

THIS PAGE INTENTIONALLY LEFT BLANK

Report for Wisconsin Department of Transportation

Conceptual Stage Relocation Plan

WisDOT Project I.D. 5845-06-03

US 51 (Stoughton to McFarland)

Dane County

Prepared by:

STRAND ASSOCIATES, INC.®

910 West Wingra Drive

Madison, WI 53715

www.strand.com

June 2020



TABLE OF CONTENTS

Page No.
or Following

CONCEPTUAL STAGE RELOCATION PLAN

Executive Summary	I-3
Preferred Alternative	I-3
Purpose	I-5
General Area and Project Description	I-6
Relocation Services For Displacees	I-7
Divisive or Disruptive Effects	I-8
Population, Household, and Demographic Characteristics	I-8
Outdoor Advertising Signs and Other Encroachments	I-9
Relocations and Displacements–Residential Households	I-9
Market Availability Analysis–Residential	I-10
Discussion of Potential Problems and Solutions	I-11
Summary of Relocation Costs	I-12
Assurances	I-12

TABLES

Table 1	General Demographic and Economic Characteristics	I-8
Table 2	Racial Characteristics by Percent	I-9
Table 3	Household Relocation Locations and Costs	I-10
Table 4	Analysis of Real Estate Market Trends (Sold Properties)	I-10
Table 5	Inventory of Listings for Potential Placement Properties	I-11
Table 6	Discussion of Potential Problems and Solutions–Residential Parcels	I-11
Table 7	Summary of Relocation Costs	I-12

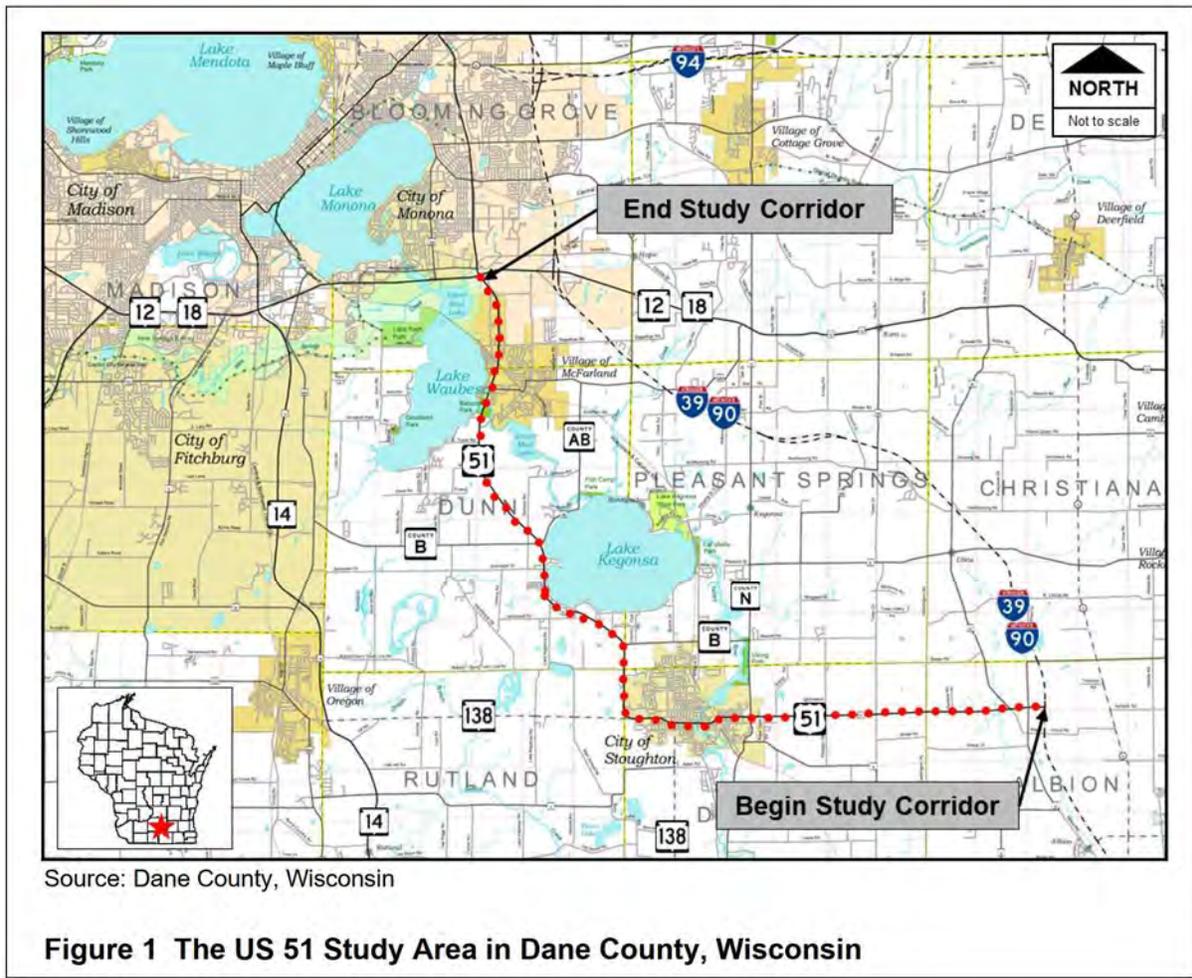
FIGURES

Figure 1	The US 51 Study Area in Dane County, Wisconsin	I-3
Figure 2	US 51 Study Corridor Towns and Urban Communities	I-6

EXECUTIVE SUMMARY

A. Introduction

This Conceptual Stage Relocation Plan (CSRP) was prepared for the US 51 Environmental Assessment (EA). The study area is located in south central Wisconsin in the southeast corner of Dane County. The area is located directly southeast of the city of Madison. Figure 1 is a map of the US 51 study area. The study corridor begins at I-39/90, which is approximately 5 miles east of the city of Stoughton (Stoughton), extends westward through downtown Stoughton, and then turns north traveling along the west side of Stoughton. It continues north through a rural area, proceeds through the village of McFarland (McFarland), and terminates at US 12/18 (Madison Beltline). The length of the study corridor is 18.6 miles.



PREFERRED ALTERNATIVE

The Wisconsin Department of Transportation (WisDOT) identified Alternative H as the preferred alternative. Alternative H would reconstruct the US 51 corridor on existing alignment from I-39/90 through Stoughton to Larson Beach Road in McFarland, and replace the existing pavement between Larson

Beach Road and Terminal Drive/Voges Road in McFarland. Accommodations for pedestrians would be provided in urban areas, and a pedestrian underpass crossing of US 51 would be provided in the rural section between Stoughton and McFarland, near Charles Lane. Bicycles would be accommodated on paved shoulders in the rural sections of the US 51 corridor. In the urban sections of the corridor, various options for accommodating bicycles, depending on the location, would be provided where determined feasible.

Additional details about Alternative H, by location, are provided below:

1. East of Stoughton (I-39/90 to Spring Road)

Reconstruction of the 2-lane rural section of US 51 east of Stoughton would include two 12-foot travel lanes, 10-foot shoulders, and an eastbound passing lane between Washington Road and Tower Drive.

2. Through Stoughton (Spring Road to Hoel Avenue)

Reconstruction of the existing 2-lane and 4-lane urban sections of US 51 through Stoughton.

3. Along the West Side of Stoughton [WIS 138 (west) to County B (east)]

Expansion of the predominantly 2-lane rural section to a uniform 4-lane urban section would include a curbed median, sidewalk on both sides, and full shoulders. The Hoel Avenue, WIS 138 (west), and Roby Road intersections are currently scheduled to be converted to roundabouts as separate projects before construction of the preferred alternative. The County B (east) intersection would be converted to a roundabout as part of the US 51 project.

4. Between Stoughton and McFarland (County B (east) to Exchange Street)

Reconstruction of the 2-lane rural section of US 51 between County B (east) and Exchange Street would include two 12-foot travel lanes with a curbed median for most of the length, improved intersections with designated left- and right-turn lanes, 10-foot shoulders, and improved roadway curves. The County B/AB intersection is currently scheduled to be converted to a roundabout as a separate project prior to construction of the preferred alternative. The Exchange Street intersection would be converted to a roundabout as part of the US 51 project.

5. 4-lane Urban Section in McFarland (Exchange Street to Larson Beach Road)

In McFarland, the proposed improvements between Exchange Street and Larson Beach Road would include reconstruction of the existing 4-lane roadway with a median or two-way left-turn lane, replacement of the bridge over the Yahara River, and sidewalks on both sides of US 51.

6. Expressway section in McFarland (Larson Beach Road to Terminal Drive/Voges Road)

Pavement would be replaced along the existing 4-lane expressway section from Larson Beach Road to Terminal Drive/Voges Road. An auxiliary lane (outside lane) would be added in each

direction between the north ramps of the Siggelkow Road interchange and Terminal Drive/Voges Road intersection. The US 51 southbound bridge over Taylor Road and the railroad would be replaced.

C. Displacement Effects and Analysis

Acquisition of property for this project will provide for the orderly and timely relocation of eligible displaced persons (residences and businesses). This CSRPs documents the availability of a sufficient number of replacement properties in the local area for eligible relocations.

1. Residential

As of September 2019, the project may cause the displacement of up to two households. A study of the housing and real estate market in the project area indicates a sufficient number of replacement homes, condominiums, apartments, and rentals are available. It is not known if the availability of replacement housing would be similar when relocations actually occur since the project is not currently scheduled for construction.

PURPOSE

This CSRPs has been prepared in accordance with the requirements of the United States Department of Transportation, Federal Highway Administration (FHWA) *Environmental Impact and Related Procedures Final Rule* (23 CFR 771), the FHWA Technical Advisory for environmental document preparation (T 6640.8A, October 30, 1987), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended in 1987 (49 CFR Part 24), and WisDOT–Division of Highways and Transportation Services Real Estate Program Manual and Chapter 32 of Wisconsin State Statutes.

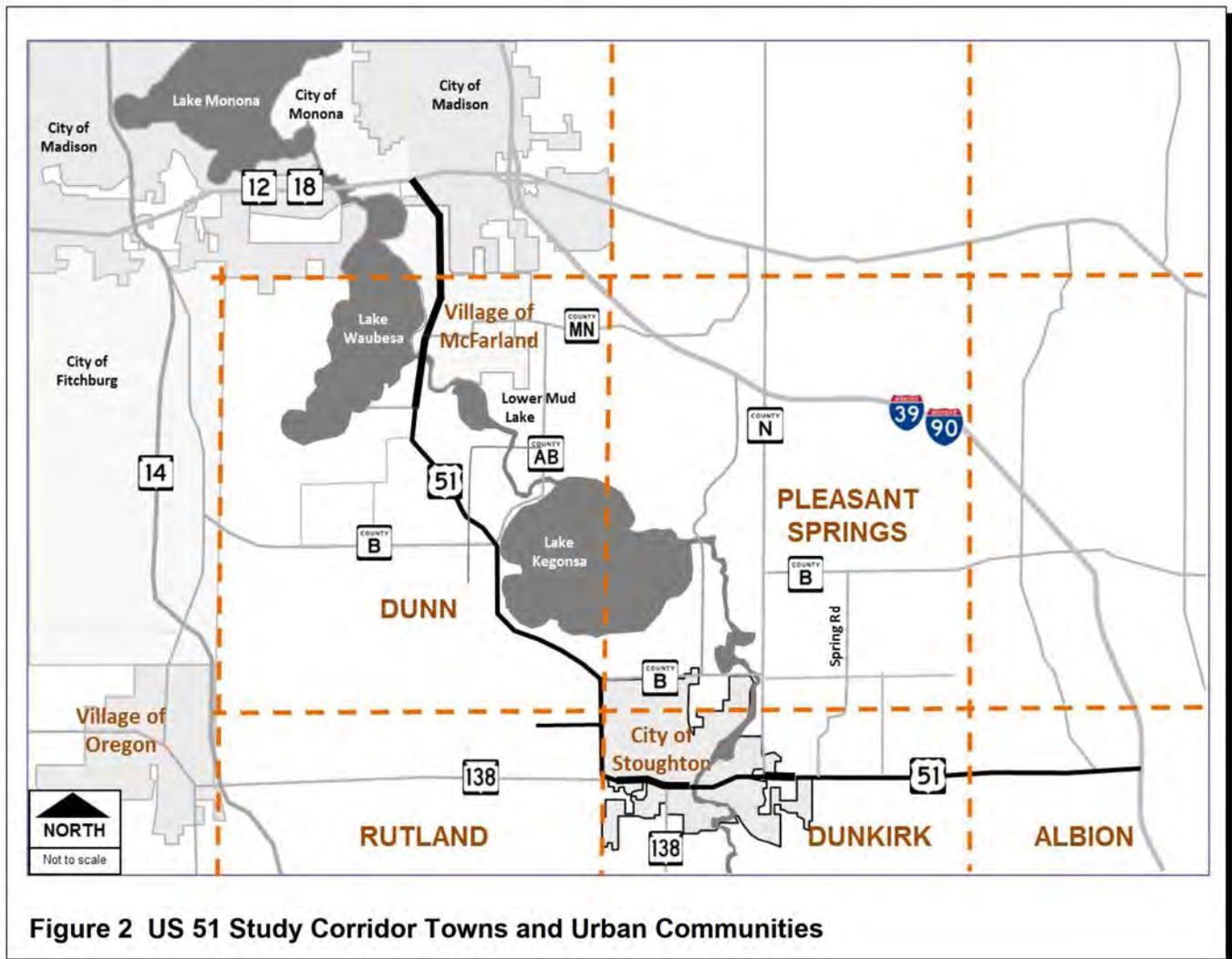
This CSRPs was written to provide:

1. The approximate number of residential households (owners and tenants), businesses (owners and tenants), farm buildings (owners), and community facilities (owners) that may be displaced by the project.
2. The probable availability of decent, safe, and sanitary replacement rental and permanent housing within the financial means of the households that may be affected by the project.
3. The probable availability of replacement business locations for businesses or community facilities that may be affected by the project.
4. An estimate of the possible total relocation assistance costs and total acquisition estimate for residential, business, and community facilities that may be affected by the project.

GENERAL AREA AND PROJECT DESCRIPTION

A. Landscape and Municipalities

The study area includes Stoughton, McFarland, and the towns of Albion, Dunkirk, Dunn, Pleasant Springs, and Rutland. Figure 2 shows a map of the communities along the corridor. Outside of the urban settings of Stoughton and McFarland, the landscape is dominated by rural residential and agricultural uses (cropland and dairy farms) and open space that includes parks, land protected by conservation easements, wetlands, and Wisconsin Department of Natural Resources (WDNR) and Dane County natural areas. Both residential relocations are located in the town of Dunn.



RELOCATION SERVICES FOR DISPLACEDS

A. Relocation Services for Residential Displacees

In addition to maintaining necessary records and performing various other administrative functions, the relocation staff will offer and provide the following assistance to displacees:

1. Counsel each individual and family with regard to their specific rehousing needs, resulting in each securing replacement housing that is decent, safe, and sanitary; adequate for their needs; suitably located; and within their financial means.
2. Continually gather data, commensurate with the relocatee's needs, and advise them accordingly. Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary listings and rental housing. Appointments will be made as well as arrangements for the inspection of referral housing. Inspections will be made for those units that the relocatee indicates a desire to rent or purchase to formally certify adequacy and that they are decent, safe, and sanitary.
3. Assist prospective homeowners in obtaining mortgage financing and aid in the preparation and submission of offers to purchase. Assist in obtaining relocatee documents (such as credit reports, appraisals, and surveys).
4. Advise prospective tenants on lease arrangements, tenant/landlord responsibilities, security deposit practices, and rental ranges.
5. Provide information and referrals to local welfare and social service assistance agencies when it appears a need for such service is required.
6. Provide information on school district boundaries and routing and scheduling of public transportation.
7. Make personal contacts with each displacee regularly for the purpose of discussing and providing leads, referrals and such other matters regarding rehousing, which is of interest to the relocatee and necessary for their successful relocation. Visitation will be geared to the complexity, the specific need, and the level of availability and will be repeated regularly so rehousing responsibilities are discharged and in compliance with the spirit and intent of the program.
8. Provide assistance of complete claims for relocation payments for which each displacee may be eligible.
9. Assist in making moving arrangements including the transfer of utility services.
10. Provide required written notices, delivered by personal contact whenever feasible, to provide understanding of eligibility requirements, payment options, project information, and other notices required by law, regulations, or as otherwise appropriate.
11. Advise displacees of grievance procedures, arrangements, and agencies involved.

DIVISIVE OR DISRUPTIVE EFFECTS

The disruption to area residents, in general, should be construction-related, short-term disruptions. Disruption to relocated properties should also be brief because most relocations can be accommodated within the greater McFarland and Stoughton areas. Efforts will be made to minimize disruption to affected properties and provide for suitable, timely relocations. Residential relocations and displacements could select from many nearby, lower-traffic-volume streets and neighborhoods and rural communities. Current analysis provided in other sections of this CSRPs indicates that suitable replacement housing is available in the area.

There appears to be no unusual circumstances regarding the residential relocations. No known concentration of predominant ethnic minority, elderly, or handicapped people were noted at the previous public meetings. A manufactured home community exists on the west side of US 51 at the intersection of US 51 and Charles Lane. No relocations are anticipated within this community. At this time, it appears there is available replacement housing to appropriately relocate those displaced.

POPULATION, HOUSEHOLD, AND DEMOGRAPHIC CHARACTERISTICS

Tables 1 and 2 show demographic, economic, and racial characteristics for the US 51 study area. The data is from the 2010 United States Census.

	Dane County	Village of McFarland	City of Stoughton
Population	488,073	7,808	12,611
Total Households	203,750	3,079	5,133
Owner Occupied	58.7%	72.8%	66.1%
Rental Households	41.3%	27.2%	33.9%
Median Household Income	\$60,519	\$73,814	\$61,235

Source: 2010 United States Census

Table 1 General Demographic and Economic Characteristics

Community/ Neighborhood Name	Race Percentages				Age Profile			Persons Per Household
	White Alone	Black Alone	Asian Alone	Other Race(s)	Median Age	Under 18	Over 65	
Town of Albion	98.4%	0.2%	0.2%	1.2%	41.5	25.7%	12.0%	2.6
Town of Dunkirk	97.2%	0.5%	1.0%	1.3%	45.1	21.3%	14.0%	2.5
Town of Dunn	96.9%	0.6%	0.9%	1.6%	48.1	18.6%	14.3%	2.4
Town of Pleasant Springs	97.3%	0.4%	0.8%	1.5%	46.6	22.2%	13.6%	2.6
Town of Rutland	97.6%	0.5%	1.0%	0.9%	46.4	21.0%	12.0%	2.6
City of Stoughton	95.1%	1.4%	1.3%	2.2%	39.2	25.1%	14.6%	2.5
Village of McFarland	94.4%	1.2%	1.7%	2.7%	39.7	26.9%	10.3%	2.5
Dane County, Wisconsin	84.7%	5.2%	4.7%	5.4%	34.4	21.7%	10.3%	2.4

Source: 2010 United States Census

Table 2 Racial Characteristics by Percent

It is anticipated the individuals and families affected by the preferred alternative are generally people in middle-income brackets. Those displaced are believed to be representative of the community profile presented in Tables 1 and 2 and in other portions of this plan. Detailed demographics have not been evaluated.

No owner contact has been made to determine whether young couples or families with children are living in the residences proposed for relocation. At this time, there are no known minorities affected by the project. There are also no known handicapped individuals living in the affected residences.

OUTDOOR ADVERTISING SIGNS AND OTHER ENCROACHMENTS

At the preliminary design level, there are no known outdoor advertising signs or encroachments that would require special relocation consideration or services. Encroachments will be identified and handled in the design stage following the environmental document. If outdoor advertising signs or encroachments of substantial nature are identified or arise during final design or real estate activities, designers and WisDOT real estate personnel would be available to provide appropriate avoidance or relocation services.

RELOCATIONS AND DISPLACEMENTS—RESIDENTIAL HOUSEHOLDS

A study of locally available housing in early fall 2019 showed there are sufficient homes available in the McFarland, Stoughton, and Oregon School Districts to accommodate the residences requiring relocation. This is based on information obtained from the South Central Wisconsin Multiple Listing Service (MLS), First Weber-Map IT, Zillow.com, Trulia.com, Google Real Estate, and other sources. Searches of these sites within the 53589, 53575, and 53558 zip codes and the McFarland, Stoughton, and Oregon School Districts identified more than 216 homes for sale in a representative week in September 2019.

Table 3 identifies the households that would be displaced and summarizes estimated relocation costs.

Map ID Number	Type	Occupant Type	Acquisition Price Estimate	Replacement Housing Payment ¹	Misc. and Interest and Closing Costs	Moving Costs
1R	Single Family Home	Owner	\$269,000	\$ 31,000	\$ 5,000	\$ 3,000
2R	Single Family Home	Owner	\$269,000	\$ 31,000	\$ 5,000	\$ 3,000

¹ Details of potential compensation are summarized in Ch. 32.19 of Wis. State Statutes.

Table 3 Household Relocation Locations and Costs

MARKET AVAILABILITY ANALYSIS–RESIDENTIAL

Analysis of current sold properties and listings, according to size and price availability, are provided in the following two tables. Information was obtained for approximately 667 sold properties and approximately 215 listings as based on data available September 2019. In general, there appear to be enough sale histories and homes available as replacement properties for potential relocations resulting from the construction of the preferred alternative. Table 4 indicates the number of residential properties that have sold between summer 2018 and September 2019 in the area of the project.

Price Range	Two Bedrooms	Three Bedrooms	Four or More Bedrooms
\$100,000 to \$129,999	3	1	1
\$130,000 to \$149,999	7	3	0
\$150,000 to \$199,999	18	35	8
\$200,000 to \$249,999	9	80	13
\$250,000 to \$349,999	10	175	79
\$350,000 to \$449,999	3	47	90
\$450,000 to \$499,999	1	7	21
\$500,000+	1	15	40
Totals	52	363	252

Table 4 Analysis of Real Estate Market Trends (Sold Properties)

The real estate market is active with an abundant number of transactions in the Stoughton and McFarland study area. The \$250,000 to \$349,999 price range experienced the greatest amount of sales (264) in the recent transaction histories. There were approximately 178 sales under \$250,000 and 225 sales above \$350,000, indicating a shift to higher cost homes being more commonly available and being sold. The potential number of displacements caused by this project would not appear to create difficulties within the local real estate market in providing replacement housing stock based on this transaction data.

The inventory of available replacement properties is shown in Table 5. There appears to be an abundance of housing units for sale in the McFarland and Stoughton area, especially three- to four-bedroom homes between \$250,000 and \$349,999.

There are more properties available in the higher price range than in the lower price range and the availability and sales of higher-priced homes appears to be trending up. Trulia and other referenced web sites report the following for median values for the homes sold in the subject zip codes and approximate school districts:

1. Zip Code 53589 (Stoughton Area School District) \$275,000;
2. Zip Code 53575 (Oregon and Stoughton School Districts) \$325,000;
3. Zip Code 53558 (McFarland School District) \$310,000.

Collectively, these values reflect an averaged median price near \$300,000. According to 2019 online summaries by Trulia and Zillow.com, the median price of homes currently listed for sale in Dane County is \$329,900. The median home value in Dane County is roughly \$290,000. The median price of homes sold was \$281,000 with houses selling for approximately \$173 SF. Sites also note that recent Dane County home values show appreciation of nearly 5.7 percent in past years with current predictions of 2- to 3-percent increases within the next year.

Price Range	Two Bedrooms	Three Bedrooms	Four or More Bedrooms
\$100,000 to \$129,999	1	0	0
\$130,000 to \$149,999	2	0	0
\$150,000 to \$200,000	9	10	1
\$200,000 to \$249,999	6	16	3
\$250,000 to \$349,999	1	31	27
\$350,000 to \$450,000	1	13	22
\$450,000 to \$499,999	0	5	16
\$500,000+	1	14	36
Totals	21	89	105

Table 5 Inventory of Listings for Potential Placement Properties

DISCUSSION OF POTENTIAL PROBLEMS AND SOLUTIONS

Parcel	Potential Problem	Potential Solution
1R	Market conditions. Remnant homestead.	Housing of last resort may be necessary to replace major attributes of the subject with a comparable property.
2R	Assess market conditions. Corner lot highest and best use.	Housing of last resort may be necessary to replace major attributes of the subject with a comparable property.
Not determined or future additional parcels	Conservation Easements, Farm Preservation, Purchase of Development Rights, or Historic Properties.	Maintain township contacts and obtain early title work. Continue to coordinate during planning and acquisition should any parcels or future alignment adjustments result in potential noted issues.

Table 6 Discussion of Potential Problems and Solutions–Residential Parcels

SUMMARY OF RELOCATION COSTS

Relocation costs are summarized in the following table.

Payment Type	Cost
Total Residential Acquisition Estimate	\$ 538,000
Total Residential Replacement Housing Payments	\$ 62,000
Total Residential Incidental and Closing Cost	\$ 10,000
Total Residential Moving Payments	\$ 6,000
Total Relocation/Acquisition Cost	\$ 616,000

Table 7 Summary of Relocation Costs

When using an assessment and preappraisal determination of value based on preliminary WisDOT real estate estimates, the total cost for property acquisition would be approximately \$616,000 for relocation payments and property acquisition combined.

ASSURANCES

WisDOT will offer assistance to all eligible residents, tenants, businesses, and organizations impacted by the US 51 project including persons or parcels requiring special services and assistance. No impacts are known to minority or special demographic populations.

A summary of potential problems and solutions is provided for residential parcels. This information is being provided to facilitate early coordination and planning that may be needed or advanced during the planning phase or during development of an acquisition stage relocation plan.

THIS PAGE INTENTIONALLY LEFT BLANK

AGRICULTURAL **I**MPACT **S**TATEMENT



**USH 51: IH 39/90 to USH 12/18
Dane County**

Published February 11, 2016

**Wisconsin Department of Agriculture,
Trade and Consumer Protection
DATCP #4096**

Table of Contents

Acronyms	i
1. Introduction	1
2. Description of the Project	2
Project Description and Location	2
Project Purpose and Need	4
Alternatives Considered	4
3. Agricultural Setting	5
Agricultural Productivity	5
Land in Farms	5
Number of Farms	6
Size of Farms	7
Property Taxes and Values	7
Farmland Preservation	8
Soils	9
4. Agricultural Impacts	10
Landowner Comments	10
Potential Agricultural Impacts	13
Appraisal Process	15
5. Recommendations	17
Literature Cited	18
Appendix I: Agricultural Impact Statements	19
Appendix II: Eminent Domain	21
Appendix III: Access	25
Appendix IV: Drainage	27
Appendix V: NRCS Soil Farmland Classification	29
Appendix VI: Soil Capability Classes	30
Appendix VII: Mailing List	31

List of Figures

Figure 1. Project Location Map 3
Figure 2. Percentage of Land in Farms 6
Figure 3. Equipment Turning Radius in a Right-Angle Field Corner and in an Acute-Angle Field Corner 13
Figure 4. Remnants Left by a Roadway Passing through the Middle of a 40-Acre Field 14

List of Tables

Table 1. Acres of Selected Crops from 2010 to 2014 5
Table 2. Change in the Acres of Farmland, 2007 to 2012. 6
Table 3. Change in the Number of Farms, 2007 to 2012..... 7
Table 4. Change in the Average Size of Farms, 2007 to 2012. 7
Table 5. Number of Farms per Size Category in 2012. 7
Table 6. Farmland Taxes and Value. 8
Table 7. Proposed Farmland Acquisitions in Fee-Simple. 10

Acronyms

AIS	Agricultural Impact Statement
AEA	Agricultural Enterprise Area
CTH	County Trunk Highway
DATCP	Department of Agriculture, Trade, and Consumer Protection
FPP	Farmland Preservation Program
IH	Interstate Highway
NRCS	Natural Resources Conservation Service
STH	State Trunk Highway
USDA	U.S. Department of Agriculture
USH	U.S. Highway
WisDOT	Wisconsin Department of Transportation

AGRICULTURAL IMPACT STATEMENT

USH 51: IH 39/90 (6 miles east of Stoughton) to SH 12/18 Interchange
Dane County
Wisconsin Department of Transportation
Project ID#: 5845-06-03

1. Introduction

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has prepared this agricultural impact statement (AIS) in accordance with §32.035, *Wisconsin Statutes*. DATCP is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of interest in more than 5 acres of land from any farm operation. The term farm operation includes all owned and rented parcels of land, buildings, equipment, livestock, and personnel used by an individual, partnership, or corporation under single management to produce agricultural commodities. DATCP may choose to prepare an AIS if an acquisition of 5 or fewer acres will have a significant impact on a farm operation. Significant impacts could include the acquisition of buildings, the acquisition of land used to grow high-value crops, or the severance of land.

The AIS is an informational and advisory document that describes and analyzes the potential effects of the proposed project on farm operations and agricultural resources. The AIS reflects the general objectives of DATCP in its recognition of the importance of conserving important agricultural resources and maintaining a healthy rural economy. DATCP is not involved in determining whether or not eminent domain powers will be used or the amount of compensation to be paid for the acquisition of any property.

DATCP should be notified of such projects regardless of whether the proposing agency intends to use its condemnation authority in the acquisition of project lands. The proposing agency may not negotiate with or make a jurisdictional offer to a landowner until 30 days after the AIS is published. Refer to Appendix I for *Wisconsin Statute* §32.035 on the AIS program and Appendix II through IV for excerpts from various statutes pertaining to eminent domain, access, and drainage.

2. Description of the Project

Project Description and Location

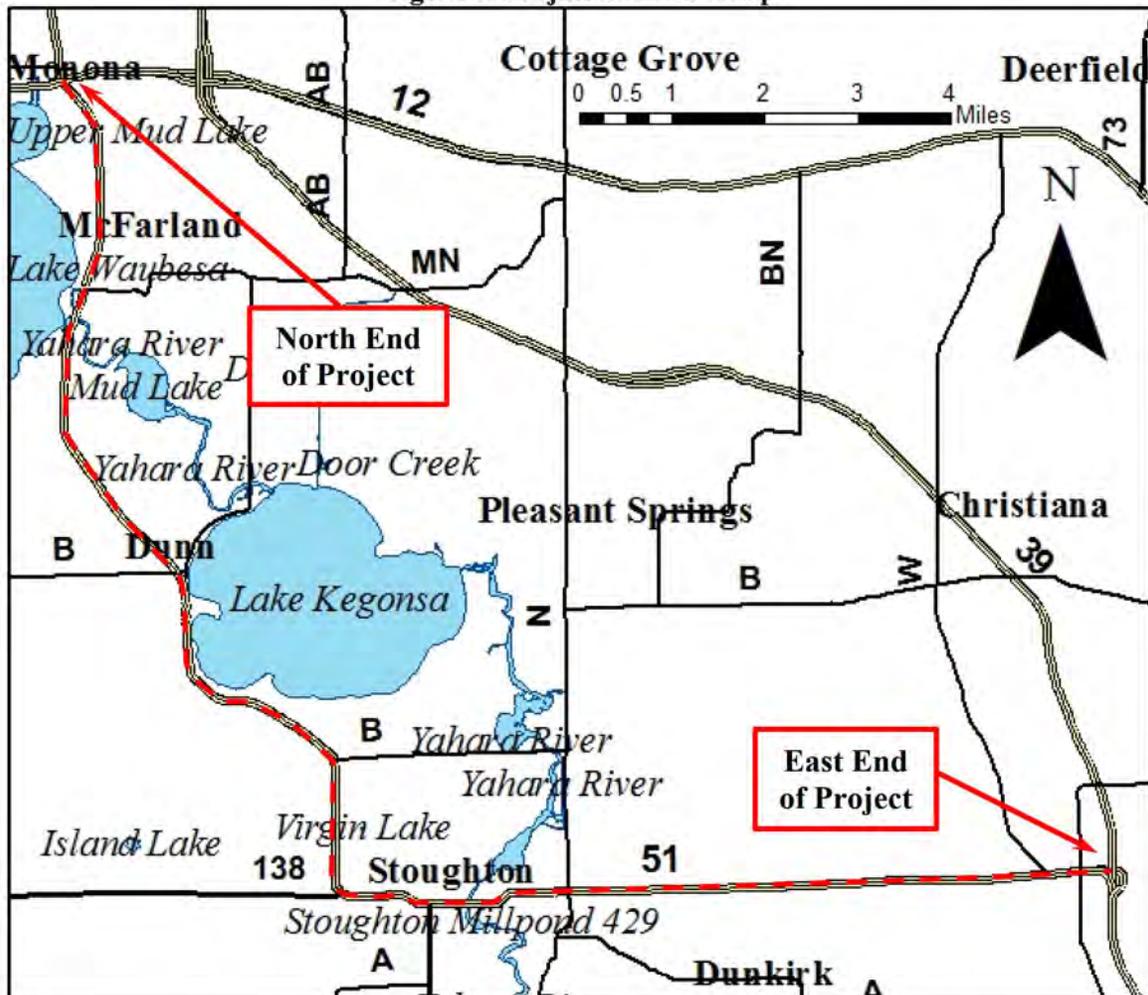
The Wisconsin Department of Transportation (WisDOT) is proposing to reconstruct an 18.6-mile segment of U.S. Highway (USH) 51 from Interstate Highway (IH) 39/90 east of the city of Stoughton to the Madison Beltline, USH 12/18. In addition to new pavement for the entire roadway, this project will include a new passing lane, east of Stoughton, bicycle and pedestrian accommodations, and intersection improvements. This project is located in the towns of Albion T5N-R12E, Dunkirk T5N-R11E, Rutland T5N-R10E, and Dunn T6N-R10E: the village of McFarland; and in the cities of Stoughton and Madison in Dane County. This project will require the fee-simple acquisition of 73.6 acres of land from 44 farmland owners. WisDOT anticipates acquiring the needed land in 2017 or 2018 and construction is expected in 2020.

East of Stoughton the 5.5-mile, two-lane rural section of USH 51 will be reconstructed with two 12-foot travel lanes, paved shoulders for bicycle accommodations, and an eastbound passing lane between Washington Road and Tower Drive. The intersection at County Trunk Highway (CTH) “W” that has a substandard angle will not be improved to avoid damage to a historical site.

Within Stoughton, reconstruction of the existing, 3-mile portion of USH 51 will include two-lane and four-lane urban sections between Spring Road and State Trunk Highway (STH) 138 west. The reconstruction includes new pavement and subgrade, and most of the on-street parking will be retained. Bicycle lanes will be added on USH 51 where possible or provided on a new designated bike route on parallel streets. Sidewalks will be constructed to be continuous throughout the urban area and they will be widened where they are currently deficient. At the east end of the downtown Stoughton section, some areas may be graded for potential future sidewalks. A roundabout will be included at the STH 138 (west) intersection and a roundabout or traffic signals will be included at Roby Road. Signals will be installed at Jackson Street in 2016 as part of a separate project. From Velkommen Way to CTH “B” (east), the typical section will be a four-lane high-speed section with a curbed median and rural 10-foot outside shoulders (8-foot paved). The shoulders will accommodate bicycles. A roundabout will be included at the CTH “B” (east) intersection.

The 5.6-mile section from Stoughton to McFarland will be a two-lane rural section between CTH “B” (east) and Exchange Street. It will have 12-foot travel lanes and 10-foot shoulders with 6 feet paved for bicycle accommodations. Deficiencies along the roadway including vertical curves and horizontal curves will be improved. Intersections will be reconstructed with dedicated right and left turn bays to remove traffic from the through lanes. A roundabout will be constructed at Exchange Street and the west leg of the USH 51/East Tower Road intersection will be rerouted north to the roundabout. Another roundabout will be constructed at the intersection with CTH “B”/“AB.”

Figure 1. Project Location Map



In McFarland, the proposed improvements between Exchange Street and Larson Beach Road will include reconstructing the existing generally undivided four-lane roadway to provide a consistent urban facility with a median or two-way left-turn lanes, and bicycle and pedestrian accommodations. Intersections will also be reconstructed.

Within McFarland and between McFarland and Madison, pavement will be replaced on the existing four-lane expressway section north of Larson Beach Road to a point 1,930-feet south of the Terminal Drive/Voges Road intersection. A third outside lane (auxiliary lane) will be added between the north ramps of the Siggelkow Road interchange and the Terminal Drive/Voges Road intersection.

Project Purpose and Need

WisDOT has indicated that the purpose of this project is to provide a safe and efficient transportation system for the USH 51 corridor that serves present and long-term travel demand while minimizing disturbance to the environment. The primary factors contributing to the need for improvements within the USH 51 study corridor include long-term planning and corridor preservation, travel demand and capacity, safety, roadway deficiencies, bicycle and pedestrian accommodations, and pavement condition.

Alternatives Considered

WisDOT's preferred alternative, described above, was identified in the Environmental Assessment as Alternative H (Hybrid). Although it does not meet all of the factors WisDOT identified in the purpose and need statement for this project, it does meet four of the six factors and it is anticipated that it could be funded within six years of an approved environmental document. WisDOT considered and rejected three other alternatives.

No build: This alternative would only include maintenance of the existing roadway. WisDOT rejected this alternative because it would not improve safety, add accommodations for bicyclists and pedestrians, increase capacity, preserve the corridor, etc.

Alternative A (low build): This alternative would add left-turn lanes to the rural intersections between Stoughton and McFarland, improve some of the geometric deficiencies within the project limits, add some accommodations for bicyclists and pedestrians, and replace some of the existing pavement within the project limits. WisDOT rejected this alternative because it does not replace all of the pavements within the project limits, does not include all of the needed safety improvements, does not preserve the corridor for future roadway expansion, and does not include all of the desired improvements for bicycle and pedestrian accommodations.

Alternative B (four-lane expansion): This alternative meets all of the factors WisDOT identified in the purpose and need statement. Among other improvements, this alternative would include an expansion of USH 51 to four lanes between McFarland and Stoughton. WisDOT rejected this alternative because it has more substantial real estate and relocation impacts than any of the other alternatives and it is anticipated that it would not be funded within six years of an approved environmental document.

3. Agricultural Setting

The information provided in this section is intended to describe the existing agricultural sector of Dane County in general terms. Later in this report, in Section 4 – Agricultural Impacts, individual farm operations will be described.

Agricultural Productivity

Dane County ranked first out of Wisconsin’s 72 counties in the value of agricultural products sold, first in corn for grain production, second in soybean production, fifth in milk production, and first in the production of winter wheat in 2014. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

The amount of harvested acres for selected crops in Dane County from 2010 to 2014 is displayed in Table 1. The amount of harvested acres of corn for silage increased in recent years but was not published in 2014 for disclosure reasons. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

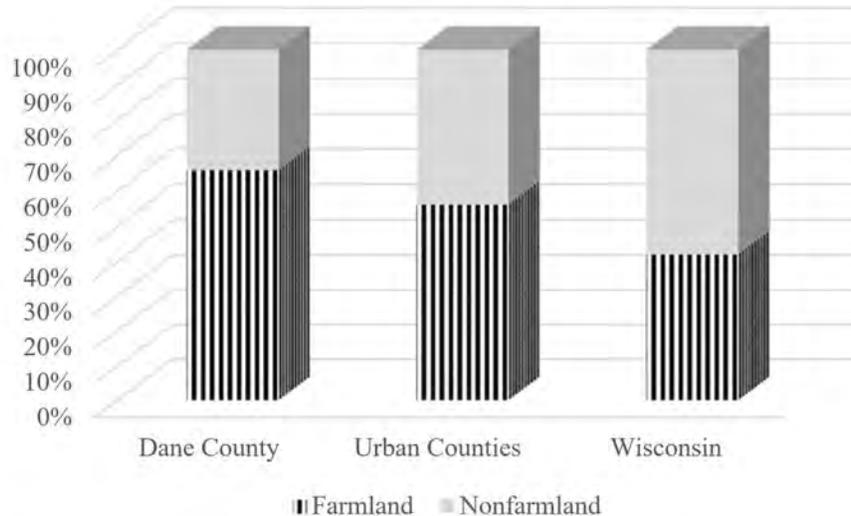
Table 1. Acres of Selected Crops from 2010 to 2014.

Crop	Harvested Acres				
	2010	2011	2012	2013	2014
Corn for Grain	167,000	171,000	160,700	166,900	177,700
Corn for Silage	28,000	27,000	43,600	43,600	N/A
Soybeans	77,900	76,600	75,500	74,400	78,800
Winter Wheat	11,900	16,500	14,000	16,200	14,000
Alfalfa Hay	32,700	29,200	29,200	34,600	34,900

Land in Farms

Dane County is classified as an urban county, which is defined as having an average of more than 100 residents per square mile. According to the *2012 Census of Agriculture*, Dane County has 504,420 acres of land in farms, which represents 65.8 percent of the total land area (Figure 2). Land in farms consists primarily of agricultural land used for crops, pasture, or grazing. It also includes woodland and wetland not actually under cultivation or used for pasture or grazing, providing it was part of the farm operator’s total operation. The average number of acres of land in farms for urban counties is 188,648 acres or 56 percent of the total county land area. These can be compared to the average of 202,346 acres or 42 percent of land in farms among all Wisconsin counties.

Figure 2. Percentage of Land in Farms.



According to the *2012 Census of Agriculture*, the amount of land in farms decreased by 6 percent in Dane County from 2007 to 2012. In Wisconsin as a whole, the amount of land in farms declined from 15.2 to 14.6 million acres (a 4 percent loss) during this time (Table 2). These changes in land use are likely the result of commercial and residential development on land that was formerly agricultural rather than because of idling of formerly productive farmland. The proposed project would contribute to this trend.

Table 2. Change in the Acres of Farmland, 2007 to 2012.

Location	2012 Farmland (acres)	2007 Farmland (Acres)	Change in Acres	Percentage Change
Dane County	504,420	535,756	31,336	-6
Wisconsin	14,568,926	15,190,804	621,878	-4

Number of Farms

According to the *2012 Census of Agriculture*, Dane County lost 582 farms (a 17 percent decrease) between 2007 and 2012 as the total number dropped from 3,331 to 2,749. Wisconsin as a whole lost 12 percent of its farms as the total number of farms in the state dropped from 78,463 in 2007 to 69,754 in 2012 (Table 3). As the amount of farmland declines, farmers who want to remain in agricultural production face increasing pressure to develop or sell their land. When this and other pressures on a farm operation become strong enough, a farmer may be forced to downsize his/her operation; change the type of his/her operation, such as a switching from livestock to cash grain; or closing the farm business and renting the farmland to another operator or developing the land.

Table 3. Change in the Number of Farms, 2007 to 2012.

Location	Number of Farms (2012)	Number of Farms (2007)	Change in the Number of Farms	Percent Change
Dane County	2,749	3,331	582	-17
Wisconsin	69,754	78,463	8,709	-12

Size of Farms

From 2007 to 2012, the average size of farms rose 14 percent in Dane County and rose 8 percent in Wisconsin as a whole (Table 4; 2012 Census of Agriculture).

Table 4. Change in the Average Size of Farms, 2007 to 2012.

Location	Average Farm Size (Acres)		
	2012	2007	Change in Size
Dane County	183	161	+22
Wisconsin	209	194	+15

Table 5 shows the 2012 number of farms in each size category for Dane County and all Wisconsin counties (2012 Census of Agriculture). Proportionately, Dane County has more farms that are smaller than 50 acres in size compared to the averages for Wisconsin.

Table 5. Number of Farms per Size Category in 2012.

Location	0 to 49 Acres		50 to 179 Acres		180 to 499 Acres		More than 500 Acres	
	No.	%	No.	%	No.	%	No.	%
Dane County	1181	43	875	32	479	17	214	8
Wisconsin	22,428	32	25,502	37	15,688	22	6,136	9

Property Taxes and Values

Table 6 shows the 2013 average property tax, assessed value, and sale price per acre of agricultural land in Dane County, urban counties, and all Wisconsin counties. The assessed values and property taxes are based on the “use value” of agricultural land. *Wisconsin Statutes* §70.32(2)(c)1g., which define agricultural land as “land, exclusive of buildings and improvements, that is devoted primarily to agricultural use.”

Table 6. Farmland Taxes and Value.

Location	2013 Dollars per Acre of Farmland		
	Average Tax	Assessed Value	Sale Value
Dane County	\$4.32	\$239	\$7,544
Urban Counties	\$3.70	\$200	\$6,303
Wisconsin	\$3.32	\$171	\$4,442

In 2013, average property taxes on Dane County agricultural land were 17 percent higher than the average for urban counties and 30 percent higher than the average for Wisconsin. (Wisconsin Department of Revenue).

On average, the assessed value of farmland in Dane County was 20 percent higher than the average for urban counties and 40 percent higher than the average for Wisconsin. (Wisconsin Department of Revenue).

The average sale price of farmland in Dane County was 20 percent higher than the average for urban counties and 70 percent higher than the average for Wisconsin. (USDA NASS 2014 Wisconsin Agricultural Statistics Bulletin). These values do not include farmland sold and converted to nonfarm use and do not include agricultural land with buildings or improvements.

Farmland Preservation

Wisconsin's Farmland Preservation Program (FPP) provides counties, towns, and landowners with tools to aid in protecting agricultural land for continued agricultural use and to promote activities that support the larger agricultural economy. Through this program, counties adopt state-certified farmland preservation plans, which map areas identified as important for farmland preservation and agricultural development. DATCP first certified the Dane County Farmland Preservation Plan in 1981 and recertified it in 2012. The plan identifies farmland preservation areas in the county and provides tax credit eligibility to farmers who wish to participate in the FPP.

Within these farmland preservation areas, local governments and owners of farmland can petition for designation by the state as an Agricultural Enterprise Area (AEA). This designation highlights the importance of the area for agriculture and further supports local farmland preservation and agricultural development goals. Designation as an AEA also enables eligible landowners to enter into farmland preservation agreements. Through an agreement, a landowner agrees to voluntarily restrict the use of their land for agriculture for fifteen years and to follow the state soil and water conservation standards to protect water quality and soil health. The land that could be acquired for this project is not part of an AEA *nor does it contain any FPP agreements.

Local governments may choose to adopt an exclusive agricultural zoning ordinance to ensure that landowners covered by the ordinance are eligible to claim farmland preservation tax credits. Such an ordinance must also be certified by DATCP. All four of the towns that the proposed project

passes through, Albion, Dunkirk, Rutland, and Dunn, have adopted the county's exclusive agricultural zoning ordinance.

Soils

The primary soil association that the proposed project passes through is the Batavia-Houghton-Dresden soil association. The soils in this association range from well drained to poorly drained and deep to moderately deep. They include silt loams and mucks that are underlain by silt, sand and gravel. The project also passes through smaller amounts of the Dodge-St. Charles-McHenry soil association and the Plano-Ringwood-Griswold soil association. The soils in both of these associations are well drained and moderately well drained, deep silt loams. The Plano-Ringwood-Griswold association also includes deep loams. Where the slopes are 6 percent or less, the Batavia, Dodge, Dresden, Griswold, McHenry, Plano, Ringwood, and St. Charles soils are all classified as prime farmland. Prime farmland has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oil seed crops, and is available for these uses. DATCP estimates that about 70 percent of the project corridor is covered by prime soils. This translates to 53 of the proposed acquisition of 75.5 acres to be acquired from farm operations. Refer to Appendix V for a detailed definition of prime farmland. Because prime farmland is the most productive, it goes without saying that it is also the most valuable. In urban counties such as Dane, land that is valuable as farmland may also be valuable for development, which tends to increase the price paid for such land and makes it more costly for farmer who lose land to a highway project to replace that farmland.

The individual soil series that are found in the greatest quantities in the project corridor between Stoughton and the Interstate include Plano silt loam, Dodge silt loam, Sable silty clay loam, and McHenry silt loam. Between McFarland and Stoughton, the soils found in the greatest quantities include Houghton muck, Dodge silt loam, and Ringwood silt loam. North of McFarland, the dominant soils are Kegonsa silt loam, and Batavia silt loam. In addition to the soils previously identified as prime farmland, Kegonsa soils are prime where their slopes are 6 percent or less and Sable soils are prime where drained and their slopes are 6 percent or less.

4. Agricultural Impacts

The proposed project will require the fee-simple acquisition of 73.6 acres of land from 44 farmland owners. The affected landowners are listed in Table 7 below.

Table 7. Proposed Farmland Acquisitions in Fee-Simple.

Farmland Owners	Proposed Acquisition (Acres)
Arthur Sveum	1.3
Parcel #2 (owner name not available through online property records)	4.7
Dana Sperloen	2.0
Elaine Alteus Possin	2.7
Herro Family Trust, Mary Stuart	1.5
Jane Liess	1.1
Lynn Squire	2.1
Lynn Hull	2.6
Moe Family Farms	4.5
Norby Credit Shelter, Donald D	3.1
Tiedeman Rev Family, Herman & Julie	2.8
Dvorak Investments II LLC	14.2
Edward J Kramper	3.7
Gene R Allen	7.7
Greenbriar Farms/Linnerud Farms	7.7
There are 29 acquisitions each less than one acre	11.9
Total	73.6

Landowner Comments

DATCP contacted each of the farmland owners by mail who could lose more than five acres of land due to the proposed project. Originally, WisDOT estimated that 6 acres would be acquired from Edward Kramper, so he received a questionnaire from DATCP. WisDOT later reduced the anticipated size of the acquisition of Kramper property, but Mr. Kramper's comments have been included in the AIS even though the proposed acquisition is less than 5 acres. Three of those four farmland owners who were contacted responded. The following paragraphs summarize the responses as well as descriptions of other potential impacts of this project on agriculture.

Farmland Owner: Dvorak Investments II LLC
Proposed Acquisition: Fee-simple acquisition of 14.2 acres

This property is located where CTH “B” (east) intersects USH 51. WisDOT is proposing to move this intersection to the west and construct a roundabout. USH 51 will include 2 lanes with a median north of the roundabout and 4 lanes with a median to the south. The owners did not respond to DATCP’s request for comments about the proposed project.

Farmland Owner: Edward J Kramper
Proposed Acquisition: Fee-simple acquisition of 3.7 acres

As previously noted, WisDOT originally estimated that 6.0 acres of land would be acquired from Mr. Kramper.

Mr. Kramper owns cropland, some of which he farms himself and the rest is rented out. He and his renter grow corn, soybeans, hay, and oats. Mr. Kramper also raises 100 head of beef cattle.

Existing USH 51 divides the Kramper farm, and cropland is located on both sides of the highway. In this area, WisDOT is proposing to acquire strip acquisitions from the Kramper property and maintain the rural two-lane roadway on the existing alignment. Mr. Kramper is concerned about impacts on his fencing. He indicated that he has a mile of fencing on each side of the highway.

WisDOT has made an exception to the roadway design standards, which will maintain the existing roadway grade and avoid impacts to the residence and farm buildings on the west side of USH 51. In addition, under Alternative B, which WisDOT rejected in favor of Alternative H, this section of USH 51 would have been widened to four lanes with a median. This would have interfered with Mr. Kramper’s ability to transport his cattle across the highway to access pasture. Under the four-lane alternative, WisDOT was considering digging a well for Mr. Kramper on the opposite side of the highway from his buildings as a way to mitigate the changes in access that he would have had to deal with. Since no median will be constructed, Mr. Kramper’s access will not change and a new well will not be provided.

Farm Owner/Operator: Gene R Allen
Proposed Acquisition: Fee-simple acquisition of 7.7 acres

Mr. Allen owns 23.8 acres of land including 21.4 acres cropland. He typically grows 3 to 4 acres of corn and the rest of the cropland is used to grow hay for horses. Because horses are not as efficient at converting forage to energy as ruminants such as cattle, horse owners are typically willing to pay a premium for higher quality hay for their horses.

WisDOT is proposing to re-route Tower Road through the Allen parcel to a new roundabout at Exchange Street and USH 51. The relocated Tower Road will be a rural two-lane roadway. It is

assumed that the land between USH 51 and the new alignment of Tower Road will be purchased by WisDOT as a noneconomic remnant. However, if that land is not acquired by WisDOT, the acres acquired from the Mr. Allen will be reduced from 7.7 acres to 3.9 acres.

The proposed acquisition of 7.7 acres is all cropland and represents a 36 percent loss of Mr. Allen's cropland. This is likely to result in a similar percentage in the loss of income he generates from his crops. If Mr. Allen opted to keep the severed parcel between the relocated Tower Road and USH 51, he could reduce the loss of cropland and potentially the loss of some income. However, this remnant parcel would be small, irregularly shaped, and potentially more costly to farm. Refer to the discussion on severances.

The owner is concerned that construction of a roadway in the middle of his cropland could interfere with the natural drainage of the remaining land, which tends to flow from west to east. Mr. Allen indicated that the new roadway will cross the most level and productive portion of his property. He also indicated that there is no replacement land available to buy or rent in the area. He is also concerned that the rerouting of Tower Road will lower the value of his remaining property because the new roadway will be too close to his home and outbuildings.

Mr. Allen would like WisDOT to consider an alternate proposal for the Tower Road reroute. His suggestion would be to dead-end Tower Road just before it intersects USH 51. Traffic could be redirected to Mahoney Road. He could also offer his neighbor an access easement.

Farm Owner/Operator: Linnerud Farms
Proposed Acquisition: Fee-simple acquisition of 7.7 acres

This farm consists of 620 acres of cropland, which the owners work themselves, 30 acres of woods, and 10 acres for the buildings. Corn is grown on all of the cropland.

Acquisitions from this farm will be in three locations along the existing highway. The first is located east of Stoughton near Pleasant Hill Road and it will be in a strip adjacent to the existing highway. The second location is at the USH 51/CTH "B" (east) intersection where a roundabout is proposed. The third location is near the proposed multiuse path from CTH "B" (east) to Skyline Drive. The acquisition here is also in a strip along the existing railroad tracks.

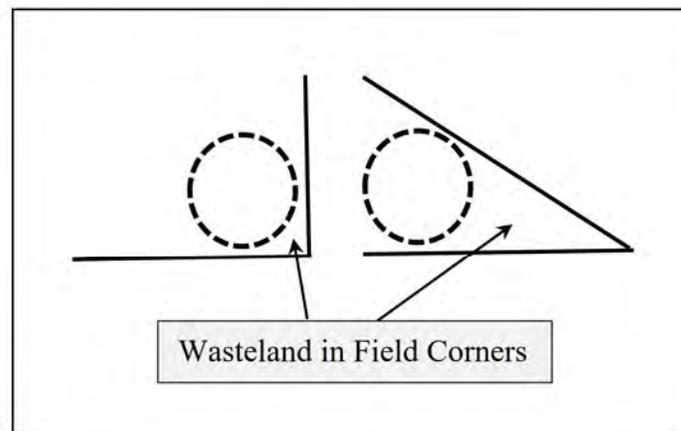
The owners are primarily concerned about impacts this project will have on access to their property. They would like their driveways returned to their preconstruction condition after the project is completed. They indicated that when work was done on USH 51 in the 1990s, the grade of their driveways was so steep; they could not drive their trucks on them. They were also too narrow for the farm machinery. They incurred the expense of getting the driveways regraded so that they would be usable.

Potential Agricultural Impacts

Severances

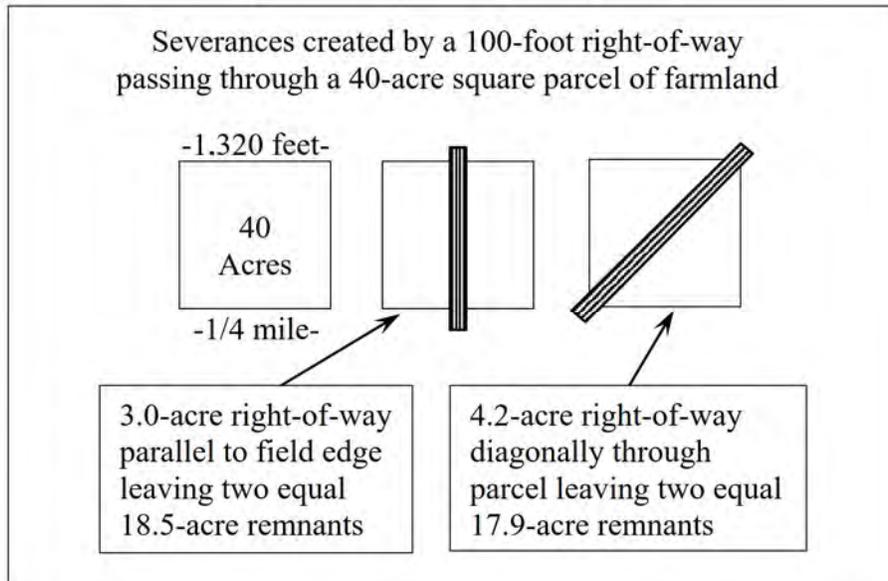
The rerouting of Tower Road will sever a portion of Gene Allen’s property as well as parcels owned by other landowners. Because of the relocation of the intersection at USH 51 and CTH “B” (east), the shape of some fields owned by Dvorak Investments LLC will likely be altered. Acquisitions that sever farmland frequently create irregularly shaped fields, making equipment usage awkward and production more costly. The increased cost of production is due in part to the additional time, fuel, and equipment wear associated with maneuvering equipment in corners of fields that are not square or along sides of fields that are not straight. Nonproductive time and labor costs associated with the frequent working of these fields may reduce the possibility of generating profits on these parcels. In addition, when fields are made smaller, an increased proportion of wasteland is created along the edges and in narrow corners of the fields reducing their productive capacity. Figure 3 shows the increased amount of wasteland in fields that have narrow corners. Compensation for the reduction in the value of parcels that are small and/or irregularly shaped will be addressed in the appraisal of each affected parcel.

Figure 3. Equipment Turning Radius in a Right-Angle Field Corner and in an Acute-Angle Field Corner



Examples of the impacts on a 40-acre parcel that is severed by a highway with a 100-foot wide right-of-way are shown in Figure 4. Fields are severed diagonally at the north end of the Tower Road relocation and where the USH 51/CTH “B” (east) intersection is relocated. Diagonal severances take up more land than severances running parallel to a field edge. In addition, a diagonal severance will more significantly affect a farmer’s cropping pattern, the path followed when working that field. Farmers may find such remnant parcels too inefficient to farm profitably.

Figure 4. Remnants Left by a Roadway Passing through the Middle of a 40-Acre Field



Drainage

Proper field drainage is vital to a successful farm operation. Roadway construction can disrupt improvements such as drainage tiles, grassed waterways, drainage ditches, and culvert pipes, which regulate the drainage of farm fields. If drainage is impaired, water can settle in fields and cause substantial damage, such as harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. In addition, where salt is used on road surfaces, runoff water can increase the content of salt in nearby soils.

Section 88.87 of the *Wisconsin Statutes* requires highways to be built with adequate ditches, culverts, and other facilities to prevent obstruction of drainage, protect property owners from damage to lands caused by unreasonable diversion or retention of surface water, and maintain, as nearly as possible, the original drainage flow patterns. Refer to Appendix IV for the statutes pertaining to drainage rights. Landowners whose property is damaged by improper construction or maintenance of highways and highway drainage structures may file a claim with WisDOT within three years after the damage occurs.

The very northern end of the proposed project passes through the Blooming Grove Drainage District where USH 51 intersects the Madison Beltline (USH 12&18). WisDOT will need to work with the Dane County Drainage Board to ensure that highway construction does not interfere with the operation of this district.

Obliterated Roadway

Where the intersection of CTH “B” (east) and USH 51 is relocated further west, portions of the existing USH 51 roadway will be obliterated. A portion of the existing Tower Road will also be obliterated where its intersection with USH 51 will be relocated. WisDOT has indicated that portions of the obliterated roadway right-of-way may be made available to the adjacent landowners.

According to WisDOT’s *Standard Specifications for Highway and Structure Construction*, when an old roadbed is obliterated, surfacing material shall be removed and disposed of, and ditches shall be filled in. The area will then be graded to a contour that will merge with the adjoining contour. After rough grading is completed, these areas shall be covered with topsoil, harrowed, smoothed, fertilized, and seeded in accordance with WisDOT guidelines. Topsoil is usually spread to a depth of four inches.

The agricultural value of any obliterated roadway depends on the use and quality of adjoining land and on the depth and quality of the restored area’s subsoils and topsoil. Soils beneath the obliterated roadway have been significantly compacted by roadway traffic. This may adversely affect plant growth for several years until plowing and the natural freezing and thawing process have loosened the compacted soil.

Access

WisDOT has indicated that there has been a design change to the access for R & R Farms in the town of Dunn due to concerns expressed by the owner. WisDOT originally proposed that the access for R and R Farm on USH 51 would only be right-in/right-out and Robert Nelson was concerned that this would affect his farming operation. WisDOT is now proposing to relocate the access approximately 275 feet to the south to line up across from the US51/Colladay Point Road intersection. This would allow Mr. Nelson to have full access to his property. In order to construct the new driveway WisDOT anticipates acquiring 0.4 of an acre of temporary easement from the R and R Farm (in addition to the 0.6 acres of right-of-way needed for the USH 51 improvements).

Fencing

Compensation for fencing within the acquisition site will be included in the appraisal. If fencing or other improvements are damaged outside of the right-of-way, the owner will receive damages, or the fence will be restored, repaired, or replaced to a condition similar or equal to that existing before the damage was done.

Appraisal Process

Before negotiations begin, WisDOT will provide an appraisal of the affected property to the landowners. An appraisal is an estimate of fair market value. This will be the basis for their

compensation offer. The amount of compensation is based on the appraisal(s) and is established during the negotiation process between WisDOT and the individual landowner.

Landowners have the right to obtain their own appraisal of their property and will be compensated for the cost of this appraisal if the following conditions are met:

- 1.) The appraisal must be submitted to WisDOT within 60 days after the landowner receives WisDOT's appraisal.
- 2.) The appraisal fee must be reasonable.
- 3.) The appraisal must be complete.

WisDOT is required by law to provide landowners with information about their rights in this process before the negotiation begins.

5. Recommendations

DATCP recommends the following as ways to mitigate the potential adverse impacts to agriculture associated with the proposed project:

1. WisDOT should consult with Gene Allen to see if a change in the proposal to reroute Tower Road could be changed to minimize the loss of cropland for Mr. Allen.
2. After land is acquired and before it is needed for roadway construction, WisDOT should allow current farm operators to continue farming the acquired farmland as long as there is sufficient growing season for crops to mature and be harvested.
3. WisDOT should consult with landowners on the location of any new or relocated access points to ensure that they are constructed in safe and efficient locations. They should also be constructed with adequate width and grade for agricultural use. DATCP supports WisDOT's efforts to work with the owner of R and R Farm to provide access that will meet the owner's needs.
4. To address potential drainage problems that may occur as a result of the project, project officials should discuss design and construction plans with the Dane County land conservationist during the design process for this project.
5. The county land conservationist should also be consulted to ensure that construction proceeds in a manner that minimizes crop damage, soil compaction, and soil erosion on adjacent farmland.
6. Landowners and operators should be given advanced notice of acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the acquisition and construction should be coordinated with the landowners and operators to minimize crop damage and disruption of farm operations.

Literature Cited

Standard Specifications for Highway and Structure Construction, State of Wisconsin Department of Transportation, 2016, sections 214 and 625.

United States Department of Agriculture, National Agricultural Statistics Service (NASS). 2012 Census of Agriculture.
http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/

United States Department of Agriculture, Wisconsin Agricultural Statistics Service (WASS). Annual Statistical Bulletin, 2015.
http://www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Annual_Statistical_Bulletin/index.asp

United States Department of Agriculture, Natural Resource Conservation Service (NRCS). Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/>. *Soil Survey of Dane County, WI*.

University of Wisconsin Extension – Agriculture and Natural Resources. 2011. Dane County Agriculture: Value and Economic Impact.
<http://www.uwex.edu/ces/ag/wisag/documents/agimpactbrochBrownCoFINAL.pdf>

Wisconsin Department of Agriculture, Trade, and Consumer Protection. 2007. *County Drainage Board Handbook*.

Wisconsin Department of Commerce. The Rights of Landowners under Wisconsin Eminent Domain Law.
<http://www.stateenergyoffice.wi.gov/docview.asp?docid=22817&locid=160>.

Wisconsin Department of Revenue, Division of Research and Policy, Sales and Property Tax Policy Team.

Wisconsin Legislature. Statute 84.295. Freeways and expressways.
<http://docs.legis.wisconsin.gov/statutes/statutes/84/295>.

Wisconsin State Energy Office. Relocation Assistance.
<http://www.stateenergyoffice.wi.gov/section.asp?linkid=1783&locid=160>

Appendix I: Agricultural Impact Statements

DATCP is required to prepare an Agricultural Impact Statement (AIS) whenever more than five acres of land from at least one farm operation will be acquired for a public project if the agency acquiring the land has the authority to use eminent domain for the acquisition(s). The DATCP has the option to prepare an AIS for projects affecting five or fewer acres from each farm. An AIS would be prepared in such a case if the proposed project would have significant effects on a farm operation. The agency proposing the acquisition(s) is required to provide the DATCP with the details of the project and acquisition(s). After receiving the needed information, DATCP has 60 days to analyze the project's effects on farm operations, make recommendations about it, and publish the AIS. DATCP will provide copies of the AIS to affected farmland owners, various state and local officials, local media and libraries, and any other individual or group who requests a copy. Thirty days after the date of publication, the proposing agency may begin negotiating with the landowner(s) for the property.

The following Wisconsin Statute provides information on the purpose and role of the AIS.

Section 32.035 of the Wisconsin Statutes describes the Agricultural impact statement:

(1) DEFINITIONS. In this section:

(a) "Department" means department of agriculture, trade, and consumer protection.

(b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (1), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(2) EXCEPTION. This section shall not apply if an environmental impact statement under s. 1.11 is prepared for the proposed project and if the department submits the information required under this section as part of such statement or if the condemnation is for an easement for the purpose of constructing or operating an electric transmission line, except a high voltage transmission line as defined in s. 196.491(1) (f).

(3) PROCEDURE. The condemnor shall notify the department of any project involving the actual or potential exercise of the powers of eminent domain affecting a farm operation. If the condemnor is the department of natural resources, the notice required by this subsection shall be given at the time that permission of the senate and assembly committees on natural resources is sought under s. 23.09(2)(d) or 27.01(2)(a). To prepare an agricultural impact statement under this section, the department may require the condemnor to compile and submit information about an affected farm operation. The department shall charge the condemnor a fee approximating the actual costs of preparing the statement. The department may not publish the statement if the fee is not paid.

(4) IMPACT STATEMENT.

(a) *When an impact statement is required:* The department shall prepare an agricultural impact statement for each project, except a project under Ch. 81 or a project located entirely within

the boundaries of a city or village, if the project involves the actual or potential exercise of the powers of eminent domain and if any interest in more than 5 acres from any farm operation may be taken. The department may prepare an agricultural impact statement on a project located entirely within the boundaries of a city or village or involving any interest in 5 or fewer acres of any farm operation if the condemnation would have a significant effect on any farm operation as a whole.

(b) *Contents.* The agricultural impact statement shall include:

1. A list of the acreage and description of all land lost to agricultural production and all other land with reduced productive capacity, whether or not the land is taken.
2. The department's analyses, conclusions, and recommendations concerning the agricultural impact of the project.

(c) *Preparation time; publication.* The department shall prepare the impact statement within 60 days of receiving the information requested from the condemnor under sub. (3). The department shall publish the statement upon receipt of the fee required under sub. (3).

(d) *Waiting period.* The condemnor may not negotiate with an owner or make a jurisdictional offer under this subchapter until 30 days after the impact statement is published.

(5) PUBLICATION. Upon completing the impact statement, the department shall distribute the impact statement to the following:

- (a) The governor's office.
- (b) The senate and assembly committees on agriculture and transportation.
- (c) All local and regional units of government that have jurisdiction over the area affected by the project. The department shall request that each unit post the statement at the place normally used for public notice.
- (d) Local and regional news media in the area affected.
- (e) Public libraries in the area affected.
- (f) Any individual, group, club, or committee that has demonstrated an interest and has requested receipt of such information.
- (g) The condemnor.

Appendix II: Eminent Domain

Fair compensation for a partial taking of property under eminent domain is the larger of two figures: (1) the fair market value of the acquired property or (2) the fair market value of the entire parcel before the acquisition minus the fair market value of the remaining parcel. Compensation will be paid for the land acquired, any improvements acquired (structures, fencing, etc.), loss of access, loss of a use of this property, and damages resulting from severance of the property (including land and improvements). The condemnor may provide compensation for increased travel distances.

In addition to other compensation, a condemnor is required to make a payment of \$50,000 or less to any displaced farm or business owner who has owned the property for at least one year and who purchases a comparable replacement farm or business within two years of the acquisition. The amount of this payment would include any additional amount of money needed to equal the reasonable cost of a replacement farm or business, any increased interest or debt service charges, and closing costs. Displaced renters may also receive compensation if they rent or lease a comparable replacement farm or business within two years of the acquisition. If the displaced tenant rents or leases a comparable farm or business, the payment would include the amount needed to rent the replacement property for four years. This payment would not exceed \$30,000. If the renter decides to purchase a comparable farm or business, the payment would be equal to the rental or lease of that property for four years plus closing fees.

If a project would displace any person, business, or farm operation, the condemnor must file and have approved a written relocation payment plan and a relocation assistance service plan with the Department of Commerce. The condemnor must determine the relocation payment, assist displaced persons, businesses, and farm operations to find comparable replacement properties, provide information about any government assistance to displaced persons, and coordinate the displacement with other project activities in a timely manner to avoid causing hardship.

DATCP recommends that farmland owners concerned about eminent domain powers and the acquisition of land should consult these texts for further information. For a complete description of the eminent domain law, please see Wisconsin Statutes Chapter 30.

Section 32.09 of the Wisconsin Statutes describes the compensation provided for property acquisition and certain damages:

(6) In the case of a partial taking of property other than an easement, the compensation to be paid by the condemnor shall be the greater of either the fair market value of the property taken as of the date of evaluation or the sum determined by deducting from the fair market value of the whole property immediately before the date of evaluation, the fair market value of the remainder immediately after the date of evaluation, assuming the completion of the public improvement and

giving effect, without allowance of offset for general benefits, and without restriction because of enumeration but without duplication, to the following items of loss or damage to the property where shown to exist:

- (a) Loss of land including improvements and fixtures actually taken.
- (b) Deprivation or restriction of existing right of access to highway from abutting land, provided that nothing herein shall operate to restrict the power of the state or any of its subdivisions or any municipality to deprive or restrict such access without compensation under any duly authorized exercise of the police power.
- (c) Loss of air rights.
- (d) Loss of a legal nonconforming use.
- (e) Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on condemnee's land. In determining severance damages under this paragraph, the condemnor may consider damages that may arise during construction of the public improvement, including damages from noise, dirt, temporary interference with vehicular or pedestrian access to the property and limitations on use of the property. The condemnor may also consider costs of extra travel made necessary by the public improvement based on the increased distance after construction of the public improvement necessary to reach any point on the property from any other point on the property.
- (f) Damages to property abutting on a highway right-of-way due to change of grade where accompanied by a taking of land.
- (g) Cost of fencing reasonably necessary to separate land taken from remainder of condemnee's land, less the amount allowed for fencing taken under par. (a), but no such damage shall be allowed where the public improvement includes fencing of right of way without cost to abutting lands.

Section 32.19 of the *Wisconsin Statutes* outlines payments to be made to displaced tenant-occupied businesses and farm operations:

(4) BUSINESS OR FARM REPLACEMENT PAYMENT.

- (a) *Owner-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, not to exceed \$50,000, to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within two years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may

not exceed the amount the owner displaced person is eligible to receive under this paragraph. The additional payment under this paragraph shall include the following amounts:

1. The amount, if any, which when added to the acquisition cost of the property, other than any dwelling on the property, equals the reasonable cost of a comparable replacement business or farm operation for the acquired property, as determined by the condemnor.
2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisitions of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of commerce.
3. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement property, but not including prepaid expenses.

(b) *Tenant-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce, and who actually rents or purchases a comparable replacement business or farm operation within 2 years after the date the person vacates the property. At the option of the tenant displaced person, such payment shall be either:

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce and the monthly rent of a comparable replacement business or farm operation and multiply the difference by 48; or
2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

(5) **EMINENT DOMAIN.** Nothing in this section or ss. 32.25 to 32.27 shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages.

Section 32.25 of the *Wisconsin Statutes* delineates steps to be followed when displacing persons, businesses, and farm operations:

(1) Except as provided under sub.(3) and s. 85.09 (4m), no condemnor may proceed with any activity that may involve the displacement of persons, business concerns or farm operations until

the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of commerce.

(2) The relocation assistance service plan shall contain evidence that the condemnor has taken reasonable and appropriate steps to:

- (a) Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.
 - (b) Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.
 - (c) Assist displaced owners or renters in the location of comparable dwellings.
 - (d) Supply information concerning programs of federal, state, and local governments which offer assistance to displaced persons and business concerns.
 - (e) Assist in minimizing hardships to displaced persons in adjusting to relocation.
 - (f) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas that may affect the implementation of the relocation program.
 - (g) Determine the approximate number of persons, farms, or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.
 - (h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of commerce for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.
 - (i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.
- (3)** (a) Subsection (1) does not apply to any of the following activities engaged in by a condemnor:
- 1. Obtaining an appraisal of property.
 - 2. Obtaining an option to purchase property, regardless of whether the option specifies the purchase price, if the property is not part of a program or project receiving federal financial assistance.

Appendix III: Access

WisDOT must reconstruct any entrance to property abutting a highway if there is a change in the highway alignment affecting that entrance. If a new highway severs property, WisDOT must provide an entrance to both parcels of land. The landowner is responsible for the maintenance of these access points after construction is completed.

WisDOT has the authority to limit the number of access points to and from rural segments of the state trunk system serving more than 2,000 vehicles per day. Access to a road or private property may be taken away if WisDOT determines a need for access control. A controlled-access highway is one where the entrance to and departure from the highway is limited. Access controls can be placed on a new or existing highway and WisDOT can limit access by providing a grade separation, service roads or closing access to an intersecting road. Additional access to a controlled-access highway will not be provided without WisDOT's written permission. When a controlled-access highway severs a parcel, WisDOT may provide a crossover point for the owner to travel between the severed parcels. The access in these cases is removed when the parcels are no longer owned by the same party.

Section 86.05 of the Wisconsin Statutes states that access shall be provided to land which abuts a highway:

Entrances to highway restored. Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements, and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter, each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

Section 84.25 of the Wisconsin Statutes describes access restrictions concerning a controlled-access highway:

(3) CONSTRUCTION; OTHER POWERS OF DEPARTMENT. In order to provide for the public safety, convenience and the general welfare, the department may use an existing highway or provide new and additional facilities for a controlled-access highway and so design the same and its appurtenances, and so regulate, restrict or prohibit access to or departure from it as the department deems necessary or desirable. The department may eliminate intersections at grade of controlled-access highways with existing highways or streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access highway and may divide and separate any controlled-access highway into

separate roadways or lanes by raised curbing, dividing sections or other physical separations or by signs, markers, stripes or other suitable devices, and may execute any construction necessary in the development of a controlled-access highway including service roads or separation of grade structures.

(4) **CONNECTIONS BY OTHER HIGHWAYS.** After the establishment of any controlled-access highway, no street or highway or private driveway, shall be opened into or connected with any controlled-access highway without the previous consent and approval of the department in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given.

(5) **USE OF HIGHWAY.** No person shall have any right of entrance upon or departure from or travel across any controlled-access highway, or to or from abutting lands except at places designated and provided for such purposes, and on such terms and conditions as may be specified from time to time by the department.

(6) **ABUTTING OWNERS.** After the designation of a controlled-access highway, the owners or occupants of abutting lands shall have no right or easement of access, by reason of the fact that their property abuts on the controlled-access highway or for other reason, except only the controlled right of access and of light, air or view.

(7) **SPECIAL CROSSING PERMITS.** Whenever property held under one ownership is severed by a controlled-access highway, the department may permit a crossing at a designated location, to be used solely for travel between the severed parcels, and such use shall cease if such parcels pass into separate ownership.

Appendix IV: Drainage

Roads and railroad grades must be constructed and maintained so they do not impede the general flow of surface water in an unreasonable manner. Roads and railroad grades must be constructed with adequate ditches, culverts and other facilities to maintain a practical drainage pattern.

The following specifications and statutes cited address some of the impacts which could potentially occur during and after the proposed highway project. The statutes cited can be found in full in the following: Wisconsin Statutes at <https://docs.legis.wisconsin.gov/statutes/statutes/88/VIII/87>. WisDOT's specifications can be found in 2012 Standard Specifications, State of Wisconsin, Department of Transportation at <http://roadwaystandards.dot.wi.gov/standards/stndspec/index.htm>. DATCP recommends that farmland owners concerned about drainage should consult these texts for further information.

Section 88.87(2) of the Wisconsin Statutes describes regulations concerning rights of drainage:

(a) Whenever any county, town, city, village, railroad company or the department of transportation has heretofore constructed and now maintains or hereafter constructs and maintains any highway or railroad grade in or across any marsh, lowland, natural depression, natural watercourse, natural or man-made channel or drainage course, it shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water-soaking uplands or an unreasonable accumulation and discharge of surface water flooding or water-soaking lowlands. All such highways and railroad grades shall be constructed with adequate ditches, culverts, and other facilities as may be feasible, consonant with sound engineering practices, to the end of maintaining as far as practicable the original flow lines of drainage. This paragraph does not apply to highways or railroad grades used to hold and retain water for cranberry or conservation management purposes.

(b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).

(c) If a city, village, town, county, or railroad company or the department of transportation constructs and maintains a highway or railroad grade not in accordance with par. (a), any property owner damaged by the highway or railroad grade may, within 3 years after the alleged damage occurred, file a claim with the appropriate governmental agency or railroad company. The claim shall consist of a sworn statement of the alleged faulty construction and a description, sufficient to determine the location of the lands, of the lands alleged to have been damaged by flooding or water-soaking. Within 90 days after the filing of that claim, the governmental

agency or railroad company shall either correct the cause of the water damage, acquire rights to use the land for drainage or overflow purposes, or deny the claim. If the agency or company denies the claim or fails to take any action within 90 days after the filing of the claim, the property owner may bring an action in inverse condemnation under ch. 32 or sue for such other relief, other than damages, as may be just and equitable.

WisDOT specification 205.3.3 further describes its policies concerning drainage:

- (1) During construction, maintain roadway, ditches, and channels in a well-drained condition at all times by keeping the excavation areas and embankments sloped to the approximate section of the ultimate earth grade. Perform blading or leveling operations when placing embankments and during the process of excavation except if the excavation is in ledge rock or areas where leveling is not practical or necessary. If it is necessary in the prosecution of the work to interrupt existing surface drainage, sewers, or under drainage, provide temporary drainage until completing permanent drainage work.
- (2) If storing salvaged topsoil on the right-of-way during construction operations, stockpile it to preclude interference with or obstruction of surface drainage.
- (3) Seal subgrade surfaces as specified for subgrade intermediate consolidation and trimming in 207.3.9.
- (4) Preserve, protect, and maintain all existing tile drains, sewers, and other subsurface drains, or parts thereof, that the engineer judges should continue in service without change. Repair, at no expense to the department, all damage to these facilities resulting from negligence or carelessness of the contractor's operations.

Appendix V: NRCS Soil Farmland Classification

Prime Farmland

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is available for these uses (the land could be cropland, pastureland, rangeland, forestland, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Unique Farmland

Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

Additional Farmland of Statewide Importance

This is land, in addition to prime and unique farmland, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

Additional Farmland of Local Importance

In some local areas, there is concern for certain additional farmland for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Appendix VI: Soil Capability Classes

Land suited to Cultivation and Other Uses:

Class I soils have few limitations that restrict their use.

Class II soils have some limitations that reduce the choice of plants or require moderate conservation practices.

Class III soils have severe limitations that reduce the choice of plants or require special conservation practices, or both.

Class IV soils have very severe limitations that restrict the choice of plants, require very careful management, or both.

Land Limited in Use-Generally Not Suited to Cultivation

Class V soils have little or no erosion hazard but have other limitations impractical to remove that limit their use largely to pasture, range, woodland, or wildlife food and cover.

Class VI soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife food and cover.

Class VII soils have severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

Class VIII soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

Class VIII soils and landforms have limitations that preclude their use for commercial plant production.

Soil Capability Subclasses

A subclass is a group of capability units within a class which has the dominant soil or climatic limitations for agricultural use. Capability Class I has no subclasses. There are four subclasses, designated by letter symbols and defined as follows:

- e** Erosion susceptibility is the dominant problem or hazard. Both erosion susceptibility and past erosion damage are major soil factors for placement in this subclass.
- s** Soil limitations within the rooting zone, such as shallowness of rooting zones, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium, are dominant.
- w** Excess water is the dominant hazard or limitation. Poor soil drainage, wetness, high water table, and overflow are the criteria for placing soils in this subclass.
- c** Climate (temperature or lack of moisture) is the only major hazard or limitation.

Appendix VII: Mailing List

GOVERNOR SCOTT WALKER 115 E CAPITOL	SEN TERRY MOULTON AGRICULTURE COMMITTEE 310 S CAPITOL
SEN JERRY PETROWSKI TRANSPORTATION COMMITTEE 123 S CAPITOL	REP LEE NERISON AGRICULTURE COMMITTEE 310 N CAPITOL
REP KEITH RIPP TRANSPORTATION COMMITTEE 223 N CAPITOL	RESOURCES FOR LIBRARIES (15) DOCUMENT DEPOSITORY PROGRAM 2109 SOUTH STOUGHTON ROAD
WisDOT CENTRAL OFFICE FILES HILL FARMS	WisDOT LIBRARY ROOM 100A 4802 SHEBOYGAN AVE
STATE DOCUMENTS SECTION THE LIBRARY OF CONGRESS 10 FIRST ST S E WASHINGTON DC 20540-0001	LRC DOCUMENTS DEPT UW-STEVENS POINT 900 RESERVE ST STEVENS POINT WI 54481-1985
JEFF BERENS WisDOT SW REGION 2101 WRIGHT ST MADISON WI 53704-2583	DVORAK INVESTMENTS II LLC 1081 EAGLE CT EDGERTON WI 53534
EDWARD J KRAMPER 3694 DYRESON RD MCFARLAND WI 53558	GENE R ALLEN 4020 E TOWER RD MCFARLAND WI 53558
LINNERUD FARMS LTD PARTNERSHIP 2948 COUNTY ROAD B STOUGHTON WI 53589	ARTHUR B SVEUM 1200 NYGAARD ST STOUGHTON WI 53589
CURRENT RESIDENT 2278 DYRESON RD MCFARLAND WI 53558	DANA SPERLOEN 1867 US HIGHWAY 51 STOUGHTON WI 53589
ELAINE ALTEMUS POSSIN 406 PROSPECT AVE BEAVER DAM WI 53916	HERRO FAMILY TRUST MARY STUART 2 E MIFFLIN ST STE 600 MADISON WI 53703
JANE CLISS 2660 US HIGHWAY 51 MCFARLAND WI 53558	LYNN L SQUIRE 2013 WHENONA DR MADISON WI 53711-4842

LYNN M HULL 3208 AALSETH LN STOUGHTON WI 53589	MOE FAMILY FARMS LLC 1680 WILLIAMS DR STOUGHTON WI 53589
NORBY CREDIT SHELTER TRUST 935 OCEAN DR FAIRVIEW TX 75069	TIEDEMAN FAMILY REV FAMILY TR 810 WERNER WATERTOWN WI 53098
SCOTT MCDONELL DANE COUNTY CLERK 210 MLK JR BLVD. MADISON WI 53703-3342	BOB VENSKE ALBION TOWN CHAIR 170 HILLSIDE RD EDGERTON WI 53534
JULIE HANEWALL ALBION TOWN CLERK 620 ALBION RD EDGERTON WI 53534	NORMAN MONSEN DUNKIRK TOWN CHAIR 662 STATE HIGHWAY 138 SOUTH STOUGHTON WI 53589
MELANIE HUCHTHAUSEN DUNKIRK TOWN CLERK 654 COUNTY ROAD N STOUGHTON WI 53589	JEANETTE WALKER RUTLAND TOWN CHAIR 838 CENTER RD STOUGHTON WI 53589
DAWN GEORGE RUTLAND TOWN CLERK 4177 OLD STAGE RD BROOKLYN WI 53521	EDMOND P MINIHAN DUNN TOWN CHAIR 4156 COUNTY ROAD B MCFARLAND WI 53558
CATHY HASSLINGER DUNN TOWN CLERK 4156 COUNTY ROAD B MCFARLAND WI 53558	AMY CALLIS DANE COUNTY CONSERVATIONIST 5201 FEN OAK DR RM 208 MADISON WI 53718-8827
HEIDI JOHNSON DANE COUNTY UWEX 5201 FEN OAK DR RM 138 Madison WI 53718	MADISON PUBLIC LIBRARY 201 W MIFFLIN ST MADISON WI 53703-2597
PUBLIC LIBRARY 5920 MILWAUKEE ST MCFARLAND WI 53558-8962	STOUGHTON PUBLIC LIBRARY 304 S 4 TH ST STOUGHTON WI 53589-2101
MADISON NEWSPAPERS INC 1901 FISH HATCHERY RD MADISON WI 53713	MCFARLAND COMMUNITY LIFE 6041 MONONA DR MONONA WI 53716
STOUGHTON COURIER HUB 301 W MAIN ST PO BOX 577 STOUGHTON WI 53589	SCOTT RINGELSTETTER DANE CO DRAINAGE BOARD CHAIR 2361 COUNTY HIGHWAY V SUN PRAIRIE WI 53590

State of Wisconsin
Department of Agriculture,
Trade & Consumer Protection



For additional copies, contact:

DATCP
Agricultural Impact Program
P.O. Box 8911
Madison, WI 53708-8911

Fax: 608/224-4646
608/224-4615

THIS PAGE INTENTIONALLY LEFT BLANK



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

SHPO

Wisconsin Department of Transportation
DT1635 6/2014

For instructions, see [FDM Chapter 26](#).

Amended Submittal (include new information only)

RECEIVED
JAN 22 2020
DT

I. PROJECT INFORMATION

Project ID 5845-06-03 (previous ID 5845-06-02)	Highway – Street US 51	County Dane
Project Termini I-39/90 to US 12/18 (Madison South Beltline)		Region – Office SW Region-Madison
Regional Project Engineer – Project Manager Jeff Berens		(Area Code) Telephone Number (608) 245-2656
Consultant Project Engineer – Project Manager Joan Petersen - Strand Associates, Inc.		(Area Code) Telephone Number (608) 251-4843
Archaeological Consultant Commonwealth Heritage Group, Inc.		(Area Code) Telephone Number (414) 446-4121
Architecture/History Consultant Commonwealth Heritage Group, Inc.		(Area Code) Telephone Number (414) 446-4121
Date of Need		SHSW Number 06-0048/DA
Return a Signed Copy of This Form to Jeff Berens, jeff.berens@dot.wi.gov		

II. PROJECT DESCRIPTION

Project Length 17.7 miles	Land to be Acquired: Fee Simple Approximately 70 acres	Land to be Acquired: Easement Approximately 10 acres			
Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	33-125	33-400	Terrace Width	0-5	0-8.5
Shoulder	6-10	8-10	Sidewalk Width	5	5
Slope Intercept	varies	varies	Number of Lanes	2-4	2-4
Edge of Pavement	12-24	12-50	Grade Separated Crossing Siggelkow Road	1	1
Back of Curb Line	22-42	22-50	Vision Triangle acres	N/A	N/A
Realignment	N/A	N/A	Temporary Bypass acres	N/A	N/A
Other – List:	N/A	N/A	Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Tree Topping and/or Grubbing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Brief Narrative Project Description: Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements. For amendments (e.g. design refinements, scope changes, etc) description should only include new/added project actions and materials.

See Continuation Sheet.

Add continuation sheet, if needed.

SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION (continued)

Wisconsin Department of Transportation DT1635

III. CONSULTATION

How has notification of the project been provided to:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Property Owners | <input checked="" type="checkbox"/> Historical Societies/Organizations | <input checked="" type="checkbox"/> Native American Tribes |
| <input checked="" type="checkbox"/> Public Information Meeting Notice | <input checked="" type="checkbox"/> Public Information Meeting Notice | <input checked="" type="checkbox"/> Public Info. Mtg. Notice |
| <input checked="" type="checkbox"/> Letter - Required for Archaeology | <input type="checkbox"/> Letter | <input checked="" type="checkbox"/> Letter |
| <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Other; email | <input checked="" type="checkbox"/> Other; BTS-CR discussion w/ Bill Quackenbush |

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

IV. AREA OF POTENTIAL EFFECTS - APE

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

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

Properties that may be directly or indirectly affected by Alternative H, the preferred alternative.

V. PHASE I - ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed	<input checked="" type="checkbox"/> Architecture/History survey is needed
<input type="checkbox"/> Archaeological survey is not needed	<input type="checkbox"/> Architecture/History survey is not needed
<input type="checkbox"/> Screening list (date)	<input type="checkbox"/> Screening list (date)
<input type="checkbox"/> Burial site in project area, Wis. Stat. 157.70 applies	<input type="checkbox"/> No structures or buildings of any kind within APE
	<input type="checkbox"/> Non-Survey History Documentation attached

VI. SURVEY COMPLETED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> NO additional archaeological sites(s) identified - ASFR attached	<input checked="" type="checkbox"/> NO additional buildings/structures identified - Report attached
<input type="checkbox"/> NO potentially eligible site(s) in project area - Phase I Report attached	<input type="checkbox"/> Potentially eligible buildings/structures identified in the APE - Report attached
<input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached	<input type="checkbox"/> Avoided through redesign
<input type="checkbox"/> Avoided through redesign	<input type="checkbox"/> Previously listed/eligible property identified in the APE - Report attached
<input type="checkbox"/> Phase II conducted - go to VII (Evaluation)	
<input type="checkbox"/> Phase I Report - Cemetery/cataloged burial documentation	

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

<input type="checkbox"/> No arch site(s) eligible for NRHP - Phase II Report attached	<input type="checkbox"/> No buildings/structure(s) eligible for NRHP - DOE attached
<input type="checkbox"/> Arch site(s) eligible for NRHP - Phase II Report attached	<input type="checkbox"/> Building/structure(s) eligible for NRHP - DOE attached
<input type="checkbox"/> Site(s) eligible for NRHP - DOE attached	

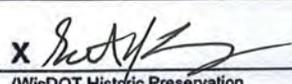
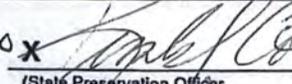
VIII. COMMITMENTS/SPECIAL PROVISIONS - must be included with special provisions language

- Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction.

IX. PROJECT DECISION

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

X. SIGNATURES

<p>X  11/20/19 (Regional Project Manager Signature) (Date - m/d/yy)</p>	<p>X  1-21-2020 (WisDOT Historic Preservation Officer Signature) (Date - m/d/yy)</p>	<p>X  (State Preservation Officer Signature) (Date - m/d/yy)</p> <p style="text-align: right; font-size: 1.5em;">Feb 6 2020</p>
<p>X  11/18/19 (Consultant Project Manager Signature) (Date - m/d/yy)</p>		

**SECTION 106 REVIEW
Continuation Sheet**

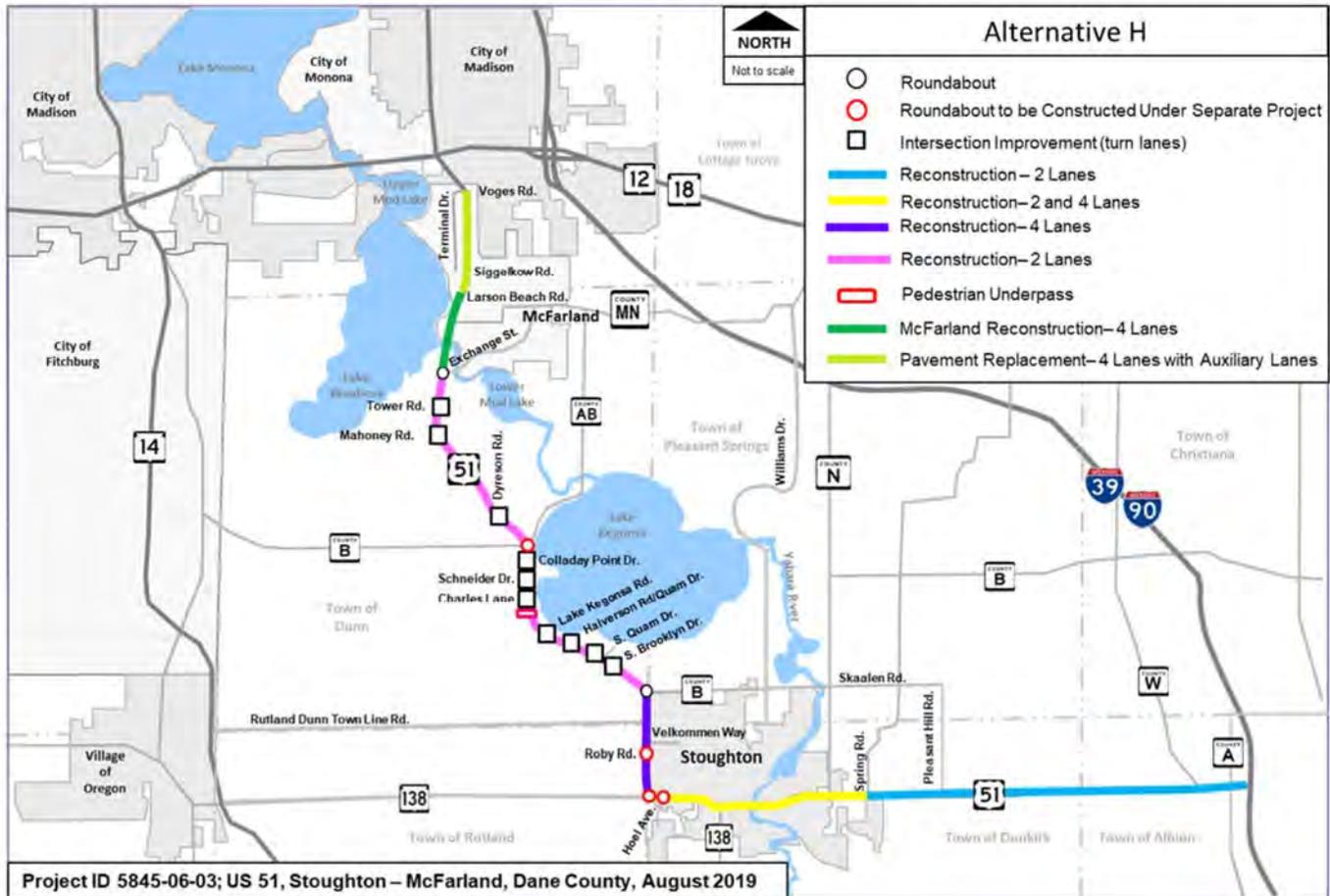
**WisDOT Project ID 5845-06-03
US 51, I-39/90 to US 12/18 (Madison South Beltline)
Dane County**

Narrative Project Description

The US 51 Corridor Study is an ongoing study to evaluate alternatives for an 18.6-mile section of US 51 in southeastern Dane County that will improve safety and congestion and address the needs of pedestrians and bicyclists. The project was initiated under WisDOT Project ID 5845-06-02 and a Draft Environmental Impact Statement (DEIS) was completed at the end of 2013, but it was not published. Due to fiscal constraints and a number of other factors the project is currently being processed under WisDOT ID 5845-06-03 and an Environmental Assessment (EA) is being prepared.

Following the Public Involvement Meeting in August 2015, Alternative H was identified by WisDOT as the preferred alternative. Alternative H is a "hybrid" of the previously investigated Alternatives A and B. It provides for a four-lane roadway between WIS 138 (west) and County B (East) on the west side of Stoughton, but does not increase the number of lanes elsewhere. Specifically, Alternative H includes the following improvements:

- Reconstruction of two-lane US 51 east of Stoughton
- Reconstruction of existing US 51 through downtown Stoughton
- Urban four-lane reconstruction of US 51 on the west side of Stoughton
- Reconstruction of rural two-lane US 51 between Stoughton and McFarland with intersection improvements
- Urban four-lane reconstruction in McFarland
- Pavement replacement between Larson Beach Road and Terminal Drive/Voges Road in McFarland, Siggelkow Road interchange ramp improvements and addition of auxiliary lanes north of Siggelkow Road



Overview of Alternative H

The Section 106 process for the US 51 Corridor Study resulted in the identification of the following historic properties that may be affected by the project:

- Maple Grove School (AHI #26663)
- East Side Historic District (Stoughton)
- Depot Hill Historic District (Stoughton)
- Main Street Historic District (Stoughton)
- Southwest Side Historic District (Stoughton)
- Northwest Side Historic District (Stoughton)
- Olson-Hemsing Farmstead (AHI #158301, et al.)
- C.M. Colladay Burial Site (BDA-0359)
- Barber Campsite Archaeological Site (DA-0107)
- Bird Effigy Burial Site (BDA-0339)
- Babcock Park Archaeological Site (DA-1429)

Following consultation, it was determined, with SHPO concurrence, that there would only be adverse effects to Barber Campsite. A draft Memorandum of Agreement (MOA) was prepared to take into account the effect of the project on the historic property. The MOA was never finalized. In the spring of 2016 the US 51 Draft EA and public hearing were postponed due to statewide priorities and funding limitations.

In the spring of 2019, WisDOT reinitiated the US 51 Corridor Study and the study team is updating the corridor design as needed, assessing the impacts for the preferred alternative (Alternative H), and updating information needed to complete the EA.

2019 design updates include the following:

- Bicycle accommodations have changed in the design of Alternative H. Previously proposed on-street bicycle accommodations and multiuse path elements were reviewed due to changes in state law (Wis. Stat. 32.015), and those that would require right-of-way acquisition will no longer be included. In addition, on-street bicycle accommodations in portions of Stoughton and along the urban section in McFarland and the multiuse paths on the west side of Stoughton and from County B (east) to Skyline Drive also are no longer part of Alternative H.
- The proposed roundabouts at Hoel Avenue, WIS 138 (west), Roby Road, and County B/AB have logical termini and independent utility and will be designed as stand-alone projects. As such, they are no longer included in Alternative H. These separate projects will have their own environmental documentation and will be compatible with the improvements proposed in Alternative H.
- The location of the proposed roundabout at County B (east) has been shifted east, closer to the existing alignment of US 51 and resulting in less impact.
- In Stoughton, a left-turn lane will now be incorporated for northbound 4th Street at its intersection with US 51/Main Street. The lane reconfiguration will occur within the existing curb-to-curb footprint, but will require the removal of three on-street parking stalls on the east side of 4th Street.
- Also in Stoughton, bicyclists will be routed off of US 51 to the north on Van Buren Street for two blocks and then west on Jackson Street back to US 51. This on-street bicycle routing will utilize signage only and therefore will have no effects to the Northwest Side Historic District.

The following reports are included in this submittal for WisDOT Project ID 5845-06-03:

- Archaeological survey report documenting areas where additional survey was needed based on current design. No new sites were identified.
- Architecture/History survey report providing updates to the previous surveys for the US 51 Corridor Study. No new properties were identified to survey.
- A memo regarding the design change noted above in Stoughton and its effects to the National Register-listed Main Street Historic District.

In addition, historical societies/organizations and Native American tribes were re-notified.

A PIM was held in Stoughton on September 26, 2019 to update the public on the proposed design changes listed above and the project's current status and schedule. Consultation will be resumed in the fall of 2019 with the SHPO, previous MOA signatories, and other interested parties to finalize the MOA. Copies of the final Documentation for Consultation and draft MOA are included in this submittal for reference.

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE WISCONSIN STATE
HISTORIC PRESERVATION OFFICE (SHPO)
Prepared pursuant to 36 CFR 800.6(c)

Regarding
WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT I.D. 5845-06-03
WHS #: 06-0048/DA
US 51, I-39/90 to US 12/18, Improvements
Dane County

Whereas, the Federal Highway Administration (FHWA) has been requested to participate in the *US 51 Improvements Project* (Project), in the City of Stoughton, Village of McFarland, and Towns of Albion, Dunkirk, Rutland, Pleasant Springs, and Dunn, Dane County, Wisconsin; and

Whereas, the FHWA is the lead agency on this project with responsibility for completing the requirements of Section 106 of the National Historic Preservation Act (NHPA); and

Whereas, the FHWA has established the Project's Area of Potential Effects (APE) in accordance with 36 CFR 800.16(d), to include properties that may be directly or indirectly affected by Alternative H, the preferred alternative (shown on Attachment #1);

Whereas, the FHWA pursuant to 36 CFR 800.4(c), has determined that the Maple Grove School (School District #4), East Side Historic District, Depot Hill Historic District, Main Street Historic District, Southwest Side Historic District, Northwest Side Historic District, Olson Hemsing Farmstead, 47DA0105 (BDA-0359) C.M. Colladay I, 47DA0107 Barber Campsite, 47DA0480 (BDA-0339) Bird Effigy, and 47DA1429 Babcock Park are eligible for inclusion in the National Register of Historic Places (National Register); and

Whereas, the FHWA has determined that the undertaking will have an adverse effect on 47DA0107 Barber Campsite; and

Whereas, the FHWA has consulted with the Wisconsin State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 300101 (NHPA), and its implementing regulations (36 CFR Part 800) to resolve the adverse effect of the project on historic properties; and; and

Whereas, the FHWA intends to use the provisions of the Memorandum of Agreement (MOA) to address application requirements of Section 110(b) of the NHPA, 54 U.S.C. 306103; and

Whereas, the Wisconsin Department of Transportation (WisDOT) participated in the consultation and has been invited to concur with this MOA; and

Whereas, the U.S. Army Corps of Engineers (USACE) may be requested to issue a Section 404 permit for the Project, participated in the consultation, and has elected to be a consulting party to this MOA; and

Whereas, the Ho-Chunk Nation, participated in the consultation and has been invited to concur in this MOA; and

Whereas, the Wisconsin Department of Natural Resources participated in the consultation and has been invited to consult in this MOA; and

Whereas, the Advisory Council on Historic Preservation (ACHP) has been notified, but has chosen not to participate in the consultation; and

Whereas, the Wisconsin SHPO has concurred with the December 2015 Data Recovery Plan titled: *"Data Recovery Plan for 47DA0107 (Barber Campsite), US 51, Dane County, Wisconsin"* (Attachment #2); and

Whereas, the consulting parties of this MOA concur with the *"Data Recovery Plan for 47DA0107 (Barber Campsite), US 51, Dane County, Wisconsin"* (Attachment #2); and

Whereas, human burial discoveries will be treated in accordance with Wisconsin Statute §157.70, and the Proposed Final Inadvertent Discovery Protocol (Attachment #3).

Now, therefore the FHWA and the Wisconsin SHPO agree that, upon execution of this MOA, and upon the FHWA's decision to proceed with the Project, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

A. Archaeological Data Recovery Plan for Barber Campsite (47DA0107)

1. WisDOT will ensure that the *"Data Recovery Plan for 47DA0107 (Barber Campsite), US 51, Dane County, Wisconsin"* (Attachment #2) is fully executed in order to obtain significant information from the site.
2. Prior to the start of data recovery field investigations, WisDOT and FHWA will offer interested Tribes an opportunity to meet with archaeologists and FHWA to discuss culturally sensitive issues.
3. Archeological reports will be completed within two (2) years of completion of the data recovery, which includes lab analysis. All reports will comply with contemporary professional standards and with the Department of Interior's Format Standards for Final Reports of Data Recovery (47 FR 5377-79). WisDOT or its agent will provide draft report(s) to MOA signatories for a 30-day review and comment period.
4. WisDOT will ensure that all notes, records, photographs, and archaeological materials determined to be on State, State subdivision, or privately-owned land will be curated in accordance with the Secretary of the Interior's Guidelines, 36 CFR 79, and in compliance with Wisconsin Statute §44.40.

B. Public Interpretation

Public interpretation to be completed by WisDOT or its agent and consist of submission of an article to a scholarly journal regarding the Barber Campsite (47DA0107), the results of the data recovery field investigations, and mitigation of the Project's effects to the site. The article will be authored by a qualified cultural resource professional, or professionals, who participated in the field data recovery investigations and will be submitted within 12 months of completion of the Archaeological Reports.

C. Fencing of Sites Eligible for Listing in the NRHP

Sites 47DA0105 (BDA-0359) C.M. Colladay I, 47DA0480 (BDA-0339) Bird Effigy, and 47DA1429 Babcock Park are considered eligible for the NRHP, or are being treated as eligible for the NRHP, but will not be affected by the Project. Given the proximity of the project activities to the sites, WisDOT will ensure that parts of the sites adjacent to the APE are protected during construction. During construction, ground disturbing activities in the vicinity of site 47DA1429 Babcock Park will also be monitored by a Qualified Archaeologist.

D. On-Site Archaeological Monitoring of Uncatalogued Burial Sites

1. Within one year of the planned construction start date, WisDOT will obtain permission from the Wisconsin Historical Society (WHS) to construct within the boundaries of nine uncatalogued burial sites: 47DA0069 (BDA-0499) Railroad Burial, 47DA0070 (BDA-0500) Stoughton Mounds, 47DA0080 (BDA-0368) Bryngelson Group, 47DA0087 (BDA-0547) Holver Johnson Group, 47DA0105 (BDA-0359) C.M. Colladay I, 47DA0106 (BDA-0360) Thelma Barber, 47DA0480 (BDA-0339) Bird Effigy, 47DA0567 (BDA-0341) W.E. Colladay, and 47DA0727 (BDA-0528) Ole Quam Mound Group.
2. The on-site Project manager will notify the SHPO, WisDOT Environmental Process and Documents Section (EPDS), and interested Tribe(s) ten days prior to the start of construction for monitoring purposes.
3. During construction, all ground disturbing activities within the boundaries of uncatalogued burial sites: 47DA0069 (BDA-0499) Railroad Burial, 47DA0070 (BDA-0500) Stoughton Mounds, 47DA0080 (BDA-0368) Bryngelson Group, 47DA0087 (BDA-0547) Holver Johnson Group, 47DA0105 (BDA-0359) C.M. Colladay I, 47DA0106 (BDA-0360) Thelma Barber, 47DA0480 (BDA-0339) Bird Effigy, 47DA0567 (BDA-0341) W.E. Colladay, and 47DA0727 (BDA-0528) Ole Quam Mound Group, will be monitored by a Qualified Archaeologist under Wisconsin Statute § 157.70 and associated administrative rules (Chapter HS 2).
4. If requested, a tribal representative will be allowed to monitor ground-disturbing activities. To ensure human safety, this activity shall be coordinated with the on-site Project manager.
5. Upon discovery of a human burial(s), the archaeologist will inform the on-site Project manager to stop construction activities in the immediate area and to establish a 15-foot protective barrier around the discovery.

Note: The archaeologist is responsible for defining the proper location for the temporary protective barrier. The protective barrier will remain in place until § 157.70 authorization is received.

E. Post-Review Discoveries

Protective steps will be taken to safeguard archaeological site(s) and/or human remains after working hours. Measures will include one or more of the following: fencing, signage, temporary backfilling of active excavation area(s) to conceal the location, and/or notification of local authorities to include the area in their patrol.

1. Burial-related discoveries

- a. The on-site construction Project manager will immediately stop construction activities and protect the site area if any human remains are encountered. The treatment of burial-related discoveries will comply with provisions contained in Wisconsin State Statute §157.70 and the the Proposed Final Inadvertent Discovery Protocol Attachment #3).
- b. The on-site construction Project manager will immediately notify WisDOT Cultural Resources Team (CRT) and WisDOT CRT will immediately notify the WHS, and then FHWA, consulting tribes, and interested consulting parties of the discovery(ies). Consultation is required with the Ho-Chunk Nation Tribal Historic Preservation Office, and any traditional advisor the Tribe sees fit to appoint, regarding human remains prior to their removal from the discovery site.
- c. In the event the human remains are found out of context (e.g., in the excavation screen, or a back-dirt pile associated with excavation, or construction), WisDOT will consult with SHPO and interested THPOS. The remains must be secured and remain on site until consultation and a treatment plan is completed.

2. Other post-review (non-burial-related) discoveries

- a. The on-site construction Project manager will immediately stop construction activities and protect the area of the discovery.
- b. The on-site Project manager will immediately notify WisDOT CRT. A qualified cultural resource professional will be consulted to determine the significance of the discovery. WisDOT CRT will notify FHWA, the SHPO, and MOA signatories of the discovery.
- c. Through an expedited consultation pursuant to 36 CFR 800.13(b), FHWA and WisDOT will consult with MOA signatories to determine an appropriate treatment to resolve Project impacts. The area will remain protected until authorization to proceed is received.

F. Archaeological Survey

Archaeological surveys are to be conducted for borrow sites, batch plants, waste sites, and staging areas to be used for this Project. Results of these surveys will be provided to SHPO and signatories. If significant discovery of non-burial archaeological properties are discovered, Section 106 procedures pursuant to 36 CFR 800 will be followed or another area will be obtained for borrow, batch plants, waste sites, and/or staging areas. If burials are discovered during survey, WisDOT CRT will immediately be notified and WisDOT CRT will immediately notify the WHS, FHWA, consulting tribes, and interested signatories of the discovery(ies) and the burial-site location will be eliminated from construction-related activities.

G. Administrative Stipulations:

1. WisDOT will ensure that contracts pertaining to construction access and intersection improvements on US 51 between I-39/90 and US 12/18 (Project ID 5845-06-03/WHS#06-0048/DA), in the Towns of Albion, Dunkirk, Rutland, Pleasant Springs, and Dunn, Dane County, Wisconsin contains language describing the potential delays to the contractor due to potential discoveries (archaeological and or burial).
2. WisDOT will ensure that summary reports are provided to the signatories of this MOA annually (January) until the Archaeological Report for data recovery is completed.
3. WisDOT will provide property owner information for 47DA0105 (BDA-0359) C.M. Colladay I, 47DA0480 (BDA-0339) Bird Effigy, and 47DA0107 Barber Campsite to The Ho-Chunk Nation following execution of this MOA.
4. WisDOT will ensure that all historic preservation work carried out pursuant to the agreement is carried out by or under the supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards as published in 36 CFR Part 61. The Data Recovery Plan and Public Interpretation Plan will be carried out by individuals qualified in the fields of archaeology, anthropology, or closely related field.

H. DISPUTE RESOLUTION

1. Should any signatory to this MOA, per 36 CFR 800.6(c)(1) and (2), object in writing at any time (prior to termination) to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. The objection must specify how the actions or manner of implementation is counter to the goals, objectives, or specific stipulation of this MOA. If the FHWA determines that such objection cannot be resolved, the FHWA will:
 - a. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.
 - b. If the ACHP does not provide its advice regarding the dispute within the 30-day period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to proceeding, the FHWA shall notify the parties to this MOA of its decision regarding the dispute.
 - c. It is the FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

I. AMENDMENTS

Any signatory to this agreement may propose to the FHWA that the agreement be amended. Whereupon the FHWA shall consult with the other signatory parties [including invited signatories per 36 CFR 800.6(c)] to this agreement to consider such an amendment. 36 CFR 800.6(c) shall govern the execution of any such amendment.

J. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment as stated in CFR 800.6(c)(8). If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

K. SUNSET CLAUSE

This agreement shall be null and void if all terms are not carried out within ten (10) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms as stated in CFR 800.6(c)(5). Execution of this MOA by the FHWA and the Wisconsin SHPO, and implementation of its terms, evidences that the FHWA has complied with Section 106 on the US 51, I-39/90 to US 12/18, Improvements and its effects on historic properties and that the FHWA has taken into account the effects of the project on historic properties.

Signatories:

Federal Highway Administration

By:  BETHANEY L BACHER-GRESOCK
Date: 2020.07.27 16:13:33 -05'00'

Bethaney Bacher-Gresock, Environmental Protection Specialist

Signatories:

Wisconsin State Historic Preservation Office

By: 

Date: 7/24/2020

Daina Penkiunas, State Historic Preservation Officer

Invited Signatories:

St. Paul District, US Army Corps of Engineers

By:  _____

Date: 9 June, 2020

Rebecca Graser, Section Chief, Regulatory Branch

Invited Signatories:

Wisconsin Department of Transportation

DocuSigned by:
Scott J. Lawry
By: _____
5F484D7106924F8...

10 June 2020
Date: _____

Scott Lawry, Director, Bureau of Technical Services

Invited Signatories:

Wisconsin Department of Natural Resources

By:  _____

Date: 4/20/2020

Richard Kubicek, DNR Archaeologist

Concurring Parties:

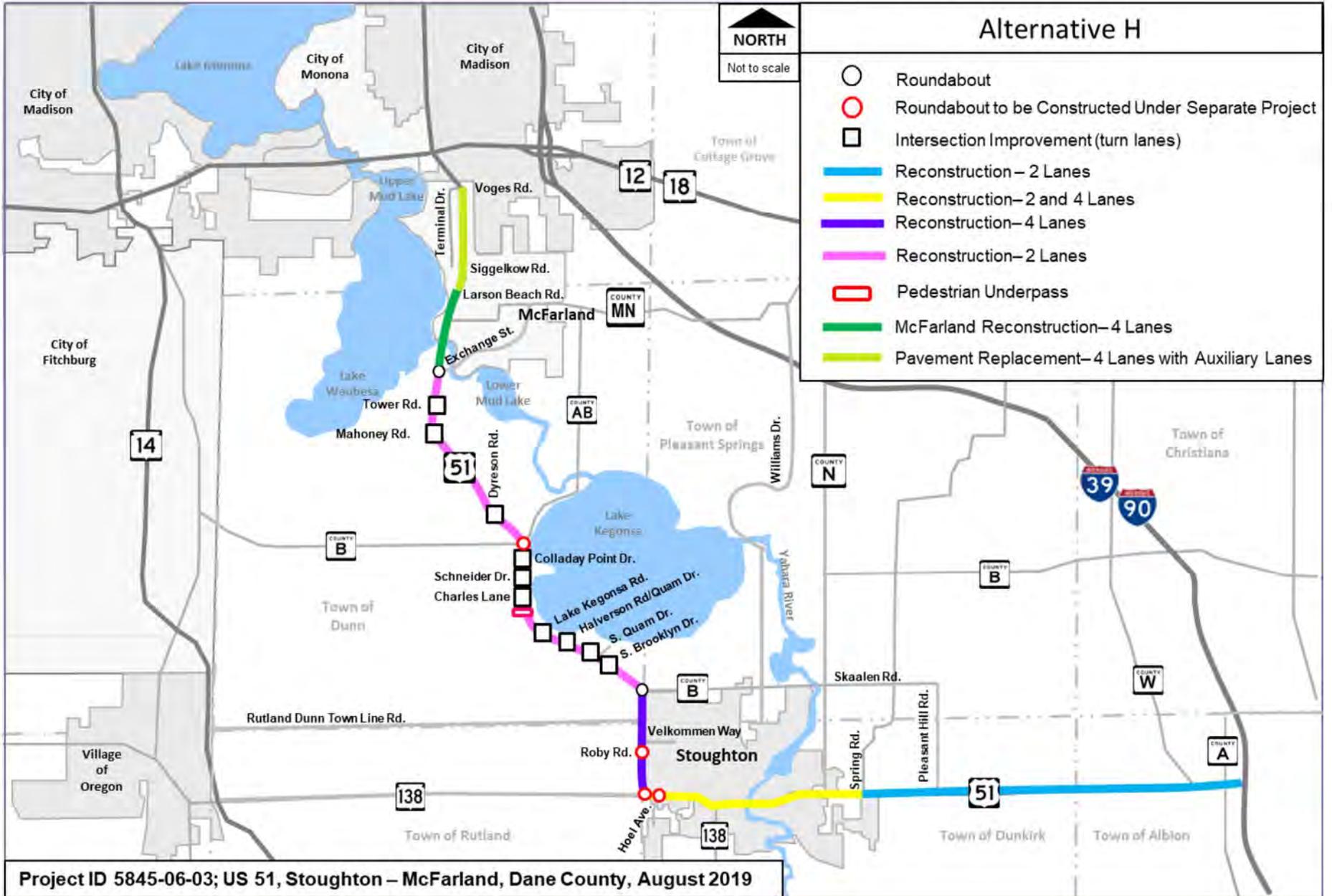
Ho-Chunk Nation

By: William Quackenbush

Date: 04/21/2020

William Quackenbush, Ho-Chunk Nation, Tribal Historic Preservation Officer

Attachment #1: Overview of Alternative H (Preferred Alternative)





**UWM
CRM**

DATA RECOVERY PLAN FOR 47DA0107 (BARBER CAMPSITE), US 51, DANE COUNTY, WISCONSIN

Helping to Ensure the Future of the Past

By Seth A. Schneider, Ph. D.



University of Wisconsin-Milwaukee Cultural Resource Management

Attachment #3: Inadvertent Discovery Protocol

I) Human remains are inadvertently disturbed

II) Human Remains Identified as Native American

A) WHS shall contact Tribe(s) and WITRC within 24 hours of Identification (II above). Contacted Tribes shall be determined from NAGPRA Tribal Area of Interest Maps/other information.

[Special Caveat: Timing is a critical factor for closing inadvertently discovered graves, or for removing burials from graves. Any information related to timing shall be transmitted to Tribe(s) and/or WITRC, when WHS becomes aware of specifics. Such special-timing requirements may affect the respective notice provisions of this protocol.]

[*Special Note: WHS has need for Current Contact information for appropriate Tribe and WITRC representatives (including one alternate contact).] ***

B) Tribe(s) and/or WITRC shall respond with information on: handling of remains; desire to observe or monitor; specific project contact person(s) w/contact information; other within 24 hours. [This Tribe/WITRC information is hereinafter referred to as "Treatment."]

1) If human remains and objects related to the burial are removed (through disturbance) from the grave, and Tribe(s) and/or WITRC transmit Treatment request, then WHS notifies parties to put in place Treatment plan.

2) If remains are left in grave, then no further involvement, unless Tribe(s) and/or WITRC transmit request for Treatment at grave site. Then, if such Grave-site treatment is requested, WHS shall notify all parties to put in place Treatment plan.

[NOTE: all subsequent contact with Tribe(s) and/or WITRC shall be made according to project-specific information as conveyed in "B" above; or, in the absence of such project specific information, pursuant to existing contact information of "A" above.]

C) If human remains and objects related to the burial must be excavated, then a Contract for such activity must be negotiated.

1) WHS shall contact Tribe(s) and/or WITRC of removal requirement.

2) Tribe(s) and/or WITRC, if desired, shall provide additional Treatment provisions for excavation and temporary curation of human remains and objects related to the burial.

[NOTE: WHS shall advise Tribe(s) and/or WITRC of decision to excavate human remains and objects related to the burial within 24 hours of notice of such decision. Tribe(s) and/or WITRC shall respond with Treatment request within 24 hours of such notice. In any event, all information exchange must take place prior to finalizing excavation Contract]

III) Disposition of human remains and objects related to the burial shall be undertaken pursuant to existing statutory and administrative code provisions.

**SECTION 106 REVIEW
ARCHAEOLOGICAL/HISTORICAL INFORMATION**

Wisconsin Department of Transportation
DT1635 11/2006

SHPO

For instructions, see FDM Chapter 26

I. PROJECT INFORMATION

Project ID 5845-06-02 Section 106 Submittal No. 1	Highway - Street US 51	County Dane
Project Termini I-39/90 to US 12/18 (Madison South Beltline)	RECEIVED	Region - Office SW Region-Madison
Regional Project Engineer - Project Manager Jeff Berens	NOV 06 2013	Area Code - Telephone Number 608-245-2656
Consultant Project Engineer - Project Manager Joan Petersen, Strand Associates, Inc.	DIV HIST PRES	Area Code - Telephone Number 608-251-4843
Archaeological Consultant Great Lakes Archaeological Research Center, Inc.		Area Code - Telephone Number 414-481-2093
Architecture/History Consultant Great Lakes Archaeological Research Center, Inc.		Area Code - Telephone Number 414-481-2093
Date of Need 11/25/13		SHSW # <i>06-0048/DA pg 1/2</i>
Return a signed copy of this form to:		

II. PROJECT DESCRIPTION

Project Length Alternative A and B: 18.8 miles	Land to be Acquired: Fee Simple 288 to 314 acres	Land to be Acquired: Easement 6 to 7 acres
--	---	---

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	60 - 75	60 - 130	Terrace Width	0 - 5	0 - 8.5
Shoulder	6 - 10	6 - 10	Sidewalk Width	0 - 5	5 - 10
Slope Intercept	varies	varies	Number of Lanes	2 to 4	4
Edge of Pavement	12 - 24	42 - 62	Grade Separated Crossing	0	1
Back of Curb Line	0 - 26.5	42 - 49	Vision Triangle acres	NA	NA
Realignment	NA	600 to CL	Temporary Bypass acres	NA	NA
Other - List:	NA	NA	Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that depict "maximum" impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree topping and/or grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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

Attachment 1 provides: a description of the US 51 Study Corridor and discussion of alternatives development. A set of GIS maps showing the alignments and areas surveyed or not surveyed is provided in the Phase I Archaeological reports prepared by Great Lakes Archaeological Research Center, Inc. (GLARC). Phase II reports by GLARC for 6 archaeological sites are also attached. One additional Phase II, at a site where access was denied, is planned during the design phase.

Three AHSF Reports and nine DOEs are included with this submittal. AHSF Report #1 was completed in 2011. AHSF Report #2 covers additional survey areas through Stoughton and from Larson Beach Road to Voges Road in McFarland and includes farmstead methodology following the current (2013) standards. AHSF Report #3 incorporate portions of AHSF Report #1 that are within the APE for Alternatives A and B, with the exception of those areas covered under AHSF Report #2 (see above). Farmstead methodology follows the current (2013) standards.

Add continuation sheet, if needed.

III. CONSULTATION

How has notification of the project been provided to:

- Property Owners
 - Public Information Meeting Notice
 - Letter - Required for Archaeology
 - Telephone Call
 - Other: Meetings and several sets (8) of notifications letters.

- Historical Societies/Organizations
 - Public Information Meeting Notice
 - Letter
 - Telephone Call
 - Other: PIMs were held in 2006, 2009, 2011, and 2012. A Public Hearing (2014) is scheduled.

- Native American Tribes
 - Public Info. Mtg. Notice
 - Letter
 - Telephone Call
 - Other: No interest. Sent Project Initiation Letter, PIM notices, invite to 2011 Agency meeting, e-mail to Ho-Chunk Nation, and status update 9/13.

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

IV. AREA OF POTENTIAL EFFECTS - APE

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

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

The APE runs along segments of US 51, WIS 138, County B and N, and some off alignment segments where improvements are being considered. Properties adjacent to these routes were surveyed.

RECEIVED

NOV 06 2013

V. PHASE I ARCHEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

- ARCHAEOLOGY**
- Archaeological survey is needed
 - Archaeological survey is not needed - Provide justification
 - Screening list (date).

- HISTORY**
- Architecture/History survey is needed
 - Architecture/History survey is not needed
 - No structures or buildings of any kind within APE
 - Screening list (date).

DIV HIST PRES

VI. SURVEY COMPLETED

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

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

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

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

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

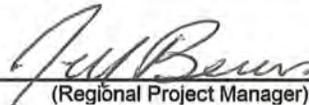
VIII. COMMITMENTS/SPECIAL PROVISIONS - must be included with special provisions language

See Attachment 2 for a list of commitments.

IX. PROJECT DECISION

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

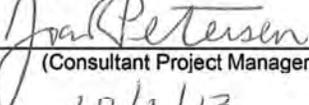
06-0048/0A
10/2/13



(Regional Project Manager)

10/1/13

(Date)



(Consultant Project Manager)

10/1/13

(Date)



(WIDOT Historic Preservation Officer)

11/5/13

(Date)



(State Historic Preservation Officer)

Feb 5 2014

(Date)

Wisconsin Historical Society
Determination of Eligibility Form

(Revised May 2013)

RECEIVED

DEC 23 2013

DIV HIST PRES

WisDOT Project ID #: 5845-06-02

WHS #: 06-0048/DA

Property Name(s): Olson-Hemsing Farmstead

Address/Location: 2471 USH 51

City & County: Town of Dunn, Dane County Zip Code: 53558

Town: 6N Range: 10E Section: 15

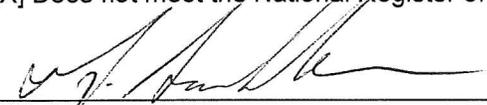
Date of Construction: c.1905, c.1925, c.1950, c.1965, c.1970

WisDOT Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility:

Meets the National Register of Historic Places criteria.

Does not meet the National Register of Historic Places criteria.


Rebecca Burkel, WisDOT Historic Preservation Officer

12/20/13
Date

State Historic Preservation Office

In my opinion, the property:

Meets the National Register of Historic Places criteria.

Does not meet the National Register of Historic Places criteria.


Jim Draeger, State Historic Preservation Officer

1/2/14
Date

Comments (FOR AGENCY USE ONLY):

Excellent context - only disagree with the conclusion. This farm is a good and intact example of a large-scale 20th Century farmstead.

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RECEIVED

NOV 06 2013

DIV HIST PRES

(DOE 2006)

Wisconsin Historical Society
Determination of Eligibility Form

Agency #: 5845-06-02

WHS #: 06-0048/0A

Property Name(s): Martin Luther Children's Home

Address/Location: 1648 CTH N

City & County: Town of Pleasant Springs, Dane County Zip Code: 53589

Town: 6N Range: 11E Section: 33

Date of Construction: 1921, 1927, 1935

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility x meets does not meet the National Register of Historic Places criteria.

[Signature] 11/5/13
Signature of Certifying Official/Title Date

WISDOT HISTORIC PRESERVATION OFFICER

State or Federal Agency and Bureau

In my opinion, the property X meets does not meet the National Register criteria.

[Signature] 12/19/13
Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RECEIVED

NOV 06 2013

(DOE 2006)

Wisconsin Historical Society DIV HIST PRES
Determination of Eligibility Form

Agency #: 5845-06-02

WHS #: 06-0048/DA

Property Name(s): Samuel S. Howland House

Address/Location: 3807 STH 138

City & County: Township of Rutland, Dane County Zip Code: 53589

Town: 5N Range: 10E Section: 10

Date of Construction: 1855

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility ___ meets ___ does not meet the National Register of Historic Places criteria.

11/5/13

Signature of Certifying Official/Title

Date

WISDOT HISTORIC PRESERVATION OFFICER

State or Federal Agency and Bureau

In my opinion, the property ~~meets~~ does not meet the National Register criteria.

11/14/13

Signature of Commenting Official/Title

Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

Not eligible due to lack of individual significance.

RECEIVED

NOV 06 2013

DIV HIST PRES

(DOE 2006)

Wisconsin Historical Society
Determination of Eligibility Form

Agency #: 5845-06-02

WHS #: 06-0048/DA

Property Name(s): N/A

Address/Location: 4359 STH 138

City & County: Township of Rutland, Dane County Zip Code: 53575

Town: 5N Range: 10E Section: 8

Date of Construction: c.1915

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility ___ meets x does not meet the National Register of Historic Places criteria.

[Signature] 11/5/13
Signature of Certifying Official/Title Date
WISDOT HISTORIC PRESERVATION OFFICER

State or Federal Agency and Bureau

In my opinion, the property ___ meets X does not meet the National Register criteria.

[Signature] 11/14/13
Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RECEIVED

NOV 06 2013

Wisconsin Historical Society
Determination of Eligibility Form

DIV HIST PRES (Revised May 2013)

WisDOT Project ID #: 5845-06-02

WHS #: 06-0048/DA

Property Name(s): Austinson-Asbjornson-Holte Farmstead

Address/Location: 1494 Pleasant Hill Rd

City & County: Town of Dunkirk, Dane County Zip Code: 53589

Town: 5N Range: 11E Section: 2

Date of Construction: c. 1860, c. 1890, c. 1900, c. 1920, c. 1940

WisDOT Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility:

- Meets the National Register of Historic Places criteria.
- Does not meet the National Register of Historic Places criteria.

Rebecca Burkel 11/5/13
 Rebecca Burkel, WisDOT Historic Preservation Officer Date

State Historic Preservation Office

In my opinion, the property:

- Meets the National Register of Historic Places criteria.
- Does not meet the National Register of Historic Places criteria.

Jim Draeger 11/14/13
 Jim Draeger, State Historic Preservation Officer Date

Comments (FOR AGENCY USE ONLY):

House does not retain sufficient integrity.

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RECEIVED

NOV 06 2013

(DOE March 2011)

Wisconsin Historical Society
Determination of Eligibility Form

DIV HIST PRES

WisDOT Project ID #: 5845-06-02

WHS #: 06-0048/0A

Property Name(s): Thorson Farmstead

Address/Location: 1540 Pleasant Hill Rd.

City & County: Town of Dunkirk, Dane County Zip Code: 53589

Town: 5N Range: 11E Section: 2

Date of Construction: 1848, c.1870, 1902

WisDOT Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility:

- Meets the National Register of Historic Places criteria.
- Does not meet the National Register of Historic Places criteria.


 Rebecca Burkel, WisDOT Historic Preservation Officer 11/5/13
 Date

State Historic Preservation Office

In my opinion, the property:

- Meets the National Register of Historic Places criteria.
- Does not meet the National Register of Historic Places criteria.


 Michael E. Stevens, State Historic Preservation Officer 11/14/13
 Date

Comments (FOR AGENCY USE ONLY):

lack of significance and integrity.

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RECEIVED

NOV 06 2013

(DOE 2006)

Wisconsin Historical Society
Determination of Eligibility Form

DIV HIST PRES

Agency #: 5845-06-02

WHS #: 06-0048/OA

Property Name(s): Kegonsa School

Address/Location: 2370 CTH N

City & County: Township of Pleasant Springs, Dane County Zip Code: 53589

Town: 6N Range: 11E Section: 21

Date of Construction: 1873

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility x meets does not meet the National Register of Historic Places criteria.

[Signature]
Signature of Certifying Official/Title Date 11/5/13

State or Federal Agency and Bureau

In my opinion, the property meets does not meet the National Register criteria.

Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

*need information on interiors.
Should the project be redesigned to
affect this portion of County Highway N,
we will need to assess the integrity of
the interior.*

RECEIVED
NOV 06 2013
DIV HIST PRES

(DOE 2006)

Wisconsin Historical Society
Determination of Eligibility Form

Agency #: 5845-06-02

WHS #: 06-0048/OA

Property Name(s): William Atkinson House
Address/Location: 3001 CTH B
City & County: Township of Pleasant Springs, Dane County Zip Code: 53589
Town: 6N Range: 11E Section: 31

Date of Construction: 1887

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility x meets does not meet the National Register of Historic Places criteria.

[Signature] 11/5/13
Signature of Certifying Official/Title Date
WISDOT HISTORIC PRESERVATION OFFICER

State or Federal Agency and Bureau

In my opinion, the property X meets does not meet the National Register criteria.

[Signature] 12/3/13
Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

A case could also be made for Criterion B with additional research.

RECEIVED

NOV 06 2013

DIV HIST PRES

Wisconsin Historical Society
Determination of Eligibility Form

(DOE 2006)

Agency #: 5845-06-02

WHS #: 06-0048/DA

Property Name(s): Quale Farmstead

Address/Location: 1497 Spring Road

City & County: Town of Dunkirk, Dane County Zip Code: 53589

Town: 6N Range: 11E Section: 3

Date of Construction: 1875, c.1915, c.1940

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility x meets ___ does not meet the National Register of Historic Places criteria.

[Signature] _____ *11/5/13*
Signature of Certifying Official/Title Date

WISDOT HISTORIC PRESERVATION OFFICER

State or Federal Agency and Bureau

In my opinion, the property _____ meets X does not meet the National Register criteria.

[Signature] _____ *11/20/13*
Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

The house has lost too much integrity.

RECEIVED

NOV 06 2013

(DOE 2006)

Wisconsin Historical Society
Determination of Eligibility Form

DIV HIST PRES

Agency #: 5845-06-02

WHS #: 06-0048/0A

Property Name(s): N/A
Address/Location: 1330 Sunrise Road
City & County: Town of Rutland, Dane County Zip Code: 53575
Town: 5N Range: 10E Section: 4

Date of Construction: c.1960

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility x meets does not meet the National Register of Historic Places criteria.

[Handwritten Signature]
Signature of Certifying Official/Title

11/5/13
Date

State or Federal Agency and Bureau

In my opinion, the property meets does not meet the National Register criteria.

Signature of Commenting Official/Title Date

Division of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706

Interviews necessary to determine integrity. We know it's already lost its wood shake shingles.

Currently outside the preferred alternatives so we'll stamp draft and file. DOE will need revisions if area becomes part of project again.



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
DT1635 6/2014

06-0048/DA
SHPO

RECEIVED
OCT 28 2015

For instructions, see FDM Chapter 26.

Amended Submittal (include new information only)

I. PROJECT INFORMATION

Project ID 5845-06-03 <i>previous ID 5845-06-02</i>	Highway - Street US 51	County Dane	BY: _____
Project Termini I-39/90 to US 12/18 (Madison South Beltline)		Region - Office SW Region-Madison	
Regional Project Engineer - Project Manager Jeff Berens		(Area Code) Telephone Number 608-245-2656	
Consultant Project Engineer - Project Manager Joan Petersen, Strand Associates, Inc.		(Area Code) Telephone Number 608-251-4843	
Archaeological Consultant UW-Milwaukee, Cultural Resource Management Services		(Area Code) Telephone Number 414-229-3078	
Architecture/History Consultant UW-Milwaukee, Cultural Resource Management Services		(Area Code) Telephone Number 414-229-3078	
Date of Need 12/4/16		SHSW Number 06-0048/DA	
Return a Signed Copy of This Form to Jeff Berens, jeff.berens@dot.wi.gov			

II. PROJECT DESCRIPTION

Project Length 18.6 miles	Land to be Acquired: Fee Simple ~ 107 acres	Land to be Acquired: Easement ~ 3 acres
------------------------------	--	--

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	33-125	33-400	Terrace Width	0-5	0-8.5
Shoulder	6-10	8-10	Sidewalk Width	5	5-10
Slope Intercept	varies	varies	Number of Lanes	2-4	2-4
Edge of Pavement	12-24	12-65	Grade Separated Crossing	1	1
Back of Curb Line	18-45	18-45	Vision Triangle acres	NA	NA
Realignment	NA	NA	Temporary Bypass acres	NA	NA
Other - List:	NA	NA	Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree Topping and/or Grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Brief Narrative Project Description: Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements. For amendments (e.g. design refinements, scope changes, etc) description should only include new/added project actions and materials.

Attachment 1 provides: a description of the US 51 Corridor Study and the proposed action. Archaeological sites and historic structures are shown on attached Figures 1 and 2 and commitments and site status are summarized in the attached tables. The attached report by UW-Milwaukee, Cultural Resource Management Services (UWM-CRM), *Archaeological Investigations for the USH 51 Environmental Assessment, Dane County Wisconsin, September 2015*, provides maps that show the Alternative H alignment (proposed action), archaeological sites, and areas surveyed or not surveyed (Appendix A). Other appendices that are part of the report included ASI Updates, Wisconsin Historical Society Correspondence, the signed Section 106 Form for the US 51 EIS project (ID 5845-06-02), and the ARI Form.

The DOE for site 47DA0105 is attached. AHSF Reports and several DOEs for the project were submitted in October 2013 with the Section 106 Submittal for the US 51 EIS project, ID 5845-06-02. Farmstead methodology followed the current (2013) standards.

Add continuation sheet, if needed.

SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION (continued)

Wisconsin Department of Transportation DT1635

III. CONSULTATION

- How has notification of the project been provided to:
- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Property Owners
<input checked="" type="checkbox"/> Public Information Meeting Notice
<input checked="" type="checkbox"/> Letter - Required for Archaeology
<input type="checkbox"/> Telephone Call
<input checked="" type="checkbox"/> Other: Meetings and several sets of notifications letters. | <input checked="" type="checkbox"/> Historical Societies/Organizations
<input checked="" type="checkbox"/> Public Information Meeting Notice
<input checked="" type="checkbox"/> Letter
<input type="checkbox"/> Telephone Call
<input checked="" type="checkbox"/> Other: PIMs were held in 2006, 2009, 2011, 2012, and 2015. A Public Hearing will occur in Spring 2016. | <input checked="" type="checkbox"/> Native American Tribes
<input checked="" type="checkbox"/> Public Info. Mtg. Notice
<input checked="" type="checkbox"/> Letter
<input type="checkbox"/> Telephone Call
<input checked="" type="checkbox"/> Other: No interest. Recent project update letter and newsletter sent in July 2015. |
|--|--|---|

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

IV. AREA OF POTENTIAL EFFECTS - APE

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

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

The APE runs along US 51 from I-39/90 to Terminal Drive/Voges Road. Properties adjacent to the roadway were surveyed.

V. PHASE I - ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

- | | |
|--|--|
| <p style="text-align: center;">ARCHAEOLOGY</p> <input checked="" type="checkbox"/> Archaeological survey is needed
<input type="checkbox"/> Archaeological survey is not needed
<input type="checkbox"/> Screening list (date)
<input type="checkbox"/> Burial site in project area, Wis. Stat. 157.70 applies | <p style="text-align: center;">HISTORY</p> <input type="checkbox"/> Architecture/History survey is needed
<input checked="" type="checkbox"/> Architecture/History survey is not needed - see attached, covered by previous submittals
<input type="checkbox"/> Screening list (date)
<input type="checkbox"/> No structures or buildings of any kind within APE
<input type="checkbox"/> Non-Survey History Documentation attached |
|--|--|

VI. SURVEY COMPLETED

- | | |
|--|--|
| <p style="text-align: center;">ARCHAEOLOGY</p> <input type="checkbox"/> NO archaeological sites(s) identified - ASFR attached
<input type="checkbox"/> NO potentially eligible site(s) in project area - Phase I Report attached
<input checked="" type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached
<input checked="" type="checkbox"/> Avoided through redesign
<input checked="" type="checkbox"/> Phase II conducted - go to VII (Evaluation)
<input checked="" type="checkbox"/> Phase I Report - Cemetery/cataloged burial documentation | <p style="text-align: center;">HISTORY</p> <input type="checkbox"/> NO buildings/structures identified - Report attached
<input type="checkbox"/> Potentially eligible buildings/structures identified in the APE - Report attached
<input type="checkbox"/> Avoided through redesign
<input type="checkbox"/> Previously listed/eligible property identified in the APE - Report attached |
|--|--|

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

- | | |
|--|---|
| <input type="checkbox"/> No arch site(s) eligible for NRHP - Phase II Report attached
<input checked="" type="checkbox"/> Arch site(s) eligible for NRHP - Phase II Report attached
<input checked="" type="checkbox"/> Site(s) eligible for NRHP - DOE attached | <input type="checkbox"/> No buildings/structure(s) eligible for NRHP - DOE attached
<input checked="" type="checkbox"/> Building/structure(s) eligible for NRHP - DOE attached |
|--|---|

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

- Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction.
 See Attachment 2 for a list of commitments.

IX. PROJECT DECISION

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

X. SIGNATURES

<p>X <u>[Signature]</u> 10/12/15 (Regional Project Manager Signature) (Date - m/d/yy)</p>	<p>X <u>[Signature]</u> 10/21/15 (WisDOT Historic Preservation Officer Signature) (Date - m/d/yy)</p>	<p>X <u>[Signature]</u> 11-30-2015 (State Preservation Officer Signature) (Date - m/d/yy)</p>
<p>X <u>[Signature]</u> 10/12/15 (Consultant Project Manager Signature) (Date - m/d/yy)</p>		

Attachment 2 to Section 106 Form

**US 51 EA (I.D. 5845-06-03)
Section 106 Submittal
Commitments (October 2015)**

	Sites	Commitments
Historic	<ul style="list-style-type: none"> 1 historic structure, 5 historic districts, and 1 historic farmstead were identified along Alternative H. Map ID 1: AHI #26663 Maple Grove School Map ID 2-6: Stoughton Historic Districts – each district has several extant properties. Map ID 7: the Olson-Hemsing Farmstead has several extant properties. 	<p>With the current design, these historic sites and historic districts will be avoided.</p> <p>If the design changes and these sites cannot be avoided, the effects of the undertaking will be assessed.</p>
	<p>3 recommended or determined eligible archaeological sites and burial sites (Wis.Stats. 157.70 sites)</p> <ul style="list-style-type: none"> 47DA0105 (BDA0359) C.M. Colladay I 47DA0480 Bird Effigy 47DA0727 (BDA0528) Ole Quam Mound 	<p>These 3 sites will be avoided by the current design. If the design changes and the sites cannot be avoided, the effects of the undertaking will be assessed. Permission to construct within a non-catalogued burial site must be obtained from the Wisconsin Historical Society prior to construction.</p> <p>During construction in close proximity to these 3 sites, archaeological monitoring is recommended. It is also recommended that sites 47DA0105 and 47DA0727 be fenced during construction.</p> <p>Site 47DA0727 is unevaluated. A Phase II was recommended at the site but access was denied by the property owner.</p>
	<p>2 recommended or determined eligible sites:</p> <ul style="list-style-type: none"> 47DA0107 Barber Campsite between Charles Lane and Schneider Drive 47DA1429 Babcock Park Site at Babcock Park in McFarland 	<p>Site 47DA0107 will not be avoided, resulting in an Adverse Effect. Mitigation measures should be developed during construction to address this impact to the site.</p> <p>Site 47DA1429 will be avoided by the current design. If the design changes and the site cannot be avoided, the effects of the undertaking will be assessed. It is recommended that this site be fenced during construction and that archaeological monitoring be conducted during construction in close proximity to this site.</p>
Archaeology	<p>6 ineligible non-catalogued burial sites (Wis. Statute. 157.70 sites)</p> <ul style="list-style-type: none"> 47DA0069 (BDA0499) Railroad Burial 47DA0070 (BDA0500) Stoughton Mounds 47DA0080 (BDA0080) Bryngelson Group 47DA0087 (BDA0547) Holver Johnson Group 47DA0106 (BDA360)Thelma Barber 47DA0567 (BDA0341) W.E. Colladay 	<p>Archaeological monitoring will be conducted during construction in close proximity to these sites.</p> <p>Permission to construct within a non-catalogued burial site must be obtained from the Wisconsin Historical Society prior to construction.</p>

The historic properties are shown on Figure 1 (Archaeological and Historic Sites) and Figure 2 (Historic District Overview Map) of the Section 106 Submittal.

06-0048/DA

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: C. M. Colladay 1

Other names/site number: 47DA0105

Name of related multiple property listing:

N/A

(Enter "N/A" if property is not part of a multiple property listing)

RECEIVED
OCT 28 2015

BY: _____

2. Location

Street & number: 2181 US 51

City or town: Stoughton State: Wisconsin County: Dane

Not For Publication:

Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ___ nomination X request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national X statewide X local

Applicable National Register Criteria:

___ A ___ B ___ C X D

<u>Steve W. Hobbs</u>	<u>10/27/15</u>
Signature of certifying official/Title:	Date
State or Federal agency/bureau or Tribal Government	

In my opinion, the property <u>X</u> meets ___ does not meet the National Register criteria.	
<u>Jim Dargatzis</u>	<u>10/25/15</u>
Signature of commenting official:	Date
Title :	State or Federal agency/bureau or Tribal Government

Wisconsin Historical Society

THIS PAGE INTENTIONALLY LEFT BLANK

THIS PAGE INTENTIONALLY LEFT BLANK



United States Department of the Interior



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

In Reply Refer To:

October 19, 2020

Consultation Code: 03E17000-2016-SLI-0178

Event Code: 03E17000-2021-E-00288

Project Name: WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study

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

To Whom It May Concern:

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

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

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

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

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

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive
New Franken, WI 54229-9565
(920) 866-1717

Project Summary

Consultation Code: 03E17000-2016-SLI-0178

Event Code: 03E17000-2021-E-00288

Project Name: WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study

Project Type: TRANSPORTATION

Project Description: This project is located along US 51 in Dane County Wisconsin between I-39/90 and US12/18. The corridor passes through the city of Stoughton and village of McFarland. The project would consist of reconstruction of existing US 51, pavement replacement in some areas, and intersection improvements.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.97875389518207N89.29639646116357W>



Counties: Dane, WI

Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

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

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

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

Birds

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Mead's Milkweed <i>Asclepias meadii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8204	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4458	Threatened

Critical habitats

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



United States Department of the Interior



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

In Reply Refer To:

June 26, 2019

Consultation Code: 03E17000-2016-I-0178

Event Code: 03E17000-2019-E-03226

Project Name: WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study

Subject: Concurrence verification letter for the 'WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study' project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study** (Proposed Action) may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*).

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required. If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Prairie Fringed Orchid, *Platanthera leucophaea* (Threatened)
- Mead's Milkweed, *Asclepias meadii* (Threatened)
- Prairie Bush-clover, *Lespedeza leptostachya* (Threatened)
- Rusty Patched Bumble Bee, *Bombus affinis* (Endangered)
- Whooping Crane, *Grus americana* (Experimental Population, Non-Essential)

Project Description

The following project name and description was collected in IPaC as part of the endangered species review process.

Name

WisDOT Project 5845-06-03 US 51 Stoughton - McFarland Study

Description

This project is located along US 51 in Dane County Wisconsin between I-39/90 and US12/18. The corridor passes through the city of Stoughton and village of McFarland. The project would consist of reconstruction of existing US 51, pavement replacement in some areas, and intersection improvements.

Determination Key Result

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

15. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?
Yes
16. Will the tree removal alter *any* **documented** Indiana bat or NLEB roosts and/or alter any surrounding summer habitat **within** 0.25 mile of a documented roost?
No
17. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?
No
18. Are *all* trees that are being removed clearly demarcated?
Yes
19. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?
No
20. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?
No
21. Does the project include slash pile burning?
No
22. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?
No
23. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)
No
24. Will the project involve the use of **temporary** lighting *during* the active season?
No
25. Will the project install new or replace existing **permanent** lighting?
No

26. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

27. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

28. Will the project raise the road profile **above the tree canopy**?

No

29. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

30. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost

31. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

32. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

33. **Tree Removal AMM 2**

Can *all* tree removal activities be restricted to when Northern long-eared bats are not likely to be present (e.g., the inactive season)^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

Automatically answered

Yes

34. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

35. **Tree Removal AMM 4**

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

36. **Lighting AMM 1**

Will *all* **temporary** lighting used during the removal of suitable habitat and/or the removal/trimming of trees within suitable habitat be directed away from suitable habitat during the active season?

Yes

Project Questionnaire

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

N/A

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

11

Avoidance And Minimization Measures (AMMs)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season.

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Minnesota – Wisconsin Field Office

4101 American Boulevard East

Bloomington, Minnesota 55425-1665

Phone: (952) 252-0092 Fax: (952) 646-2873



January 30, 2020

Jennifer Grimes
Environmental Coordinator
Mega Team Projects & Planning Major Studies
WisDOT Southwest Region – Edgerton
111 Interstate Blvd, Edgerton, WI 53534

RE: WisDOT Project #5845-06-03

TAILS: 03E17000-2016-SLI-0178

Dear Ms. Grimes

The U.S. Fish and Wildlife Service (Service) is responding to your request dated November 13, 2019 to verify that the US 51, Stoughton - McFarland, Dane County [WisDOT #5845-06-03] (the Project) may rely on the December 15, 2016, Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated LAA Consistency Letter on November 13, 2019.

This letter provides the Service's response as to whether the Federal Highways Administration may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the Project's effects to the NLEB. This letter also responds to your request for Service concurrence that the Project may affect, but is not likely to adversely affect (NLAA) ESA-listed species and/or designated critical habitats other than the NLEB.

The Federal Highways Administration has determined that the Project is *may affect – not likely to adversely affect* the NLEB. The Federal Highways Administration has also determined that the Project *may affect – not likely to adversely affect* the rusty patched bumble bee (*Bombus affinis*, RPBB).

The Service concurs with the *may affect – not likely to adversely affect* determination for NLEB, because WisDOT has completed the determination key available through IPAC for concurrence provided in the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB). Following completion of the determination key, WisDOT on behalf of FHWA has made a *may affect – not likely to adversely affect* determination for the NLEB. Per IPAC, no known hibernacula or roost trees occur within the project area, the timing of tree clearing is during NLEB inactive season, and the clearing is immediately adjacent to the roadway. The project action area is also within the mapped high potential zone for rusty patched bumble bee. Construction in these areas will generally consist of grading for the expansion of the roadway footprint to accommodate intersection improvements such as turn lanes and medians and for highway access changes. Post construction, the disturbed areas will be paved or seeded and returned to a similar condition. Impacts to RPBB habitat is minimized because the majority of the project impacts within the HPZ are along the existing highway corridor and within or adjacent to areas

that are mowed or farmed. The proposed action is in close project proximity to WisDOT's World Dairy Center Wetland Mitigation Bank Site. The bank site provides approximately 200 acres of undisturbed habitat within 1.5 to 5.3 miles of the project limits within the HPZ. The mitigation site includes restored wet meadow, riparian and scrub shrub habitat. The US 51 interchange at I-39/90 is currently being restored with native trees, shrubs and seeding as a part of the I-39/90 Corridor Expansion Project. Therefore, we believe that impacts to RPBB would be insignificant or discountable. This concurrence concludes your ESA Section 7 responsibilities relative to NLEB and RPBB for this Project, subject to the Reinitiation Notice below.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the Federal Highways Administration's commitment to implement any applicable mitigation measures as indicated on the LAA Consistency Letter. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that project is consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the NLEB. In coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Reporting Dead or Injured Bats

The Federal Highways Administration, its State/Local cooperators, and any contractors must take care when handling dead or injured NLEBs, or any other federally listed species that are found at the Project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO is exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service office.

Reinitiation Notice

This letter concludes consultation for the Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Federal Highways Administration's discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO;
2. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO; or
3. a new species is listed or critical habitat designated that the Project may affect.

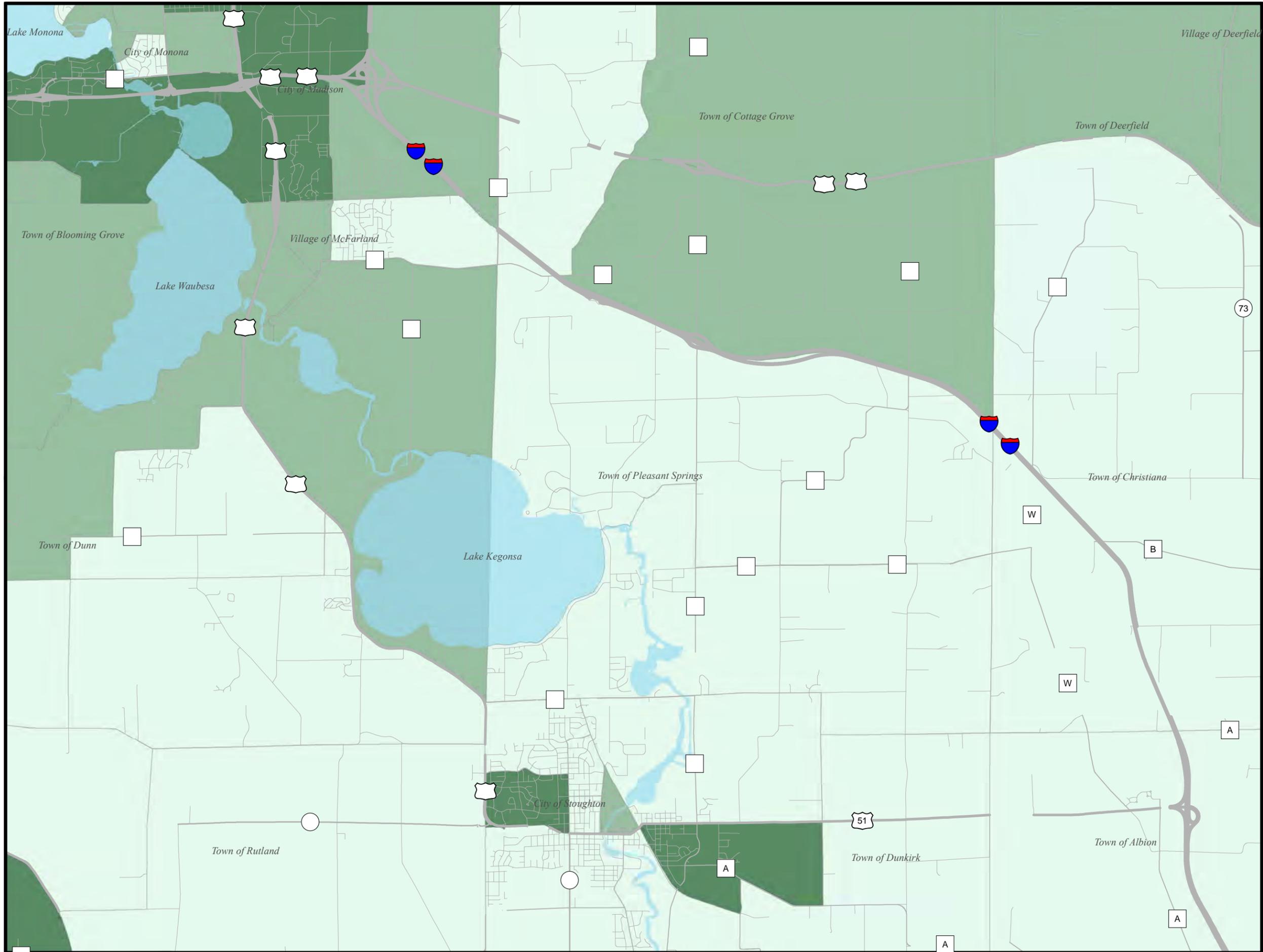
We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. Contact Darin Simpkins (darin_simpkins@fws.gov; 920-866-1739) if you have any questions regarding our response or if you need additional information.

Sincerely,

Shauna Marquardt
Assistant Field Supervisor

APPENDIX M
LOW INCOME AND MINORITY POPULATION DATA

THIS PAGE INTENTIONALLY LEFT BLANK



ALTERNATIVE H

AFRICAN AMERICAN POPULATION PERCENTAGE (BY 2013-2017 CENSUS BLOCK GROUP)

Legend

African American Percentage

- 0% - 1%
- 1.1% - 5.7%
- > 5.7%

Note: The percentage of the population that is African American in Dane County is 5.7%

Sources: US Census Bureau, 2013-2017 American Community Survey 5-Year Estimates and Dane County Land Information Office

US 51 EA PROJECT ID 5845-06-03

I-39/90 TO US 12/18 (MADISON SOUTH BELTLINE)

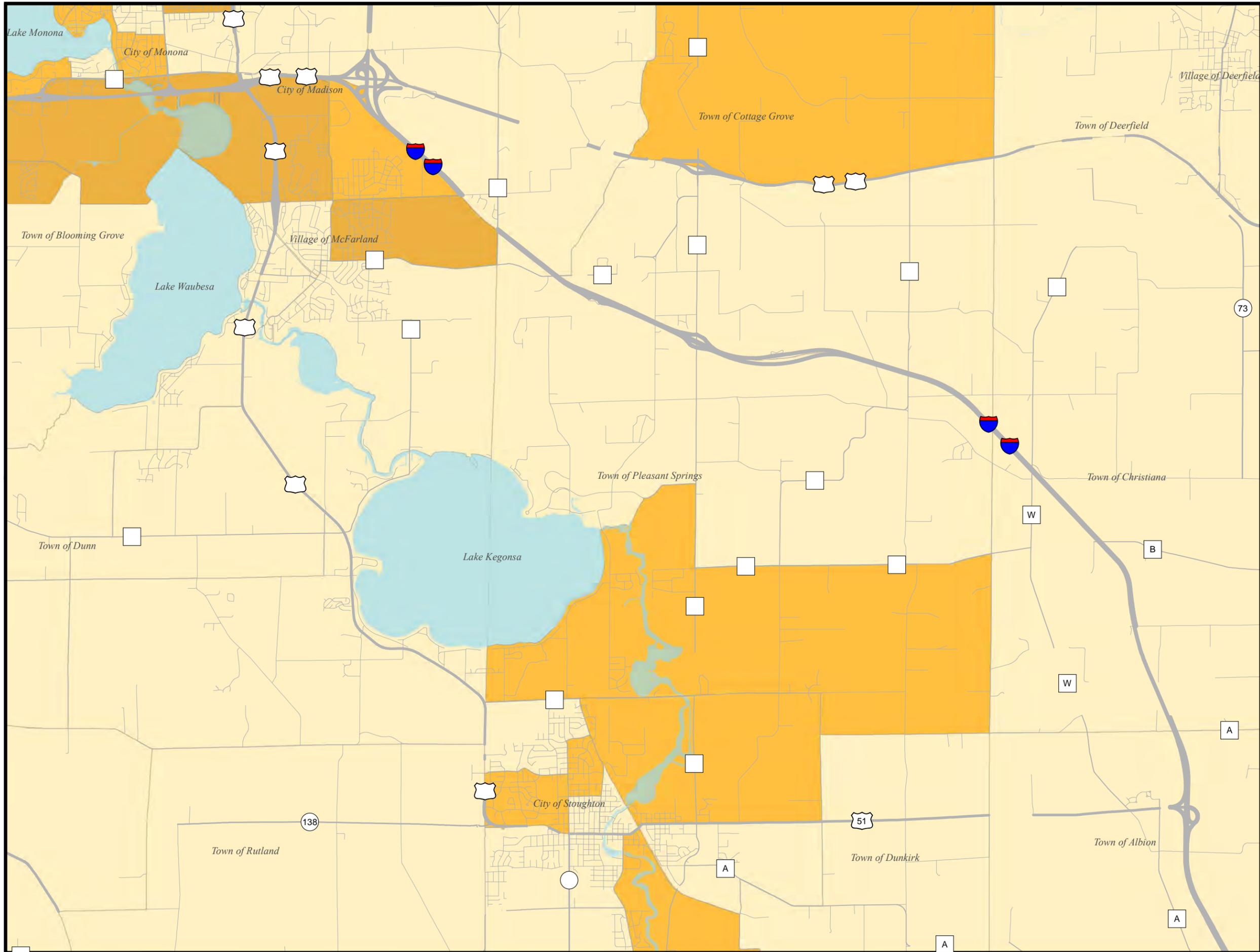
WISCONSIN DEPARTMENT OF TRANSPORTATION

DANE COUNTY, WISCONSIN



Sheet 1

THIS PAGE INTENTIONALLY LEFT BLANK



ALTERNATIVE H

ASIAN POPULATION PERCENTAGE (BY 2013-2017 CENSUS BLOCK GROUP)

Legend

Asian Population Percentage

- 0% - 1%
- 1.1% - 5.1%
- > 5.1%

Note: The percentage of the population that is Asian in Dane County is 5.7%

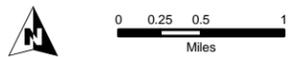
Sources: US Census Bureau, 2013-2017 American Community Survey 5-Year Estimates and Dane County Land Information Office

US 51 EA PROJECT ID 5845-06-03

I-39/90 TO US 12/18 (MADISON SOUTH BELTLINE)

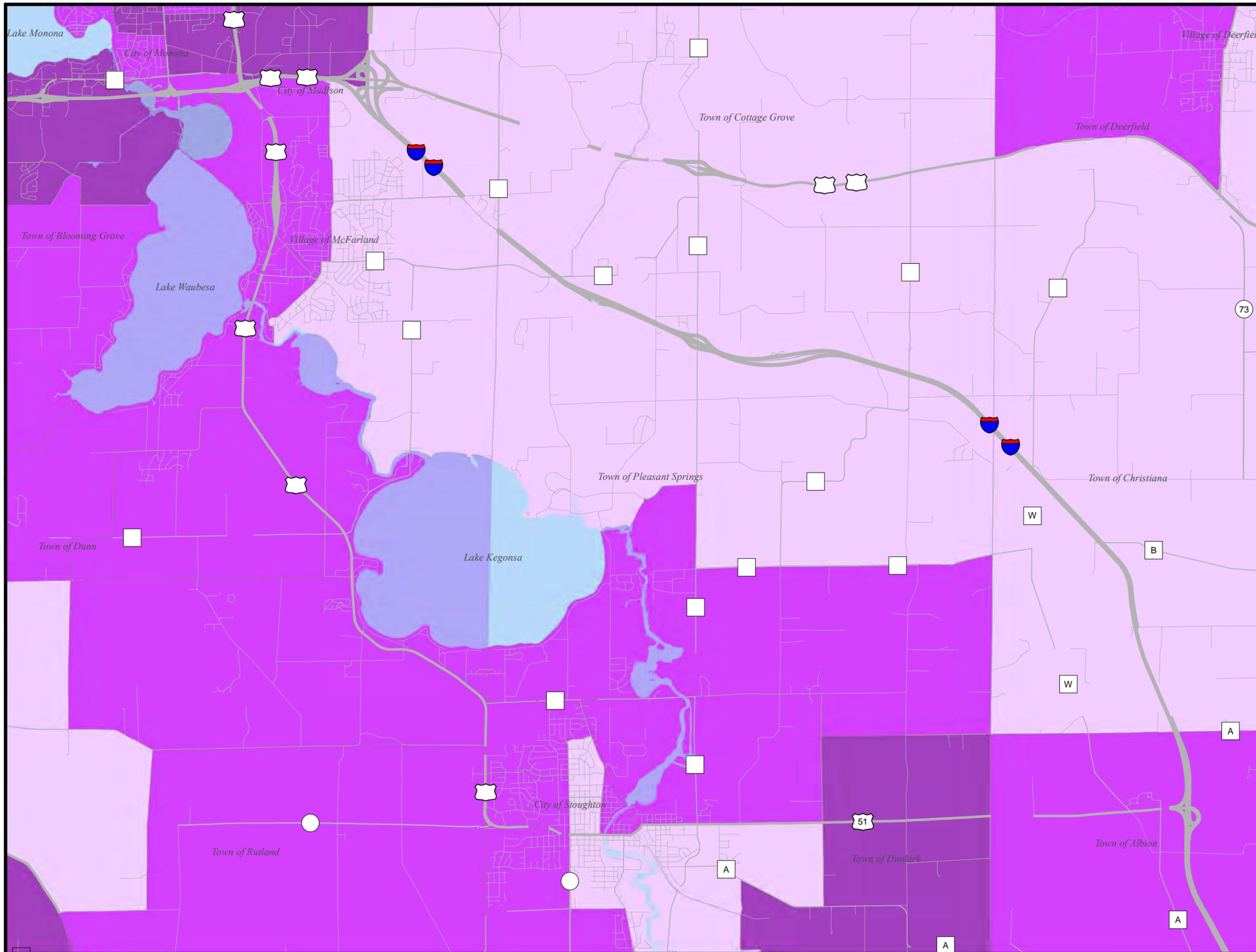
WISCONSIN DEPARTMENT OF TRANSPORTATION

DANE COUNTY, WISCONSIN



Sheet 1

THIS PAGE INTENTIONALLY LEFT BLANK



ALTERNATIVE H

HISPANIC OR LATINO POPULATION PERCENTAGE (BY 2013-2017 CENSUS BLOCK GROUP)

Legend

Hispanic or Latino Percentage

- 0% - 1%
- 1.1% - 6.3%
- > 6.3%

Note: The percentage of the population that is Hispanic or Latino in Dane County is 6.3%

Sources: US Census Bureau, 2013-2017 American Community Survey 5-Year Estimates and Dane County Land Information Office

**US 51 EA
PROJECT ID 5845-06-03**

**I-39/90 TO US 12/18
(MADISON SOUTH BELTLINE)**

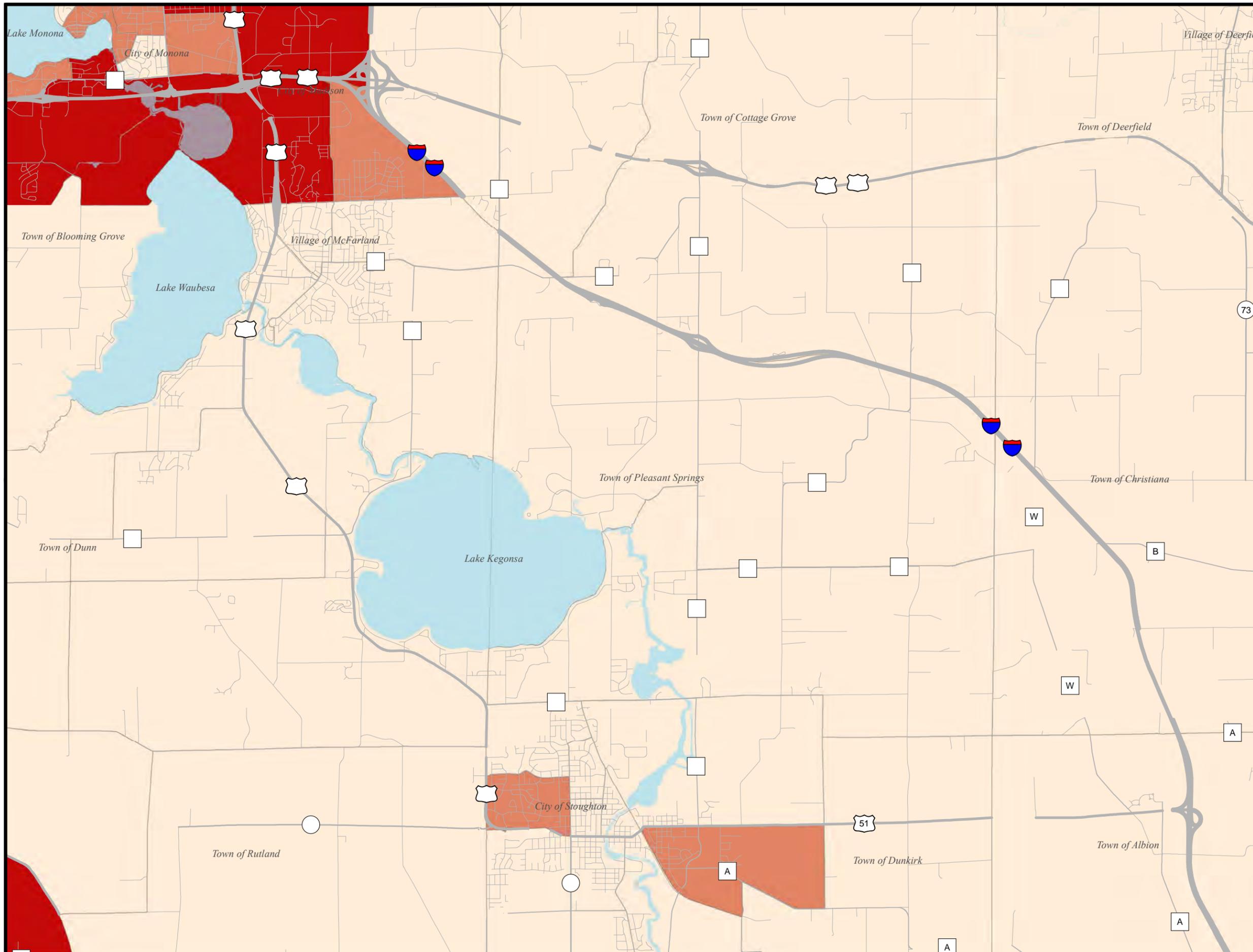
WISCONSIN DEPARTMENT OF TRANSPORTATION

DANE COUNTY, WISCONSIN



Sheet 1

THIS PAGE INTENTIONALLY LEFT BLANK



ALTERNATIVE H

NON-WHITE OR HISPANIC POPULATION PERCENTAGE (BY 2013-2017 CENSUS BLOCK GROUP)

Legend

Percent Non-White or Hispanic

- 0.0% - 10.0%
- 10.1% - 19.8%
- > 19.8%

Note: The percentage of the population that is non-white or hispanic in Dane County is 19.8%

Sources: US Census Bureau, 2013-2017 American Community Survey 5-Year Estimates and Dane County Land Information Office

**US 51 EA
PROJECT ID 5845-06-03**

**I-39/90 TO US 12/18
(MADISON SOUTH BELTLINE)**

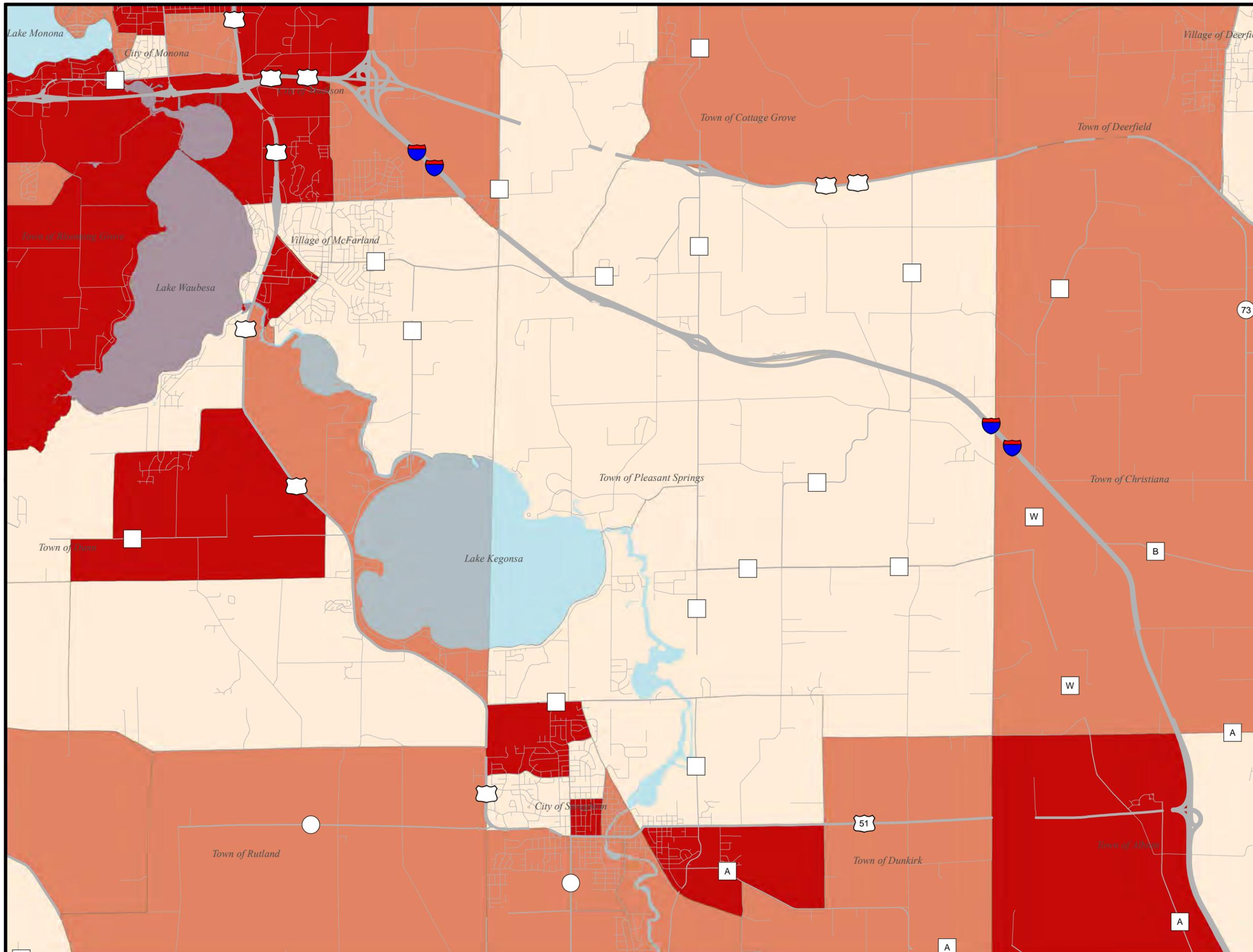
WISCONSIN DEPARTMENT OF TRANSPORTATION

DANE COUNTY, WISCONSIN



Sheet 1

THIS PAGE INTENTIONALLY LEFT BLANK



ALTERNATIVE H

**POVERTY LEVEL
(BY 2013-2017 CENSUS
BLOCK GROUP)**

Legend

**Percentage of Families
Below the Poverty Level**

- 0% - 1%
- 1% - 5.9%
- > 5.9%

Note: The percentage of families below the poverty level in Dane County is 5.9%

Sources: US Census Bureau, 2013-2017 American Community Survey 5-Year Estimates and Dane County Land Information Office

**US 51 EA
PROJECT ID 5845-06-03**

**I-39/90 TO US 12/18
(MADISON SOUTH
BELTLINE)**

**WISCONSIN DEPARTMENT
OF TRANSPORTATION**

**DANE COUNTY,
WISCONSIN**



Sheet 1

THIS PAGE INTENTIONALLY LEFT BLANK