



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

APPLICANT:

Wisconsin Department of
Transportation

Public Notice

ISSUED: 14 March 2023

EXPIRES: 29 March 2023

REFER TO:

MVP-2023-00211-KDZ

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material in wetlands for improvements along County M between Oncken Road and WIS 113 in Dane County.

2. SPECIFIC INFORMATION

AGENT

KL Engineering, Inc.
5400 King James Way
Madison, WI 53719

PROJECT LOCATION: The project site is located in Sections 20, 21, 22, 28, 29, Township 08 North, Range 09 East, Dane County, Wisconsin. Latitude 43.1402830, Longitude - 89.4421920.

DESCRIPTION OF PROJECT: The Wisconsin Department of Transportation (WisDOT), in cooperation with the Federal Highway Administration (FHWA), have applied for a Department of the Army permit for improvements along a 2.5 miles long corridor of County M in Dane County. County M is a vital east/west roadway connecting the City of Madison, the City of Middleton, the Village of Waunakee, and the Town of Westport.

The purpose of the project is to address the safety, operational, and multi-modal deficiencies of County M. The 2-lane roadway and intersections along County M are failing on an operational level due to high traffic volumes, resulting in vehicle crashes, near misses, severe traffic backups, and conflicts with pedestrians and bicyclists.

The proposed project would reconstruct County M with four Lanes from Oncken Road to WIS 113. The project includes the expansion of County M from a 2-lane to a 4-lane semi-urban roadway from Oncken Road to Willow Road's east intersection with County M. The proposed roadway includes two, 11' travel lanes provided in each direction, curbed 20' – 30' medians, 8' rural outside shoulders (6' paved), and a 10' multi-use path along the corridor. The remainder of the corridor from Willow Road (East) to WIS 113 is currently a four-lane divided roadway and will be resurfaced with full depth milling and an overlay of the existing asphalt pavement. The existing box culvert at Dorn Creek will be extended and a new structure will be constructed over the Sixmile Creek. Existing culverts will be replaced, and storm sewer added. Major improvements to intersections with County M include: Oncken Road / Governor Nelson State Park entrance, County K / North Shore Bay Drive, Corner Court, Mansfield Drive, Woodland Drive, and Willow Drive (Western Intersection).

The FHWA is the lead federal agency for this project and prepared an Environmental Report (ER) in February 2022.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in the permanent loss of a total of 4.71 acres of wetlands at 18 locations along the project corridor. Wetland losses by

plant community include: 1.15 acres fresh (wet) meadow, 0.85 acre shallow marsh, and 2.71 acres shrub swamp.

SOURCE OF FILL MATERIAL: The fill material is anticipated to be obtained from existing commercial sources and approved local borrow areas.

SURROUNDING LAND USE: Properties in the vicinity of the project area are predominantly agricultural and residential, as well as scattered commercial properties. County M is a principal arterial and a National Highway System route that serves as an important link for users in Dane County. A Finding of de minimis Impact on Parks, Recreation Areas, and Wildlife and Waterfowl Refuges was prepared by the WDOT/FHWA for the Dorn Creek and Six Mile Creek state-owned parcels. The Section 4(f) and Section 6(f) processes are pending at the time of this posting.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Hydraulic fluids and fuels from heavy equipment could potentially be found during construction.

MITIGATION: The applicant proposes to compensate for the permanent loss of 4.71 acres of wetlands by debiting 4.85 wooded swamp credits from the WDOT Patrick Marsh-Vale Credit Wetland Mitigation Bank located in the Rock Bank Service Area.

3. 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, Dane County is within the known or historic range of the following Federally-listed species:

Northern long-eared bat – Threatened. Habitat: Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.

Rusty patched bumble bee – Endangered. Habitat: Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.

Whooping Crane – Non Essential Experimental Population. Habitat: Open wetlands and lakeshores.

Higgins eye pearly mussel – Endangered. Habitat: Lower Wisconsin River

Sheepnose – Endangered. Habitat: Shallow areas in larger rivers and streams.

Eastern prairie fringed orchid – Threatened. Habitat: Wet grasslands.

Mead's milkweed – Threatened. Habitat: Upland tallgrass prairie or glade/barren habitat.

Prairie bush-clover – Threatened. Habitat: Dry to mesic prairies with gravelly soil.

The FHWA is the lead Federal agency for Section 7 compliance, however, 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.

4. 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.

5. STATE SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the Wisconsin Department of Natural Resources (WDNR). A Department of the Army permit will not be granted until the WDNR has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

6. HISTORICAL/ARCHAEOLOGICAL

The FHWA is the lead Federal agency for Section 106 compliance, however, 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.

7. 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.

8. 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.

REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. 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.

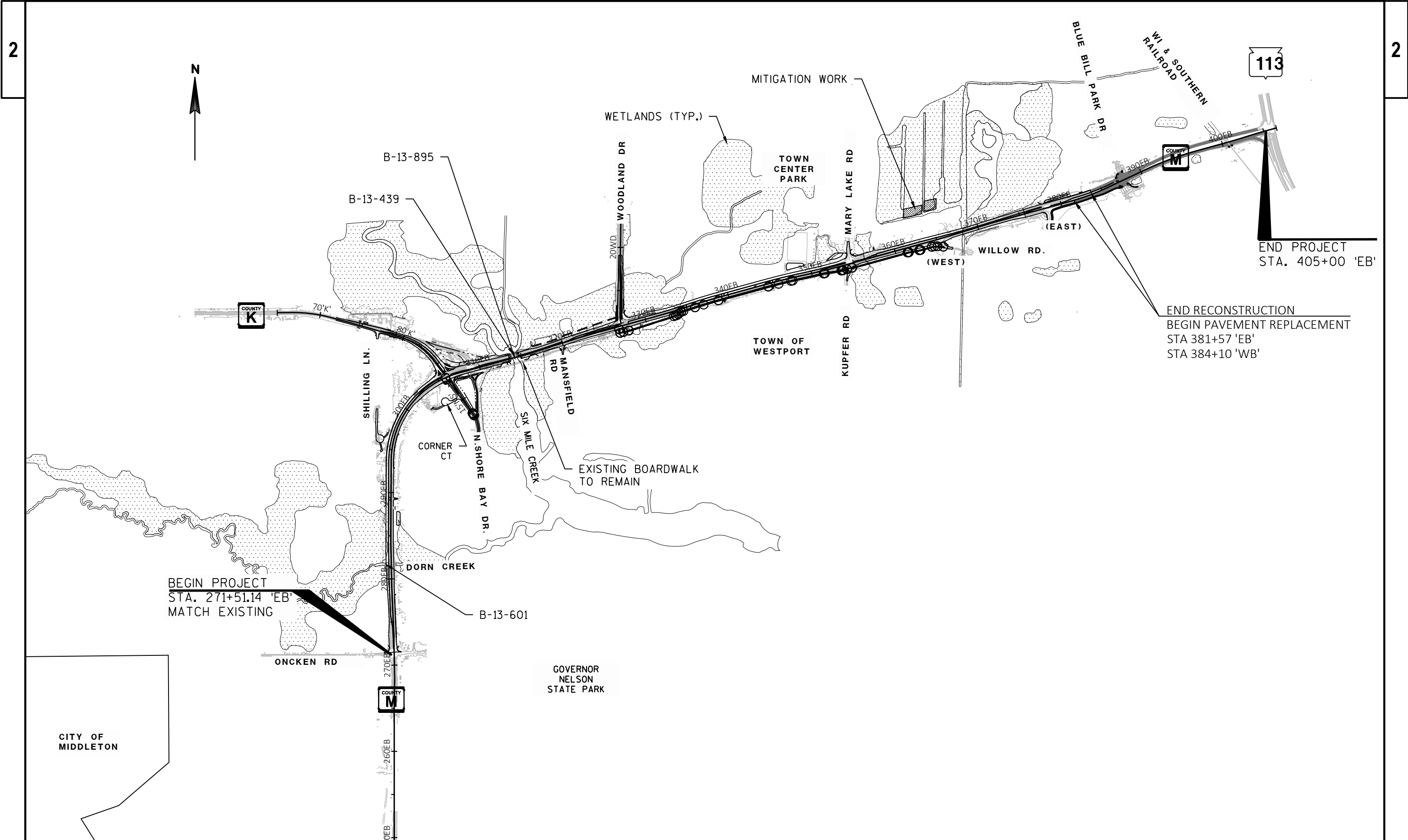
Replies may be sent to Kyle Zibung at kyle.d.zibung@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Kyle Zibung at the Stevens Point office at (651) 290-5877 or kyle.d.zibung@usace.army.mil.

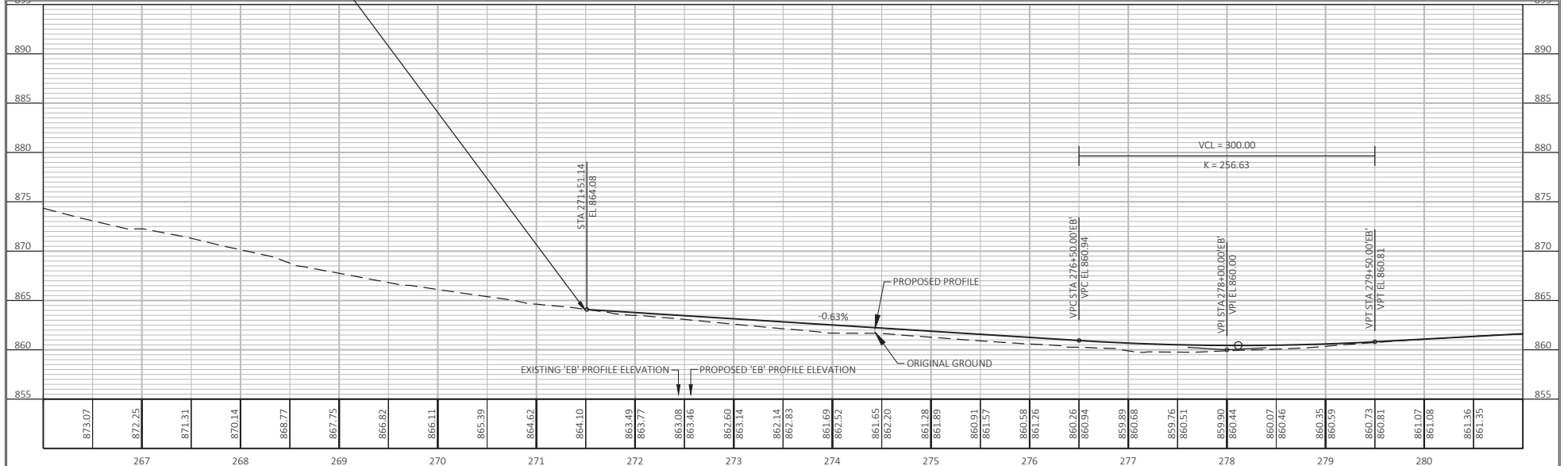
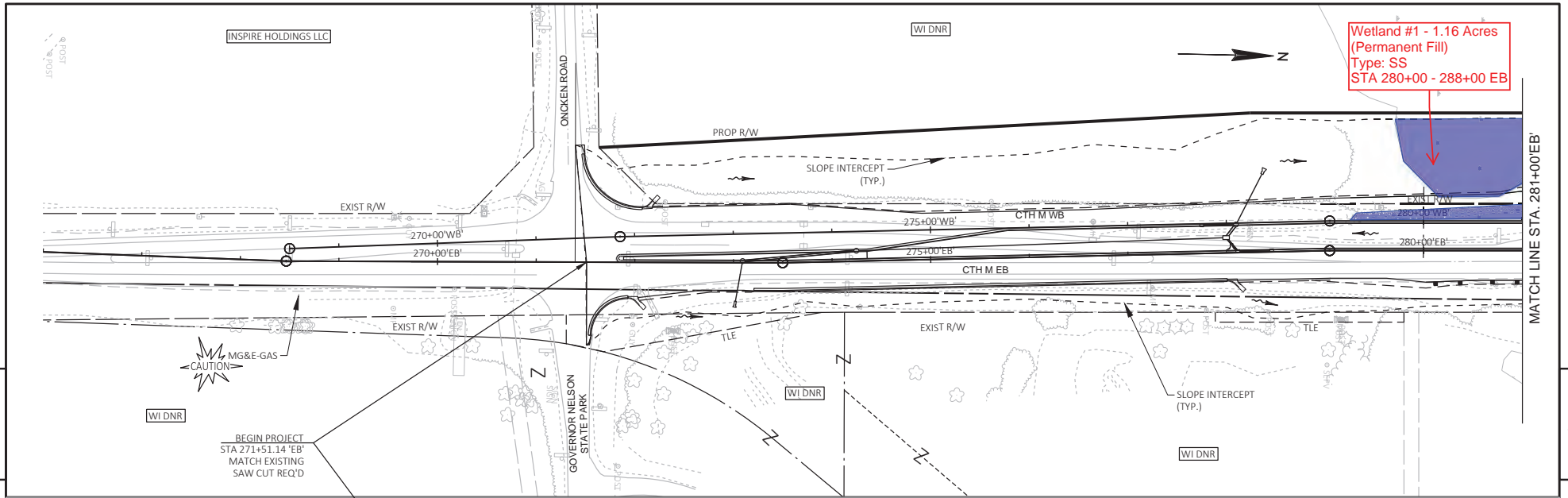
To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosures:

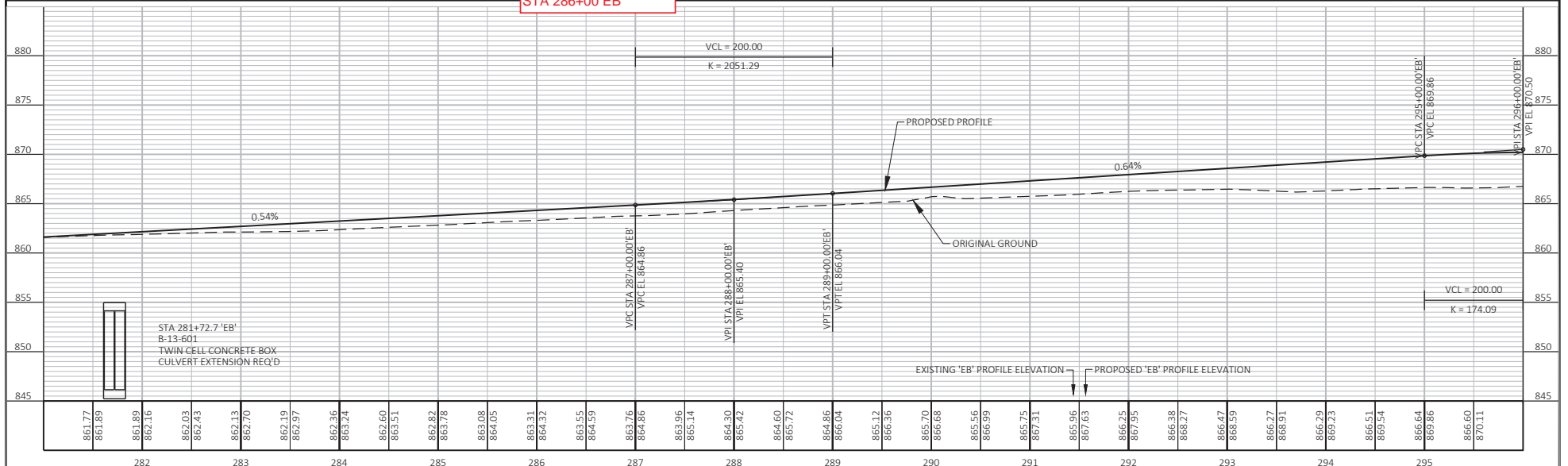
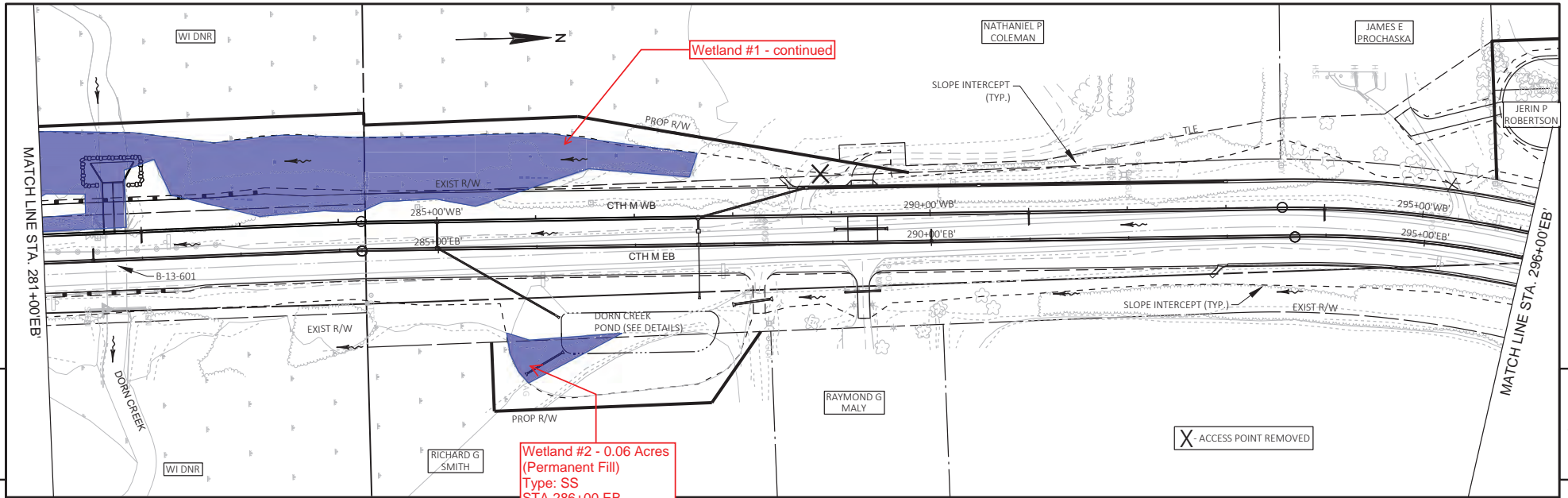
Project Figures: MVP-2023-00211-KDZ, Pages 1-12



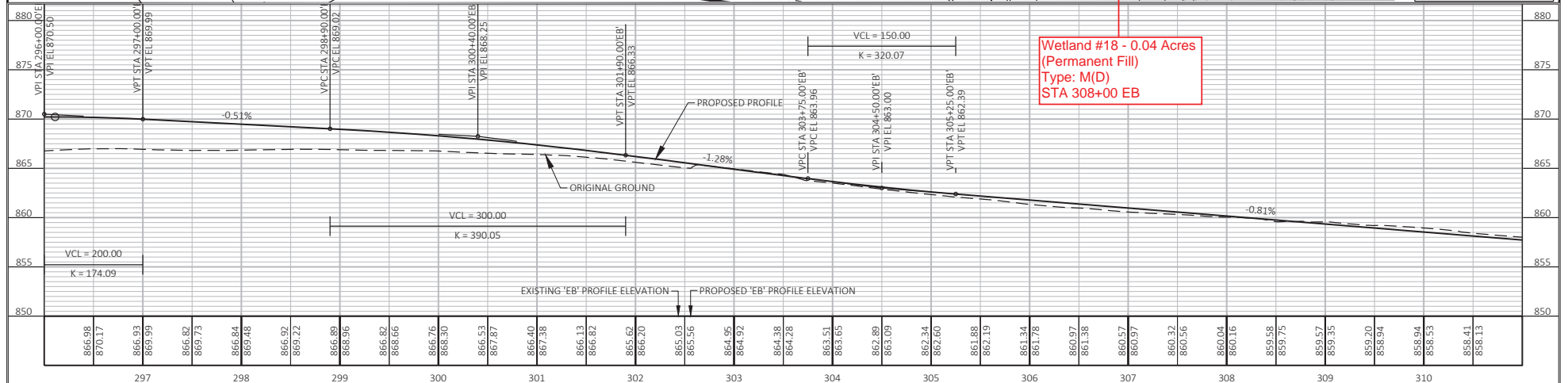
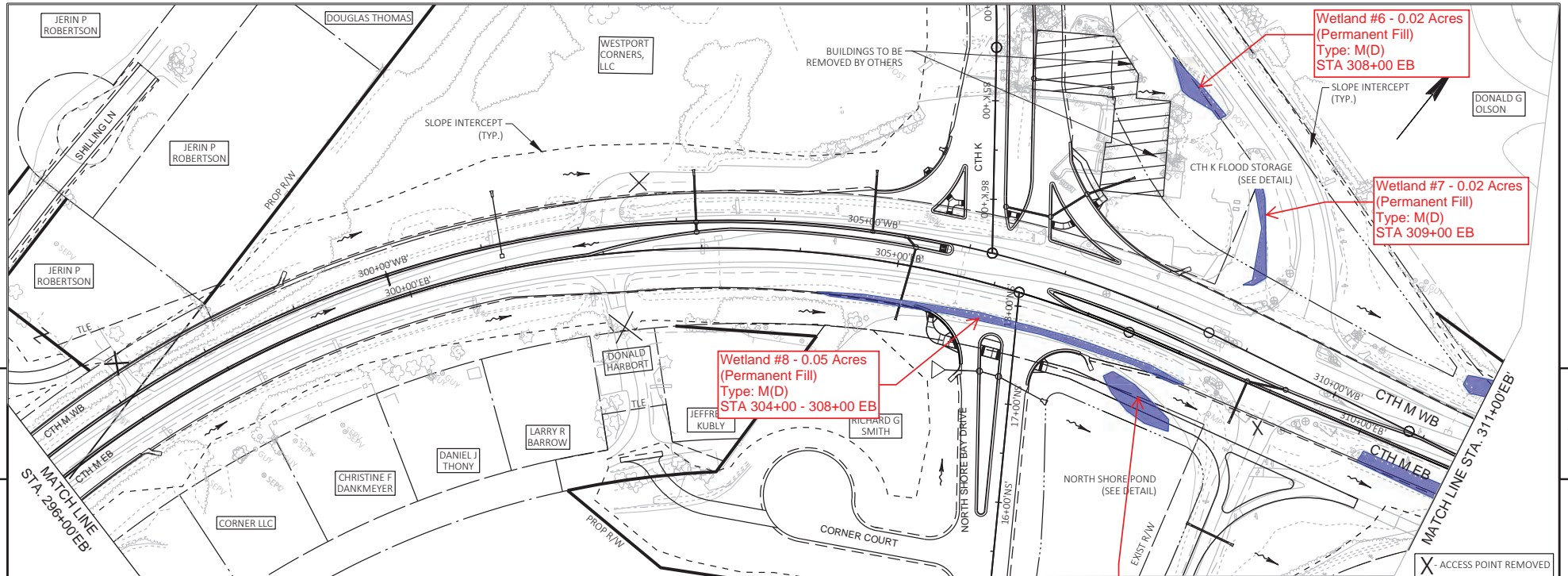
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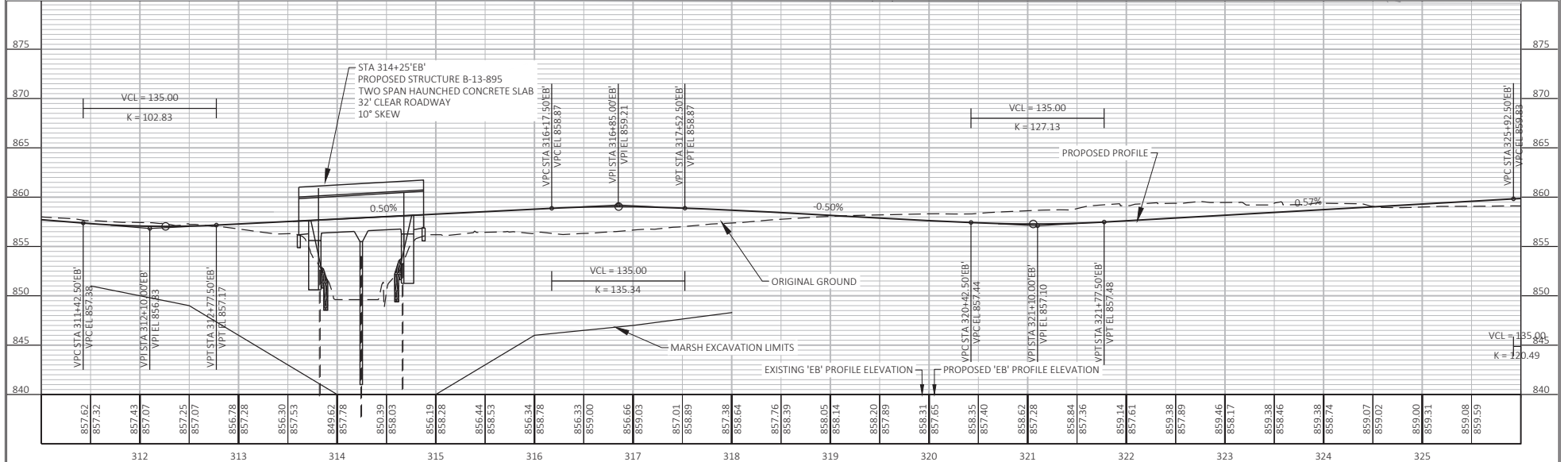
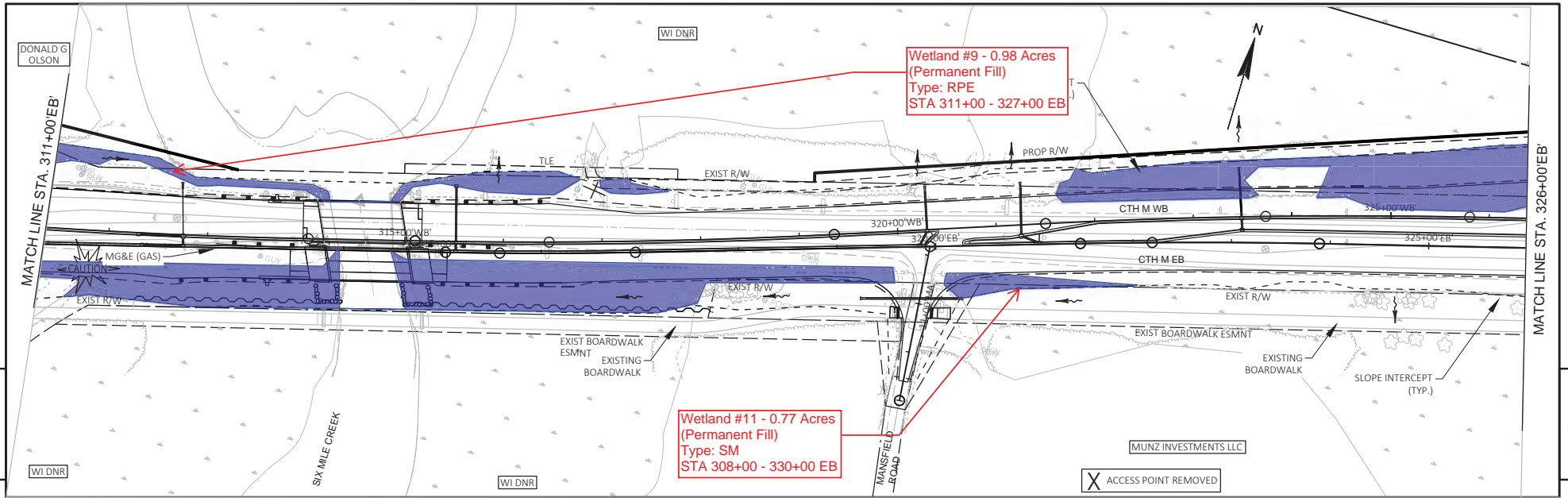
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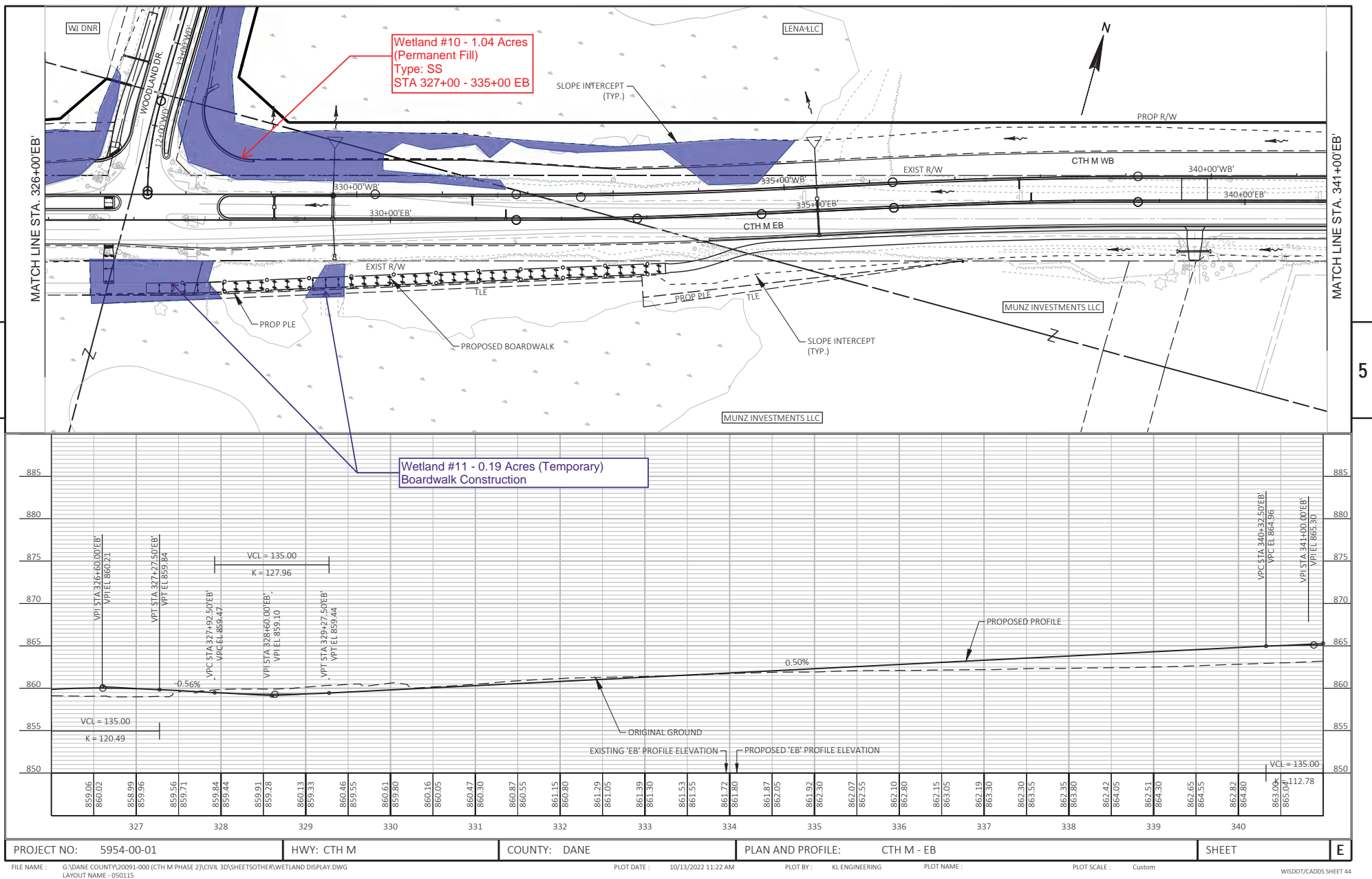
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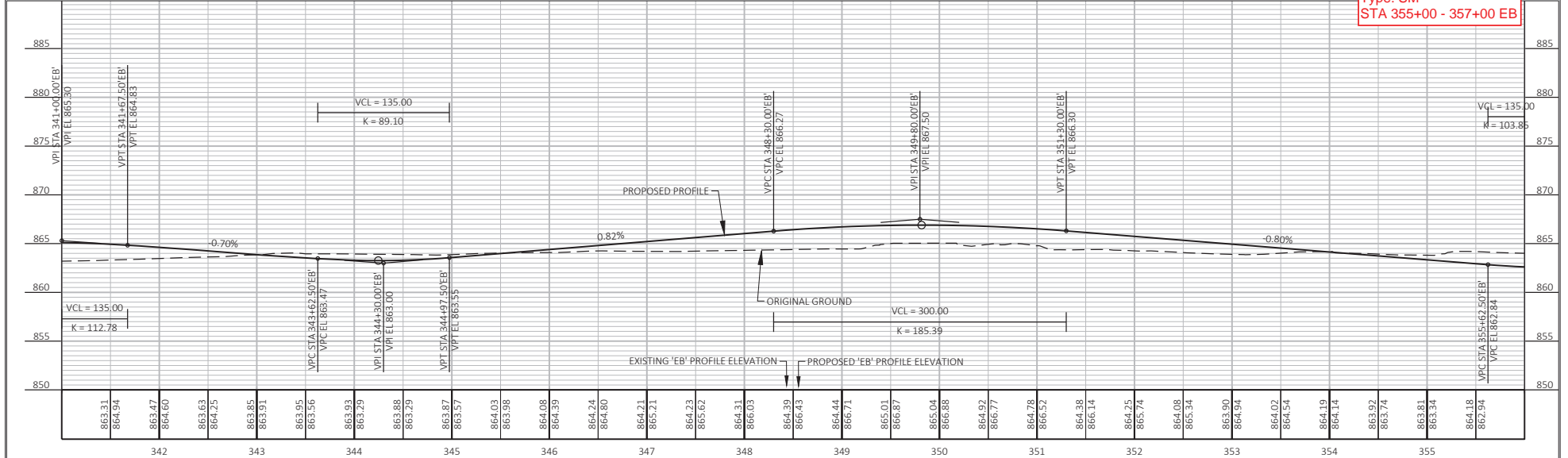
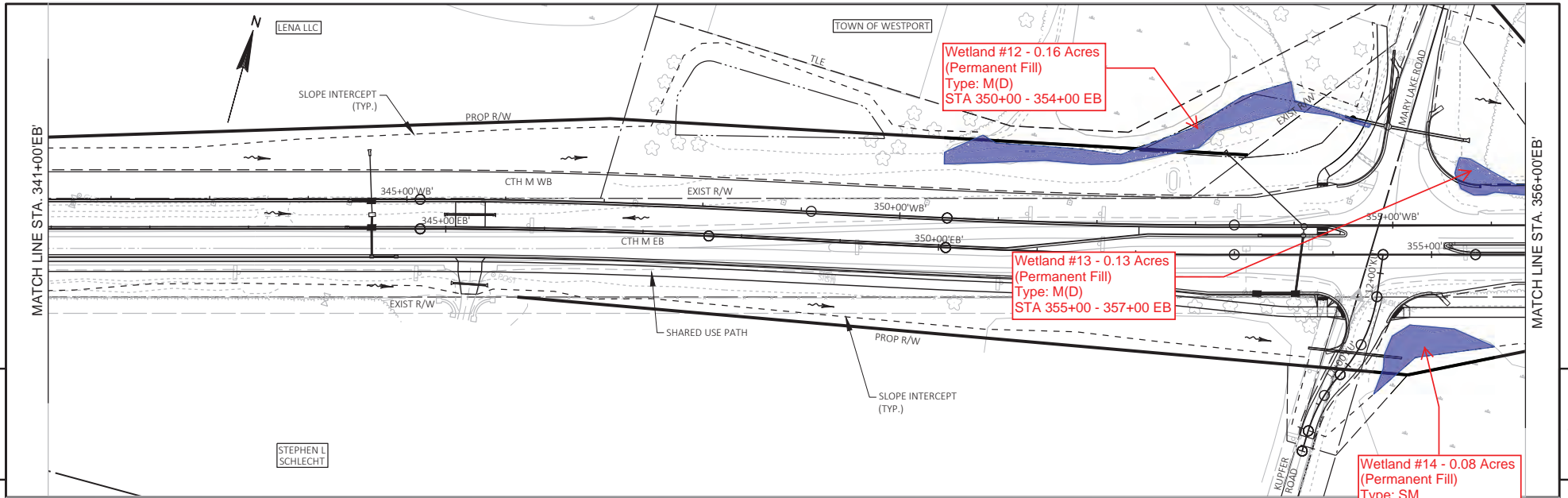


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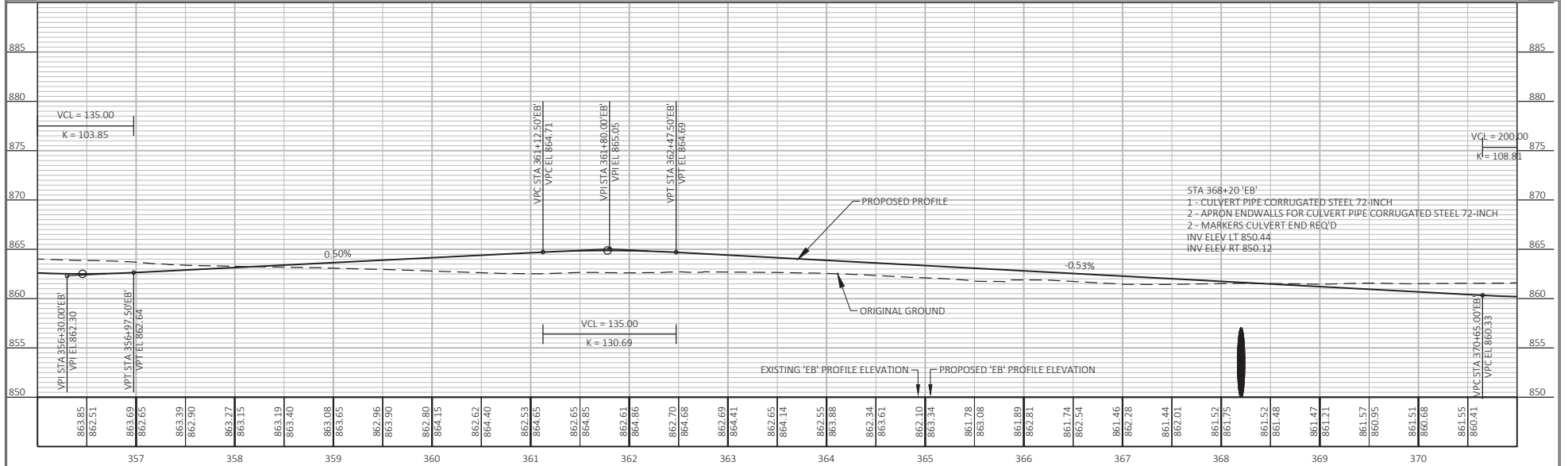
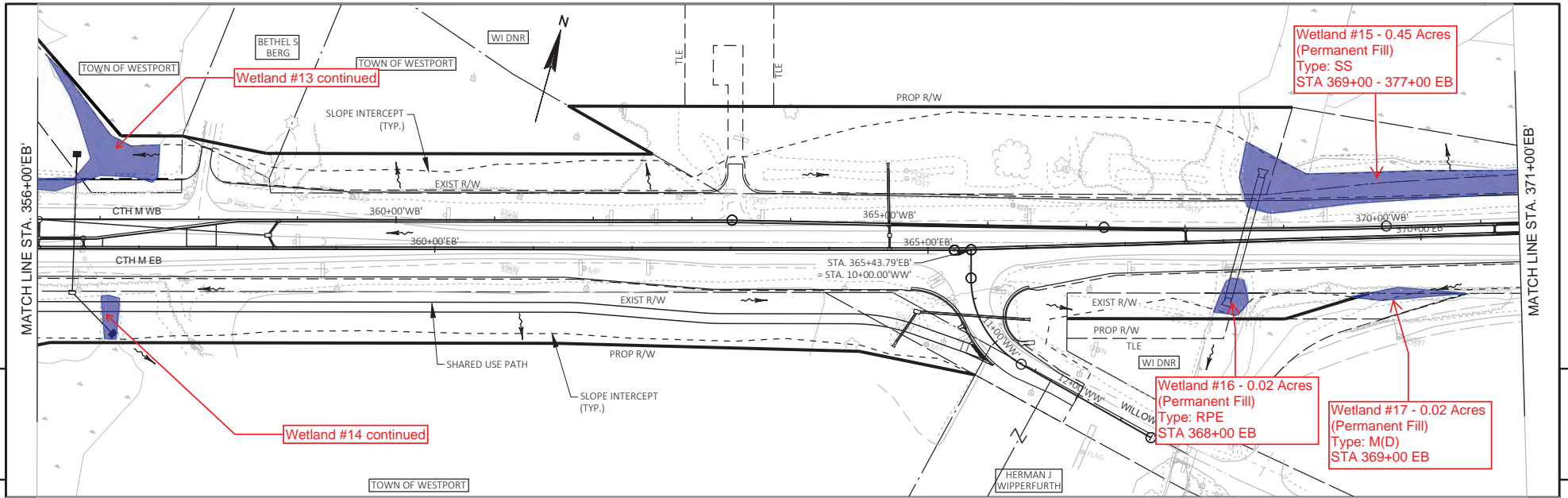


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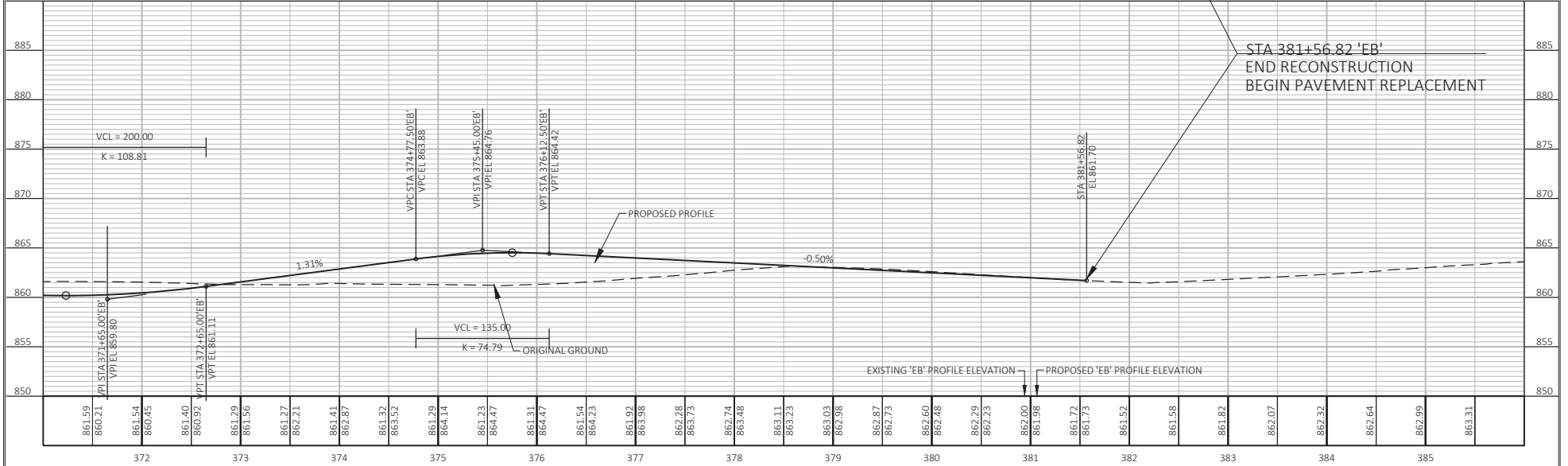
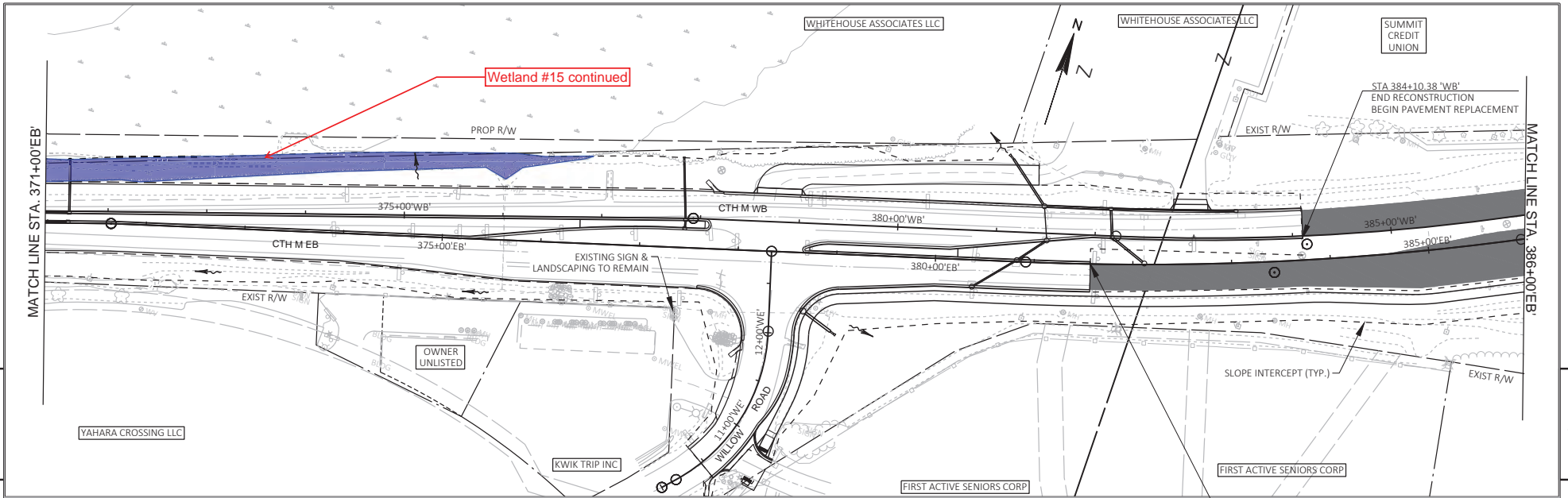


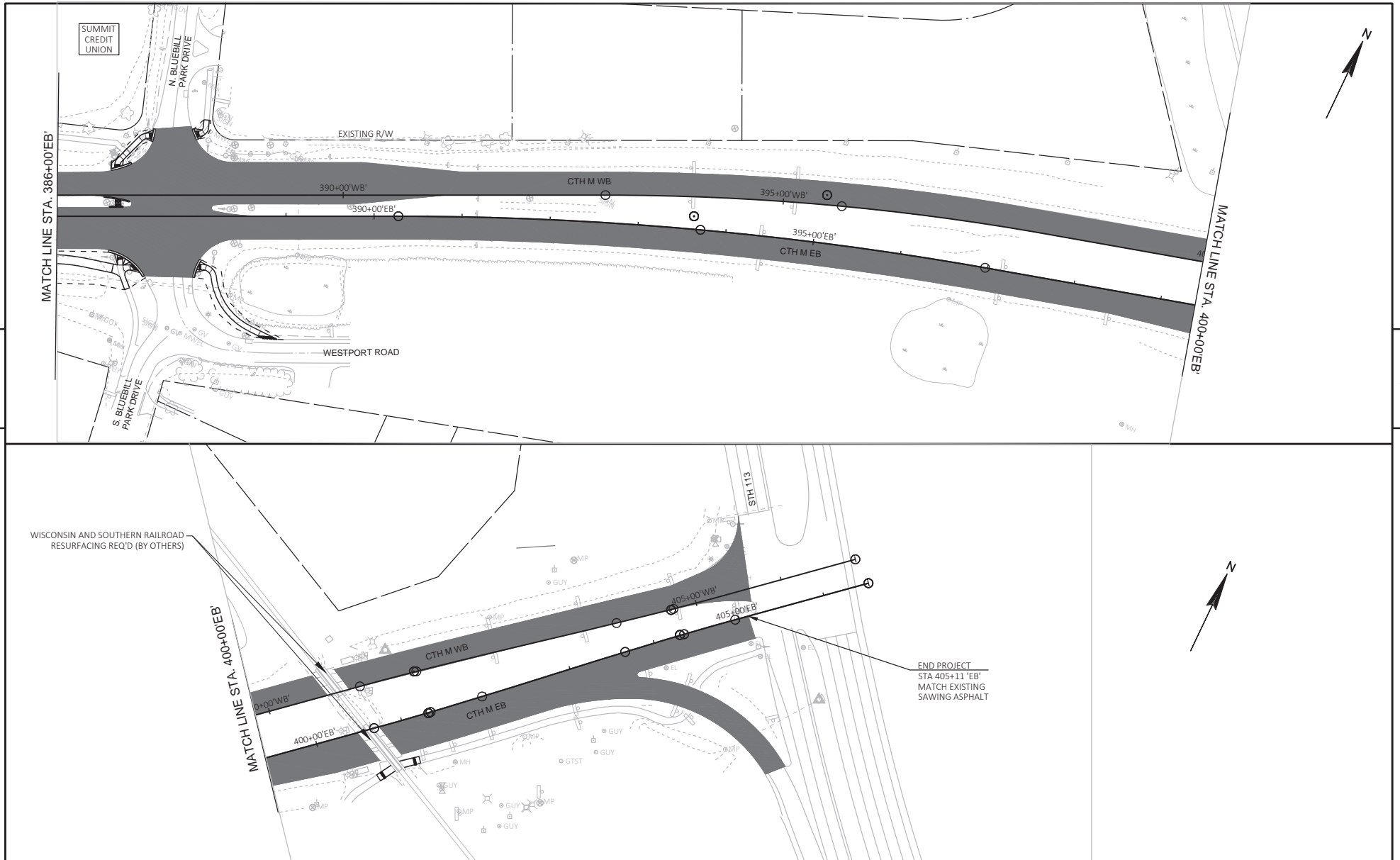


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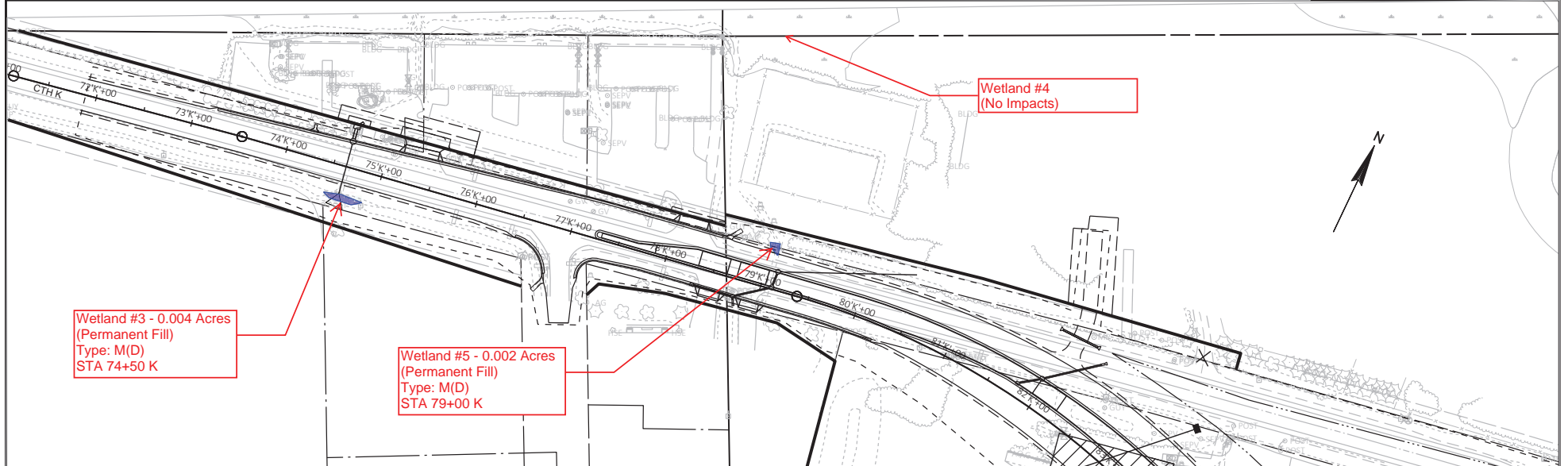
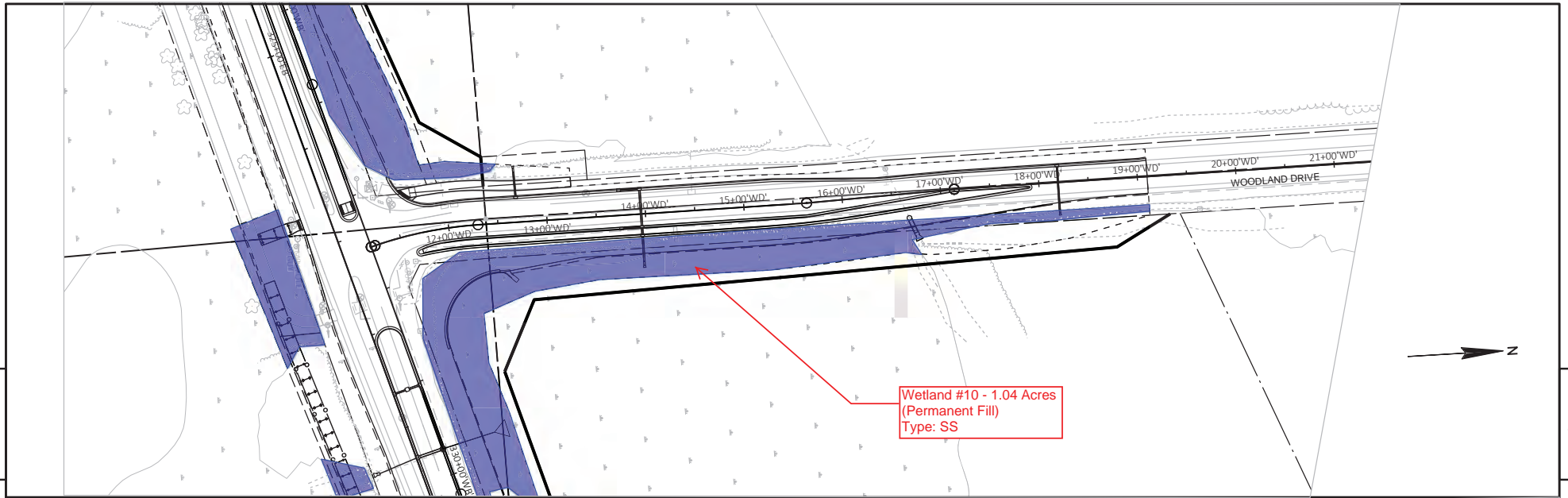
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