

Compatibility Determination

Title

Compatibility Determination for the issuance of a rights-of-way (ROW) permit to the Illinois Department of Transportation (IDOT) for the expansion of a highway ROW to accommodate a roundabout at the intersection of Old Highway 13 and State Route 148, on the northeastern boundary of Crab Orchard National Wildlife Refuge.

Refuge Use Category

Rights-of-way and Rights to Access

Refuge Use Type(s)

Rights-of-way (Road).

Refuge

Crab Orchard National Wildlife Refuge.

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

Crab Orchard National Wildlife Refuge (Refuge) was established by Public law 80-361 “...for the conservation of wildlife and for the development of the agricultural, recreational, industrial, and related purposes...” (Public Law 80-361, 61 Stat. 770, dated Aug 5, 1947) “...suitable for – (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species... “16 U.S.C. 460k-1”...the Secretary...may accept and use...real...property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors... “16 U.S.C ‘ 460k-2 (Refuge Recreation Act (16 U.S.C. ‘ 460k- 460k-4), as amended).

On October 19, 1976, Congress enacted Public Law 94-557 designating a portion of the Refuge as one of many wilderness areas of the National Wilderness Preservation System” “...administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness...” (Wilderness Act, Public Law 88-577, 78 Stat. 892).

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System, otherwise known as Refuge System, is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant

resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

Description of Use

Is this an existing use?

Yes. This use is the expansion of the existing ROW on the refuge along Old State Route 13 and State Route 148, where the existing 4-way intersection is proposed to be replaced by a roundabout for better traffic flow and safety. The additional proposed ROW is approximately 0.111 acres in the southwest portion of the intersection, and approximately 1.127 acres in the southeast portion of the intersection. A new multi-use path crossing will also be included in the proposed roundabout project.

What is the use?

The right to use and possibly alter the landscape through construction, maintenance and operation of a highway roundabout with multi-use trail crossing via an expanded roadside ROW is the proposal. The U.S. Fish and Wildlife Service (Service) proposes to grant permission to IDOT to expand the existing ROW by approximately 1.238 acres to accommodate the installation of a roundabout to improve traffic flow and safety to include a multi-use trail crossing to enhance safety for trail users.

Is the use a priority public use?

No. However, the project will include a multi-use trail crossing for pedestrians and bicyclists, as part of IDOT's construction plan, which will also allow safe public access to potential refuge visitors.

Where would the use be conducted?

The location of the ROW along the Refuge boundary is at the intersection of Old State Highway 13 and State Route 148 in Marion, Illinois (Sec 19-20 T9 S R2E). See Figures attached. Proposed ROW expansion will impact approximately 0.111 additional acres on the southwest side, and approximately 1.127 acres on the southeast side of the existing road location. Minimal clearing would occur, as needed, along the edge of the existing tree line.

When would the use be conducted?

Expansion of the existing ROW to accommodate a roundabout with multi-use path would be constructed during the construction season in 2023, which generally runs from March to October. A Special Use Permit would be required for any current or future maintenance projects on the ROW.

How would the use be conducted?

IDOT would lead the construction effort to complete the ROW work for the proposed roundabout. A staging plan would be developed to minimize closure and detours. Ten days of full closure would be allowed on State Rt 148. Effects of the project on the Refuge would include the loss of use of the land within the proposed ROW expansion footprint. Mitigation would include improved access to the Refuge through the proposed roundabout and improved connectivity to bicycle and pedestrian accommodation via the addition of a sidewalk/multi-use path. A Special Use Permit for beginning the construction phase could be issued in anticipation of the final approval of the project as the ROW permit process is being completed.

Why is this use being proposed or reevaluated?

This use is being proposed because in addition to the improvement of public safety and traffic flow on the roads, it benefits the safety and accessibility of visitors to the Refuge, with minimal disturbance to the landscape and habitat.

Availability of Resources

The estimated \$2.5 million proposed project is funded entirely by the Federal Highway Administration and managed and maintained by the Illinois Department of Transportation (IDOT). A fee will be collected by USFWS for the expanded ROW, as well as relevant documents will be prepared for this proposal and in the future for requests for Special Use Permits. Compliance checks will occur on a regular basis but will not take much staff time or resources. Mitigation will include improved access to the Refuge through the proposed roundabout and improved connectivity to bicycle and pedestrian accommodation via the addition of the sidewalk/multi-use path.

Anticipated Impacts of the Use

Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

There would be no impacts to the refuge purpose of managing wilderness, as the ROW is not located within the viewshed or within the wilderness boundary.

“...for the conservation of wildlife and for the development of the agricultural, recreational, industrial, and related purposes...” (Public Law 80-361, 61 Stat. 770, dated Aug. 4, 1947)” ...suitable for – (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species...

The refuge would still be able to meet the refuge system mission to administer refuge lands for conservation, management and restoration of habitat as this use does not require a lot of refuge staff time nor does it have a lot of impact on the habitat as the

ROW is a previously disturbed area and is along an existing ROW.

Short-term impacts

Construction of the roundabout within the ROW footprint would not involve any large tree clearing or impactful modifications to the existing area, and only minor temporary impacts during the short-term construction activities are expected – these impacts may include soil compaction, noise, and temporary disturbance to wildlife. Therefore, it is not anticipated that this project would result in any more than negligible impacts to wildlife and aquatic species, including any potentially present candidate, threatened or endangered species such as the Indiana Bat, Northern Long-Eared Bat, Tri-Colored Bat, or Monarch Butterfly. Habitat disturbance to accommodate the proposed ROW expansion would be minimal, as the area adjacent to the ROW consists of low-quality, previously disturbed habitat along two busy highways. Additionally, given the low-quality of this habitat and the limited footprint of the project, no refuge operations are likely to be impacted.

There are no known wetlands within the proposed ROW expansion footprint, and although water quality impacts are not anticipated, any unexpected impacts will be minimized or mitigated for as a result of the applicant's consultation with lead agencies under each respective jurisdiction.

No cultural resources or historic sites are known to be present within the ROW on refuge property, and although inadvertent discoveries are possible, it has been determined that there is no potential to impact any historic properties during construction.

Long-term impacts

This new ROW permit would be adjacent to and allow for expansion of the ROW at the existing highway intersection. The proposed footprint consists of previously disturbed roadside grassland habitat at the edge of a tree line – this area has minimal habitat value. If approved, and once established, there would be no more than negligible impacts to the remaining wildlife habitat, including any potential threatened and endangered species, or disturbance of existing wildlife routes of travel in the long-term.

There are no known wetlands or aquatic habitats within the proposed ROW; however, any potential long-term wetland and water quality impacts would either be avoided, minimized or mitigated as a result of the consultation with lead agencies regulating water quality within the permit area.

A survey will be completed by the applicant to verify that there are no known cultural resources or historical sites within the proposed ROW expansion. The Service Regional Historic Preservation Officer has determined that there is no potential to effect historic properties within the ROW in either the short- or long-term timelines of the project.

Any future maintenance requests, to include routine mowing and maintenance, would require a Special Use Permit with Special Conditions to maintain the existing esthetic. No additional impacts as a result of such maintenance are anticipated, however, these actions will be re-evaluated at the issuance of such a permit.

Public Review and Comment

A virtual public information meeting regarding the proposed roundabout at the intersection of Old Route 13 and State Route 148 has already been conducted by IDOT June 27-July 11, 2022, with public comments due by July 15, 2022. At this time it is not known whether any comments were received – no changes to the published design have been proposed as a result of comments received during public comment period.

This draft compatibility determination will be available for public review and comment for 15 days. The public will be made aware of this comment opportunity through a press release sent to newspapers, radio, television, and other media outlets. A hard copy of this document will be posted at the Refuge Headquarters/Visitor Center at 6987 Headquarters Road Marion, Illinois 62959. It will be made available electronically on the refuge website at fws.gov/refuge/crab_orchard. Please let us know if you need the documents in an alternative format. Concerns expressed during the public comment period will be addressed in the final compatibility determination document.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

1. Rights-of-way shall be in compliance with all state and federal environmental policies and permitting requirements.
2. All fees/requirements of the application process must be satisfied.
3. Illinois Department of Transportation will follow guidelines outlined in the right-of-way permit. Terms and conditions of the right-of-way permit will allow for modifications to ensure compatibility (603 FW 2.11(H)(3)).
4. Refuge lands temporarily disturbed during the construction process: All wetland and water quality impacts will be either avoided, minimized or mitigated as a result of the consultation with lead agencies regulating water quality within the permit area. The area disturbed during construction would be revegetated with native species appropriate for the existing habitats.
5. A Special Use Permit outlining parameters and stipulations is required for all

maintenance activities and will include provisions that ensure disturbance to wildlife and public use, impacts to habitat and other resources, is avoided or minimized.

6. Pesticide/herbicide use must be approved in advance of any potential use and must have an approved Pesticide Use Proposal (PUP) for the specific chemical to be used.

Justification

This use has been determined compatible, as it will not materially interfere with or detract from refuge purposes, provided the above stipulations are implemented. This use will not diminish the primary purposes of the refuge. This use will comply with Service policy (340 FW 3) and the regulations listed in 50 CFR 29.1, 29.21 and 29.22.

Rights-of-way, as outlined in this compatibility determination, would not conflict with the national policy to maintain the biological diversity, integrity, and environmental health of the refuge. Based on available science and best professional judgement, the Service has determined that this ROW on Crab Orchard National Wildlife Refuge, in accordance with the stipulations provided here and as described in the right-of-way permit, would not materially interfere with, or detract from, the fulfillment of the National Wildlife Refuge System mission or the purpose of the Refuge.

Signature of Determination

Refuge Manager Signature and Date

Signature of Concurrence

Assistant Regional Director Signature and Date

Mandatory Reevaluation Date

2072. The compatibility determination will be reevaluated 50 years from the date the right-of-way permit is signed.

Literature Cited/References

Public Laws cited: 80-361, 94-557, 88-577, 105-57

Code of Federal Regulations cited: 50 CFR 29.21-22

FWS Service Manual: 340 FW 3, 630 FW 2URL

Figure(s)

Figure 1. Location map for proposed Right-of-Way for highway roundabout with multi-use path at the intersection of Old Highway 13 and State Route 148

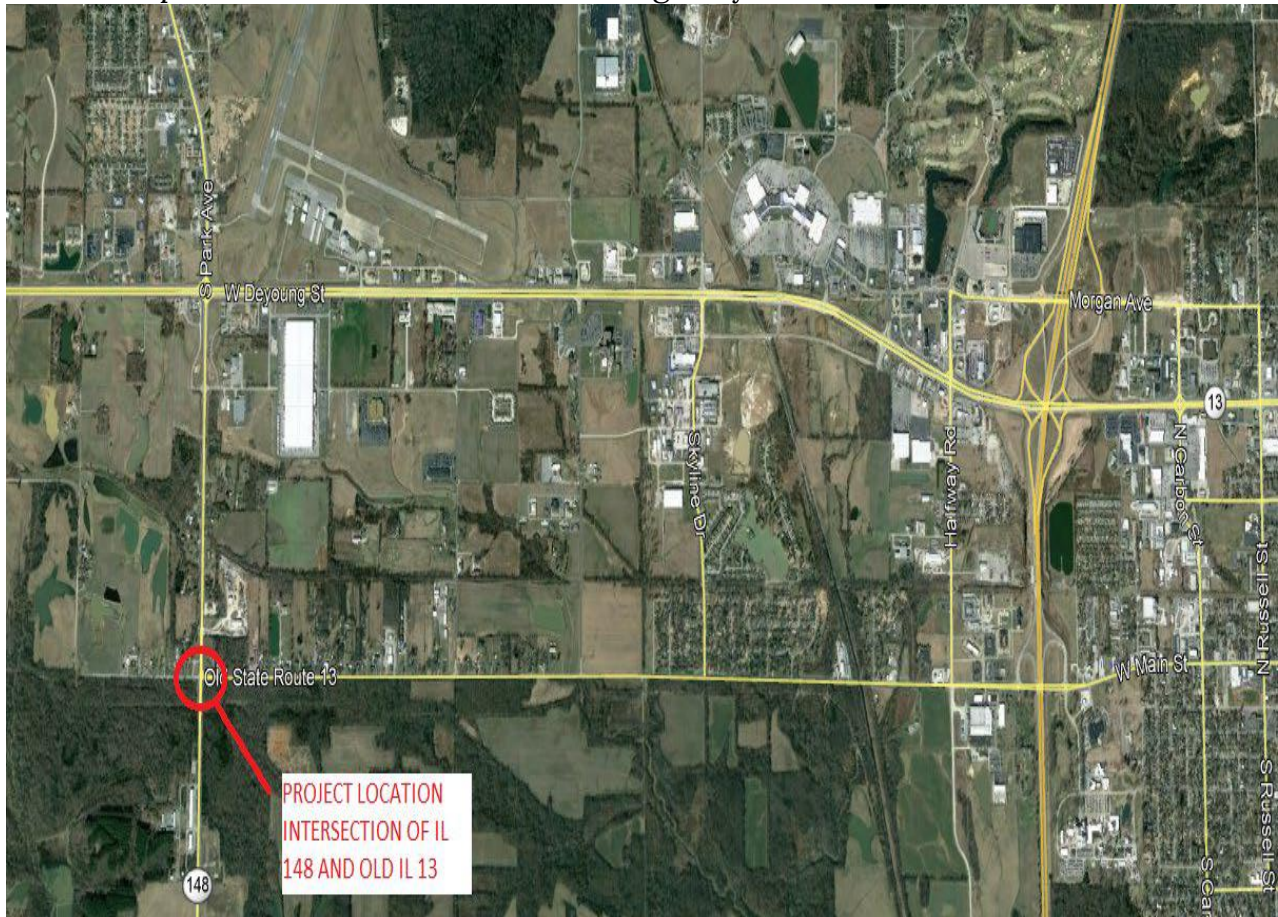


Figure 2. Proposed Right-of-Way location map for highway roundabout at the intersection of Old Highway 13 and State Route 148

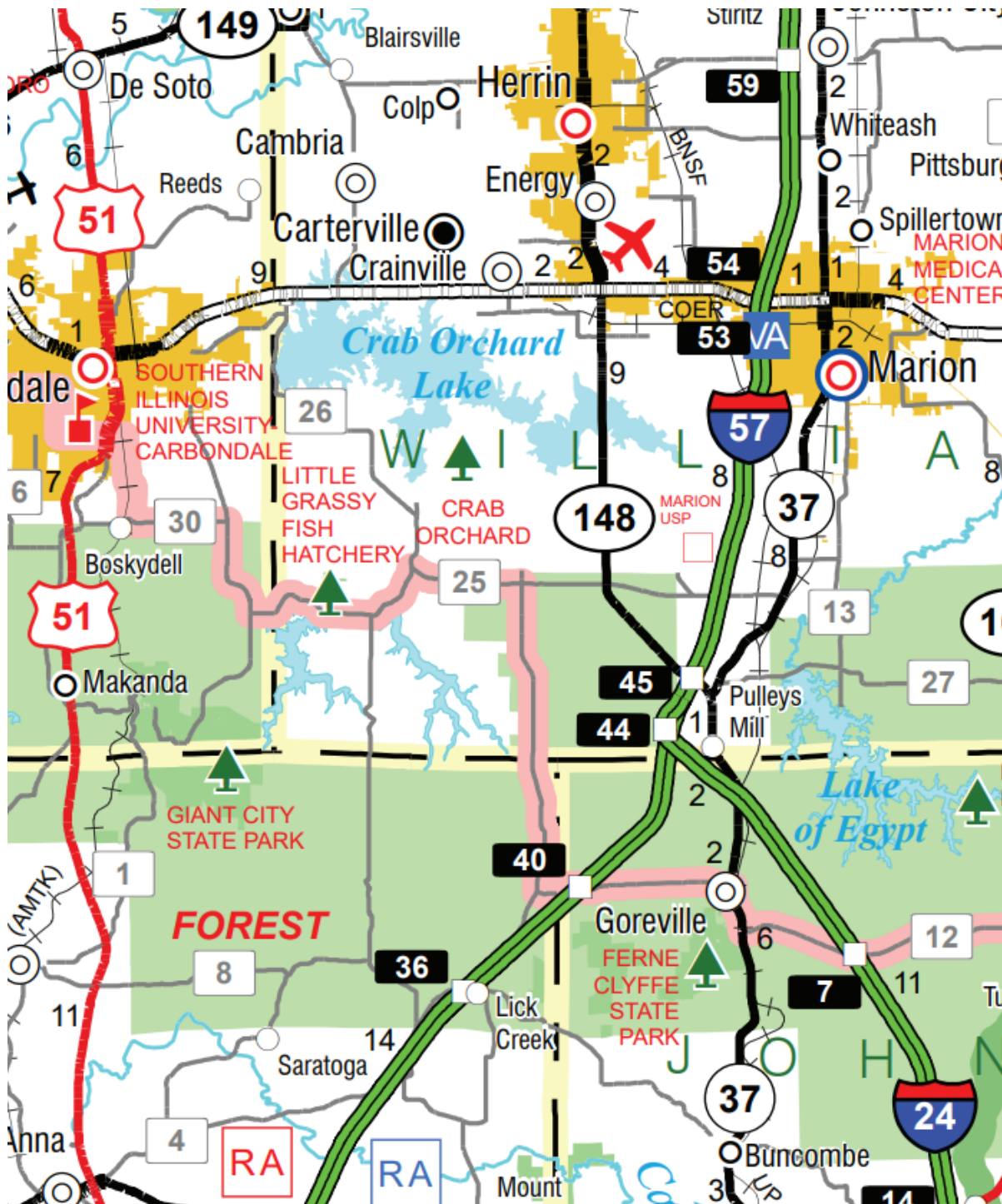


Figure 3. Proposed highway roundabout Old Route 13 and State Route 148, Marion, IL

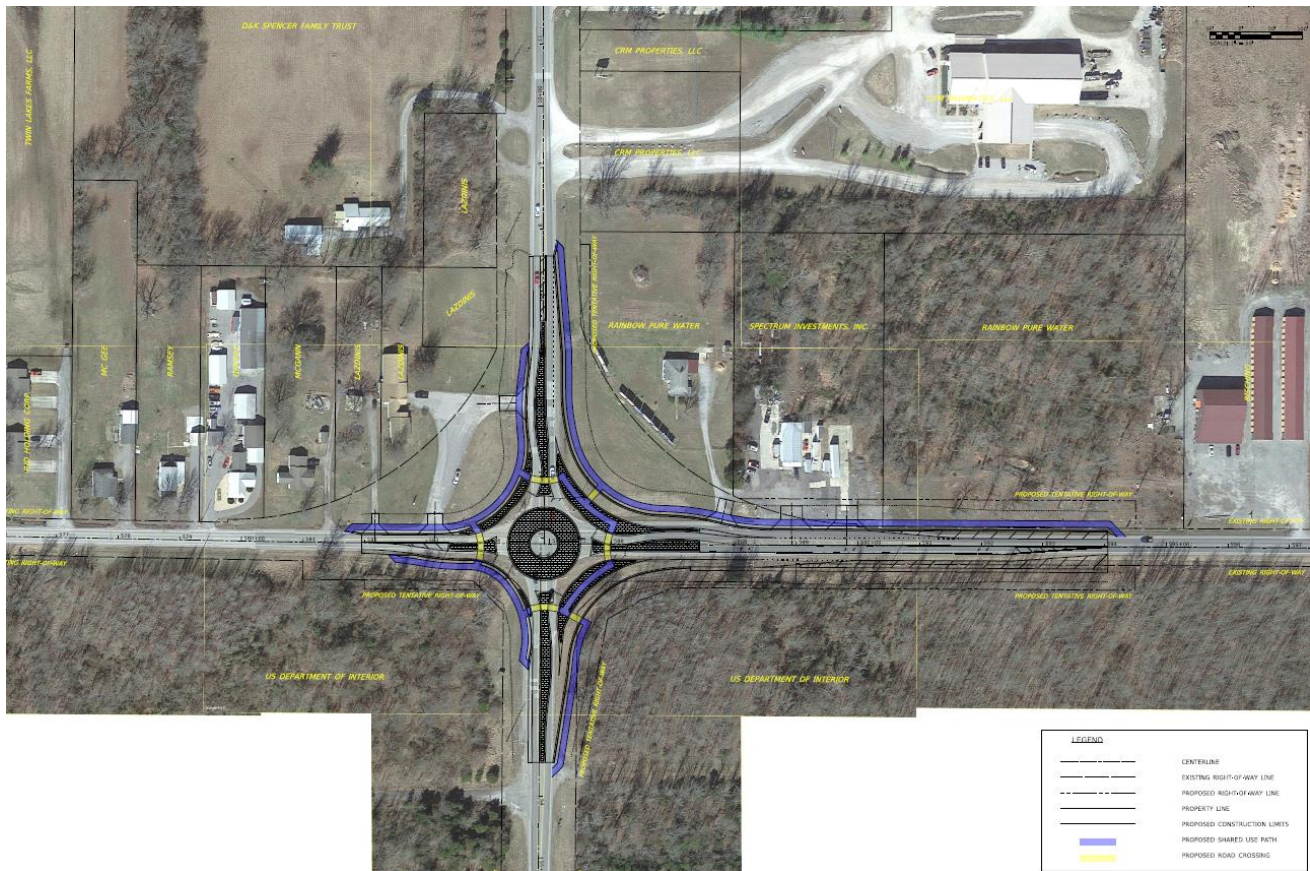


Figure 4. Proposed highway roundabout Old Route 13 and State Route 148, Marion, IL

