

# Memorandum



Wisconsin Department of Transportation  
Division of Transportation System Development  
Jerald Mentzel, Region Director  
NW Region - Superior  
1701 North Fourth St.  
Superior, Wisconsin 54880

Date: Aug. 6, 2020

To: Daniel Holt, FHWA  
Aaron Gustafson, WisDOT Regional Environmental Coordinator

From: Beth Cunningham, PE – WisDOT Project Manager

Subject: **PROJECT ID: 1197-00-00**  
**US 53, Spooner – Minong**  
**Trego Interchange**  
**Washburn County**

## INFORMATION FOR ENVIRONMENTAL DOCUMENT VALIDITY

State of Wisconsin Department of Transportation  
**Andrew Stensland** Digitally signed by Andrew Stensland  
Date: 2020.08.09 21:16:29 -05'00'

Regional Approving Authority (Name, Title) [Sign and Print]

Date

A handwritten signature in black ink that reads "Scott J. Lawry".

**APPROVED**

*By Scott Lawry at 8:42 am, Aug 10, 2020*

Bureau of Technical Services Director

Date

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Wisconsin Division

A handwritten signature in purple ink that reads "BY Bacher-Gresock". Below the signature is a circular logo with the letters "FHWA" in white.

**BETHANEY L BACHER-GRESOCK**  
2020.08.27 15:10:21 -05'00'

Bethaney Bacher-Gresock  
Environmental Specialist/Program Delivery Specialist  
FHWA WI Division Office

Date

## 1. PURPOSE

---

This memo has been prepared in accordance with the requirements of the following documents as applicable: Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act 40 CFR 1500-1508; Federal Highway Administration Environmental Impact and Related Procedures 23 CFR 771.129(c); Federal Highway Administration Technical Advisory T 6640.8A; the Wisconsin Environmental Policy Act; Wisconsin Administrative Code Chapter Trans 400 and the policy of WisDOT to evaluate the status of a project's environmental documentation prior to authorization of each major project development step.

Elements considered in this memo are:

- Changes in project design
- Changes to project impacts

Consultation between WisDOT and FHWA occurred to determine the applicability of the documentation due to the project design and impact changes. WisDOT and FHWA jointly determined this memo to file was warranted.

## 2. ORIGINAL AND SUPPLEMENTAL ENVIRONMENTAL DOCUMENTATION

---

The project Environmental Assessment (EA) was signed on June 26, 2018.

The Finding of No Significant Impact (FONSI) was signed on November 14, 2018. (See **Exhibit A**)

The termini of the project original EA encompass the Trego Interchange preferred alternative, including the areas that are further described. (See **Exhibit B**).

A supplemental memorandum providing information for environmental document validity was signed on May 6, 2020 (**Exhibit C**). The supplemental memorandum addressed the following design changes after the FONSI was approved:

- Replacement of the US Highway (US) 53 existing box culvert at Potato Creek with US 53 northbound and southbound single span bridge structures
- Installation of fencing to maintain safety along US 63 near the intersection of Lakeside Road

## 3. PROPOSED ACTIONS

---

### US 63 at Lakeside Road Previous Documentation:

Within Basic Sheet 5, page 40 of 112 and Factor Sheet B-8, page 72 of 112 in the signed EA, and supported in the FONSI, the existing parking lot located on WisDOT right of way at the intersection of US 63 and Lakeside Road would be removed as a result of the selected location of the proposed US 63 roadway. The proposed location of US 63 avoids incorporation of National Park Service (NPS) lands which qualify for protection under Section 6(f) and Section 4(f) regulations.

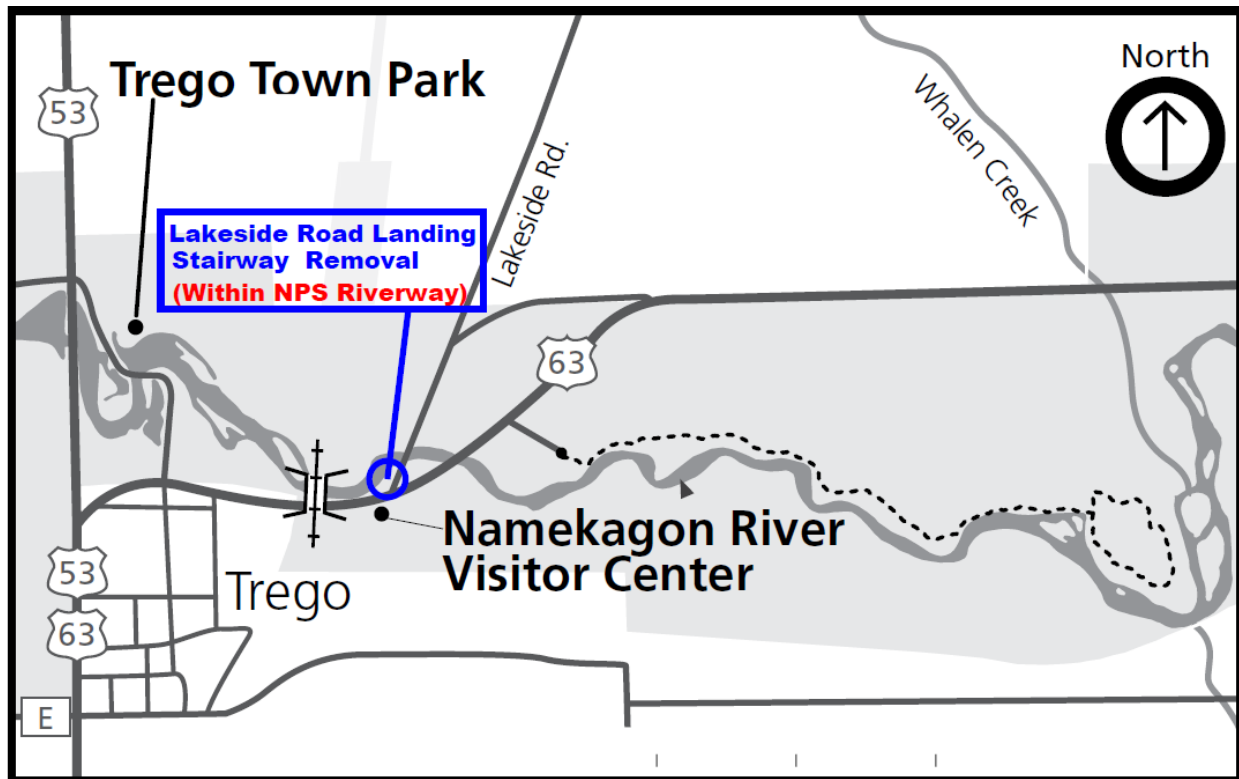
Also, as provided in the approved May 6, 2020 memorandum (**Exhibit C**):

- The project proposes to install fencing along the north side of US 63 near existing Lakeside Road to ensure safe operating conditions along US 63 , discouraging pedestrians from crossing the highway in this high-speed rural area
- The project proposes to remove the wooden stairway at the Lakeside Road Landing located on WisDOT right of way (stairway located above the ordinary high-water mark (OHWM)) as the steps are no longer accessible due to the proposed fencing. The area of removal would be restored including native plantings requested by NPS to close the visual gap in the vegetation along the riverbank of the Namekagon River.

See **Exhibit D** for an exhibit demonstrating these previously approved proposed actions.

**Lakeside Road Landing Stairway Removal In The Namekagon River (Riverway):**

As the existing parking lot on WisDOT right of way will be removed and pedestrians are no longer be able to cross the rural US 63 roadway due to the proposed fencing, the NPS Lakeside Road Landing (**Figure 1**) is no longer accessible from US 63. NPS requested that the WisDOT actions further eliminate the potential for any confusion for Riverway users. As a result, WisDOT also proposes to remove the wooden stairway for the Lakeside Road Landing within the Namekagon River (NPS Riverway) below the OHWM.



**Figure 1 – Lakeside Road Landing Location Map**

See **Exhibit E** for an exhibit demonstrating the details of the additional proposed work to remove the step within the NPS Riverway.

## 4. PURPOSE AND NEED

---

The purpose and need of the project has not changed since the signing of the EA and FONSI. The purpose of the proposed action is to address safety at the US 53 intersection with US 63 and County E while addressing roadway and structure deficiencies, maintaining recreational opportunities in the Trego area, and improving deteriorating traffic operation conditions. The primary need of the proposed action is safety. The secondary project needs which support the project purpose include capacity during peak times, roadway and structural deficiencies, social demands, and system linkage and route importance.

### Lakeside Road Landing Stairway Removal In The Namekagon River (NPS Riverway):

The proposed work analyzed in this supplemental documentation meets the purpose and need by addressing documented pedestrian safety concerns and by further avoiding confusion for NPS Riverway users in this area.

The originally approved proposed action (approved EA) included the removal of the parking area associated with the landing encroaching on WisDOT right-of-way located on the north side of US 63 across from the NPS Namekagon River (Riverway) Visitor Center. This encroachment on the north side of US 63 is used by Riverway visitors wishing to put in or take out of the river at this location (**Figure 1**). The closest available public parking to the landing and the associated parking lot encroachment is located at the NPS Namekagon River (Riverway) Visitor Center located directly across US 63.

It was anticipated by both NPS and WisDOT that the change in parking would have pedestrians, who would likely be carrying canoes, kayaks or inner tubes and associated gear and supplies, crossing US 63 from the visitor center. With the potential for these unsafe crossings to occur in this rural high-speed area, it was decided fencing would be installed along the north side of US 63 by WisDOT. Because of the proposed fencing (approved May 6, 2020 memorandum, **Exhibit C**) and the environmental restoration that will occur in the immediate area of the encroachment removal, NPS requested the complete removal of the landing stairway below the OHWM of the Namekagon River (NPS Riverway) shown in **Photo 1**. NPS felt that in order to protect the area of environmental restoration that the three (3) remaining landing steps below the OHWM were unnecessary and should be removed since the parking and landing encroachments in the US 63 right-of-way are to be removed as part of the proposed project. NPS also felt that in addition to protecting the area of environmental restoration, any portion of the landing stairway left in place would only cause confusion for Riverway visitors.



Photo 1 – Lakeside Road Landing Stairway Below OHWM

## 5. AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

---

The environmental resources indicated below are relevant to the proposed action. The impacts to the resources are not as a result of policy, law, or regulation changes, but as a direct result of the design change.

The design changes regarding the proposed installation of fencing and wooden stairway removal on WisDOT right of way near US 63 and Lakeside Road are documented in the approved May 6, 2020 memorandum (**Exhibit C**).

### *Lakeside Road Landing Stairway Removal In The Namekagon River (NPS Riverway):*

Coordination during final design has been ongoing with the NPS, Wisconsin Department of Natural Resources (WDNR), and the Town of Trego. Further coordination with NPS since the approved May 6, 2020 memorandum has resulted in proposal of the following additional design change:

- The stairway at the Lakeside Road Landing will no longer be accessible. To eliminate confusion for NPS Riverway users, the project proposes to remove the portion of the landing stairway that exists outside of the WisDOT right of way and lies below the OHWM of the Namekagon River (NPS Riverway).
- The stairway removal will not include fills within the Riverway. The work will include erosion control and restoration measures and any required permits in accordance with the commitments made in the signed EA.

As documented on Factor Sheet B-8, pages 70 to 75 of 112 in the signed EA, the Namekagon River is part of the St. Croix National Scenic Riverway which is designated as a Wild and Scenic River and a park managed by NPS. The NPS Riverway is afforded protection under Section 4(f). A Temporary Occupancy of the NPS Riverway will occur as a result of the Lakeside Road bridge removal and Temporary Occupancy of NPS lands will occur to construct a retaining wall near the NPS Visitor Center. However, the signed EA does not address the proposed temporary occupancy of the NPS Riverway required for the additional proposed stairway removal below the OHWM of the Namekagon River (NPS Riverway) addressed in this memorandum.

A Section 4(f) Factor Sheet is included in **Exhibit F** to supplement the original Factor Sheet to specifically address this additional work within the NPS Riverway. NPS believes the proposed action, including the additional work to remove the stairway located below the OHWM, will not result in any adverse effect to the activities, features, or attributes that qualify the property for protection under Section 4(f) and there will be no permanent incorporation of the property into the proposed action. NPS coordination is further described in Section 6 below.

The proposed action plans to remove the landing and parking lot encroachments that provide unauthorized access to the NPS Riverway across WisDOT right-of-way. The proposed action still fulfills the documented purpose and need component of “maintaining recreational opportunities in the Trego area” through incorporation of design elements into the planned interchange that support recreational opportunities. Elements of design include safe access to recreational use trails (i.e. Wild Rivers State Trail and Trail 7A); paved shoulders for bicycling on local roadways; avoidance of permanent incorporation of NPS parklands into the transportation facility; and environmental restoration of a portion of the NPS Riverway through the removal of the Lakeside Road bridge and roadway as well as removal of the landing and parking area encroachments. Restoration of the Lakeside Road and landing removal areas will include native plantings and opportunities for animal habitat adjacent to the Riverway. The plantings propose to close the gap in the trees along river to provide for aesthetic restoration of the shoreline for Riverway users. Additional river access is available in the Trego area ([NPS Map Hayward to Trego](#) and [NPS Map Trego to Riverside](#)) serving users of the Namekagon River and the adjacent parklands managed by NPS (NPS Riverway) .

## 6. COMMENTS AND COORDINATION CONDUCTED

---

WisDOT provided an April 22, 2020 clarifying letter to NPS (**Exhibit F** of the approved May 6, 2020 memorandum), regarding the proposed fencing and stairway removal above the OHWM, fully located on WisDOT right of way. NPS offered additional comments on May 14, 2020 regarding the stairway removal at the Lakeside Road Landing. Both letters are provided in **Exhibit G**.

As the proposed fencing renders the Lakeside Road Landing inaccessible, NPS has requested that WisDOT also remove the additional steps located below the OHWM of the Namekagon River (NPS Riverway) to avoid confusion for Riverway visitors. Since the NPS Riverway is a Section 4(f) resource, WisDOT requested additional correspondence from NPS to allow FHWA to make any necessary Section 4(f) determinations for this additional work at this location within the Riverway. The August 4, 2020 NPS response is included in **Exhibit H**.

Also, WisDOT has further afforded the public the opportunity to comment specifically on the aspects of the project that involve the additional work within the Riverway as well as providing any feedback on the overall interchange project. The proposed Lakeside Road Landing stairway removal in the Riverway was advertised via a Class 2 notice in the Spooner Advocate and posted on WisDOT's website for a period of 30 days with comments due to WisDOT by June 17, 2020. Approximately 45 people responded to the notice. Most respondents provided comments which express a desire to maintain access to the Riverway at this location. While NPS and WisDOT acknowledge the public requests to keep the landing in place, the landing removal alternative best addresses the safety of the travelling public and Riverway visitors while incorporating and protecting the planned environmental restoration along the Riverway. As outlined in **Section 5** above, there is adequate alternative Riverway access available in the Trego area.

NPS also completed a Section 7(a) evaluation supporting the stairway removal within the Riverway and submitted the evaluation to both WisDOT and the US Army Corps of Engineers (USACOE) for USACOE to issue the Section 10/404 permit. The Section 7(a) evaluation and transmittal letter to USACOE are included in **Exhibit I**.

## 7. ENVIRONMENTAL COMMITMENTS

---

There are no changes to the original EA Environmental Commitments (Basic Sheet 8) due to the planned removal of the Lakeside Road Landing stairway within the Namekagon River. The stairway removal in the Riverway will follow commitments made for the other approved work within the Namekagon River and adjacent to NPS lands including in-water working restrictions, maintenance of recreational traffic within the Riverway, erosion control, restoration, and coordination with agencies during construction.



## 8. LIST OF EXHIBITS

---

Exhibit A: Approved FONSI Signature Page (November 14, 2018)

Exhibit B: Build Alternative B Overview

Exhibit C: Approved memorandum providing information for environmental document validity (May 6, 2020)

Exhibit D: Exhibit demonstrating previously approved work at US 63/Lakeside Road

Exhibit E: Exhibit demonstrating additional proposed work at US 63/Lakeside Road

Exhibit F: Section 4(f) Factor Sheet (STAIRWAY REMOVAL IN NPS RIVERWAY)

Exhibit G: WisDOT response (April 22, 2020) and NPS comments (May 14, 2020)

Exhibit H: NPS response for use in making Section 4(f) evaluations (August 4, 2020)

Exhibit I: NPS Section 7(a) evaluation and letter of transmittal to USACOE (June 1, 2020)

# ENVIRONMENTAL EVALUATION OF FACILITIES DEVELOPMENT ACTIONS

Wisconsin Department of Transportation (WisDOT)

DT2094 1/2016

## BASIC SHEET 1 - PROJECT SUMMARY

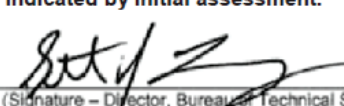
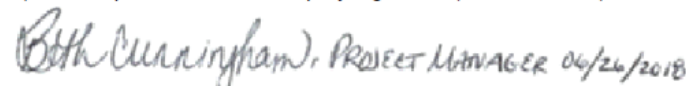
Project ID 1197-00-00 (design) 1197-00-20 (real estate) 1197-00-40 (utility) 1197-00-50/51 (railroad) 1197-00-70 (construction)		Project Termini Spooner – Minong		Funding Sources (check all that apply) <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> State <input type="checkbox"/> Local Estimated Project Cost and Funding Source (state and/or federal). Year of Expenditure (YOE) dollars include delivery cost.  \$20.6M in YOE 2021 dollars (STIP 2018-2021)	
Route Designation (if applicable) US 53 National Highway System (NHS) Route <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Nearest Community Town of Trego		Real Estate Acquisition Portion of Estimated Cost (YOE) \$2.5M in YOE 2018-2021 dollars	
Project Title Trego Interchange		Section / Township / Range Section 2 & 3 / T39N / R12W Section 24 & 35 / T40N / R12W		Utility Relocation Portion of Estimated Cost (YOE) \$0.3M in YOE 2019 dollars	
County Washburn	For an ER, indicate the date funding was authorized to begin preliminary engineering. For an EA, indicate the date the Process Initiation Letter was accepted by FHWA.  5/31/2016			<b>Right of Way Acquisition</b>	<b>Acres</b>
Bridge Number(s) (if applicable) P-65-0006 (Lakeside Rd); B-65-0055 (WRST); B-65-0056 (US 63); C-65-0015 (US 53); B-65-0057 (West Frontage Rd)				Fee	52
				TLE	3
				PLE	1

Functional Classification of Existing Route (FDM 3-5-2)	Urban	Rural
Freeway/Expressway	<input type="checkbox"/>	<input type="checkbox"/>
Principal Arterial (US 53 and US 63)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minor Arterial	<input type="checkbox"/>	<input type="checkbox"/>
Major Collector <b>County E</b>		<input checked="" type="checkbox"/>
Minor Collector		<input type="checkbox"/>
Collector	<input type="checkbox"/>	
Local (Local Road Connections)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No Functional Class	<input type="checkbox"/>	<input type="checkbox"/>

WisDOT Project Classification (FDM 3-5-2)	
Resurfacing	<input type="checkbox"/>
Pavement Replacement	<input type="checkbox"/>
Reconditioning	<input type="checkbox"/>
Expansion	<input type="checkbox"/>
Bridge Rehabilitation	<input type="checkbox"/>
Bridge Replacement	<input type="checkbox"/>
"Majors" Project (there are both state and federal majors)	<input type="checkbox"/>
SHRM	<input type="checkbox"/>
Reconstruction	<input checked="" type="checkbox"/>
Preventive Maintenance	<input type="checkbox"/>
Safety	<input type="checkbox"/>
Other-Describe:	<input type="checkbox"/>

☐ FHWA Draft Type 2c Categorical Exclusion (CE)/WisDOT Draft Environmental Report (ER). **No significant impacts indicated by initial assessment.**

☒ FHWA/WisDOT Draft Environmental Assessment (EA). **No significant impacts indicated by initial assessment.**

Stephanie Christensen, Env. Project Manager, EMCS, Inc. (Print – Preparer Name, Title, Company/Organization)	6/19/18 (Date – m/d/yy)	 (Signature – Director, Bureau of Technical Services)	6-26-18 (Date – m/d/yy)
 (Signature, Title)		GREGORY JOHN NEWHOUSE 2018.06.26 14:42:25 -05'00' (Signature, Title)	
<input checked="" type="checkbox"/> Region <input type="checkbox"/> Aeronautics <input type="checkbox"/> Rails & Harbors		<input checked="" type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA <input type="checkbox"/> FRA	

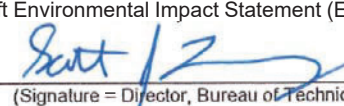
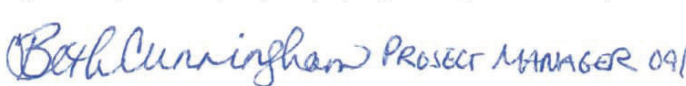
☐ FHWA Final Type 2 Categorical Exclusion (CE)/WisDOT Final Environmental Report (ER). It has been determined **no significant impacts will occur** and a Public Hearing is not required.

After reviewing and addressing substantive public comments, updating the Draft CE/ER or Draft EA and coordinating with other agencies, it is determined this action:

☐ **Will NOT significantly affect** the quality of the human environment. This document is a Final CE/Final ER.

☒ **Will NOT significantly affect** the quality of the human environment. This document is a Final EA/Finding of No Significant Impact.

☐ **Has potential to significantly affect** the quality of the human environment. Draft Environmental Impact Statement (EIS) required.

Stephanie Christensen, Env. Project Manager, EMCS, Inc. (Print – Preparer Name, Title, Company/Organization)	9/5/18 (Date – m/d/yy)	 (Signature – Director, Bureau of Technical Services)	9-20-18 (Date – m/d/yy)
 (Signature, Title)		GREGORY JOHN NEWHOUSE 2018.11.14 08:49:48 -06'00' (Signature, Title)	
<input checked="" type="checkbox"/> Region <input type="checkbox"/> Aeronautics <input type="checkbox"/> Rails & Harbors		<input checked="" type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA <input type="checkbox"/> FRA	



# BUILD ALTERNATIVE B OVERVIEW







## Memorandum

Wisconsin Department  
of Transportation  
Division of Transportation System Development  
Jerald Mentzel, Region Director  
NW Region Superior  
1701 North 4<sup>th</sup> Street  
Superior, Wisconsin 54880

Date: April 13, 2020

To: Pete Eakman, FHWA  
Aaron Gustafson, WisDOT Regional Environmental Coordinator

From: Beth Cunningham, PE WisDOT Project Manager

Subject: **PROJECT ID: 1197-00-00**  
**USH 53, Spooner – Minong**  
**Trego Interchange**  
**Washburn county**

### INFORMATION FOR ENVIRONMENTAL DOCUMENT VALIDITY

State of Wisconsin Department of Transportation  
**Andrew Stensland** Digitally signed by Andrew Stensland  
Date: 2020.04.30 15:48:27 -05'00'

---

Regional Approving Authority (Name, Title) [Sign and print] Date

**Scott J. Lawry** Digitally signed by Scott J. Lawry  
Date: 2020.05.01 08:41:40 -05'00'

---

Bureau of Technical Services Director Date

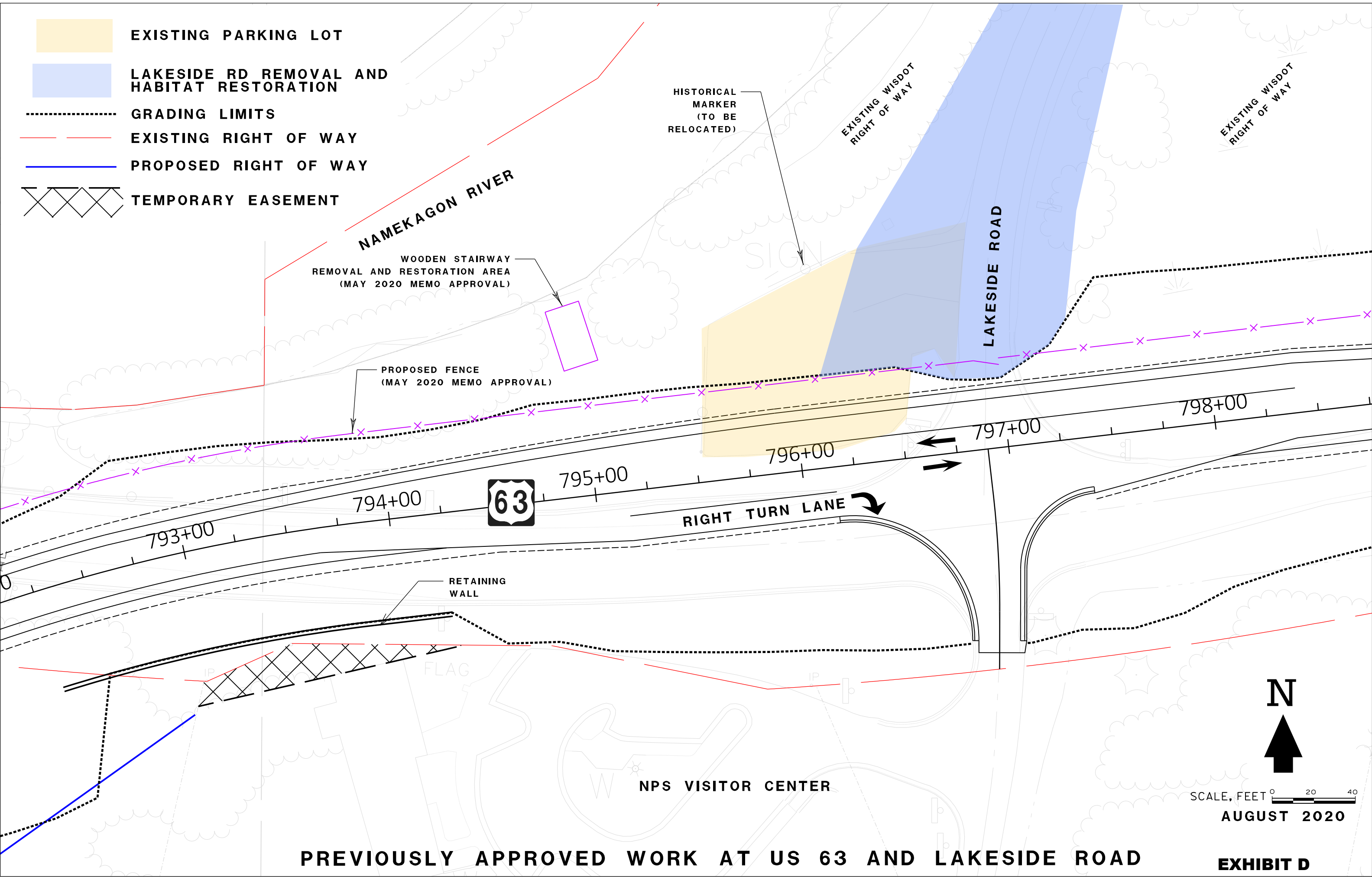
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
Wisconsin Division

 Digitally signed by PETER R EAKMAN  
Date: 2020.05.06 06:34:30 -05'00'

---

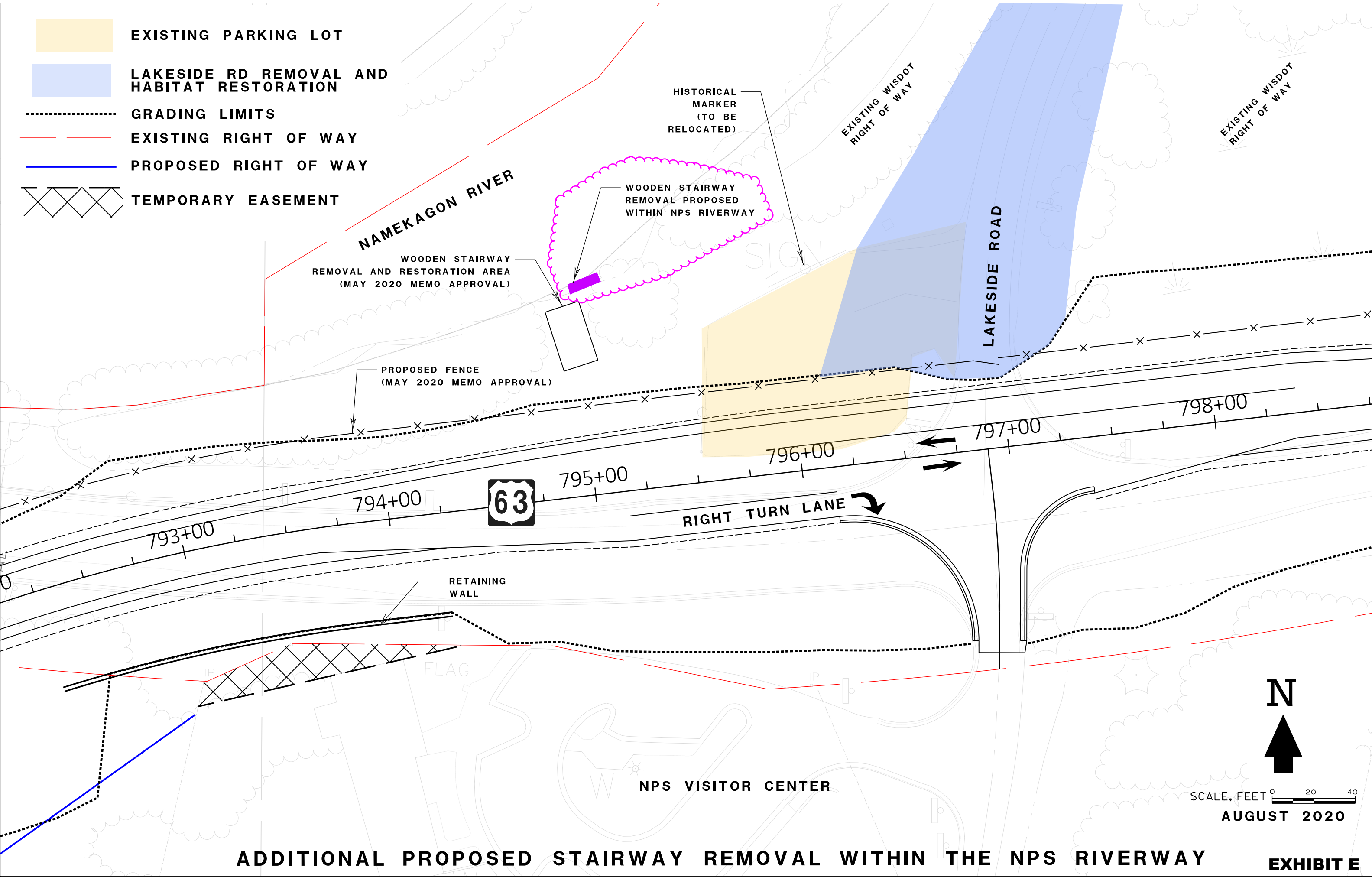
FHWA Approving Authority (Name, Title) [Sign and print] Date

**EXHIBIT C**



PREVIOUSLY APPROVED WORK AT US 63 AND LAKESIDE ROAD

EXHIBIT D



## SECTION 4(f) Factor Sheet (STAIRWAY REMOVAL IN NPS RIVERWAY)

06-11-2019

Wisconsin Department of Transportation

<b>Alternative:</b> Alternative B - Partial Cloverleaf Interchange at Relocated US 63 and County E	<b>Preferred:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	<b>Project ID:</b> 1197-00-00
--	--	-------------------------------

**THIS FACTOR SHEET SUPPLEMENTS THE ORIGINAL EA FACTOR SHEET B-8 - SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS (NPS) AND SPECIFICALLY ADDRESSES THE PROPOSED ADDITIONAL STAIRWAY REMOVAL IN THE NPS RIVERWAY**

1. **Resource Name:** National Park Service (NPS) – St. Croix National Scenic Riverway at the Lakeside Road Landing
2. **Location:** Northwest corner of US 63 and Lakeside Road

**Map attached here:**

- **Exhibit B** demonstrates the location of the proposed additional stairway removal within the Namekagon River (NPS Riverway) in relation to the proposed interchange (noted as Location 1 on the map)
- **Exhibit D** demonstrates the previously approved work at this location
- **Exhibit E** demonstrates the additional proposed work to remove the stairway in the Namekagon River (NPS Riverway)

3. **Ownership and/or Agency with Jurisdictional Authority:** National Park Service (NPS)

**4. Type of Resource:**

- ☒ Park
- ☐ Recreational lands
- ☐ Wildlife Refuge
- ☐ Waterfowl Refuge
- ☐ Historic/Archaeological site eligible for the National Register of Historic Places (NRHP)
- ☐ Other – Identify:

**5. Briefly describe use of the resource:**

**6. Type of Section 4(f) Documentation**

- ☒ Section 4(f) Exception or questions of Section 4(f) Applicability (Proceed to Questions 7, then 11)
- ☐ *De minimis* (Proceed to Questions 8, then 11)
- ☐ Programmatic Section 4(f) (Proceed to Questions 9, then 11)
- ☐ Individual Section 4(f) (Proceed to Questions 10, then 11)

**7. 23 CFR 774.11 applicability and 23 CFR 774.13 exceptions to Section 4(f) approvals:**

FHWA has identified various instances when a Section 4(f) analysis might not be necessary for a potential Section 4(f) resource. These instances are listed below: (check the exception to Section 4(f) that applies to the resource AND check the conditions to ensure that they are met). Supporting documentation for use of the exception checked below is attached here:

- ☐ The resource, in its entirety, is not significant per 23 CFR 774.11(c). The officials with jurisdiction have provided information to support this indication.
- ☐ Multiple Use. Where Federal lands or other public land holdings (e.g., State forests) are administered/managed for multiple uses per 23 CFR 774.11(d). Section 4(f) only applies to the portions of the resource that function as, or as designated as significant park, recreation, or wildlife and waterfowl purposes. The officials with jurisdiction have provided information to support this indication.

**EXHIBIT F**

- ☐ Section 4 (f) does not apply per 23 CFR 774.11 (h) The resource is formally reserved for a future transportation facility and temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, and as a result the interim activity, regardless of duration, will not subject the resource to Section 4(f).
- ☐ Joint Planning. When a resource is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established, and concurrent or joint planning occurs, then any resulting impacts will not be considered a Section 4(f) use. Formal reservation of a Section 4(f) resource for future transportation use can be demonstrated by any of the documents described at 23 CFR 774.11(i).
- ☐ Section 4(f) does not apply to the use of historic transportation facilities in certain circumstances per 23 CFR 774.13(a) Any of the following criteria must be met:
  - ☐ (1) Common post-1945 concrete or steel bridges and culverts that are exempt from individual review under 54 U.S.C. 306108 (Section 106).
  - ☐ (2) Improvement of railroad or rail transit lines that are in use or were historically used for the transportation of goods or passengers, including, but not limited to, maintenance, preservation, rehabilitation, operation, modernization, reconstruction, and replacement of railroad or rail transit line elements, except for:
    - (i) Stations;
    - (ii) Bridges or tunnels on railroad lines that have been abandoned, or transit lines not in use, over which regular service has never operated, and that have not been railbanked or otherwise reserved for the transportation of goods or passengers; and
    - (iii) Historic sites unrelated to the railroad or rail transit lines.
  - ☐ (3) Maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities. Include necessary documentation to support this determination based on consultation under 36 CFR 800.5, that:
    - (i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under 36 CFR 800.14; and
    - (ii) The official(s) with jurisdiction over the Section 4(f) resource have not objected to the Administration conclusion that the proposed work does not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or the Administration concludes this work achieves compliance with 54 U.S.C. 306108 (Section 106) through a program alternative under 36 CFR 800.14.
- ☐ Section 4(f) does not apply per 23 CFR 774.13(b). Archeological sites that are listed in or determined eligible for the National Register when (both conditions must be satisfied):
  - ☐ (1) The archeological resource is important primarily because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where it is decided in agreement with the official(s) with jurisdiction, not to recover the resource; and
  - ☐ (2) The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the finding in paragraph (b)(1) above.
- ☐ Section 4(f) does not apply per 23 CFR 774.13(c). Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. With the exception of the treatment of archeological resources in § 774.9(e), the Administration may permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) land was acquired for transportation purposes prior to the designation or change in the determination of significance and if an adequate effort was made to identify properties protected by Section 4(f) prior to acquisition. However, if it is reasonably foreseeable that a property would qualify as eligible for the National Register prior to the start of construction, then the property should be treated as a historic site for the purposes of this section.
- ☒ Section 4(f) does not apply per 23 CFR 774.13(d). Temporary occupancies of land that are so minimal as to not constitute a use. All the following conditions must be satisfied:



- ☒ (1) Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
- ☒ (2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- ☒ (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- ☒ (4) The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- ☒ (5) There must be documented agreement from the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. **See Exhibit H for August 4, 2020 NPS letter.**
- ☐ Section 4(f) does not apply per 23 CFR 774.13(e). Projects for the Federal lands transportation facilities described in 23 U.S.C. 101(a)(8).
- ☐ Section 4(f) does not apply per 23 CFR 774.13(f). Certain trails, paths, bikeways, and sidewalks, in the following circumstances:
  - ☐ (1) Trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2);
  - ☐ (2) National Historic Trails and the Continental Divide National Scenic Trail, designated under the National Trails System Act, 16 U.S.C. 1241- 1251, with the exception of those trail segments that are historic sites as defined in § 774.17;
  - ☐ (3) Trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained; and
  - ☐ (4) Trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation.
- ☐ Section 4(f) does not apply per 23 CFR 774.13(g). Transportation enhancement activities, transportation alternatives projects and mitigation activities, where (both must be checked):
  - ☐ (1) 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; and
  - ☐ (2) The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.

**8. 23 CFR 774.7(b) Finding of *de minimis* Impact**

Indicate which Finding of *de minimis* impact applies (attached here: \_\_\_\_\_ )

- ☐ Finding of *de minimis* impact on a Historic Property
- ☐ Finding of *de minimis* impact on Parks, Recreation Areas and Wildlife and Waterfowl Refuges

**9. 23 CFR 774.3(d) Programmatic Section 4(f) Evaluation**

Indicate which Section 4(f) Programmatic Evaluation(s) applies (attached here: \_\_\_\_\_ )

- ☐ Independent bikeway or walkway construction projects
- ☐ Historic Bridges
- ☐ Park minor involvement
- ☐ Historic site minor involvement.
- ☐ Net Benefit to Section 4(f) Property

**10. 23 CFR 774.3 Individual Section 4(f) Evaluation**

- ☐ Draft Individual Section 4(f) evaluation approved on \_\_\_\_\_ . (Attached here \_\_\_\_\_ )
- ☐ Final Individual Section 4(f) evaluation approved on \_\_\_\_\_ . (Attached here \_\_\_\_\_ )

**11. Was special funding (Federal funds such as Land and Water Conservation Fund Act, Dingell Johnson Act, Pittman-Robertson Act or State funding sources) used to acquire the land or to make improvements on the property?**

- ☐ No, special funding was not used for the acquisition or enhancement of this property.  
☒ Yes, complete the Section 6(f) and Other Unique Properties Factor Sheet.

Based on coordination with NPS in the original signed EA, Land and Water Conservation Fund Act funds have been used in the area of the NPS Visitor Center. The additional proposed work to remove the stairway in the Namekagon River (NPS Riverway) does not permanently incorporate any NPS lands into the proposed action and further evaluation of Section 6(f) is not required. The Section 6(f) aspects of the proposed action are addressed in the original signed EA, FACTOR SHEET B-8 - SECTION 4(f) AND 6(f) OR OTHER UNIQUE AREAS (NPS), pages 70 to 75 of 112. The area of the step removal will be restored in accordance with the commitments made in the original signed EA.

**WisDOT Division of Transportation System  
Development**

Northwest Region – Spooner Office  
W7102 Green Valley Road  
Spooner, WI 54801

**Governor Tony Evers  
Secretary Craig Thompson**

[wisconsindot.gov](http://wisconsindot.gov)

Eau Claire: (715) 836-2891 FAX: (715) 836-2807  
Superior: (715) 392-7925 FAX: (715) 392-7863



**April 22, 2020**

Juliet Galonska  
National Park Service  
St. Croix National Scenic Riverway  
401 North Hamilton Street  
Saint Croix Falls, WI 54024

Subject: **NPS Coordination Update**  
Project ID: 1197-00-00/70  
Spooner – Minong, Trego Interchange  
USH 53, Washburn County

WisDOT is progressing with the design efforts for the proposed construction of the interchange improvement project at the USH 53 and USH 63 intersection in the Town of Trego, Washburn County.

Thank you for your response dated February 11, 2020 regarding the USH 63/Lakeside Road fencing. We are providing a response to NPS noted issues. Also, we are providing an update for requested various information regarding retaining wall and other work near the NPS visitor center.

**Fencing characteristics and installation timeframe**

The fencing type details were provided in the January 22, 2020 transmittal. WisDOT proposes to place woven wire fence. We will not be installing the barbed wire along the top. In addition, the gate will include a woven wire panel to avoid pedestrians passing through the gate. The gate is proposed to be locked to avoid use by pedestrians, and key sets will be provided to any necessary parties. Final coordination on this issue is ongoing.

The fencing will have a natural metal color that will oxidize over time. The posts are treated wood posts. The proposed fencing will not be painted artificially in any way as the woven wire fence will have a more natural feel than a painted chain link type fence that would have to be repainted over time. The woven wire fence will have the least visual impact on the viewshed to and from the river and will blend into the vegetation as it reestablishes in the disturbed areas. The fencing will be placed near the slope intercept (edge of grading) along USH 63 and additional vegetation removal is not planned for fence installation.

Construction of the project is planned to begin in Winter/Spring 2021 and extend to Fall 2022. Prior to Memorial Day 2021, temporary safety fence (i.e. orange temporary safety type fence that will be maintained by the contractor) will be placed along the north side of USH 63 to limit pedestrian crossings through the work zone. The temporary fence will implement a condition similar to the ultimate fencing condition and will allow Riverway users to adjust to this condition through the construction of the interchange project. Permanent fencing will be placed in Fall 2022 once USH 63 near the visitor center is completed. Timing requirements for placement of fencing as well as limiting work in front of the NPS visitor center between Memorial Day and Labor Day will be part of the contract provisions that the contractor must follow.

**Existing steps with access to the Namekagon River**

WisDOT inspected the site regarding the presence of the existing infrastructure at the Namekagon River. See the attached photos. WisDOT can agree to the following as part of the project work:

- Step removal on the bank of the Namekagon River; see attached photo demonstrating limits of step removal
- Restoration of the slope with topsoil, weed free mulch (or non-netted erosion mat), and native seed mix
- Installation of appropriate erosion control measures during removal

- Installation of 4-foot high trees in area at the top of steps (i.e. top of bank) to provide a visual buffer; WisDOT anticipates specifying evergreen, pine, or maple trees unless other specific tree or shrub species are requested by NPS; **please provide any requirements by May 15**
- Prior to installation of the trees, an on-site meeting can be held with NPS to stake the locations of the trees
- Removal of the steps is anticipated to occur in Spring 2021 prior to Memorial Day

WisDOT does not propose to amend the Section 10/404 permit or complete any additional work below the OHWM of the Namekagon River. We would request that removal of the timbers along the shoreline be completed by NPS along with removal of any signage. It would make sense that removal of these items by NPS would occur prior to or around the same time the contractor removal the steps in Spring 2021. Please confirm if this schedule and work can be accommodated by NPS.

See Section 7(a) evaluation paragraph below for additional discussion.

#### **Lakeside Road closure**

Lakeside Road will be used as a detour route for Wild Rivers State Trail (WRST) traffic during a period of Spring/Summer 2021 for the construction of a new WRST bridge over new realigned USH 63. The project anticipates providing a working window for the contractor with an interim completion to minimize the timeframe for the WRST detour. The exact timeline is being determined, but it is estimated that the bridge on the WRST will take up to three months to construct.

Because of the working restrictions in the river and in order to minimize impacts to Riverway users, it is anticipated that the Lakeside Road bridge removal would occur in Fall 2021 after Labor Day. Pending weather and other conditions in 2021, removal could occur in Fall 2022. A proposed schedule will be presented by the contractor during the preconstruction meeting. All agencies would be invited to that meeting in early 2021.

#### **Wisconsin State Historical Marker**

Thank you for your consideration of the accommodating the marker. WisDOT is currently working with Washburn County to determine an appropriate location.

#### **Retaining wall installation near the NPS Visitor Center**

A special use permit request was submitted to NPS for work within the temporary limited easement adjacent to the proposed retaining wall. The permit, dated February 3, 2020, contains details of the wall configuration that will be placed on WisDOT right of way. The temporary easement is for grading and blending purposes only. Topsoil will be blended and will be finished with weed free mulch and native seed mix.

The wall will consist of driving sheet piling to existing grade. The sheet piling work will not expose the foundation of the visitor center building on the back side of the wall. It is anticipated that the sheet piling will use low impact vibratory equipment and the contract will require installation of the sheet piling in periods to avoid peak visitor center use (before Memorial Day or after Labor Day). The material in front of the wall will likely be removed in Fall 2022 (exact time to be confirmed by contractor based on work operations) and the wall will be completed. The wall will be faced with concrete with a natural field stone appearance. A railing will be placed on top of the wall.

Temporary safety fence will be placed along the right of way and the temporary easement edge to separate the work zone from NPS property until retaining wall work (including restoration behind wall and placement of railing) is completed.

#### **Section 7(a) determination**

As Laura and Stephanie have discussed, the Section 10/404 permit has been submitted and reviewed by US Army Corps of Engineers. Prior to receiving this permit, the Section 7(a) evaluation under the Wild and Scenic Rivers Act will be necessary from NPS. Please provide an update on the evaluation and if additional information is required from WisDOT in order to complete the evaluation.

While WisDOT does not plan for work below the OHWM in the Namekagon River (see paragraph above), if the step removal within the WisDOT right of way may need to be addressed in the Section 7(a) evaluation as NPS

requires. We would request that this evaluation be completed in order to achieve a US Army Corps permit approval by early June.

#### **Status of final plans**

The design team is in the process of submitting plans to WisDOT for final reviews. Pre-final plans will be submitted to WisDOT on June 1, 2020 with revisions completed by August 1, 2020. The design team can transmit pre-plans to NPS in June for any review and comment within 30 days. Please let us know if you need any additional specific details prior to June.

#### **Preliminary schedule near NPS Visitor Center**

The contract will put provisions in place for limiting work during peak visitor center times from Memorial Day to Labor Day in 2021 and 2022.

- The project will be bid in December 2020. The contractor will present their project schedule at a preconstruction meeting, likely in February 2021. NPS will be invited.
- Project work will begin in early 2021 when the contractor will begin with tree clearing to accommodate restrictions for all tree removals prior to April 1.
- Grading and the WRST bridge construction activities will begin in Spring 2021 (April/May)
- Work on the retaining wall sheet piling at NPS is proposed to occur outside of the peak visitor periods (prior to Memorial Day or after Labor Day); finishing work in front of the wall and on the top of the wall will likely occur in Fall 2022
- Lakeside Road removal is planned for Fall 2021 after Labor Day. Pending weather conditions removal could occur in the Fall 2022.
- Work on USH 63 in front of the visitor center is anticipated after Labor Day 2022.

Please provide any additional comments or questions on these issues by **May 15, 2020** so that we can continue to refine the design.

We appreciate your feedback and involvement in this very important project. If you would like to coordinate a conference call or need additional information, please contact me at 715.635.4973 or [beth.cunningham@dot.wi.gov](mailto:beth.cunningham@dot.wi.gov).

Sincerely,

Beth Cunningham, PE  
WisDOT Project Manager

cc: Amy Cronk, WDNR  
Aaron Gustafson, WisDOT NWR  
Eric Sorensen, Ayres Associates  
Stephanie Christensen, EMCS

Enclosure: Photos of Steps at Namekagon River





**EXISTING STEPS AND SIGNS**



**EXISTING STEPS**





**EXISTING STEPS AND TIMBERS IN WATERWAY**



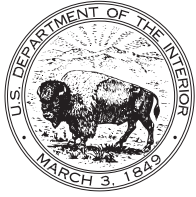
**EXISTING SIGN, STEPS, AND TIMBERS IN WATERWAY**





**PROPOSED LIMITS OF STEP REMOVAL AND SLOPE RESTORATION**





# United States Department of the Interior

NATIONAL PARK SERVICE  
St. Croix National Scenic Riverway  
401 North Hamilton Street  
Saint Croix Falls, WI 54024

In Reply, Refer To:  
I.A.I. (SACN)

May 14, 2020

Beth Cunningham  
WisDOT Division of Transportation Development  
Northwest Region – Spooner Office  
W7102 Green Valley Road  
Spooner, Wisconsin 54801

Re: Coordination Update  
Project ID: 1197-00-00/70  
Spooner – Minong, Trego Interchange

Dear Ms. Cunningham:

Thank you for your April 22, 2020 letter containing project updates and responses to our letter of February 11, 2020. We have reviewed the responses and have the following comments.

## Existing Steps within the WisDOT Right of Way - Public Access to the Namekagon River

- In addition to the items WisDOT agrees to as noted in your April 22, 2020 correspondence:
  - NPS requests that all the steps be removed by WisDOT, including the few steps below the Ordinary High Water Mark (OHWM).
  - The NPS Wild and Scenic Rivers Act Section 7(a) Determination is currently in process and can be drafted to include the removal of these additional steps below the OHWM.
  - The Lakeside Road Landing sign will be removed by NPS staff.
- NPS agrees with the proposed schedule of Spring 2021, before the Memorial Day Holiday, for this removal action.
- Recommended native shrub species for replanting of the disturbed area include red osier dogwood or speckled alder. Native grasses could include little bluestem or Indian grass, pending site plan approval (for turtle habitat) by Wisconsin Department of Natural Resources.

## Lakeside Road Closure

- Thank you for the updates on the timeline for the detour for Wild Rivers State Trail traffic and the Lakeside Road Bridge removal.
- We look forward to the preconstruction meeting tentatively scheduled for early 2021.
- As many people return year after year to recreate on the Namekagon River, it would be helpful to inform the public of the Lakeside Road Landing closure beginning in 2020, even



though it will not happen for a year. Is it possible for WisDOT to place signage at this location as soon as possible to inform the public of the permanent closure effective in 2021?

#### Retaining Wall Near NPS Visitor Center

- The application for the required Special Use Permit was received and is under review.
- We request a rendering or design conceptual drawing of the retaining wall so that we may review the visual aspects of the materials, field stone concrete casting, and final appearance of the retaining wall.
- Due to the anticipated use of low impact vibratory equipment during the installation of the retaining wall, NPS requests a pre-construction meeting with the contractor who will perform the retaining wall work to document existing conditions of the NPS Visitor Center. We have concerns about the potential impact of the equipment use on the existing brick of the NPS Visitor Center.

#### Section 7(a) Determination

- The draft of the NPS Wild and Scenic Rivers Act Section 7(a) Determination is underway. We are planning on completing the process by the requested June 1, 2020 deadline.

#### Status of Final Plans

- Thank you for offering to provide the pre-final plans. We look forward to receiving them in June 2020.

#### Preliminary Schedule Near NPS Visitor Center

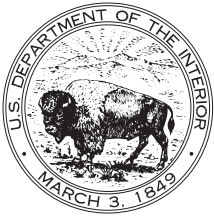
- Thank you providing this preliminary schedule which will allow us to continue operational planning for this project.

Thank you for the continued coordination regarding the Trego Interchange project. We appreciate the opportunity to review the preliminary timelines and look forward to receiving the pre-final plans and providing comments. If you have any questions, please contact Lands Program Manager Laura Hojem at 715-483-2261 or via email at [laura\\_hojem@nps.gov](mailto:laura_hojem@nps.gov).

Sincerely,

**JULIET  
GALONSKA** Digitally signed by  
JULIET GALONSKA  
Date: 2020.05.14  
09:33:36 -05'00'

Juliet L. Galonska  
Superintendent



# United States Department of the Interior

NATIONAL PARK SERVICE  
St. Croix National Scenic Riverway  
401 North Hamilton Street  
Saint Croix Falls, WI 54024

In Reply, Refer To:  
I.A.I. (SACN)

August 4, 2020

Beth Cunningham PE  
WisDOT Project Manager  
Division of Transportation Systems Development  
Northwest Region – Spooner Office  
W7102 Green Valley Road  
Spooner, Wisconsin 54801

Re: Project ID: 1197-00-00  
Spooner – Minong  
USH 63 – Trego Interchange  
USH 53  
Washburn County

Dear Ms. Cunningham:

In response to your July 9, 2020 letter, the National Park Service (NPS) has reviewed the updated assessment and determinations for Wisconsin Department of Transportation (WisDOT) Trego Interchange Project ID 1197-00-00, specifically in regard to the Lakeside Road Landing removal. The NPS appreciates the opportunity to provide comments and recommendations for this action.

As a point of clarification, the NPS did not request the removal of the parking area or the Lakeside Road Landing. With WisDOT's decision to remove the parking area, safe access for people wishing to put on or take off the river at this location is also removed. The closest parking would be at the Namekagon River Visitor Center, which would require pedestrians, who would likely be carrying canoes, kayaks or inner tubes and associated gear and supplies, to cross Hwy 63. With the parking area removal, the access point (the landing) is effectively eliminated. Given this situation and WisDOT's later decision to install fencing, NPS requested the removal of the steps as they no longer lead anywhere. If left in place, the steps will only cause confusion for river users.

Thank you for the summary of the proposed improvements. We concur with the following:

- The work within the Riverway would include removal of the wooden steps located below the Ordinary High Water Mark (OHWM) by WisDOT. WisDOT would also remove the wooden steps located within WisDOT fee owned lands which are part of Lakeside Road Landing.

**EXHIBIT H**

- The disturbed areas resulting from the step removal would be restored with weed-free topsoil, native seed, and native plants according to NPS specifications.
- Proper temporary erosion control measures and best management practices will be used in order to avoid sedimentation and debris from entering the Riverway.
- NPS will remove the Lakeside Road Landing sign at the river's edge.

The NPS also agrees with the following statements regarding the proposed work within the Riverway:

- The duration of the occupancy of the Riverway is temporary, and there is no change of ownership of lands.
- The scope of work for the removal of the steps is minor and the changes to the Riverway are minimal.
- There are no anticipated permanent adverse physical impacts to the NPS lands due to the step removal.
- The step removal, in and of itself, will not interfere with the protected activities, features or attributes of the Riverway.
- The land included within this step removal project will be fully restored and returned to a condition which is as good or better than the current status.

Thank you for the additional information and the continued coordination regarding the Trego Interchange project. If you have any questions, please contact Lands Program Manager Laura Hojem at 715-483-2261 or via email at [laura\\_hojem@nps.gov](mailto:laura_hojem@nps.gov).

Sincerely,

**JULIET  
GALONSKA** Digitally signed by  
JULIET GALONSKA  
Date: 2020.08.04  
05:36:24 -05'00'

Juliet L. Galonska  
Superintendent

cc:  
Aaron Gustafson  
WisDOT Northwest Region  
[Aaron.gustafson@dot.wi.gov](mailto:Aaron.gustafson@dot.wi.gov)

Eric Sorenson  
Ayres Associates  
[sorensone@ayresassociates.com](mailto:sorensone@ayresassociates.com)

Stephanie Christensen  
EMCS Inc.  
[schristensen@emcsinc.com](mailto:schristensen@emcsinc.com)



## Section 7(a) Evaluation and Determination

PROJECT NAME: Lakeside Road Bridge Removal

PEPC ID#:

DATE: 05/20/2020

NEPA  
Pathway:
☒ Not  
Applicable ☐ CE ☐ EA

### GENERAL INFORMATION

<i>River Segment</i>	Namekagon River, Segment 2		<i>Classification</i>	Scenic
<i>River Values Present and Evaluated</i>	<input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Cultural	<input checked="" type="checkbox"/> Recreation <input type="checkbox"/> Riparian	<input checked="" type="checkbox"/> Scenic-Aesthetic <input type="checkbox"/> Geology	<input checked="" type="checkbox"/> Free-flowing condition <input checked="" type="checkbox"/> Water Quality
<i>Project Location</i>	Lakeside Road Bridge on the Namekagon River east of Trego, WI and north of Hwy 53. The bridge is located upstream of the Wild Rivers State Trail Bridge and across Hwy 63 from the National Park Service Namekagon River Visitor Center.			
<i>Site Description</i>	Lakeside Road Bridge (P-65-0006) was built in 1925 and is now structurally deficient. It crosses the Namekagon River east of Trego, Wisconsin.			
<i>Attachments</i>	<input type="checkbox"/> Location Map	<input type="checkbox"/> Plans/Drawings	<input type="checkbox"/> Conditions	<input type="checkbox"/> Other

### PROJECT PURPOSE

The purpose of the project is to remove the deteriorated Lakeside Road Bridge on the Namekagon River. This bridge removal is part of a larger project to improve safety conditions by constructing a new interchange project at US Highway (USH) 53 and USH 63 in the Town of Trego in Washburn County, Wisconsin. The Lakeside Road Bridge removal is the only component of the larger, comprehensive project that would occur below the ordinary highwater mark on the Namekagon River. The Namekagon River is managed by the National Park Service as part of the St. Croix National Scenic Riverway.

### PROJECT DESCRIPTION

The Lakeside Road Bridge (P-65-0006), including the north and south bridge abutments and singular bridge pier in the Namekagon River, will be removed. The remaining roadway on the south side of the bridge will be excavated and restored with grading to mimic a natural form with some undulation to create a turtle nesting habitat area. The roadway on the north side of the bridge will be removed and a cul-de-sac will be constructed 600' north of the bridge. This determination also includes the removal of river access steps (above and below the ordinary high water mark) downstream of the bridge on the south riverbank.

### SECTION 7(A) EVALUATION

**Aquatic Values:** Based on the quality of the habitat, nearly 100 fish species (19 state-listed species), mussel abundance (41 species, 17 state-listed, 5 federally-listed), natural reproduction for all endemic species, and the presence of a number of these species of concern in this segment, this segment of river does have outstandingly remarkable aquatic values.

#### Description of Effects:

- The proposed activity would temporarily impact the streambed during the removal of the bridge abutments and the single bridge pier. Impacts to aquatic species would be short-term and temporary during the bridge removal process. The long-term impact to aquatic species is anticipated to be positive.
- A mussel survey commissioned by the Wisconsin DOT was conducted in 2015. Twenty-six individual mussels of five different species were found. The mussel species encountered are not species of concern or state or federally listed as

endangered or threatened. All mussels present at the project area will be relocated according to established procedures and protocols prior to construction.

- The U.S. Fish and Wildlife Service identified only terrestrial species and concurred with a “may effect, not likely to adversely affect” determination for the northern long-eared bat. A “no effect” determination was made for three other federal species identified by the U.S. Fish and Wildlife Service (Canada lynx, gray wolf, and Kirtlands Warbler). No critical habitat was identified, and no aquatic species were identified.
- The National Park Service finds the proposed project will not have a direct and adverse effect on the Aquatic ORV for this segment of the Riverway provided that the following required conditions are followed and/or implemented.

Required Conditions:

- The waterway and fish passage will be maintained during the bridge removal process.
- All mussels present at the project area will be relocated according to established procedures and protocols prior to construction.
- In order to protect developing fish eggs and substrate for aquatic organisms, all instream work will be completed between June 15 and November 1 (no instream work from November 2 to June 14 in the Namekagon River).
- Any equipment coming in contact with waterways will require decontamination in accordance with Wisconsin Department of Natural Resources provisions for invasive species and the requirements will be included in the contract special provisions.
- Removal of the Lakeside Road Bridge will be completed with a full capture system to avoid debris from entering the waterway. The contract will include Standard Special Provision (STSP) 203-025 (Removing Old Structure Over Waterway With Debris Capture System).

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	<input checked="" type="checkbox"/> Will not have a direct and adverse effect
----------------	--	---

**Cultural Values:** Based on the presence of resources highlighting logging history and recreation/conservation, this segment has outstandingly remarkable cultural values.

- Cultural is an Outstandingly Remarkable Value (ORV) for this segment of the Riverway based on the presence of resources related to logging history and American Indian heritage. The Wisconsin Department of Transportation (WisDOT) conducted a literature search and performed archeological and historical surveys within the project’s Area of Potential Effects (APE) as part of its compliance with Section 106 of the National Historic Preservation Act for this project. The only historic property WisDOT identified in the APE is the Trego State Bank. It was deemed eligible for listing in the National Register of Historic Places and determined to not be adversely affected by the project, which the Wisconsin State Historic Preservation Office concurred with on January 26, 2018. The Trego State Bank does not contribute to the Cultural ORV, however, as it does not relate to the significance statements supporting the ORV nor is it river related or dependent.
- The Lakeside Road Bridge that is proposed to be removed does owe its location and existence to the presence of the river, but it does not relate to the significance statements supporting the Cultural ORV for this segment of the Riverway. Upon initial analysis, WisDOT found the 1925 bridge’s concrete deck girder/T-beam structure to be a ubiquitous bridge type that did not have potential historic or engineering significance. Based on that, WisDOT determined it did not warrant more intensive evaluation and that the bridge was ineligible for listing in the National Register of Historic Places.
- The National Park Service finds the proposed project will not have a direct and adverse effect on the Cultural ORV for this segment of the Riverway provided that the following required conditions are followed and/or implemented.

Required Conditions:

- While our agency is not aware of historic properties within the proposed project area, please contact our agency as soon as practicable if cultural resources are encountered during the implementation of the project.

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	<input checked="" type="checkbox"/> Will not have a direct and adverse effect
----------------	--	---

**Recreation Values:** Based on the exemplary recreation opportunities close to a major metropolitan area, and the only river in the region supporting this mix of uses, this segment of river does have outstandingly remarkable recreation values.

Description of Effects:

- This segment of the Namekagon River is one of the most heavily used sections of the Namekagon River for private and commercial paddling and tubing. The bridge is located downstream of Earl Landing, the busiest landing on the Namekagon River.
- Relevant water quality parameters (turbidity, temperature, nutrient availability) are collected ~4 miles upstream. Data from this site meets above average water quality parameters for the Riverway. The proposed bridge removal is not anticipated to change the water quality parameters to affect recreational values.
- The proposed project is not anticipated to have long-term adverse impacts to boating, fishing, swimming or other recreational outstandingly remarkable values known in this segment of the river. Long-term impacts are expected to be positive.
- While there are primitive campsites within this river segment, no campsites are in the vicinity of the bridge and none would be directly or adversely effected by the bridge removal.
- Bridge jumping is an unauthorized activity (36 CFR 3.16) that takes place at the site. Removal of the bridge would eliminate this potentially dangerous and prohibited activity.
- The National Park Service finds the proposed project will not have a direct and adverse effect on the Recreation ORV for this segment of the Riverway provided that the following required conditions are followed and/or implemented.

Required Conditions:

- Bridge removal efforts should be limited from Memorial Day to Labor Day to minimize impacts to the recreating public on the Namekagon River.
- Bridge removal activities will be designed to maintain the existing navigation on the Namekagon River. Navigational aids will be required to ensure safe passage of watercraft through the work area. A Waterway Marker Application and Permit will be required by the Wisconsin Department of Natural Resources.

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	<input checked="" type="checkbox"/> Will not have a direct and adverse effect
----------------	--	---

**Riparian Values:** While this segment provides important habitat for rare/migrating birds, there are no rare natural communities here associated with the Namekagon River. Therefore, this segment of river does not have outstandingly remarkable riparian values.

Description of Effects: Not Evaluated

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	<input type="checkbox"/> Will not have a direct and adverse effect
----------------	--	--

**Scenic-Aesthetic Values:** For major rivers in the Upper Midwest, the quality of the scenery is exemplary. Based on the high quality of many attributes, this segment of river has outstandingly remarkable Scenic-Aesthetic values.

Description of Effects:

- The presence of the heavy construction equipment and any possible staging equipment may affect the scenic-aesthetic values; however, these impacts would be temporary in nature and limited to the active work period during the bridge removal process.
- The long-term impact on scenic-aesthetic values would be positive as the bridge structure, including two bridge abutments and one pier, would be removed. River users would no longer see the bridge structure while recreating on the river and those driving on US Highway 63 would no longer see the bridge as part of the Namekagon River landscape at this location. Native vegetation screening included in the project restoration would provide for additional screening of US Highway 63 from the river. The road on the south side of the bridge would be excavated to a lower elevation and restored to create a turtle habitat. The project area is expected to be in a more natural condition after the bridge removal.

- The National Park Service finds the proposed project will not have a direct and adverse effect on the Scenic-Aesthetic ORV for this segment of the Riverway.

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	X Will not have a direct and adverse effect
----------------	--	---

**Geologic Values:** There are Midcontinent Rift features of exposed igneous rock, sedimentary bedrock, glacial features and fluvial landforms along the river. Though there are outstanding remarkable geologic values included in upstream segments of the Riverway, the conspicuous geology present in this river reach is not unique and can be found in similar rivers of the Upper Midwest. While these features do add to the scenic values of the river, they are not considered outstandingly remarkable geologic features in this segment. Therefore, geologic values were not evaluated.

Description of Effects: Not Evaluated

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	<input type="checkbox"/> Will not have a direct and adverse effect
----------------	--	--

**Free-flowing Condition:** The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. Section 16(b) of the Act defines this value as "...Free-flowing, as applied to any river or section of river means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modifications of the waterway.

Description of Effects:

- The Lakeside Road Bridge, built in 1925, is an obstruction to the free-flowing condition of the Namekagon River that was constructed 43 years prior to designation of the St. Croix National Scenic Riverway as a unit of the Wild and Scenic River System and the National Park System. The bridge is approximately 100 feet in length, includes two bridge abutments (approximately 35 feet long), and has one pier (approximately 15 feet by 45 feet long) within river channel.
- The old roadway will be excavated to allow for additional floodplain storage and turtle habitat. The National Park Service coordinated with the Wisconsin Department of Natural Resources on this excavation and planned turtle habitat in early project coordination processes.
- No riprap or riverbank stabilization measures are proposed for the bridge removal project to maintain the river's latitudinal connectivity with the floodplain. Slopes will be restored at the bridge abutments to avoid erosion (3:1 to flat slopes).
- Removing the bridge structure, including the two bridge abutments and single pier, would be a long-term positive result for the free-flowing condition of the Namekagon River in this location.
- The National Park Service finds the proposed project will not have a direct and adverse effect on the free-flowing condition for this segment of the Riverway.

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	X Will not have a direct and adverse effect
----------------	--	---

**Water Quality:** The Wild and Scenic Rivers Act requires a policy to preserve selected river in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (Sec. 1(b)) Section 12(c) further states that federal and state agencies must enforce the Clean Water Act and related water quality standards. The St. Croix and Namekagon rivers have long been noted for their exceptional water quality and are noted in state and federal law as such.

Description of Effects:

- Relevant water quality parameters (turbidity, temperature, and nutrient availability) are collected less than four miles upstream, mid-channel. Data from this site meets above-average water quality parameters for the Riverway.
- There are no expected changes in relevant hydrologic properties such as drainage patterns or the character of surface and subsurface flows that could directly or adversely affect water quality.
- Eliminated bridge and road run off coupled with native vegetation plantings and the overall restoration of the site are expected to have a positive impact on the Namekagon River water quality.
- The National Park Service finds the proposed project will not have a direct and adverse effect on the water quality of this segment of the Riverway provided that the following required conditions are followed and/or implemented.

Required Conditions:

- Appropriate erosion control measures and best management practices in accordance with local, state, or federal guidelines will be added to the project plans and specifications to avoid temporary changes in water quality in the Namekagon River, adjacent wetlands, and floodplains.
- No wastewater, fuels, or other harmful fluids shall be discharged into the river.

Determination:	<input type="checkbox"/> Will have a direct and adverse effect	X Will not have a direct and adverse effect
----------------	--	---

**FINAL SECTION 7(A) DETERMINATION**

- X The project will not have a direct and adverse effect on the values for which the river was designated.
- ☐ The project will have a direct and adverse effect on one or more values for which the river was designated.

**SECTION 10(A) CONSISTENCY STATEMENT**

- X The project is consistent with the non-degradation and enhancement policy of the Wild and Scenic Rivers Act and will not degrade the values for which the river was designated. (*required*)
- X The project will enhance river values. (*may not apply*)

<b>Approved by:</b>  Juliet L. Galonska Superintendent St. Croix National Scenic Riverway	<b>Date:</b>
---	--------------

JULIET  
GALONSKA

Digitally signed by  
JULIET GALONSKA  
Date: 2020.06.01  
15:27:14 -05'00'



# United States Department of the Interior

National Park Service  
St. Croix National Scenic Riverway  
401 N. Hamilton Street  
St. Croix Falls, Wisconsin 54024



IN REPLY REFER TO:  
I.A.1

June 1, 2020

Bill Sande

**USACE Hayward Regulatory Field Office**

10637 Hayward Court, Unit 2  
Hayward, Wisconsin 54843

Dear Mr. Sande:

The St. Croix National Scenic Riverway (Riverway) is a Federally-administered component of the National Wild and Scenic Rivers System (System) and a unit of the National Park System. As the river manager, the National Park Service (NPS) is responsible for ensuring that the provisions of the Wild and Scenic Rivers Act (Public Law 90-542) are followed and for making section 7(a) determinations of effect.

The NPS has reviewed the permit application from the Wisconsin Department of Transportation to remove the Lakeside Road Bridge (1197-00-00/70) over the Namekagon River near Trego, Wisconsin as part of the Trego Interchange project.

The location of the proposed project is within the Federally-administered zone of the St. Croix National Scenic Riverway. This segment of the Riverway was established under the Wild and Scenic Rivers Act (the Act) to protect and enhance its free-flowing character, water quality, and outstanding aquatic, scenic, and recreational values. Section 7(a) of the Act provides substantial protection to the Riverway. It states that:

*“no department or agency of the United States shall assist by loan, grant, license or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration.”*

A section 7(a) determination is prepared to evaluate whether a proposed water resource project within a designated river segment would have a direct and adverse effect on the values for which a river was established. The Riverway’s values within this section of the Namekagon River are its free-flowing condition, water quality, and outstandingly remarkable aquatic, cultural, recreational, scenic, and other similar values.

The Act prohibits federally assisted water resource projects that are determined by the NPS to have a direct and adverse effect, or that will invade or unreasonably diminish a designated river and its values. Water resources projects include, but are not limited to, dams, water diversion projects, fisheries habitat and watershed restoration/enhancement projects, bridge construction or demolition, bank stabilization projects, boat ramps, and other activities within the ordinary high watermark (OHWM) of a designated river. These activities typically require a permit from the



Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Direct and adverse impacts to any of the river values must be avoided or eliminated.

The Final Revised Guidelines for Eligibility, Classification and Management of River Areas (Federal Register, 1982) provides further clarification. These guidelines interpret Section 10(a) as a non-degradation and enhancement policy for all designated river areas, regardless of their classification as wild, scenic, or recreational. Section 10(a) states in part:

*“Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.”*

The NPS has reviewed the application for consistency with Section 10(a) of the Act and determined the project would be consistent with the anti-degradation policy of the Act by not degrading the scenic, recreational, and free-flowing condition of this river reach. The NPS has also determined that the project will enhance the values of this Riverway segment.

#### **FINAL DETERMINATION:**

Pursuant to Section 7(a) of the Act, the NPS has determined this project will not have a direct and adverse effect on the free-flowing condition, scenic, water quality, cultural, aquatic and recreation values of this segment of the Riverway provided that the following required conditions are implemented. The NPS therefore has no objection to issuance of a Department of the Army permit for the proposed project.

#### **REQUIRED PROJECT CONDITIONS:**

- All components of the project must also meet the requirements of the Wisconsin Department of Natural Resources <https://dnr.wi.gov/permits/water/> and any applicable county and municipal ordinances.
- The waterway and fish passage must be maintained during the bridge removal process.
- All mussels present at the project area must be relocated according to established procedures and protocols prior to construction.
- In order to protect developing fish eggs and substrate for aquatic organisms, all instream work must be completed between June 15 and November 1 (no instream work from November 2 to June 14 in the Namekagon River).
- Any equipment coming in contact with waterways will require decontamination in accordance with Wisconsin Department of Natural Resources provisions for invasive species. These requirements should be included in the contract special provisions.
- Removal of the Lakeside Road Bridge must be completed with a full capture system to avoid debris from entering the waterway. The contract awarded by the Wisconsin Department of Transportation should include Standard Special Provision (STSP) 203-025 (Removing Old Structure Over Waterway With Debris Capture System).

- While NPS is not aware of historic properties within the proposed project area, please contact our agency as soon as practicable if cultural resources are encountered during the implementation of the project.
- Bridge removal efforts should be limited from Memorial Day to Labor Day to minimize impacts to the recreating public on the Namekagon River.
- Bridge removal activities must be designed to maintain the existing navigation on the Namekagon River. Navigational aids will be required to ensure safe passage of watercraft through the work area. A Waterway Marker Application and Permit will be required by the Wisconsin Department of Natural Resources.
- Appropriate erosion control measures and best management practices in accordance with local, state, or federal guidelines must be added to the project plans and specifications to avoid temporary changes in water quality in the Namekagon River, adjacent wetlands, and floodplains.
- No wastewater, fuels, or other harmful fluids shall be discharged into the river.

Should you have any questions or concerns, please contact Lisa Yager, Chief of Resource Stewardship and Education, at 715-483-2290 or [lisa\\_yager@nps.gov](mailto:lisa_yager@nps.gov).

**APPROVED BY:**

**JULIET  
GALONSKA** Digitally signed by  
JULIET GALONSKA  
Date: 2020.06.01  
15:39:15 -05'00'

---

Juliet L. Galonska  
Superintendent,  
St. Croix National Scenic Riverway

---

Date

cc: Dan Harrington, Wisconsin Department of Natural Resources  
Email: [Dan.Harrington@wisconsin.gov](mailto:Dan.Harrington@wisconsin.gov)