



July 2, 2024

## **FINDING OF NO SIGNIFICANT IMPACT**

### **Blue Hills Trail Re-Route Environmental Assessment**

### **Ice Age National Scenic Trail, Rusk County, Wisconsin**

#### **BACKGROUND**

The National Park Service (NPS) has completed a comprehensive analysis of a proposal to re-route the Ice Age National Scenic Trail (NST) in Rusk County, Wisconsin. The purpose of this project is to re-route the Ice Age NST to better access the unique geologic and glacial features in the Rusk County Forest (Forest) and meet the goals of the 1983 Ice Age National Scenic Trail Comprehensive Management Plan (Comp Plan).

The impacts of the proposed action were analyzed in the Environmental Assessment (EA), which was open for public comment from April 12 to May 30, 2024. A press release was issued on April 8, 2024, announcing that the EA would be available for public review and inviting comments online through the NPS Planning, Environment, and Public Comment (PEPC) system or by U.S. mail. A summary of public comments and responses to substantive comments are described in Attachment A.

#### **SELECTED ALTERNATIVE**

The EA analyzes two alternatives, Alternative A: No Action, and Alternative B: Trail Re-Route (Preferred Alternative). Based on this analysis, the NPS selected Alternative B: Trail Re-Route. The selected alternative will include brushing, tread construction, and signpost installation and will create two wetland crossings (boardwalks), 14 stream crossings, stone stairs, and one bridge. The trail re-route will occur entirely within the Rusk County Forest, and 18.6 miles of new trail will be constructed to re-route an existing 22-mile segment of the Ice Age National Scenic Trail. A full description of the selected alternative can be found in Chapter 2 of the EA.

#### **RATIONALE FOR DECISION**

The selected alternative best fulfills the project purpose, which is to comply with Section 5 of the National Trails System Act of 1968 (NTSA), as amended (16 USC § 1241 et seq.) and support the Ice Age NST 1983 Comp Plan. The project is needed to provide better interpretation and access to geologic features in Rusk County Forest, create a more sustainable trail with improved water structures, permanently protect the trail through the Rusk County Forest, move the current trail route away from the road, and provide improved access to camping opportunities.

#### **MITIGATION MEASURES**

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. Therefore, multiple mitigation measures and best management practices

(BMPs) are included to protect natural and cultural resources. These mitigations and BMPs are described in Chapter 3 of the EA.

The authority for this project's mitigations comes from the following laws and policies:

- National Park Service Organic Act (16 United States Code [U.S.C.] 1)
- National Park Service Management Policies (NPS 2006)
- Endangered Species Act (1973)
- National Historic Preservation Act (1966)
- National Trails System Act (1968)

## **SIGNIFICANCE CRITERIA OVERVIEW**

### **Potentially Affected Environment**

This project will re-route approximately 19 miles of the Ice Age NST within the Rusk County Forest. Potentially affected resources identified in the EA include Cultural Resources and Resources of Interest to Tribal Nations, Surface Water Resources, Wildlife, Soils and Vegetation, and Visitor Experience. These resources are described in detail in Chapter 3 of the EA.

### **Cultural Resources and Resources of Interest to Tribal Nations**

People have inhabited the project area since the end of the last Ice Age, for 10,000 years or more. Much of the project area is underlain by Barron Quartzite argillite or catlinite (pipestone) interbedded locally. Pipestone is a resource of interest to Tribal Nations, and this carveable stone was mined by native people for centuries near the project area. Pre-field research revealed no archeological or cemetery/burial sites within the project's Area of Potential Effects (APE) and five (5) archeological sites recorded within one mile. No cultural materials or archaeological features were identified on the surface of the APE or within any excavated shovel tests. Additionally, outcroppings of pipestone were identified during field investigation, but showed no evidence of human modification.

### **Surface Water Resources**

The project area includes 16 waterways and subsequently, 16 water crossings. The project area lies within the Lower Chippewa Basin and the Red Cedar Lake, Brill and Red Cedar Rivers, and Lake Chetek watersheds. There are no impaired waters under the Clean Water Act within the project area.

### **Wildlife**

Federally listed wildlife species that may be present in the project area include the endangered gray wolf (*Canis lupus*), northern long-eared bat (*Myotis septentrionalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), and the experimental population of whooping crane (*Grus americana*). The monarch butterfly (*Danaus plexippus*), a candidate species, is also found in the project area. State listed wildlife species include bald eagle (*Haliaeetus leucophalus*), pugnose shiner (*Notropis anogenus*), and least darter (*Etheostoma microperca*).

### **Soils and Vegetation**

The soils of the project area have been derived largely from the weathering of the glacial drift deposits.

These soils support mostly sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), northern red oak (*Quercus rubra*), American basswood (*Tilia Americana*), white ash (*Fraxinus americana*), and eastern hemlock (*Tsuga canadensis*). The project area includes the Blue Hills Felsenmeer State Natural Area where the Wisconsin Department of Natural Resources (WDNR) has identified the unique natural community, *Glaciere Talus*, a tundra-like environment with diverse lichen flora. The state-listed Canadian gooseberry (*Ribes oxycanthoides* ssp. *Oxycanthoides*) and squashberry (*Viburnum edule*) also occur in the project area.

### **Visitor Experience**

In addition to hiking trails, the Rusk County Forest has a 22-mile system of cross-country skiing trails. Other trails available for visitor use in the Forest include 80 miles of snowmobile trails and 32 miles of ATV trails. The existing Ice Age NST segment in Rusk County is designed for foot travel only and portions of the trail are shared with motorized off-road vehicles or follow paved roads. Visitor experience along the trail is affected by the deterioration of existing water crossings and lack of access to many of the area's prominent glacial features.

### **Degree of Effects of the Action**

The NPS considered the following actual or potential project effects in evaluating the degree of the effects (40 CFR 1501.3(b)(2)) for this proposed action.

- a. **Beneficial and adverse, and short- and long-term effects of the proposed action.**  
The selected alternative will result in mostly long-term beneficial impacts, and some negligible or minor short-term adverse impacts, as described below.

### **Cultural Resources and Resources of Interest to Tribal Nations**

The selected alternative would have no direct adverse impacts on cultural resources in the project area. The consultation and coordination process outlined in the 2021 Programmatic Agreement between the NPS, and the Wisconsin State Historic Preservation Office (SHPO) was followed, and a Phase I Archeological Survey was completed. There were no cultural resources or resources of interest to Tribal Nations identified within the project's APE. Monitoring for cultural resources will occur during trail construction, and if any unanticipated resources are discovered, all work will stop, and consultation would occur with the Wisconsin SHPO and interested Tribal Nations to address the discovery.

### **Surface Water Resources**

During construction there could be minor short-term adverse impacts to water resources from sedimentation and temporary stream bank destabilization. Trail construction in wetlands requires compliance with Executive Order 11990 (Protection of Wetlands). However, the selected alternative is an excepted action under Director's Order 77-1 because less than 0.1 acres of wetlands would be affected and the boardwalks would be elevated 24 inches above the Ordinary High-Water mark. Preparation of a wetland statement of findings is therefore not required. Additionally, the WDNR reviewed the boardwalk and bridge construction applications and determined that there would be no effect on waterways or wetlands.

## **Wildlife**

During construction some negligible, short-term, adverse impacts to wildlife and threatened and endangered species could occur, including limited displacement of certain species, however, overall patterns of use would not change. All potential impacts would be mitigated by adhering to best management practices. The development of the trail would result in long-term beneficial impacts to wildlife by reducing habitat fragmentation. There could be some negligible, short-term adverse impacts to fisheries during construction activities because of possible erosion, sedimentation, and temporary stream bank destabilization. The impacts, including some displacement, would be temporary and localized, and fisheries are anticipated to recover quickly. The project may affect, but is not likely to adversely affect, the gray wolf. The U.S. Fish and Wildlife Service (USFWS) concurred with this effect determination and the NPS's planned mitigation measures on February 8, 2024. The NPS determined that the project would have no effect on the northern long-eared bat, tricolored bat, whooping crane, and monarch butterfly.

## **Soils and Vegetation**

There is potential for short-term adverse impacts to vegetation during construction from the creation of an 18- to 24-inch-wide trail with hand tools. These impacts would be mitigated by using the methods and best management practices described in section 3.4.2.2 of the EA and the NPS-IATR Handbook for Trail Design, Construction, and Maintenance (2001). The selected alternative could result in long-term beneficial impacts to forest communities by incorporating existing social trails into the route and constructing them to a higher standard, resulting in less soil erosion and encouraging trail users to remain on the trail. Short-term adverse impacts to vegetation from introduction of invasive species may occur at the trail building phase; however, these effects would be mitigated through control efforts. The selected alternative could have long-term beneficial impacts to vegetation by providing a protected trailway that would be managed for control of invasive species. There would be no adverse effects on plant species of concern, due to avoidance measures incorporated into the project in consultation with the WDNR.

## **Visitor Experience**

There would be beneficial, long-term regional impacts to recreation resources and opportunities. The trail would add to existing recreation opportunities in the county and provide an important linkage to existing trail segments.

- b. Degree to which the proposed action affects public health and safety**  
Implementing the selected alternative would have beneficial impacts to human health by potentially increasing recreational opportunities. No other effects to human health and safety are anticipated. In Chapter 1 of the EA, human health and safety was dismissed from further analysis as an impact topic.
- c. Effects that would violate federal, state, tribal, or local law protecting the environment**  
The selected alternative does not violate any federal, state, or local environmental protection

laws. The NPS has complied with all federal, state, and local laws with relevance to the selected alternative. The EA has been developed to meet requirements of the Wisconsin Environmental Policy Act (WEPA) in addition to NEPA as per Ice Age NST's partnership and General Agreement with the WDNR. During preparation of the EA, the NPS consulted with federal, state, and county agencies, tribes, interested and affected parties, and the public.

### **Public Involvement**

The EA was made available to the public for review and comment from April 12, 2023, through May 30, 2024. The public was notified through a press release distributed to local and regional outlets. The press release was also posted on the NPS website and local and regional media outlets. A Public Meeting was convened on April 13, 2024, at the nearby Weyerhaeuser Village Hall in Weyerhaeuser, WI.

### **Wisconsin State Historic Preservation Office**

The Wisconsin SHPO was provided a pre-public draft EA on March 27, 2024. The park received a response on April 3, 2024, stating "We have completed our review of WHS #24-0666, DRAFT Blue Hills Re-Route Environmental Assessment (EA) for the Ice Age National Scenic Trail-Rusk County Forest project and concur with your determination that Alternative B – Trail Re-Route (Preferred Alternative) will have No Effect to historic or cultural resources within the Area of Potential Effect (APE)."

### **Tribal Consultation**

A request for consultation was sent to 15 Tribal Nations on March 3, 2023, with a follow-up email sent directly to Tribal Historic Preservation Officers (THPOs) on March 30, 2023. A response was received from the Forest County Pottawatomi on March 20, 2023, requesting to remain a consulting party for the project.

NPS contacted the tribes again via a letter in February 2024 following the completion of a Phase I Archeological Survey and provided a summary of the Phase I Archeology Report. Tribes were notified that the EA would be made available for public review and comment in spring 2024 and that a draft could be made available prior to public comment at their request. Tribes were sent a pre-public draft of the EA on March 15, 2024. No comments were received from tribes during the pre-public phase or public comment period.

### **U.S. Fish and Wildlife Service - Endangered Species Act (1973)**

The NPS obtained a list of Threatened and Endangered Species using the USFWS Information for Planning and Consultation (IPaC) system on December 26, 2023. NPS reached a determination of 'may affect' for the endangered gray wolf (*Canis lupus*) for the proposed action (project code 2023-0070766) and a 'no effect' determination for the other threatened and endangered species that may be in the project area. NPS determined that the temporary increased vehicle traffic during construction may temporarily disturb wolves, but the project is not likely to adversely affect other species.

On January 16, 2024, the NPS contacted USFWS to consult on the effect determination for the gray wolf and two mitigation measures: (1) Provide 100-meter buffer around known den and rendezvous sites, and 2) Brief all project participants on safety measures for avoiding vehicle

collisions with wildlife. USFWS concurred that the project may affect, but is not likely to adversely affect, the gray wolf on February 8, 2024, due to the relatively small project footprint, short term nature of the project activities, and sufficient suitable habitat around the project area.

**Wisconsin Department of Natural Resources**

The NPS and Ice Age National Trail Alliance (IATA) consulted the WDNR on potential impacts to endangered and threatened species. These consultations resulted in a determination of not likely to adversely affect. Mitigation measures were developed and can be found in section 3.6 of the EA.

The IATA and NPS also consulted with the WDNR and the NPS on Directors Order-77-1 to discuss permitting and wetland disturbance, and it was determined there would be no adverse impacts to wetlands.

**Ice Age Trail Alliance**

IATA staff received a pre-public review of the draft EA on March 8, 2024. Comments were received March 22, 2024, and incorporated into the draft before release.

**FINDING OF NO SIGNIFICANT IMPACT**

Based on the information contained in the EA, it has been determined that the proposed action does not constitute a major federal action having a significant effect on the human environment. An Environmental Impact Statement is therefore not required for this project and will not be prepared.

This finding is based on consideration of the Council on Environmental Quality criteria for significance (40 Code of Federal Regulations [CFR] 1501.3 [b]) regarding the potentially affected environment and degrees of effects of the impacts described in the EA (hereby incorporated by reference) and as summarized above.

Recommended:

\_\_\_\_\_  
Eric J. Gabriel  
Superintendent  
Ice Age National Scenic Trail

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Herbert C. Frost, Ph.D.  
Regional Director  
National Park Service DOI Regions 3, 4, and 5

\_\_\_\_\_  
Date

## ATTACHMENT A:

### Public Comment Summary and Errata

On April 12, 2024, Ice Age National Scenic Trail released the Environmental Assessment (EA) for the Blue Hills Trail Re-Route, Rusk County, Wisconsin for public comment. Striving to reach a broad audience, the park invited the public to provide comments online through the NPS Planning, Environment, and Public Comment (PEPC) system or through U.S. mail. The park also announced the release of the EA via press release. The public was asked to review the EA and provide comments between April 12 and May 30, 2024.

### RESPONSE TO PUBLIC COMMENTS

During public review of the EA, 18 correspondences were received through the NPS Planning, Environment, and Public Comment (PEPC) website and no correspondences were received through U.S. mail. Twenty-seven comments were included in these correspondences, and 6 of the comments were considered substantive. Substantive comments are those that question the accuracy of information in the NEPA document, question the adequacy of the environmental analysis, present reasonable alternatives other than those presented in the NEPA document, or cause revisions to the proposal. Comments that are editorial in nature or merely support or oppose the proposal are not considered substantive. The substantive comments have been summarized in the following concern statements and the NPS response to each is provided below. In some cases, similar comments have been combined into one concern statement.

1. **CONCERN STATEMENT:** Please minimize impacts to native vegetation as the trail is constructed and treat plants with respect. Avoid the exceptionally tall ground pine that is used for education during natural history field trips.

**NPS RESPONSE:** Mitigation measures to protect vegetation and avoid ground pine (*Dendrolycopodium obscurum*) will be implemented during construction of the trail. Trail crews will be provided with training on plant identification and the importance of minimizing impacts to native plants. These mitigation measures have been added to the EA via the errata.

2. **CONCERN STATEMENT:** Consider keeping both routes and creating a loop trail.

**NPS RESPONSE:** A loop trail was not considered because it would not meet the purpose and need of the project, which is to improve access to the geologic features in Rusk County and create a more sustainable trail with improved water structures. The trail re-route also moves the trail away from roads and sections which allow motorized use. The existing route does not include any notable geologic features, requires extensive reconstruction and maintenance, and is not sustainable.

3. **CONCERN STATEMENT:** Hardened campsites with tent pads, campfire areas, and a latrine should be created instead of dispersed camping areas. This will concentrate impact in fewer locations.

**NPS RESPONSE:** Although the new trail segment could provide access to future backcountry camping areas, the creation of Dispersed Camping Areas (DCAs) or other potential campsite options is beyond the scope of this EA and was not included in the analysis. As indicated in section 2.2 of the EA, any potential creation of parking lots and DCAs would need to be analyzed in the future.

4. **CONCERN STATEMENT:** Please allow only foot traffic on the new trail and do not allow all-terrain vehicles (ATVs).

**NPS RESPONSE:** As described in section 2.2 of the EA, the new trail segment would be open to recreational hiking, running, snowshoeing/skiing, and backcountry camping. Long-term, the trail is expected to be utilized by local hikers and long distance through hikers. Motorized access will not be permitted.

5. **CONCERN STATEMENT:** The December 26, 2023, correspondence from USFWS indicated that additional consultation under Section 7 of the Endangered Species Act is required, however the EA does not show that this consultation occurred.

**NPS RESPONSE:** A January 16, 2024, email from NPS and February 8, 2024, response and concurrence from USFWS were mistakenly omitted from Appendix A of the EA, and this omission has been corrected through the errata. Further clarification regarding the NPS effect determinations and consultation with USFWS (for all listed species) under Section 7 of the Endangered Species Act have also been added to the EA via the errata.

6. **CONCERN STATEMENT:** The NPS should partner with U.S. Fish and Wildlife Service to better assess the impact of the proposed trail re-route on the endangered gray wolf (*Canis lupus*). Gray wolves are highly mobile, traveling up to 124 miles per day. Constructing new trails without the proper impact assessment could lead to fragmentation and therefore species population decline.

**NPS RESPONSE:** The NPS submitted the project through the USFWS Information for Planning and Consultation (IPaC) system and determined that the trail re-route may affect the endangered gray wolf (*Canis lupus*). NPS then contacted USFWS via email on January 16, 2024, to further consult on the project's effect determination and mitigation measures. On February 8, 2024, the USFWS provided a response indicating: "The Service concurs with your determination that the proposed project *may affect but is not likely to adversely affect* the gray wolf due to the relatively small project footprint, short term nature of the project activities, and sufficient suitable habitat around the project area." Additionally, NPS will incorporate shuttling of volunteers involved in the project from a designated parking area to the work site. This will decrease the number and frequency of vehicles moving in and around the project site and therefore decrease risk of vehicle collisions with wildlife, including wolves.

The Project Proponent will implement the following mitigation measures for gray wolf:

- 1) Provide 100-meter buffer around known den and rendezvous sites. NOTE – at this time there are no known rendezvous sites in the project area.
- 2) Brief all project participants on safety measures for avoiding vehicle collisions with wildlife."



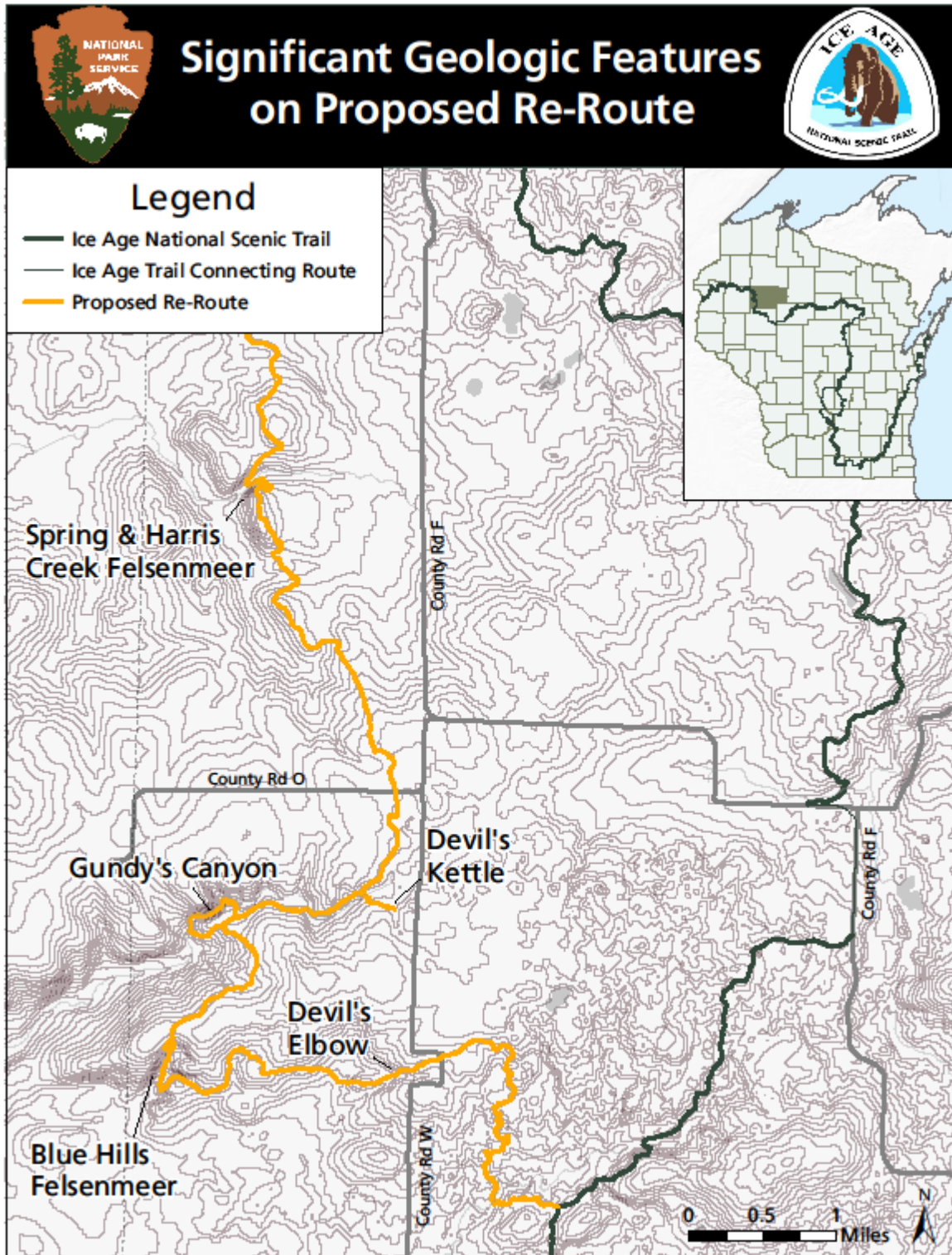
## ERRATA

Errata are factual or editorial corrections to the EA. These corrections do not increase the degree of effects described in the EA or change the determination that no significant impacts will occur under the selected alternative. Existing text to remain in the EA is found in *italics*, additions to the text are underlined, and deleted text is ~~crossed-out~~.

Page/Section	Revision/Change
All pages	Minor revisions to page numbers (renumbered during final formatting for content and accessibility).
17	<i>Nearby site investigations in 1999 and 2018 found pipestone interbedded with quartzite on ridges north and south of <del>Grundy's</del> <u>Gundy's Canyon</u>, named for the Gunderson Family.</i>
31	Figure 10 was updated to correct “Grundy’s Canyon” to “Gundy’s Canyon” (see updated figure below).
27	<p><i>The level of disturbance from construction activities would vary depending on the species, but would be overall minor, temporary, and localized.</i></p> <p><u>NPS reached a determination of 'may affect' for the endangered gray wolf (<i>Canis lupus</i>) for the proposed action (project code 2023-0070766) and a 'no effect' determination for the other threatened and endangered species that may be in the project area. NPS determined that the temporary increased vehicle traffic during construction may temporarily disturb wolves, but the project is not likely to adversely affect other species.</u></p> <p><u>USFWS concurred that the project may affect, but is not likely to adversely affect, the gray wolf on February 8, 2024, due to the relatively small project footprint, short term nature of the project activities, and sufficient suitable habitat around the project area.</u></p>
29	<i>The vine, purple clematis (<i>Clematis occidentalis</i>) and tree, balsam fir (<i>Abies balsamea</i>) may be present along with <u>ground pine (<i>Dendrolycopodium obscurum</i>)</u>, rare bryophytes, lichens, and terrestrial snails.</i>

Appendix A	The February 8, 2024, email from U.S. Fish and Wildlife Service has been added (see below).
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Figure 10-Significant geologic Features on Proposed Route.



## Appendix A

### Final Response: Rusk County Forest - Dreamer Re-route (2023-0070766)

Morales Santos, Araceli <araceli\_moralessantos@fws.gov>

Thu 2/8/2024 12:57 PM

To:Tano, Mary M. <Mary\_Tano@nps.gov>

Dear Mary Tano,

The U.S. Fish and Wildlife Service (Service) has reviewed your January 23, 2024 email and enclosures requesting consultation on the proposed Rusk County Forest-Dreamer Re-route (Project) in Rusk County, Wisconsin (*Consultation Code: 2023-0070766*) and submits these comments pursuant to the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C 1531-1544).

The proposed project involves about 19.6-mile trail reroute to enhance outdoor recreation experiences and improve safety conditions for hikers. Project activities will include brushing, tread construction, wetland crossings, stream crossings, stone stairs, and signage post installation. The total project area will encompass approximately 14.25 acres.

#### **Gray Wolf (*Canis lupus*)**

According to the Wisconsin Department of Natural Resource 2022-2023 report, the overwinter number of pack-associated wolves was estimated to be 1,007 pack wolves with a 95% credible interval of 780 – 1,380 wolves. This was a 4% increase from the previous year winter report. Project activities could create some temporary disturbance to gray wolf. Specifically increased vehicle traffic in the area during a short temporary period of 4-7 days is expected to occur when the new trail segment will be constructed. However, as a habitat generalist and highly mobile species, wolves can quickly adapt and move to adjacent and suitable habitat when necessary. The Service concurs with your determination that the proposed project *may affect, but is not likely to adversely affect* the gray wolf due to the relatively small project footprint, short term nature of the project activities, and sufficient suitable habitat around the project area. There is no critical habitat for gray wolf identified within the project area. Additionally, NPS will incorporate vehicle shuttling of volunteers involved in the project from a designated parking to the work site. This will decrease the number and frequency of vehicles moving in and around the project site and therefore decrease risk of vehicle collisions with wildlife, including wolf.

The Project Proponent will implement the following mitigation measures for gray wolf:

- 1) Provide 100-meter buffer around known den and rendezvous sites. NOTE- at this time there are no known den or rendezvous sites in the project area.
- 2) Brief all project participants on safety measures for avoiding vehicle collisions with wildlife.

This concludes consultation under Section 7 of the Endangered Species Act, as amended for the species listed above. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request. If you have any questions or need additional information, please contact Araceli Morales Santos (araceli\_moralessantos@fws.gov). Thank you for the opportunity to review your project.

Sincerely,

Araceli

**Citation:**

**Wisconsin Department of Natural Resources. 2023. Wisconsin Gray Wolf Monitoring Report 15 April 2023 through 14 April 2023. Wisconsin Department of Natural Resources, Bureau of Wildlife Management. Madison, Wisconsin, USA.**

Araceli Morales Santos ([she/her/ella](#)) | Biologist  
U.S. Fish and Wildlife Service  
MN-WI Ecological Services Field Office



STEWARDSHIP - INTEGRITY - RESPECT - COLLABORATION - INNOVATION

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**From:** Kosterman, Megan K <megan\_kosterman@fws.gov>  
**Sent:** Tuesday, January 23, 2024 2:29 PM  
**To:** Twin Cities, FW3 <TwinCities@fws.gov>  
**Cc:** Morales Santos, Araceli <araceli\_moralessantos@fws.gov>  
**Subject:** Re: Project Code 2023-0070766 RE:Gray Wolf (Canus lupus)

Hi Araceli,

Below is a consultation request for you from Mary Tano with NPS.

Megan Kosterman (*she/her*)  
U.S. Fish and Wildlife Service  
Minnesota-Wisconsin Field Office  
Bloomington, MN  
megan\_kosterman@fws.gov

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**From:** Twin Cities, FW3 <TwinCities@fws.gov>  
**Sent:** Tuesday, January 23, 2024 2:14 PM  
**To:** Kosterman, Megan K <megan\_kosterman@fws.gov>  
**Subject:** Fw: Project Code 2023-0070766 RE:Gray Wolf (Canus lupus)

This one goes to you I think....

\*\*\*\*\*

U.S. Fish and Wildlife Service  
Minnesota-Wisconsin Ecological Services Field Office\*  
3815 American Boulevard East  
Bloomington, MN 55425

\*f/k/a Twin Cities Ecological Services Field Office

(952) 858-0793

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**From:** Tano, Mary M. <Mary\_Tano@nps.gov>  
**Sent:** Tuesday, January 16, 2024 12:12 PM  
**To:** Twin Cities, FW3 <TwinCities@fws.gov>  
**Cc:** Frauen, Katherine E <katherine\_frauen@nps.gov>  
**Subject:** Project Code 2023-0070766 RE:Gray Wolf (*Canus lupus*)

On December 26, 2023, the National Park Service (NPS) reached an effect determination of 'may effect' for the endangered Gray Wolf (*Canus lupus*) for our 'Rusk County Forest-Deamer Re-route (Action)' using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (iPAC) System-project code 2023-0070766. The NPS determined that increased vehicle traffic in the area which is expected to occur during the construction of the new trail segment, may impact this species. The construction of the trail is usually planned for 4-7 day periods of time and it is expected at that time that approximately 100-250 volunteers would visit the area to help build the new section of trail. There will be vehicles shuttling volunteers back and forth to parking areas and to work site locations. This potential impact would be short-term and temporary. The designation of campsites and development of parking areas will be analyzed as future Proposed Actions. A copy of the Consistency Letter is attached. Further consultation with the Minnesota-Wisconsin Ecological Services Field office is required.

The NPS proposes two mitigation measures. (1) Provide 100-meter buffer around known den and rendezvous sites. NOTE-at this time there are no known den or rendezvous sites in the project area. (2) Brief all project participants on safety measures for avoiding vehicle collisions with wildlife.

Please advise if additional project information is required in order for you to review this project and if there are additional mitigation measures NPS can implement to minimize potential adverse effects to this species.

Mary Tano  
Trail Planner  
NPS-Ice Age National Scenic Trail  
8075 Old Sauk Pass Road  
Cross Plains, WI 53528  
608-798-8681



July 2, 2024

**DETERMINATION OF NON-IMPAIRMENT**  
**Blue Hills Trail Re-Route Environmental Assessment**  
**Ice Age National Scenic Trail, Wisconsin**

National Park Service (NPS) *Management Policies 2006* (Section 1.4) requires analysis of potential effects to determine whether proposed actions will impair a national park's resources and values. Ice Age National Scenic Trail became a unit of the National Park System in December 2023, and is therefore required to complete this non-impairment analysis.

NPS decision makers must always seek ways to avoid or to minimize, to the greatest degree practicable, adverse impacts on park resources and values. The NPS has the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park, although that discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically prescribes otherwise.

An impairment is an impact that, in the professional judgment of the responsible NPS decision maker, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact may be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values, and it cannot be further mitigated.

Impairment may result from visitor activities, NPS administrative activities, or activities undertaken by concessioners, contractors, partners, and others. An impairment determination is not made for subject matters such as visitor experience, public health and safety, socioeconomics, environmental justice, land use, and park operations because impairment determinations only relate to resources and values that maintain the park's purpose and significance.

## Cultural Resources and Resources of Interest to Tribal Nations

The selected alternative would impact approximately 14 acres, which includes the 18-24-inch-wide corridor along a 18.6-mile trail segment. The selected alternative will have no direct adverse impacts on cultural resources in the project area. The consultation and coordination process outlined in the 2021 Programmatic Agreement between the NPS, and the Wisconsin State Historic Preservation Office (SHPO) was followed, and a Phase I Archeological Survey was completed. There were no cultural resources or resources of interest to Tribal Nations identified within the project's APE. Monitoring for cultural resources will occur during trail construction, and if any unanticipated resources are discovered, all work will stop, and consultation would occur with the Wisconsin SHPO and interested Tribal Nations to address the discovery.

## Surface Water

During construction there could be minor short-term adverse impacts to water resources from sedimentation and temporary stream bank destabilization. Trail construction in wetlands requires compliance with Executive Order 11990 (Protection of Wetlands). However, the selected alternative is an excepted action under Director's Order 77-1 because less than 0.1 acres of wetlands would be affected, and the boardwalks would be elevated 24 inches above the Ordinary High-Water mark. Preparation of a wetland statement of findings is therefore not required. Additionally, Wisconsin DNR reviewed the boardwalk and bridge construction applications and determined that there would be no effect on waterways or wetlands.

## Wildlife

During construction some negligible, short-term, adverse impacts to wildlife and threatened and endangered species could occur, including limited displacement of certain species, however, overall patterns of use would not change. All potential impacts would be mitigated by adhering to best management practices. The development of the trail would result in long-term beneficial impacts to wildlife by reducing habitat fragmentation. There could be some negligible, short-term adverse impacts to fisheries during construction activities because of possible erosion, sedimentation, and temporary stream bank destabilization. The impacts, including some displacement, would be temporary and localized, and fisheries are anticipated to recover quickly. The project may affect, but is not likely to adversely affect, the gray wolf. USFWS concurred with this effect determination and the NPS's planned mitigation measures on February 8, 2024. The NPS determined that the project would have no effect on the northern long-eared bat, tricolored bat, whooping crane, and monarch butterfly.

## Soils and Vegetation

There is potential for short-term adverse impacts to vegetation during construction from the creation of an 18- to 24-inch-wide trail with hand tools. These impacts would be mitigated by using the methods and best management practices described in section 3.4.2.2 of the EA and the NPS-IATR Handbook for Trail Design, Construction, and Maintenance (2001). The selected alternative could result in long-term beneficial impacts to forest communities by incorporating existing social trails into the route and constructing them to a higher standard, resulting in less soil erosion and encouraging trail users to remain on the trail. Short-term adverse impacts to vegetation from introduction of invasive species may occur at the trail building phase; however, these effects would be mitigated through control efforts. The selected alternative could have long-term beneficial impacts to vegetation by providing a protected trailway that would be managed for control of invasive species. There would be no adverse effects on plant species of concern, due to avoidance measures incorporated into the project in consultation with Wisconsin Department of Natural Resources.



## **Conclusion**

As guided by the expected outcomes noted above, implementing the selected alternative does not constitute impairment of any resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance. This conclusion is based on the consideration of the purpose and significance of the park, a thorough analysis of the environmental impacts described in the environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of NPS.