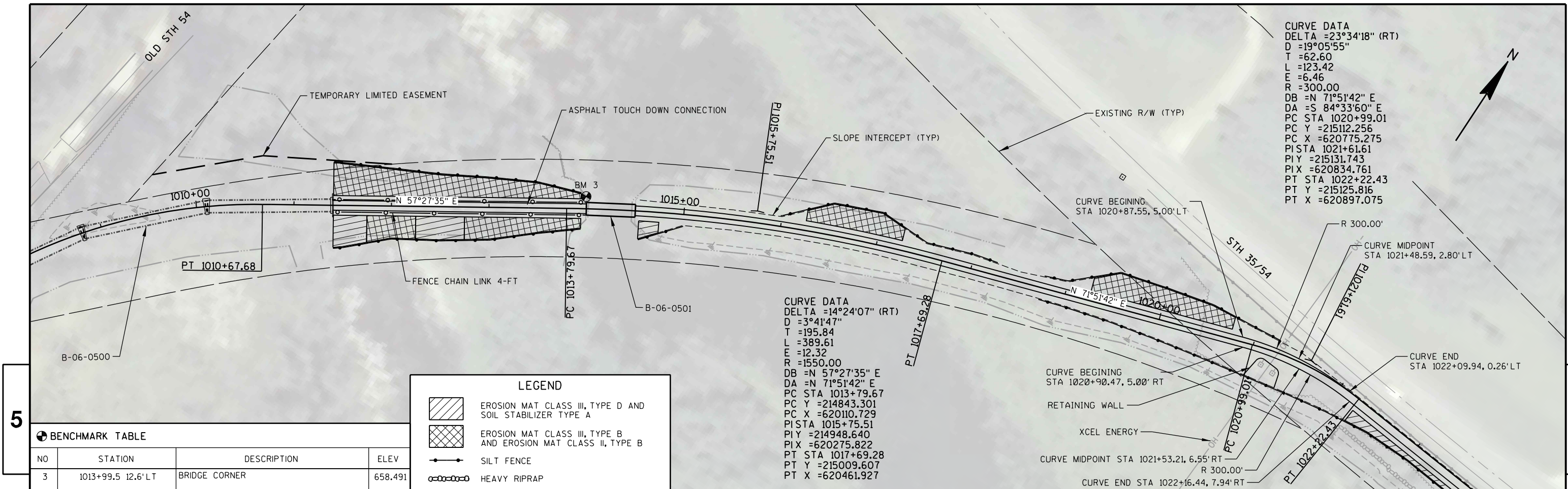




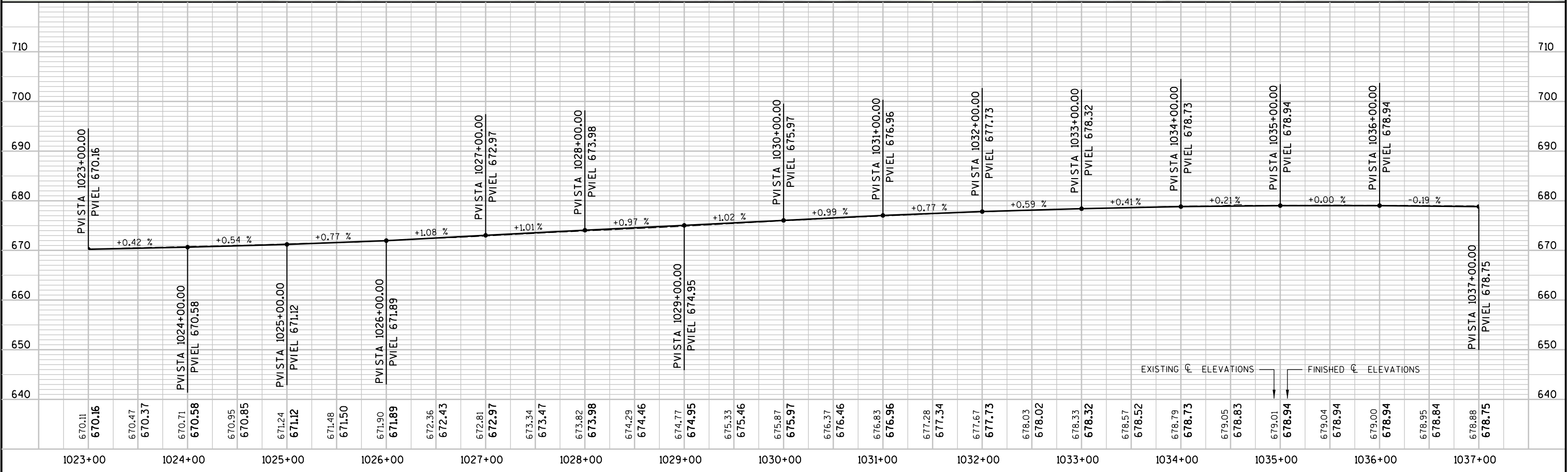
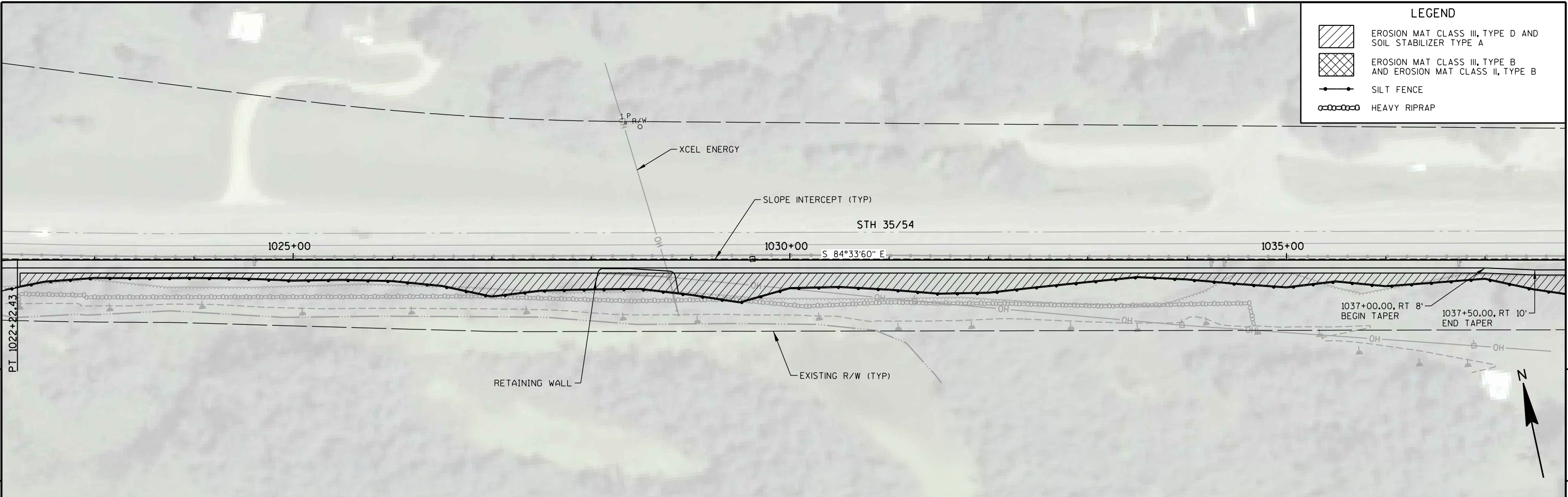
BENCHMARK TABLE			
NO	STATION	DESCRIPTION	ELEV
1	1000+55.38 20' LT	SET 3/8" SPK IN POWER POLE	659.685
2	1008+41.2 87.8' LT	SET 3/8" SPK IN POWER POLE	658.083



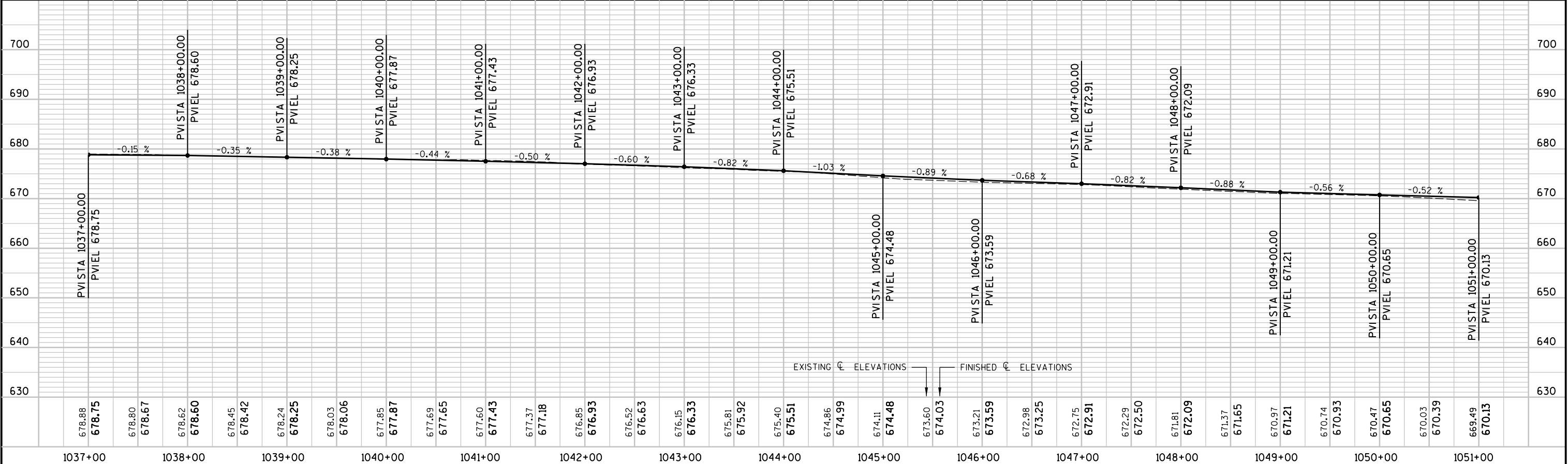
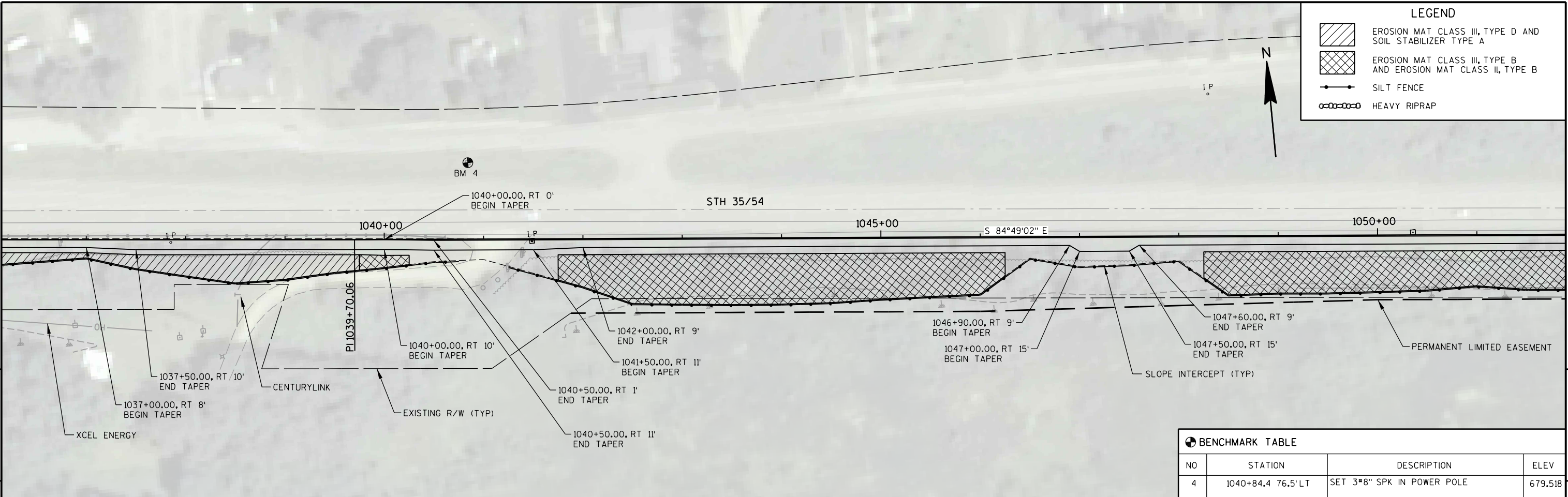




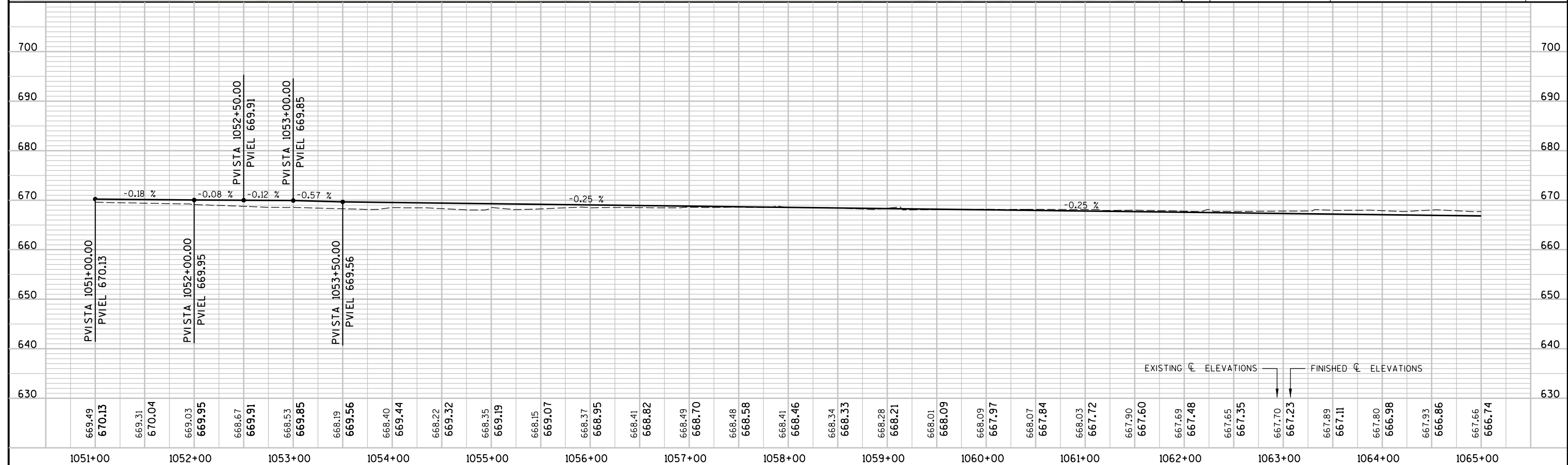
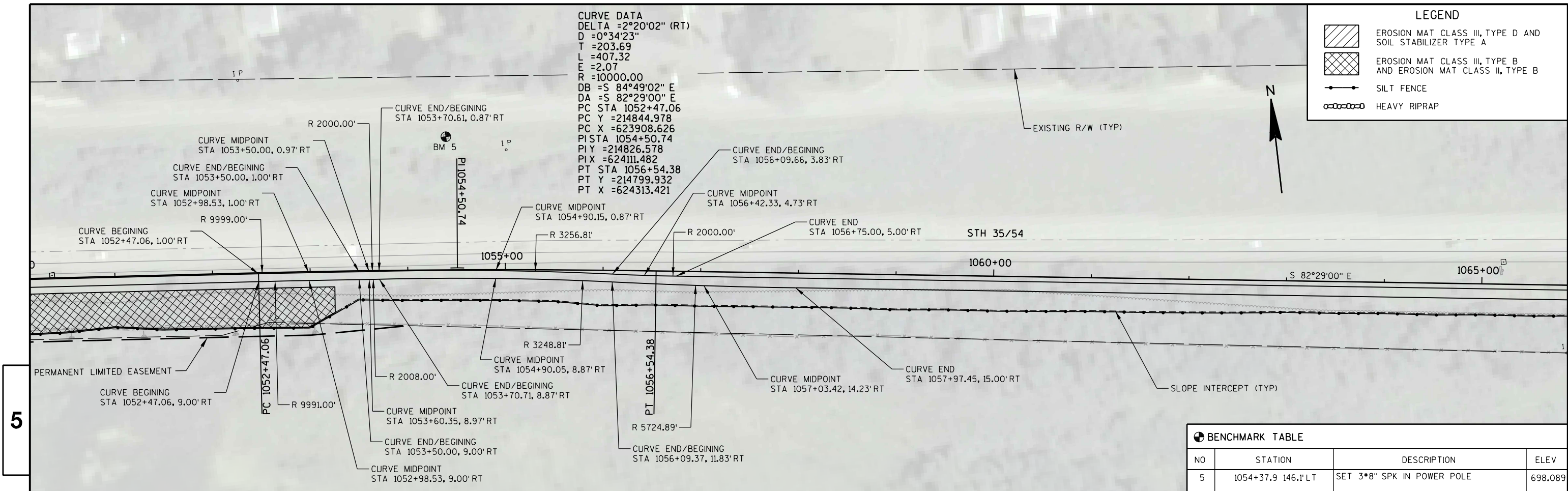
PROJECT NO:	7224-00-72	HWY:	GREAT RIVER STATE TRAIL	COUNTY:	BUFFALO	PLAN AND PROFILE	SCALE, FEET	0 50 100	SHEET	E
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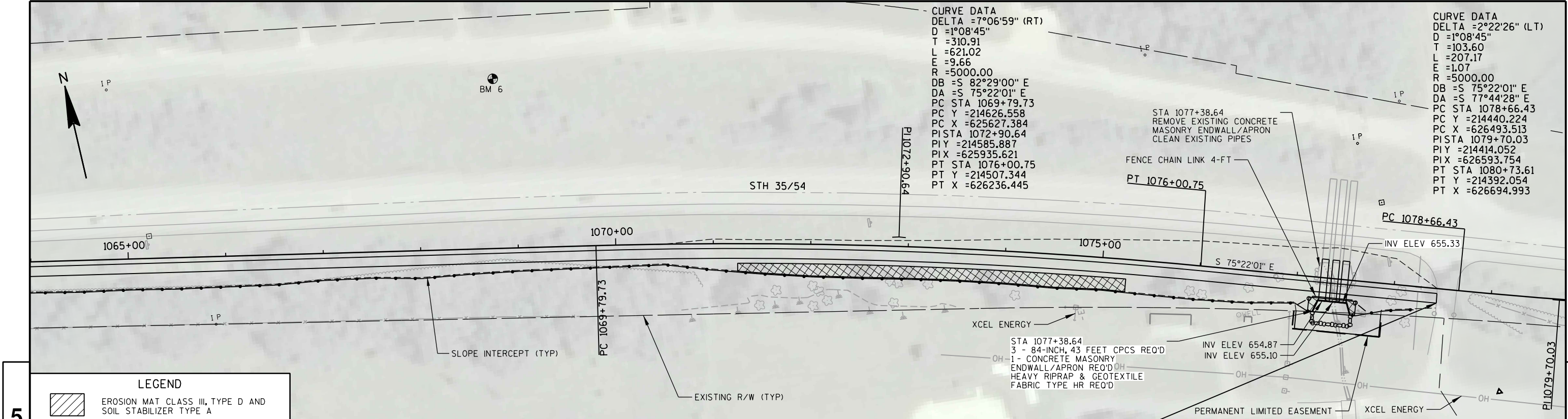










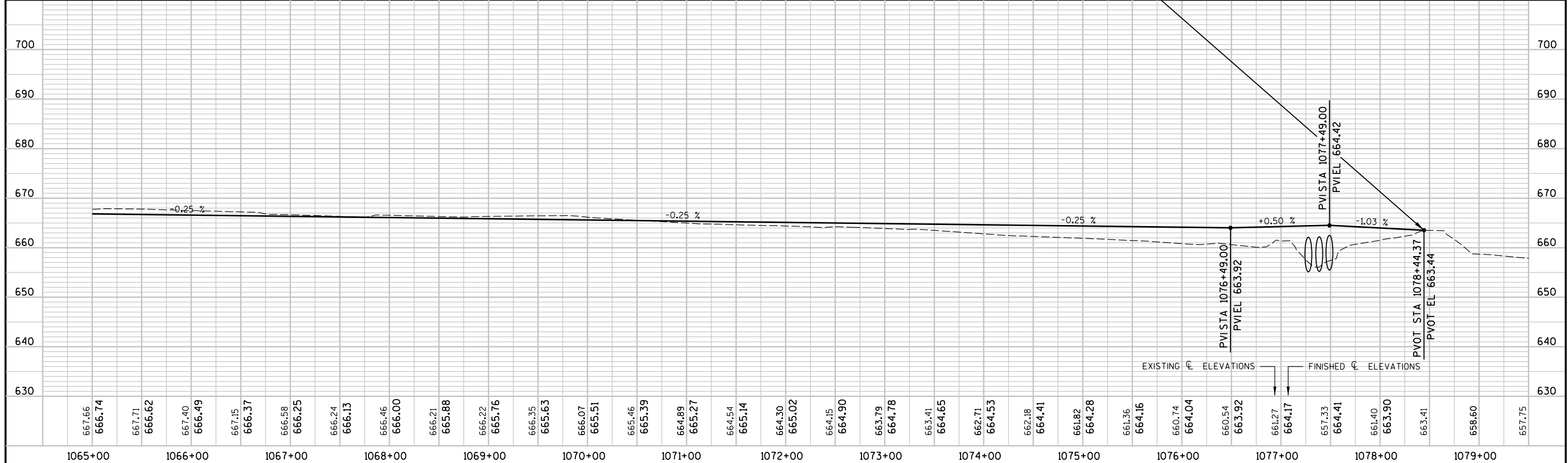


**LEGEND**

- EROSION MAT CLASS III, TYPE D AND SOIL STABILIZER TYPE A
- EROSION MAT CLASS III, TYPE B AND EROSION MAT CLASS II, TYPE B
- SILT FENCE
- HEAVY RIPRAP

**END PROJECT**  
**STA. 1078+44.37**  
MATCH EXISTING

BENCHMARK TABLE			
NO	STATION	DESCRIPTION	ELEV
6	1068+90.11745' LT	SET 3/8" SPK IN POWER POLE	684.979



## Exhibit F – Phase 1 Hazardous Materials Assessment

---

## **Hazardous Materials Assessment**

Project I.D. 7224-00-71  
Town of Buffalo  
Great River State Trail Winona Connector  
Non-Highway  
Buffalo County, Wisconsin

Short Elliott Hendrickson Inc.  
421 Frenette Drive  
Chippewa Falls, WI 54729

## **Executive Summary**

Short Elliott Hendrickson Inc. has completed this Hazardous Materials Assessment (HMA) on behalf of the Wisconsin Department of Transportation. The Great River State Trail Winona Connector project is located in T18N-R10W, and T19N-R10W, Town of Buffalo, Buffalo County across the Mississippi River from Winona, Minnesota. The project includes 1.486 miles of trail design, the design of a bridge over a Mississippi backwater, and the design of a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad. The purpose of conducting the HMA was to identify potential hazardous materials sites that could impact proposed WisDOT project operations. A search of the WDNR BRRTS website resulted in two sites near the proposed project. The potential hazardous materials sites are both located greater than 1250' from the project corridor. Accordingly, no additional assessment or investigation is recommended adjacent to these sites.

**WisDOT Phase 1 Hazardous Materials Assessment Site Summary**  
(rev. 10/7/2005)

**WisDOT Project ID: 7224-00-71**

**Highway/Street: Non-Highway**

**Termini/Limits: Great River State Trail Winona Connector**

**County: Buffalo**

**Property Information:**

Site Name(s): Bluff Siding Spur

DOT parcel number (if known): N/A

Property Address: W 502 Spur Ln

Owner's Name: Dodge Oil Co, LLC

Owner's Address: N20414 CTH J Dodge, WI 54629

Owner's Phone: Unknown

Current Land Use: Unknown

Past Land Use: Gas/Retail Sales

**Real Estate Requirements:**

- ☐ None ☐ Total take ☐ Strip acquisition of \_\_\_\_\_ feet  
☒ Temporary Limited Easement (TLE) (None within site limits.)  
☒ Permanent Limited Easement (PLE) (None within site limits.)  
☐ Other (describe)

**Construction Requirements:**

- ☒ Excavation within current right of way to 2 feet (None within site limits.)  
☒ Excavation within proposed right of way to 2 feet (None within site limits.)  
☒ Excavation within easement to 2 feet (None within site limits.)  
☐ Public or private utility or sanitary or storm sewer installation or excavation to \_\_\_\_\_ feet

**Information from database searches and interviews:**

Department of Commerce (DCOMM)

- ☒ site has registered tanks ☐ ASTs ☒ USTs  
☐ tanks are currently in use  
☒ tanks are abandoned date: 3/7/1989

Tank contents:

- ☐ Leaded gasoline ☐ Unleaded gasoline ☐ Fuel Oil ☐ Diesel  
☐ Kerosene ☐ Unknown ☒ Other (describe) Closed filled with inert material.

☒ site is a DCOMM administered LUST site; DCOMM ID number: 259969, 259970, 259994, 259995,

☒ site is a closed DCOMM LUST site; closure date:

Department of Natural Resources (DNR)

- ☒ site is a DNR administered LUST site; BRRTS number: 03-06-001316  
☐ site is a DNR administered ERP site; BRRTS number:  
☒ site is a closed ☒ LUST ☐ ERP site; closure date: 04/02/2001  
☐ site is a landfill  
☐ site is an abandoned waste disposal site  
☐ site is a hazardous waste generator  
☐ Other (please describe)

Sanborn Maps: site is a \_\_\_\_\_ on map dated \_\_\_\_\_. Comments:

WisDOT historic plan sets: site is a \_\_\_\_\_ on project \_\_\_\_\_ dated \_\_\_\_\_. Comments:

Business directories: site is a \_\_\_\_\_ in the directory dated \_\_\_\_\_. Comments:



A check in a checkbox indicates a positive or "yes" response.

Aerial photos: site is a \_\_\_\_\_ on photo dated \_\_\_\_\_. Comments:

☐ Contamination discovered at \_\_\_\_\_ feet during utility or other excavation in the area. Indicate location on site map.

Interview Information or other comments:

**Visual Evidence of Potential Contamination:** (include additional information in space provided)

☒ No evidence of tanks

☐ USTs ☐ ASTs Location, number and condition of tanks, contents, comments:

Location in relationship to current right of way: ☐ map attached

Location in relationship to proposed right of way: ☐ map attached

☐ Drums ☐ Stained soils ☐ Odor ☐ Sheen on surface water ☐ Areas of excavation

☐ Areas of fill ☐ Stressed vegetation ☐ Pond(s) ☐ Basins/sumps ☐ Monitoring wells

☐ Soil borings

Comments:

**Potential for Contaminant Migration:** (attach supporting documentation such as plume maps, summaries of site investigation or closure reports).

☐ Property is a potential source of contamination

☐ Adjacent property is a potential source of contamination. Include site name or BRRTS number if known, describe location, include contaminant type and any additional information.

☐ Contaminated soil known to be within proposed right of way from \_\_\_\_\_ feet to \_\_\_\_\_ feet below ground surface

☐ Contaminated groundwater known to be within proposed right of way at \_\_\_\_\_ feet below ground surface.

☐ Contaminated soil or groundwater within existing right of way. Attach copy of most recent investigation and plume maps.

**Attachments – required**

☐ Site photographs and a site map showing areas of concern

☐ Plat map showing parcel and any proposed areas of acquisition or easement

☐ Historic aerial photos of site - clearly outline site

☐ Historic WisDOT or other as-builts and plat maps - clearly outline site

☐ Plume maps for known contamination. Indicate existing or proposed right of way where applicable.

**Recommendations**

☒ No additional hazardous materials investigation is required.

☐ If construction or real estate requirements change, evaluation of need for further investigation will be necessary.

☐ Information is sufficient to use Standard Special Provisions. Copy of completed Standard Special Provision is attached.

☐ Conduct additional investigation

☐ Phase 2 (determine if contamination is present)

☐ Phase 2.5 (determine extent of contamination within existing R/W only)

☐ Phase 3 (determine full extent of contamination prior to acquisition)

☐ Phase 4 (remediate site)

☐ Other (describe)

Prepared by: Justin Shavlik on 4/29/2014

Recommendations accepted by (name and title): Dave Brevick, Buffalo County Highway Commissioner on 4/29/14

Signature: \_\_\_\_\_

A check in a checkbox indicates a positive or "yes" response.



**WisDOT Phase 1 Hazardous Materials Assessment Site Summary**  
(rev. 10/7/2005)

**WisDOT Project ID: 7224-00-71**

**Highway/Street: Non-Highway**

**Termini/Limits: Great River State Trail Winona Connector**

**County: Buffalo**

**Property Information:**

Site Name(s): Spur Station

DOT parcel number (if known): N/A

Property Address: W 502 Spur Ln

Owner's Name: DVB Enterprise LLC

Owner's Address: S3358 CTH P Fountain City, WI 54629

Owner's Phone: Unknown

Current Land Use: Unknown

Past Land Use: Gas/Retail Sales

**Real Estate Requirements:**

- ☐ None ☐ Total take ☐ Strip acquisition of \_\_\_\_\_ feet
- ☒ Temporary Limited Easement (TLE) (None within site limits.)
- ☒ Permanent Limited Easement (PLE) (None within site limits.)
- ☐ Other (describe)

**Construction Requirements:**

- ☒ Excavation within current right of way to 2 feet (None within site limits.)
- ☒ Excavation within proposed right of way to 2 feet (None within site limits.)
- ☒ Excavation within easement to 2 feet (None within site limits.)
- ☐ Public or private utility or sanitary or storm sewer installation or excavation to \_\_\_\_\_ feet

**Information from database searches and interviews:**

Department of Commerce (DCOMM)

- ☐ site has registered tanks ☐ ASTs ☐ USTs
- ☐ tanks are currently in use
- ☐ tanks are abandoned date:

Tank contents:

- ☐ Leaded gasoline ☐ Unleaded gasoline ☐ Fuel Oil ☐ Diesel
- ☐ Kerosene ☐ Unknown ☐ Other (describe)

☐ site is a DCOMM administered LUST site; DCOMM ID number:

☐ site is a closed DCOMM LUST site; closure date:

Department of Natural Resources (DNR)

- ☒ site is a DNR administered LUST site; BRRTS number: 03-06-552980
- ☐ site is a DNR administered ERP site; BRRTS number:
- ☐ site is a closed ☐ LUST ☐ ERP site; closure date:
- ☐ site is a landfill
- ☐ site is an abandoned waste disposal site
- ☐ site is a hazardous waste generator
- ☐ Other (please describe)

Sanborn Maps: site is a \_\_\_\_\_ on map dated \_\_\_\_\_. Comments:

WisDOT historic plan sets: site is a \_\_\_\_\_ on project \_\_\_\_\_ dated \_\_\_\_\_. Comments:

Business directories: site is a \_\_\_\_\_ in the directory dated \_\_\_\_\_. Comments:

Aerial photos: site is a \_\_\_\_\_ on photo dated \_\_\_\_\_. Comments:  
☐ Contamination discovered at \_\_\_\_\_ feet during utility or other excavation in the area. Indicate location on site map.  
Interview Information or other comments:

**Visual Evidence of Potential Contamination:** (include additional information in space provided)

- ☒ No evidence of tanks  
☐ USTs ☐ ASTs Location, number and condition of tanks, contents, comments:  
Location in relationship to current right of way: ☐ map attached  
Location in relationship to proposed right of way: ☐ map attached  
☐ Drums ☐ Stained soils ☐ Odor ☐ Sheen on surface water ☐ Areas of excavation  
☐ Areas of fill ☐ Stressed vegetation ☐ Pond(s) ☐ Basins/sumps ☐ Monitoring wells  
☐ Soil borings  
Comments:

**Potential for Contaminant Migration:** (attach supporting documentation such as plume maps, summaries of site investigation or closure reports).

- ☐ Property is a potential source of contamination  
☐ Adjacent property is a potential source of contamination. Include site name or BRRTS number if known, describe location, include contaminant type and any additional information.  
☐ Contaminated soil known to be within proposed right of way from \_\_\_\_\_ feet to \_\_\_\_\_ feet below ground surface  
☐ Contaminated groundwater known to be within proposed right of way at \_\_\_\_\_ feet below ground surface.  
☐ Contaminated soil or groundwater within existing right of way. Attach copy of most recent investigation and plume maps.

**Attachments – required**

- ☐ Site photographs and a site map showing areas of concern  
☐ Plat map showing parcel and any proposed areas of acquisition or easement  
☐ Historic aerial photos of site - clearly outline site  
☐ Historic WisDOT or other as-builts and plat maps - clearly outline site  
☐ Plume maps for known contamination. Indicate existing or proposed right of way where applicable.

**Recommendations**

- ☒ No additional hazardous materials investigation is required.  
☐ If construction or real estate requirements change, evaluation of need for further investigation will be necessary.  
☐ Information is sufficient to use Standard Special Provisions. Copy of completed Standard Special Provision is attached.  
☐ Conduct additional investigation  
☐ Phase 2 (determine if contamination is present)  
☐ Phase 2.5 (determine extent of contamination within existing R/W only)  
☐ Phase 3 (determine full extent of contamination prior to acquisition)  
☐ Phase 4 (remediate site)  
☐ Other (describe)

Prepared by: Justin Shavlik on 4/29/2014

Recommendations accepted by (name and title): Dave Brevick, Buffalo County Highway Commissioner on 4/29/14

Signature: \_\_\_\_\_



## 7224-00-71 Hazmat Locations (None within project limits)



### Legend

- ◆ Open Site (ongoing cleanup)
- Open Site Boundary
- ◆ Closed Site (completed cleanup)
- Closed Site Boundary
- Airport
- 2010 Air Photos (WROC)
- Cities
- Villages

BEGIN PROJECT

END PROJECT

0.6 0 0.32 0.6 Miles

NAD\_1983\_HARN\_Wisconsin\_TM

© Latitude Geographics Group Ltd.

1: 20,462



DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>

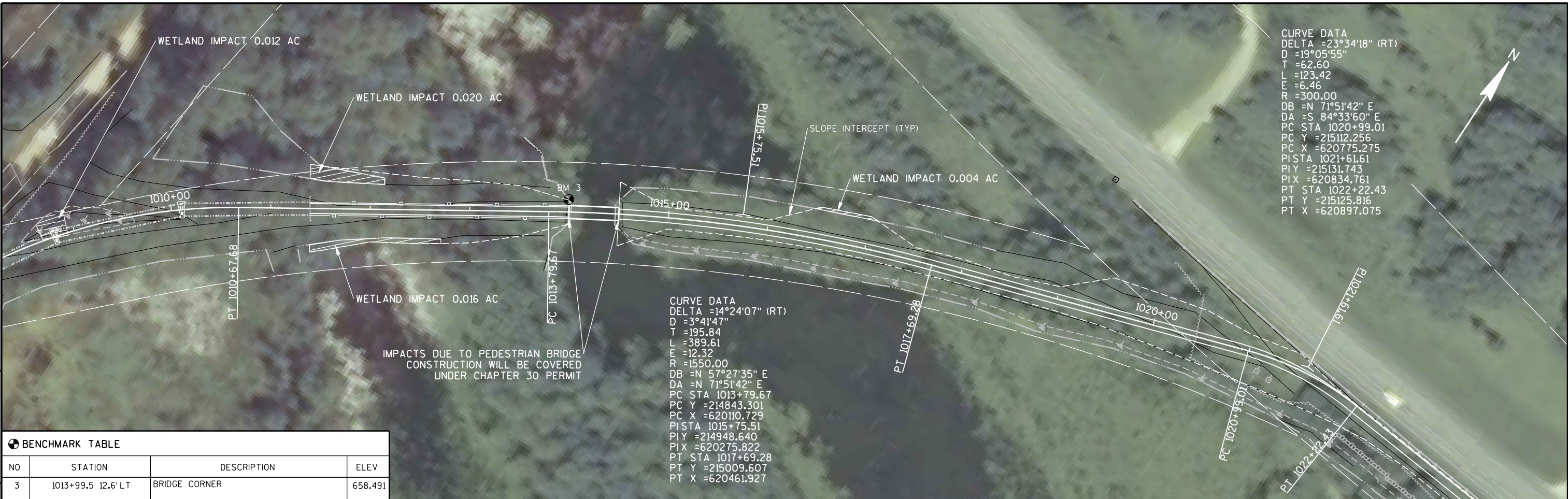
Note: Not all sites are mapped.

### Notes

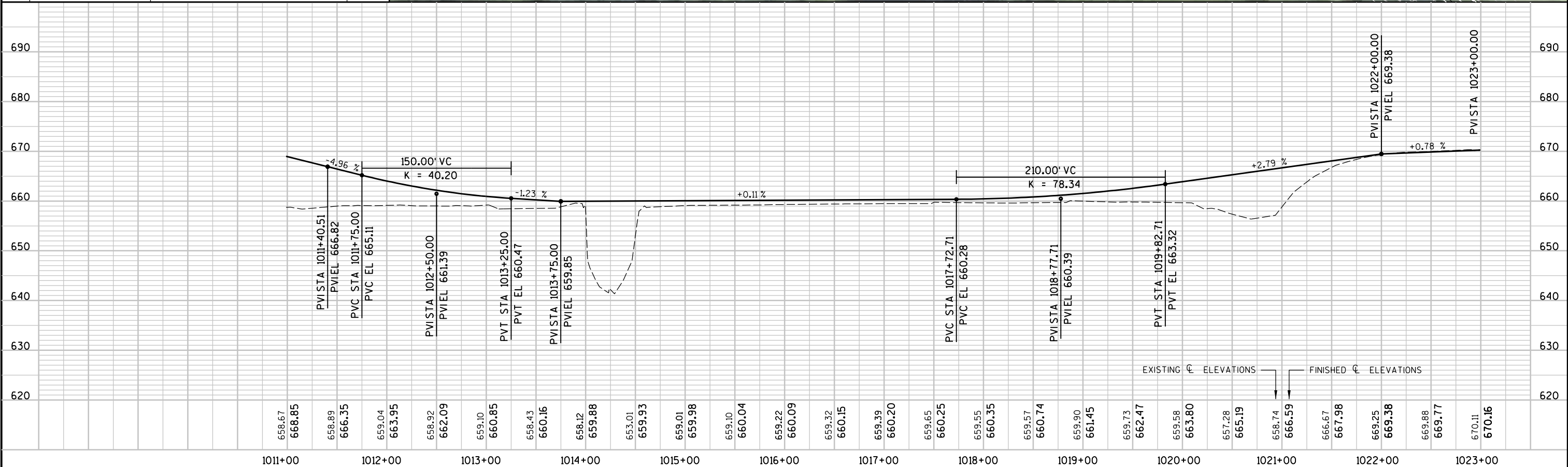
## Exhibit G – Wetland Impacts

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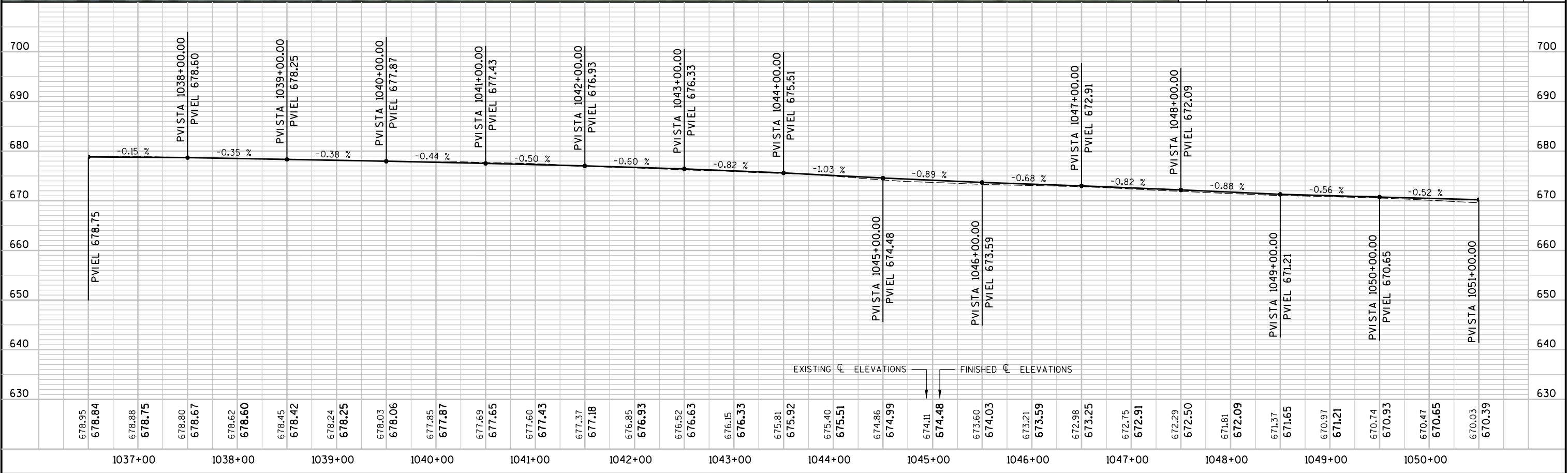
BENCHMARK TABLE			
NO	STATION	DESCRIPTION	ELEV
3	1013+99.5 12.6' LT	BRIDGE CORNER	658.491

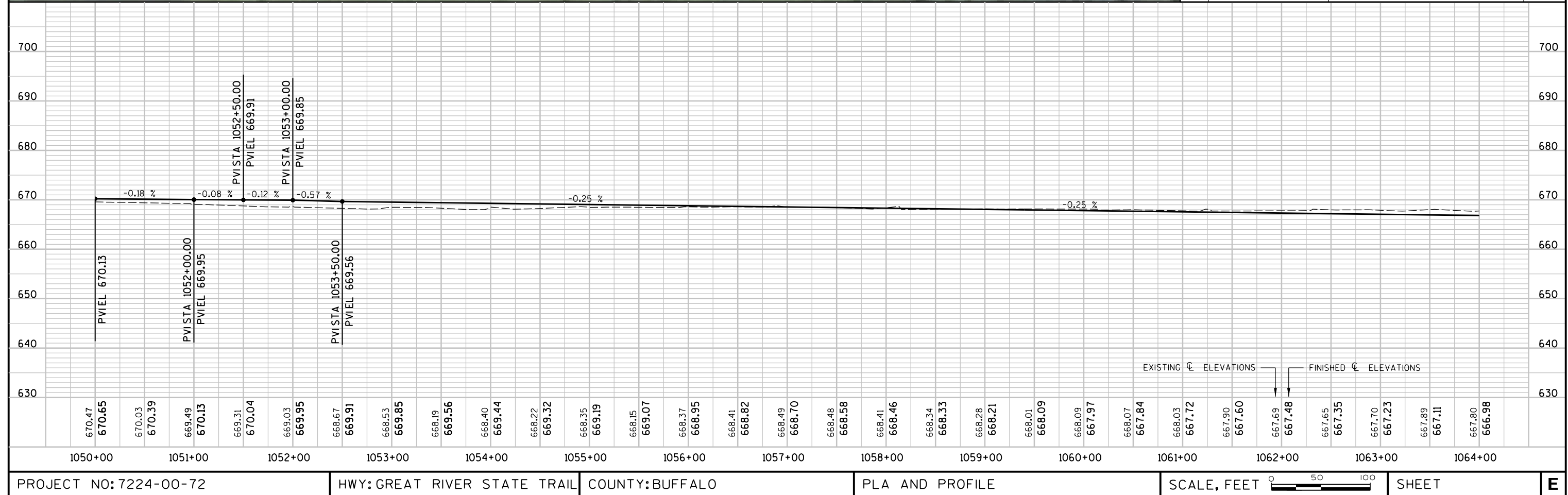






BENCHMARK TABLE			
NO	STATION	DESCRIPTION	ELEV
4	1040+84.4 76.5' LT	SET 3*8" SPK IN POWER POLE	679.518

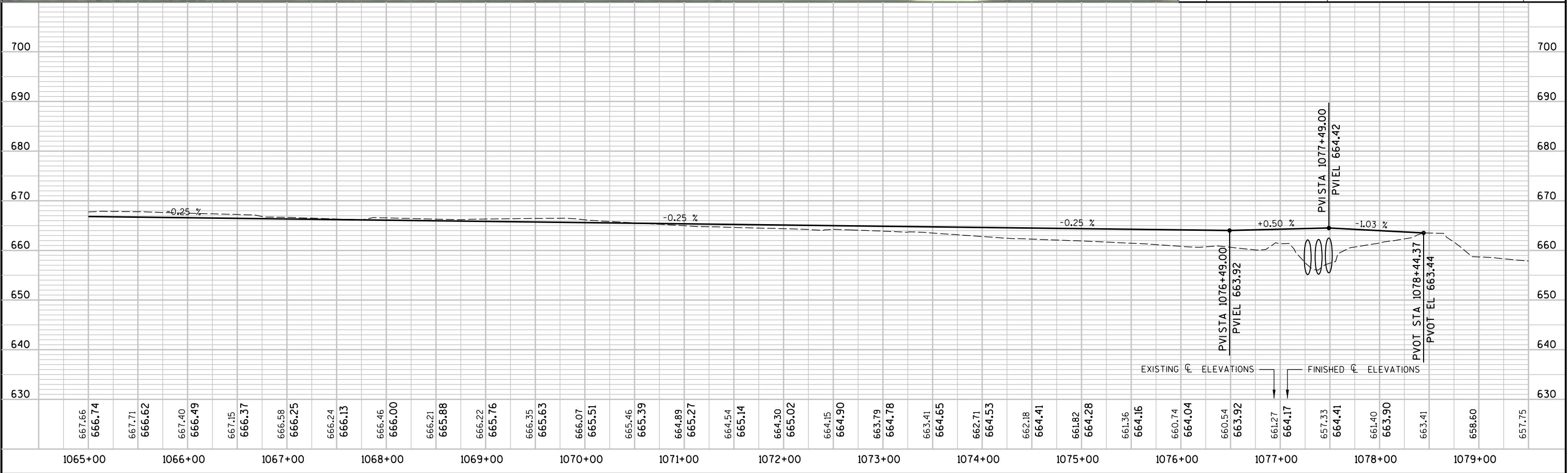








BENCHMARK TABLE			
NO	STATION	DESCRIPTION	ELEV
6	1068+90.1174,5' LT	SET 3/8" SPK IN POWER POLE	684.979



## Exhibit H – Section 106 Documentation

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{In Archive} RE: NWL 7224-00-02/72 Winona Connector TAP Section 106 approval  
Kennedy, Jason - DOT

to:

Johnson, Ross - DOT, Cloud, Lynn - DOT  
01/02/2018 03:30 PM

Cc:

'Tara Krista', "McKane, Ryan"

Hide Details

From: "Kennedy, Jason - DOT" <Jason1.Kennedy@dot.wi.gov>

To: "Johnson, Ross - DOT" <Ross.Johnson@dot.wi.gov>, "Cloud, Lynn - DOT"  
<Lynn.Cloud@dot.wi.gov>

Cc: 'Tara Krista' <tkrista@sehinc.com>, "McKane, Ryan" <RMcKane@knightea.com>

Archive: This message is being viewed in an archive.

Ross,

If no changes to the project have occurred and if the CEC is completed in 2018, no additional Section 106 work is needed.

Thank you,  
Jason

---

**From:** Johnson, Ross - DOT

**Sent:** Monday, November 13, 2017 10:56 AM

**To:** Kennedy, Jason - DOT <Jason1.Kennedy@dot.wi.gov>; Cloud, Lynn - DOT <Lynn.Cloud@dot.wi.gov>

**Cc:** 'Tara Krista' <tkrista@sehinc.com>; McKane, Ryan <RMcKane@knightea.com>

**Subject:** NWL 7224-00-02/72 Winona Connector TAP Section 106 approval

Hi Jason,

Please review the attached Section 106 review, which was approved in September 2014.

The environmental document will be CEC, and is not yet approved.

Does the Sec 106 require a new review?

thanks

**Ross Johnson, P.E.**

Local Program Project Manager

Office: (715) 836-2069 Cell: (715) 210-0488

E-mail: [ross.johnson@dot.wi.gov](mailto:ross.johnson@dot.wi.gov)

---

Wisconsin Department of Transportation

718 West Clairemont Avenue

Eau Claire, WI 54701

---



**From:** Hirschboeck, Vickie  
**To:** [Johnson, Ross - DOT](#)  
**Subject:** Fwd: 4(f) determination for bike Trail -Trempealeau NWR  
**Date:** Wednesday, March 15, 2017 2:21:00 PM

---

Hi Ross,

See attached email for concurrence on Section 106. James Myster is the Region 3 Cultural Resources Specialist for USFWS.

----- Forwarded message -----

**From:** **Myster, James** <[james\\_myster@fws.gov](mailto:james_myster@fws.gov)>  
**Date:** Wed, Mar 15, 2017 at 1:58 PM  
**Subject:** Re: 4(f) determination for bike Trail -Trempealeau NWR  
**To:** "Hirschboeck, Vickie" <[vickie\\_hirschboeck@fws.gov](mailto:vickie_hirschboeck@fws.gov)>

Hi Vickie:

Looks like they have everything in order. I would concur.

James

On Wed, Mar 8, 2017 at 12:57 PM, Hirschboeck, Vickie <[vickie\\_hirschboeck@fws.gov](mailto:vickie_hirschboeck@fws.gov)> wrote:

Hi James,

I am working with WIDOT on a bike trail project. The trail runs along the Hwy 35/54 right-of-way from Marshland to the Winona bridge. The trail will be immediately adjacent to refuge lands and a small amount of fill will be placed along the toe of the slope in a few sections. About 1.22 acres of wetland will be impacted. I am working on a 4(f) determination for the project. As the landowner I need to acknowledge that I am aware of the impacts.

The WIDOT has completed a section 106 (see attached). Could you take a look at it and see if you concur with the findings, so that I can say that we had FWS review on the archaeology? See attached. Give me a call if you need to discuss.

Thanks, Vickie

--

**Vickie Hirschboeck, Refuge Manager**

**Trempealeau National Wildlife Refuge**  
**W28488 Refuge Road**  
**Trempealeau, WI 54661**  
**(608) 539-2311 x2 (office)**  
**(608) 769-4408 (cell)**  
**(608) 539-2730 (fax)**

--

James E. Myster  
Regional Historic Preservation Officer / Archaeologist  
Midwest Region (Region 3)  
U.S. Fish and Wildlife Service  
5600 American Boulevard West, Suite 1049  
Bloomington, Minnesota 55437  
612-713-5439 (phone)

--

**Vickie Hirschboeck, Refuge Manager**

**Trempealeau National Wildlife Refuge  
W28488 Refuge Road  
Trempealeau, WI 54661  
(608) 539-2311 x2 (office)  
(608) 769-4408 (cell)  
(608) 539-2730 (fax)**



**SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION**Wisconsin Department of Transportation  
DT1635 9/2013

For instructions, see FDM Chapter 26.

RECEIVED

SEP 11 2014

SHPO

DIV HIST PRES

**I. PROJECT INFORMATION**

Project ID 7224-00-01/71	Highway – Street Great River State Trail	County Buffalo
Project Termini Great River State Trail Winona Connector (Non-Highway), Town of Buffalo		Region – Office Northwest Region - Local Program
Regional Project Engineer – Project Manager Ross Johnson, P.E, WisDOT NW Region		(Area Code) Telephone Number 715.836.2069
Consultant Project Engineer – Project Manager Dan Gustafson, P.E., SEH		(Area Code) Telephone Number 715.720.6267
Archaeological Consultant Kent E. Dickerson, Wisconsin Historical Society Museum Archeology Program		(Area Code) Telephone Number N/A
Architecture/History Consultant N/A		(Area Code) Telephone Number N/A
Date of Need September 1, 2014		SHSW Number
Return a Signed Copy of This Form to Ryan McKane, P.E. Knight E/A, Inc.      rmckane@knightea.com      608.519.1455		

**II. PROJECT DESCRIPTION**

Project Length 1.486 miles	Land to be Acquired: Fee Simple 0 acres	Land to be Acquired: Easement 0.55 acres
-------------------------------	--	---

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width Total LT & RT	100' - 323'	100' - 323'	Terrace Width	N/A	N/A
Shoulder LT & RT	N/A	0' - 4'	Sidewalk Width	N/A	N/A
Slope Intercept LT & RT	N/A	8' - 65'	Number of Lanes	N/A	10' wide trail
Edge of Pavement LT & RT	N/A	4' - 5'	Grade Separated Crossing	N/A	Yes BNSF Railroad
Back of Curb Line	N/A	N/A	Vision Triangle acres	N/A	N/A
Realignment	N/A	N/A	Temporary Bypass acres	N/A	N/A
Other – List:	N/A	N/A	Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that depict "maximum" impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree topping and/or grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Brief Narrative Project Description – Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements.

See attached sheet.

☒ Add continuation sheet, if needed.

#### Brief Narrative Project Description:

The Great River State Trail Winona Connector project is located in T18N-R10W, and T19N-R10W, Town of Buffalo, Buffalo County across the Mississippi River from Winona, Minnesota. See Figure 1: Project Location Map. The project includes 1.486 miles of trail design, the design of a bridge over a Mississippi backwater, and the design of a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad. Right-of-way acquisitions include 0.50 acres of PLE and 0.05 acres of TLE.

The project begins on the old alignment of State Trunk Highway 54 approximately 750 feet south of the Burlington Northern Santa Fe Railroad and will end at the Town of Buffalo Town Park. The trail follows the old State Trunk Highway 54 alignment, the abandoned Chicago Northwestern Railroad alignment and the edge of State Trunk Highway 35. The project includes an overpass or grade separation for the trail to cross the Burlington Northern Santa Fe Railroad at this location. Approximately 100 trains per day use this track and the remoteness of the location required the use of the overpass to ensure safe crossing for bicyclists and pedestrians.

The proposed bridge over the BNSF railroad track is a seven span open through steel truss approximately 843 feet long. The clear width of the bridge will be 12 feet. The bridge will be constructed on a curve to connect the Old State Trunk Highway 54 alignment to the abandoned Chicago Northwestern alignment. The proposed bridge will have 23 feet of clearance from the top of track rail to the bottom of the bridge and a 5 % maximum slope on the approach.

The project also includes a bridge over a Mississippi River backwater slough approximately 750 feet east of the railroad overpass crossing. This bridge will be approximately 50 feet long and will replace the railroad bridge that was removed at the time of abandonment of the Chicago Northwestern Railroad. The existing stone bridge abutments will be repaired and reused for the new bridge. The new bridge will be designed similar to the railroad overpass bridge.

The remainder of the trail will follow the south side of State Trunk Highway 35. The trail will be 10 feet wide surfaced with limestone screenings. Where embankment fills are required in wetland areas, the trail will be 8 feet wide to help reduce wetland impacts. A 5-foot safety area will be provided along both sides of the trail with an exception being 3 feet along the existing guardrail at State Trunk Highway 35 between Station 1021+00 and 1041+00.

This is Phase 1 of the project. Phase 2 will continue from the Town Park ending at the Trailhead near the Canadian National Crossing at Marshland. The project was split into two phases due to available funds. It is anticipated that the trail will also continue towards Winona Minnesota in the future.

The ground disturbing activities include bridge construction, stripping topsoil, grading, and resurfacing. Attachment 1 shows project plans including the bridge location and the slope intercepts or construction limits. Attachment 2 shows the proposed right-of-way plat. Attachments 1 and 2 show the limits of ground disturbing activities and the easements to be acquired.



### III. CONSULTATION

How has notification of the project been provided to:

- ☒ Property Owners  
☒ Public Information Meeting Notice  
☐ Letter - Required for Archaeology  
☐ Telephone Call  
☐ Other:

- ☒ Historical Societies/Organizations  
☐ Public Information Meeting Notice  
☒ Letter  
☐ Telephone Call  
☐ Other:

- ☒ Native American Tribes  
☐ Public Info. Mtg. Notice  
☒ Letter  
☐ Telephone Call  
☐ Other:

\*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

### IV. AREA OF POTENTIAL EFFECTS - APE

**ARCHAEOLOGY:** Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.

**HISTORY:** Describe the area of potential effects for buildings/structures.

There are no buildings or structures within the area of potential effects. The area of potential effects is the alignment of old STH 54, abandoned Chicago Northwestern Railroad, and the south side of STH 35.

### V. PHASE I ARCHEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

#### ARCHAEOLOGY

- ☐ Archaeological survey is needed  
☒ Archaeological survey is not needed - Provide justification  
☐ Screening list (date).  
☒ See Previous Report & MAP letter

#### HISTORY

- ☐ Architecture/History survey is needed  
☒ Architecture/History survey is not needed  
☐ No structures or buildings of any kind within APE  
☒ Screening list 7/1/2014 (date).

### VI. SURVEY COMPLETED

#### ARCHAEOLOGY

- ☐ NO archaeological sites(s) identified - ASFR attached  
☒ NO potentially eligible site(s) in project area - Phase I Report attached  
☐ Potentially eligible site(s) identified-Phase I Report attached  
☐ Avoided through redesign  
☐ Phase II conducted - go to VII (Evaluation).  
☐ Phase I Report attached - Cemetery/cataloged burial documentation

#### HISTORY

- ☐ NO buildings/structures identified - A/HSF attached  
☐ Potentially eligible buildings/structures identified in the APE - A/HSF attached  
☐ Potentially eligible buildings/structures avoided - documentation attached

### VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

- ☐ No arch site(s) eligible for NRHP - Phase II Report attached  
☐ Arch site(s) eligible for NRHP - Phase II Report attached  
☐ Site(s) eligible for NRHP - DOE attached

- ☐ No buildings/structure(s) eligible for NRHP - DOE attached  
☐ Building/structure(s) eligible for NRHP - DOE attached

### VIII. COMMITMENTS/SPECIAL PROVISIONS - must be included with special provisions language

None. See MAP letter dated 8/9/14

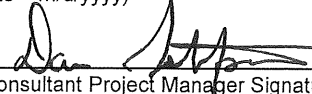
### IX. PROJECT DECISION

- ☐ No historic properties (historical or archaeological) in the APE.  
☒ No historic properties (historical or archaeological) affected.  
☐ Historic properties (historical and/or archaeological) may be affected by project;  
☐ Go to Step 4: Assess affects and begin consultation on affects  
☐ Documentation for Determination of No Adverse Effects is included with this form. WisDOT has concluded that this project will have No Adverse Effect on historic properties. Signature by SHPO below indicates SHPO concurrence in the DNAE and concludes the Section 106 Review process for this project.

### X. SIGNATURES

X   
(Regional Project Manager Signature)

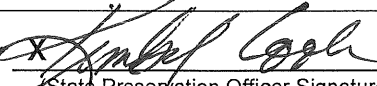
8/5/2014  
(Date - m/d/yyyy)

X   
(Consultant Project Manager Signature)

7-28-2014  
(Date - m/d/yyyy)

X   
(WisDOT Historic Preservation Officer Signature)

9-11-14  
(Date - m/d/yyyy)

X   
(State Preservation Officer Signature)

Sept 16 2014  
(Date - m/d/yyyy)



DATE: September 8, 2014

TO: Jason Kennedy, WisDOT BTS Cultural Resources

FROM: Kelly Hamilton, WHS Museum Archaeology Program

SUBJECT: WisDOT project ID: 7224-00-01/71  
Great River State Trail  
Buffalo County

I have compared a description for the WisDOT Great River State Trail project with that of a Wisconsin Department of Natural Resources project, the Great River State Trail – Winona Connector (WHS compliance # 06-0606/BF). It is my understanding that the current WisDOT Great River State Trail project is similar to the DNR Great River State Trail – Winona Connector except that the project length has been reduced and the WisDOT east terminus is Buffalo Town Park. Thus the WisDOT area of potential effect is contained within an area surveyed in 2006 by the WHS Museum Archaeology Program (MAP).

In 2006, the MAP conducted a Phase I archaeological site identification survey for an extension of the Great River State Trail in Buffalo County on behalf of the DNR (WHS compliance # 06-0606/BF). The DNR project termini were defined as the Marshland terminus of an existing trail and Ahgaming Park in Winona, Minnesota. The area of potential effect included a portion of the STH 35/54 right of way. MAP encountered an isolated pre-contact Native American artifact (MAP field number 47BF-IF-1-2006) and relocated a previously recorded site (Alf Site, 47BF46) within the DNR project area. A technical report summarizing the 2006 field investigations was submitted to the DNR and the SHPO. MAP Research Report in Archaeology #192 is titled "Phase I Archaeological Investigations of the Great River State Trail – Winona Connector in Buffalo County, Wisconsin" (ARI# 19376).

The isolated find (47BF-IF-1-2006) consists of the tip of a projectile point which had been made from orthoquartzite. This artifact was recovered from a shovel test excavated within the STH 35/54 right of way, between the roadway and a railroad grade. Soil profiles exhibited in shovel tests indicated this artifact was found in a highly disturbed context, i.e. fill deposits. As the original provenience of this artifact cannot be discerned, the find location is considered to not represent an archaeological site. Also it is not a part of two previously recorded archaeological sites which are located nearby: Bluff Siding (47BF45/BBF-0095) and Bluff Siding II (47BF131). As for the Alf Site (47BF46), the National and/or State Register of Historic Places eligibility status could not be determined in 2006 as field investigations were confined to the DNR area of potential effect. The portion of the site which extended into the DNR project area was considered to have been adversely impacted by prior road and railroad construction.

In 2006 and in the context of the DNR trail project, MAP recommended no additional field investigation for 47 Bf-IF1-2006 and for the Alf Site (47BF46). However we recommended that, during construction, temporary protective fencing be used to prevent inadvertent disturbance to the remainder of the Alf Site (47BF46).

The WisDOT area of potential effect, as currently defined, contains the isolated find (MAP site 47BF-IF-1-2006). As stated previously, the artifact is considered to represent transported material and the find location does not represent an archaeological site. The Alf Site (47BF46) is not located within the WisDOT project area as this archaeological site is situated east of Buffalo Town Park.

MAP does not recommend additional field investigation for the WisDOT Great River State Trail project as currently designed. Please be advised that the nearby sites of Bluff Siding (47BF45/BBF-0095), Bluff Siding II (47BF131) and Alf Site (47BF46) should not be used for borrow or waste disposal, and the portions of these sites which are not currently capped by asphalt/concrete should not be used for the staging of personnel, equipment and/or supplies.

Please contact me at (608) 264-6560 or [kelly.hamilton@wisconsinhistory.org](mailto:kelly.hamilton@wisconsinhistory.org) if additional information is needed.

CC: Ross Johnson, WisDOT NW Region Local Program Project Manager  
Dan Gustafson, SEH Project Manager  
Cameron Bump, DNR

Source: Map created with TOPO!™ © 2000 Wildflower Productions (www.topo.com)

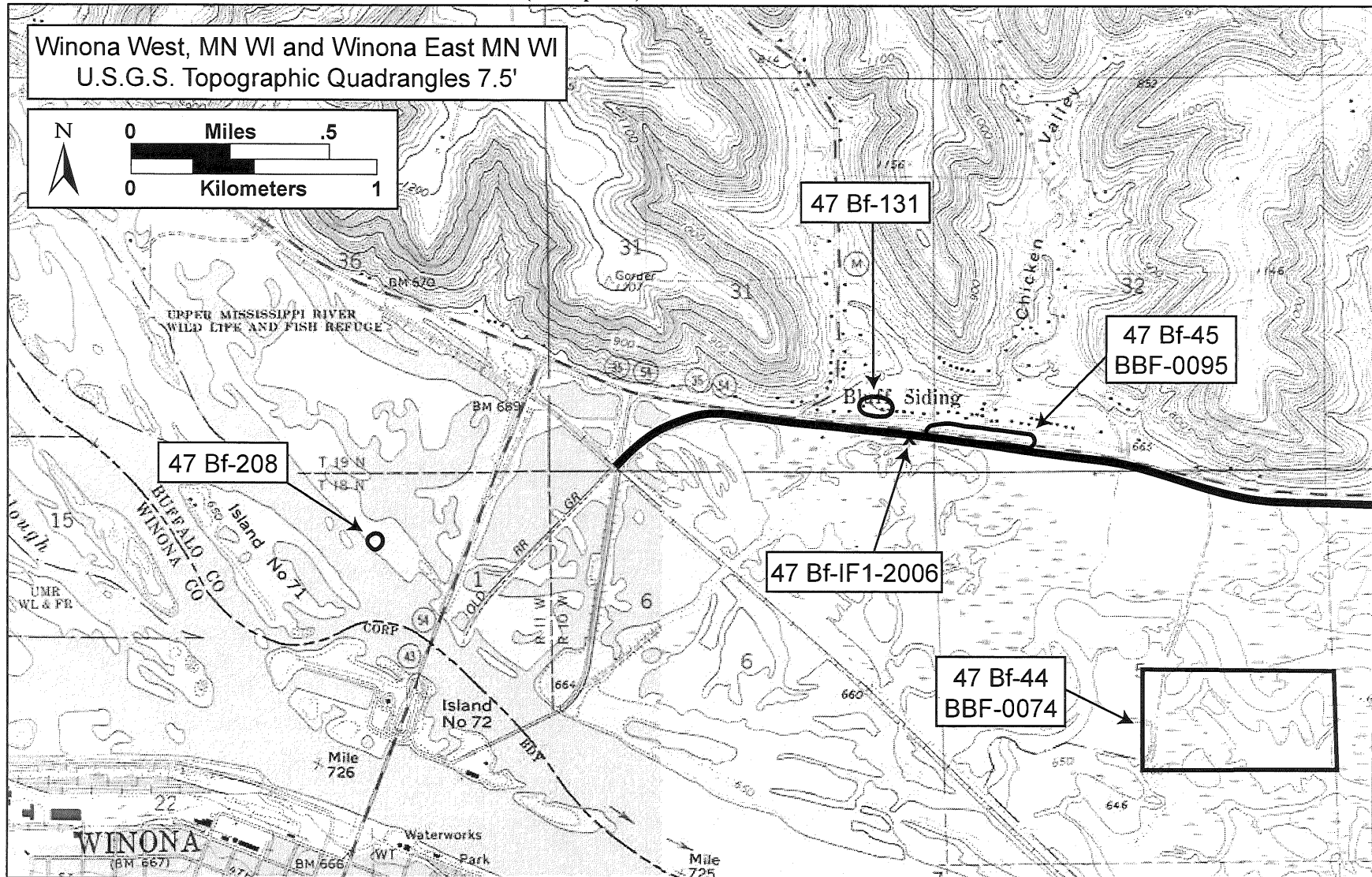


Figure 2a. Archaeological Resources Investigated and Previously Recorded Sites within One Mile of Project Area, Western Portion.



Source: Map created with TOPO!™ © 2000 Wildflower Productions (www.topo.com)

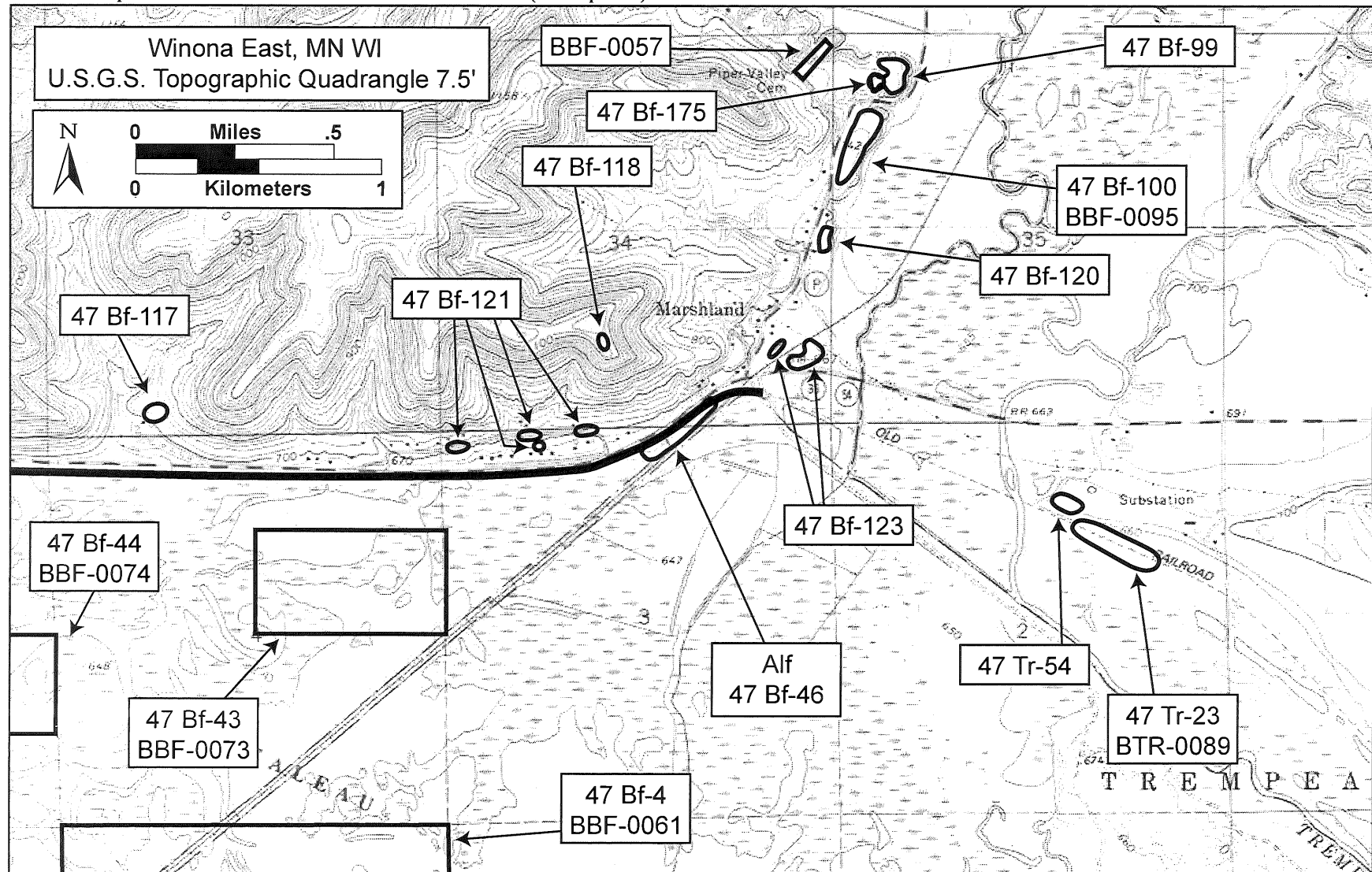


Figure 2b. Archaeological Resources Investigated and Previously Recorded Sites within One Mile of Project Area, Eastern Portion.

## Exhibit I – Section 4(f) Documentation

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**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: 7224-00-02 (72)  
Route: Non-Highway, Enhancement Project  
Termini: Great River State Trail Winona Connector  
          STH 54 - Marshland  
City/County: Town of Buffalo, Buffalo County  
Project Description:

The Buffalo County Highway Department, in cooperation with the Wisconsin Department of Transportation, is developing plans for a proposed trail in the Town of Buffalo in Buffalo County. The project is located in Section 6, T18N, R10W and in Sections 31 and 32, T19N, R10W. A project location map is shown in Exhibit A.

The purpose of this enhancement project is to address the lack of a safe and convenient interstate trail connection between the Great River State Trail in Wisconsin and the City of Winona, Minnesota. Currently the Great River State Trail extends 24 miles between Onalaska, Wisconsin and the unincorporated community of Marshland in Buffalo County. Marshland is located on STH 35, about 5 miles east of Winona.

Buffalo County proposes to construct 1.8 miles of trail beginning on the abandoned route of STH 54 near Winona on the Wisconsin side of the Mississippi River, and ending at the Town of Buffalo Town Park. From the west, the preferred alternative will follow an old railroad bed to connect with STH 35, then follow a widened grade adjacent to the highway shoulder and end at the park. The project will use 0.25 acres of the Trempealeau National Wildlife Refuge for Permanent Limited Easement for trail purposes.

The Town of Buffalo Town Park is a logical interim trailhead midway between Winona and Marshland, shortening the remaining distance needed to reach the Great River State Trail using the paved shoulders of STH 35.

The proposed action will complete the first phase of a complete trail connection with the Great River State Trail. The Wisconsin Department of Natural Resources will ultimately construct the final phase of trail in the future, between the Town of Buffalo Town Park and the Great River State Trail trailhead at Marshland. The trail is split into phases due to lack of available funding to complete the entire connection with one project.

The estimated project cost is \$2.6 million. The project is classed as a NEPA Categorical Exclusion, and the environmental documentation type is a Categorical Exclusion Checklist.

2. Name of Section 4(f) resource: (If the resource is a park and a historic property please indicate the historic property name and the park name if different.)

Trempealeau National Wildlife Refuge



3. Description of Section 4(f) resource (Include a map and/or photos of the property in relation to the proposed project):

The Trempealeau National Wildlife Refuge is a 6,446-acre National Wildlife Refuge located along the Upper Mississippi River in southern Buffalo County and southwestern Trempealeau County in Wisconsin. The refuge is federal land managed by the US Fish & Wildlife Service. The refuge was established to serve as a refuge and breeding ground for migratory birds and other wildlife and is currently managed with multiple uses in mind. Activities include wildlife observation, photography, hunting, fishing, hiking, and biking. The refuge also hosts environmental education programs for schools and organizations.

The refuge was established by Executive Order in 1936 by President Franklin D. Roosevelt as "a refuge and breeding ground for migratory birds and other wildlife." The original refuge consisted of a 706.9-acre upland portion with open areas of former hay, pasture, and croplands. An office and maintenance shop complex was constructed in 1936, along with temporary facilities for a Civilian Conservation Corps camp, which was located on refuge lands until the advent of World War II.

For more than 40 years, the refuge remained small, despite several attempts to purchase more than 5,000 acres of the surrounding Delta Fish and Fur Farm, Inc. In 1975, Dairyland Power Cooperative acquired the entire Delta Fish and Fur Farm. Dairyland wanted to construct a rail loop for a coal off-loading facility near their power generating plant at Alma, Wisconsin. The land they would need for constructing the loop was part of the Upper Mississippi River National Wildlife and Fish Refuge. As part of a land exchange, Dairyland divested about 120 acres of the "Delta" and sold an additional 4,778 acres to the US Fish & Wildlife Service in 1979. This addition, plus other recent acquisitions, has brought Trempealeau National Wildlife Refuge to its present 6,446 acres.

A map of the wildlife refuge is shown in Exhibit B.

4. Description of impacts:

The proposed project will use 0.25 permanent limited easement acres from the refuge.

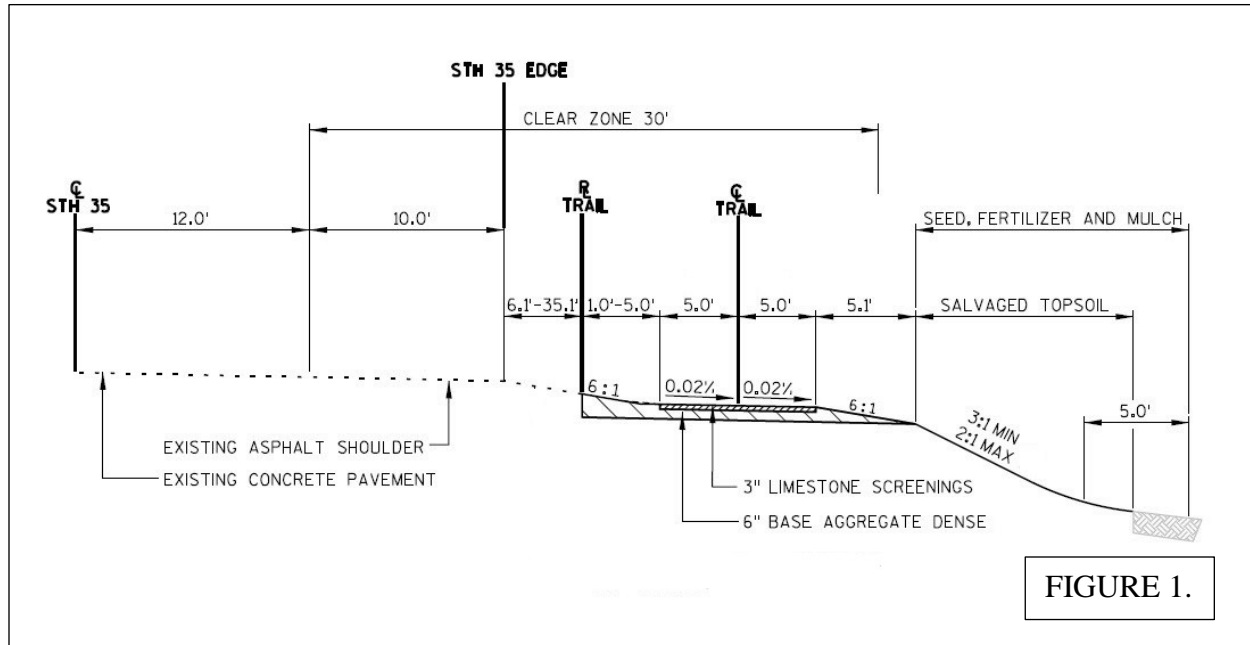
Figure 1 shows a typical section of the proposed trail.

Figure 2 shows a photo of the existing typical roadway slope conditions.

The easement is required to construct a wider roadway section along STH 35. The wider roadway section, as shown in Figure 1, will accommodate the proposed trail. Widening the roadway section results in a cumulative loss of 0.25 acres of Section 4(f) wildlife refuge along the toe-of-slope, at locations where the slope encroaches into the refuge.

There will be no loss of refuge uses and activities as a result of the project. The 0.25 acres of impact includes 0.16 acres of wetland losses adjacent to the STH 35 highway right of way. The losses will be permitted by the Wisconsin Department of Natural Resources and the US Army Corp of Engineers through the wetland permitting process.

Designing the trail to impact no more than 0.16 acres of wetlands is preferred by the Wisconsin Department of Natural Resources due to the requirements of obtaining a general permit. Granting a general permit requires less than 10,000 sq. ft. of impact (0.23 acres).



5. 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 trail alignment is located close to STH 35, along the shoulder. Proposed side slopes are steepened along the trail, minimizing right of way impacts along the wildlife refuge. The proposed trail width decreases to a minimum 8 ft. along wetland areas to further reduce overall slope impacts. Acquisition of Permanent Limited Easement as opposed to Fee Simple also minimizes the impact to the refuge.

Once the project is completed, the public will have a greater opportunity to enjoy the wildlife refuge through increased bicycling and hiking access. In a future project, the Wisconsin DNR intends to continue the trail along STH 35 between the Buffalo Town Park and Marshland.

6. Describe the public involvement process and results:

The Section 106 review has concluded that no archeological or historic impacts exist along the project.

A Public Involvement Meeting occurred on August 23, 2017. A copy of the notice is included in Exhibit C. Comments included questions about the trail surface and timeline for construction. There were no comments on the proposed Section 4(f) impact. The U.S. Fish & Wildlife Service attended the meeting and has provided concurrence.

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

U.S. Fish & Wildlife Service

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

On September 26, 2017 Vickie Hirschboeck, Refuge Manager on behalf of the US Fish & Wildlife Service determined that the proposed project will not adversely affect the activities, features, or attributes that qualify the Trempealeau National Wildlife Refuge for protection under Section 4(f). The concurrence letter is included in Exhibit D.

9. 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? If "Yes", indicate the type of encumbrance and discuss how all requirements relating to the encumbrance will be satisfied independent of this 4(f) determination. This should be addressed in Factor Sheet # in the Environmental Document.

Yes. Most of the refuge was acquired in 1979 under authority of the Land and Water Conservation Fund Act of 1966. The proposed project is a public recreation trail that does not result in a conversion of Section 6(f) protected LAWCON lands because it is a permissible recreational amenity that enhances the property. The proposed trail project will not impact any of the uses or amenities provided by the wildlife refuge.

On January 23, 2018 Jennifer Gihring, Grants Project Officer on behalf of the Wisconsin Department of Natural Resources determined that the proposed project will not result in a conversion of LAWCON lands qualifying for protection under Section 6(f).  
The WisDNR concurrence email is included in Exhibit E.

This *de minimis* determination documentation was prepared by

Signature  Date 9/20/18

Print Name & Title: Ross Johnson, Local Program Project Manager, NW Region  
(Consultant or Region Project Staff)

This *de minimis* determination documentation was reviewed by

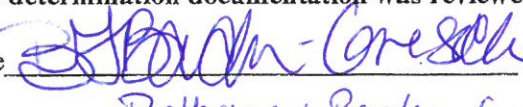
Signature  Date 9-20-18

Print Name & Title: Nick Schaff Regional Env. Coordinator  
(Regional Environmental Coordinator or Region Local Program Manager)

Signature  Date 9-20-18

Print Name & Title: Frederick J. Wisner Env Engineer  
(EPDS Liaison or Section Manager) for BTS-Director

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

Signature  Date 9/20/2018

Print Name & Title: Bethaney Baeker-Corsock  
(Federal Highway Administration) Env Protection Spec

cc: WISDOT Bureau of Technical Service /EPDS  
WISDOT Region

**EXHIBIT A**

**PROJECT LOCATION MAP**







**EXHIBIT B**

**WILDLIFE REFUGE MAP**

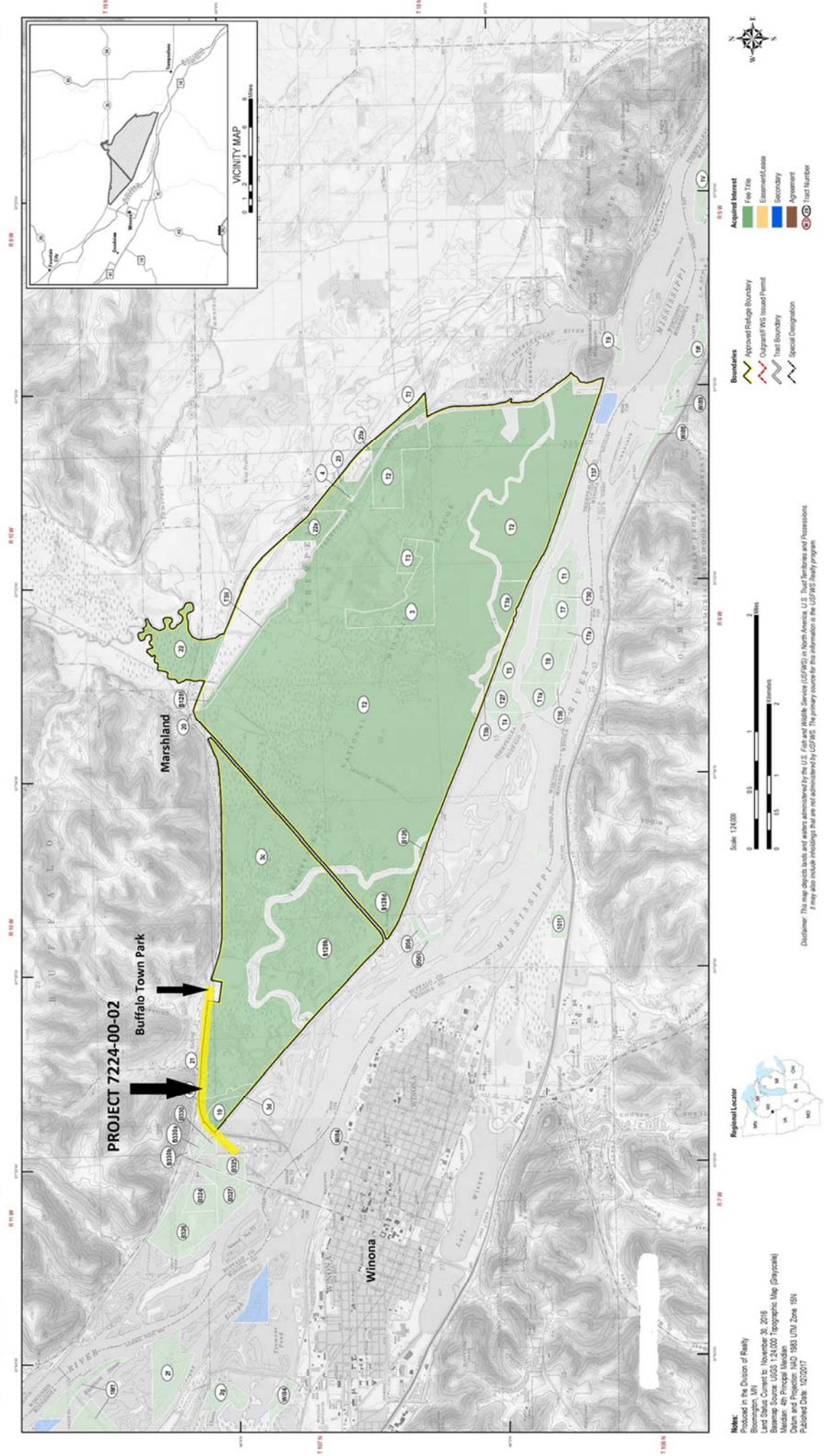


U.S. Fish & Wildlife Service

## TREMPEALEAU NATIONAL WILDLIFE REFUGE

Buffalo and Trempealeau Counties, Wisconsin

Land Status  
Sheet 1 of 1



**EXHIBIT C**

**PUBLIC INVOLVEMENT MEETING  
NOTICE**



Building a Better World  
for All of Us®

## PUBLIC INFORMATIONAL MEETING NOTICE

**RE:** I.D. 7224-00-02  
Town of Buffalo  
Great River State Trail  
Winona Connector  
Buffalo County

**SEH No.:** BUFFC141867

**Project Manager:** Tara L. Krista, PE

**Date of Notice:** July 28, 2017

The Buffalo County Highway Department, Wisconsin Department of Natural Resources and Wisconsin Department of Transportation, in conjunction with Short Elliott Hendrickson, Inc., will hold a public informational meeting at the date and time listed below. The project will construct a bicycle trail starting at the Buffalo Town Park to the BNSF Railroad Crossing. Project will include a bridge over the railroad and a bridge over a Mississippi River back water across the river from Winona, Minnesota.

The meeting will have an informal open house format. The informational meeting is meant to provide current project status and schedule information and provide the public an opportunity to review and comment on the proposed project. A short presentation will begin at 6:00 PM. Representatives from Short Elliott Hendrickson Inc., the Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation will be available to answer questions about the proposed scope of work.

The project will impact lands within the Trempealeau National Wildlife Refuge and the Buffalo Town Park, both important public resources. Drawings and information will be available which describe the proposed impacts to these resources. Approximately 0.45 acres of Wildlife Refuge are expected to be converted into permanent transportation easement for the trail construction, with temporary impacts to the Town Park also expected. The public is encouraged to attend and provide comment on the proposed trail design and its impacts.

**Date:** August 23, 2017  
**Day:** Wednesday  
**Time:** 5:00 PM to 7:00 PM  
**Location:** Town of Buffalo, Town Hall  
W387 STH 35/54  
Fountain City, WI 54629

Your input is sincerely desired and we hope you are able to attend. For more information about the project or the informational meeting, please call the Project Manager, Tara Krista, at 715.720.6291 or email [tkrista@sehinc.com](mailto:tkrista@sehinc.com).

All interested members of the public are invited to attend. The meeting site is handicapped accessible. Hearing impaired individuals may request special accommodations by calling Wisconsin Telecommunication Relay System (TTY) at 1.800.947.3529.

p:\ae\b\buffc\070100\meetings\pim - #2\pim meeting notice.docx

**EXHIBIT D**

**LETTER OF CONCURRENCE**





# United States Department of the Interior

Fish and Wildlife Service  
Trempealeau National Wildlife Refuge  
W28488 Refuge Road  
Trempealeau, Wisconsin 54661-7246



September 26, 2017

TO: Tara Krista, P.E.  
Project Manager  
Short Elliot Hendrickson Inc.  
10 North Bridge Street  
Chippewa Falls, WI 54729

SUBJECT: ID 7224-00-02(72)  
Great River Trail State Trail – Winona Connector  
STH 54 – Marshland  
Buffalo County

The Buffalo County Highway Department, through its consultant S.E.H. Inc., has submitted plans regarding the proposed Great River State Trail - Winona Connector in Buffalo County, Wisconsin. The project affects portions of federally-owned lands that are currently owned in fee title and managed by the USFWS as part of Trempealeau National Wildlife Refuge.

The project will construct a trail along STH 54 linking Winona, Minnesota and the Buffalo Town Park in the Town of Buffalo. The project is planned for construction in 2019. In the future, WisDNR plans to continue the trail eastward and connect with the existing Great River State Trail at Marshland.

The USFWS understands the current project will encumber the following estimated real estate and environmental impacts upon refuge lands:

0.45 acres	Permanent Limited Easement (PLE)
0.32 acres	Wetlands

The Wisconsin Department of Transportation requests confirmation from the agency with jurisdiction over these lands that the proposed project will not adversely affect the activities, features, or attributes that qualify the Trempealeau National Wildlife Refuge for protection under Section 4(f). Section 4(f) of the Department of Transportation Act of 1966 comes into play when federal transportation fund are used for a project which impacts a public resource such as a national wildlife refuge.

Section 4(f)....."prohibits the use of land of significant publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and land of a historic site for transportation projects unless the Administration...determines that there is no feasible and prudent avoidance alternative and that all possible planning to minimize harm has occurred".

The USFWS Cultural Resource Specialist has reviewed the proposed project and determined there are no potential archeological or historical resource impacts or concerns.

The USFWS Wildlife Refuge Manager has reviewed the proposed project and concurs with the consultant's impact evaluation of 0.45 acres PLE and 0.32 acres of impacts to wetlands on refuge lands. Fill will be placed upon old railroad bed and along the toe of existing slopes inside WisDOT right-of-way, extending onto refuge lands in several sections along the trail. The largest fills will occur at the location of a trail bridge to be built over the BNSF railroad tracks at the west end of the project. The impacts at this location have been minimized by the use of steepened slopes to keep the footprint of the bridge approach fills as narrow as possible.

The proposed impacted wetlands are of low quality and are already altered because of the adjacent highway and railroad right-of-ways. Placing fill in wetlands along the toe of the existing slopes may have minor impacts to vegetation, but otherwise will not impede the hydrology or habitat qualities of the larger wetland system in the wildlife refuge. The USFWS understands that all wetland impacts will be mitigated using the appropriate wetland mitigation procedures.

The USFWS therefore determines that the proposed project will not adversely affect the activities, features, or attributes that qualify the Trempealeau National Wildlife Refuge for protection under Section 4(f).

Sincerely,



Recoverable Signature

X

Victoria L. Hirschboeck

---

Victoria L. Hirschboeck

Refuge Manager

Signed by: VICTORIA HIRSCHBOECK

Vickie Hirschboeck

Wildlife Refuge Manager

Trempealeau National Wildlife Refuge

**EXHIBIT E**

**SECTION 6(f) CONCURRENCE**

**From:** [Bump, Cameron M - DNR](#)  
**To:** [Johnson, Ross - DOT](#); "Tara Krista"  
**Subject:** FW: 7224-00-02 Winona Connector FWS LAWCON CLEARANCE  
**Date:** Tuesday, January 23, 2018 12:47:43 PM

---

FYI...

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump

Phone: (715) 839-2786

Cameron.Bump@Wisconsin.gov

---

**From:** Gihring, Jennifer L - DNR  
**Sent:** Tuesday, January 23, 2018 11:55 AM  
**To:** Bump, Cameron M - DNR <Cameron.Bump@wisconsin.gov>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

Hello Cameron,

My records indicate no LAWCON interest in the subject property.

PROJECT CLEARED.

Sincerely,  
Jennifer

Jennifer Gihring

(608) 264-6138

[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)

---

**From:** Bump, Cameron M - DNR  
**Sent:** Monday, January 8, 2018 3:46 PM  
**To:** Gihring, Jennifer L - DNR <[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

This project is Phase 1 on the TAP map...Trail bridge to Town Park

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump

Phone: (715) 839-2786

[Cameron.Bump@Wisconsin.gov](mailto:Cameron.Bump@Wisconsin.gov)

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**From:** Gihring, Jennifer L - DNR  
**Sent:** Monday, January 08, 2018 3:42 PM  
**To:** Bump, Cameron M - DNR <[Cameron.Bump@wisconsin.gov](mailto:Cameron.Bump@wisconsin.gov)>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

Sounds like it would not be a conversion, but do you have a map?

Jennifer Gihring  
(608) 264-6138  
[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)

---

**From:** Bump, Cameron M - DNR  
**Sent:** Monday, January 8, 2018 3:40 PM  
**To:** Gihring, Jennifer L - DNR <[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)>  
**Subject:** FW: 7224-00-02 Winona Connector FWS easement

Jennifer, I'd like your determination on the question below...

This is for the Winona Connector project. The trail will be developed on partially hwy right-of-way and partially on national wildlife refuge purchased with LAWCON funds. The refuge has the Great River State Trail on it further east and this project will eventually connect to that segment.

My interpretation would be that since the project is for outdoor recreation, there really isn't a conversion taking place. It is simply a development of another recreation opportunity and therefore not require a conversion approval by NPS.

Your thoughts?

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump  
Phone: (715) 839-2786  
[Cameron.Bump@Wisconsin.gov](mailto:Cameron.Bump@Wisconsin.gov)

---

**From:** Johnson, Ross - DOT  
**Sent:** Monday, January 08, 2018 3:28 PM  
**To:** Bump, Cameron M - DNR <[Cameron.Bump@wisconsin.gov](mailto:Cameron.Bump@wisconsin.gov)>  
**Cc:** Wisner, Frederick - DOT (NC Region) <[frederick.wisner@dot.wi.gov](mailto:frederick.wisner@dot.wi.gov)>; 'Tara Krista' <[tkrista@sehinc.com](mailto:tkrista@sehinc.com)>  
**Subject:** 7224-00-02 Winona Connector FWS easement



**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: 7224-00-02 (72)  
Route: Non-Highway, Enhancement Project  
Termini: Great River State Trail Winona Connector  
          STH 54 - Marshland  
City/County: Town of Buffalo, Buffalo County  
Project Description:

The Buffalo County Highway Department, in cooperation with the Wisconsin Department of Transportation, is developing plans for a proposed trail in the Town of Buffalo in Buffalo County. The project is located in Section 6, T18N, R10W and in Sections 31 and 32, T19N, R10W. A project location map is shown in Exhibit A.

The purpose of this enhancement project is to address the lack of a safe and convenient interstate connection between the Great River State Trail in Wisconsin and the City of Winona, Minnesota. Currently the Great River State Trail extends 24 miles between Onalaska, Wisconsin and the unincorporated community of Marshland in Buffalo County. Marshland is located on STH 35, about 5 miles east of Winona.

Buffalo County proposes to construct 1.8 miles of trail beginning on the abandoned route of STH 54 near Winona on the Wisconsin side of the Mississippi River, and ending at the Town of Buffalo Town Park. From the west, the preferred alternative will first follow an old railroad bed to connect with STH 35, then follow a widened grade adjacent to the highway shoulder and terminate at the park. The trail will require converting 0.04 acres of Section 4(f) Town Park land into Permanent Limited Easement for trail purposes.

The Town of Buffalo Town Park is a logical interim trailhead midway between Winona and Marshland, shortening the remaining distance needed to reach the Great River State Trail using the paved shoulders of STH 35.

The proposed action will complete the first phase of a complete trail connection with the Great River State Trail. The Wisconsin Department of Natural Resources will ultimately construct the final phase of trail in the future, between the Town of Buffalo Town Park and the Great River State Trail trailhead at Marshland. The trail is split into phases due to lack of available funding to complete the entire connection with one project.

The estimated project cost is \$2.6 million. The project is classed as a NEPA Categorical Exclusion, and the environmental documentation type is a Categorical Exclusion Checklist.

2. Name of Section 4(f) resource: (If the resource is a park and a historic property please indicate the historic property name and the park name if different.)

Town of Buffalo Town Park

3. Description of Section 4(f) resource (Include a map and/or photos of the property in relation to the proposed project):

The Town of Buffalo Town Park is located along STH 35 in southern Buffalo County, approximately 2 miles west of Marshland. The park covers 8 acres and is owned by the Town of Buffalo. The park includes playground equipment, a pavilion, and a baseball diamond. Activities include baseball, picnics, wedding receptions, general recreation, and public gatherings held at the Town Hall located in the park. An aerial view of the park is shown in Figure 1.



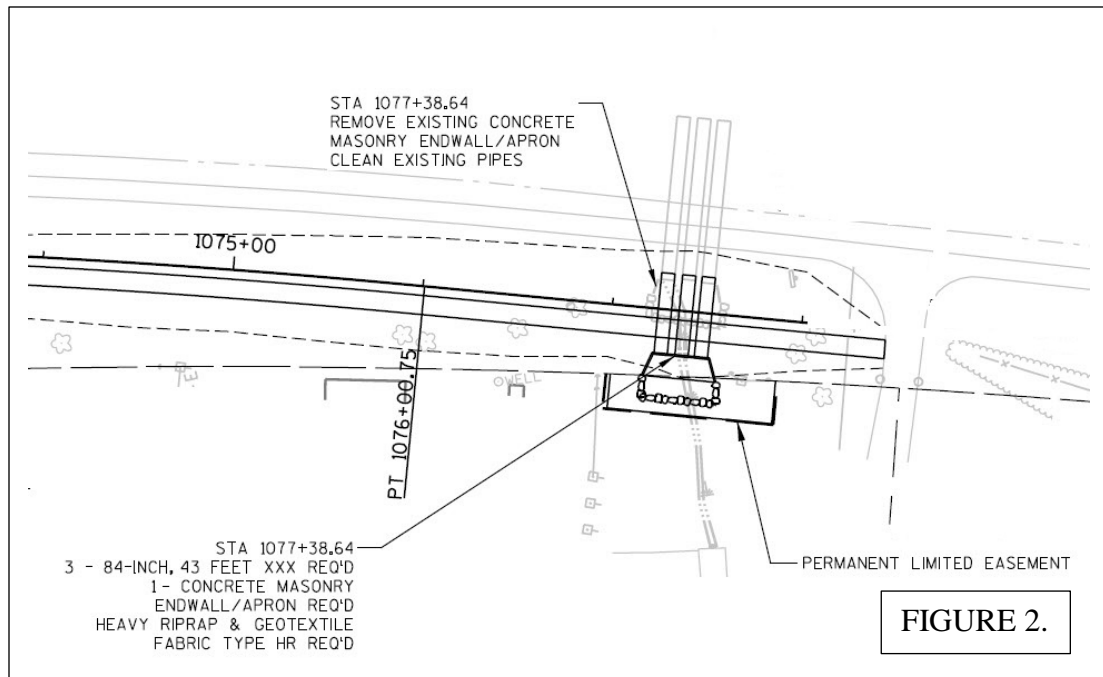
4. Description of impacts:

The proposed project will use 0.04 permanent limited easement acres from the park. Figure 2 shows a drawing of the proposed impacts.

The easement is required to extend existing STH 35 highway culverts. The culverts convey storm water from the park and adjacent wetland areas. The trail will cross over the culverts near the shoulder of the highway and terminate at the park driveway. The existing culverts are shown in Figure 3 and Figure 4. Disturbed areas in the ditch and around the new culvert extensions will be restored with proper erosion control measures.

There will be no permanent loss of park uses or activities as a result of the project. The 0.04 acres of impact include wetland losses. The losses will be permitted by the Wisconsin Department of Natural Resources through the culvert permitting process.

During construction, contractors may share the parking lot and cross areas along the STH 35 right-of-way to temporarily move and stage materials and equipment. There will be short-term disruption of access due to trail grading and paving operations at the park driveway.





5. 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:

Designing the trail to enter the park within STH 35 right-of-way (near the shoulder) virtually eliminates permanent impacts to the park. Extending the culverts is more prudent than crossing the ditch inside the park. Building a separate crossing of the ditch inside the park would create more Section 4(f) impacts.

Once the trail is completed, the park will serve as an intermediate trailhead between Winona and Marshland. Bicyclists will use the wide shoulders of STH 35 between the park and Marshland. In a future project, the Wisconsin Department of Natural Resources intends to continue the trail along STH 35 between the park and Marshland. Keeping the trail close to STH 35 supports that future extension.

To avoid additional impacts to Section 4(f) lands, the proposed trail slopes will be steepened and moved closer to STH 35 to minimize impacts. Disturbed areas will be protected from erosion and fertilized, seeded and mulched.

6. Describe the public involvement process and results:

The Section 106 review has concluded that no archeological or historic impacts exist along the project, including the town park.

A Public Involvement Meeting occurred on August 23, 2017. A copy of the notice is included in Exhibit B. Comments included questions about the trail surface and timeline for construction. There were no comments on the proposed Section 4(f) impact. The Town of Buffalo Chairman attended the meeting and has provided concurrence.

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

Town of Buffalo Board of Supervisors

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

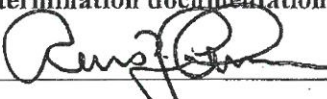
On September 27, 2017 Steve James, Town of Buffalo Chairman on behalf of the Town of Buffalo Board Supervisors determined that the proposed project will not adversely affect the activities, features, or attributes that qualify the Town of Buffalo Town Park for protection under Section 4(f). The concurrence letter is included in Exhibit C.

9. 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? If "Yes", indicate the type of encumbrance and discuss how all requirements relating to the encumbrance will be satisfied independent of this Section 4(f) determination. This should be addressed in Factor Sheet # in the Environmental Document.

Yes. Knowles-Nelson Stewardship Funds for the Acquisition and Development of Local Parks. The project was completed and received final grant payment in 1993. The proposed project is a public recreation trail that does not result in a conversion of any Section 6(f) protected lands because it is a permissible recreational amenity that enhances the property. The proposed trail project will not impact any of the uses or amenities provided by the original park development project.



This *de minimis* determination documentation was prepared by

Signature  Date 9/20/18

Print Name & Title: Ross Johnson, Local Program Project Manager, NW Region  
(Consultant or Region Project Staff)

This *de minimis* determination documentation was reviewed by

Signature  Date 9-20-18

Print Name & Title Nick Schaff Regional Env. Coordinator  
(Regional Environmental Coordinator or Region Local Program Manager)

Signature  Date 9-20-18

Print Name & Title Frederick J. Wisner Env Engineer  
(EPDS Liaison or Section Manager) for BTS-Director

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

Signature  Date 9/20/2018

Print Name & Title Bethaney Bacher-Coversack, Env Prot. Spec.  
(Federal Highway Administration)

cc: WISDOT Bureau of Technical Service /EPDS  
WISDOT Region

**EXHIBIT A**

**PROJECT LOCATION MAP**



**EXHIBIT B**

**PUBLIC INVOLVEMENT MEETING  
NOTICE**



Building a Better World  
for All of Us®

## PUBLIC INFORMATIONAL MEETING NOTICE

**RE:** I.D. 7224-00-02  
Town of Buffalo  
Great River State Trail  
Winona Connector  
Buffalo County

**SEH No.:** BUFFC141867

**Project Manager:** Tara L. Krista, PE

**Date of Notice:** July 28, 2017

The Buffalo County Highway Department, Wisconsin Department of Natural Resources and Wisconsin Department of Transportation, in conjunction with Short Elliott Hendrickson, Inc., will hold a public informational meeting at the date and time listed below. The project will construct a bicycle trail starting at the Buffalo Town Park to the BNSF Railroad Crossing. Project will include a bridge over the railroad and a bridge over a Mississippi River back water across the river from Winona, Minnesota.

The meeting will have an informal open house format. The informational meeting is meant to provide current project status and schedule information and provide the public an opportunity to review and comment on the proposed project. A short presentation will begin at 6:00 PM. Representatives from Short Elliott Hendrickson Inc., the Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation will be available to answer questions about the proposed scope of work.

The project will impact lands within the Trempealeau National Wildlife Refuge and the Buffalo Town Park, both important public resources. Drawings and information will be available which describe the proposed impacts to these resources. Approximately 0.45 acres of Wildlife Refuge are expected to be converted into permanent transportation easement for the trail construction, with temporary impacts to the Town Park also expected. The public is encouraged to attend and provide comment on the proposed trail design and its impacts.

**Date:** August 23, 2017  
**Day:** Wednesday  
**Time:** 5:00 PM to 7:00 PM  
**Location:** Town of Buffalo, Town Hall  
W387 STH 35/54  
Fountain City, WI 54629

Your input is sincerely desired and we hope you are able to attend. For more information about the project or the informational meeting, please call the Project Manager, Tara Krista, at 715.720.6291 or email [tkrista@sehinc.com](mailto:tkrista@sehinc.com).

All interested members of the public are invited to attend. The meeting site is handicapped accessible. Hearing impaired individuals may request special accommodations by calling Wisconsin Telecommunication Relay System (TTY) at 1.800.947.3529.

p:\ae\b\buffc\070100\meetings\pim - #2\pim meeting notice.docx

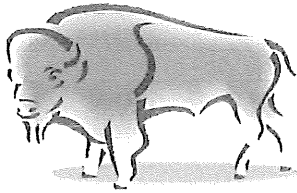


**EXHIBIT C**

**LETTER OF CONCURRENCE**

# TOWN OF BUFFALO

W387 HWY 35 & 54  
FOUNTAIN CITY, WI 54629  
608.687.9502



Chairman:	Steve James	Clerk/Treas.	Lisa Braaten
1 <sup>st</sup> Supervisor:	Claire Waters	Deputy Clerk:	Dee Strom
2 <sup>nd</sup> Supervisor:	Dennis Semling	Constable:	Donald Bittner

September 27, 2017

Ms. Tara Krista, PE  
Short Elliot Hendrickson, Inc.  
10 N. Bridge Street  
Chippewa Falls, WI 54729

RE: 7224-00-72  
Town of Buffalo  
Great River State Trail, Winona Connector  
Non-highway, Buffalo County

Dear Ms. Krista,

The Town of Buffalo has reviewed the proposed impacts of the Great River State Trail (Winona Connector) and the potential impacts to the town property known as the Town of Buffalo Town Park.

I am writing on behalf of the Town of Buffalo Board Supervisors who the local officials with jurisdiction over the town park. After reviewing this project, the town board anticipates that the proposed Great River State Trail (Winona Connector) will have no adverse physical impacts, nor will there be interference with the protected activities, features, or attributes that make the park eligible for Section 4(f) protection.

The Town of Buffalo Board of Supervisors understands that as part of this project, 0.035 acres of park land will need to be acquired to extend the existing battery of three 84-inch culverts under STH 35, construct a new headwall and apron, and place the necessary riprap at the outlet.

The Town Board also understands there may be short-term and temporary access disruptions, and temporary storage of construction materials within the highway right-of-way and park land. The Town Board requests that, upon project completion, the park land impacted by construction labor and storage of construction materials be restored to original park condition.

In summary, the Town of Buffalo Board of Supervisors agrees that the project is acceptable and consistent with the designed use of the Town of Buffalo Town Park and we are in support

of the Great River State Trail (Winona Connector) project.

Please consider me as the contact for matters relating to the Town of Buffalo Town Park and this trail project. I encourage you to remain in contact as project details and implementation develop.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve B. James", with a stylized flourish at the end.

Steve B. James  
Chairman  
Town of Buffalo Board Supervisors

[tobchairman@gmail.com](mailto:tobchairman@gmail.com)  
608.687.7591 (h)  
507.429.0453 (c)

cc. File  
Board Supervisors  
Bluff Siding Park Committee



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Upper Mississippi River National Wildlife and Fish Refuge  
Winona District  
51 E. Fourth Street - Room 203  
Winona, Minnesota 55987

September 13, 2018

### Memorandum

Great River State Trail – Winona Connector  
Project# 7224-00-02(72)  
Aghaming Park Crossing

#### To Whom it May Concern:

The Great River State Trail – Winona Connector alignment calls for a pedestrian bridge to cross the Burlington Northern Santa Fe Railroad line which is located between Hwy 35 and the abandoned section of old Hwy 54. Trail improvements will continue for a short distance along old Hwy 54, also known as the "Concrete Road," which lies adjacent to the City of Winona's Aghaming Park.

The Concrete Road defines the northeasterly-most boundary of a 25-year lease agreement (expires 2043) between the City of Winona and U.S. Fish and Wildlife Service's (FWS) Upper Mississippi River National Wildlife and Fish Refuge (Refuge). Per this agreement, the City of Winona maintains ownership of all lands which lie below the Concrete Road while the Refuge provides land management and law enforcement authority on all lands described in the Lease. Because of this agreement, the FWS must provide concurrence for the establishment and future uses of the Winona Connector Trail as they may impact Aghaming Park.

It is the FWS's understanding that the City of Winona will be responsible for all future maintenance of both the Connector Trail as it is built on old Hwy 54 (Concrete Road) and the pedestrian bridge. Following the Resolution signed by Winona Mayor Mark Peterson on September 4, 2018, the FWS concurs with using Aghaming Park and old STH 54 for trail improvements as proposed by WisDOT Project# 7224-00-02(72), Great River State Trail Winona Connector, and such use is solely for preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection.

Sincerely,

Mary Stefanski  
Winona District Manager

## RESOLUTION

**WHEREAS**, the Wisconsin Department of Transportation is working in conjunction with Buffalo County on the Great River State Trail – Winona Connector, also known as the Flyway Trail; and

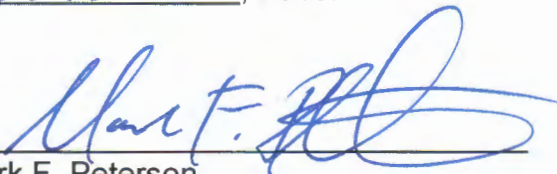
**WHEREAS**, the Great River State Trail – Winona Connector is proposed to connect to the City of Winona via the old HWY 54 through Aghaming Park; and

**WHEREAS**, the City of Winona has approved plans for a regional trail through Aghaming Park to connect to the City of Winona; and

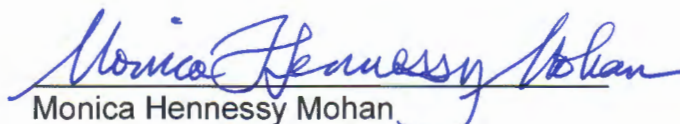
**WHEREAS**, concurrence of the connection is needed to continue the planning process and environmental review for the Great River State Trail – Winona Connector.

**NOW THEREFORE BE IT RESOLVED** that the City of Winona concurs with using Aghaming Park and old STH 54 for trail improvements as proposed by WisDOT Project# 7224-00-02(72), Great River State Trail Winona Connector, and such use is solely for preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection.

Dated this 4<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
Mark F. Peterson  
Mayor

Attest:

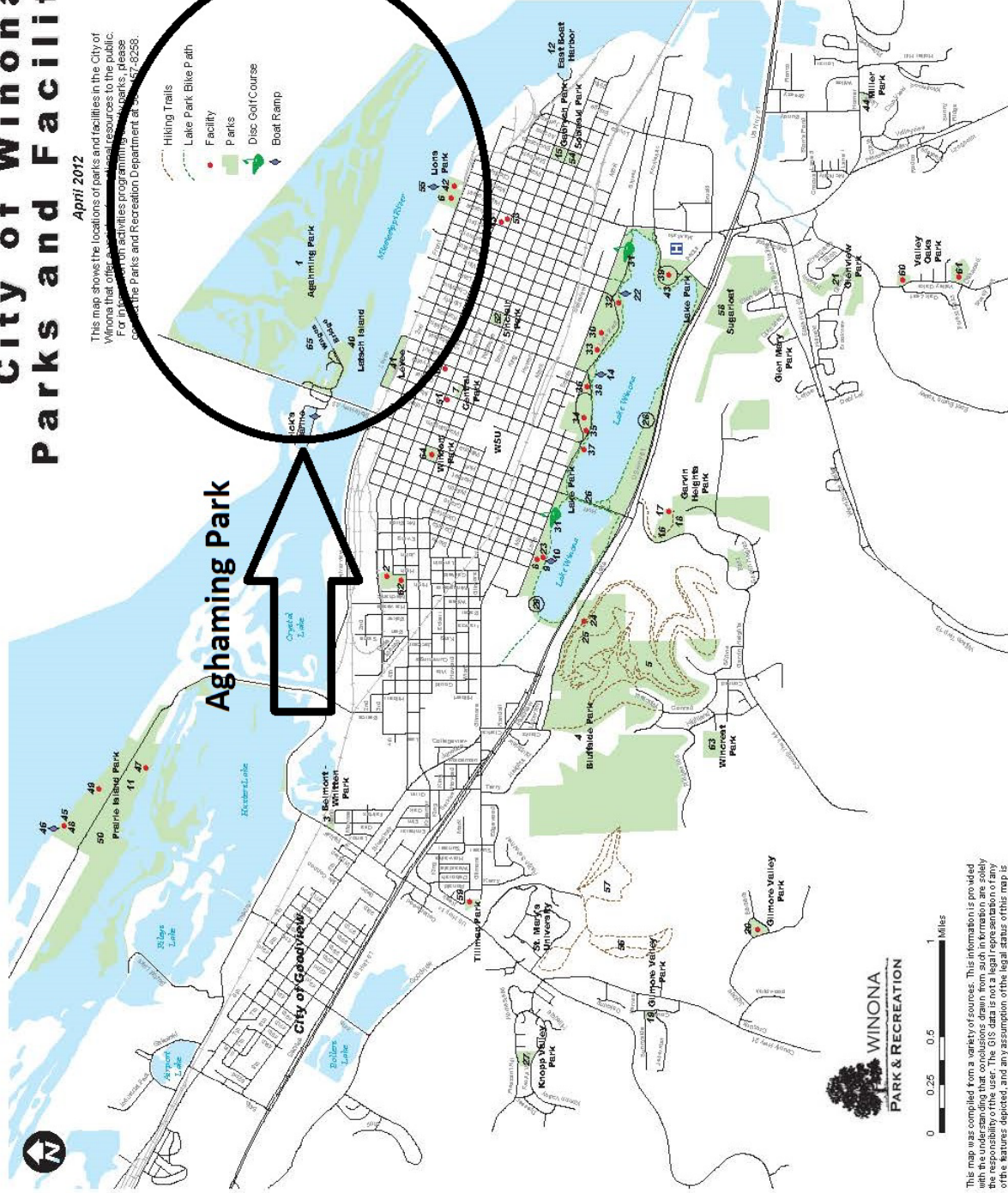
  
\_\_\_\_\_  
Monica Hennessy Mohan  
City Clerk



# City of Winona Parks and Facilities

April 2012

This map shows the locations of parks and facilities in the City of Winona that offer recreational resources to the public. For information on activities programming and fees, please contact the Parks and Recreation Department at 507.437.3236.



## Park / Facility

### Location

1. Aghaming Wildlife Refuge
2. Aquatic Center
3. Belmont-Whitman Park
4. Bluffs Park
5. Bluffs Trails
6. Bud King Ice Arena
7. Central Park (2nd Ward)
8. Decata Street Fields
9. Decata Street Pier
10. Decata Street Boat Ramp
11. Deer Park
12. East Boat Harbor
13. East Recreation Center
14. Franklin Boat Ramp
15. Gabriels Park
16. Garvin Heights (Lower)
17. Garvin Heights Lookout
18. Garvin Heights Shelter I
19. Garvin Valley Shelter I
20. Glenview Park
21. Glenview Shelter II
22. Hamilton Street Boat Ramp
23. Hawthorne Valley Marines Shelter
24. Holzinger Lodge
25. Holzinger Trails
26. Hurt Street Pier
27. Knopp Valley Park
28. Lake Park
29. Lake Path - East
30. Lake Path - West
31. Bamberk Fields
32. Disc Golf Courses
33. Lions Shelter
34. Jayose Shelter
35. Bandshell
36. Veterans Memorial Park
37. Rose Garden Gazebo
38. Lake Park Pier
39. Unity Park
40. Latsch Island
41. Levee
42. Lions Youth Fields
43. Mantato Park
44. Miller Park
45. Prairie Island
46. McNally Landing
47. Spillway Boat Ramp
48. Latsch Shelter
49. Kivernis Shelter
50. Prairie Island Campground
51. Prairie Island Trails
52. Senior Center
53. Seneca Temple
54. Seneca Park (3rd Ward)
55. Sobieski Park (4th Ward)
56. St. Charles Street Boat Ramp
57. St. Mary's Hiking Trails
58. Sugarloaf Hiking Trails
59. Tillman Park
60. Valley Oaks Park
61. Valley Oaks Lodge
62. West Recreation Center
63. Wincrest Park
64. Windom Park (1st Ward)
65. Windom Park Gazebo
66. Wagon Bridge
67. City Hall / Park Rec. Office

NONE  
780 W. 4th St.  
2 Lenox St.  
800 W. Lake Blvd.  
800 W. Lake Blvd.  
670 E. Front  
750 Broadway  
800 Decata St.  
800 Decata St.  
1250 E. 4th  
915 Prairie Island Rd. N.  
210 Zumbro St.  
NONE  
950 E. 7th St.  
250 W. Lake Blvd.  
1150 East Garvin Heights Blvd.  
NONE  
1150 Country Dr.  
157 Jay Bee Dr.  
550 Glenview Dr.  
NONE  
527 W. Lake St.  
925 W. Lake Blvd.  
NONE  
924 Huff St.  
200 Knopp Valley Dr.  
NONE  
290 E. Lake Park Dr.  
525 E. Lake Park Dr.  
540 Lake Park Dr.  
55 Lake Park Dr.  
190 E. Lake Park Dr.  
113 W. Lake Park Dr.  
NONE  
860 Parks Ave.  
NONE  
730 E. Front St.  
200 Links Ln.  
NONE  
1450 Prairie Island Rd. N.  
1340 Prairie Island Rd. N.  
915 Prairie Island Rd. N.  
1340 Prairie Island Rd. N.  
1120 Prairie Island Rd. N.  
NONE  
255 Main St.  
310 E. 8th St.  
210 Zumbro St.  
950 E. 8th St.  
660 E. Front St.  
NONE  
NONE  
549 Kerry Dr.  
200 Valley Oaks Dr.  
260 Valley Oaks Dr.  
800 W. 5th St.  
1350 Woodpark Rd.  
250 W. Broadway St.  
250 W. Broadway St.  
NONE  
207 Lafayette St.

This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any other features depicted, and any assumption of the legal status of this map is hereby disclaimed.

EXHIBIT I - Aghaming Park



# Trails and Bikeways Map

0 1,500 3,000 6,000 Feet  
July 2007

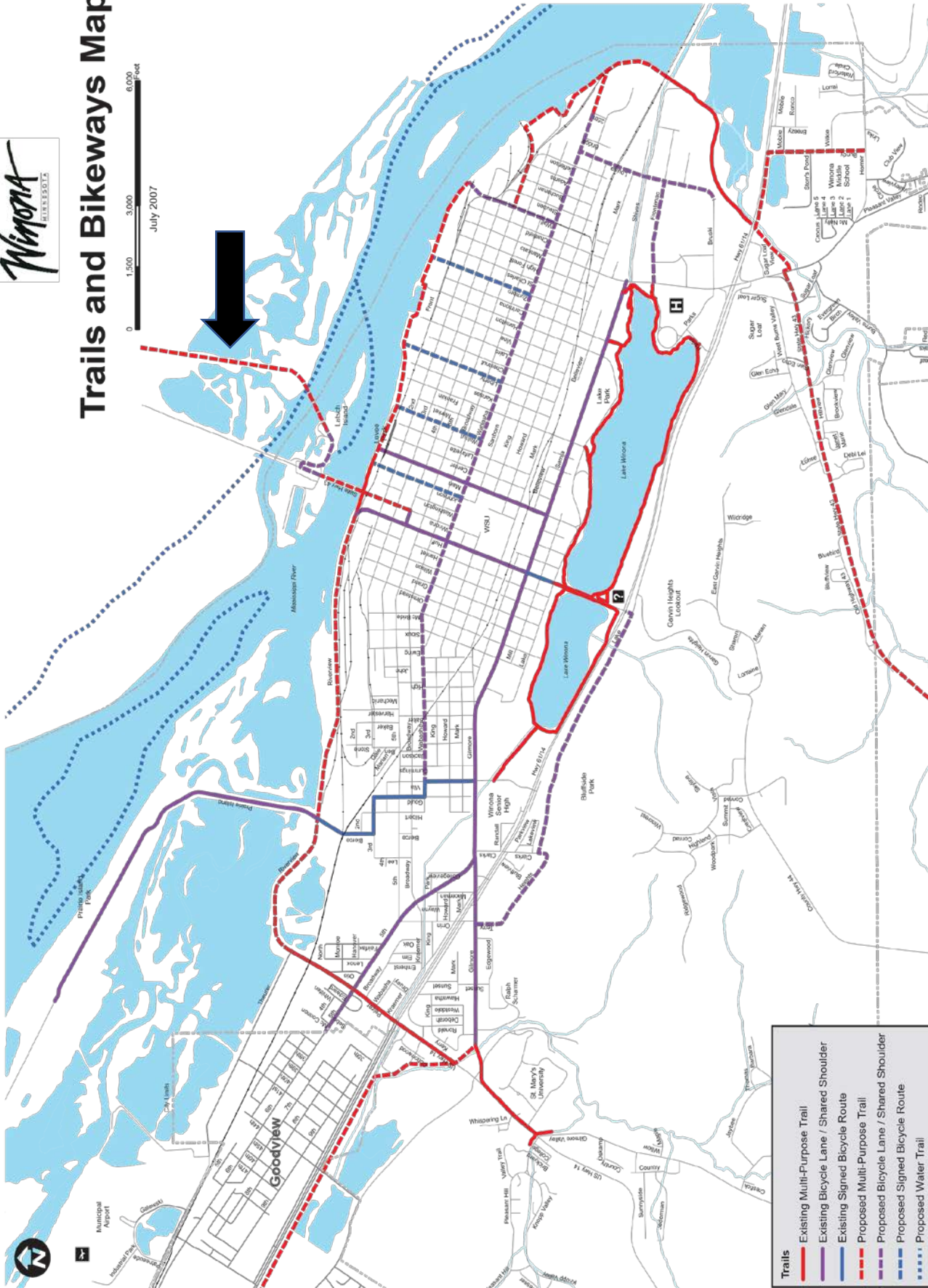


EXHIBIT I

CITY OF WINONA TRAIL MAP

## Exhibit J – Tribal Notification Letters

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**Division of Transportation System Development**  
Northwest Region – Superior Office  
1701 N 4th Street  
Superior, WI 54880

**Scott Walker, Governor**  
**David Ross, Secretary**  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: 715-392-7925  
Facsimile (Fax): 715-392-7863  
E-mail: [nwr.dtsd@dot.wi.gov](mailto:nwr.dtsd@dot.wi.gov)

July 17, 2018

Bureau of Indian Affairs  
Timothy Guyah  
5600 W. American Blvd Suite 500  
Bloomington, MN 55437

Re: notice of federal undertaking and request for comments under 36 CFR 800  
Project ID 7224-00-02  
Town of Buffalo  
Great River State Trail Winona Connector  
Non Highway, Buffalo County

The Wisconsin Department of Transportation (WisDOT), in cooperation with the Federal Highway Administration, is considering an undertaking located in the town of Buffalo, Buffalo County, Wisconsin. The proposed undertaking will consist of constructing an approximately 1.5 mile trail on the old alignment of state trunk highway 54 beginning approximately 750 feet south of the BNSF Railroad in the town of Buffalo. The proposed trail would follow the abandoned state trunk highway 54 route and the old railroad grade on the south side of WIS 35 to the Town of Buffalo Park. The project is scheduled to be constructed in 2019.

Your tribe has requested to be notified of undertakings in this area of Wisconsin. Attached is information regarding the proposed undertaking to assist you in providing comments regarding the determination of the area of potential effect (APE) and potential impacts to historic properties and/or burial sites.

WisDOT would be pleased to receive any comments your tribe wishes to share regarding the determination of the APE or potential impacts to historic properties and/or burials in this undertaking. Also other environmental studies may be conducted to include endangered species survey, contaminated material investigations, soil testing and right-of-way surveys. Results of these studies will assist the engineers in the design to avoid, minimize or mitigate the proposed project's effect upon cultural and natural resources. To ensure your comments are considered during this early phase of project development, WisDOT requests a response within 30 days of receipt of this letter.

If your tribe wishes to become a consulting party under Section 106 of the National Historic Preservation Act or would like to receive additional information regarding this proposed project, please contact WisDOT Project Manager Ross Johnson at Northwest Region – Eau Claire Office; 718 West Clairemont Avenue, Eau Claire, WI 54701; 715-836-2069; [ross.johnson@dot.wi.gov](mailto:ross.johnson@dot.wi.gov).

Sincerely,

*Ross Johnson*<sup>JPS</sup>

Ross Johnson, P.E.  
Northwest Region Local Program Project Manager

CC: [bees.cr@dot.wi.gov](mailto:bees.cr@dot.wi.gov)  
Kris Goodwill, NW Regional Tribal Liaison ([Kris.Goodwill@dot.wi.gov](mailto:Kris.Goodwill@dot.wi.gov))  
Nick Schaff, NW Region Environmental Coordinator ([Nicholas.Schaff@dot.wi.gov](mailto:Nicholas.Schaff@dot.wi.gov))

Attachments: Project Location Map  
WisDOT EES Screening List

## Distribution List

Organization	First Name	Last Name	Address 1	City	State	Postal Code
Bureau of Indian Affairs	Timothy	Guyah	5600 W. American Blvd Suite 500	Bloomington	MN	55437
Bad River Band of Lake Superior Chippewa Indians of Wisconsin	Edith	Leoso	P.O. Box 39	Odanah	WI	54861
Forest County Potawatomi Community of Wisconsin	Michael	LaRonge	5320 Wensaut Lane, P.O. Box 340	Crandon	WI	54520
Ho-Chunk Nation	William	Quackenbush	P.O. Box 667	Black River Falls	WI	54615
Iowa Tribe of Oklahoma	Cultural	Preservation Office	RR 1, Box 721	Perkins	OK	74059
Lac Vieux Desert Band of Lake Superior Chippewa Indians	Daisy	McGeshick	P.O. Box 249	Watersmeet	MI	49969
Prairie Band Potawatomi Nation	Hattie	Mitchell	16281 Q Road	Mayetta	KS	66509
Prairie Island Indian Community	Noah	White	5636 Sturgeon Lake Road	Welch	MN	55089
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Marvin	DeFoe	88385 Pike Road, Highway 13	Bayfield	WI	54814
Sac and Fox Nation of Missouri in Kansas and Nebraska	Gary	Bahr	305 North Main	Reserve	KS	66434
Sac and Fox Nation of Oklahoma	Sandra	Massey	920883 S Hwy 99 Bldg A, RR 2, Box 246	Stroud	OK	74079
Sac and Fox of the Mississippi in Iowa	Jonathan	Buffalo	349 Meskwaki Road	Tama	IA	52339

## Exhibit K – WDNR Coordination

---





Winona connector permits - Permittee name

Hon, David F - DNR

to:

Tara Krista

09/06/2018 10:07 AM

Hide Details

From: "Hon, David F - DNR" <David.Hon@wisconsin.gov>

To: Tara Krista <tkrista@sehinc.com>

History: This message has been forwarded.

Hi Tara,

The permittee name was the Town of Buffalo. Permits are typically issued to the landowner, whose information is included in the WRAPP by the applicant. If ownership changes, the permit stays with the land in the project boundary. Persons responsible for permit compliance potentially include the contractors (or anyone else doing the work), designer and landowner.

I hope this helps clarify your question. Let me know if you need more information.

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

David Hon

Water Management Specialist – Bureau of Watershed Management/External Services Division

Wisconsin Department of Natural Resources

1300 W Clairemont Ave

Eau Claire, WI 54701

Phone: 715-839-1600

Fax: 715-839-6076

David.Hon@wisconsin.gov



[dnr.wi.gov](http://dnr.wi.gov)





June 18, 2018

IP-WC-2018-6-00829, -00796

Town of Buffalo  
Steve James  
W387 Hwy 35  
Fountain City, WI 54629

*Sent Electronically Via Email*

Dear Mr. James:

The Department of Natural Resources has completed its review of your application for a permit to construct a bridge over a backwater of the Mississippi River, and extend culverts over Chicken Valley/Whiskey Creek, in the Town of Buffalo, Buffalo County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (715) 839-1600 or email David.Hon@wisconsin.gov.

Sincerely,

David Hon  
Water Management Specialist

cc: Dan Munson, Project Manager, (651) 290-5191, U.S. Army Corps of Engineers  
Tara Krista, SEH, Consultant

Ross Johnson, WisDOT  
Mike Owecke, Buffalo Co  
Conservation Warden Bob Jumbeck  
Cameron Bump, DNR Trails Coordinator



May 18, 2018

GP-WC-2018-6-00798

Town of Buffalo  
Steve James  
W387 Hwy 35  
Fountain City, WI 54629

*Sent Electronically Via Email*

RE: Coverage under the wetland statewide general permit for wetland fill or disturbance for recreational development, located in the Town of Buffalo, Buffalo County, also described as being in the SW1/4 of the SW1/4 of Section 31, Township 19 North, Range 10 West.

Dear Mr. James:

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for recreational development, s. 281.36, Wis. Stats.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to fill 0.16 acres of wetlands. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP4-2013 (found at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html>). The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

**Please note, Chapter 30 permits IP-WC-2018-6-00796 and -00798 for the bridge and culvert extensions have not yet been issued as of the date of this letter.**

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, David Hon at (715) 839-1600 or email David.Hon@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's wetland resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

If you have any questions, please call me at (715) 839-1600 or email David.Hon@wisconsin.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Hon", with a long, sweeping horizontal line extending to the right.

David Hon  
Water Management Specialist

cc: Dan Munson, (651) 290-5191, Project Manager, U.S. Army Corps of Engineers  
Buffalo County Zoning Administrator  
Conservation Warden

**From:** [Bump, Cameron M - DNR](#)  
**To:** [Johnson, Ross - DOT](#); "Tara Krista"  
**Subject:** FW: 7224-00-02 Winona Connector FWS LAWCON CLEARANCE  
**Date:** Tuesday, January 23, 2018 12:47:43 PM

---

FYI...

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump

Phone: (715) 839-2786

Cameron.Bump@Wisconsin.gov

---

**From:** Gihring, Jennifer L - DNR  
**Sent:** Tuesday, January 23, 2018 11:55 AM  
**To:** Bump, Cameron M - DNR <Cameron.Bump@wisconsin.gov>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

Hello Cameron,

My records indicate no LAWCON interest in the subject property.

PROJECT CLEARED.

Sincerely,  
Jennifer

Jennifer Gihring

(608) 264-6138

[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)

---

**From:** Bump, Cameron M - DNR  
**Sent:** Monday, January 8, 2018 3:46 PM  
**To:** Gihring, Jennifer L - DNR <[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

This project is Phase 1 on the TAP map...Trail bridge to Town Park

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump

Phone: (715) 839-2786



[Cameron.Bump@Wisconsin.gov](mailto:Cameron.Bump@Wisconsin.gov)

---

**From:** Gihring, Jennifer L - DNR  
**Sent:** Monday, January 08, 2018 3:42 PM  
**To:** Bump, Cameron M - DNR <[Cameron.Bump@wisconsin.gov](mailto:Cameron.Bump@wisconsin.gov)>  
**Subject:** RE: 7224-00-02 Winona Connector FWS easement

Sounds like it would not be a conversion, but do you have a map?

Jennifer Gihring  
(608) 264-6138  
[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)

---

**From:** Bump, Cameron M - DNR  
**Sent:** Monday, January 8, 2018 3:40 PM  
**To:** Gihring, Jennifer L - DNR <[Jennifer.Gihring@wisconsin.gov](mailto:Jennifer.Gihring@wisconsin.gov)>  
**Subject:** FW: 7224-00-02 Winona Connector FWS easement

Jennifer, I'd like your determination on the question below...

This is for the Winona Connector project. The trail will be developed on partially hwy right-of-way and partially on national wildlife refuge purchased with LAWCON funds. The refuge has the Great River State Trail on it further east and this project will eventually connect to that segment.

My interpretation would be that since the project is for outdoor recreation, there really isn't a conversion taking place. It is simply a development of another recreation opportunity and therefore not require a conversion approval by NPS.

Your thoughts?

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Cameron Bump  
Phone: (715) 839-2786  
[Cameron.Bump@Wisconsin.gov](mailto:Cameron.Bump@Wisconsin.gov)

---

**From:** Johnson, Ross - DOT  
**Sent:** Monday, January 08, 2018 3:28 PM  
**To:** Bump, Cameron M - DNR <[Cameron.Bump@wisconsin.gov](mailto:Cameron.Bump@wisconsin.gov)>  
**Cc:** Wisner, Frederick - DOT (NC Region) <[frederick.wisner@dot.wi.gov](mailto:frederick.wisner@dot.wi.gov)>; 'Tara Krista' <[tkrista@sehinc.com](mailto:tkrista@sehinc.com)>  
**Subject:** 7224-00-02 Winona Connector FWS easement

Cameron,

The land occupied by Trempealeau NWR was mostly acquired by LAWCON funds in 1979.

So, the small wetland easement is in theory a 6(f) impact, requiring in-kind replacement.

BUT since the conversion is for the bike trail, is this really a 6(f) impact at all? The easement is for trail construction not highway, which is 'public outdoor recreation' Can you talk to your LAWCON folks?

Thanks

### **5.1.1 Small Conversion Policy**

Projects which affect a small part of a resource protected by LAWCON may use a streamlined procedure to

satisfy the requirements of Section 6(f). The Wisconsin Department of Natural Resources Region Environmental

Impact Coordinator and the LAWCON Program Coordinator in the DNR Madison office must be included in

consultations seeking to address small conversion of 6(f) lands.

The Department of the Interior defines a small conversion as: "... the conversion to other than public outdoor

recreation use of an area which is no more than 5% of the total project area (that area within the approved

6(f)(3) boundaries) and which is no more than two acres (2.0 acres or less) in size." This definition does not

apply if the acquisition from the 6(f) property would significantly impact recreation use at the site.

Whenever a project meets the small conversion criteria, consultation with DNR requires that

WisDOT provide a

signed and dated map depicting the amended 6(f) boundaries. Other graphics which convey and clarify the

effects of the project on the resource should also be provided to DNR. The discussion of the small conversion

must address the issue of replacement lands. It must be decided, in consultation with DNR whether replacement

lands of at least equal value and use will be provided as part of the project or will be deferred to a time and

location of DNR's choice. In either case, WisDOT shall pay the fair market value for lands it acquires from a 6(f)

resource.

## Exhibit L – USFWS Section 7 Streamlined Consultation

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**From:** [Schaff, Nicholas A - DOT](#)  
**To:** [Horton, Andrew](#)  
**Cc:** [Johnson, Ross - DOT](#)  
**Subject:** Request to Initiate Informal Section 7 Consultation - May effect, not likely to adversely effect NLEB  
**Date:** Friday, June 01, 2018 3:43:59 PM  
**Attachments:** [Winona Connector Trail Submittal.pdf](#)

---

Andrew,

WisDOT is submitting the following information and determination to fulfil Section 7(a)(2) responsibilities under the ESA pertaining to potential impacts to the Sheepnose Mussel, Higgins Eye Pearlymussel, and Eastern Massasauga Rattlesnake, in addition to the Northern long-eared bat.

In accordance with the final 4(d) rule issued for the northern long-eared bat, WisDOT has determined that the proposed activity, described in greater detail in the attachments below, will not result in prohibited take of the NLEB. The activity does involve a minor amount of tree removal.

In accordance with the streamlined consultation framework, WisDOT intends to rely on the programmatic biological opinion developed for the final 4(d) rule and this submittal to satisfy our Section 7(a)(2) responsibilities.

If you have questions, please contact me.

Thanks

Nick

**Nick Schaff**

Environmental Coordinator

Office: (715) 836-2068

E-mail: [Nicholas.Schaff@wi.gov](mailto:Nicholas.Schaff@wi.gov)  
Wisconsin Department of Transportation

718 West Clairemont Avenue

Eau Claire, WI 54701

## **Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form**

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

<b>Information to Determine 4(d) Rule Compliance:</b>	<b>YES</b>	<b>NO</b>
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency and Applicant**<sup>3</sup> (Name, Email, Phone No.): Justin Shavlik, jshavlik@sehinc.com, 715.720.6279, for Buffalo County and Wisconsin Department of Transportation

### **Project Name:**

Project ID 7224-00-01/71  
Town of Buffalo  
Town of Buffalo, Great River State Trail Winona Connector  
Buffalo County

**Project Location** (include coordinates if known): Buffalo County, Lat: 44.069420, Long: -91.627476. T18N, R10W, Section 6. T19N, R10W, Sections 31 & 32

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

**Basic Project Description** (provide narrative below or attach additional information): The proposed project includes approximately 1.5 miles of trail design, the design of a bridge over a Mississippi backwater utilizing existing cut stone abutments, and the design of a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad.

The project begins on the old alignment of State Trunk Highway 54 approximately 750 feet south of the Burlington Northern Santa Fe Railroad and will end at the Town of Buffalo Town Park. The trail follows the old State Trunk Highway 54 alignment, the abandoned Chicago Northwestern Railroad alignment and the edge of State Trunk Highway 35. The project includes a grade separation bridge for the trail to cross the Burlington Northern Santa Fe Railroad at this location. The proposed bridge over the BNSF railroad track is a seven span open through steel truss approximately 843 feet long. The clear width of the bridge will be 12 feet. The bridge will be constructed on a curve to connect the Old State Trunk Highway 54 alignment to the abandoned Chicago Northwestern alignment. The proposed bridge will have 23 feet of clearance from the top of track rail to the bottom of the bridge and a 5% minimum slope on the approach.

The project also includes a bridge over a Mississippi River backwater slough approximately 750 feet east of the railroad overpass crossing. This bridge will be approximately 50 feet long and will replace the railroad bridge that was removed at the time of abandonment of the Chicago Northwestern Railroad. The existing stone bridge abutments will be repaired and reused for the new bridge.

The remainder of the trail will follow the south side of State Trunk Highway 35. The trail will be 10 feet wide surfaced with limestone screenings. Where embankment fills are required in wetland areas, the trail will be 8 feet wide to help reduce wetland impacts. A 5-foot safety area will be provided along both sides of the trail with an exception being 3 feet along the existing guardrail at State Trunk Highway 35. Less than two acres of clearing is expected to construct the trail.

The proposed action will be the first phase of a two-phase project. Phase 1 construction could take place as early as 2019. Phase 2 will continue from the Town Park ending at the Trailhead near the Canadian National Railroad crossing in Marshland. The project was split into two phases due to available funds. It is anticipated that the trail will also continue towards Winona, Minnesota in the future.

Evaluation of the proposed project has indicated that the project may affect, but is not likely to adversely affect the northern long-eared bat. Avoidance and minimization measures to make this determination include incorporating appropriate water quality best management practices in compliance with State/Federal permits. The WDNR has determined that the project will not impact the NLEB.



General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	<2 acre	
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31	Unknown	
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>	Unknown	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: Nick Schaff Date Submitted: 06/01/2018

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.

**Effect Determination for Federally Listed Species**

WisDOT is also submitting the following information and determination to fulfil Section 7(a)(2) responsibilities under the ESA pertaining to potential impacts to the Sheepnose Mussel, Higgins Eye Pearlymussel, and Eastern Massasauga Rattlesnake, in addition to the Northern long-eared bat.

Effect determination for federally listed species identified in the Official Species List:

<b>Species Common Name</b>	<b>Species Scientific Name</b>	<b>Effect Determination</b>	<b>Justification</b>
Sheepnose Mussel	<i>Plethobasus cyphus</i>	No effect	No known habitat at project site per coordination with WDNR.
Higgins Eye Pearlymussel	<i>Lampsilis higginsii</i>	No effect	No known habitat at project site per coordination with WDNR.
Eastern Massasauga Rattlesnake	<i>Sistrurus catenatus</i>	No effect	No known habitat at project site per coordination with WDNR.
Northern long-eared bat	<i>Myotis septentrionalis</i>	May affect, not likely to adversely affect	No roost trees or hibernacula near project area, per coordination with WDNR



**State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES**

Scott Walker, Governor  
Daniel L. Meyer, Secretary

101 S. Webster St.  
Box 7921  
Madison, WI 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

February 22, 2018

Tara Krista  
Short Elliott Hendrickson  
10 N. Bridge Street  
Chippewa Falls, WI 54729

SUBJECT: Endangered Resources Review (ERR Log # 18-058)

Proposed 7224-00-02, Town of Buffalo, Great River State Trail Winona Co, Buffalo County, WI (T19N R10W S31, T19N R10W S32, T18N R10W S06)

Dear Tara Krista,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received January 31, 2018. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 13 species

Recommended Actions: 7 species

No Follow-Up Actions: 10 species

Additional Recommendations Specified: No

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.**

Please contact me at 608-264-8968 or via email at [anna.rossler@wi.gov](mailto:anna.rossler@wi.gov) if you have any questions about this ER Review.

Sincerely,

*Anna Rossler*

Endangered Resources Review Program

cc:

**Endangered Resources Review for the Proposed 7224-00-02, Town of Buffalo, Great River State Trail Winona Co, Buffalo  
County  
(ER Log # 18-058)**

**Section A. Location and brief description of the proposed project**

Based on information provided by the ER Review Request form and attached materials, the proposed project consists of the following:

<b>Location</b>	Buffalo County - T19N R10W S31, T19N R10W S32, T18N R10W S06
<b>Project Description</b>	The proposed project includes approximately 1.5 miles of trail design, the design of a bridge over a Mississippi backwater utilizing existing cut stone abutments, and the design of a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad. The project begins on the old alignment of State Trunk Highway 54 approximately 750 feet south of the Burlington Northern Santa Fe Railroad and will end at the Town of Buffalo Town Park. The trail follows the old State Trunk Highway 54 alignment, the abandoned Chicago Northwestern Railroad alignment and the edge of State Trunk Highway 35. The project includes a grade separation bridge for the trail to cross the Burlington Northern Santa Fe Railroad at this location.
<b>Project Timing</b>	March 2020- November 2020
<b>Current Habitat</b>	33% wildlife refuge, 50% roadway right of way, 17% recreational park land
<b>Impacts to Wetlands or Waterbodies</b>	0.05 acres of RPF wetland, 0.11 acres of SS wetland. Project crosses a Mississippi River (backwater slough).
<b>Property Type</b>	Public
<b>Federal Nexus</b>	Yes

*It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever project plans change or new details become available to confirm if results of this ER Review are still valid.*

**Section B. Endangered resources recorded from within the project area and surrounding area**

	<b>Group</b>	<b>State Status</b>	<b>Federal Status</b>
Peregrine Falcon ( <i>Falco peregrinus</i> )	Bird	END	
Bell's Vireo ( <i>Vireo bellii</i> )	Bird	THR	
Cerulean Warbler ( <i>Setophaga cerulea</i> )	Bird	THR	SOC
Prothonotary Warbler ( <i>Protonotaria citrea</i> )	Bird~	SC/M	
Red-shouldered Hawk ( <i>Buteo lineatus</i> )	Bird~	THR	
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	Bird~		EAG
Great Egret ( <i>Ardea alba</i> )	Bird~	THR	
Black-crowned Night-Heron ( <i>Nycticorax nycticorax</i> )	Bird~	SC/M	
Yellow-crowned Night-Heron ( <i>Nyctanassa violacea</i> )	Bird~	THR	
Shrub-carr	Community~	NA	
Floodplain Forest ( <i>Floodplain forest</i> )	Community~	NA	
Crystal Darter ( <i>Crystallaria asprella</i> )	Fish~	END	SOC
American Eel ( <i>Anguilla rostrata</i> )	Fish~	SC/N	

Pallid Shiner ( <i>Hybopsis amnis</i> )	Fish~	END
Shoal Chub ( <i>Macrhybopsis hyostoma</i> )	Fish~	THR
Black Buffalo ( <i>Ictiobus niger</i> )	Fish~	THR
Mud Darter ( <i>Etheostoma asprigene</i> )	Fish~	SC/N
River Redhorse ( <i>Moxostoma carinatum</i> )	Fish~	THR
Bluntnose Darter ( <i>Etheostoma chlorosoma</i> )	Fish~	END
Paddlefish ( <i>Polyodon spathula</i> )	Fish~	THR
Goldeye ( <i>Hiodon alosoides</i> )	Fish~	END
Blue Sucker ( <i>Cycleptus elongatus</i> )	Fish~	THR
Washboard ( <i>Megaloniaias nervosa</i> )	Mussel~	SC/P
Ebonyshell ( <i>Fusconaia ebena</i> )	Mussel~	END
Monkeyface ( <i>Quadrula metanevra</i> )	Mussel~	THR
Fawnsfoot ( <i>Truncilla donaciformis</i> )	Mussel~	THR
Elephant Ear ( <i>Elliptio crassidens</i> )	Mussel~	END
Elktoe ( <i>Alasmidonta marginata</i> )	Mussel~	SC/P
Bird Rookery	Other~	SC
Pale Green Orchid ( <i>Platanthera flava</i> var. <i>herbiola</i> )	Plant~	THR

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

### Section C. Follow-up actions

Actions that need to be taken to comply with state and/or federal endangered species laws:

• **Cerulean Warbler (*Setophaga cerulea*) - Bird**

State Status: THRFederal Status: SOC

Impact Type	Impact possible
Required Measures	Time of year restriction, Surveys

<b>Description of Required Measures</b>	<p>Suitable habitat for the Cerulean Warbler may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, the project shall follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from May 1 - August 24. If the project can avoid disturbing areas within or adjacent to suitable habitat during this time period, there will not be any further project restrictions related to this species. If the project cannot completely avoid all areas of suitable habitat or take of the species, please contact me regarding the possibility of applying for an Incidental Take Permit/Authorization.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Cerulean Warbler are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Cerulean Warbler is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p> <p>Cerulean Warbler (<i>Dendroica cerulea</i>), a bird listed as Threatened in Wisconsin, prefers lowland deciduous forests dominated by mature stands of American elm, cottonwood, and green ash and large upland blocks of mature dry-mesic to mesic forests. The recommended avoidance period is from May 1 - August 24.</p>
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• **Red-shouldered Hawk (*Buteo lineatus*) - Bird~**

**State Status: THR**

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Time of year restriction, Surveys
<b>Description of Required Measures</b>	<p>Suitable habitat for the Red-shouldered Hawk may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, the project shall follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from March 15 to July 31. If the project can avoid disturbing areas within or adjacent to suitable habitat during this time period, there will not be any further project restrictions related to this species. If the project cannot completely avoid all areas of suitable habitat or take of the species, please contact me regarding the possibility of applying for an Incidental Take Permit/Authorization.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Red-shouldered Hawk are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Red-shouldered Hawk is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p> <p>Red-shouldered Hawk (<i>Buteo lineatus</i>), a bird listed as Threatened in Wisconsin. This species prefers larger stands of older-aged to mature bottomland hardwoods along riparian areas, deciduous swamps, and northern hardwoods or mixed deciduous – coniferous upland forests with wetland pockets or ephemeral ponds interspersed or located in close proximity. The recommended avoidance period is from March 15 to July 31.</p>

• **Great Egret (*Ardea alba*) - Bird~**

**State Status: THR**

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Time of year restriction, Surveys
<b>Description of Required Measures</b>	



<b>Description of Required Measures</b>	<p>Suitable habitat for the Great Egret may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, the project shall follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from late April to mid-July. If the project can avoid disturbing areas within or adjacent to suitable habitat during this time period, there will not be any further project restrictions related to this species. If the project cannot completely avoid all areas of suitable habitat or take of the species, please contact me regarding the possibility of applying for an Incidental Take Permit/Authorization.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Great Egret are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Great Egret is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p> <p>Great Egret (<i>Casmerodius albus</i>), a bird listed as Threatened in Wisconsin, prefers freshwater wetlands, rivers and streams with waterside deciduous forest communities and willow thickets. The recommended avoidance period is from late April to mid-July.</p>
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• **Yellow-crowned Night-Heron (*Nyctanassa violacea*) - Bird~**

**State Status:** THR

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Time of year restriction, Surveys
<b>Description of Required Measures</b>	<p>Suitable habitat for the Yellow-crowned Night-Heron may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, the project shall follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from April to July. If the project can avoid disturbing areas within or adjacent to suitable habitat during this time period, there will not be any further project restrictions related to this species. If the project cannot completely avoid all areas of suitable habitat or take of the species, please contact me regarding the possibility of applying for an Incidental Take Permit/Authorization.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Yellow-crowned Night-Heron are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Yellow-crowned Night-Heron is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p> <p>Yellow-crowned Night-heron (<i>Nyctanassa violacea</i>), a bird listed as Threatened in Wisconsin, is found in swamps and river bottomlands. The recommended avoidance period is from April to July.</p>

• **Crystal Darter (*Crystallaria asprella*) - Fish~**

**State Status:** END **Federal Status:** SOC

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Erosion Control
<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Crystal Darter.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• Pallid Shiner (*Hybopsis amnis*) - Fish~

State Status: END

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Pallid Shiner.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• Shoal Chub (*Macrhybopsis hyostoma*) - Fish~

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Shoal Chub.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• Black Buffalo (*Ictiobus niger*) - Fish~

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Black Buffalo.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• River Redhorse (*Moxostoma carinatum*) - Fish~

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control

<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the River Redhorse.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>
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• **Bluntnose Darter (*Etheostoma chlorosoma*) - Fish~**

**State Status: END**

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Erosion Control
<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Bluntnose Darter.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• **Paddlefish (*Polyodon spathula*) - Fish~**

**State Status: THR**

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Erosion Control
<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Paddlefish.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• **Goldeye (*Hiodon alosoides*) - Fish~**

**State Status: END**

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Erosion Control

<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Goldeye.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>
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• **Blue Sucker (*Cyprinus elongatus*) - Fish~**

**State Status:** THR

<b>Impact Type</b>	Impact possible
<b>Required Measures</b>	Erosion Control
<b>Description of Required Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Blue Sucker.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

**Actions recommended to help conserve Wisconsin's Endangered Resources:**

• **Prothonotary Warbler (*Protonotaria citrea*) - Bird~**

**State Status:** SC/M

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Time of year restriction, Surveys
<b>Description of Recommended Measures</b>	<p>Suitable habitat for the Black-crowned Night-Heron may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, it is recommended the project follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from April 15 - July 31.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Black-crowned Night-Heron are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Black-crowned Night-Heron is recorded, option (i) should be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p>

• **Bald Eagle (*Haliaeetus leucocephalus*) - Bird~**

**State Status:** Federal Status: EAG

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Time of year restriction

<b>Description of Recommended Measures</b>	<p>This project is within 1 mile of a bald eagle nest and suitable habitat for the eagle is present in the project area. If an eagle nest is present and active, then human activity should be avoided from January 15 – July 30 within 660ft of the nest.</p> <p>Please note, that the bald eagle is federally protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Visit the USFWS Bald Eagle Management website (<a href="http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/step1.html">http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/step1.html</a>) for detailed guidelines and conservation measures for your specific project activity.</p>
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• **Black-crowned Night-Heron (*Nycticorax nycticorax*) - Bird~**

**State Status:** SC/M

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Time of year restriction, Surveys
<b>Description of Recommended Measures</b>	<p>Suitable habitat for the Black-crowned Night-Heron may be present within or immediately adjacent to the slough areas on the western portion of the project site. The birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, it is recommended the project follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances near suitable habitat in the project site from April 15 - July 31.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Black-crowned Night-Heron are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Black-crowned Night-Heron is recorded, option (i) should be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p> <p>Black-crowned Night-heron (<i>Nycticorax nycticorax</i>), a bird listed as Special Concern, prefers freshwater wetlands dominated by bulrush and cattail with small groves of alder, willow, or other brush. The recommended avoidance period is from April 15 - July 31.</p>

• **Shrub-carr - Community~**

**State Status:** NA

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Other
<b>Description of Recommended Measures</b>	<p>Shrub-carr may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the Shrub-carr.</p>

• **Floodplain Forest - Community~**

**State Status:** NA

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Other
<b>Description of Recommended Measures</b>	<p>Floodplain Forest may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the Floodplain Forest.</p>

• **American Eel (*Anguilla rostrata*) - Fish~**

**State Status:** SC/N

<b>Impact Type</b>	Impact possible
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<b>Recommended Measures</b>	Erosion Control
<b>Description of Recommended Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, it is recommended that erosion and runoff prevention measures be implemented during the course of the project to avoid take of the American Eel.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

• **Mud Darter (*Etheostoma asprigene*) - Fish~**

**State Status:** SC/N

<b>Impact Type</b>	Impact possible
<b>Recommended Measures</b>	Erosion Control
<b>Description of Recommended Measures</b>	<p>Because this project has the potential to impact the Mississippi River and backwaters, it is recommended that erosion and runoff prevention measures be implemented during the course of the project to avoid take of the Mud Darter.</p> <p>Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.</p> <p>If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.</p>

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

**No actions are required or recommended for the following endangered resources:**

• **Peregrine Falcon (*Falco peregrinus*) - Bird**

**State Status:** END

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	<p>The known nest location is not within the project site and no suitable habitat is present within the project site. No impacts are anticipated.</p> <p>Peregrine Falcon (<i>Falco peregrinus</i>), a bird listed as Endangered in Wisconsin, prefers relatively inaccessible rock ledges on the sides of steep bluffs and ledges on highrise buildings in urban areas. The recommended avoidance period is from March 1 through July 31.</p>

• **Bell's Vireo (*Vireo bellii*) - Bird**

**State Status:** THR

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary



<b>Justification</b>	<p>It is unlikely that sufficient suitable habitat is present at the project site. No impacts are anticipated.</p> <p>Bell's Vireo (<i>Vireo bellii</i>), a bird listed as Threatened in Wisconsin, prefers dense shrubby areas within an open prairie landscape. The recommended avoidance period is from May 25 - August 15. See the species guidance document for avoidance measures and management guidance from the Natural Heritage Conservation Program.</p>
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• **Washboard (*Megaloniaias nervosa*) - Mussel~**

**State Status:** SC/P

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• **Ebonyshell (*Fusconaia ebena*) - Mussel~**

**State Status:** END

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• **Monkeyface (*Quadrula metanevra*) - Mussel~**

**State Status:** THR

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• **Fawnsfoot (*Truncilla donaciformis*) - Mussel~**

**State Status:** THR

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• **Elephant Ear (*Elliptio crassidens*) - Mussel~**

**State Status:** END

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• **Elktoe (*Alasmodonta marginata*) - Mussel~**

**State Status:** SC/P

<b>Impact Type</b>	No impact or no/low broad ITP/A
<b>Reason</b>	Lack of Suitable Habitat within Project Boundary
<b>Justification</b>	It is unlikely that suitable habitat will be disturbed by project activities. No impacts are anticipated.

• Bird Rookery - Other~

State Status: SC

Impact Type	No impact or no/low broad ITP/A
Reason	Other - Justification Required
Justification	The known Bird Rookery is not within or immediately adjacent to the project site. No impacts are anticipated.

• Pale Green Orchid (*Platanthera flava var. herbiola*) - Plant~

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	<p>Because of the previously disturbed nature of the project site, it is unlikely that suitable habitat will be disturbed. No impacts are anticipated.</p> <p>Pale Green Orchid (<i>Platanthera flava var. herbiola</i>), a Wisconsin Threatened plant, is found in a variety of habitats, including moist prairies, sedge meadows, floodplain forests, river banks and ditches. Blooming occurs early June through early August; fruiting occurs early July through late August. The optimal identification period for this species is late June through early August.</p>

## Section D. Next Steps

1. Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
  - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
  - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
  - 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
3. If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit) and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

## Section E. Standard Information to help you better understand this ER Review

**Endangered Resources (ER) Reviews** are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Wisconsin DNR Staff.

**How endangered resources searches are conducted for the proposed project area:** An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

**Categories of endangered resources considered in ER Reviews and protections for each:** Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

**Please remember** the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Green Bay Ecological Services Field Office  
2661 Scott Tower Drive  
New Franken, WI 54229-9565  
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

April 12, 2018

Consultation Code: 03E17000-2018-SLI-0307

Event Code: 03E17000-2018-E-01880

Project Name: 7224-00-72, Town of Buffalo, Great River State Trail Winona Connector, Buffalo County

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you

determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Green Bay Ecological Services Field Office**

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

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## Project Summary

Consultation Code: 03E17000-2018-SLI-0307

Event Code: 03E17000-2018-E-01880

Project Name: 7224-00-72, Town of Buffalo, Great River State Trail Winona Connector, Buffalo County

Project Type: TRANSPORTATION

Project Description: The proposed project includes approximately 1.5 miles of trail design, the design of a bridge over a Mississippi backwater utilizing existing cut stone abutments, and the design of a grade separation bridge over the Burlington Northern Santa Fe (BNSF) Railroad.

The project begins on the old alignment of State Trunk Highway 54 approximately 750 feet south of the Burlington Northern Santa Fe Railroad and will end at the Town of Buffalo Town Park. The trail follows the old State Trunk Highway 54 alignment, the abandoned Chicago Northwestern Railroad alignment and the edge of State Trunk Highway 35. The project includes a grade separation bridge for the trail to cross the Burlington Northern Santa Fe Railroad at this location. The proposed bridge over the BNSF railroad track is a seven span open through steel truss approximately 843 feet long. The clear width of the bridge will be 12 feet. The bridge will be constructed on a curve to connect the Old State Trunk Highway 54 alignment to the abandoned Chicago Northwestern alignment. The proposed bridge will have 23 feet of clearance from the top of track rail to the bottom of the bridge and a 5% minimum slope on the approach.

The project also includes a bridge over a Mississippi River backwater slough approximately 750 feet east of the railroad overpass crossing. This bridge will be approximately 50 feet long and will replace the railroad bridge that was removed at the time of abandonment of the Chicago Northwestern Railroad. The existing stone bridge abutments will be repaired and reused for the new bridge.

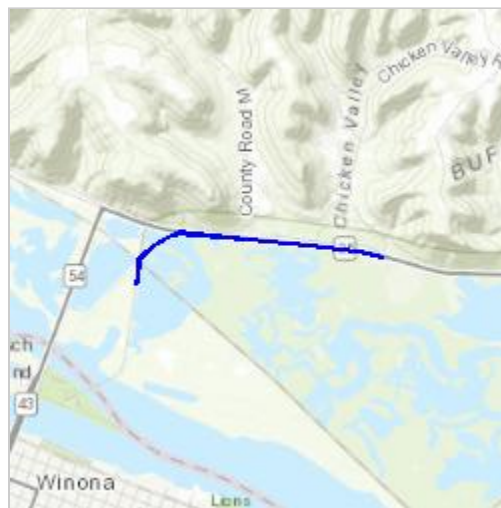
The remainder of the trail will follow the south side of State Trunk Highway 35. The trail will be 10 feet wide surfaced with limestone screenings. Where embankment fills are required in wetland areas, the trail will be 8 feet wide to help reduce wetland impacts. A 5-foot safety area will be provided along both sides of the trail with an exception being 3 feet along the existing guardrail at State Trunk Highway 35. Less than two acres of clearing is expected to construct the trail.

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The proposed action will be the first phase of a two-phase project. Phase 1 construction could take place as early as 2019. Phase 2 will continue from the Town Park ending at the Trailhead near the Canadian National Railroad crossing in Marshland. The project was split into two phases due to available funds. It is anticipated that the trail will also continue towards Winona, Minnesota in the future.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/44.06941972396723N91.62747577444641W>



Counties: Buffalo, WI

## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2202">https://ecos.fws.gov/ecp/species/2202</a>	Threatened

### Clams

NAME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/5428">https://ecos.fws.gov/ecp/species/5428</a>	Endangered
Sheepnose Mussel <i>Plethobasus cyphus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6903">https://ecos.fws.gov/ecp/species/6903</a>	Endangered

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## **Critical habitats**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## Exhibit M – USCOE 404 Permit

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**From:** Tara Krista  
**To:** [Munson, Daniel J MVP](#)  
**Cc:** [Johnson, Ross - DOT](#); [McKane, Ryan](#); [Shavlik, Justin](#); [Tara Krista](#); [Lesik, Amy L - DNR](#)  
**Subject:** [WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]7224-00-02, Town of Buffalo, Great River State Trail Winona Connector, Non Highway, Buffalo County\_Army Corp Coordination  
**Date:** Monday, October 09, 2017 3:15:21 PM  
**Attachments:** [72240071 Wetland Impacts.pdf](#)  
[Project Location Map.pdf](#)  
[72240072 prelim plan.pdf](#)  
[404 PERMIT SHEET.doc](#)  
[3500-53N Alternative Analysis.doc](#)

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SUBJECT: Qualifications for Nationwide 404 Permit  
Minor Road Crossing Fills  
PROJECT: Town of Buffalo, Great River State Trail Winona Connector  
WisDOT Project I.D. 7224-00-02  
WATERWAY: Mississippi River Backwater  
LOCATION: Buffalo County, Wisconsin (see attached map)

Dear Dan,

Attached is the pertinent information for the subject project pursuant to Section 404 Nationwide Permit Notification procedure of 33 CFR 330.5(a)(14). We offer the following statements regarding the project:

1. The entire project consists of a two crossings of a Mississippi River backwater. In addition minor fills will occur at the side slopes of the proposed trail. Approximately 0.32 acres of wetland will be filled and mitigated in accordance with the DOT/DNR Cooperative Agreement and the Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guidelines.
2. Width of fill is limited to the minimum necessary
3. DNR concurrence on floodplain management and environmental feature of the project is pending.

If there are any questions regarding this notification, please contact me at 715.720.6291.

Sincerely,

Tara L. Krista, PE  
Project Manager  
SEH  
10 N. Bridge Street, Chippewa Falls, WI 54729  
715.720.6291 direct  
715.577.3689 cell  
888.908.8166 fax  
sehinc.com  
Building a Better World for All of Us®

*(See attached file: 72240071 Wetland Impacts.pdf)(See attached file: Project Location Map.pdf)(See attached file: 72240072 prelim plan.pdf)(See attached file: 404 PERMIT SHEET.doc)(See attached file: 3500-53N Alternative Analysis.doc)*



**From:** Tara Krista  
**To:** [Munson, Daniel J MYP](#)  
**Cc:** [Tara Krista](#); [Johnson, Ross - DOT](#)  
**Subject:** Fw: Great River State Trail Winona Connector Permit Issuance, TN Buffalo, Buffalo Co  
**Date:** Tuesday, July 10, 2018 2:30:47 PM  
**Attachments:** [Permit Issuance 00796 00829.pdf](#)

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Dan, please see below for the approved DNR permit.

Thank you,  
Tara

Tara L. Krista, PE  
Project Manager  
SEH  
10 N. Bridge Street, Chippewa Falls, WI 54729  
715.720.6291 direct  
715.577.3689 cell  
888.908.8166 fax  
sehinc.com

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----- Forwarded by Tara Krista/seh on 07/10/2018 02:29 PM -----

From: "Hon, David F - DNR" <David.Hon@wisconsin.gov>  
To: Town of Buffalo <tobchairman@gmail.com>  
Cc: "Munson, Daniel J CIV CEMVP CEMVD (US)" <Daniel.J.Munson@usace.army.mil>, "Johnson, Ross - DOT" <Ross.Johnson@dot.wi.gov>, Tara Krista <tkrista@sehinc.com>, "Michael Owecke (Michael.Owecke@co.buffalo.wi.us)" <Michael.Owecke@co.buffalo.wi.us>, "Jumbeck, Robert J - DNR" <Robert.Jumbeck@wisconsin.gov>, "Bump, Cameron M - DNR" <Cameron.Bump@wisconsin.gov>  
Date: 06/19/2018 09:05 AM  
Subject: Great River State Trail Winona Connector Permit Issuance, TN Buffalo, Buffalo Co

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Good morning Mr. James,

Please see attached **approved** WI DNR Permit #IP-WC-2018-6-00829, -00796 for constructing a bridge over a backwater of the Mississippi River, and extending culverts on Chicken Valley/Whiskey Creek, SE ¼ of the SW ¼ of S31 and S32, T19N, R10W, in the Town of Buffalo, Buffalo County, WI. These activities are related to the Great River State Trail Winona Connector project. Please maintain a copy for your record and provide a copy to any contractors.

Please recognize that you are responsible for obtaining all necessary local (e.g. city, town, village or county) and U.S. Army Corps of Engineer permits or approvals in addition to any applicable state permits prior to commencing any work at the project site.

If you have any questions regarding this permit, please contact me.

Thanks,

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

David Hon

Water Management Specialist – Bureau of Watershed Management/External Services Division

Wisconsin Department of Natural Resources

1300 W Clairemont Ave

Eau Claire, WI 54701

Phone: 715-839-1600

Fax: 715-839-6076

David.Hon@wisconsin.gov



[dnr.wi.gov](http://dnr.wi.gov)



*(See attached file: Permit Issuance\_00796\_00829.pdf)*

## Johnson, Ross - DOT

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**From:** Johnson, Ross - DOT  
**Sent:** Tuesday, August 14, 2018 11:32 AM  
**To:** 'Tara Krista'; Munson, Daniel J CIV CEMVP CEMVD (US)  
**Subject:** 7224-00-02 RE: Great River State Trail Winona Connector permit status 081418

Hi Dan,

I'll just comment that the impacts are for new trail; (I noticed your question at the bottom)  
There is no existing trail within the project limits, the project will construct new trail.

We appreciate your attention to this project-

Thanks,

**Ross Johnson, P.E.**

Local Program Project Manager

Office: (715) 836-2069 Cell: (715) 210-0488

E-mail: [ross.johnson@dot.wi.gov](mailto:ross.johnson@dot.wi.gov)

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Wisconsin Department of Transportation

718 West Clairemont Avenue

Eau Claire, WI 54701

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**From:** Tara Krista [<mailto:tkrista@sehinc.com>]  
**Sent:** Tuesday, August 14, 2018 11:15 AM  
**To:** Munson, Daniel J CIV CEMVP CEMVD (US) <[Daniel.J.Munson@usace.army.mil](mailto:Daniel.J.Munson@usace.army.mil)>  
**Cc:** Johnson, Ross - DOT <[Ross.Johnson@dot.wi.gov](mailto:Ross.Johnson@dot.wi.gov)>; Tara Krista <[tkrista@sehinc.com](mailto:tkrista@sehinc.com)>  
**Subject:** Re: Great River State Trail Winona Connector

Hi Dan,

Just checking in on this.

Thank you,  
Tara

Tara L. Krista, PE  
Project Manager  
SEH  
10 N. Bridge Street, Chippewa Falls, WI 54729  
715.720.6291 direct  
715.577.3689 cell  
888.908.8166 fax  
[sehinc.com](http://sehinc.com)  
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▼ Tara Krista---08/06/2018 12:20:06 PM---Hi Dan, There will be 0.17 acres of permitted wetland impact that are not

covered by the Chapter 30

From: Tara Krista/seh  
To: "Munson, Daniel J CIV CEMVP CEMVD (US)" <Daniel.J.Munson@usace.army.mil>  
Cc: Tara Krista/seh@seh  
Date: 08/06/2018 12:20 PM  
Subject: Re: Great River State Trail Winona Connector

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Hi Dan,

There will be 0.17 acres of permitted wetland impact that are not covered by the Chapter 30 permit.

[attachment "Permit Issuance\_00796\_00829.pdf" deleted by Tara Krista/seh] [attachment "Wetland GP Coverage Letter\_00798.pdf" deleted by Tara Krista/seh] [attachment "72240072 Wetland Impacts Revised.pdf" deleted by Tara Krista/seh]

Tara L. Krista, PE  
Project Manager  
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sehinc.com  
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"Munson, Daniel J CIV CEMVP CEMVD (US)" ---08/06/2018 11:49:46 AM---Tara, I'm finishing my review of the above project. I just want to confirm the wetland impacts. In r

From: "Munson, Daniel J CIV CEMVP CEMVD (US)" <Daniel.J.Munson@usace.army.mil>  
To: Tara Krista <tkrista@sehinc.com>  
Date: 08/06/2018 11:49 AM  
Subject: Great River State Trail Winona Connector

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Tara,

I'm finishing my review of the above project. I just want to confirm the wetland impacts. In reviewing the wetland impacts maps from your July 10 email, it appears that there are 0.318 acre of proposed wetland impacts. Is that correct?

Are the proposed wetland impacts for the construction of new trails and/or for the modification of existing trails?

Thanks again.

Daniel J. Munson  
Project Manager  
US Army Corps of Engineers  
St. Paul District Office  
180 5th Street East, Suite 700  
St. Paul, Minnesota 55101  
651-290-5191 (office)

## Exhibit N – USCG Coordination

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**From:** [Johnson, Ross - DOT](#)  
**To:** [Eric.Washburn@uscg.mil](mailto:Eric.Washburn@uscg.mil)  
**Cc:** [Schaff, Nicholas A - DOT](#)  
**Subject:** WisDOT ID 7224-00-02 Great River State Trail Winona Connector USCG Coordination 092118  
**Date:** Friday, September 21, 2018 8:58:00 AM  
**Attachments:** [B-06-501.kmz](#)  
[B-06-501 location map2.pdf](#)  
[B-06-501 location map1.pdf](#)  
[B-06-0501' pln.pdf](#)  
[existing stone abutments.jpg](#)  
[FWS concurrence for Aghaming.pdf](#)  
[FWS concurrence Refuge.pdf](#)  
[B-06-501 plat.pdf](#)  
**Importance:** High

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Hello Eric,

Please provide expedited review to determine if the attached proposed local bicycle/pedestrian bridge project in Buffalo County, Wisconsin impacts a waterway under Coast Guard jurisdiction for bridge administration purposes.

Name of Stream: Mississippi River Backwater, Trempealeau National Wildlife Refuge

Location: Section 6, Township 18N, Range 10W  
Town of Buffalo, Buffalo County, Wisconsin (maps attached)  
Near STH 35, outside of Winona

Proposed Structure: B-06-501, single-span steel truss pedestrian bridge (drawing attached).  
The proposed pedestrian bridge will span Trempealeau National Wildlife Refuge backwaters along an abandoned railroad grade.  
The existing stone abutments from the previous railroad bridge will be re-used.  
USFWS concurrences for the trail project are attached.

Also attached is a .kmz file to import and view the project location using Google Earth.

Please let me know if you have questions or need additional information for this request for Coast Guard agency coordination.

This request is being made to fulfill federal NEPA environmental document coordination commitments.

Thanks,

**Ross Johnson, P.E.**  
Local Program Project Manager  
Office: (715) 836-2069 Cell: (715) 210-0488  
E-mail: [ross.johnson@dot.wi.gov](mailto:ross.johnson@dot.wi.gov)  

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Wisconsin Department of Transportation  
718 West Clairemont Avenue