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Southwest Region - Madison
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Darren Marsh
Director
Dane County Parks
5201 Fern Oak Drive, Suite 208
Madison WI, 53718

RE: Section 4(f) Deminimis Determination

WisDOT Project: 5145-00-01 – WIS 19 (WIS 78 to USH 12) – Town of Berry – Dane County

The purpose of this letter is to request your concurrence that the proposed improvement project will not adversely affect the activities, features, and attributes of the Dane County Indian Lake Park, thus allowing the Federal Highway Administration (FHWA) to make a Section 4(f) Deminimis impact determination.

The Indian Lake Park is afforded special protections under Section 4(f) of the United States Department of Transportation (USDOT) Act (recodified in 49 U.S.C 303 and 23 U.S.C. 138). Under the provisions of Section 4(f), if the proposed transportation project would result in adverse effects to the park or recreation facility, the transportation agency must conduct an evaluation to demonstrate that there is no prudent and feasible alternative to the use of the 4(f) property. Because this evaluation can be expensive and potentially result in project delays, an exemption is provided in cases where the official with jurisdiction over the park or recreation area concurs in a determination that the impacts are not adverse. This concurrence enables FHWA to make a Deminimis (minimal) impact determination, which satisfies the requirements of Section 4(f) and precludes the need for a section 4(f) Evaluation. Deminimis impact on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

For purposes of federal law, including Section 4(f) of the USDOT Act of 1966, the future right of way will be considered transportation right of way, not parkland, and will be purchased from Dane County Parks. The proposed project will require approximately 3.25 acres for right of way and 3.00 acres of temporary limited easement to blend slopes, as shown in the attached maps. Compensation will be made for any land acquired for the project, in accordance with applicable federal and state laws.

Project Summary, Mitigation and Enhancement

As you are aware through continued coordination, the identified preferred alternative of the WIS 19 corridor (Project) is a combination of 65% recondition and 35% reconstruction to address deficiencies to improve roadway safety. This reconstruction area will impact Indian Lake Park abutting WIS 19 to the south and the Stone Farmstead Ruins/Halfway Prairie abutting WIS 19 to the north, both owned by Dane County Parks. As illustrated in the attachments, the reconstruction area will include a below-grade shared-use path crossing at WIS 19 and Indian Lake Park and Stone Farmstead Ruins/Halfway Prairie located near Matz Road.

Extensive coordination with project partners resulted in the following elements in the Project to preserve and enhance the function and values of the Section 4(f) properties:

- WisDOT will replace the existing IAT at-grade crossing of WIS 19 within Indian Lake Park with a 96-inch diameter corrugated metal pipe with standard metal endwalls. The installation will also include a gravel path beneath WIS 19 to connect the pedestrian underpass with the north Stone Farmstead Ruin parking lot.
- To convert the at-grade crossing to a below-grade culvert, the roadway will to be raised by eight feet to provide sufficient clearance, WisDOT made the following changes to the Project:
 - Drainage analysis
 - Additional 17,000 cubic yards of roadway material
 - Additional 2.5 acres of Temporary Limited Easements
 - Additional 0.5 acres of Fee Simple property acquisitions
 - Regrading of the Indian Lake Park entrance at Matz Road
- As part of the remainder of the WIS 19 reconstruction area, WisDOT will expand the shoulder to 6-feet paved with 5-feet paved. Currently, the average shoulder in this area of WIS 19 is 3-feet, with 1-foot paved.
- Dane County agreed to the additional 2.5 acres of easement and 0.5 acres in acquisition in order to facilitate addition of the culvert.
- State Municipal Maintenance Agreements (SMMA)
 - Required for long-term maintenance of the crossing
 - Required for improvements that may include but not limited to lighting and artwork as approved by WisDOT
- State Municipal Financial Agreements (SMFA) between WisDOT and Dane County Park is required if an upgrade beyond the standard installation listed above is desired by Dane County.
 - The type of culvert end wall treatments other than the standard metal endwall such as concrete or additional aesthetics
 - Any changes in culvert type or dimensions such as a concrete box structure or wider opening

Section 6(f) Encumbrances – No Conversion Required

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

- Ice Age National Scenic Trail grant IAT 3-13-48 and associated IAT program provisions.
- Land and Water Conservation Fund (LAWCON) grant 55-00841

The National Park Service Ice Age National Scenic Trail Superintendent (Eric Gabriel) and LAWCON Assistant State Liaison Officer (Jennifer Gihring) concur with the no conversion determination and de minimis finding (Attachment 4).

Concurrence

If you concur that the acquisition of right of way as shown on the attached figure would not adversely affect the recreational activities, features, and attributes that qualify Indian Lake Park for protection under Section 4(f), the Wisconsin Department of Transportation (WisDOT), on behalf of FHWA, requests that you sign and date this letter in the spaces below. We will maintain a copy of this letter in the project file.

As the official with jurisdiction over Indian Lake Park, I concur with the determination that the proposed transportation project as described in this letter and shown on the accompanying attachments would not adversely affect the activities, features, and attributes that qualify the Indian Lake Park for protection under Section 4(f). I have also been informed that, based on my concurrence, the FHWA intends to make a Deminimis finding regarding impacts to Indian Lake Park, thus satisfying the requirements of Section 4(f).

Print: _____

Signature: _____

Date_____

Please keep a copy for your records and return a signed and dated original to my attention within 30 days of the date of this letter to the following address:

Wisconsin Department of Transportation
Southwest Region
2101 Wright Street
Madison, WI 53704-2583

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

Sincerely,
Lalitha, B.

Lalitha Balachandran, P.E.
Project Manager

Enclosures