



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Wisconsin Dept.
of Transportation

Public Notice

ISSUED: January 30, 2015
EXPIRES: March 2, 2015

REFER TO: 2012-01707-SEK

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into Saunders Creek, several unnamed tributaries of Saunders Creek and Koshkonong Creek, and 20.65 acres of adjacent wetlands for the reconstruction of I-39/90 from Dane CTH B to the Dane/Rock County line.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Wisconsin Dept. of Transportation
111 Interstate Blvd.
Edgerton, WI 53534

AGENT: EMCS, Inc

AGENT'S ADDRESS: 901 Deming Way, Suite 203
Madison, WI 53717

PROJECT LOCATION: The proposed work extends along I-39/90 from the southern boundary of Dane County north to CTH B, for a distance of approximately 8.7 miles. The project also extends a short distance from I-39/90 along East Church Road, USH 51, Maple Grove Road, Lake Drive Road, STH 73, STH 106, and CTH A. Work is proposed in Sections 4, 5, 9, 15, 16, 21-23, 26, 27, 35, and 36 in T. 5N. R. 12E., and in Sections 29, 32, and 33 in T. 6N. R. 5E., Dane County Wisconsin.

DESCRIPTION OF PROJECT: The Wisconsin Department of Transportation (DOT) proposes this work as part of a larger project to expand and reconstruct approximately 47 miles of I-39/90 from the Illinois state line north to USH 12/18 (Madison Beltline) in Madison, Wisconsin. The overall project also includes the reconstruction of the Madison Beltline interchange. The DOT plans to phase the project over several years. Work proposed for this phase of the project includes widening I-39/90 northbound and southbound lanes, including shoulder widening to accommodate planned counter-directional traffic during construction. The project also includes widening the Maple Grove Road, STH 106, and CTH A bridges to accommodate the expansion of I-39/90, and reconstructing Lake Drive Road and East Church Road to current design standards. This phase also includes reconstruction of the USH 51/STH 73 interchange to a diamond interchange, and the realignment of Pierce Road, a local frontage road.

The Federal Highway Administration (FHWA) is the lead federal agency for the project. The FHWA and DOT prepared a Final Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) on October 1, 2010. Subsequent to FONSI approval, the FHWA and DOT completed a re-evaluation to address changes in the project design. The re-evaluation affirmed the FONSI and

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was approved on October 30, 2014. The applicants selected alternative will be evaluated by the Corps to determine if it is the least damaging practicable alternative.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project is currently estimated to result in the permanent fill and loss of approximately 20.65 acres of wetland, including 15.01 acres of wet meadow, 3.25 acres of shallow marsh, and 2.22 acres of wooded swamp. Approximately 0.17 acre of Saunders Creek and unnamed tributaries would be impacted due to the extension of culverts to accommodate the wider roadway; however, these impacts are not considered permanent losses. These figures represent the most recent estimated impacts. Refinement of project impacts is ongoing and is likely to result in minor changes in impact locations and quantities prior to a final permit decision.

VEGETATION IN AFFECTED AREA: Approximately 2.89 acres of the wet meadow is considered to be degraded and is primarily dominated by reed canary grass. The remaining wet meadow is dominated by a mix of native sedges and grasses, containing small patches of reed canary grass in some areas. The majority of the wet meadow impacts fall within large former glacial lake basins, underlain by Houghton Muck. Shallow marsh along the corridor is typically dominated by cattail and rush species, and wooded swamp is typically dominated by a mix of American elm, green ash, box elder, and red and silver maple, depending on the location. Some previously disturbed areas are invaded by non-native buckthorn species in the understory.

SOURCE OF FILL MATERIAL: Fill material would be obtained locally or from a commercial source.

SURROUNDING LAND USE: The land use along this segment of I-39/90 is primarily agricultural with minor commercial development near the USH 51 / STH 73 interchange.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Materials commonly used for construction such as fuel, hydraulic fluid, lubricants, coolant, and others would be expected to be present during construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant proposes to use standard erosion control and stormwater management practices required by the Wisconsin Department of Natural Resources (DNR). The DNR has confirmed that the project meets water quality standards.

MITIGATION: The applicant proposes to compensate for the loss of 20.65 acres of wetland by debiting wooded swamp credits from Patrick Marsh – Vale credit and debiting wet meadow and shallow marsh credits from the proposed World Dairy Center mitigation bank site, located in Dane County Wisconsin. The World Dairy Center bank has not yet attained final approval, and currently has no credits available. The applicant has stated that if no credits are likely to be available at this bank prior to construction, all required mitigation debits will be made to the Patrick Marsh – Vale Credit wetland mitigation bank, which is located within the same watershed, or another suitable wetland mitigation bank within the watershed would be proposed. All final debit ratios would be adjusted commensurate with existing guidance.

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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.

Replies may be addressed to the U.S. Army Corps of Engineers, Waukesha Field office, 20711 Watertown Rd., Ste. F, Waukesha, WI, 53186.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Simone Kolb at the U.S. Army Corps of Engineers Waukesha Field Office, telephone (262) 717-9539.

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

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

No endangered or threatened species were identified by the applicant or are known to exist in the permit area. However, Dane County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Northern long-eared bat (Proposed)	Caves, mines, wooded areas
Whooping crane (Experimental Population)	Open wetlands and lakeshores
Eastern fringed prairie orchid (E)	Wet grasslands
Mead's milkweed (T)	Upland tallgrass prairie
Prairie bush-clover (T)	Dry to mesic prairies with gravelly soil
Eastern massassauga (Candidate)	Open to forested wetlands and adjacent uplands

The FHWA is the lead federal agency and has coordinated with the U.S. Fish and Wildlife Service. Any additional comments received as a result of this notice 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 a preliminary jurisdictional determination, as requested by the applicant, prior to making a permit decision.

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6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the DNR and is considered by the District Engineer to constitute valid notification to that agency for Section 401 water quality certification. The DNR has issued state 401 water quality certification.

7. HISTORICAL/ARCHAEOLOGICAL.

FHWA is the lead federal agency for project review pursuant to Section 106 of the National Historic Preservation Act. The FHWA/DOT has conducted archeological surveys and consulted with the State Historic Preservation Office (SHPO). One property near the project area was determined to be eligible for the National Register of Historic Places. SHPO concurred with the FHWA/DOT determination of no adverse effect on December 3, 2013 (SHSW #07-0240/DA/RO). Any additional comments received in response to this notice will be considered in our final assessment of the proposed 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 submitted to the DOT as part of the Environmental Assessment prepared to comply with the National Environmental

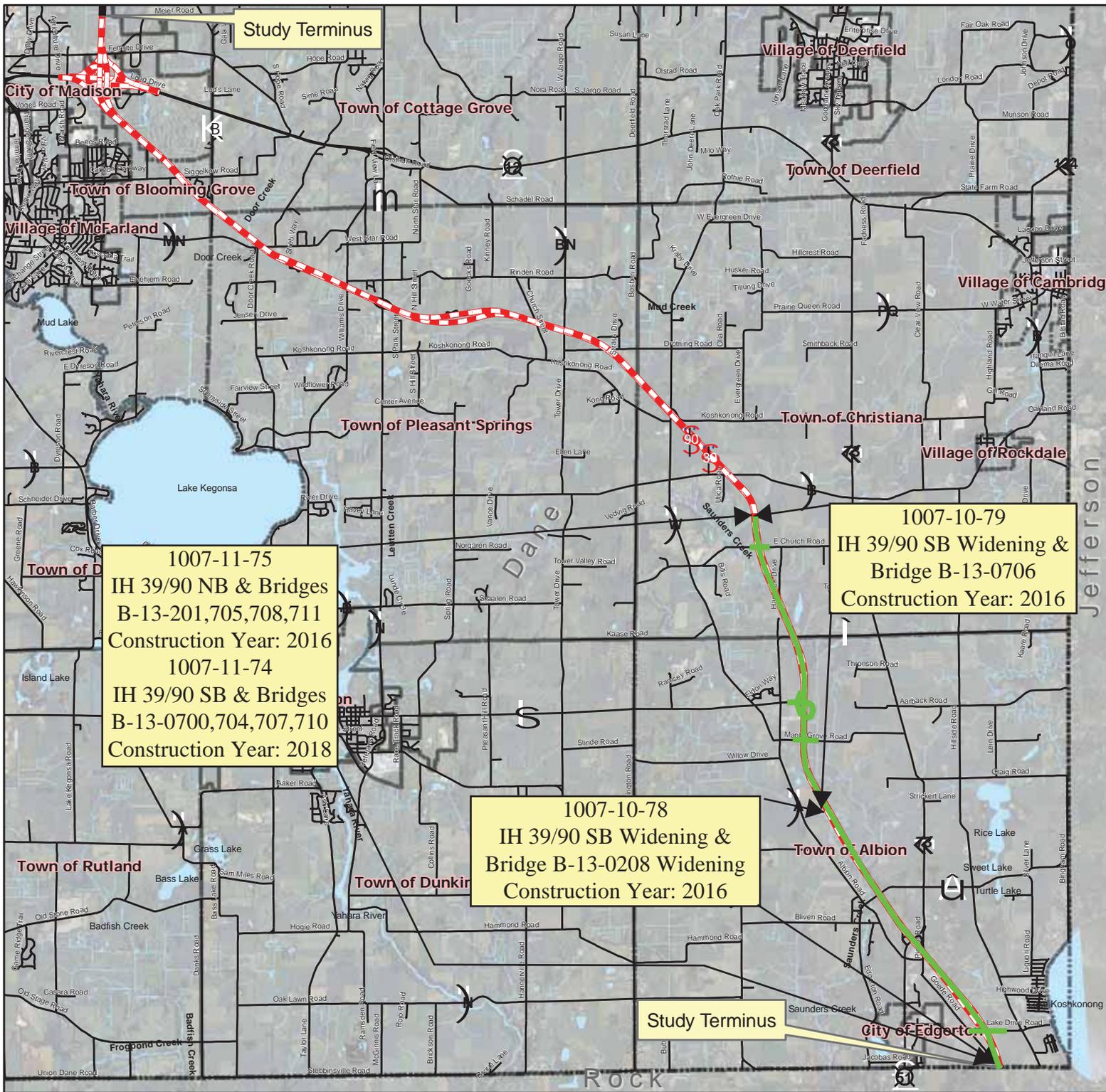
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Policy Act will also be considered. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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.



39/90

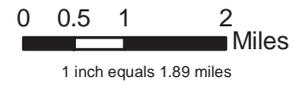
IMPROVING

a gateway to Wisconsin

I-39/90
 Illinois State Line - Madison
 Dane/Rock County Line - US 12/18
 Dane County North Segment

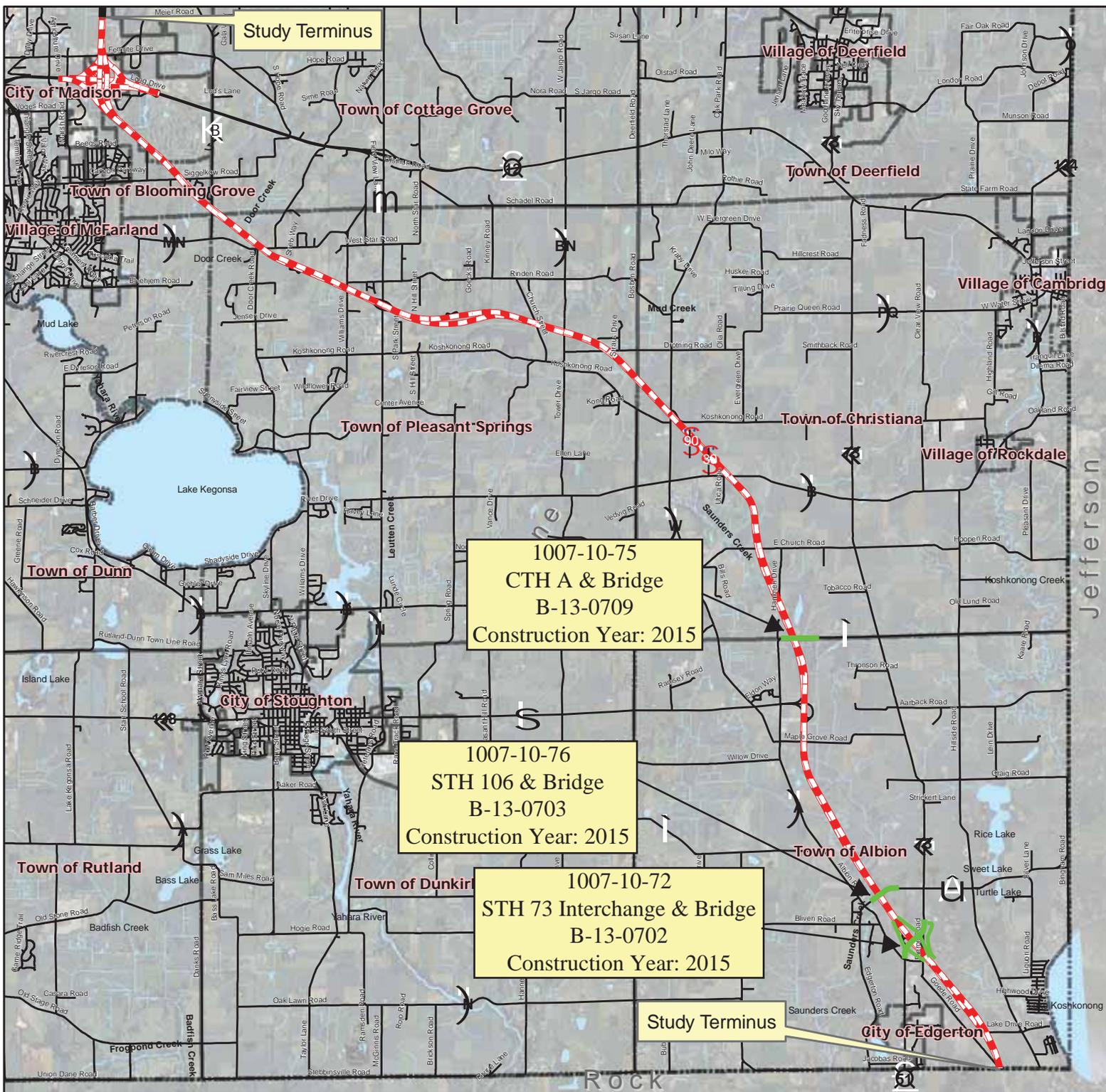
WisDOT ID:
 1007-10-01

- Legend**
- I-39/90
 - Roads
 - Municipal Boundary
 - Water



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39/90

IMPROVING

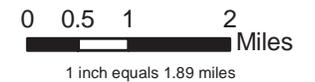
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I-39/90
 Illinois State Line - Madison
 Dane/Rock County Line - US 12/18
 Dane County North Segment

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Legend

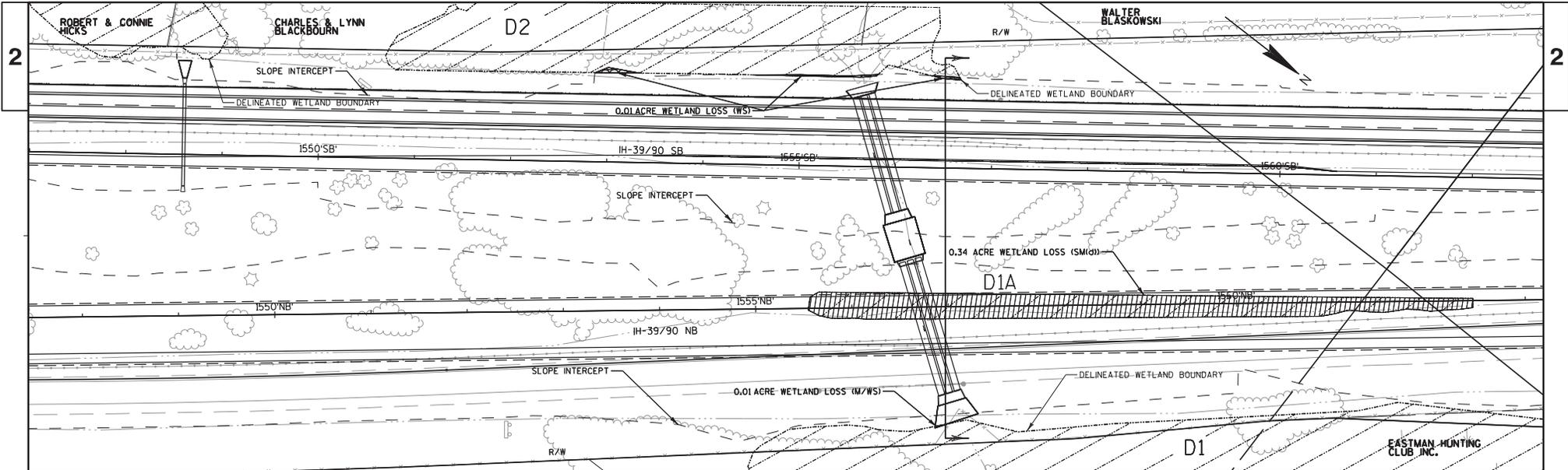
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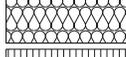


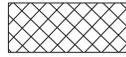
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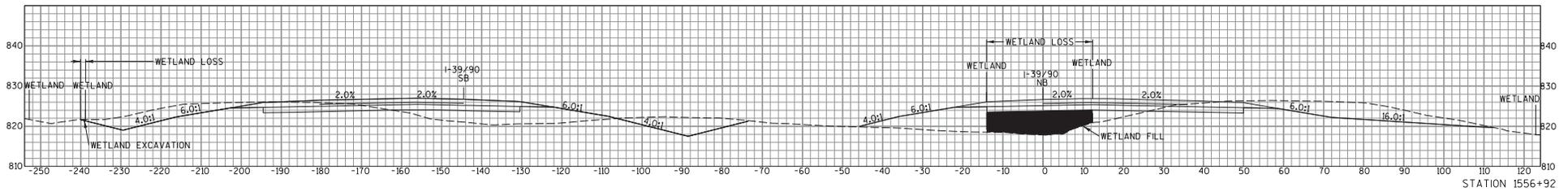


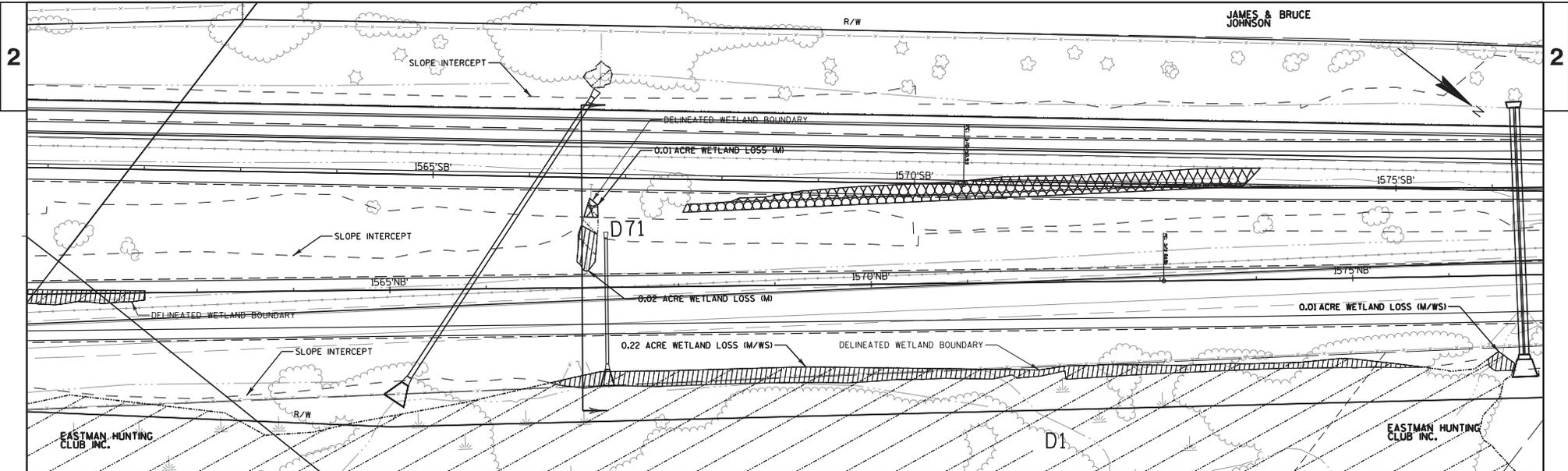
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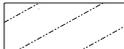
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- SM = SHALLOW MARSH WETLAND
- WS = WOODED SWAMP
- AB = AQUATIC BED

- D1 0.01 M/WS
- D1A 0.34 SM(d)
- D2 0.01 WS



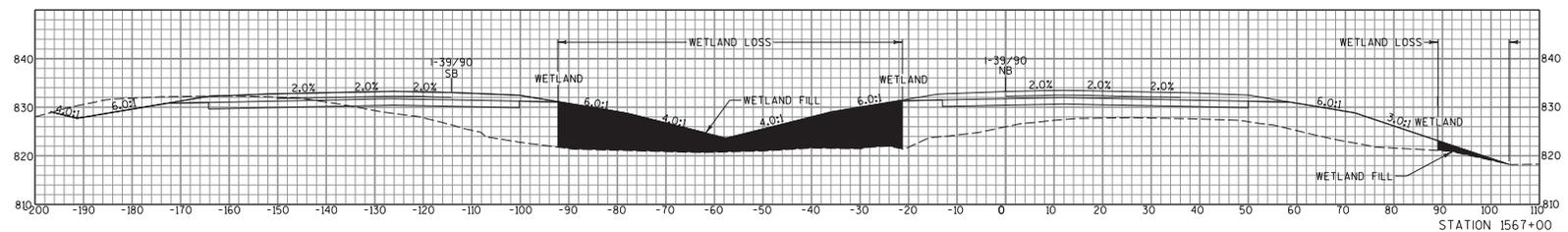


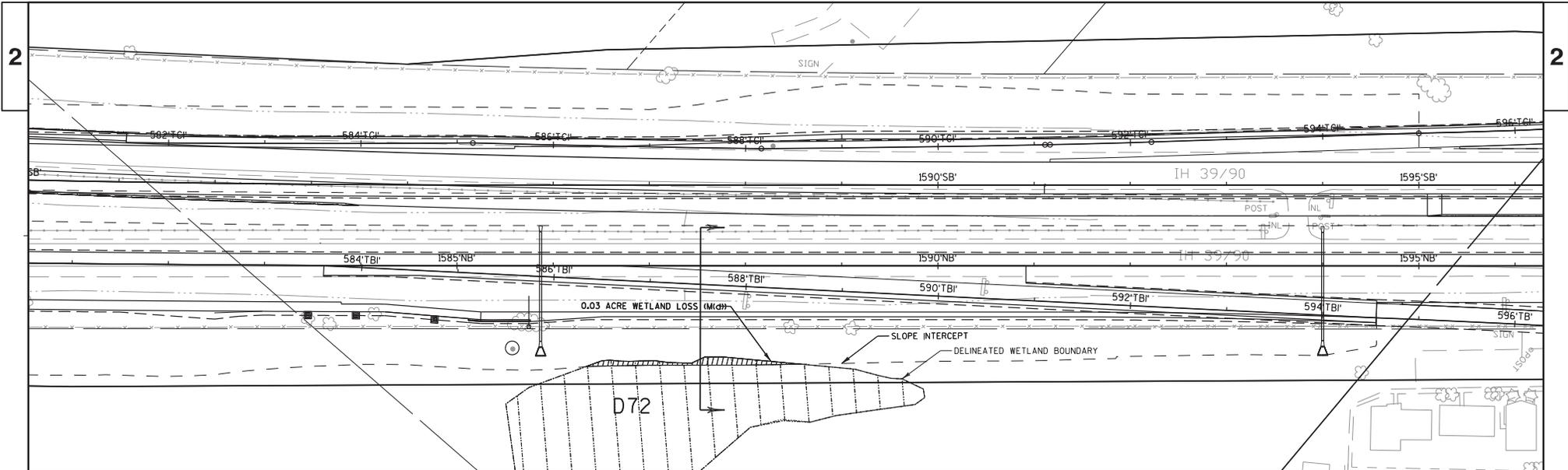
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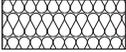
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- D1 0.22 M/WS
- D1 0.01 M/WS
- D71 0.01 M
- D71 0.02 M



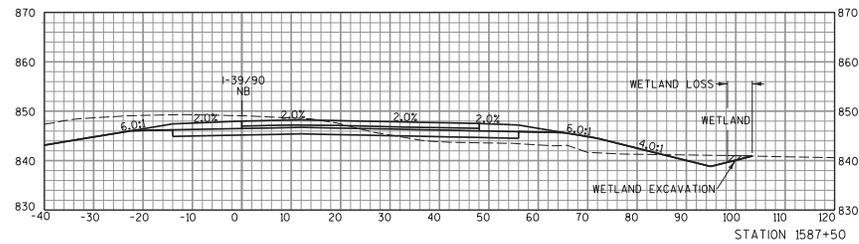


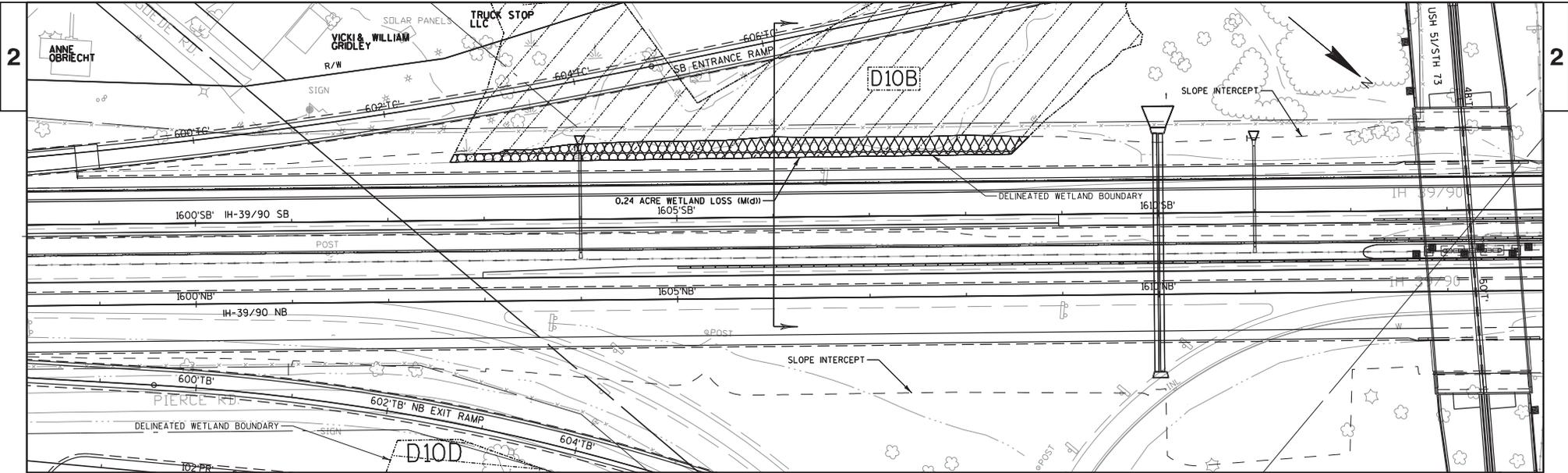
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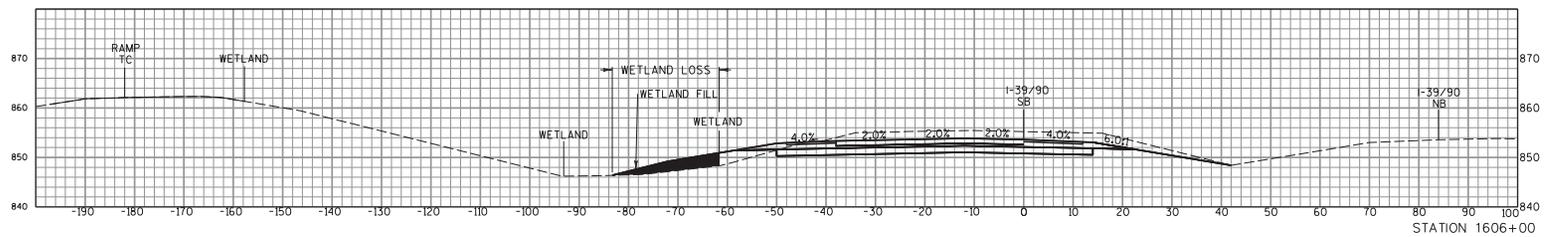
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D72 0.03 M(d)





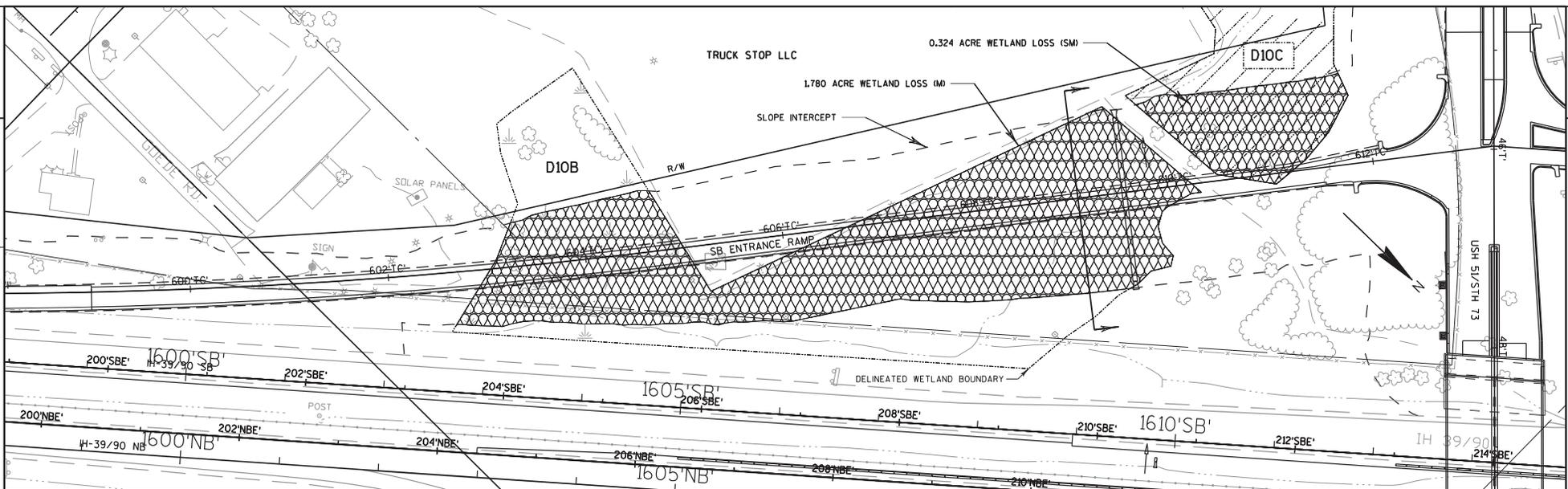
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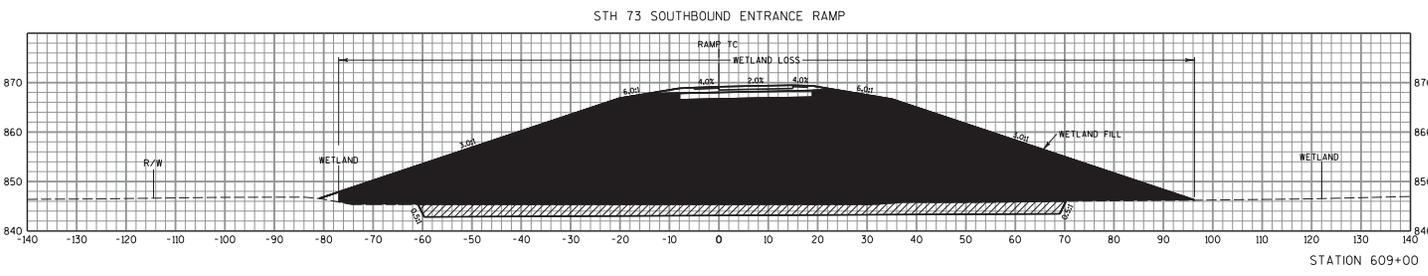
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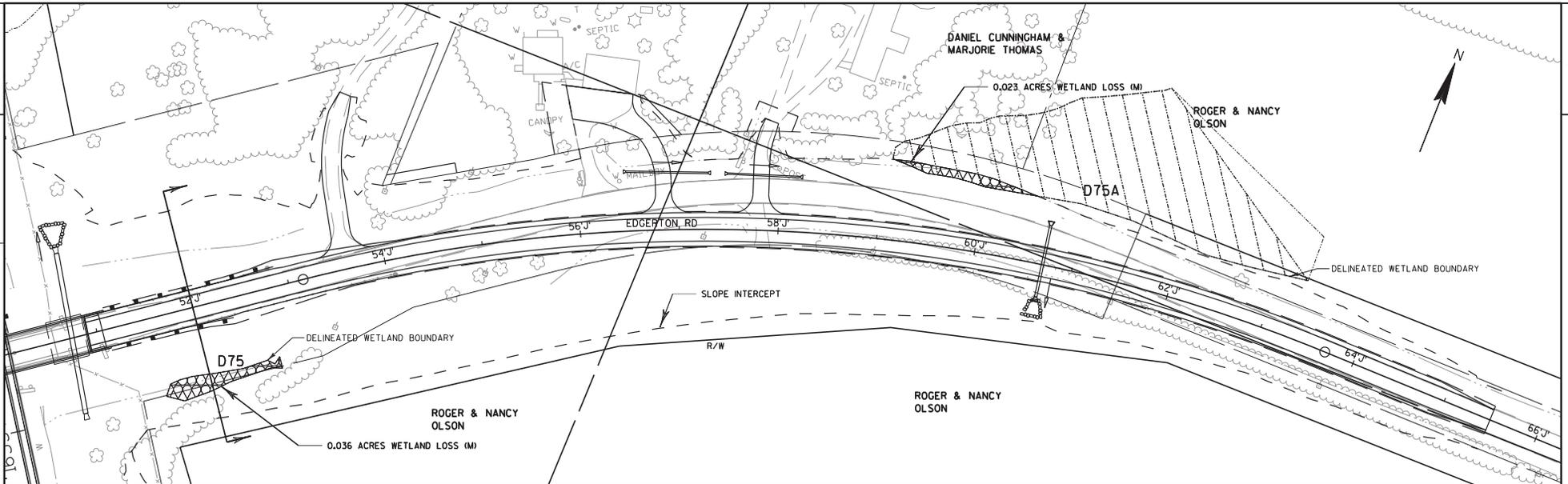


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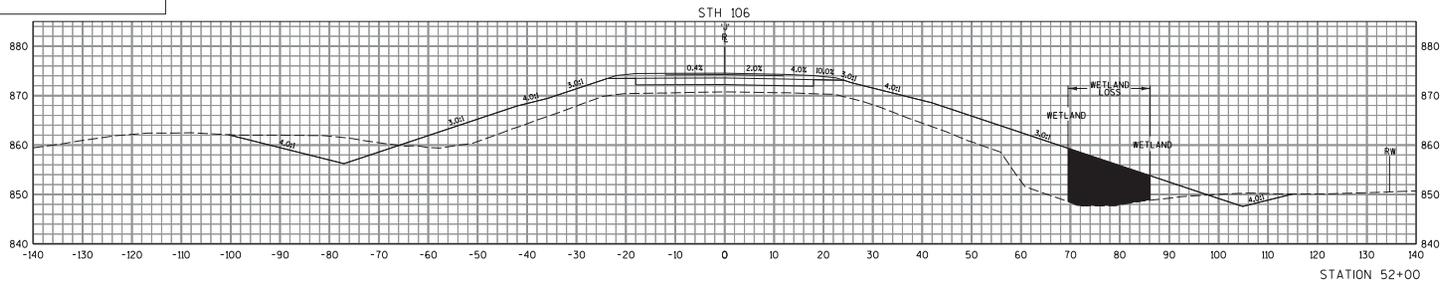


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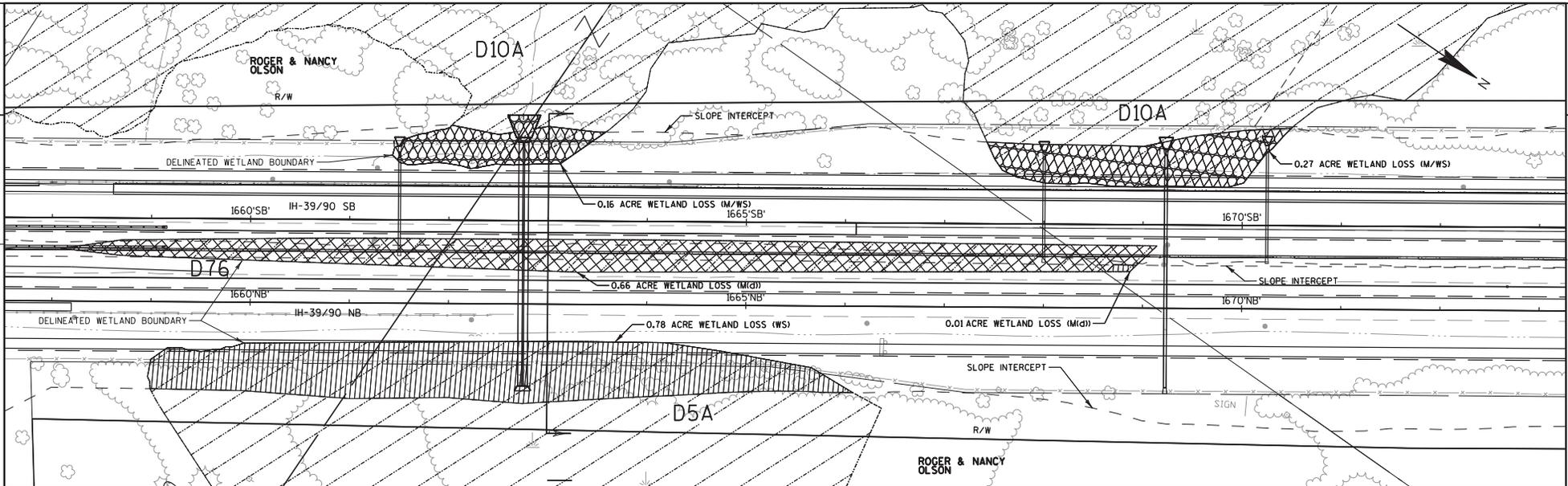


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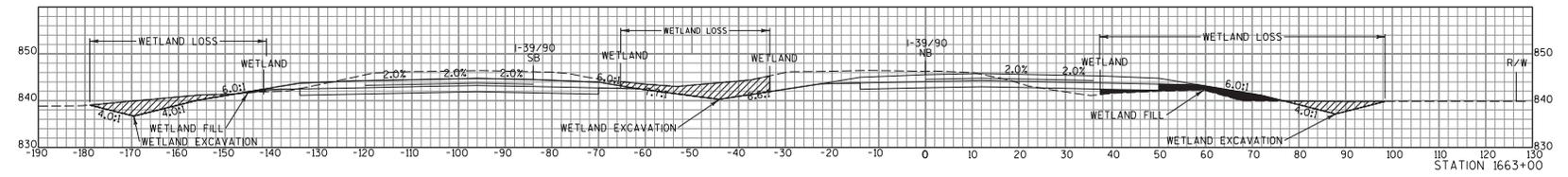


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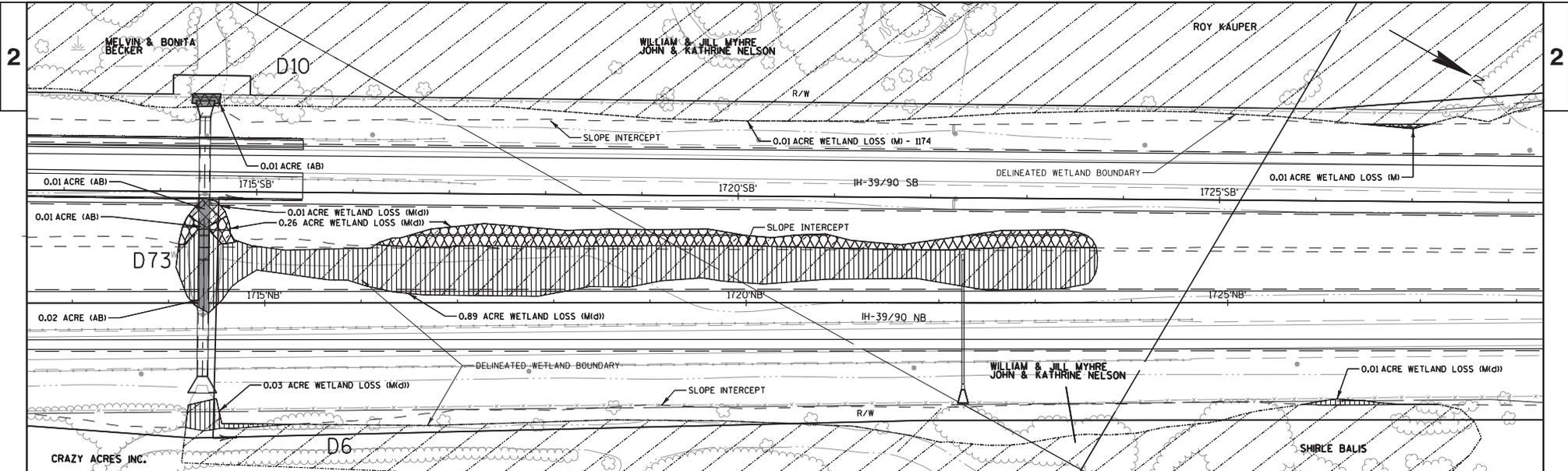
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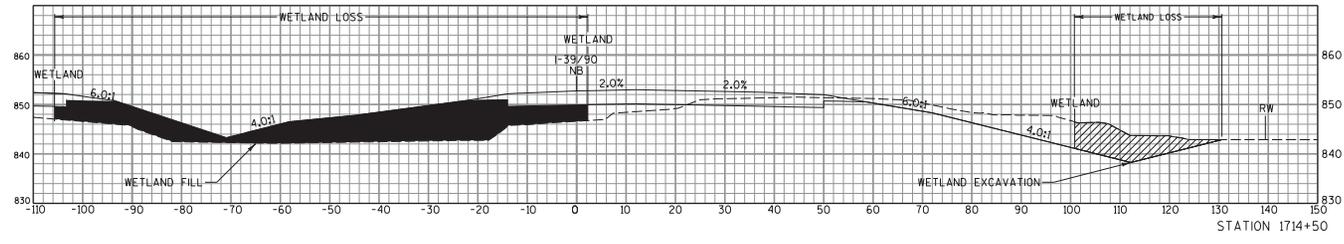


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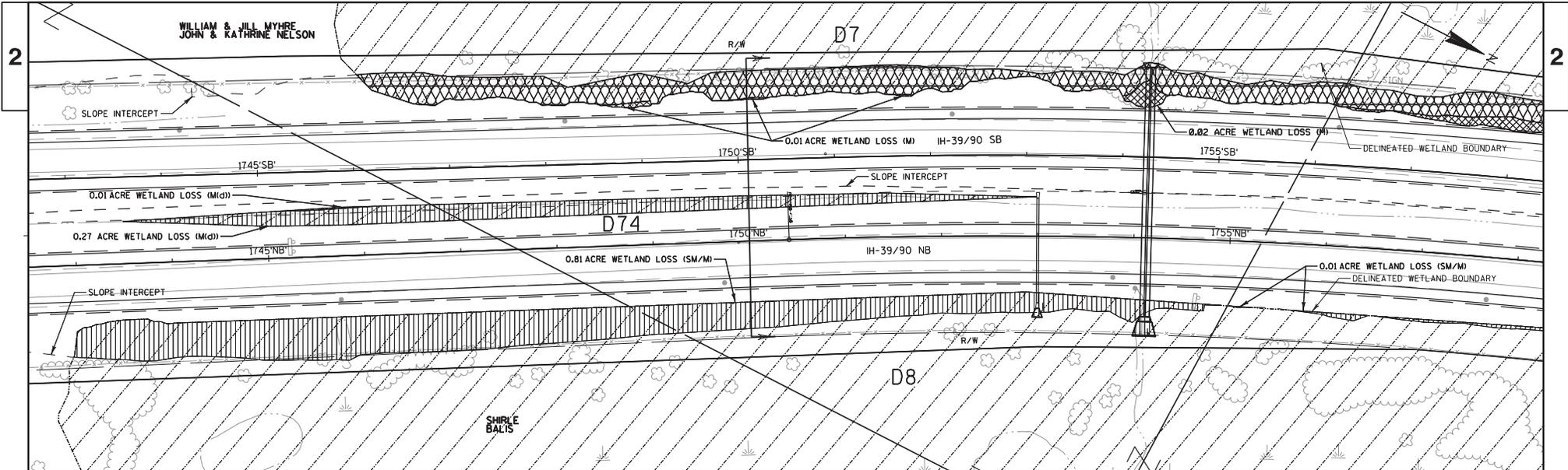
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D6	0.03 M(d)	D73	0.89 M(d)
D6	0.01 M(d)	D73	0.01 AB
D10	0.01 AB	D73	0.01 AB
D10	0.01 M	D73	0.02 AB
D10	0.01 M		
D73	0.01 M(d)		
D73	0.26 M(d)		



WILLIAM & JILL MYHRE
JOHN & KATHRINE NELSON

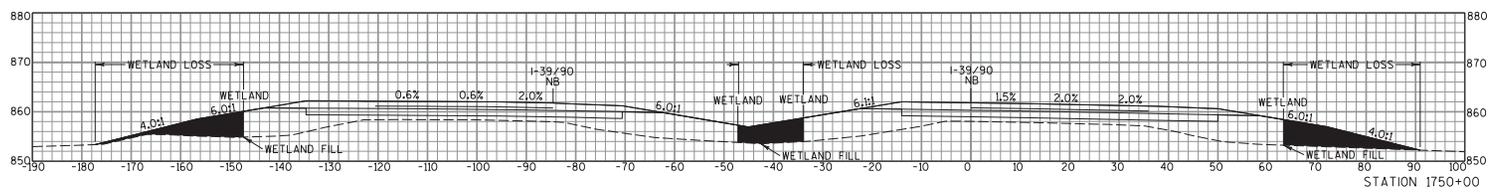


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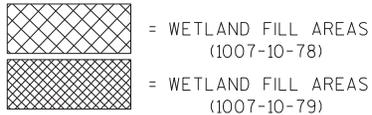
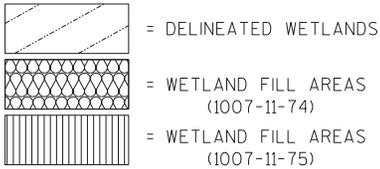
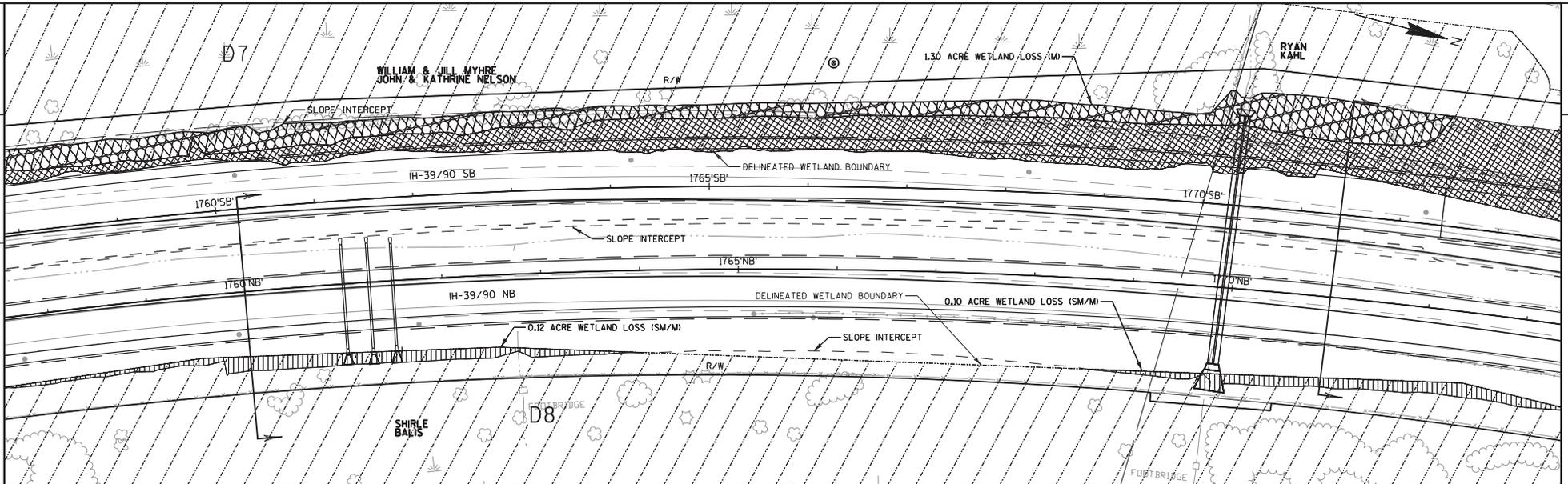
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- D7 0.01 M
- D7 0.02 M
- D8 0.81 SM/M
- D8 0.01 SM/M
- D74 0.01 M(d)
- D74 0.27 M(d)



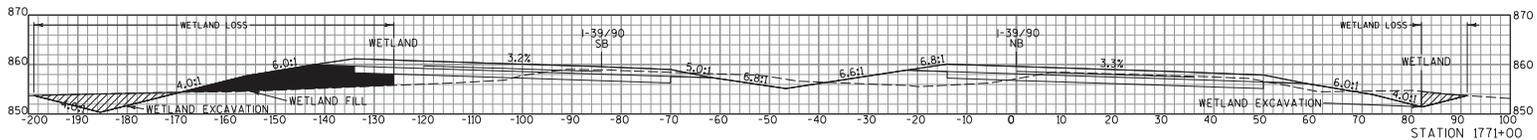
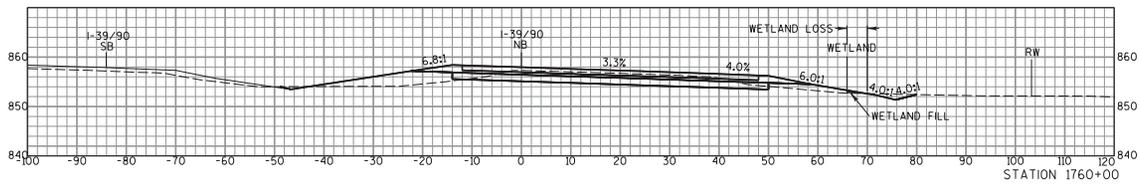
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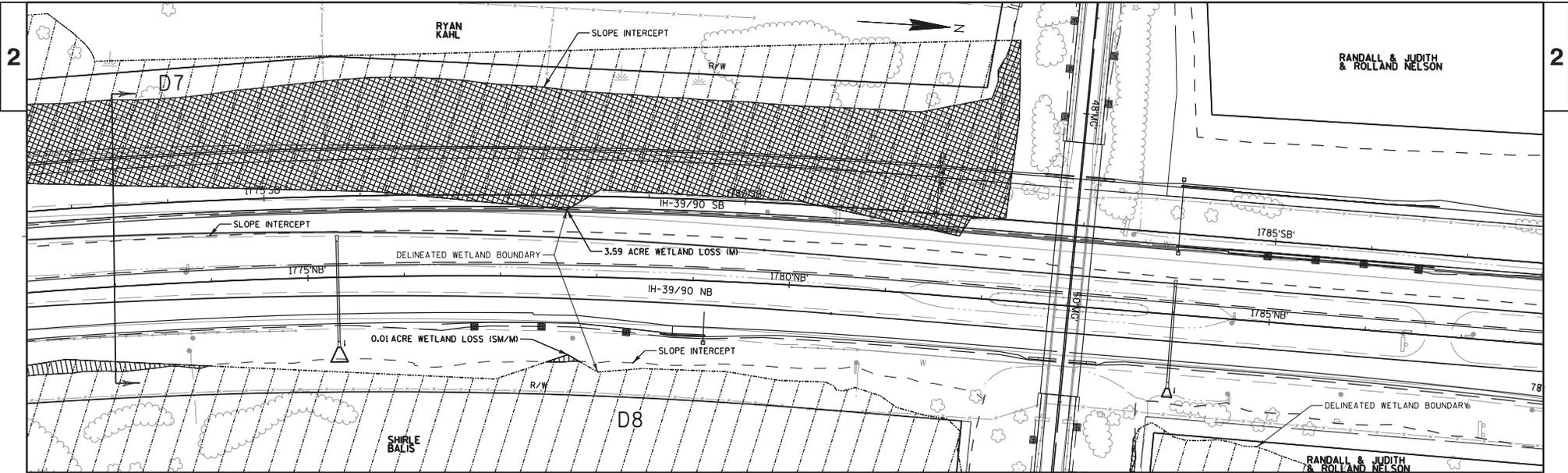
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M = WET MEADOW WETLAND
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D7 1.30 M
 D8 0.12 SM/M
 D8 0.10 SM/M



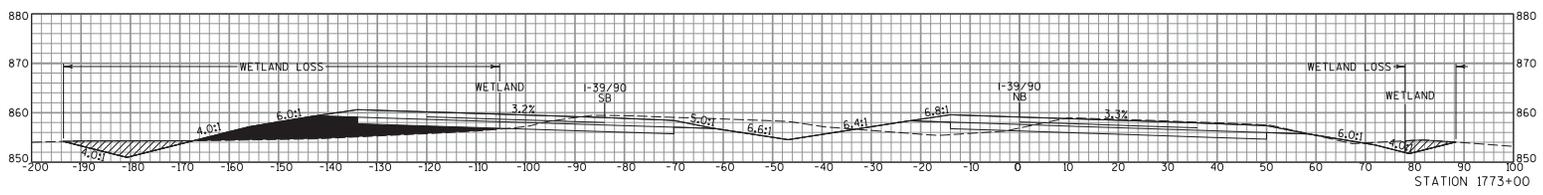


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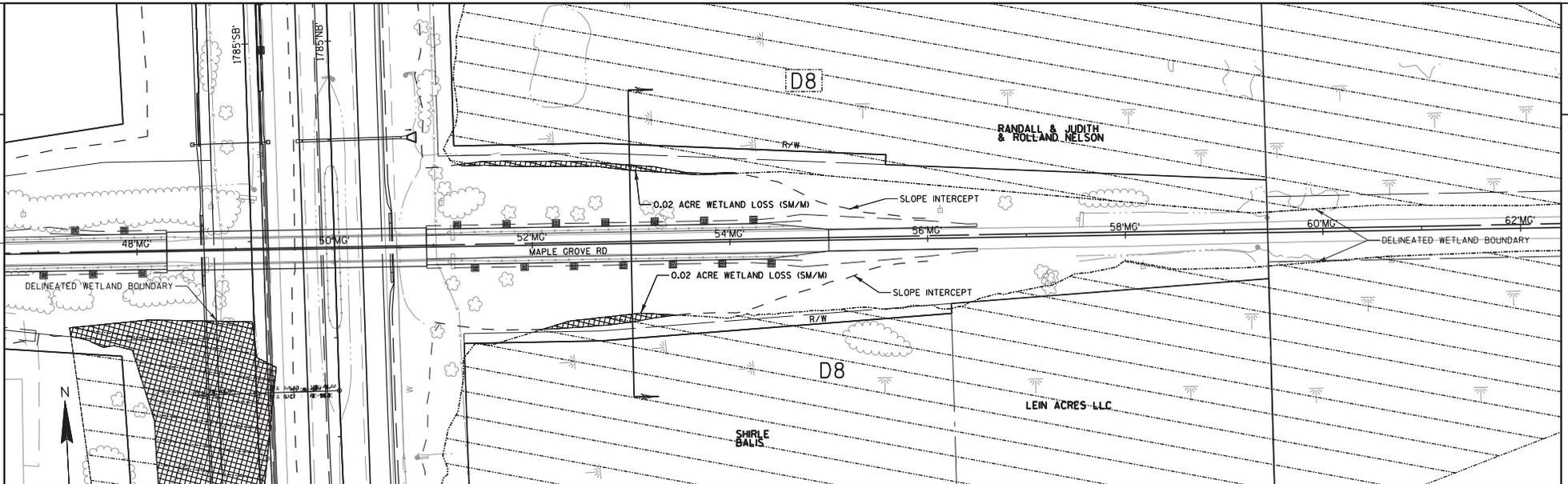
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D7 3.59 M
D8 0.01 SM/M



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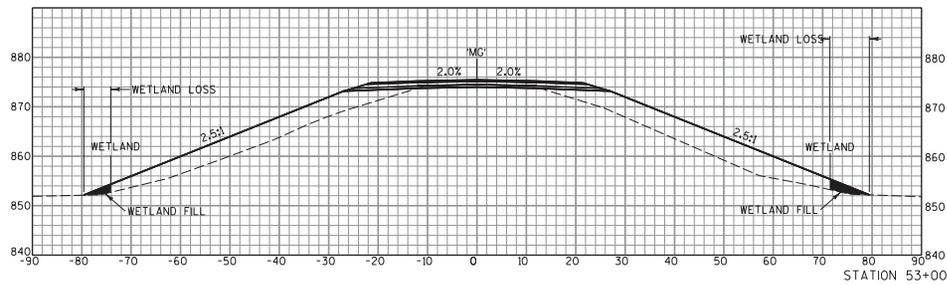


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- D8 0.02 SM/M
- D8 0.02 SM/M



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PROJECT NO: 1007-10-78/79;11-74/75

HWY: IH 39

COUNTY: DANE

WETLAND IMPACTS - MAPLE GROVE RD

SHEET

E

FILE NAME : P:\47xx\4739_39_OP_139.DAN\05 ENVIRONMENTAL\404 Permi\78 79 74 75 Permi\ Docs\DCN Exhibits\404 Permi\ Sheets.dgn

PLOT DATE : 1/16/2015

PLOT BY : ocd

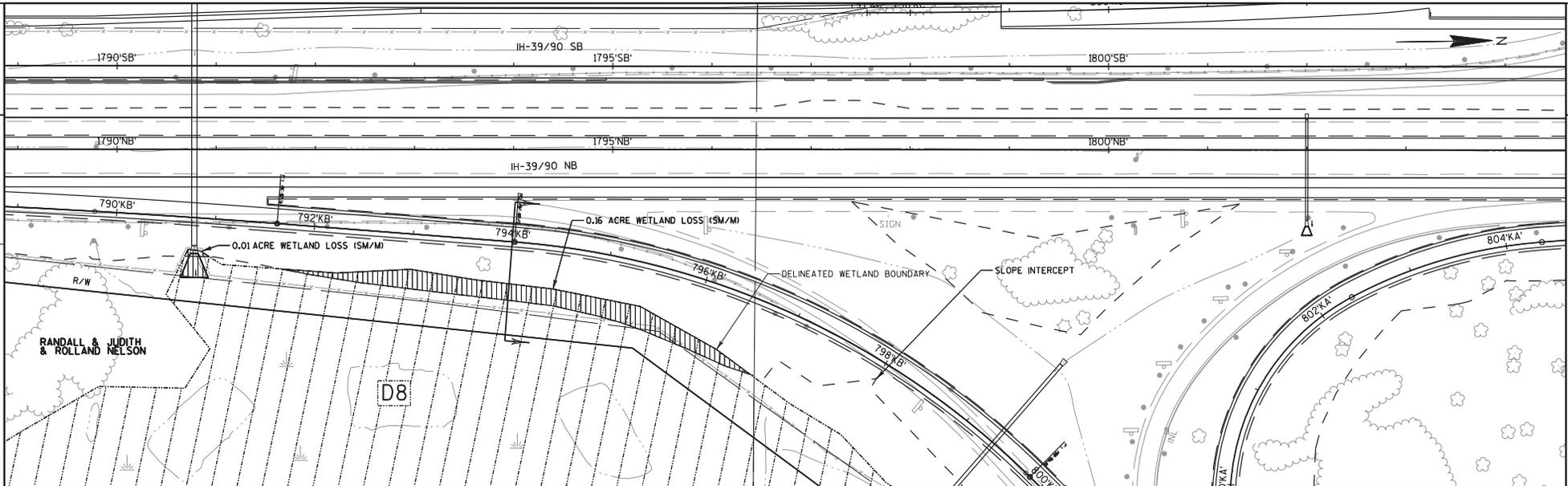
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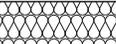
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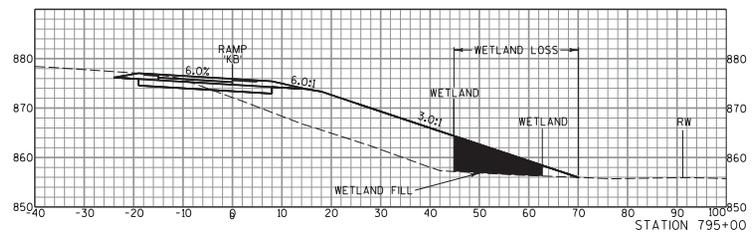
WISDOT/CADD SHEET 42

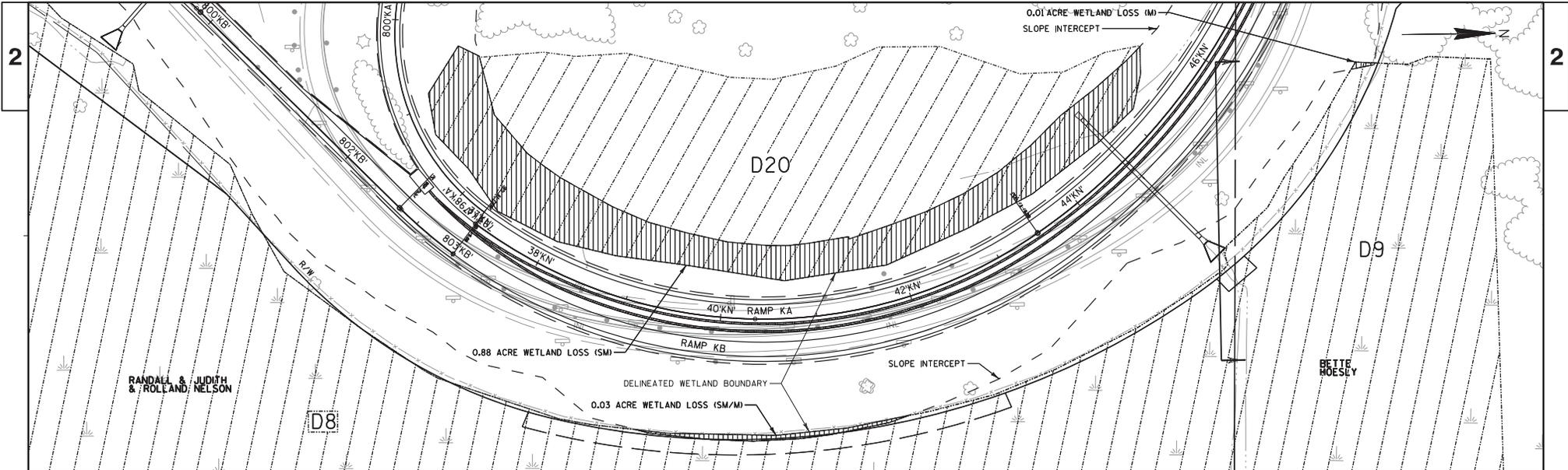
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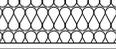
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	= DELINEATED WETLANDS		= WETLAND FILL AREAS (1007-10-78)	M = WET MEADOW WETLAND	D8 0.01 SM/M
	= WETLAND FILL AREAS (1007-11-74)		= WETLAND FILL AREAS (1007-10-79)	SM = SHALLOW MARSH WETLAND	D8 0.16 SM/M
	= WETLAND FILL AREAS (1007-11-75)			WS = WOODED SWAMP	
				AB = AQUATIC BED	



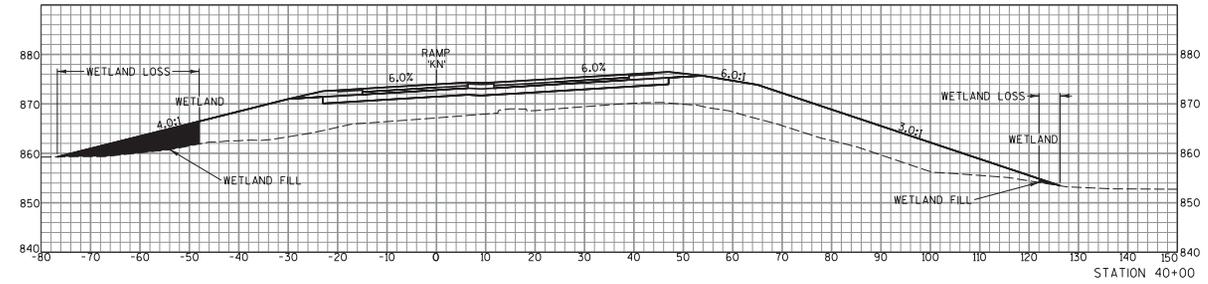


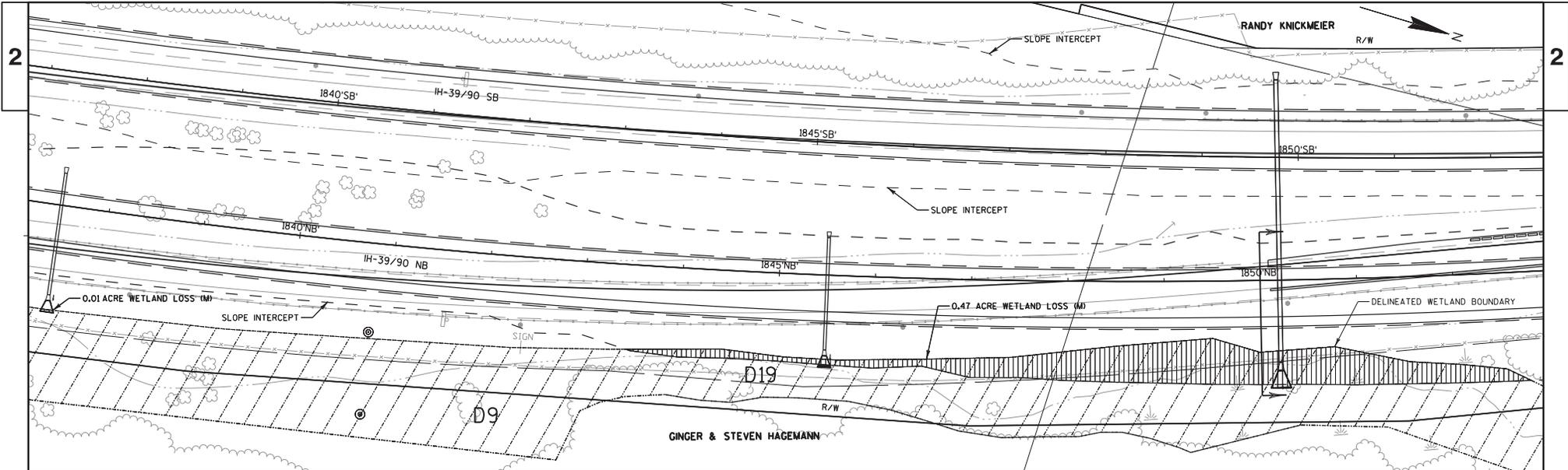
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-  = WETLAND FILL AREAS (1007-11-74)
-  = WETLAND FILL AREAS (1007-11-75)

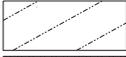
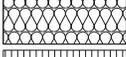
-  = WETLAND FILL AREAS (1007-10-78)
-  = WETLAND FILL AREAS (1007-10-79)

- M = WET MEADOW WETLAND
- SM = SHALLOW MARSH WETLAND
- WS = WOODED SWAMP
- AB = AQUATIC BED

D8	0.03 SM/M
D9	0.01 M
D20	0.88 SM



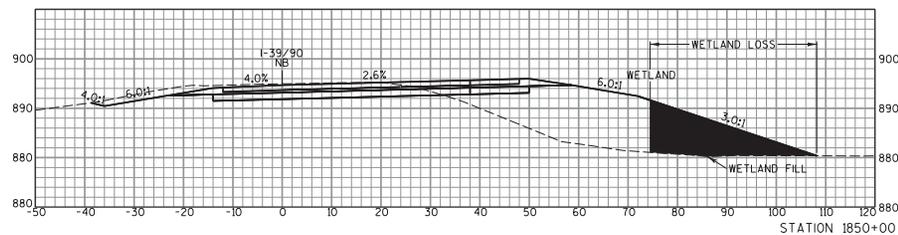


 = DELINEATED WETLANDS
 = WETLAND FILL AREAS (1007-11-74)
 = WETLAND FILL AREAS (1007-11-75)

 = WETLAND FILL AREAS (1007-10-78)
 = WETLAND FILL AREAS (1007-10-79)

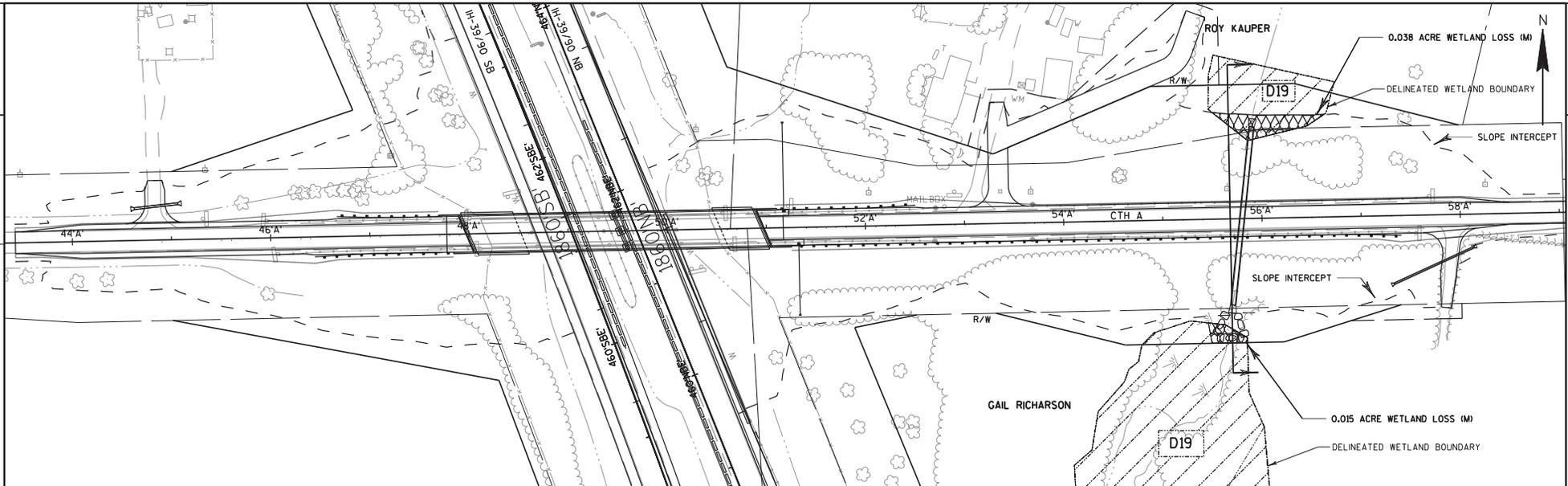
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 SM = SHALLOW MARSH WETLAND
 WS = WOODED SWAMP
 AB = AQUATIC BED

D9 0.01 M
 D19 0.47 M

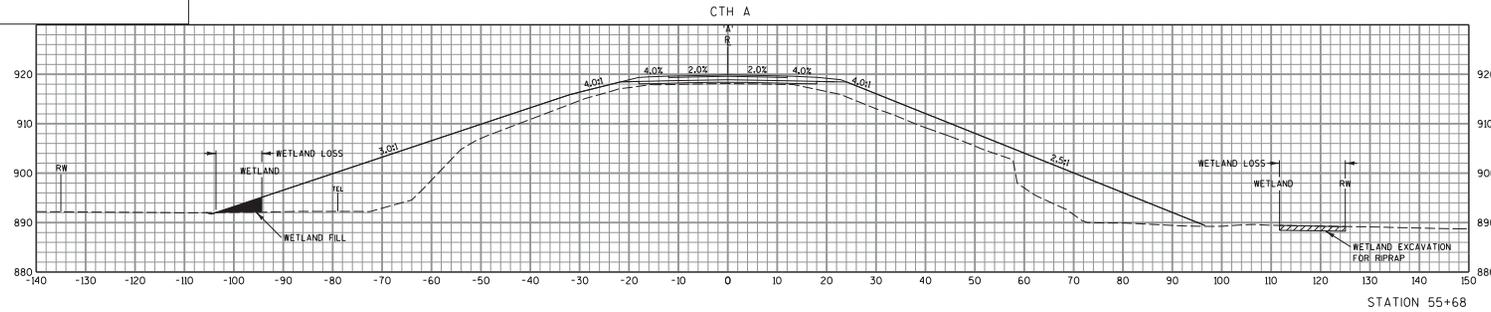


2

2



- = DELINEATED WETLANDS
- = WETLAND FILL AREAS
- M = WET MEADOW WETLAND
- SM = SHALLOW MARSH WETLAND
- WS = WOODED SWAMP



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PROJECT NO: 1007-10-75

HWY: CTH A

COUNTY: DANE

WETLAND IMPACTS - CTH A

SHEET

E

FILE NAME : P:\47xx\4739_39_OP_139_DAN\05 ENVIRONMENTAL\404 Permi\172 75 76 Permi\ Docs\DGN Exhibits\404 Permi\ Sheets.dgn

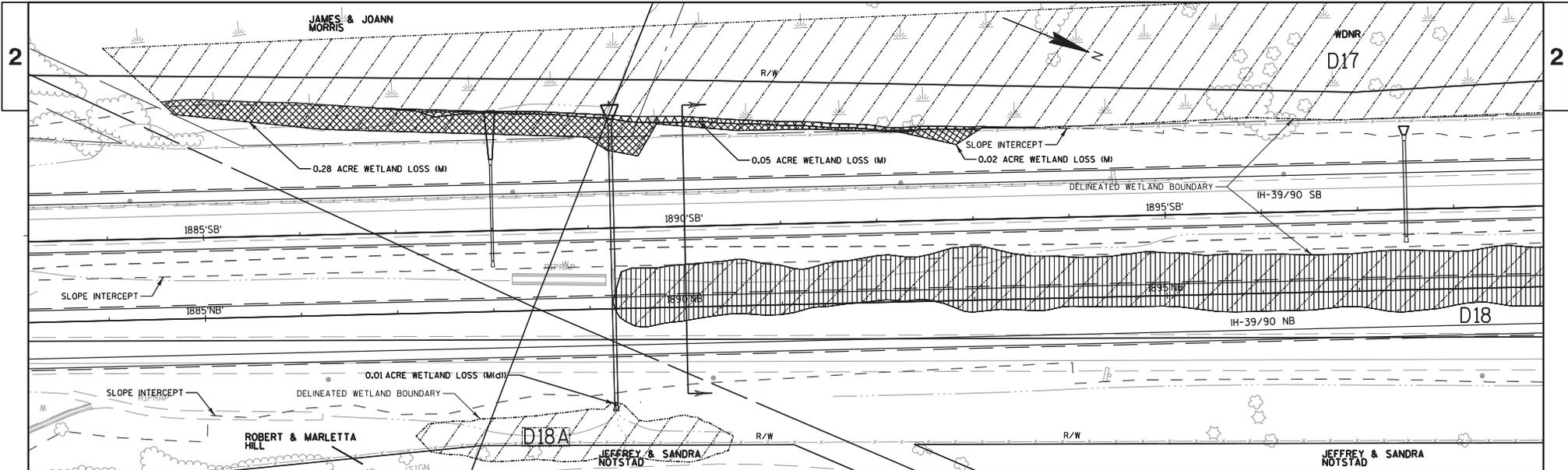
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PLOT BY : ocd

PLOT NAME :

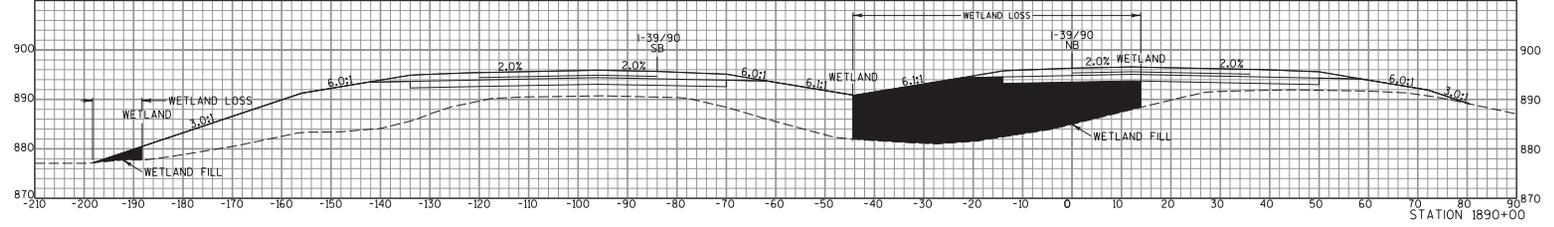
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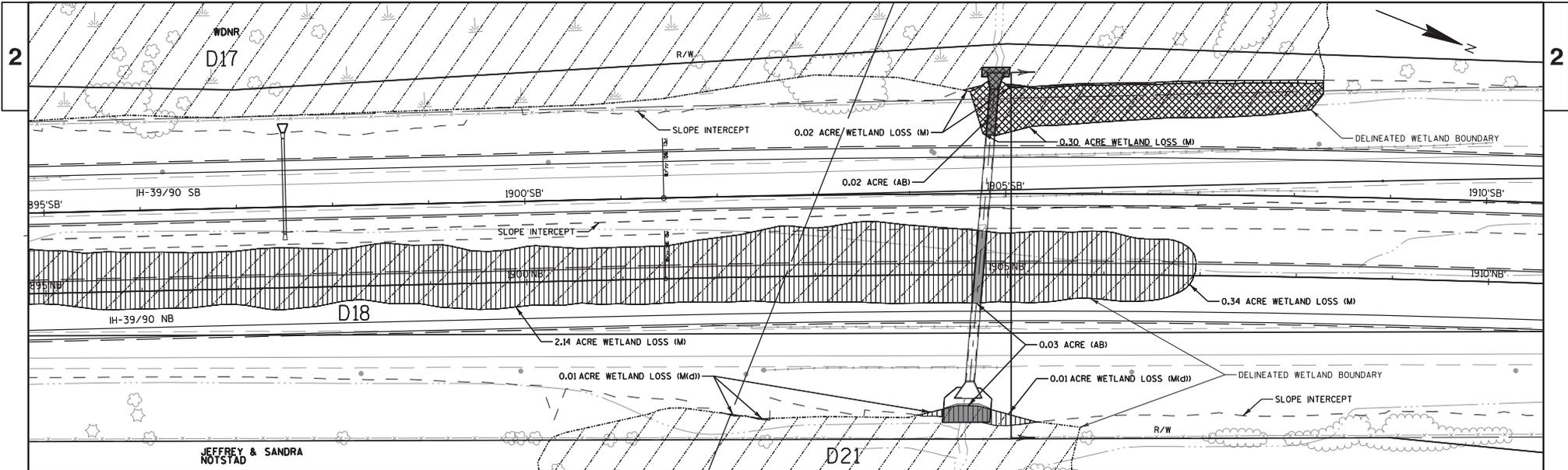
WISDOT/CADD SHEET 42



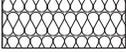
- | | | | |
|----------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------|-----------------------------------|
|  | = DELINEATED WETLANDS |  | = WETLAND FILL AREAS (1007-10-78) |
|  | = WETLAND FILL AREAS (1007-11-74) |  | = WETLAND FILL AREAS (1007-10-79) |
|  | = WETLAND FILL AREAS (1007-11-75) | | |

- | | |
|----------------------------|----------------|
| M = WET MEADOW WETLAND | D17 0.28 M |
| SM = SHALLOW MARSH WETLAND | D17 0.05 M |
| WS = WOODED SWAMP | D17 0.02 M |
| AB = AQUATIC BED | D18A 0.01 M(d) |





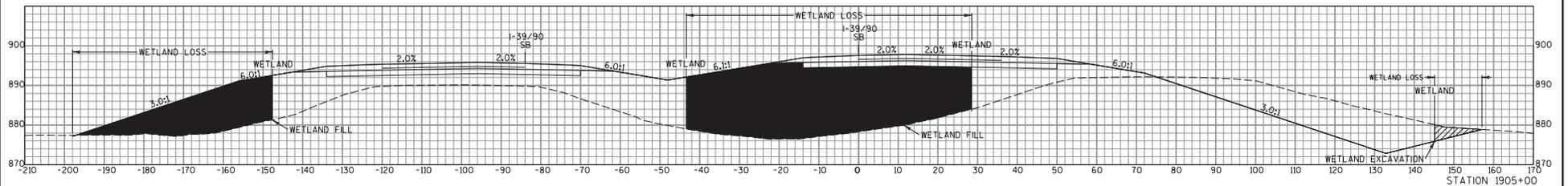
JEFFREY & SANDRA NOTSTAD

-  = DELINEATED WETLANDS
-  = WETLAND FILL AREAS (1007-11-74)
-  = WETLAND FILL AREAS (1007-11-75)

-  = WETLAND FILL AREAS (1007-10-78)
-  = WETLAND FILL AREAS (1007-10-79)

- M = WET MEADOW WETLAND
- SM = SHALLOW MARSH WETLAND
- WS = WOODED SWAMP
- AB = AQUATIC BED

D17	0.02 AB
D17	0.02 M
D17	0.30 M
D18	2.34 M
D21	0.02 M(d)
D21	0.01 M(d)
D21	0.03 AB



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PROJECT NO: 1007-10-78/79;11-74/75

HWY: IH 39

COUNTY: DANE

WETLAND IMPACTS - MAPLE GROVE RD

SHEET

E

FILE NAME : P:\47xx\4739_39_OP_139.DAN\05 ENVIRONMENTAL\404 Permi\178 79 74 75 Permi\ Docs\DCN Exhibits\404 Permi\ Sheets.dgn

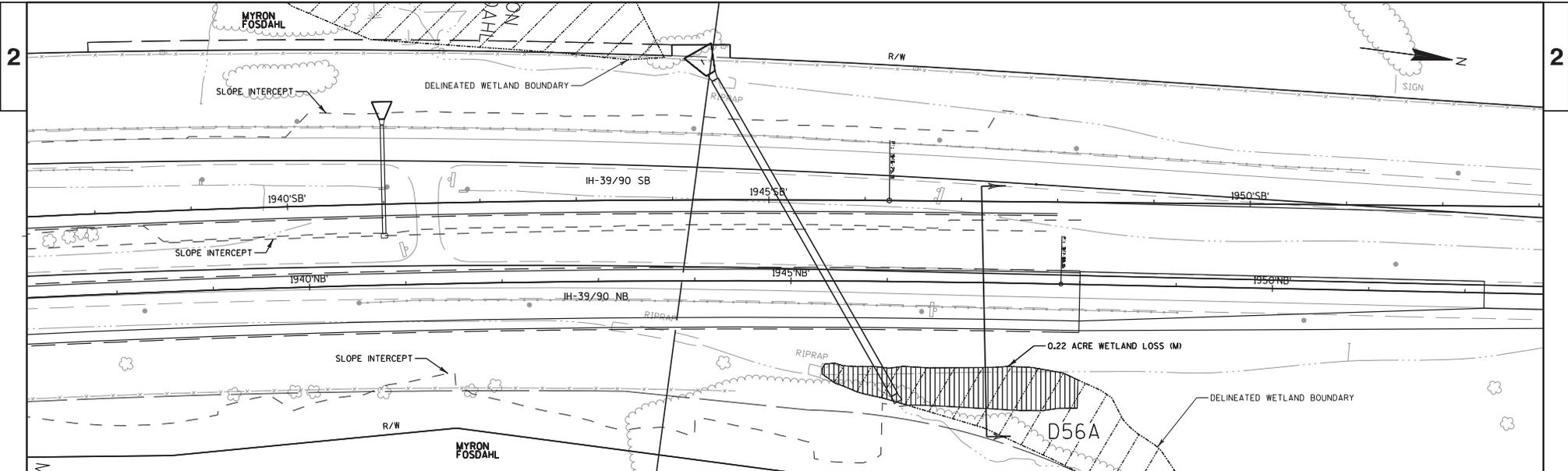
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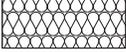
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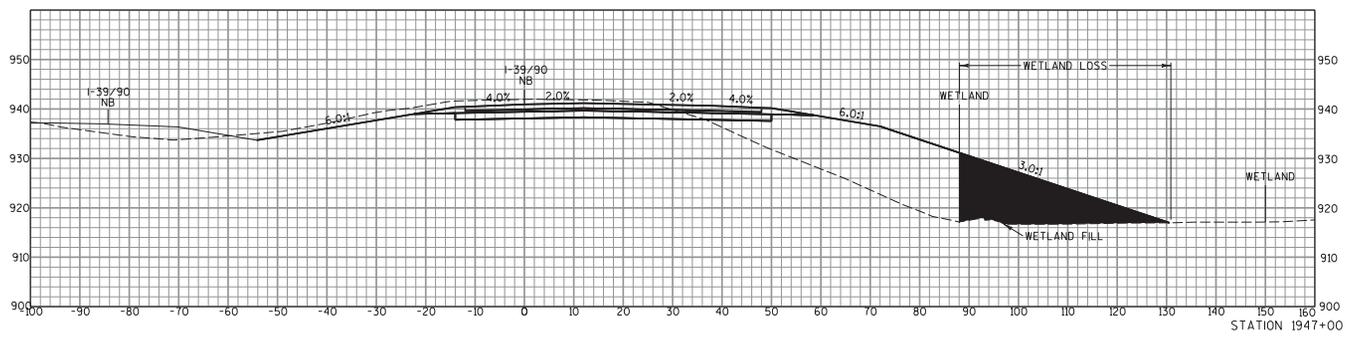
PLOT NAME :

PLOT SCALE : 1:100

WISDOT/CADD SHEET 42



	= DELINEATED WETLANDS		= WETLAND FILL AREAS (1007-10-78)	M = WET MEADOW WETLAND	D56A 0.22 M
	= WETLAND FILL AREAS (1007-11-74)		= WETLAND FILL AREAS (1007-10-79)	SM = SHALLOW MARSH WETLAND	
	= WETLAND FILL AREAS (1007-11-75)			WS = WOODED SWAMP AB = AQUATIC BED	



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