



US Army Corps
of Engineers
St Paul District

APPLICANT: Wisconsin Department
of Transportation

Public Notice

ISSUED: September 9, 2014

EXPIRES: October 9, 2014

REFER TO: 2010-00379-AMN

SECTION: 404 - Clean Water Act

1. APPLICATION FOR Department of the Army Permit under Section 404 of the Clean Water Act to discharge dredged and fill material in 42.95 acres of wetlands and waters that are part of tributary systems to Lake Winnebago and the Sheboygan River in association with the WIS 23 Expansion Project.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Wisconsin Department of Transportation (WisDOT)
944 Vanderperren Way
Green Bay, Wisconsin 54304

PROJECT LOCATION: The project site is located along the existing WIS 23 corridor from US 151 in Fond du Lac County east to County P in Sheboygan County. Specifically, the project is in Sections 7-12, T. 15N., R. 18E., Sections 7-9 & 13-16, T. 15N., R. 19E., Fond du Lac County, Wisconsin; and Sections 7-11, 13-14 & 18, T. 15N., R. 20E., and Sections 17-18 & 20, T. 15N., R. 21E., Sheboygan County, Wisconsin.

The Theel Wetland Mitigation Site is located in Section 11, T. 15N., R. 18E., Fond du Lac County, Wisconsin; and the Schaefer Wetland Mitigation Site is located in Section 13, T. 15N., R. 19E., Fond du Lac County, Wisconsin.

DESCRIPTION OF PROJECT: The proposed project, referred to as the WIS 23 Expansion Project, would provide additional highway capacity and conduct general improvements along the 19.5-mile WIS 23 corridor located between Fond du Lac and Plymouth. The proposed improvements would include the following:

1. Construct two additional lanes along the existing roadway to create a 4-lane expressway through the corridor.
 - a. Additional lanes would be constructed on the north side of the existing roadway from County UU to County W/Hinn Road.
 - b. Additional lanes would be constructed on the south side of the existing roadway from County W/Loehr Road to Division Road.
 - c. Additional lanes would be constructed on the north side of the existing roadway from Division Road to County P.
 - d. The existing roadway is 4 lanes from US 151 to County UU and would be reconstructed within the same location without any additional lanes.
 - e. The existing roadway between County W/Hinn Road and County W/Loehr Road would be reconstructed to 4 lanes as the added lanes transition from the north to the south.

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2. Most of the intersections would be at-grade incorporating right-in/right-out, dedicated left turns, T-intersections, full intersections, and J-turn intersection types.
3. Interchanges would be constructed at County K, County UU, and County G. The County K interchange would be a jug-handle interchange with County UU and County G consisting of typical diamond interchanges.
4. A two-lane roundabout would be constructed at the intersection of WIS 23 and Wisconsin-American Drive and single lane roundabouts would be constructed within the interchanges at the ramp termini.
5. Two new structures would be constructed over the Sheboygan River. One would carry the new westbound WIS 23 lanes located north of the existing roadway and the other would carry the Old Plank Road Bike/Pedestrian Trail located south of the existing roadway.
6. The triple cell box culvert for the Mullet River would be extended to the north for the new westbound WIS 23 lanes.
7. Two slab span structures would be constructed in the Julie Court area to allow the Ice Age Trail and State Equestrian Trail to cross under WIS 23.
8. Construction of frontage roads and necessary access roads to provide access to existing homes and businesses. This includes construction of the Lynn Avenue extension, Whispering Springs Access Road, Hilltop Drive connection, Irene Drive extension, Northway Drive, Road 5, Road 9, Road 10, and Road 11 in Fond du Lac County, and the reconstruction of Branch Road around existing homes in Sheboygan County.
9. Construction of a 14-foot-wide multimodal trail along the WIS 23 corridor. The proposed trail would connect with the existing Old Plank Road Trail on the west side of Greenbush and continue along WIS 23 to the Prairie Trail that is located on the west side of US 151 in Fond du Lac.

QUANTITY, TYPE, AND AREA OF FILL: This project would result in the discharge of dredged and fill material into 42.95 acres of aquatic resources in or adjacent to unnamed tributaries to Lake Winnebago, unnamed tributaries to the Sheboygan River, the Sheboygan River, unnamed tributaries to the Mullet River, the Mullet River, and unnamed tributaries to the Onion River. Wetland types impacted by the proposed project include 2.77 acres of Wooded Swamp (WS) wetlands, 4.66 acres of Shrub Scrub (SS) wetlands, 1.30 acres of Riparian Forested (RPF) wetlands, 1.18 acres of Riparian Emergent (RPE) wetlands, 7.18 acres of Shallow Marsh (SM) wetlands, and 25.86 acres of Wet Meadow (WM) wetlands. The impacts described above include impacts in 4.65 acres of WM wetlands that would be affected during restoration and enhancement activities at the compensatory mitigation sites (3.48 acres at the Theel Wetland Mitigation Site and 1.17 acres at the Schaefer Wetland Mitigation Site).

SOURCE OF FILL MATERIAL: The applicant has indicated that the source of fill material would be determined by the construction contractors after the project contract has been awarded. Fill material would be based on the final plans, specifications, and estimates prepared by WisDOT.

SURROUNDING LAND USE: The project corridor has diverse existing land uses that include residential, commercial/industrial, public use land, agricultural, wetlands, woodlands, and other environmental resources, but the majority of the corridor is non-irrigated cropland. Residential development is sparsely scattered throughout the permit review area with concentrated numbers in the

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community of Greenbush and the western portion of the project corridor near the City of Fond du Lac. Individual residences are intermixed with farm residences along the corridor. Minor industrial and commercial development exists and is sparsely scattered along the corridor.

Public lands are located throughout the project area. The Northern Unit of the Kettle Moraine State Forest is located at the east end of the project area and the Old Wade House State Park is located in the east portion of the corridor near Plymouth and just west of the Kettle Moraine State Forest.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, hydraulic fluid, lubricants, coolant, and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant has indicated that potential water quality impacts would be minimized by constructing the project in accordance with the following guidelines and regulations:

- WisDOT Facilities Development Manual, Chapter 10—*Erosion Control and Storm Water Quality*
- Wisconsin Administrative Code Chapter TRANS 401—*Construction Site Erosion Control and Storm Water Management Procedures for Department Actions*
- WisDOT/DNR Cooperative Agreement Amendment—*Memorandum of Understanding on Erosion Control and Storm Water Management*

MITIGATION: To offset unavoidable impacts to 42.95 acres of aquatic resources, WisDOT has proposed to provide a minimum of 69.5 wetland mitigation credits at two sites within the project area. All mitigation would be provided for at the Theel Wetland Mitigation Site and the Schaefer Wetland Mitigation Site with construction occurring concurrently with highway construction.

The Theel Wetland Mitigation Site is anticipated to generate 42.86 wetland credits via restoration of 38.91 acres of WM wetlands (1:1 ratio) and enhancement of 11.84 acres of degraded WM wetlands (3:1 ratio=3.95 credits). The Schaefer Wetland Mitigation Site is anticipated to generate 26.65 wetland credits via creation of 9.46 acres of SM wetlands (1:1 ratio), creation of 10.0 acres of WS wetlands (1:1 ratio), enhancement of 5.58 acres of degraded WM wetlands (3:1 ratio=1.86 credits), and establishment of 20.96 acres of forested and herbaceous upland buffer (4:1 ratio=5.33 credits). All compensatory mitigation would occur in accordance with WisDOT's *Wetland Mitigation Banking Technical Guidelines*. Additional information is available upon request.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

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Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 211 N Broadway, Suite 221, Green Bay, WI 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Todd Vesperman at the Green Bay Field Office of the Corps, telephone number (651) 290 - 5857.

To receive Public Notices by e-mail, go to: http://mvp-extstp.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Fond du Lac and Sheboygan Counties are within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Pitcher's thistle (T)	Sheboygan County – open sand dunes & low open beach ridges of the Great Lakes' shores

In addition, the proposed project is within the known range of the Northern long-eared bat, a species proposed for listing as Endangered. During summer this species typically roosts in live and dead trees and in winter hibernates in caves and mines (hibernacula).

The FHWA has been designated as the lead federal agency for the purpose of consultation pursuant to the Endangered Species Act. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

WATER QUALITY CERTIFICATION. This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for Section 401 water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued or waived Section 401 certification.

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7. HISTORICAL/ARCHAEOLOGICAL.

The FHWA has been established as the lead federal agency for the purpose of project review pursuant to Section 106 of the National Historic Preservation Act. The State Historic Preservation Office (SHPO) is engaged in this review. This public notice is being sent to the National Park Service, interested Tribal Governments, and the State Archaeologist for their comments. Any adverse effects on historic properties will be resolved prior to the Corps' authorization, or approval, of the work in connection with this project.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. COASTAL ZONE MANAGEMENT.

The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in Wisconsin's coastal zone. Further

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information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

Todd Vesperman
Chief, Southeast Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

PROPOSED STH 23 CONSTRUCTION SCHEDULE

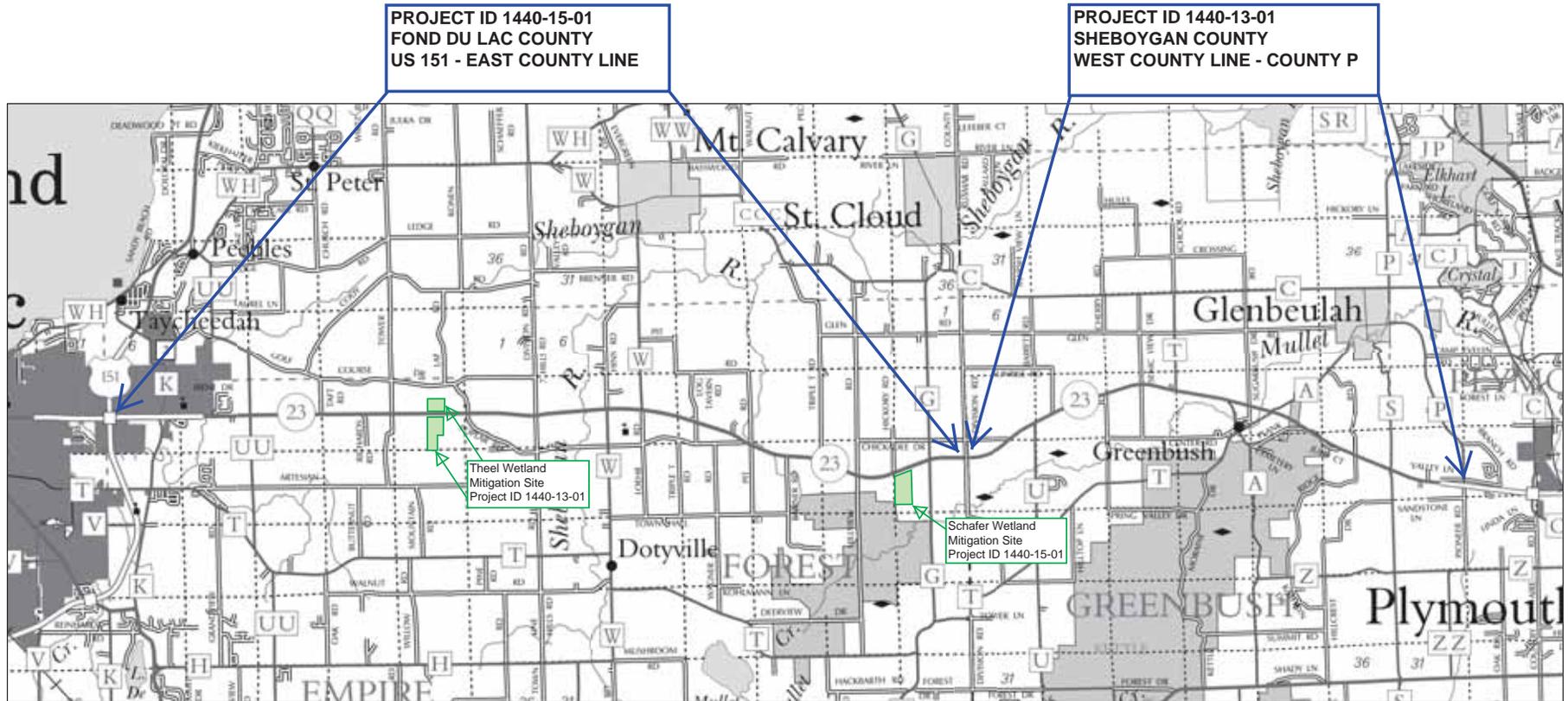


FIGURE 1 - MVP-2010-00379-AMN

Detailed Location Map - WIS 23 Expansion (US 151 - County P)

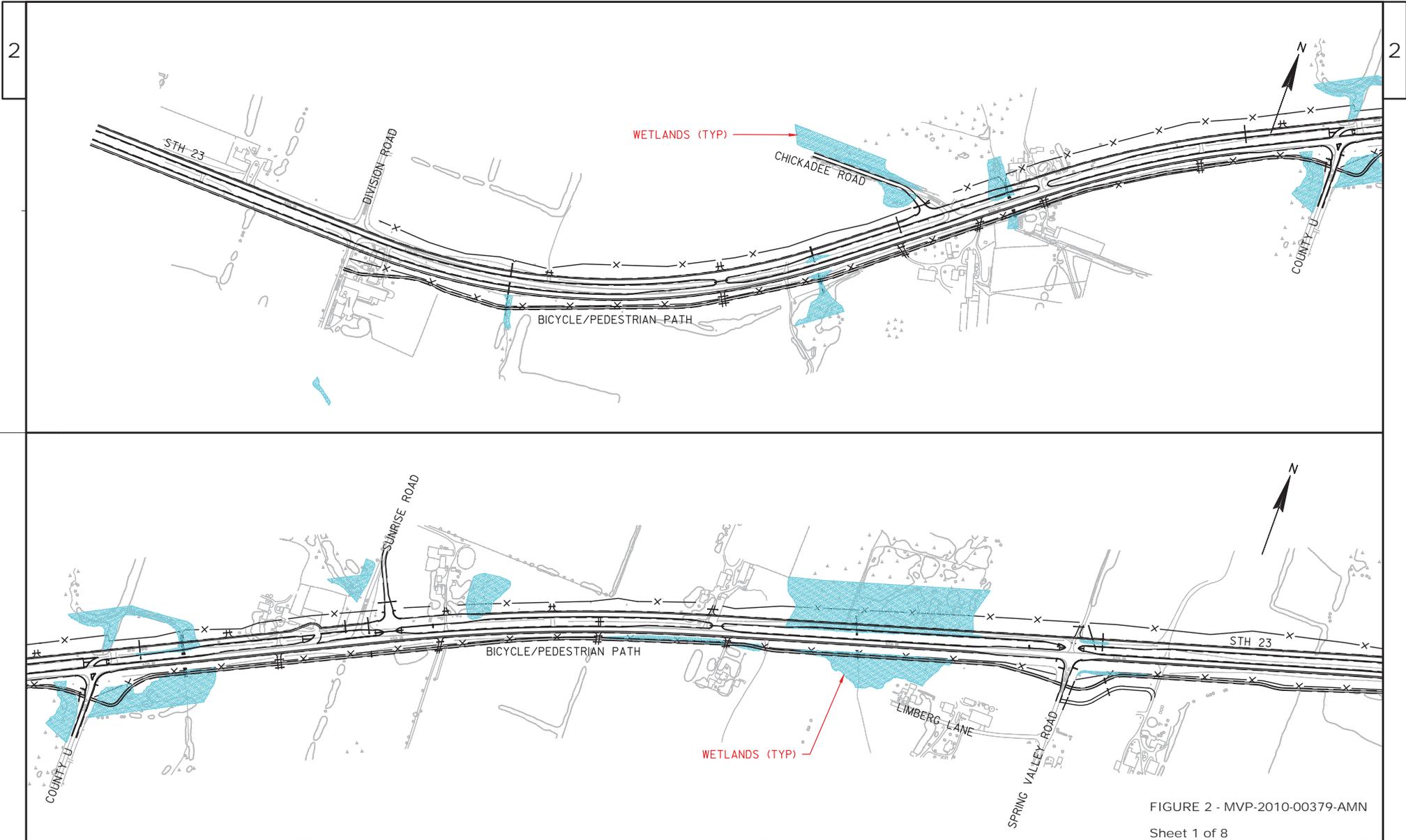


FIGURE 2 - MVP-2010-00379-AMN

Sheet 1 of 8

PROJECT NO:1440-13-71	HWY: STH 23	COUNTY: SHEBOYGAN	PROJECT OVERVIEW	SHEET	E
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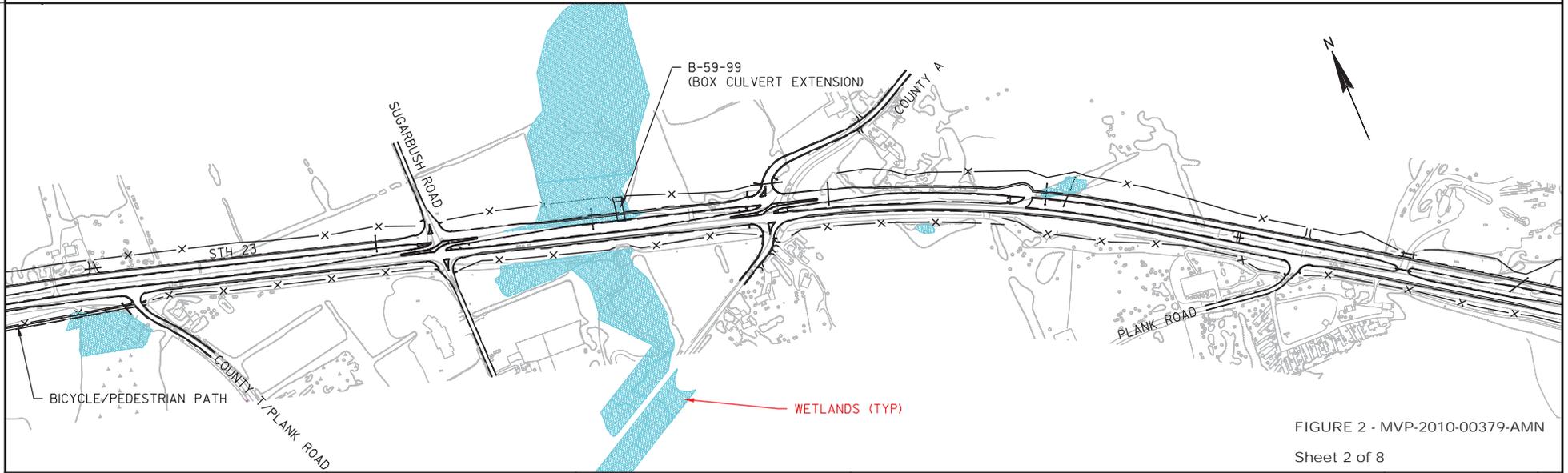
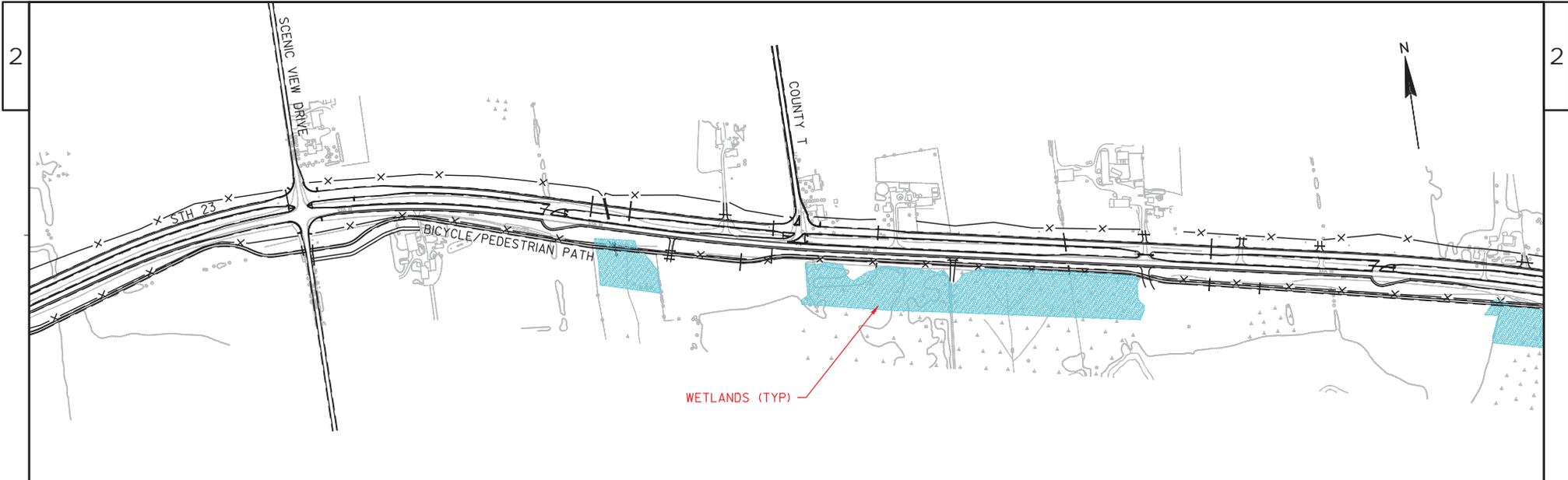


FIGURE 2 - MVP-2010-00379-AMN
Sheet 2 of 8

PROJECT NO:1440-13-71

HWY: STH 23

COUNTY: SHEBOYGAN

PROJECT OVERVIEW

SHEET

E

FILE NAME : N:\PDS\PROJECTS\SHEBOYGAN\1440-13-01\DOCUMENTS\ENVIRONMENTAL\404 PERMIT APPLICATION\WETLAND_IMPACTS_SHEBOYGAN_COUNTY_PROJECT_OVERVIEW.dwg 2/14/2014 3:37 PM

PLOT BY : DANKE, ERIC A

PLOT NAME :

PLOT SCALE : 1 IN:500 FT

WISDOT/CADD SHEET 44

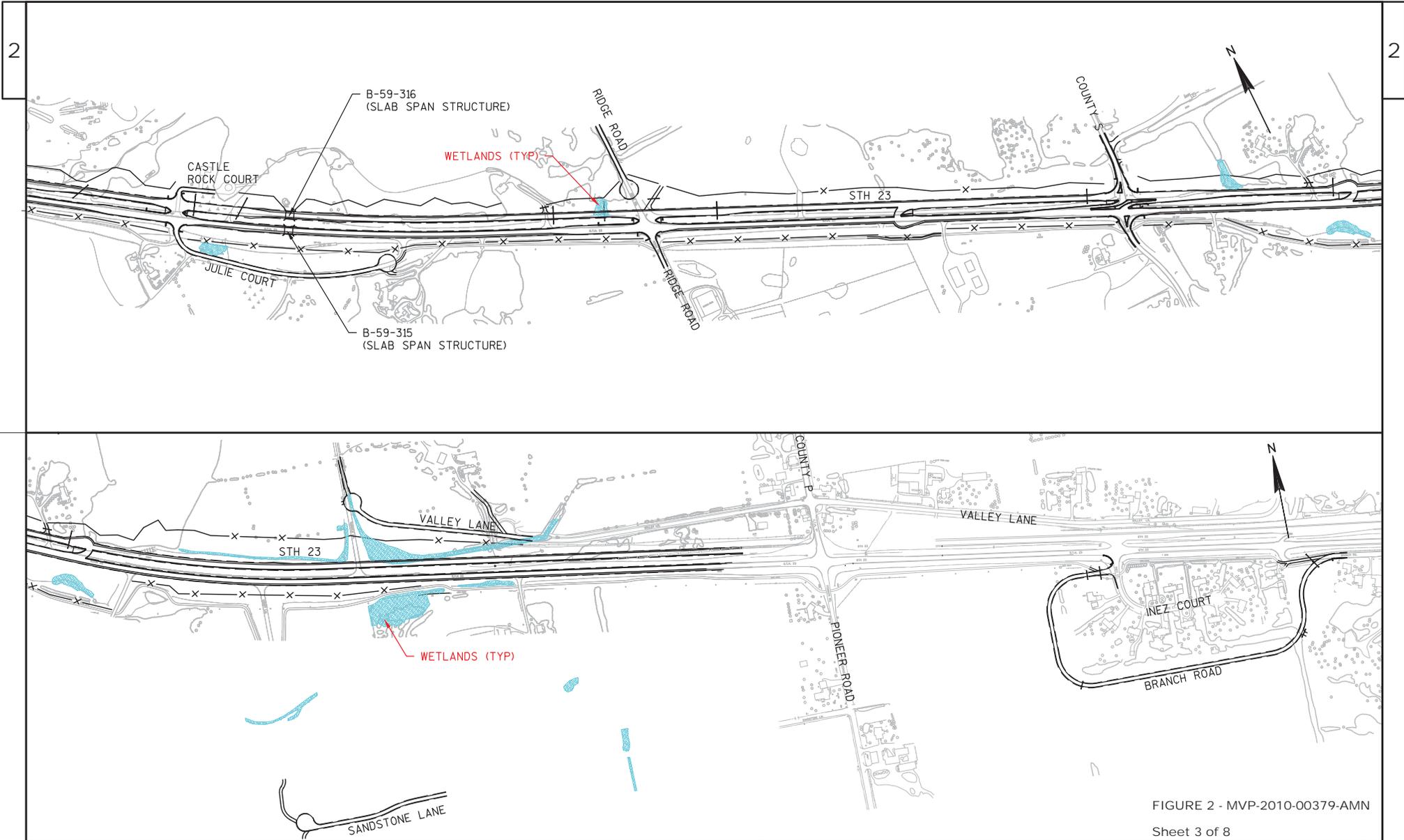


FIGURE 2 - MVP-2010-00379-AMN

Sheet 3 of 8

PROJECT NO:1440-13-71	HWY: STH 23	COUNTY: SHEBOYGAN	PROJECT OVERVIEW	SHEET	E
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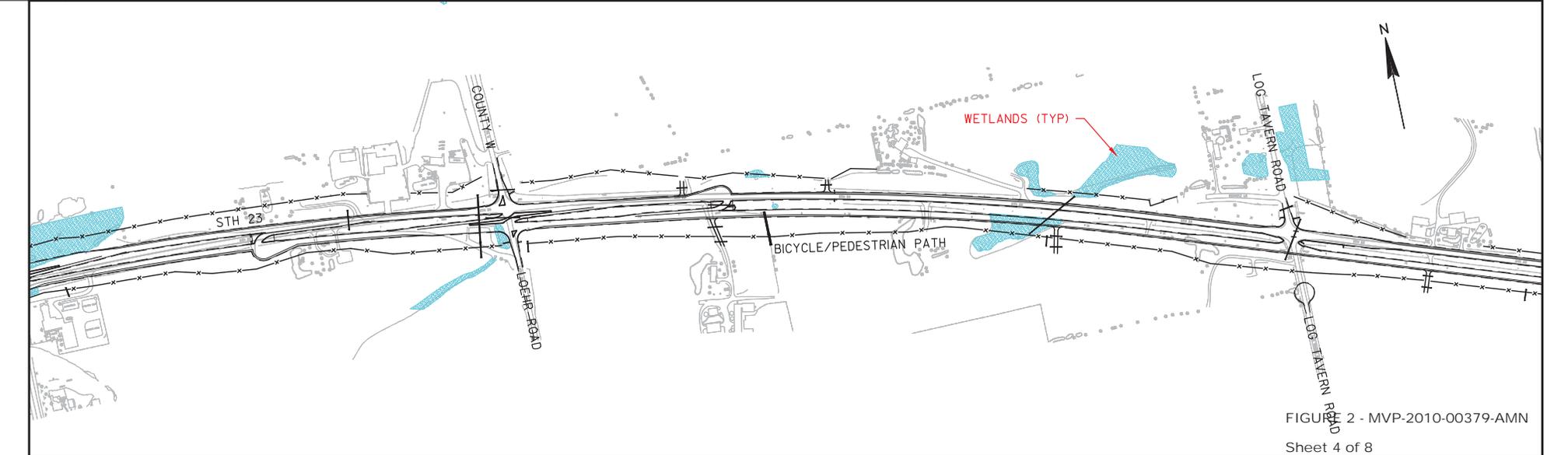
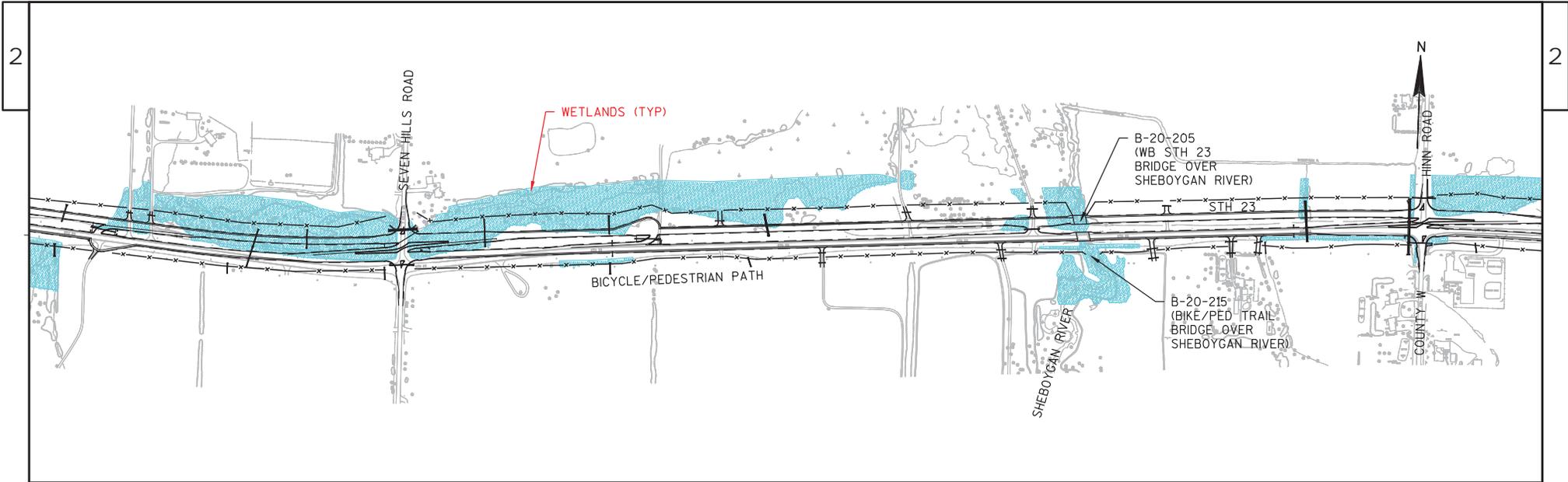


FIGURE 2 - MVP-2010-00379-AMN
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PROJECT NO:1440-15-72	HWY:STH 23	COUNTY:FOND DU LAC	PROJECT OVERVIEW - SEVEN HILLS ROAD TO DIVISION ROAD	SHEET	E
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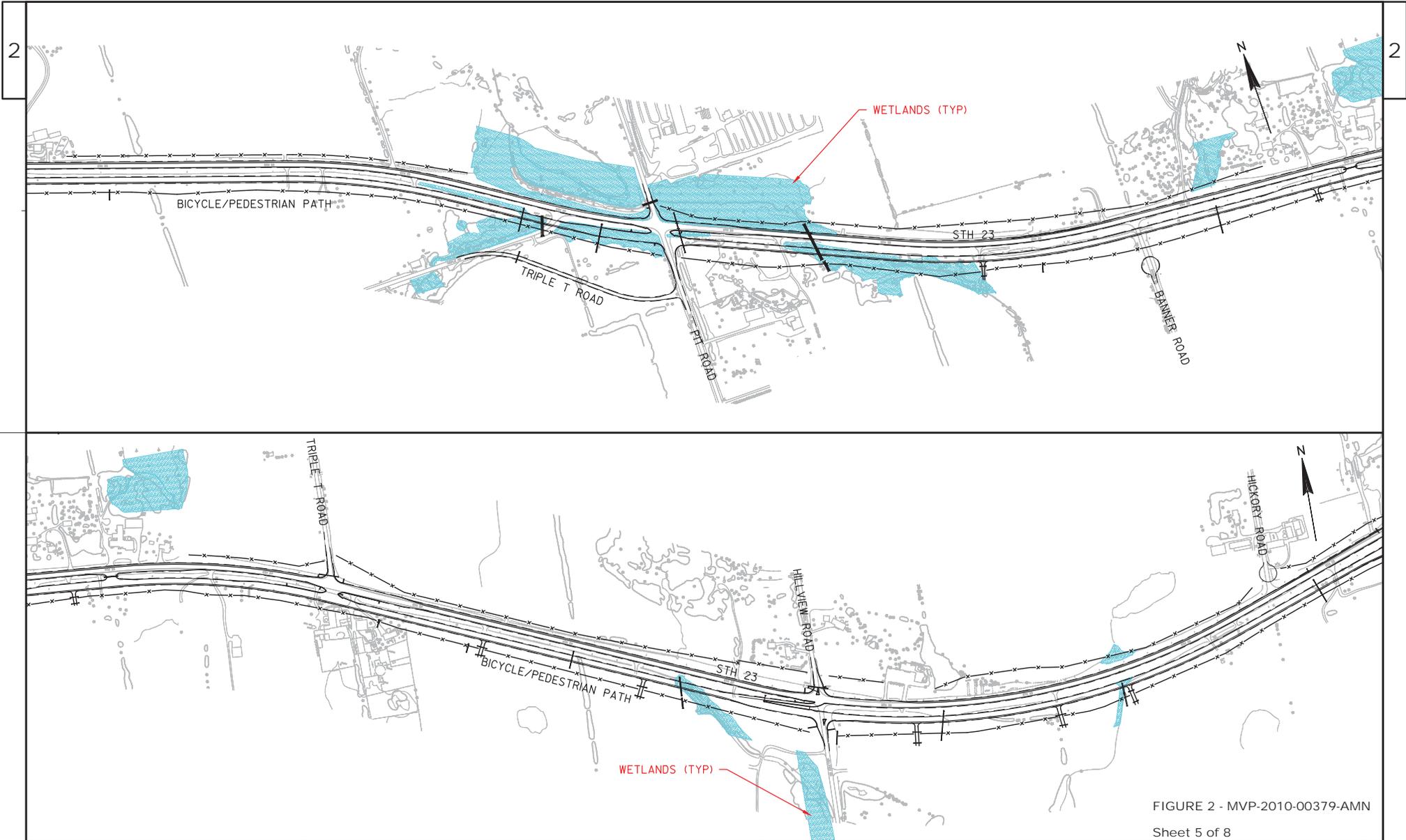


FIGURE 2 - MVP-2010-00379-AMN

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PROJECT NO:1440-15-72	HWY: STH 23	COUNTY:FOND DU LAC	PROJECT OVERVIEW - SEVEN HILLS ROAD TO DIVISION ROAD	SHEET	E
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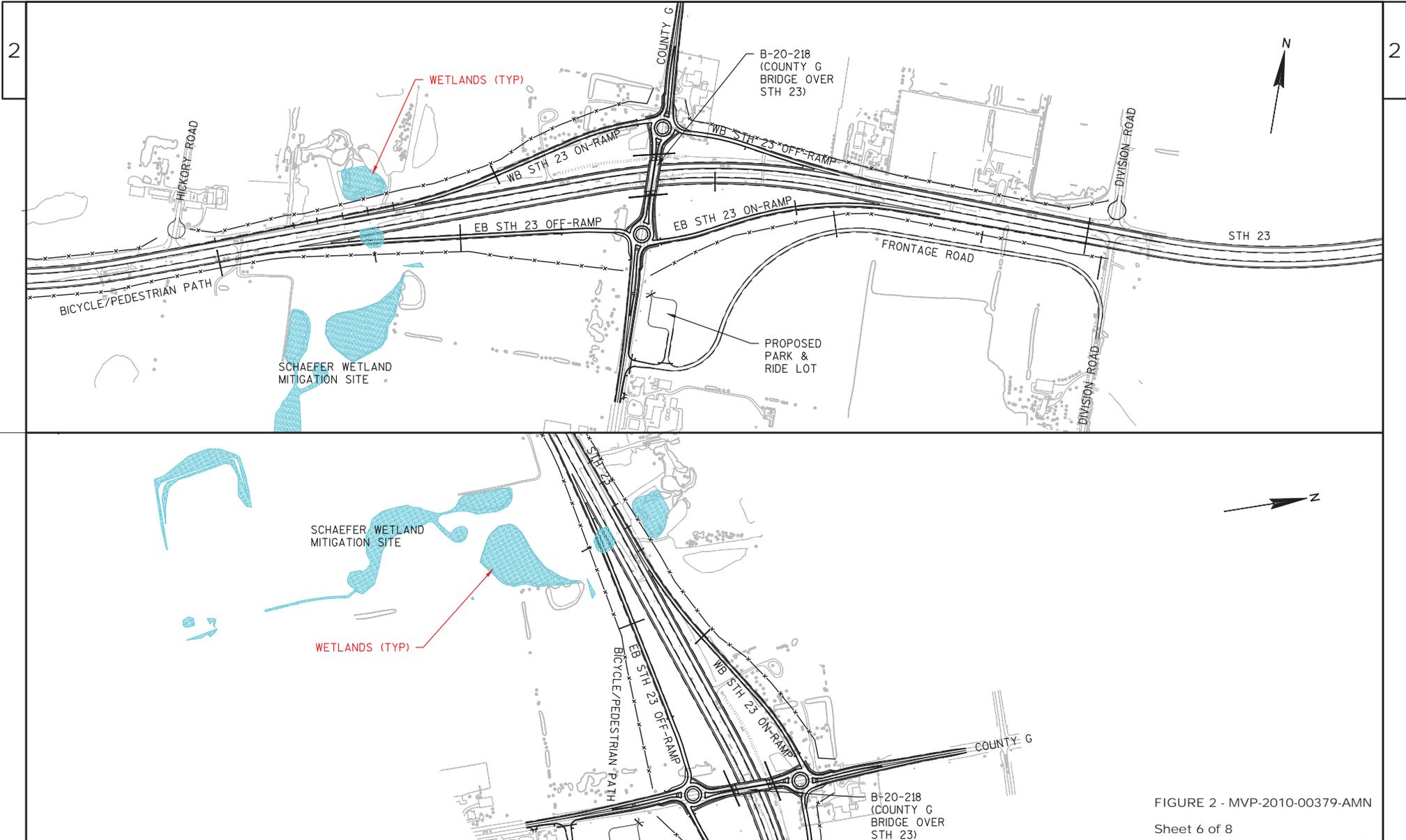


FIGURE 2 - MVP-2010-00379-AMN
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PROJECT NO:1440-15-72	HWY: STH 23	COUNTY: FOND DU LAC	PROJECT OVERVIEW - SEVEN HILLS ROAD TO DIVISION ROAD	SHEET	E
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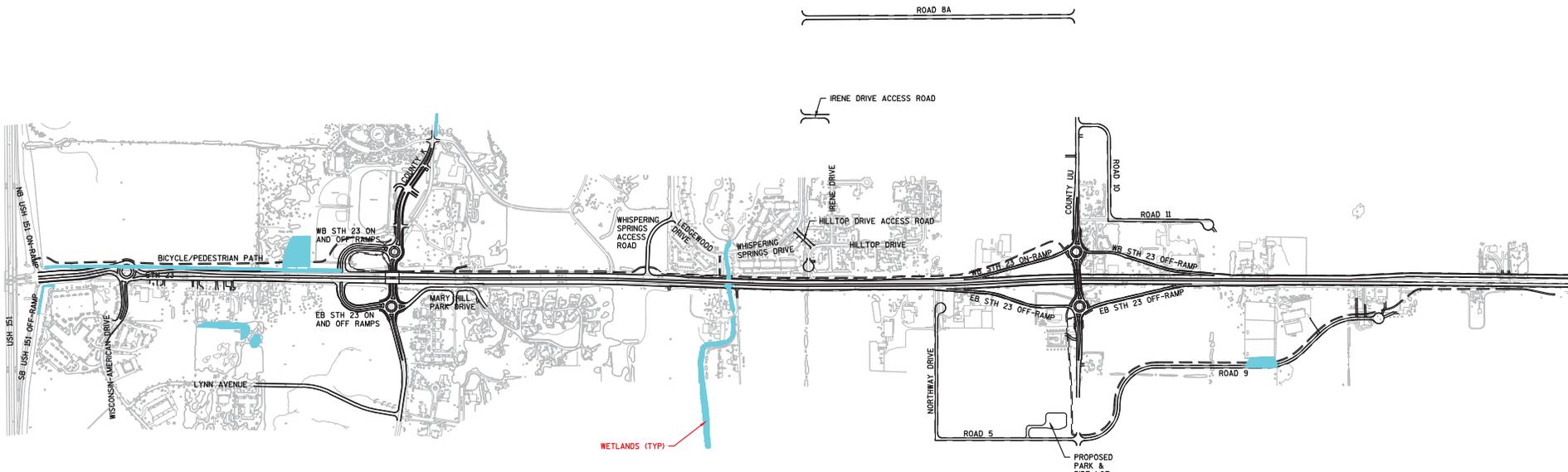


FIGURE 2 - MVP-2010-00379-AMN

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PROJECT NO:1440-15-71	HWY:STH 23	COUNTY:FOND DU LAC	PROJCT OVERVIEW - USH 151 TO SEVEN HILLS ROAD	SHEET	E
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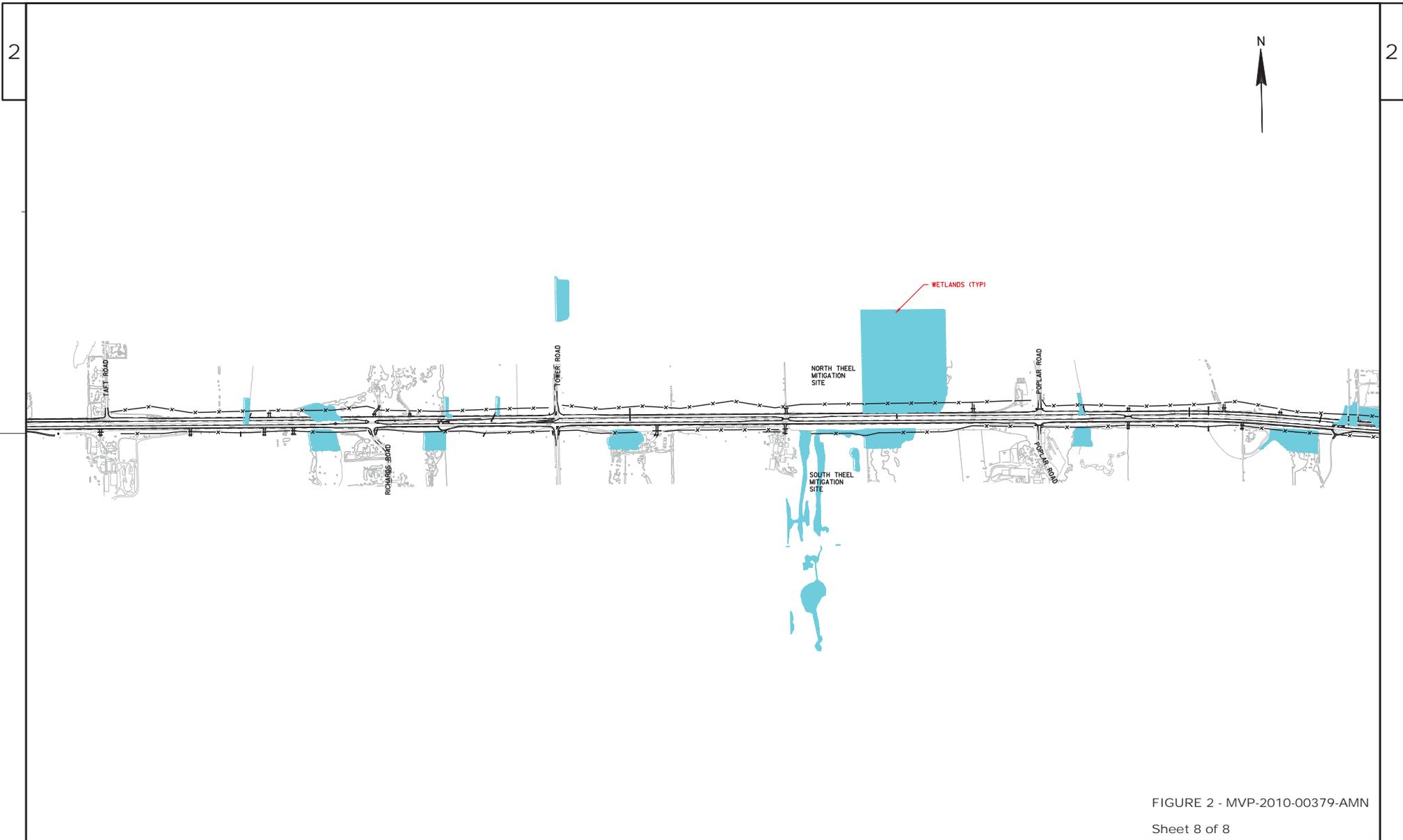


FIGURE 2 - MVP-2010-00379-AMN
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PROJECT NO:1440-15-71	HWY:STH 23	COUNTY:FOND DU LAC	PROJECT OVERVIEW - USH 151 TO SEVEN HILLS ROAD	SHEET	E
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THEEL SITE ANTICIPATED WETLAND TYPES

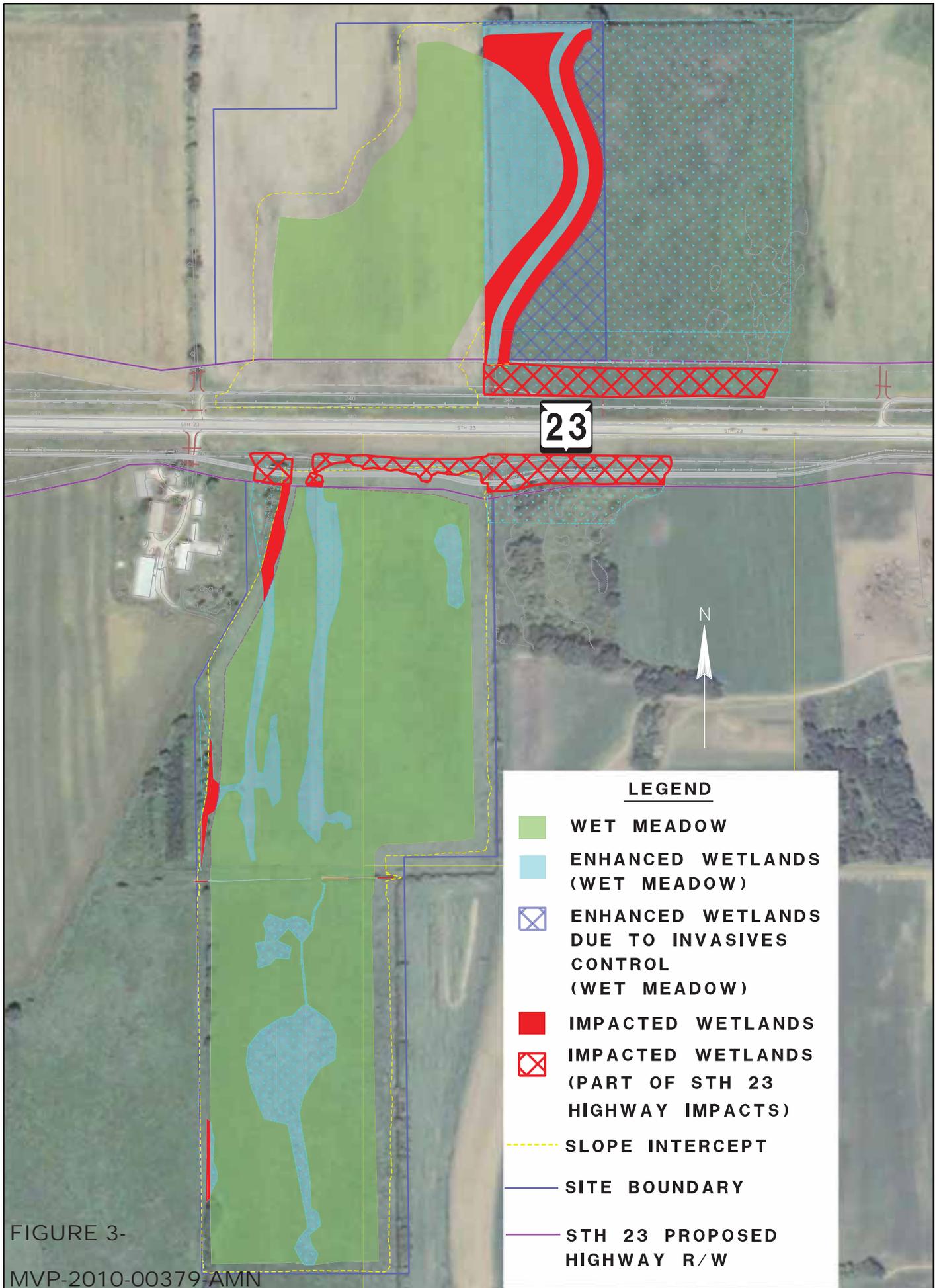


FIGURE 3-

MVP-2010-00379-AMN

TYPICAL SIDE SLOPE: 10:1
 STREAM REALIGNMENT SIDE SLOPE (NORTH PARCEL): 6:1
 INTERIOR CHANNEL CONFIGURATION: 10:1 SLOPES, 6" MAX DEPTH
 10' WIDE BERMS
 10' WIDE FLAT BOTTOM CHANNELS

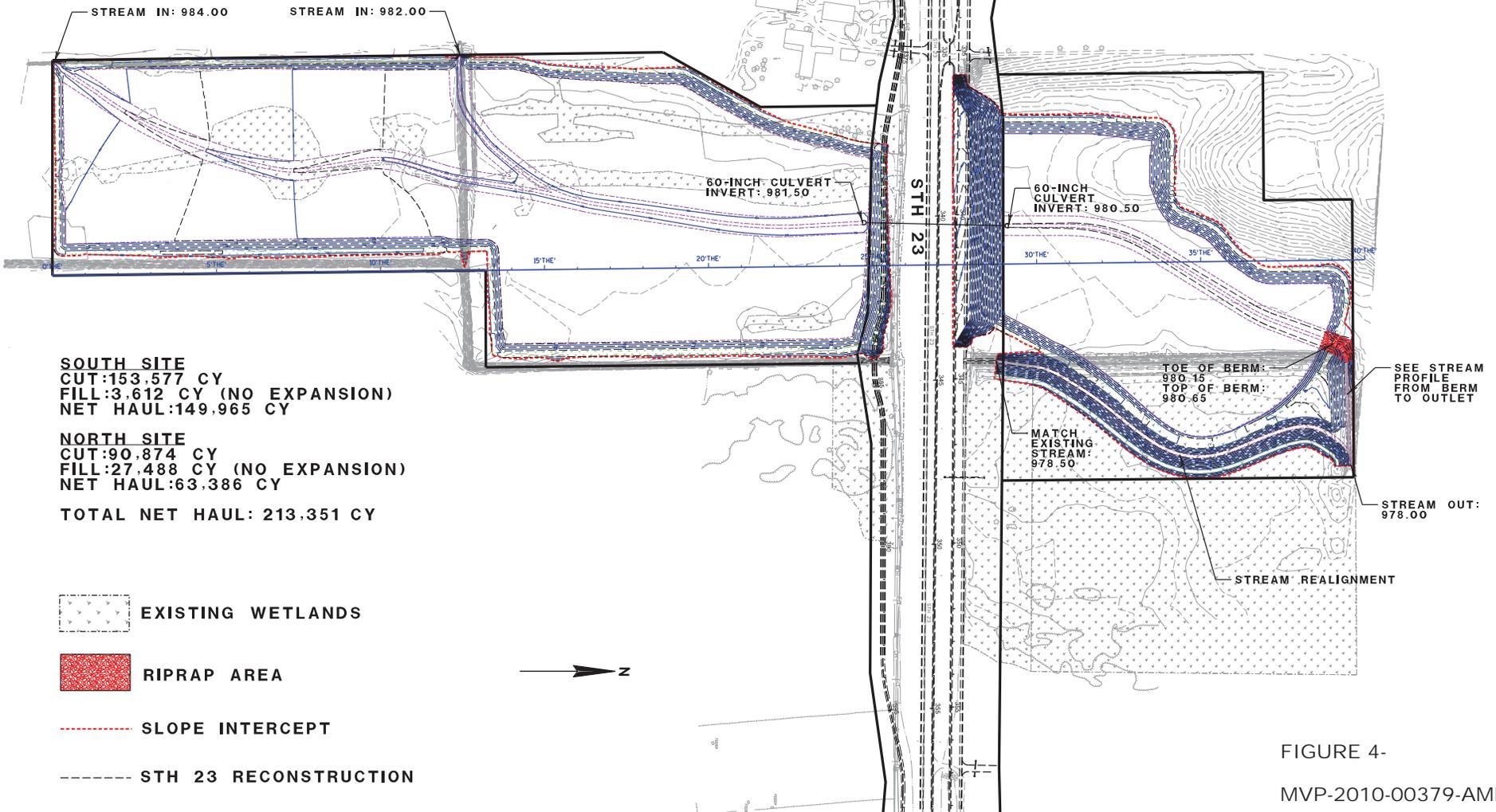


FIGURE 4-
 MVP-2010-00379-AMN

2

SOUTH SITE
 CUT:153.577 CY
 FILL:3.612 CY (NO EXPANSION)
 NET HAUL:149.965 CY

WETLAND AREA: 42.86AC

NORTH SITE
 CUT:90.874 CY
 FILL:27.488 CY (NO EXPANSION)
 NET HAUL:63.386 CY

TOTAL NET HAUL: 213.351 CY

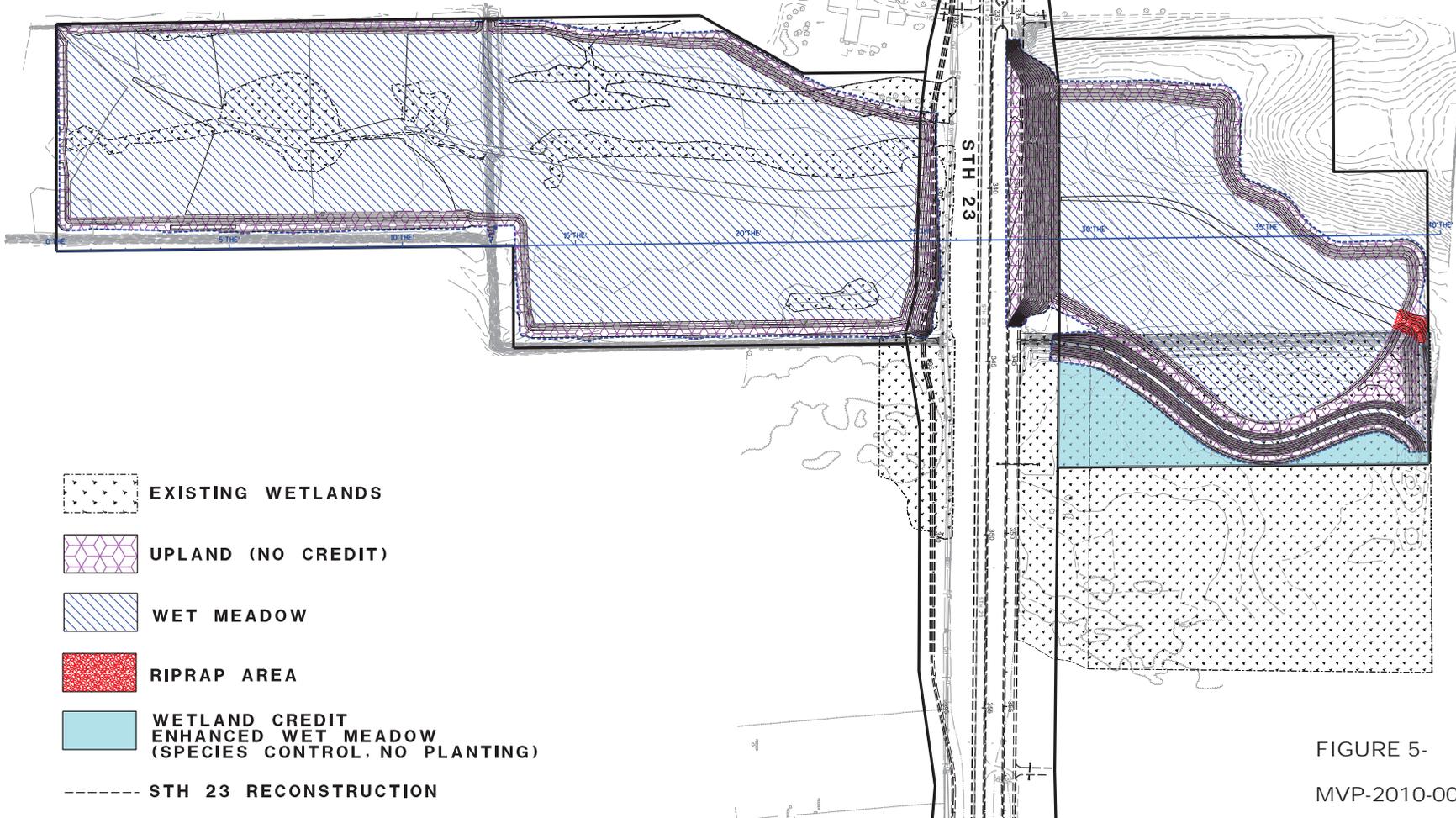


FIGURE 5-
 MVP-2010-00379-AMN

PROJECT NO:1440-13-71

HWY:STH 23

COUNTY:SHEBOYGAN

THEEL SITE PLANTING OVERVIEW

SHEET

E

FILE NAME : P:\48xx\4853-4854_DP.14_SHB-FDL\CADD5\Exhibits\p\ant\ing p\lans.dgn

PLOT DATE : 7/8/2014

PLOT BY : sgc

PLOT NAME :

PLOT SCALE : 1:300

WISDOT/CADD5 SHEET 42

2

SCHAEFER SITE ANTICIPATED WETLAND TYPES





CUT: 308.248 CY
FILL: 2.498 CY (NO EXPANSION)
NET HAUL: 305.750 CY

----- SLOPE INTERCEPT

EXISTING WETLANDS

----- STH 23 RECONSTRUCTION

RIPRAP AREA

TYPICAL SIDE SLOPE: 10:1
10' WIDE BERMS
10' WIDE FLAT BOTTOM CHANNELS

SELECT TREE
REMOVAL AND
PLANTING AREAS

5'SCH' 10'SCH' 15'SCH' 20'SCH' 25'SCH' 30'SCH' 32'SCH' HICKORY RD

UPLAND BUFFER PLANTING
AREA; NO GRADE CHANGE

WOODED SWAMP
FLOOR ELEV: 1008.00

SHALLOW MARSH
FLOOR ELEV: 1007.50

MATCH EXISTING
STREAM: 1003.50

SEE STREAM
PROFILE
FROM BERM
TO OUTLET

FIGURE 7- MVP-2010-00379-AMN

CUT: 308,248 CY
 FILL: 2,498 CY (NO EXPANSION)
 NET HAUL: 305,750 CY
 WETLAND AREA: 25.04 AC
 UPLAND BUFFER: 21.31 AC
 SITE TOTAL: 46.35 AC



EXISTING WETLANDS



UPLAND (NO CREDIT)



UPLAND BUFFER (CREDIT)



EXISTING WOODED UPLAND BUFFER (CREDIT, NO PLANTING)



WOODED SWAMP



WOODED SWAMP (SELECT CUTTING AND PLANTING)



SHALLOW MARSH



RIPRAP AREA

----- STH 23 RECONSTRUCTION

5'SCH' 10'SCH' 15'SCH' 20'SCH' 25'SCH'

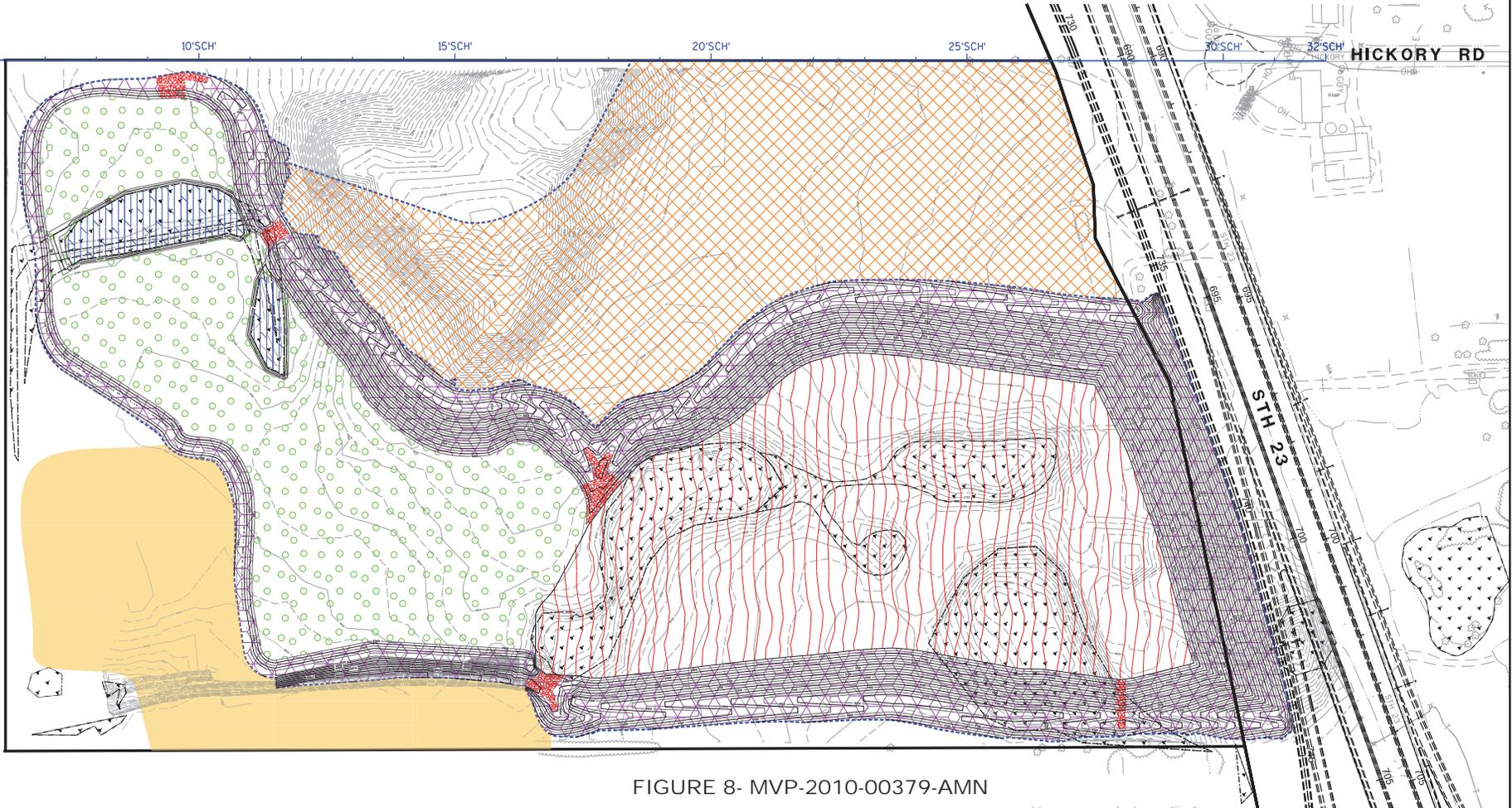


FIGURE 8- MVP-2010-00379-AMN