

FEASIBILITY STUDY

AND

ENVIRONMENTAL
ASSESSMENT

OF

3 RAILWAY PURCHASES

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Figure 1

Wisconsin State Parks, Forests, Trails, and Recreation Areas



Notes: The Brule River, Northern Highland-American Legion, Governor Knowles, Flambeau River, and Black River State Forests are administered by the DNR Bureau of Forestry and the Chippewa Flowage by the Bureau of Facilities and Lands. The Ice Age National Scenic Trail, not shown, is also designated as a state trail. DNR Bureau of Parks & Recreation 8/2/99

EXECUTIVE SUMMARY

This feasibility study and environmental analysis examines potential DNR purchase of three railway corridors owned by the Department of Transportation: 1) Burlington to Elkhorn (12.6 miles); 2) Amery to Almena (17.8 miles); and 3) Gillett to Wabeno (44.5 miles). The three segments are no longer active railroad operations.

The DNR proposes to manage each corridor as a recreational trail under a cooperative agreement with the county or a local, nonprofit conservation organization. Potential uses includes walking, hiking, jogging, running, biking, snowmobiling, cross-country skiing, horseback riding, and ATV operations.

The Amery to Almena segment is called the Cattail Trail and is currently county-operated as a recreational trail by agreement between the DOT and Polk/Barron counties. The Gillett to Wabeno segment is called the Nicolet Trail and is also county-operated as a recreational trail by agreement between the DOT and Oconto County. The Burlington to Elkhorn segment will be called the White River Trail and provides snowmobiling on the eastern four miles through an agreement between the DOT and a local snowmobile club.

Public support of the Cattail and Nicolet trails is widespread and includes local use organizations, area businesses and local governmental units. The White River Trail has strong support from snowmobile users, and local governmental organizations have expressed supportive views of a recreational trail in this locale. Recreational trails continue to be in high demand by the public nationwide.

RAILWAY CORRIDOR FEASIBILITY STUDY

Introduction

The Wisconsin Department of Natural Resources (DNR) is authorized to acquire land for a variety of public purposes under ss. 23.09(2) and (10), 23.11, 23.14, and 27.01(2)(a) of the Wisconsin Statutes. Such lands are administered consistent with Natural Resources Board Policy established in Chapter One of the Wisconsin Administrative Code. A Five-Year Land Acquisition Plan approved by the Natural Resources Board in May, 1996 identifies all new land acquisition projects expected to be subject to feasibility study through the year 2000. Abandoned railway corridors are among those approved projects.

In 1965, the DNR was the first state in the nation to purchase an abandoned railroad right-of-way for recreational trail purposes and developed the Elroy-Sparta Trail. Currently, 26 state trails totaling 954.1 miles are developed on former railway corridors. County or local governments operate twelve of these trails under agreement with the DNR.

Current DNR land acquisition policy is to acquire various segments of railway from the Department of Transportation as soon as they are available, provided they are located in priority areas identified by each DNR Region. Those priority areas have been consolidated into a draft State Trails Network Plan, not yet processed administratively nor reviewed by the public. The three railway segments examined in this study are included in the draft plan.

Needs Analysis

Recreational trail needs in Wisconsin continue to grow with its population. Trail-related recreation is recognized as a high priority need in most county, state, and federal comprehensive planning efforts. Walking continues to be one of the nation's most popular outdoor pursuits greatly out-distancing camping, fishing, hunting, and other traditional outdoor activities. Other trail use demands including biking, horseback riding, snowmobiling, ATV operations, cross-country skiing, and wildlife watching continue to show long-term growth trends nationwide as well as in Wisconsin.

Economic benefits from trail-associated recreation are significant locally as well as statewide. Nationwide, the purchase of hiking shoes and boots alone generates over \$1 billion in sales. In Wisconsin, 50,000 users of the Elroy-Sparta State Trail spent over \$1,200,000 locally just in July and August (1989 survey)! With 28 trails in the current state trails network (Figure 1) and use levels of more than one-half million visitors each year, the economic impacts to Wisconsin are very positive.

Statewide needs for recreational trails are identified in a variety of planning documents. The 1991-96 Statewide Comprehensive Outdoor Recreation Plan and its May, 1999 draft revision identify the need for additional trails to accommodate increasing public needs. Hiking, walking, and running rank high on the list of survey participants. Other

trail uses including bicycling, snowmobiling, and ATV operations continue to be popular. While horseback riding is a low-use activity, user days have nearly tripled in the 1990s.

Planning reports including the Regional Bicycle and Pedestrian Facilities Plan for Southeastern Wisconsin, Regional Planning Commission reports, DNR's Northern Initiatives Report, DNR State Trails Strategic Plan, DNR Regional Recreation Trail feasibility studies and the draft DNR State Trails Network Plan, as well as Comprehensive Outdoor Recreation Plans for Barron, Polk, Oconto, Forest, Walworth, and Racine counties all reflect similar priorities for trail-related recreation.

Human populations continue to grow in each county associated with the railways examined in this study. Annual recreational demands are increasing at a higher rate than the population, perhaps reflecting increased leisure time and mobility of Wisconsin residents as well as nonresidents who continue to find this state's resources highly attractive for vacationing. While an aging population shows trends away from more rigorous activities like jogging, running, and cross-country skiing, other options including walking and hiking are growing in popularity.

Several agency policies establish the impetus for continuing state trail system expansion:

1. Acquire lands that are threatened by development and meet environmental protection and recreation needs.
2. Create new park and recreation lands in urban centers for close-to-home, day-use recreation such as relaxing, hiking, picnicking, trail and water uses.
3. Acquire most abandoned rail corridors for trail and future transportation use.
4. Provide overall coordination of trails in the state.
5. Work cooperatively to develop more trails. Trails should be operated by the entity which can most efficiently and effectively do so.
6. Establish parkways, trails, and environmental corridors linking existing urban and suburban parks as well as state and multi-county trails to one another.

Proposed Designation

The linear nature of railroad corridors makes these areas ideal purchases as state trails under s. 23.09(2)(d)(12). The trails will be classified as Park Trails per ch. 1.30(1)(e) as authorized by s. 27.01. This designation enables the DNR and cooperating counties, municipalities, and nonprofit conservation organizations to develop facilities for exercise walking, hiking, jogging, running, bicycling, snowmobiling, cross-country skiing, horseback and all-terrain vehicle (ATV) riding, nature study and interpretation, roller blading, and other forms of outdoor recreation.

Typically, railroad corridors purchased by the Department of Transportation (DOT) are first offered for sale or gift to the DNR before other public agencies are contacted. Most rail lines are categorized as "Rails to Trails Program" transactions, meaning the rail corridor is still considered "active" and that if economic conditions and transportation needs ever warrant the return of a railroad, the corridor reverts to the DOT.

Description

Burlington-Elkhorn Trail (White River Trail)

This railway corridor in southeastern Wisconsin is on the western edge of Racine County and extends into Walworth County (Figure 2). The corridor is 12.6 miles in length and contains 152.73 acres. It is part of a larger 45-mile corridor located between the City of Racine in Racine County and the Village of Darien in Walworth County, identified in the state trails plan as a later target of acquisition. The City of Burlington (population 8,851) is the eastern trailhead and the City of Elkhorn (population 5,337) is the western terminus of the portion of the rail corridor being acquired. The trail passes through the Town of Lyons (population 2,579), five miles west of Burlington.

The original rails were laid down in this part of Wisconsin in the late 1800s. The segment proposed for acquisition was abandoned as an active line in 1986 and became owned by the Department of Transportation. Ownership instruments include Warranty Deeds and Quit Claim deeds for lands varying from 10 to 198 feet in width. Most deeds include land between 66- and 99-foot widths.

The Darien to Elkhorn portion lies west of the portion of the corridor being acquired and is an active line operated by the Wisconsin and Southern Railroad. The Burlington to Racine portion lies to the east and is active for the Canadian Pacific Railroad. Most of the railroad ties and rails are still in place between Burlington and Elkhorn (the portion being acquired), but trees and brush have become established in parts of the corridor.

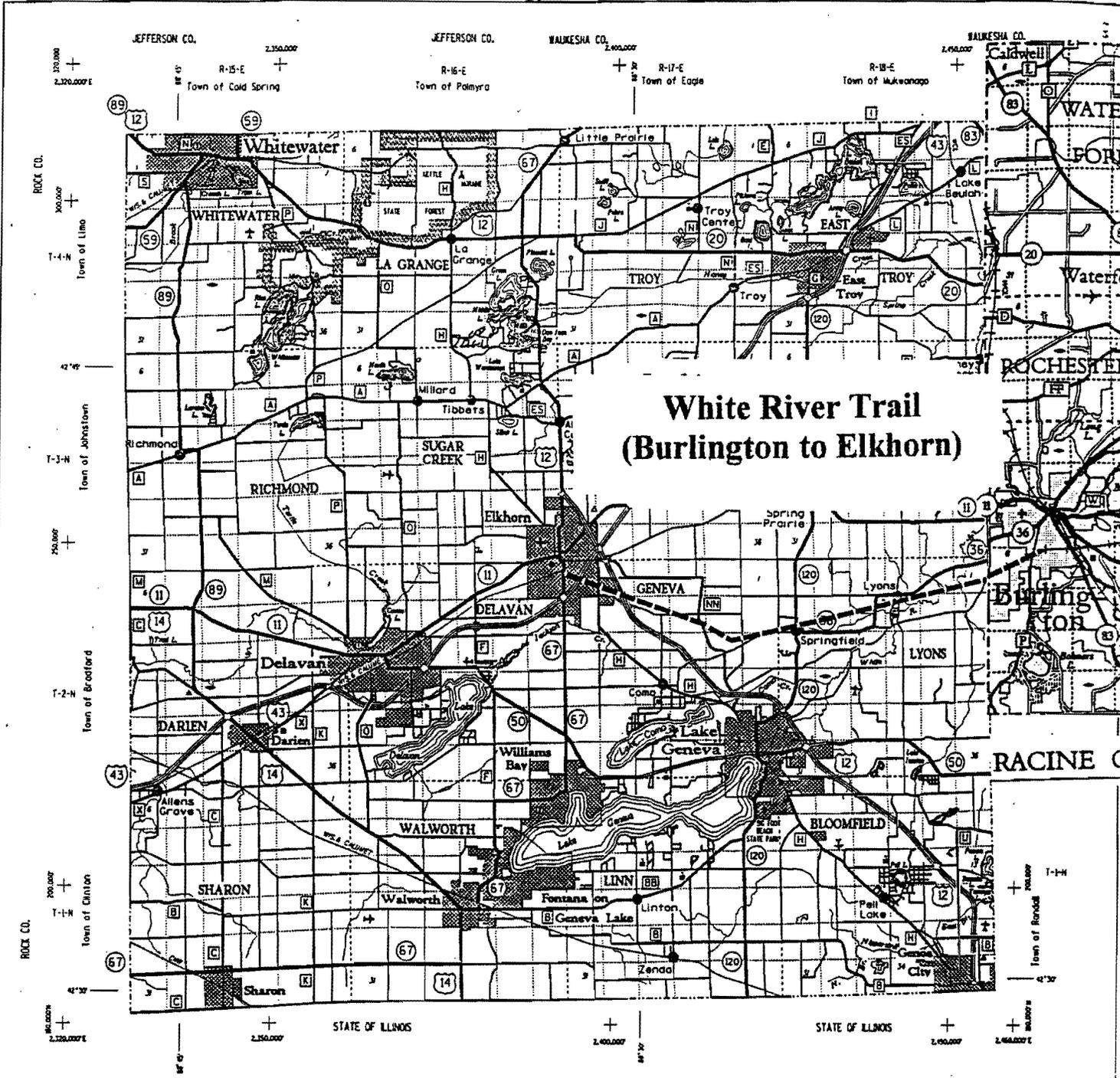
The railway is constructed on top of Niagara escarpment dolomite, a limestone ridge extending along Lake Michigan from Racine to Door counties as well as into most of the Great Lakes area. The previous actions of the glacier 13,000 years ago flattened the topography in Racine and Walworth counties. Soils in the railway corridor are comprised mainly of silty clay loams and silt loams.

Vegetative cover is primarily mixed deciduous trees including boxelder, black cherry, slippery elm, and a variety of oaks. The understory contains a mixture of sumac and honeysuckle along with several species of forbs, domestic grasses, and prairie grasses. An area known as the Burlington Railroad Prairie is located near the Walworth-Racine county line. It is identified in the Natural Heritage Inventory as locally significant. No populations of endangered or species of special concern plant species are known to be found in the area, but three state-threatened plant species have been found: 1) kitten tails; 2) prairie milkweed; and 3) small white lady's-slipper.

Wildlife found along this narrow corridor are typical of what is found in southeast Wisconsin. Larger mammals include white-tailed deer, red and gray fox, raccoon, striped skunk, woodchuck, and opossum. Other mammals commonly found are gray squirrel, fox squirrel, cottontail rabbit, eastern chipmunk, and a large variety of rodents. Birds include the ring-necked pheasant, bobwhite quail, kestrel, red-tailed hawk, barred owl, great-horned owl, red-winged blackbirds, and several species of sparrows, vireos, warblers, thrushes and woodpeckers. Some nesting waterfowl use the corridor including

Figure 2

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White River Trail (Burlington to Elkhorn)

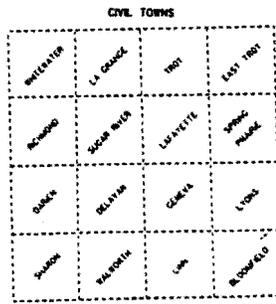
LEGEND

- | | | | |
|-------------------------------|-------------------------------------|-------------------------------------|-----------------------|
| Freeway | Double line with dashed center | Dam | Line with cross-ticks |
| U.S. or State Hwy. | Single line with dashed center | Hospital | Circle with cross |
| County Trunk Hwy. | Single line with dashed center | Schools | Circle with cross |
| Town Road | Single line with dashed center | Airport | Circle with cross |
| Firezone | Single line with dashed center | County Seat | Circle with cross |
| Utilities Divided | Two parallel lines | Unincorporated Village | Circle with cross |
| Interchange | Two parallel lines with cross-ticks | Fish Hatchery | Circle with cross |
| Highway Separation | Two parallel lines with cross-ticks | Game Farm | Circle with cross |
| Interstate Highway No. | Shield with number | Public Hunt. or Fish. Grd. | Circle with cross |
| U.S. Highway No. | Shield with number | Public Camp & Picnic Grd. | Circle with cross |
| State Highway No. | Shield with number | Ranger Station | Circle with cross |
| County Highway Letter | Shield with letter | State Park | Circle with cross |
| Railroad | Line with cross-ticks | County Park | Circle with cross |
| State Boundary | Dashed line | Boyside | Circle with cross |
| County Boundary | Dashed line | School for Deaf | Circle with cross |
| Civil Town Boundary | Dashed line | Yards Observatory | Circle with cross |
| Section Line | Dashed line | University of Wisconsin - Milwaukee | Circle with cross |
| Corporate Limits | Dashed line | | |
| Notl. & State Forest Boundary | Dashed line | | |



TOWNSHIP NUMBERING

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



MILES OF HIGHWAY as of Jan. 1, 1952

STATE	253
COUNTY	206
LOCAL ROADS	694
OTHER ROADS	7
TOTAL FOR COUNTY	1160

WALWORTH CO.
 DEPARTMENT OF TRANSPORTATION
 STATE OFFICE BUILDING
 Madison, Wisconsin
 SCALE 1:25,000
 CORRECTED FOR JAN. 1952
 See contour from U.S.G.S. Quadrangle 150,000 Series

For boundaries of public hunting and fishing grounds please contact the Department of Natural Resources

Grid based on Resonance coordinate system, South Zone.

mallard, wood duck, and blue-winged teal. No populations of endangered, threatened, or special concern wildlife are known to use the area.

The trail corridor crosses one river and one creek, but is not directly associated with any fisheries. However, it lies within three miles of nine lakes which offer an abundance of water-related recreation. One DOT rental in Burlington allows a private building to exist in the railroad rights-of-way. Several trespassing circumstances also exist, mostly landowners maintaining lawns in the corridor.

Numerous village, city, and county parks are located near the trail corridor. Larger nearby state-owned properties include Big Foot Beach State Park (271 acres), Bong State Recreation Area (4,515 acres) and the Southern Unit of the Kettle Moraine State Forest (20,133 acres). No archaeological or historic sites are found in or adjacent to the railway.

The trail is surfaced with crushed rock and has 12 road crossings which provide excellent access along its entire length. Major road access on the east includes State Trunk Highways 11, 36, and 83. The primary western access is Interstate 43, U.S. Highway 12, and State Trunk Highway 11. Major large population centers with a combined population exceeding 1.5 million within a one-hour drive of the trail include Milwaukee, Kenosha, Waukesha, Beloit, Whitewater, and Lake Geneva. Madison and Chicago are within a two-hour drive of the trail.

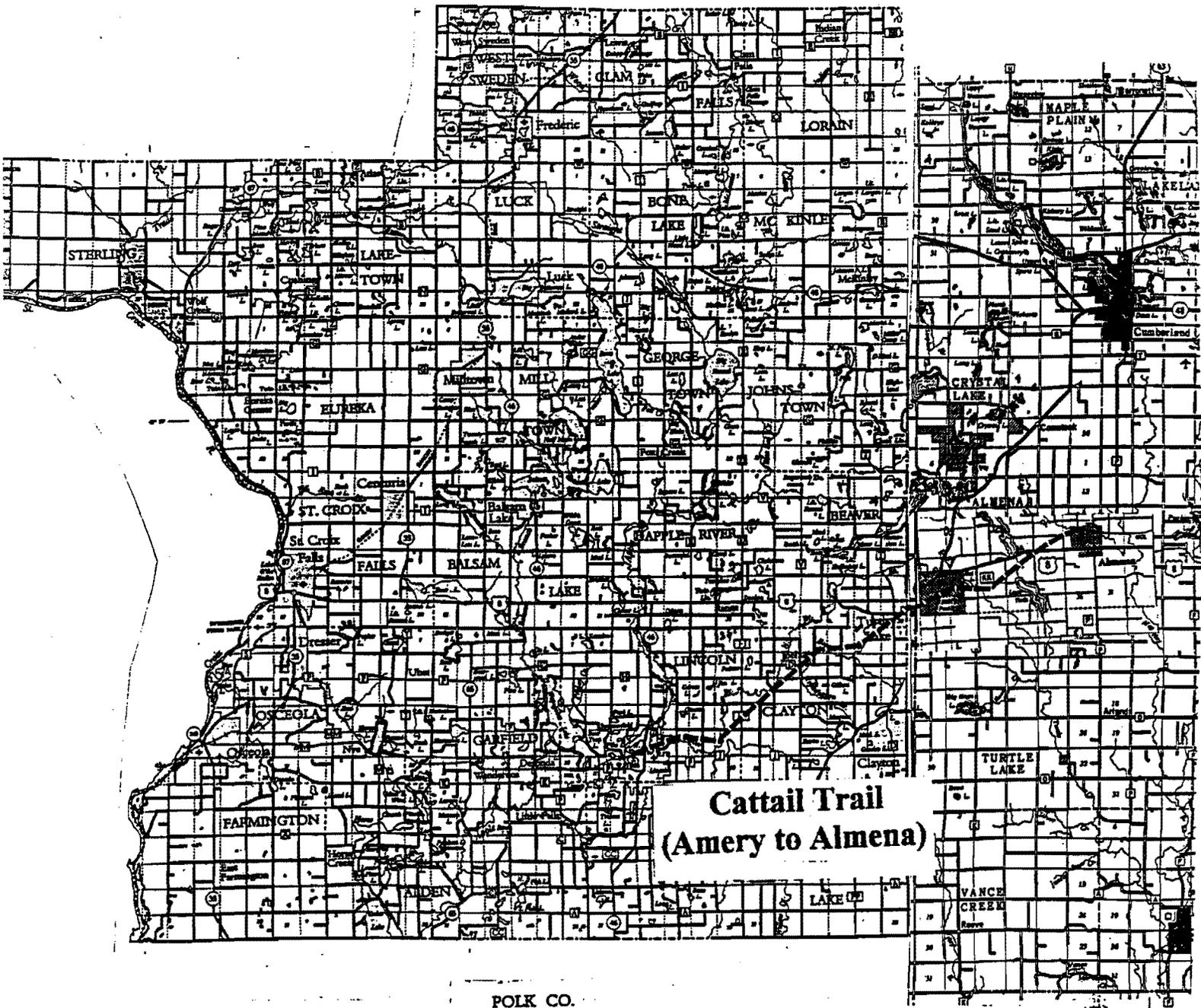
Amery to Almena Trail (Cattail Trail)

This railway corridor in northwestern Wisconsin is located on the eastern edge of Polk County and extends into western Barron County (Figure 3). This segment is a county-operated recreational trail 17.8 miles in length and containing 215.75 acres. The City of Amery (population 2,812) is the western trailhead and the Village of Almena (population 625) is the eastern terminus. The trail also passes through the Village of Turtle Lake (population 591), five miles west of Almena. It is part of a larger, 210-mile potential trail between Dresser and Cavour identified in the draft state trails plan.

The original rails were laid down in this area in 1884. The segment was abandoned as an active railroad operation and acquired by the Department of Transportation by Quit Claim Deed in 1990. The corridor varies between 100 and 200 feet in width and all of the rails and ties have been removed. The western segment of the rail corridor from Dresser to Amery (15.25 miles) has also been abandoned, but the DNR has not been able to meet the railroad's (Wisconsin Central) asking price. East of Almena, the line to Barron (nine miles) is active and is also operated by Wisconsin Central.

This portion of Wisconsin is divided primarily between forested and agricultural cover types. Rural residential development is common in the area. The railway is constructed on flat to gently rolling lands which include terminal moraine, pitted outwash, and ground moraine. Soils are predominantly silty and sandy loams. Vegetative cover includes a mixture of aspen, elm, birch, and oak trees in the overstory with sumac, alder, forbs, and

Figure 3



**Cattail Trail
(Amery to Almena)**

POLK CO.

DEPARTMENT OF TRANSPORTATION
HIGHWAY OFFICE BUILDING

BARRON CO.

DEPARTMENT OF TRANSPORTATION

grasses underneath. Several marshes containing cattail, sedges, and canary grass are scattered along the way.

Wildlife found throughout the corridor include white-tailed deer, black bear, red and gray fox, raccoon, opossum, striped skunk, cottontail rabbit, gray and fox squirrel, beaver, mink, muskrat, otter, and a large variety of rodents. Birds include ruffed grouse, bald eagle, great horned owl, rough-legged hawk, kestrel, several species of sparrows, vireos, warblers, thrushes, and woodpeckers. Nesting waterfowl associated with the wetlands include mallards, blue-winged teal, and wood ducks. No endangered or threatened species are known to use the area.

The trail corridor crosses wetland areas using six bridges and numerous culverts. No DOT-owned buildings exist within the corridor. Several private properties were observed infringing on DOT ownership boundaries (illegal fences, foundations, buildings, lawns, etc.). No archaeological or historic sites are found within the corridor's boundaries, but one Indian encampment has been located in an adjacent area.

The trail surface is comprised mostly of old crushed rock and gravel from the original railroad operation. The usable surface is 10 to 12 feet wide between Amery and Turtle Lake, but shrinks to barely a six-foot width in the lighter used section between Turtle Lake and Almena.

The trail has 18 road crossings along its entire length representing excellent access. Major road access on the west is State Trunk Highway 46 off U.S. Highway 8. The primary access on the east is State Trunk Highway 63 and U.S. Highway 8. The Twin Cities, with a population of more than 2.3 million, and Eau Claire (population 55,120) are within a one-hour drive of the trail. Spooner, Rice Lake, Barron, and New Richmond are within 30 minutes of the trail.

Current recreational use is estimated at 3,500 user-days per year with summer ATV use and winter snowmobiling the most popular activities. Other uses include walking, hiking, snowshoeing, cross-country skiing, jogging, running, and horseback riding. The trail is closed to hunting.

Gillett to Wabeno Trail (Nicolet Trail)

This railway corridor in northeastern Wisconsin is located in Oconto County and extends into the southern edge of Forest County (Figure 4). It is a county-operated recreational trail 44.5 miles in length and containing 539.4 acres. The City of Gillett (population 1,303) is the southern trailhead and the Town of Wabeno (population 1,958) is the northern terminus. The trail passes through or very near Suring (population 626), Breed (population 564), Mountain (population 357), Lakewood (population 607), and Townsend (population 715). The northern half of the trail is surrounded by the 667,400-acre Nicolet National Forest.

As in the previously-described corridors, the rails were first laid down in the late 1800s. This segment ceased as an active railroad and was purchased by the DOT by Quit Claim Deed in 1979.

The region containing this corridor is underlain by pre-Cambrian granite and undifferentiated igneous and metamorphic rock. Past glaciers covered these rock layers with glacial drift of varying depths. Most of the soils are silt and sandy loams produced by the weathering glacial drift. The wildlife and vegetation is similar to the Cattail Trail area, but more wetlands, including some high quality sedge meadows and northern wet forest communities, are found along the trail.

Two state-threatened plant species--Braun's holly-fern and fairy slipper--as well as two special concern plants--variegated horsetail and skillet clubtail--are found in the trail vicinity. The state-endangered loggerhead shrike and western ribbon snake along with state-threatened Blanding's turtle may also occur in this part of the state.

The trail involves at least 15 stream and 5 river crossings. Most of the streams contain trout. Numerous small ponds and lakes add to the diversity of this landscape. Farmland and forests are the dominant land types interspersed somewhat evenly along the corridor. Each municipality along the trail contains park facilities and the large Nicolet National Forest offers a great variety of public recreational opportunities. Numerous state-owned properties are also scattered throughout the area.

The trail is surfaced with crushed rock for most of its length. A small portion on the west edge of Gillett (estimated at 2,000 feet) is sod-covered. Several small bridges (not inventoried) and numerous culverts are the primary improvements within the corridor.

At least 45 road crossings offer easy access to the trail. State Trunk Highway 32 is parallel to the trail for most of its length and State Trunk Highway 64 crosses east to west near the trail's center. The closest population center is Rhinelander (population 7,382), an hour west of Wabeno. Green Bay and the Fox River Valley with a total population exceeding 200,000 are within a one-hour drive east of Gillett.

No archaeological sites are found within the corridor's boundaries, but two Indian encampments are located on adjacent lands. One historic site, a railroad trestle, has been identified by the Wisconsin State Historical Society for preservation.

Current recreational use is estimated to exceed 5,000 user days per year with ATV riding and snowmobiling the most popular uses. Horseback riding, bicycling, hiking, and cross-country skiing are also common activities, but at lower use levels. Other recreation occurring includes wildlife watching, snowshoeing, jogging, running, and picnicking. Hunting is not allowed, but fishing is associated with most water access points.

Goal Statement

The proposed goal is to provide trail-based outdoor recreation for activities commonly found on trail corridors.

Proposed Management

After purchase, each corridor will be managed as a state trail for multiple public recreational opportunities in cooperation with the county, other municipality, or nonprofit conservation organization. The specific forms of recreation to be provided and the types of development required are established through a property master plan.

Because the Cattail and Nicolet trails are already operational under county agreements, those operations likely will continue with few changes required. The master planning process will serve to review recreational use and property management with the public. State-required signing, bridge standards, boundary maintenance, parking facilities, and other support facilities will be coordinated through a memorandum of understanding with the county operator.

The White River Trail will require the DNR staff to develop an operational agreement with some local entity. The DOT will likely sell the corridor's rails and ties sometime between the fall of 1999 and the spring of 2000, enabling trail surfacing to start as soon as an operational agreement has been established. Signing, bridge inspections/repairs, some brushing/tree removal, and parking lot construction will begin immediately because of public safety considerations. Other facility construction and habitat work such as prescribed burning, plantings, and exotic vegetation removal will be established after master planning is completed.

All three trails will be impacted by the DOT's "rails to trails" requirements. This means that if the state's needs change in the future and public transportation becomes feasible in any corridor, ownership would be returned to the DOT and rail development would again be established.

Costs

Land acquisition costs established by appraisals or administratively by the DOT are as follows:

- Cattail Trail (17.8 miles; 215.76 acres)-\$55,475
- Nicolet Trail (44.5 miles; 539.4 acres)-\$1.00
- White River (12.6 miles; 152.73 acres)-\$1.00

The Cattail and Nicolet Trails require little development and maintenance to operate at current conditions. Signing is cost-shared through local snowmobiling organizations. On the Cattail Trail, the county periodically uses a side-mounted mower to cut brush invading the trail edges. The Nicolet uses the county work crew and volunteers to control vegetation. Signing, litter pickup, summer mowing, and occasional grading to maintain the trail tread is estimated at \$50 per mile or a total of \$32,000 per year.

The White River Trail will need considerable brushing and tree removal on most of the trail tread before surfacing can take place. Surfacing, signing, boundary marking, parking lot construction, and bridge planking/railing will be major development activities with costs ranging from \$3,000 to \$10,000 per mile depending on the scope of work. It is estimated that the total development cost will be \$100,000. Annual maintenance will cost about \$200 per mile or about \$3,400 per year.

The Department estimates property tax payments of \$5,000.

Public Involvement

News media announcements combined with several public meetings established considerable public support for the establishment of the Cattail and Nicolet trails by the DOT and cooperating counties. Economic benefits occurring as a result of use by residents along the trail and tourists attracted to the region added support by area businesses. Since change in ownership from the DOT to the DNR will not result in any appreciable change in trail management, only public notices and letters to local officials and legislative representatives were used to publicize this document (feasibility study). The Polk County Board of Supervisors passed a resolution on August 17, 1999, to accept responsibility for maintenance and development of the Cattail Trail contingent upon the Department's continued financial support. The Board of Supervisors of Forest County passed a resolution on June 14, 1999, in support of the Department purchasing five miles of the corridor in Forest County from Wabeno to the Forest-Oconto County line for recreational trail purposes. The Town of Wabeno also passed official support of the purchase through the township on June 16, 1999.

The White River Trail was first announced to local officials and legislative representatives in the early 1990s in the form of a longer trail from Darien to Racine. The DOT staff received strong local support for the establishment of such a trail. The DNR staff also received similar support when talking to local officials through 1995. While DNR did not pursue acquisition formally until 1999, local snowmobile clubs maintained steady interest in a recreational trail for this area and used the eastern four miles of the corridor each winter through an agreement with the DOT. Again, only news media announcements were used by the DNR to announce the potential land acquisition. No objections or requests for public meetings were received.

Environmental Effects and Their Significance

The environmental impacts associated with railway corridor acquisition by the DNR are very positive. State ownership of the land assures natural habitat protection, the protection of unique plant and wildlife communities, and the opportunity for the public to participate in a variety of outdoor recreational activities. The "rails to trails" feature of the DNR purchase guarantees the public that the original transportation purpose can be restored if the need arises in the future.

Modest increases in recreation can be expected in the two northern Wisconsin corridors as publicity occurs and improvements are implemented over time. The new White River Trail is expected to attract a higher use level because of its location near large numbers of people. However, the increased recreation is not expected to harm wildlife or the vegetation of the trail corridor. To the contrary, increased agency inventories and monitoring efforts as well as future habitat improvements are expected to provide benefits for plant and animal communities.

Significance of Cumulative Effects

The acquisition of these lands by the DNR protects additional fish and wildlife habitat, natural aesthetics, archaeological site, a historic bridge, and water quality, improving the overall quality of the natural and human environment. Additional projects of this type will preserve and improve wildlife and fisheries habitat, protect other archaeological and historic sites as well as protecting natural aesthetics which contribute directly to the quality of life for living things.

The cooperative effort and communication a project like this stimulates between local, state, and federal levels of government coupled with the support from private organizations, communities, and individuals is extremely beneficial socially and politically. This cooperative spirit also improves governmental efficiency and cost effectiveness.

Some may view the additional purchase of land by the state as unnecessary and an additional burden to state taxpayers. The thought is that not only do taxpayers pay the bill for this land, but as more land is taken off the tax rolls, property taxes are adjusted upward and an already high tax bill goes higher. (Note: While property tax is affected, since all property taxpayers share in the bill, the increase from this purchase is only a few cents per taxpayer. Several independent tax studies have concluded not only is there little or no impact on the local tax base, but often the public land itself generates dollars for local businesses.)

Significance of Risk

There is little or no risk associated with the purchase of these lands by the DNR or its subsequent management. However, there is a distinct risk that if the lands are not acquired by the DNR, development to farm land, home site use, or commercial use will destroy or negatively impact the natural features of this property.

There is a clear risk that certain portions of the corridor could be sold to private commercial rail operations delaying or permanently eliminating recreational trail operations as demonstrated between Wabeno and Cavour. Partial private ownership between other public ownership could prevent recreational trail operations entirely.

Endangered, threatened, or special concern plant and animal species would also be at risk if development to contrary uses should occur. That likelihood is great or at least more favorable if the lands should pass on to the private sector.

Recreational opportunities for the public would be gained under the DNR's ownership, but greatly reduced in private ownership. One risk is illegal trespass, and landowner service requests would be expected to increase for local county, state, and federal workers when private lands adjoin public property.

Significance of Precedent

This land acquisition is not precedent setting in that the DNR has purchased railway corridors for recreational trail purposes for more than 24 years. It is also common for the Department to purchase land and turn over development, maintenance, and management responsibilities to some other entity.

Land acquisition by the DNR has occurred in each of the counties involved in this purchase, but some townships would experience the DNR's ownership for the first time. This is not judged significant because of the DNR's practice of paying full property taxes on its ownership and the excellent communications they maintain with local officials and landowners.

Significance of Controversy Over Environmental Effects

No public controversy has surfaced during recent years or during the period of this study which culminated with a published public notice. Local officials and legislators either have indicated support for the project or simply didn't express any opposition to the DNR's land purchase proposal. Local citizens and various recreational organizations have been very supportive of the project.

Alternatives

No Action

The DNR would not protect the property through ownership and cooperative management. Public recreation and natural resources would be at risk unless some other public service entity acquired the land.

Private ownership of the corridor for farming or forestry practices likely would have negative impacts on natural resources and eliminate most public recreation. Poor land use practices would have an even greater impact because water quality would be affected and the resultant environmental impact would affect a much greater area.

Reduced State Ownership

Because of the contiguous nature of trail-related recreation, the purchase of anything less than full ownership is not conceivable if only the DNR is a participant. A partnership with or complete ownership by local municipalities, counties, or nonprofit conservation organizations offers an alternative but is very complex and time-consuming to coordinate. It is not a very practical alternative but can be used if the preferred alternative fails.

Expanded State Ownership

Since other railroad corridor lands are not for sale, except west of the Cattail Trail, this type of expansion is not available. The Cattail Trail west addition was not viable because the asking price by the owner greatly exceeds market value and, therefore, the DNR cannot purchase the land.

The DNR could attempt to purchase other lands from private landowners and create a separate corridor of its own. However, this effort would involve hundreds of landowners over many years which would greatly increase the risk of failure as well as cost.

Purchase All DOT Offers For Sale (Preferred Alternative)

This alternative is described and analyzed in the body of this report. Public support and past negotiations with the DOT led to identification of this alternative in the DNR's Strategic Trails Plan (1993) and the draft State Trails Plan (1999).

Environmental Analysis Decision (This decision is not final until certified by the appropriate DNR authority)

In accordance with s. 1.11, Wis. Stats. and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with these cited regulations. (Check 1. or 2. below.)

- 1. EIS process not required.....()
 Analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action that would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.
- 2. Major action requiring the full EIS process.....()
 The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Evaluator's Signature *Steve Z. Heltz* Date Signed 9/1/99
 Bureau Director *Robert W. Ross* Date Signed 9/1/99

Copy of news release or other public notice attached? Yes () No
 Number of responses to the notice? 3
 Public response log attached? Yes () No

Certified in Compliance with WEPA
 Director of BEAR Signature *George Albright* Date Signed 9/20/99

Notice of Appeal Rights

If you believe that you have a right to challenge this decision, you should know that Wisconsin law and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to s. 227.52 and 227.53, Stats., you have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, you have 30 days after the decision is mailed or otherwise served by the Department to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to section 227.48 (2) Wis. Stats.