

State of Wisconsin
DEPARTMENT OF NATURAL
RESOURCES
101 S. Webster Street
Box 7921
Madison, WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463



May 28, 2020

Greg Gard
WisDOT SE Region
141 NW Barstow Street
Waukesha, WI

Subject: DNR Initial Review

Project I.D. 1360-12-70
STH 145-107th St. Bridge Reconstruction
Fond du Lac Avenue
City of Milwaukee
Milwaukee County

Dear Greg:

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 bridge replacement. The Wisconsin Department of Transportation is considering an undertaking along STH 145 for the 107th St. Bridge (over STH 145) in Milwaukee County. This bridge was originally constructed in 1964 and also had one overlay in 1999. Proposed improvements are the complete removal and replacement of the 107th St. structure as well as newly constructed MSE retaining walls and sidewalk. Due to the reconstruction scope of the 107th St. bridge, the bridge will need to be widened to current design standards. There will also be grading and regrading in this area both north and south of the existing structure. There may be a slight TLE acquisition in the NE quadrant of the bridge due to possible grading, but no other real estate will be needed for this project.

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT 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. When requesting Final Concurrence/Water Quality Certification, please send the most up-to-date plan set (including the erosion control plan sheets), contract special provisions, Wetland Impact Tracking Form, Notice of Intent for the Transportation Construction General Permit (TCGP), and any additional pertinent information to ensure environmental commitments have been met.

Project-Specific Resource Concerns

Wetlands:

There is potential for wetland impacts to occur as a result of this project. Records of mapped wetlands in the vicinity of this project include forested wetland and wooded swamp. 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 WisDOT Wetland Mitigation Banking Technical Guideline. Please provide the wetland community type and quantity of unavoidable wetland impacts, and mitigation information for this project using the Wetland Impact Tracking Form.

Natural Heritage Conservation (formerly “Endangered Resources”)

A review of the Natural Heritage Inventory (NHI) and other DNR records was completed on May 28, 2020, and no threatened, endangered and/or special concern species are known to occur in or near the project area or its vicinity that could be impacted by the project, and no further actions are needed to comply with WI Endangered Species Law.

With this review the following has also been determined:

- 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.

Migratory Birds:

Based on the information provided there is migratory bird nesting on the existing structure. Under the U.S. Migratory Bird Treaty Act, intentional destruction of swallows and other migratory birds or their nests is unlawful unless a permit has been obtained from the U.S. Fish & Wildlife Service (USFWS). Therefore, the project should either occur only between August 1st and May 1st (non-nesting season) or utilize measures to prevent nesting (*e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1*). If netting is used, ensure it is properly maintained, then removed as soon as the nesting period is over. If neither of these options are practicable then the USFWS must be contacted to apply for a depredation permit.

Emerald Ash Borer: This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. While it is legal to freely move ash debris or wood throughout Wisconsin, it is a best management practice to prevent spreading the pest to areas where it is not yet established. A frequently updated map of where EAB is confirmed in WI is available at [Wisconsin's EAB Information website](#). As a rule of thumb, if your project is in the southern half of the state and you are removing many dead or dying ash,

they may be infested with EAB. If so, consider these [best management practices to prevent spread of EAB](#).

Oak Wilt: This project involves work that may involve cutting, pruning, or accidental wounding of oak trees. Follow WDOT policy regarding preventing transmission of oak wilt, <https://wisconsindot.gov/rdwy/cmm/cm-03-10.pdf#cm3-10.2>

Floodplains:

A preliminary review of the Surface Water Data Viewer (SWDV) indicates that mapped floodplain exists within the project limits.] Any proposed temporary or permanent changes to the road or waters of the state in mapped floodplain areas require that DOT coordinate with the local municipal Zoning Administrator to ensure compliance with the local zoning ordinance and intent of NR116. Examples of floodplain encroachments include but are not limited to: 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. WisDOT should apply for permit coverage by submitting a Notice of Intent (NOI) prior to, or when requesting Final Concurrence. Permit coverage will be issued by DNR with the Final Concurrence letter 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 implementation of erosion control measures as it relates to the construction project, as well as 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.

Asbestos:

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-35-45 and the DNR’s notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further guidance on asbestos inspections and notifications. The notification must be submitted 10

working days in advance of demolition projects, regardless of asbestos quantities. Please refer to WisDOT procedures on asbestos inspection and abatement for supplemental information.

U.S. Army Corps of Engineers Coordination:

This project may require a permit from the U.S. Army Corps of Engineers (USACE). Please contact USACE for more details.

Other:

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 does not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, Erosion Control Plan, Wetland Impact Tracking Form, Special Provisions, NOI for the TCGP, and additional coordination if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 414.507.4946, or email at

Kristina.betzold@wisconsin.gov .

Sincerely,



Kristina Betzold
Environmental Analysis & Review Specialist