



US Army Corps  
of Engineers  
St Paul District

# Public Notice

**APPLICANT:** Wisconsin Central Ltd.

**ISSUED:** February 25, 2014  
**EXPIRES:** March 27, 2014

**REFER TO:** MVP-2013-03717-EMN    **SECTION:**404 - Clean Water Act

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1. APPLICATION FOR a Department of the Army permit to permanently discharge fill material into 2.12 acres of wetlands adjacent to Mill Creek for the realignment of approximately 5,300 linear feet of Deer Lane for safety purposes within the existing rail corridor.

2. SPECIFIC INFORMATION.

**APPLICANT'S ADDRESS:** Wisconsin Central Ltd.  
1625 Depot Street  
Stevens Point, Wisconsin 54481

**AGENTS ADDRESS:** Golder Associates Inc.  
2247 Fox Heights Lane, Suite A  
Green Bay, Wisconsin 54304

**PROJECT LOCATION:** The project area is located in the SW ¼ of Section 15 and the NE ¼ and SE ¼ of Section 16, T. 24N., R. 7E., Portage County, Wisconsin. The approximate latitude/longitude coordinates near the center of the project area are: 44.5601/-89.6725. Overview maps showing the project location have been included in the attachments.

**DESCRIPTION OF PROJECT:** The proposed project would include the re-alignment of 5,300 linear feet of Deer Lane and the removal (and closure) of 2,100 linear feet of roadway on the existing alignment. The new alignment would incorporate a 40-mph design speed, a 90° track crossing, and new signage to comply with WisDOT design standards for a rural roadway. The new alignment would extend to the northwest from Martin Island Drive until the road is clear of the rail siding (double track) before converging with Deer Lane south of the existing crossing. The applicant has been ordered by the Office of the Commissioner of Railroads (OCR) to relocate the existing road for safety purposes as a new siding was constructed along this section of railroad and could result in blockages at the Deer Lane crossing for extended periods of time.

**QUANTITY, TYPE, SOURCE AND AREA OF FILL:** All fill material needed for the proposed project would be obtained from a commercial facility and/or adjacent upland borrow sites. The proposed project would disturb approximately 9.5 acres of land while the work would be conducted. The area of disturbance includes the 5,300 linear feet of new roadway, the removal of 2,100 linear feet of existing Deer Lane, and the temporary clearing within the new 66-foot right-of-way (as shown in the attached drawings).

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**EXISTING CONDITIONS:** The approximately 3-mile segment of Deer Lane from CTH C to Martin Island Drive is designated as a two-lane rural roadway with an assumed speed limit of 55 mph (not posted). The roadway is un-paved (gravel) with a 24-foot driving surface and varying side slopes along this section of road. The existing roadway carries approximately 50 vehicles per day based upon ADT counts supplied by the applicant.

**SURROUNDING LAND USE:** The land surrounding the project area is comprised of forested uplands, agricultural lands, forested wetlands, wet meadow wetlands, and scrub-shrub wetlands. The surrounding land use is comprised of agricultural operations and privately owned forested lands used primarily for recreational purposes.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Standard erosion control measures (best management practices) would be implemented to avoid and/or minimize adverse effects to the surrounding wetlands during construction activities. Erosion control measures that would be implemented within the project corridor are silt fencing, ditch checks, contained upland stockpile areas, and revegetation of all disturbed soils to comply with State standards for storm water management and erosion control plans.

**AREA OF IMPACT:** Approximately 2.12 acres of wetlands adjacent to Mill Creek would be permanently impacted by the proposed project. The acreages for the permanent impacts for each wetland type are: 0.31-acre of fresh wet meadow and 1.81 acres of hardwood swamp. In addition, the applicant has proposed to temporarily impact 0.71-acre of wetlands within the project area. The acreages for the temporary impacts are: 0.56-acre of hardwood swamp, 0.07-acre of scrub-shrub wetland, and 0.08-acre of fresh wet meadow. The temporary impacts to the hardwood swamp and scrub-shrub wetlands would result from the clearing of all woody vegetation within the temporary workspace needed to conduct the proposed work. The hardwood swamp and scrub-shrub wetlands would be allowed to revert to their pre-existing wetland types upon completion of the proposed project (temporary conversion).

**MITIGATION:** The applicant has proposed to provide compensatory mitigation for all unavoidable wetland impacts associated with the proposed project by debiting credits from an approved mitigation bank. The applicant would compensate for the permanent impacts to 0.31-acre of wet meadow and 1.81 acres of hardwood swam and the temporary conversion of 0.63-acre of forested and scrub-shrub wetlands by debiting credits from the Foggy Acres Mitigation Bank in Chippewa County and the Northland Mitigation Bank in Wood County, Wisconsin.

### 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 Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Eric Norton at the Stevens Point field office of the Corps, telephone number (715) 345-7911.

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

Two Federally-listed species and one proposed species are present in Portage County according to the U.S. Fish & Wildlife Service Threatened (T) and Endangered (E) Species Distribution website (for Wisconsin). The two listed species are Karner Blue Butterfly (*Lycaeides melissa samuelis*) and Fassett's locoweed (*Oxytropis campestris var. chartacea*). The proposed species is the Northern long eared bat (*Myotis septentrionalis*). Suitable habitat for the Northern long-eared bat (proposed as E) are caves and mines and forage in wooded areas, suitable habitat for the Karner Blue Butterfly (E) are prairies, oak savanna, and jack pine forests containing wild lupine, and Fassett's locoweed (T) is generally found in open sandy lakeshores. No suitable habitat for the listed species referenced above was identified by the applicant or is known to exist within the project area.

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>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

**6. STATE SECTION 401 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 water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

**7. HISTORICAL/ARCHAEOLOGICAL.**

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This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. 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.

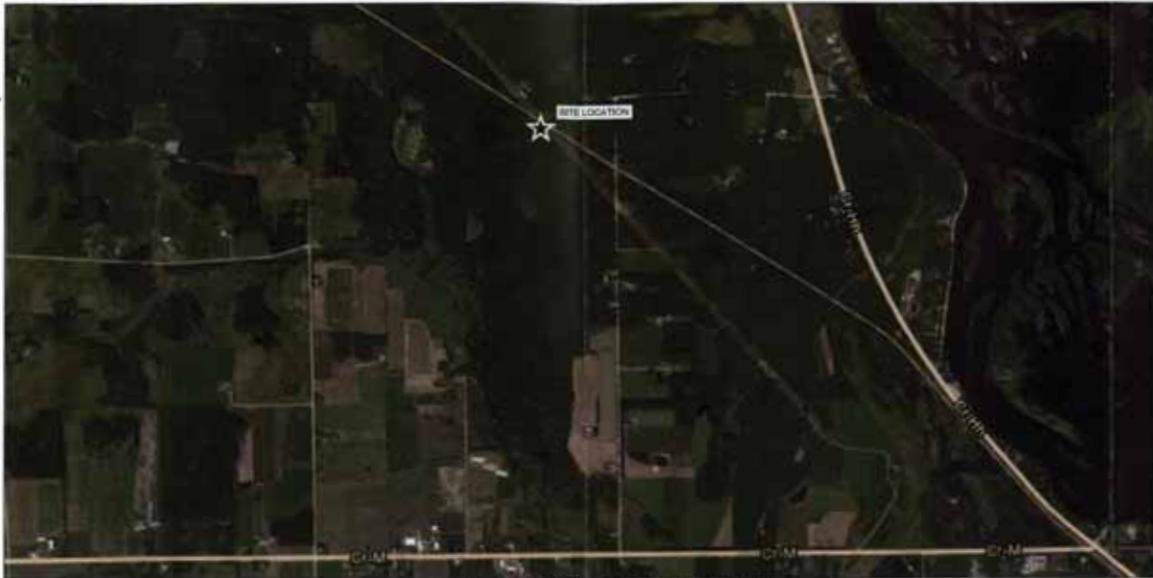
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

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Nick Domer  
Chief, Northeast Section

Enclosures: Project Drawings and Maps

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



# LOCATION MAP

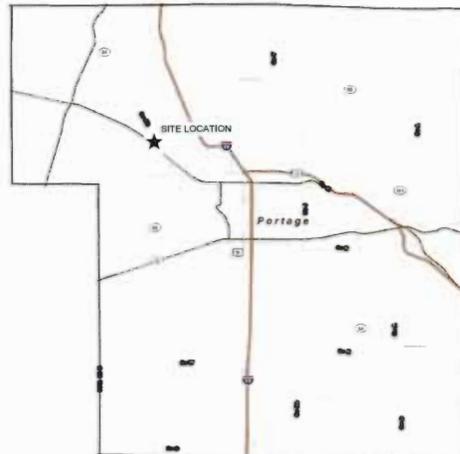
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**PREPARED FOR:**  
**Alfred Benesch & Co**

**PREPARED BY:**



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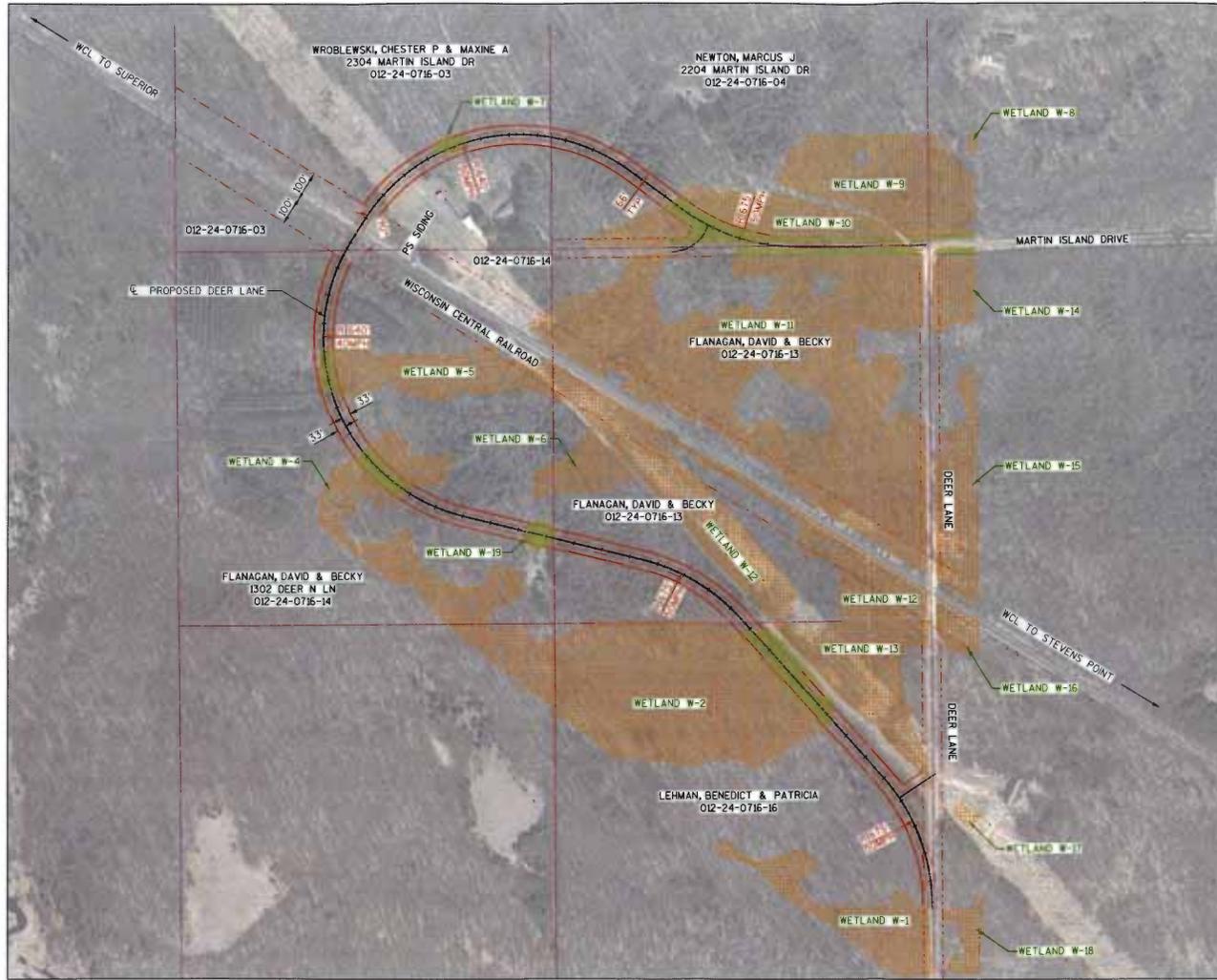


PROJECT		ALFRED BENESCH & COMPANY DEER LANE REALIGNMENT PORTAGE COUNTY, WISCONSIN	
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DESIGN	MNC	2013/01/11	SCALE AS SHOWN
DRAWN	MNC	2013/01/11	
CHECKED	JWP	2013/01/08	
REVIEWED	WES	2013/01/03	



**FIGURE 1**

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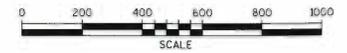


LEGEND  
 DELINEATED WETLAND  
 WETLAND IMPACT

WETLAND IMPACT SUMMARY

WETLAND ID	WETLAND SIZE (ACRES)	PERMANENT		TEMPORARY	
		WETLAND IMPACT (SF)	WETLAND IMPACT (ACRES)	WETLAND IMPACT (SF)	WETLAND IMPACT (ACRES)
W-1	2.10	0	0.00	0	0.00
<b>PFO</b> W-2	11.86	20,439	0.47	10,841	0.25
<b>PFO</b> W-4	1.49	11,529	0.26	1,692	0.04
<b>PFO</b> W-5	2.27	6,801	0.16	1,328	0.03
W-6	0.96	0	0.00	0	0.00
<b>PFO</b> W-7	0.12	4,725	0.11	488	0.01
W-8	0.03	0	0.00	0	0.00
<b>PFO</b> W-9	4.00	435	0.01	2,285	0.05
<b>PFO</b> W-10	3.14	26,729	0.61	7,674	0.18
<b>PEM</b> W-11	17.32	16,543	0.38	284	0.01
W-12	5.37	0	0.00	0	0.00
W-13	2.84	295	0.01	0	0.00
<b>PSS</b> W-14	0.91	0	0.00	3,218	0.07
W-15	1.93	0	0.00	0	0.00
W-16	0.42	0	0.00	0	0.00
W-17	0.08	0	0.00	0	0.00
W-18	0.46	0	0.00	0	0.00
<b>PEM</b> W-19	0.18	4,855	0.11	2,985	0.07
<b>TOTAL</b>	<b>55.48</b>	<b>92,351</b>	<b>2.12</b>	<b>30,795</b>	<b>0.71</b>

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PRELIMINARY PLANS

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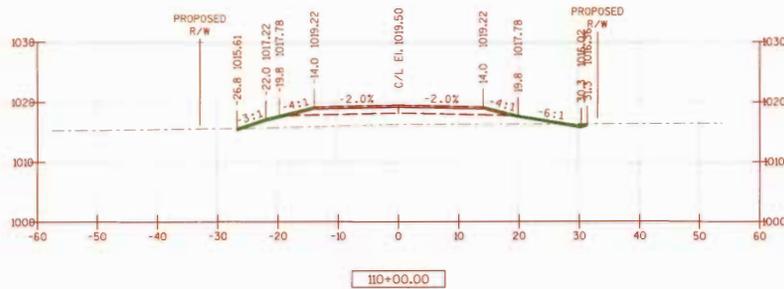
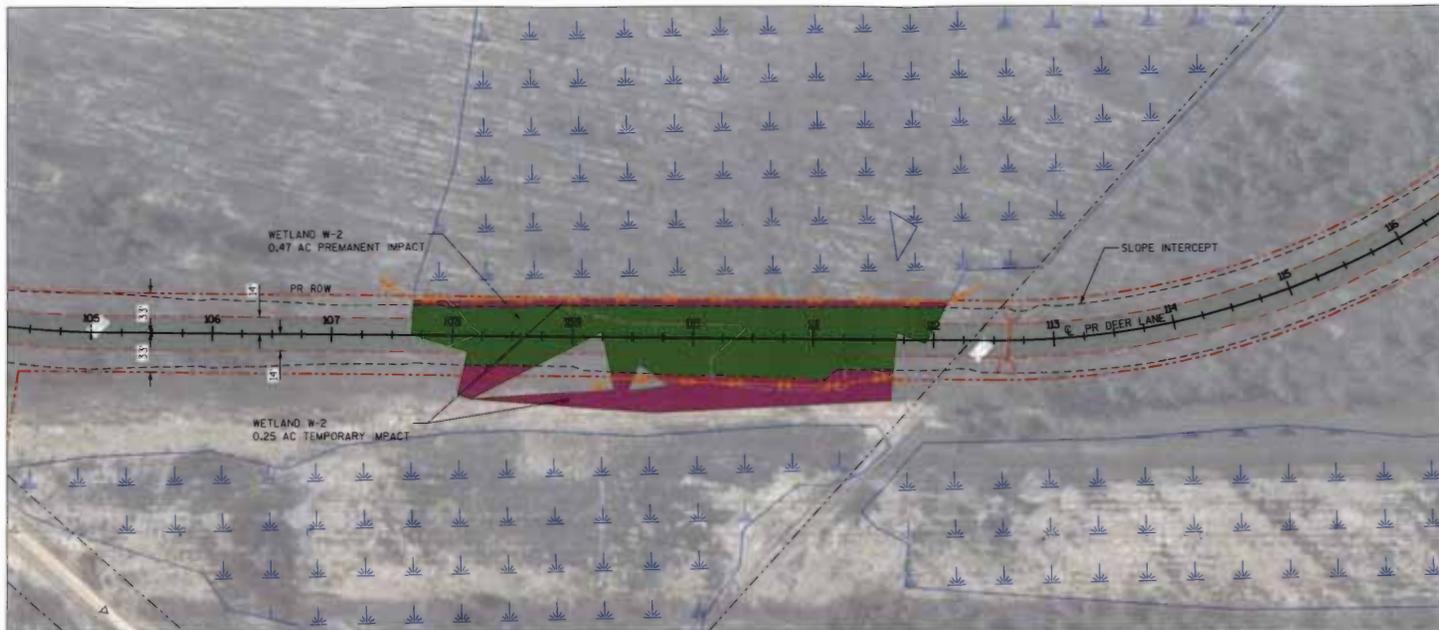
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WETLAND OVERVIEW

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PRELIMINARY PLANS

LEGEND

- SLOPE INTERCEPT
- ROADWAY LIMITS
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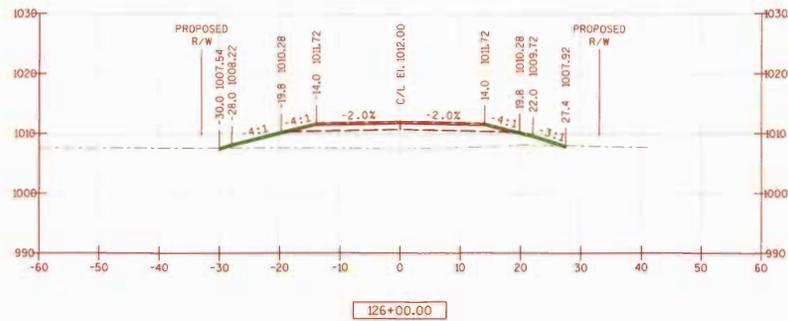
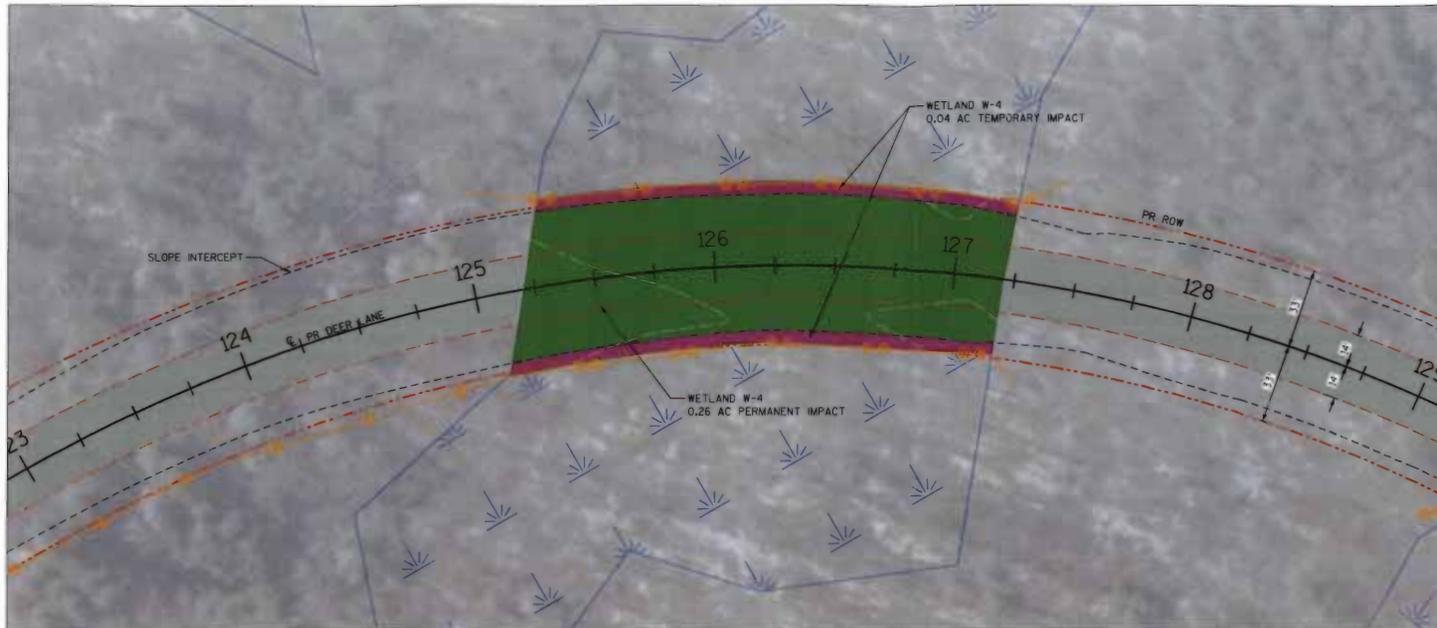
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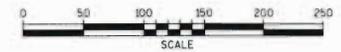
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PRELIMINARY PLANS

LEGEND

- SLOPE INTERCEPT
- ROADWAY LIMITS
- WETLAND AREA
- WETLAND ENCROACHMENT
- EXISTING ROW
- PROPOSED ROW
- SILT FENCE
- WETLAND PROTECTION
- CULVERT

REVISION NO.	BY	DATE	DESCRIPTION

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 262-650-6877 Job No. 20144

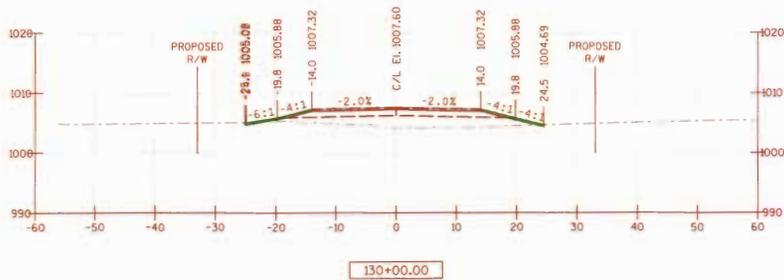
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WETLAND IMPACT DETAIL  
 W-4

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PRELIMINARY PLANS

LEGEND

- SLOPE INTERCEPT
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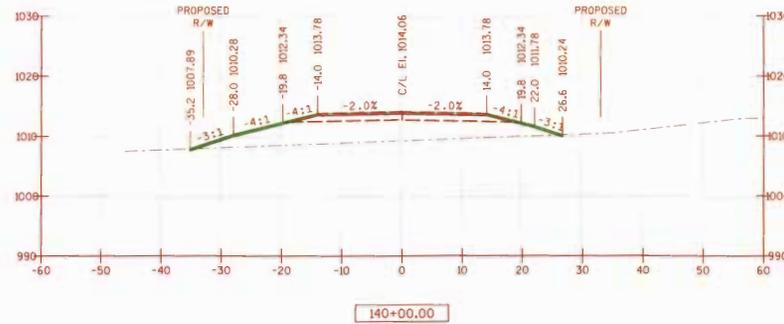
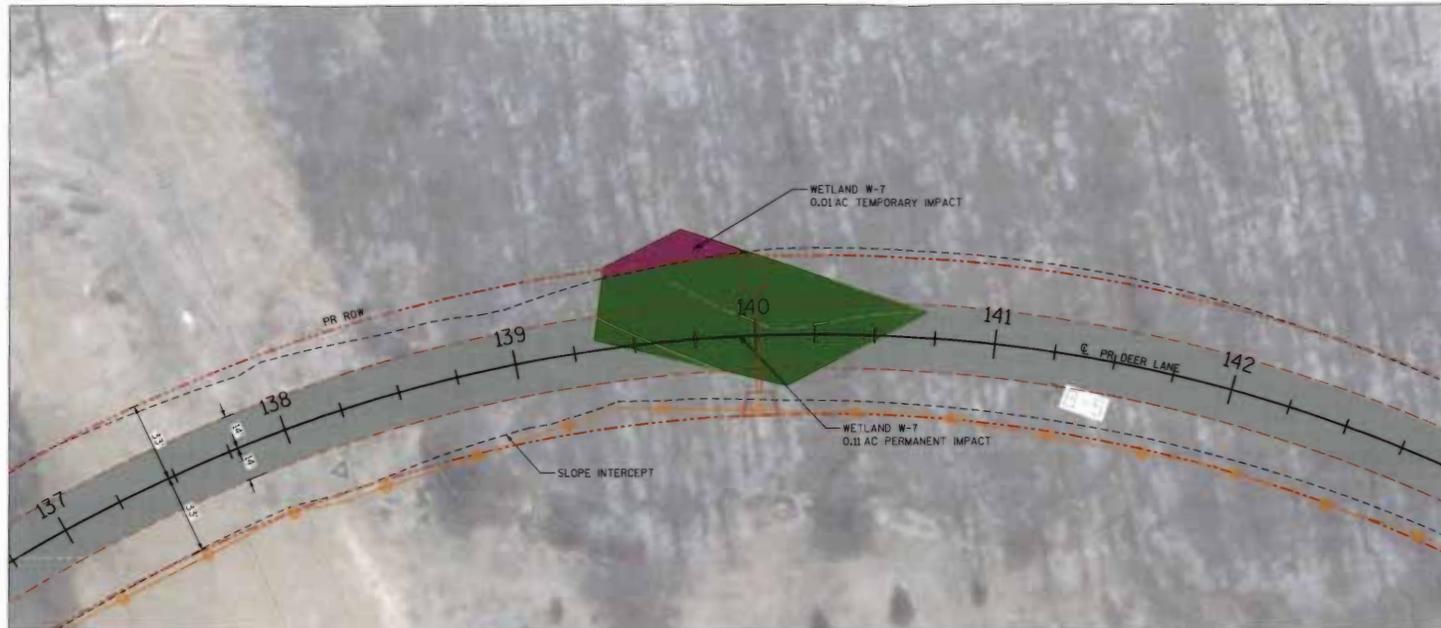
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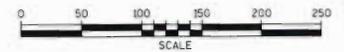
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PRELIMINARY PLANS

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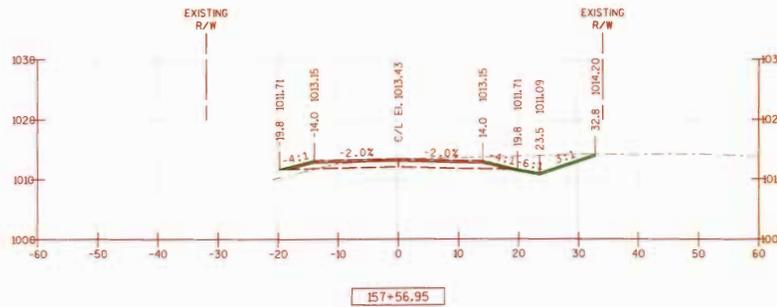
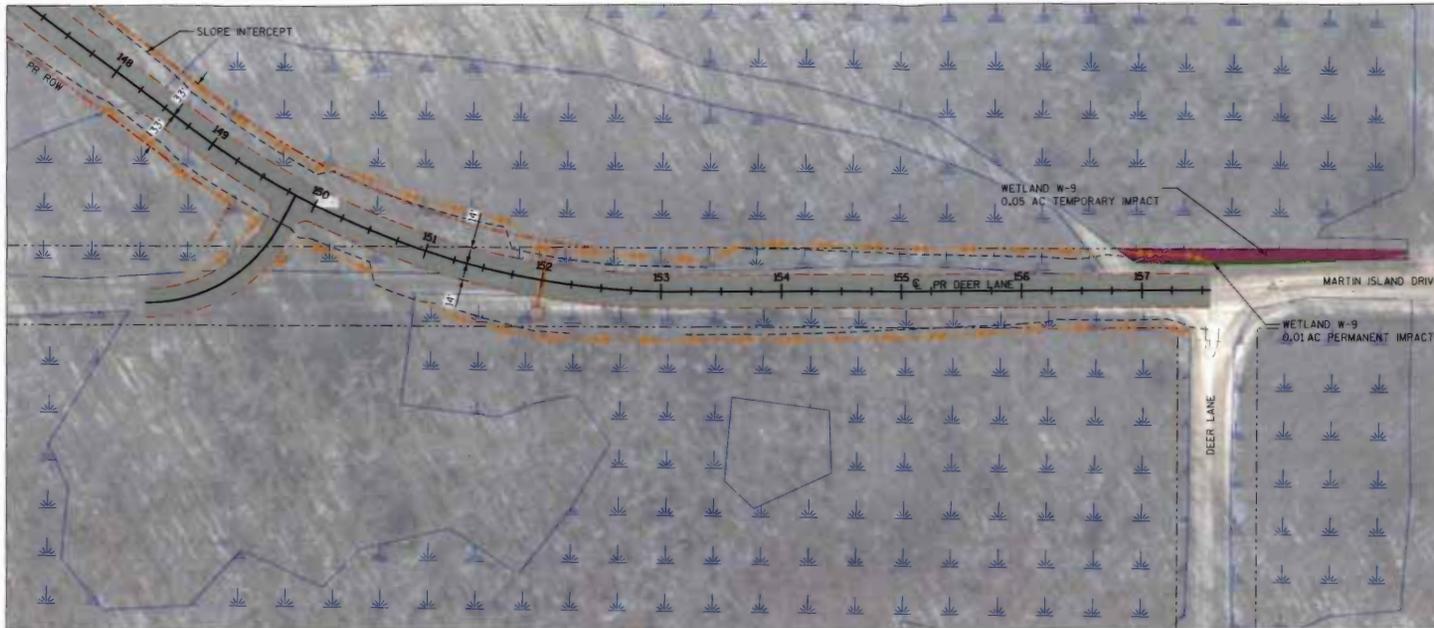
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WETLAND IMPACT DETAIL  
 W-7

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PRELIMINARY PLANS

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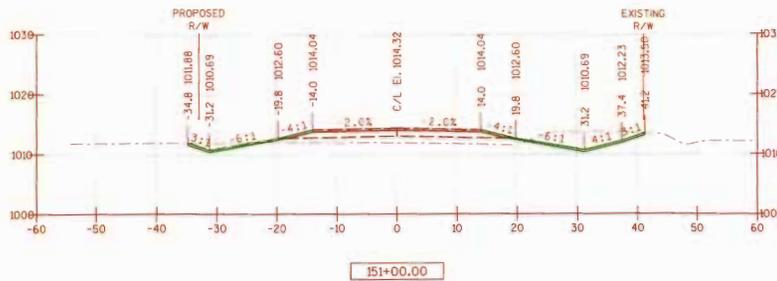
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WETLAND IMPACT DETAIL  
 W-9

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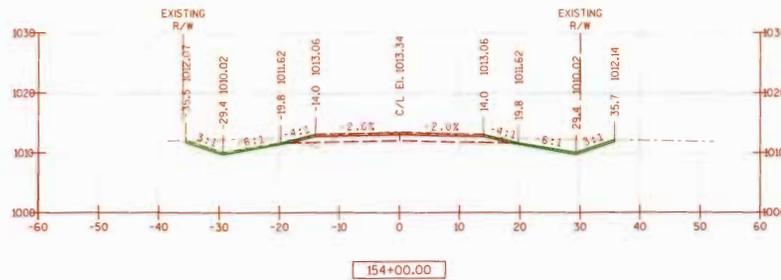
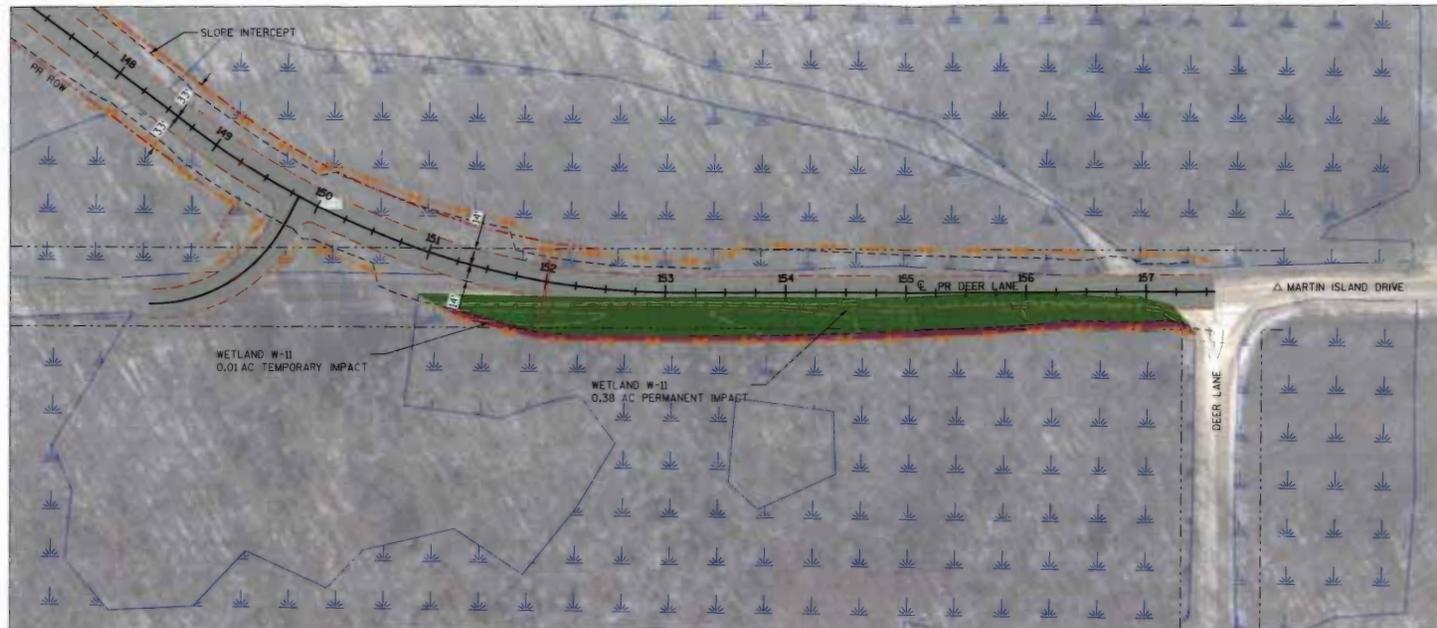
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WETLAND IMPACT DETAIL  
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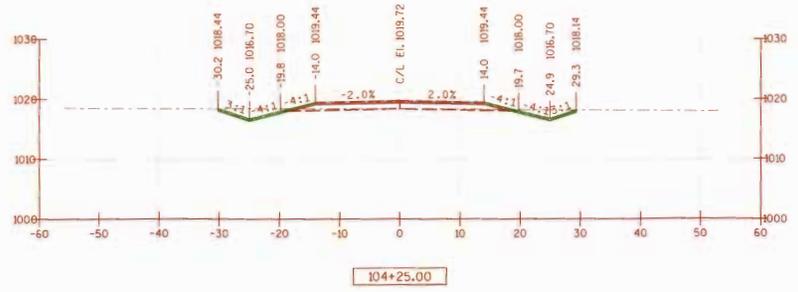
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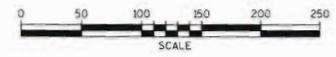
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**PRELIMINARY PLANS**

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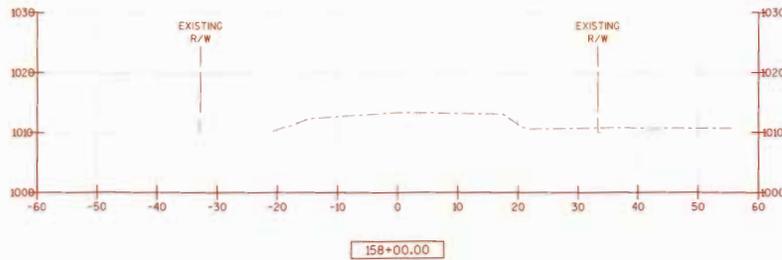
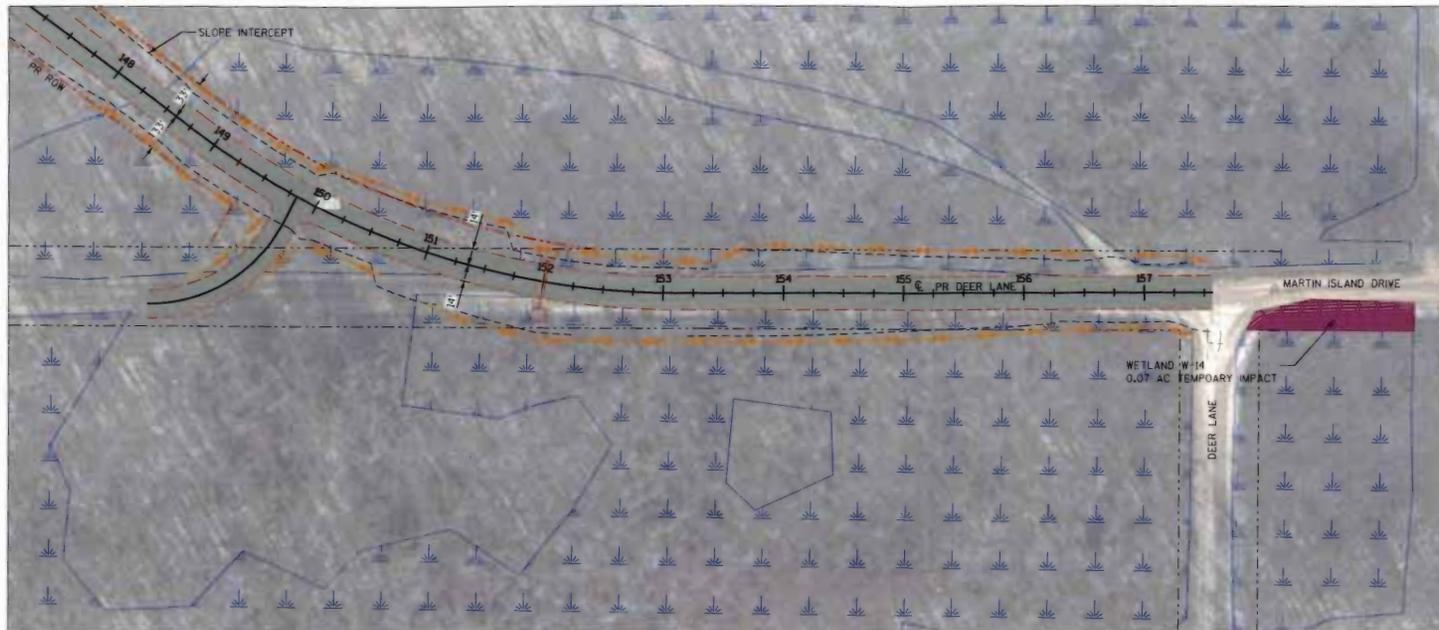
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WISCONSIN CENTRAL LTD  
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 MINNEAPOLIS, SUB  
 ROCKY BLVD, WI

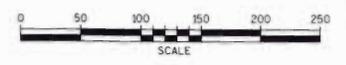
**WETLAND IMPACT DETAIL**  
 W-13

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 PLOT DATE : 9/4/2013



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**PRELIMINARY PLANS**

LEGEND

- SLOPE INTERCEPT
- ROADWAY LIMITS
- WETLAND AREA
- WETLAND ENCROACHMENT
- EXISTING ROW
- PROPOSED ROW
- SILT FENCE
- WETLAND PROTECTION
- CULVERT

REVISION NO.	BY	DATE	DESCRIPTION

**benesch**  
 engineers · scientists · planners  
 Alfred Benesch & Company  
 6613 Washington Road  
 Kenosha, Wisconsin 53144  
 262-662-6877 Job No. 20144

DRAWN BY:  
HRD  
 CHECKED BY:  
 DATE:  
08/21/2013  
 SHEET

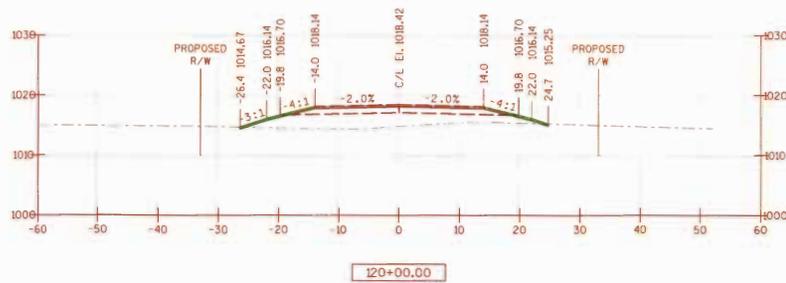
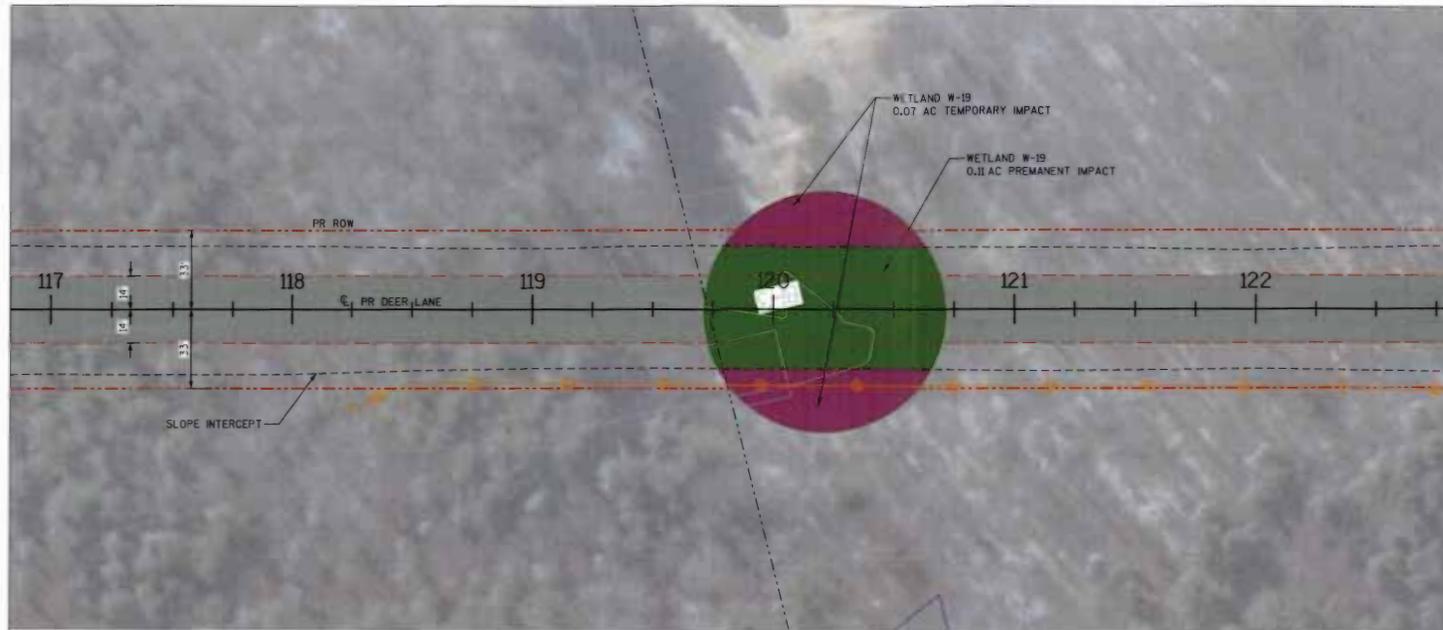
**CS**  
 SOUTHERN REGION

WISCONSIN CENTRAL LTD  
 MIDWEST DIVISION  
 MINNEAPOLIS SUB  
 ROCKY MOUNT, WI

**WETLAND IMPACT DETAIL**  
 W-14

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PRELIMINARY PLANS

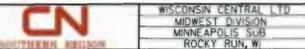
LEGEND

- SLOPE INTERCEPT
- ROADWAY LIMITS
- WETLAND AREA
- WETLAND ENCROACHMENT
- EXISTING ROW
- PROPOSED ROW
- SILT FENCE
- WETLAND PROTECTION
- CULVERT

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 SHEET



WETLAND IMPACT DETAIL  
 W-19

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