

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
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April 19, 2021

Ted Dumke
Washington County
900 Lang Street
West Bend WI 53090
Via email: ted.dumke@washcowisco.gov

Subject: DNR Final Concurrence

Project ID: 4867-01-00
Construction ID: 4867-01-70
CTH H over Milwaukee R Bridge Replacement, Washington County
CTH H over Milwaukee River
Washington County
Township 12N Range 19E Section 23
FIN: 76332

Dear Mr. Ted Dumke :

Thank you for the information regarding the project referenced above. Based on the information provided to the Wisconsin Department of Natural Resources (DNR), the final project design addresses the environmental issues raised through the initial review and coordination process. DNR has determined that the water quality, floodplain and wetland protection objectives of the DNR/DOT (Wisconsin Department of Transportation) Cooperative Agreement have been met. This concurrence also constitutes Water Quality Certification pursuant to Section 401, under the Federal Clean Water Act. The DNR has evaluated this proposal and has determined that this activity will be conducted in a manner which is consistent with the standards contained in chapters NR 103 and NR 299, Wis. Adm. Code, Water Quality Certification is granted.

Should the scope of the project change, consultation with the DNR must be reinitiated. Any additional project related work proposed under the Erosion Control Implementation Plan (ECIP) will be evaluated by DNR within 14 days for sensitive resources, potential impacts to the environment, and erosion and sediment control. Those proposed activities shown to be in compliance with Ch. 283, Wis. Stats will be added to the original application as an amendment. Further comments on the project may be presented at the preconstruction conference. DNR understands that project construction will be in conformance with our initial review letter, previous coordination, the DNR/DOT Cooperative Agreement, and the following:

Wetlands:

This project will result in unavoidable fill of wetlands. The wetland type(s) are classified as riparian. The DNR understands that these losses will be charged against the Hope Marsh bank in Oconto County.

Fisheries/Stream Work:

The Milwaukee River is a navigable waterway, a fish and aquatic life resource and an Area of Special Natural Resource Interest. There shall be no in-stream disturbance between March 1st and June 15th, with both dates inclusive of the timeout period. This construction BMP minimizes impacts to fish and other aquatic organisms during sensitive time periods such as spawning, and migration.

If erosion control matting is to be used along stream banks, DNR recommends biodegradable non-netted matting (e.g. Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animal entrapment. Avoid the use of fine mesh matting that is tied or bonded at the mesh intersection such that the openings in the mesh are fixed in size.

The width and depth of Milwaukee River must not be altered. However, a minor amount of dredging necessary to place the structure elements is permissible.

Endangered Resources: Based upon reviews of the Natural Heritage Inventory (NHI) by Department staff, there are known Endangered Resources or suitable habitat that could be impacted by this project. With this review the following has also been determined:

- Broad Incidental Take activities for mussels must be implemented prior to the start of construction for this project. Department staff will survey for mussels and relocate mussels in the summer of 2021. The project may not begin until these activities are complete.
- There are no known Northern Long-eared Bat (NLEB) maternity roost trees within 150 feet of the project or known hibernacula within 0.25 miles of the proposed project area.
- This project is located outside of any High Potential Zones (HPZ) for the Rusty Patched Bumblebee (RPBB), and therefore should have no impact on this federally endangered species.
- ❖ *NHI Disclaimer: This review letter may contain NHI data, including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law (s. 23.27 3(b), Wis. Stats.). As a result, endangered resources-related information contained in this review letter may be shared only with individuals or agencies that require this information to carry out specific roles in the permitting, planning and implementation of the proposed project. Endangered resources information must be redacted from this letter prior to inclusion in any publicly disseminated documents.*

Waterway and Floodplain:

Based on your computations, the Q_{100} discharge is 8100 cfs, resulting in a predicted upstream water surface elevation of 932.55 feet. As this is slightly lower the existing condition, DNR has no habitat concerns as it pertains to these predicted floodplain elevations. However, if the floodplain will be raised or lowered due to a temporary or permanent impact, in accordance with the DNR/DOT Cooperative Agreement, WisDOT must notify the Washington County Zoning Administrator of this predicted upstream water surface elevation and provide a copy of the study, so that chapter NR 116, Wis. Adm. Code is followed. Any construction activity that places material on the bed of the waterway, for any period of time, is a temporary impact.

Transportation Construction General WPDES Permit:

The DNR also has determined that construction site activities associated with the subject project will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S066796-01, for Department of Transportation Discharges of Storm Water Associated with Land Disturbing Construction Activity

(Transportation Construction General Permit or TCGP). All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit. The DNR understands that the WisDOT will submit a project-specific ECIP as an amendment for DNR review within 14 days prior to starting construction. A Certificate of Permit Coverage is enclosed and must be posted in a conspicuous place on the construction site.

When construction activities have ceased, temporary controls have been removed, and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the DNR. Final stabilization means that all land-disturbing construction activities at the construction site have been completed, and that a uniform perennial vegetative cover has been established with a density of at least 70% of the cover for the unpaved areas, and for areas not covered by permanent structures or equivalent permanent stabilization measures.

As the ECIP is developed, remember that all selected sites for waste and/or borrow must be an adequate distance from and not within any waterway, wetland, or floodplain. Selected sites must have erosion control measures installed to prevent offsite sediment runoff, both temporary and/or permanent. Additional environmental review will have to be conducted on selected sites that are not permitted (commercial) facilities. Non-permitted selected sites must be identified in the ECIP and will be subject to additional DNR review and coordination.

You are responsible for obtaining any other necessary local, state, or federal approvals prior to construction.

If you have any questions, please contact this office at (414) 343-9346, or email at Kristina.Betzold@wisconsin.gov.

Sincerely,

A handwritten signature in dark ink, reading "Kristina Betzold". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Kristina Betzold
Environmental Analysis & Review Specialist



CERTIFICATE OF PERMIT COVERAGE

UNDER THE WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT Permit No. WI-S066796-01

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS should be reported to the WDNR Tip Line at **1-800-TIP-WDNR (1-800-847-9367)**

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 76332

Site Name: CTH H over Milwaukee R Bridge Replacement, Washington County

Address/Location: CTH H over Milwaukee River Town of KEWASKUM

Additional Information:

Landowner: Wis DOT - 4867-01-00; 4867-01-70

Landowner's Contact Person: Ted Dumke

Contact Telephone Number: (262) 335-4435

Permit Start Date: April 16, 2021

By:

Kristina Betzold