



November 9, 2018

Caitlin Bukovitz  
DOT NW Region – Superior

*Transmitted electronically via e-mail*

**Subject: DNR Initial Project Review**

Project I.D. 1560-07-01/70  
USH 63 (Drummond Lake Rd. – CTH E East)  
Bayfield County  
Sec. 32, T45N, R7W through Sec. 1, T45N, R6W

Dear Caitlin:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the above-referenced project. According to your proposal, the purpose of this project is a 2" pre-mill, 4" cold in-place recycle, and 2" HMA overlay. Proposed improvements include culvert cleaning and replacements, apron end-wall replacements, riprap placement, spot concrete curb and gutter replacement, gravel shouldering, pavement marking, and rumble strips.

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT (Wisconsin Department of Transportation) Cooperative Agreement. Initial comments on the project as proposed are included below, and we assume that additional information will be provided that addresses all resource concerns identified. To ensure compliance with resource protections, we are recommending that Special Provisions be developed for specific resource protections described below. DNR expects that the full range of DOT roadway standards will be applied throughout the design and construction process.

**A. Project-Specific Resource Concerns**

**Wetlands:**

There is potential for wetland impacts to occur as a result of this project. Wetland impacts must be avoided and/or minimized to the greatest extent practicable. Unavoidable wetland losses must be compensated for in accordance with the DNR/DOT Cooperative Agreement and the DOT Wetland Mitigation Banking Technical Guideline. DNR requests information regarding the amount and type of unavoidable wetland impacts.

**Fisheries/Stream Work:**

Initial review of the preliminary plans does not appear to show any culverts on navigable waterbodies, although it is difficult to tell based on the fact that no culvert sizes or waterbodies were identified on the plans. Keep in mind as the plans progress that if there are any culverts on navigable streams, timing restrictions will likely be applied.

- ❖ *Disclaimer: Requests to modify the in-stream timeout dates may be made, if seasonal conditions and/or extra best management practices (BMPs) would allow it. These requests must be submitted to the DNR for review, and will be handled on a case-by-case basis.*

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.

### Endangered Resources:

- 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.

Based upon a review of the Natural Heritage Inventory (NHI) and other DNR records dated November 9, 2018, the following Endangered Resources are known to occur in the project area or its vicinity and could be impacted by this project.

- Sweet Colt's-foot, *Petasites sagittatus*, state threatened

The following measures will be needed:

Plant surveys should be performed in the area of the Bibon Swamp, from N. Sweden Rd. to CTH E East, in any areas that will be disturbed beyond toe of slope, including staging areas. The surveys should be completed during late May – late August.

The Transportation Liaison will initiate coordination with DNR Conservation Biologist, Stacy Rowe.

- ❖ *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. As a result, information contained in this review letter may be shared only with individuals or agencies that require this information in order to carry out specific roles in the permitting, planning and implementation of the proposed project. Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.*

### Invasive Species and Viral Hemorrhagic Septicemia (VHS):

All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to

<http://dnr.wi.gov/topic/Invasives/bmp.html>.

- **Emerald Ash Borer:** This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. It is illegal to move or transport ash material, the emerald ash borer, and hardwood debris (i.e. firewood) from EAB quarantined areas to a non-quarantined area without a compliance agreement issued by WI Department of Agriculture, Trade and Consumer Protection. Regulated items include cut hardwood (non-coniferous) firewood, ash logs, ash mulch or bark fragments larger than one inch in diameter, or ash nursery stock (DATCP statute 21).
  - For more information regarding the EAB and quarantine areas please click on the following link: <http://datcpservices.wisconsin.gov/eab/article.jsp?topicid=20>

- Recommendations to reduce the spread of EAB in potentially infested Ash wood:  
<http://datcpservices.wisconsin.gov/eab/articleassets/Recommendations%20to%20reduce%20the%20spread%20of%20EAB.pdf>

### **Floodplains:**

A determination must be made as to whether the project lies within a mapped/zoned floodplain. Any proposed temporary or permanent changes to the road or waterway geometry in mapped floodplain areas requires that DOT coordinate with the Bayfield Zoning Administrator to ensure compliance with the local zoning ordinance and NR116. Examples of floodplain development activity includes, but not limited to, the following: changes to waterway crossings; culvert extensions; changes to road surface elevations and/or side-slopes; temporary causeways; temporary structures; general fill.

### **Storm Water Management & Erosion Control:**

- For projects disturbing an acre or more of land, erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. DOT should apply for permit coverage just before the project goes to final PS&E. Permit coverage will be issued by the DNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP you can go to the following link, and click on the “Transportation” tab: <https://dnr.wi.gov/topic/Sectors/Transportation.html>.
- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive “permit-coverage” from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

### **Selected Site & Commercial Non-Metallic Mines:**

- The DOT Select Site process must be adhered to for clean fill or any other material that leaves the work site. The DNR liaison will review all proposed select sites and a site visit may be required. Filling of wetlands, waterways or floodplain is not allowed under the select site process, unless the site owner obtains required permits. No new impermeable surfaces can be left at a select site (including gravel roads or pads), unless the site owner obtains required permits. Contaminated materials leaving the site need to adhere to the Hazardous Material Management Plan.
- Use of Commercial Non-Metallic Mines must accompany documentation that such mines have received all applicable local, state and federal permits before being used on the project, including local non-metallic mining reclamation permits and applicable WPDES permits as issued by the DNR.

**Other Issues:**

This project may require a permit from the U.S. Army Corps of Engineers (USACE). For further permit details, you may contact Bill Sande of the USACE located in the Hayward office, at 715-934-2170. All local, state, and federal permits and/or approvals must be obtained prior to commencing construction activities.

The above comments represent the DNR's initial concerns for the proposed project and do not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, and additional consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 715-635-4228, or email at [shawn.haseleu@wi.gov](mailto:shawn.haseleu@wi.gov).

Sincerely,

A handwritten signature in black ink that reads "Shawn Haseleu". The signature is written in a cursive, flowing style.

Shawn Haseleu  
Environmental Analysis & Review Specialist

cc: Nick Schaff, DOT NW Region – Eau Claire  
Matt Dickenson, DOT NW Region – Superior  
Stacy Rowe, DNR – ER - Madison  
Bill Sande, ACOE  
Bayfield County Zoning