

**WisDOT**  
**Division of Transportation System Development**  
Southwest Region - Madison  
2101 Wright Street  
Madison, WI 53704

**Governor Tony Evers**  
**Secretary Craig Thompson**  
[wisconsindot.gov](http://wisconsindot.gov)  
Telephone: 608-246-3800  
Facsimile (FAX): 608-246-7996  
E-mail: [swr.dtsd@dot.wi.gov](mailto:swr.dtsd@dot.wi.gov)



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 90-inch diameter corrugated metal pipe with gravel path beneath WIS 19 to connect Indian Lake Park and Stone Farmstead Ruins/Halfway Prairie.
- To convert the at-grade crossing to a below-grade culvert, the roadway will to be raised by three 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 10-feet, with 6-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.

#### **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 De minimis 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](mailto:lalitha.balachandran@dot.wi.gov)

Sincerely,

*Lalitha, B.*

Lalitha Balachandran, P.E.  
Project Manager

Enclosures

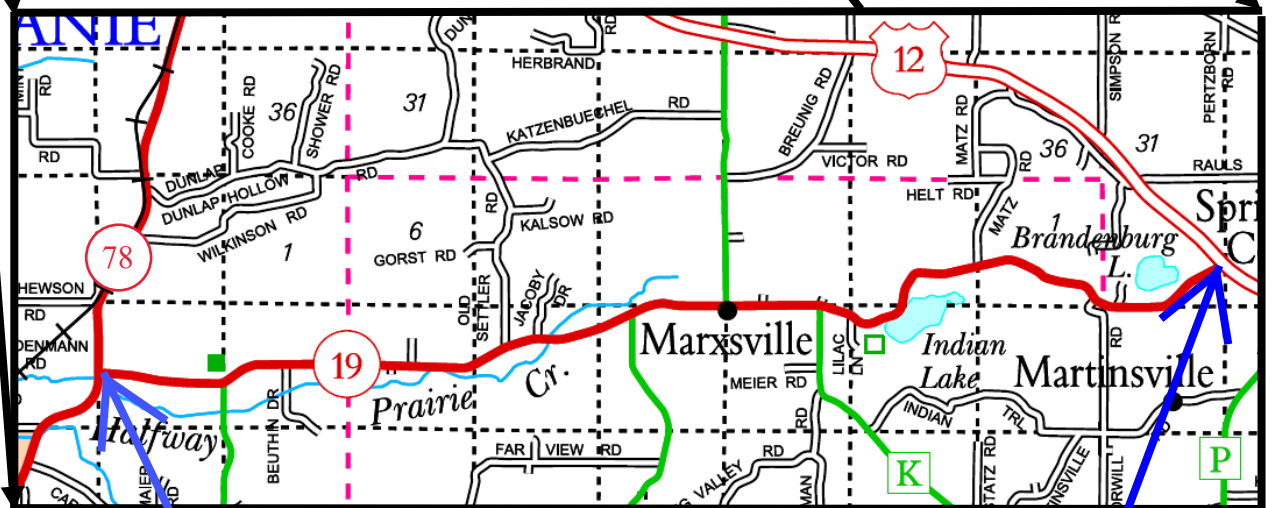
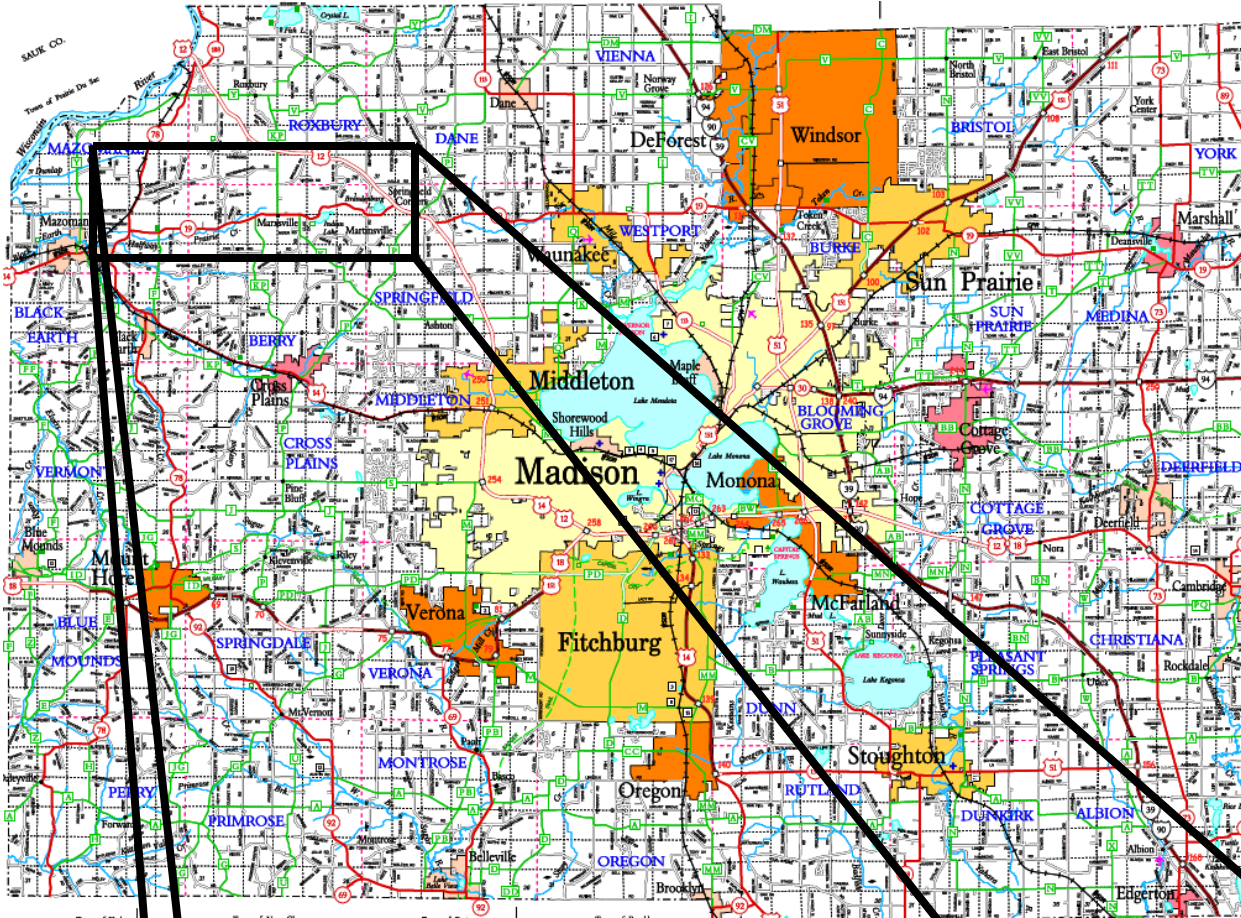
**5145-00-01**  
**WIS 19**  
**WIS 78 to USH 12**  
**Dane County**

**List of Attachments**

1. Project Location Map
2. Plan Detail Sheets
3. Underpass Illustration
4. WDNR and NPS Section 6(f) Concurrence of No Conversion

Attachment 1:  
Project Location Map

5145-00-01/71  
STH 19  
Mazomanie - USH 12  
Dane County



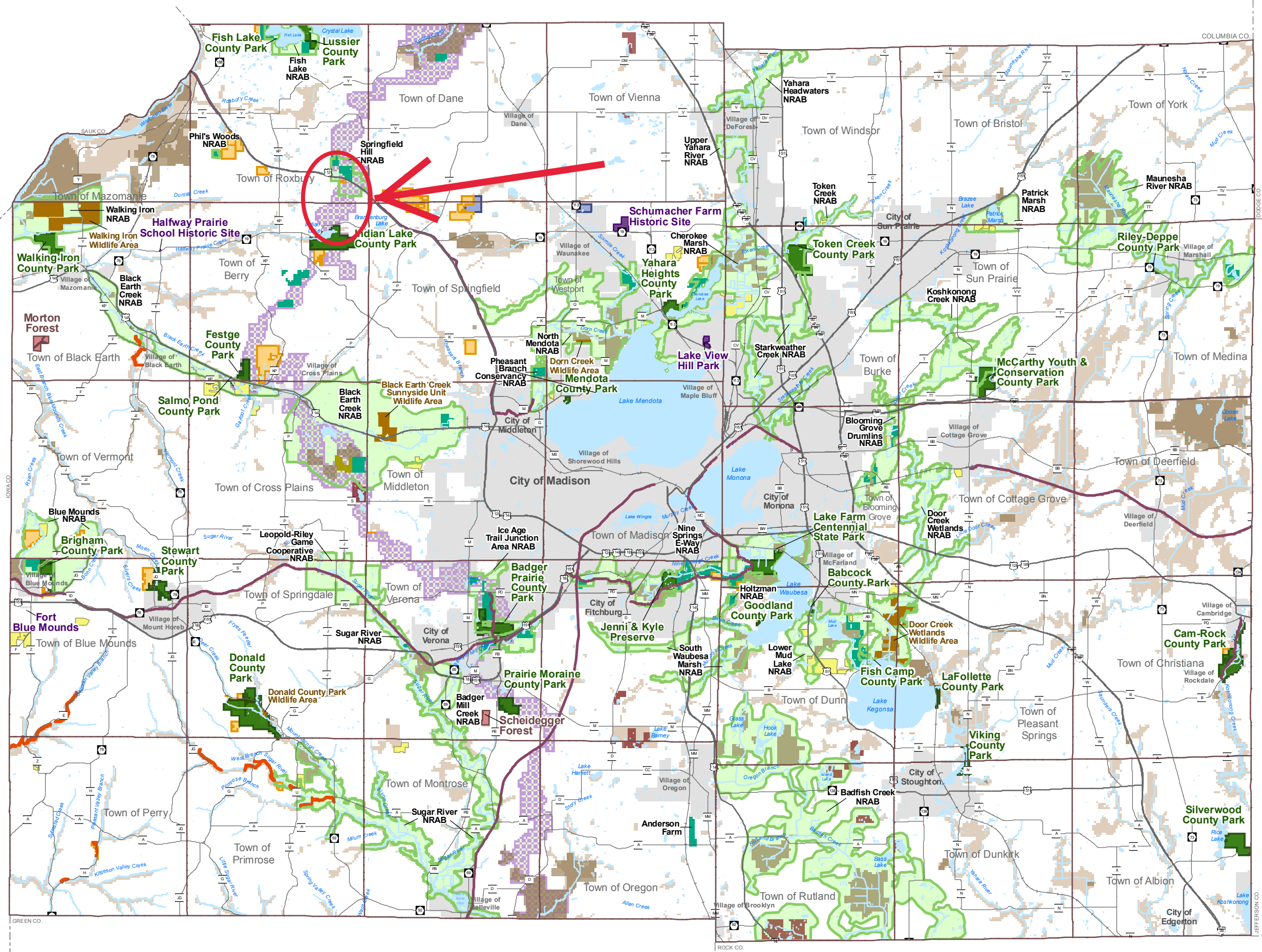
BEGIN PROJECT

END PROJECT

## Attachment 2:

### Plan Details

# Dane County Parks & Open Space Plan 2012 - 2017

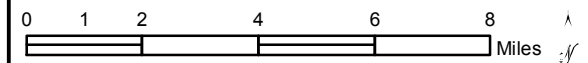
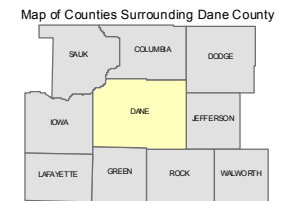


## Dane County Park Commission Lands

- Recreation Park
- Forest
- Historical/Cultural Site
- Natural Resource Area Property
- Wildlife Area
- Land & Water Legacy Wetland Sites
- Conservation Easements
- Streambank Easements
- Conservation Fund Grant Properties\*

## Dane County Natural Resource Area Project Areas

- Natural Resource Area Boundary (NRAB)
- Ice Age National Scenic Trail Corridor



## Reference Layers

- County & State Bike/Pedestrian Trails
- Railroad
- Lake/Pond
- Stream/River
- US Fish and Wildlife Lands
- National Park Service Lands
- DNR Public Lands
- Urban Service Area
- Resource Protection Corridor



\*Conservation Fund Grant Properties are lands or easements acquired by local units of government or non-profits with assistance from the Dane County Conservation Fund Grant Program.

Data Sources:  
Recreation Parks, School & Community Forests,  
Historical/Cultural Sites, Wildlife Areas, Natural Resource Area  
Properties, and Natural Resource Area Boundaries:  
Dane County Parks Data (2011).  
Ice Age National Scenic Trail Corridor: Ice Age Park & Trail Foundation (2000).  
Existing Bicycle/Pedestrian Trails: Madison Area Metropolitan  
Planning Organization (2011).  
Existing Ice Age National Scenic Trail: Ice Age Park & Trail Foundation (2011).  
Proposed Off-road Bicycle/Pedestrian Trail and Ferry:  
Dane County Parks Data (2011).  
Water Trails: Dane County Parks Data (2006).  
State/Federal Lands: Dane County Parks (2011).  
Urban Service Area: Capital Area Regional Planning  
Commission (2011).  
Resource Protection Corridor: Capital Area Regional Planning Commission (2011).  
Railroad: Capital Area Regional Planning  
Commission (2011).  
Hydrography: Orthophoto-derived (2005).  
Town Boundary: Dane County (2011).



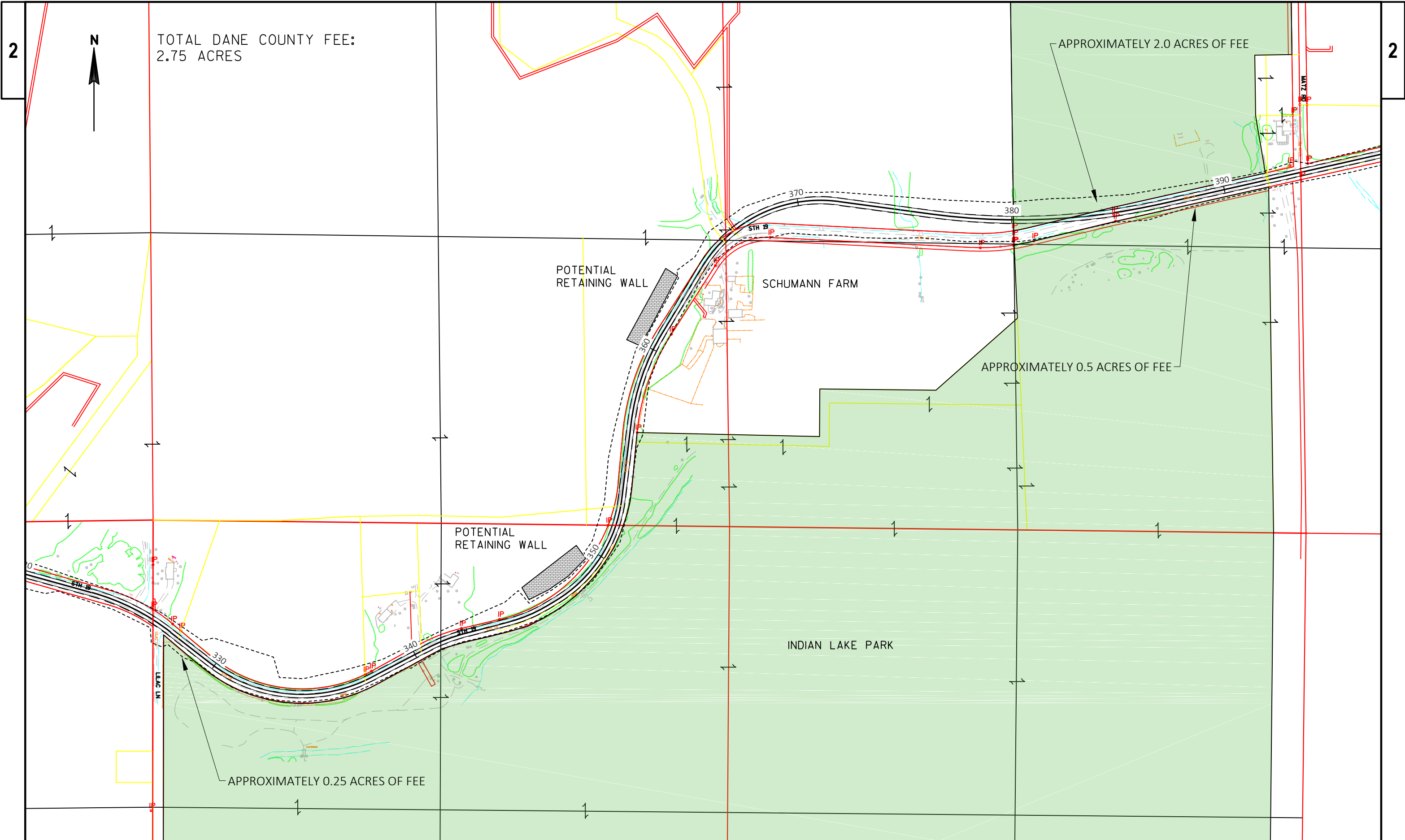
-  Dane Co Land
-  Glacial Ice Age Trail

Point of Discussion  
for Crossing

USH 12 Bike/Ped  
Bridge

Springfield Hill  
Conversation Area

Dane county continues discussions with property owners to continue the expansion of the trail to the north utilize the USH 12 bike/ped bridge and connect to the Springfield Hill conservation area.





## Alternative Comparison Matrix

Alternatives:				
	#1 At-Grade No Improvements	#2 At-Grade Minor Improvements	#3 Pedestrian Overpass	#4 Pedestrian Underpass
<b>Cost Breakdown:</b>				
Asphalt (\$60.00/Ton)	--	\$ 5,500.00	--	\$ 10,000.00
Earthwork (\$8.00/CY)	--	\$ 12,000.00	--	\$ 135,000.00
Structure Cost	--	--	\$ 1,500,000.00 - 3,000,000.00	\$ 250,000.00
Drainage Miscellaneous	--	\$ 20,000.00	--	\$ 30,000.00
<b>Total Additional Cost:</b>	\$0.00	\$ 37,500.00	\$ 1,500,000.00 - 3,000,000.00	\$ 425,000.00
<b>Right of Way (Acres):</b>	2.75	2.85	3.0	3.0
<b>Temporary Easement (Acres):</b>	0	0.25	1.50	2.0

Figure 1: Box Culvert Crossing

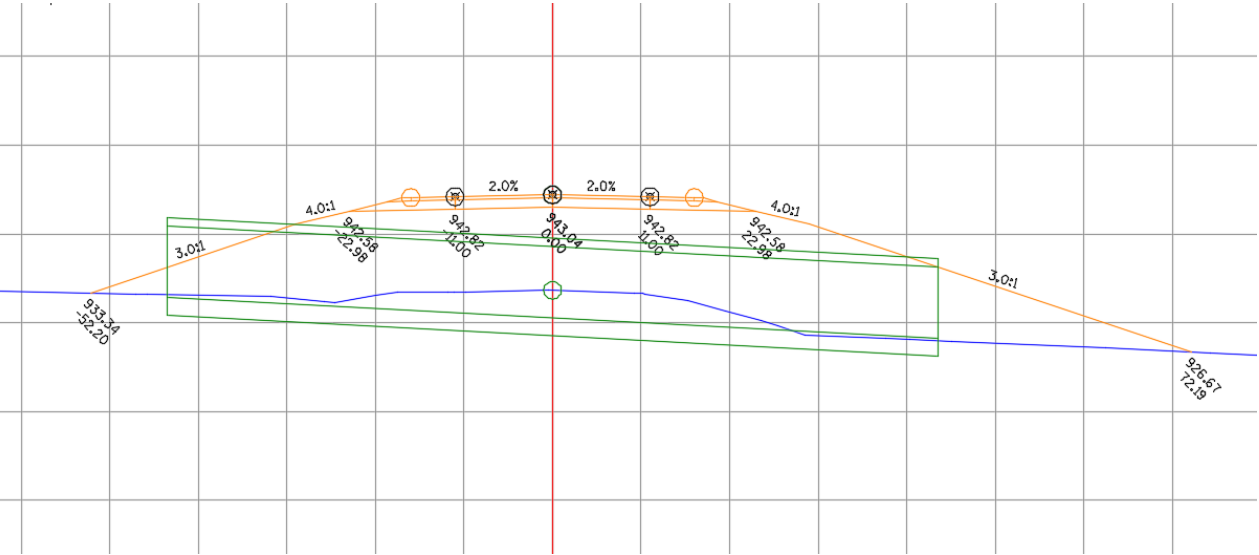
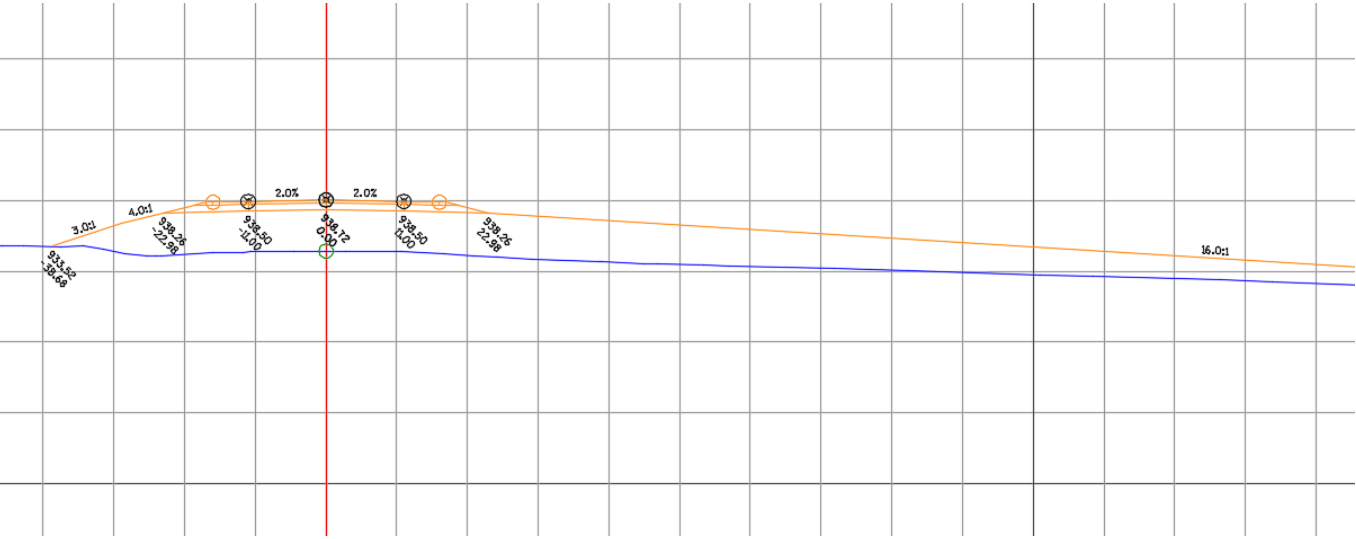


Figure 2: Southern Driveway Match-In



# Attachment 3:

## Underpass Illustration

PROJECT 5145-00-71  
MAZOMANIE - USH 12  
STH 78 TO USH 12  
STH 19  
DANE COUNTY



BEFORE



AFTER

Attachment 4:  
WDNR and NPS Section 6(f) Concurrence  
of No Conversion

**WisDOT**  
**Division of Transportation System Development**  
Southwest Region - Madison  
2101 Wright Street  
Madison, WI 53704

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E-mail: [swr.dtsd@dot.wi.gov](mailto:swr.dtsd@dot.wi.gov)



Ms. Jennifer Gihring  
Grant Manager – Bureau of Facilities and Lands  
Wisconsin Department of Natural Resources  
101 S. Webster Street

RE: Section 4(f) De minimis Determination/Section 6(f) No Conversion

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 concurrence that the proposed improvement project will not adversely affect the activities, features, and attributes of the Dane County, Indian Lake Park and the National Park Service (NPS) Ice Age Trail (IAT), thus allowing the Federal Highway Administration (FHWA) to make a Section 4(f) De minimis impact determination. WisDOT further requests concurrence that the public outdoor recreation benefits in the proposed project are sufficient to warrant a “park benefit” determination relative to Section 6(f) impacts via Land and Water Conservation Fund (LWCF) grant 55-00841 (Dane County, Indian Lake Park Acquisition). Park benefit determination confirms that the proposal meets grant compliance requirements and is not a conversion-of-use.

Indian Lake Park and the IAT are afforded special protections under Section 4(f) of the 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 De minimis (minimal) impact determination, which satisfies the requirements of Section 4(f) and precludes the need for a section 4(f) Evaluation. De minimis 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. Financial compensation will be made for any land acquired for the project, in accordance with applicable federal and state laws. The project also includes replacement of an at-grade crossing with a culvert beneath WIS 19 and enhancement of the entrance to Indian Lake Park. These improvements are significant safety improvements for park and trail users and are the basis of the park Section 4(f) de minimis determination.

#### **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 and the IAT along WIS 19 and as the IAT crosses WIS 19 near Matz Road continuing north from Indian Lake Park into the Stone Farmstead Ruins/Halfway Prairie owned by Dane County Parks. As illustrated in Attachment 2, 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 owned by Dane County Parks located near Matz Road.

Extensive coordination with project partners resulted in the incorporation of 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 90-inch diameter corrugated metal pipe with gravel path beneath WIS 19 to connect Indian Lake Park and Stone Farmstead Ruins/Halfway Prairie. See Attachment 3.

To convert the at-grade crossing to a below-grade culvert, the roadway will to be raised by three 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 10-feet, with 6-feet paved. Currently, the average shoulder in this area of WIS 19 is 3-feet, with 1-foot paved.

**Section 6(f) LAWCON Encumbrances – No Conversion Required**

The Wisconsin LWCF Assistant State Liaison Officer (ASLO) concurs with the park benefit determination for grants 55-00841 and IAT 3-13-48, as indicated by signature below. As presented, the project is not a conversion-of-use. No further mitigation actions are required, beyond the park improvements discussed above.

Concurrence

As the designated Wisconsin LWCF ASLO, 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 and the IAT for protection under Section 4(f). Furthermore, I concur that due to the proposed enhancements, no Section 6(f) conversion is required in order to remain in compliance with LWCF grant 55-00841. I have also been informed that, based on my concurrence, the FHWA intends to make a de minimis finding regarding impacts to Indian Lake Park and IAT, thus satisfying the requirements of Section 4(f).

Print:

Jennifer Gihring

Signature:

[Handwritten Signature]

Date:

4/17/19

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](mailto:lalitha.balachandran@dot.wi.gov).

Sincerely,

Lalitha, B.

Lalitha Balachandran, P.E.  
Project Manager

Enclosure



# United States Department of the Interior

NATIONAL PARK SERVICE  
Ice Age National Scenic Trail  
700 Rayovac Drive, Suite 100  
Madison, WI 53711



IN REPLY REFER TO:

1.B.

Brian Taylor  
Environmental Coordinator  
WisDOT DTSD Southwest Region  
2101 Wright Street  
Madison, WI 53704

Re: Section 4(f) De minimis determination

Dear Mr. Taylor:

This letter is in response to the upgrading of the alignment for State Highway 19 adjacent to Indian Lake County Park and its subsequent potential impact on the Ice Age National Scenic Trail (NST) where it crosses State Highway 19 (SH19).

The Ice Age NST has been part of the Wisconsin landscape since the 1950s, and was authorized as a National Scenic Trail in 1980 and a State Scenic Trail in 1987. It is a partnership endeavor composed of federal, state, and private interests who have been working toward completing a 1,200 mile trail that generally follows significant geologic features left by the last glacial advance over 10,000 years ago; today a little over half of the trail is complete. The National Park Service provides overall administration of the trail at the Federal level.

We have reviewed the information regarding Project 5145-00-71 SH19, and the subsequent upgrading of SH19 between Whippoorwill Road and State Highway 78. The project area includes a crossing of the Ice Age NST, which winds in a north south direction through Indian Lake County Park. The Ice Age NST is planned to cross SH19, close to the county parks entrance, to access the historic site on the north side of SH19. While the trail has not been built through this area, its next control point is the pedestrian bridge over State Highway 12 and then on to the City of Lodi. The Ice Age NST Corridor Plan for Dane County was approved by the Wisconsin Natural Resource Board in January 1992.

The lands at the proposed crossing for the Ice Age NST, and other park users, are owned by Dane County Parks Department for Indian Lake County Park purposes. As we understand it, lands for the Ice Age NST were acquired on the north side of SH19 utilizing Federal Ice Age NST LAWCON and Knowles Nelson State Stewardship funds; lands on the south side of the road were acquired with stateside LAWCON and Knowles Nelson State Stewardship funds. The proposed project will require approximately 3.25 acres for right-of-way (ROW) and 3.00 acres of

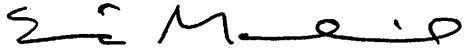


temporary limited easement to blend slopes. WDOT will compensate Dane County Parks for any land acquired for the project, in accordance with applicable federal and state laws. To mitigate impacts, WDOT has offered to place a pedestrian culvert under the road at this location to provide safe passage for Ice Age NST and Indian Lake County Park users.

As the project is federally funded, and the actual use of park lands is of such small impact so as not to impair the use of the park, then with the permission of the federal manager (Ice Age NST Superintendent) a *de minimis* determination can be made, which would satisfy the requirements of Section 4(f) and preclude the need for a Section 4(f) evaluation.

Therefore, based on the coordination and involvement of the National Park Service, Wisconsin Department of Natural Resources, Ice Age Trail Alliance, and Dane County Park officials during the project development process, and the impact minimization, adverse effect avoidance measures, and benefits to the Ice Age NST, developed and proposed to be included in the project, as the official with jurisdiction over the Ice Age NST, I concur that Project 5145-00-71 SH19 will not adversely affect the activities, features, or attributes that make the Ice Age NST eligible for Section 4F protection.

Sincerely,

A handwritten signature in black ink, appearing to read "S. M. ...", is written on the line.

Superintendent, Ice Age National Scenic Trail