



Division of Transportation System Development
Southwest Region
2101 Wright St
Madison, WI 53704-2583

Scott Walker, Governor
Dave Ross, Secretary
Internet: www.dot.wisconsin.gov

Telephone: 608-246-3800
Facsimile (FAX): 608-246-7996
E-mail: swr.dtsd@dot.wi.gov

September 5, 2018

ANDY BARTA
DNR – SOUTH CENTRAL REGION
3911 FISH HATCHERY ROAD
FITCHBURG, WI 53711

Subject: Project I.D. 1706-04-30/60
Shullsburg - Monroe
CTH KK to East County Line
STH 11, Lafayette County

**Water Quality Certification Request
Pursuant to Clean Water Act Section 401 and
Wisconsin Administrative Code Chapter NR 299**

Dear Andy:

The purpose of this letter is to request water quality certification pursuant to Section 401 of the Clean Water Act and Wisconsin Administrative Code, Chapter NR 299.

This project consists of milling and overlaying 6.56 miles of pavement on STH 11 from 1500-feet east of CTH KK to the east county line in Lafayette County. The project will remove 1.75-inches of existing pavement and place back 2-inches of HMA pavement. Additional work includes; widening the paved shoulders from 3-feet to 5-feet, replacing existing beam guard, grading at the beam guard areas, replacing an 84-inch culvert pipe, placing new pavement markings, and installing shoulder and centerline rumble strips.

Below is a list of initial comments that were made in your preliminary review followed by the actions that WISDOT will be taking to minimize these impacts:

Wetlands

Initial Comment: Wetland impacts must be avoided and/or minimized to the greatest extent practicable.

Action: Permit activities involve placement of fill material into approximately 0.06 acres of wetland spread over five different areas.

Aquatic Connectivity and Culvert Work

Initial Comment: The existing 84-inch culvert pipe is perched above the elevation of the natural stream bed. Setting the culvert lower to restore stream connectivity is the environmentally preferred action at this site.

Action: The 84-inch pipe will be replaced and lowered to match into the existing stream bed elevation on both sides of the roadway.

Invasive Species and Viral Hemorrhagic Septicemia (VHS)

Initial Comment: Any equipment coming into contact with surface waters must be properly cleaned and disinfected to address the spread of invasive species and viruses. Special provisions must require contractors to implement the following measures before and after mobilizing in-water equipment to prevent the spread of VHS, Zebra Mussel, and invasive species. Contractors should follow STSP 107-055.

Action: The special provisions will include STSP 107-055.

Erosion Control and Storm Water Management:

Initial Comments:

- Erosion Control devices should be specified on construction plans.
- Biodegradable erosion mat is to be used if lined along stream banks.
- If dewatering is required, the water must be pumped into a properly selected and sized dewatering basin before the clean/filtered water is allowed to enter any waterway or wetland. The basin must remove suspended solids and contaminants to the maximum extent practicable.
- The contractor should restrict the removal of vegetative cover and exposure of bare ground to minimum amounts necessary to complete construction. Restoration of disturbed soils should take place as soon as conditions permit.
- All temporary stock piles must be in an upland location and protected with erosion control measures. Do not stockpile materials in wetlands, waterways, or floodplains.

Actions:

- Erosion Control devices will be specified on construction plans.
- Biodegradable erosion mat will be used when lined along stream banks.
- Properly sized dewatering basins will be utilized when pumping water is needed along the project.
- Bare ground exposure will be kept to a minimum as vegetative cover will be placed as soon as the conditions permit.
- Temporary stock piles will be located upland and not in locations of wetlands, waterways, or floodplains.

Structure Removal/Bridge Demolition

Initial Comment: Due to the type of structure currently at the site, the department recognizes the need to allow debris to enter the waterway and recommends the use of STSP 203-015, Removing Old Structure over Waterway, for the project.

Action: The special provisions will include STSP 203-015.

The US Army Corps of Engineers determined that nor Regional General Permit (RGP) is required for this project on August 29, 2018. Refer to Attachment J for the RGP-2 documentation. It is understood that this RGP-2 authorization is not valid until a 401-water quality certification has been approved by WDNR.

The ePermit process has been submitted on the WDNR water permit website, declaring the Notice of Intent (NOI) and amount of disturbance from this project.

The project is scheduled to be constructed in 2019. If you have any questions, please contact me at 608 246-5353 or by e-mail at Matthew.Dapp@dot.wi.gov.

Thank you for your assistance.

Sincerely,

Matthew Dapp, P.E.
Project Manager

Notice: Pursuant to chs. 30 and 31, Wis. Stats., ch. 281, Wis. Stats., and s. 283.33, Wis. Stats., this form is used to apply for coverage under the state construction site storm water runoff general permit, and to apply for a state or federal permit or certification for waterway and wetland projects or dam projects. This form and any required attachments constitute the permit application. Failure to complete and submit this application form may result in a fine and/or imprisonment or forfeiture under the provisions of applicable laws including s. 283.91, Wis. Stats. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Laws (ss. 19.31-19.39, Wis. Stats.). This form is required for U.S. Army Corps of Engineers (ACOE) regulatory purposes pursuant to 33 CF 325.

Use this form for (select all that apply):

- ☐ Waterway General Permit and ACOE Approval ☒ Storm water NOI - New land disturbing construction activity
☐ Waterway Individual Permit and ACOE Approval ☐ Storm water NOI - Renewal FIN # _____
☐ Wetland General Permit and ACOE Approval ☐ Dam projects (DNR-ch. 31, Wis. Stats., and Army Corps of Engineers)
☐ Wetland Individual Permit and ACOE Approval

Read all instructions provided before completing. If additional space is needed, attach additional pages.

Section 1: Landowner Information

Landowner Name (first and last name, org. or entity)	Authorized Representative		
Wisconsin Department of Transportation	Matthew Dapp		
Mailing Address	City	State	ZIP Code
2101 Wright Street	Madison	WI	53704
Email Address	Phone Number (include area code)	Alternate Phone Number	
Matthew.Dapp@dot.wi.gov	(608) 246-5353		

Section 2: Applicant Information ☒ Select if same as landowner

Applicant Name (first and last name, org. or entity)	Contact Person		
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (include area code)	Alternate Phone Number	

Section 3: Primary Project Contact ☒ Select if same as landowner

☐ Consultant ☐ Contractor ☐ Other – Specify: _____

Name (Ind., Org. or Entity)	Contact Person (first and last name)		
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (include area code)	Alternate Phone Number	

Section 4: Project or Site Location

Project Name	County	<input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village
STH 11 Resurfacing Project	Lafayette	Of Wayne
Location Address/Description		
Shullsburg - Monroe, CTH KK to East County Line		

Public Land Survey System (PLSS) – Provide the section, range, township information and latitude and longitude in decimal degrees, if available.

_____ 1/4 of _____ 1/4 of Section _____, Township _____ N, Range _____ ^E/_W _____ 42.5650000 _____ -89.8950000
Latitude Longitude

If this site is not wholly contained in the quarter-quarter section, more description:

T1N, R4E, Sections 12 and 13

T1N, R5E, Sections 1, 7, 8, 10, 11, 12, 15, 16, 17 and 18

Waterways: Provide the name(s) of closest waterbodies:

Pecatonica River

Section 5: Wetlands

If a wetland is present at a project site and permit approvals are sought through the waterway and wetland program, storm water program, or concentrated animal feeding operations (CAFO) program, the department requires that a wetland delineation that accurately shows the location of a wetland is submitted with an application. A wetland delineation needs to be verified/concurred with before the application can be submitted or be considered a complete application. See the document, "[Wetland Screening and Delineation Procedures](http://dnr.wi.gov/topic/waterways/construction/wetlands.html)" at <http://dnr.wi.gov/topic/waterways/construction/wetlands.html> for more information.

Is a wetland present in the project area? ☒ Yes ☐ No

If yes, please attach one of the following:

- ☐ a. A copy of your wetland delineation report and a [Wetland Confirmation Service](#) concurrence letter (wetland boundary verification service offered for a fee from the department)
- ☐ b. An [assured delineator's](#) wetland delineation report
- ☐ c. A copy of your wetland delineation and an Army Corps of Engineers concurrence letter
- ☒ d. A copy of your correspondence with a [WDNR Office of Energy Water Management Specialist](#) or [WDNR Transportation Liaison](#) regarding your wetland review/concurrence

If no, please select one of the following items showing that a wetland is not present within the project boundaries:

- ☐ a. A copy of your wetland determination and a letter from the department's [Wetland Identification Program](#) stating wetlands are not present or the activity proposed in the wetland is exempt under NR 103.06(4)
- ☐ b. A letter from an assured delineator stating wetlands are not present
- ☐ c. Documentation showing that each of these resources were reviewed for wetland absence on the [Surface Water Data Viewer](#):
 - i. Wisconsin Wetland Inventory layer
 - ii. Wetland Indicators layer
 - iii. Digital Topographic map layer or aerial photo indicating if waterways, drainage ways, ditches, depressions, or standing water are within project boundary
- ☐ d. Show that the project limits are entirely in existing paved, graveled, or concrete areas
- ☐ e. A copy of your correspondence with a [WDNR Office of Energy Water Management Specialist](#) or [WDNR Transportation Liaison](#) regarding your wetland review/concurrence

(Please note that if the information provided is incorrect or incomplete, the overall permit application may be considered incomplete and may be returned to the applicant.)

Section 6: Endangered or Threatened Resources

Has the presence of endangered or threatened resources been evaluated according to the protocols developed by the DNR Bureau of Natural Heritage Conservation (BNHC)? dnr.wi.gov/topic/ERReview/

☒ Yes ☐ No

If yes, select how evaluation was completed and attach supporting report or documentation:

- ☐ a. Endangered Resources Preliminary Assessment from the Public Portal
- ☐ b. Certified ER Review Letter - specify: ERR - yy - nnn (example ERR-15-123)
- ☐ c. Broad Incidental Take Permit/Authorization - specify (e.g. No/Low Impact Activities, Grassland and Savanna Management, etc.)
- ☐ d. Other: _____

Section 7: Project Information (attach additional sheets as necessary)

Duration: 06/17/2019 08/23/2019
Anticipated Project Start Date (mm/dd/yyyy) Anticipated Project End Date (mm/dd/yyyy)

Photos: Provide photographs of the "before" condition. _____
Date of Photographs

Project Purpose and Need: Provide a one to two paragraph description of the proposed project, including land and water alterations and intended use(s) of the project.

The project will remove 1.75-inches of pavement and place back 2-inches of HMA pavement. The intention of this project is to prolong the service life of the existing pavement structure. Paved shoulders will be widened from 3-feet to 5-feet and beam guard sections will be upgraded to current WisDOT standards to aide the traveling public in safety.

Section 8: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or imprisonment or forfeiture under the provisions of applicable laws.

Permission: I hereby give the Department permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.


Signature of Landowner / Authorized Representative – For Stormwater applications,
signature of landowner is required. Authorized representative is not sufficient.

8/27/2018
Date Signed

Matthew Dapp, P.E.

Printed Name of Landowner / Authorized Representative

WisDOT Project Manager

Title

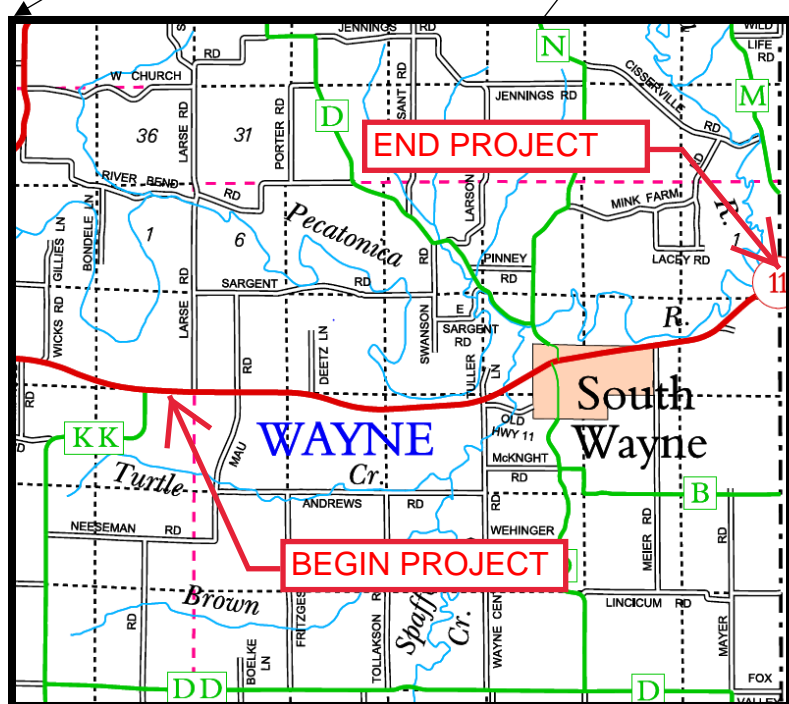
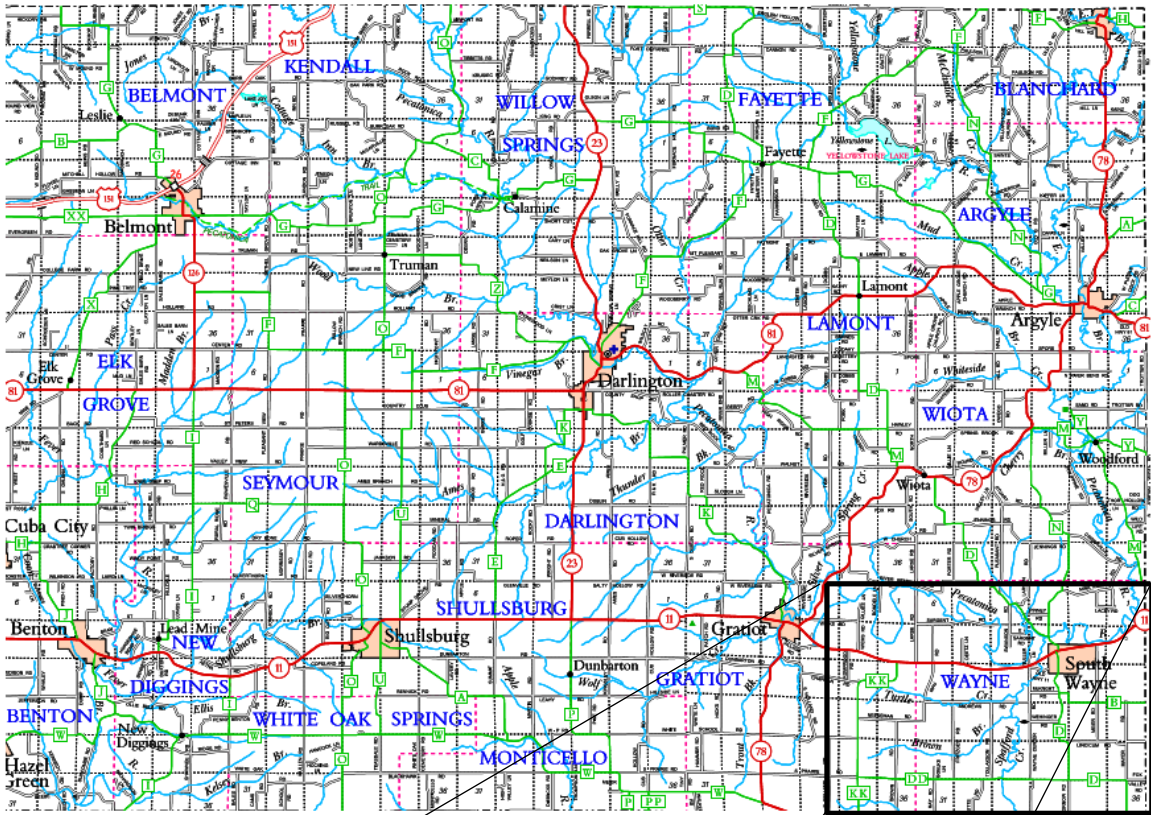
ATTACHMENTS

ATTACHMENT A	Project Location Map
ATTACHMENT B	Plan Sheets
ATTACHMENT C	Wetland Determination
ATTACHMENT D	Wetland Impact Tracking Form
ATTACHMENT E	DNR Coordination
ATTACHMENT F	Tribal Government Coordination
ATTACHMENT G	Signed Environmental Report
ATTACHMENT H	Arch. and History Screening List
ATTACHMENT I	USFWS Section 7 Consultation
ATTACHMENT J	Regional General Permit - 2

ATTACHMENT A

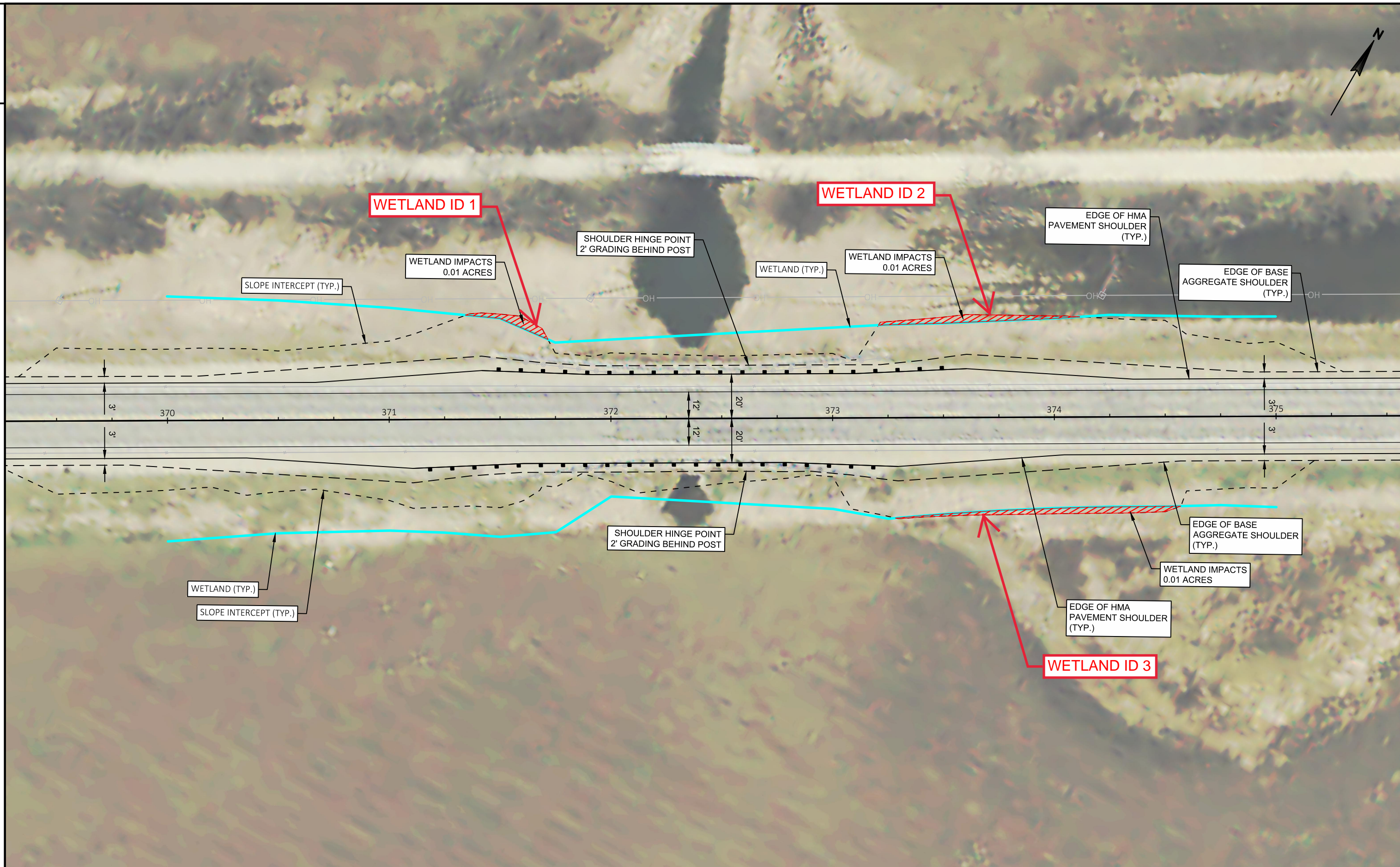
Project Location Map

LAFAYETTE COUNTY



ATTACHMENT B

Plan Sheets



PROJECT NO: 1706-04-60	HWY: STH 11	COUNTY: LAFAYETTE	GUARDRAIL LAYOUT - WETLAND IMPACTS	SHEET	E
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PROJECT NO: 1706-04-60	HWY: STH 11	COUNTY: LAFAYETTE	CULVERT REPLACEMENT - WETLAND IMPACTS	SHEET	E
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ATTACHMENT C

Wetland Determination

Rach, Jeremy P - DOT

From: Taylor, Brian F - DOT
Sent: Wednesday, August 23, 2017 2:51 PM
To: Dapp, Matthew - DOT; Rach, Jeremy P - DOT
Cc: Bub, Laura A - DNR; Taylor, Brian F - DOT
Subject: 1706-04-30 - WIS 11 - Wetland Determination

Good Afternoon !

On August 23, 2017, Laura Bub (WDNR Transportation Liaison) and I conducted a wetland determination for the above referenced project. Attached is the link to the marked up map.

[P:\state\STH_011\1706-04-30\Env\Wetland\2017-08-23_Identified Wetlands for Beam Guard and Culvert Work.pdf](P:\state\STH_011\1706-04-30\Env\Wetland\2017-08-23_Identified_Wetlands_for_Beam_Guard_and_Culvert_Work.pdf)

Let me know if you have any questions.

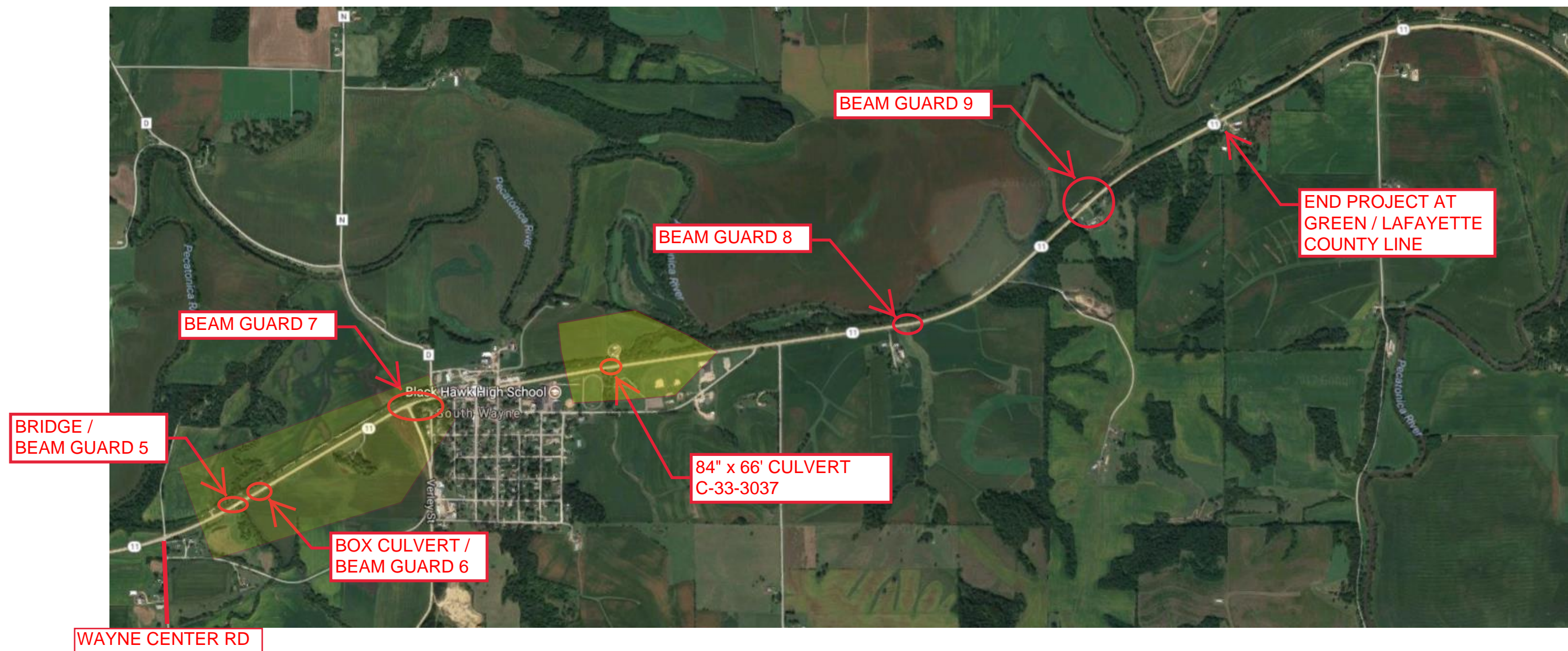
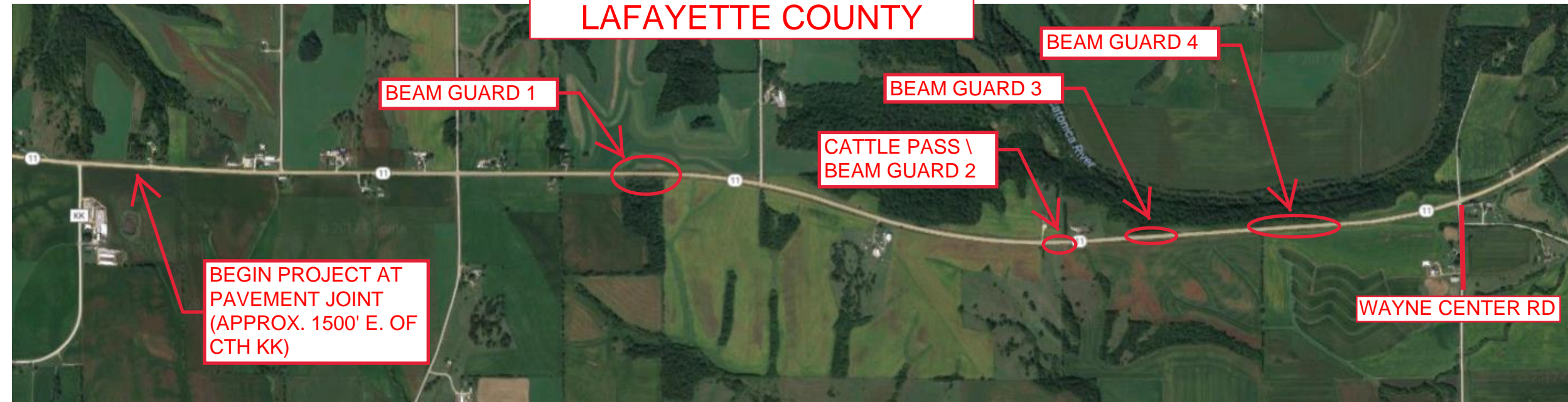
Thank you,

Brian

Brian F. Taylor

Environmental Coordinator
WisDOT DTSD Southwest Region
2101 Wright Street
Madison, WI 53704
Office: (608) 245-2630
Cell: (608) 516-3452
brianf.taylor@dot.wi.gov

1706-04-30
STH 11
LAFAYETTE COUNTY



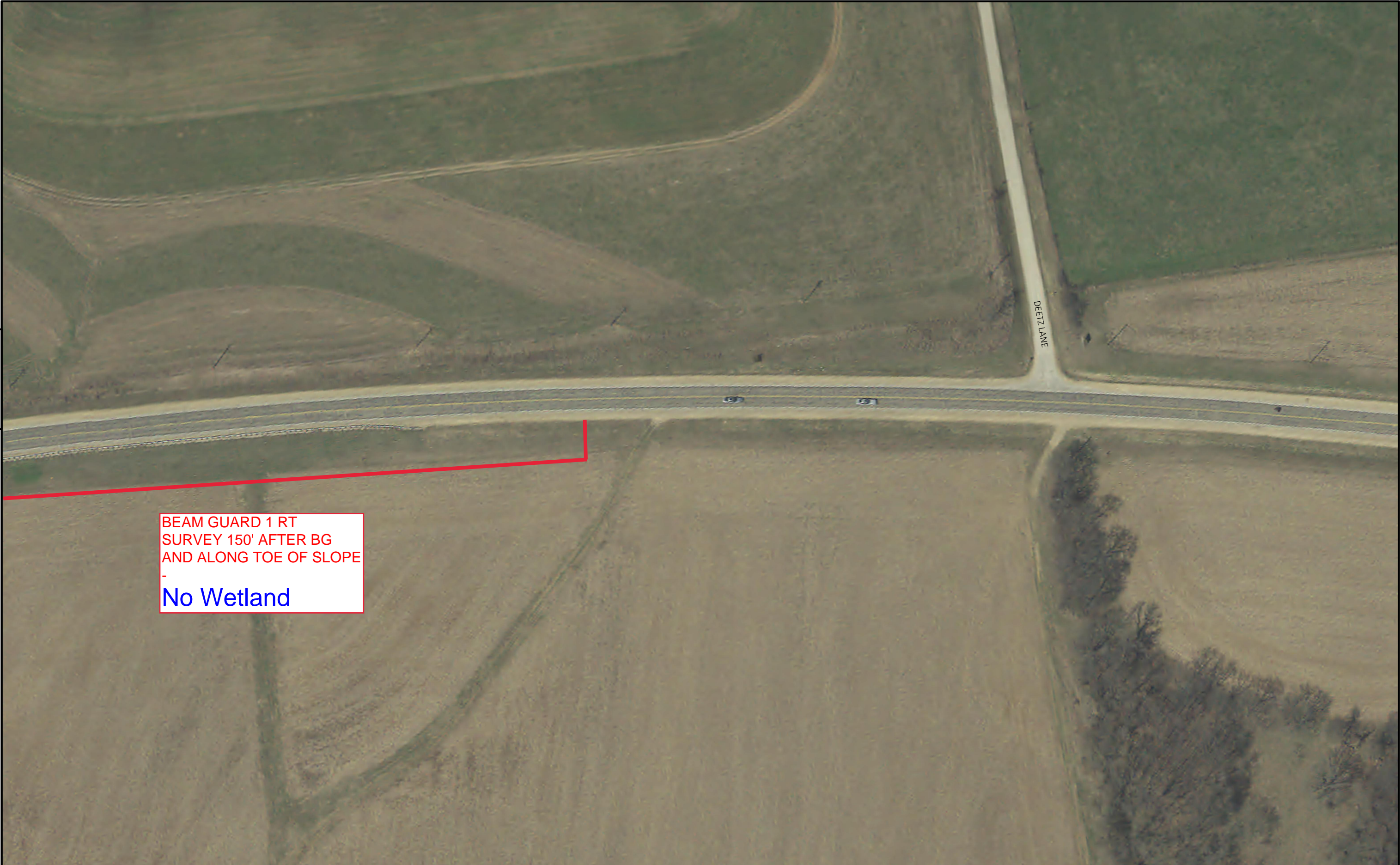
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5

PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 1	SHEET	E
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5

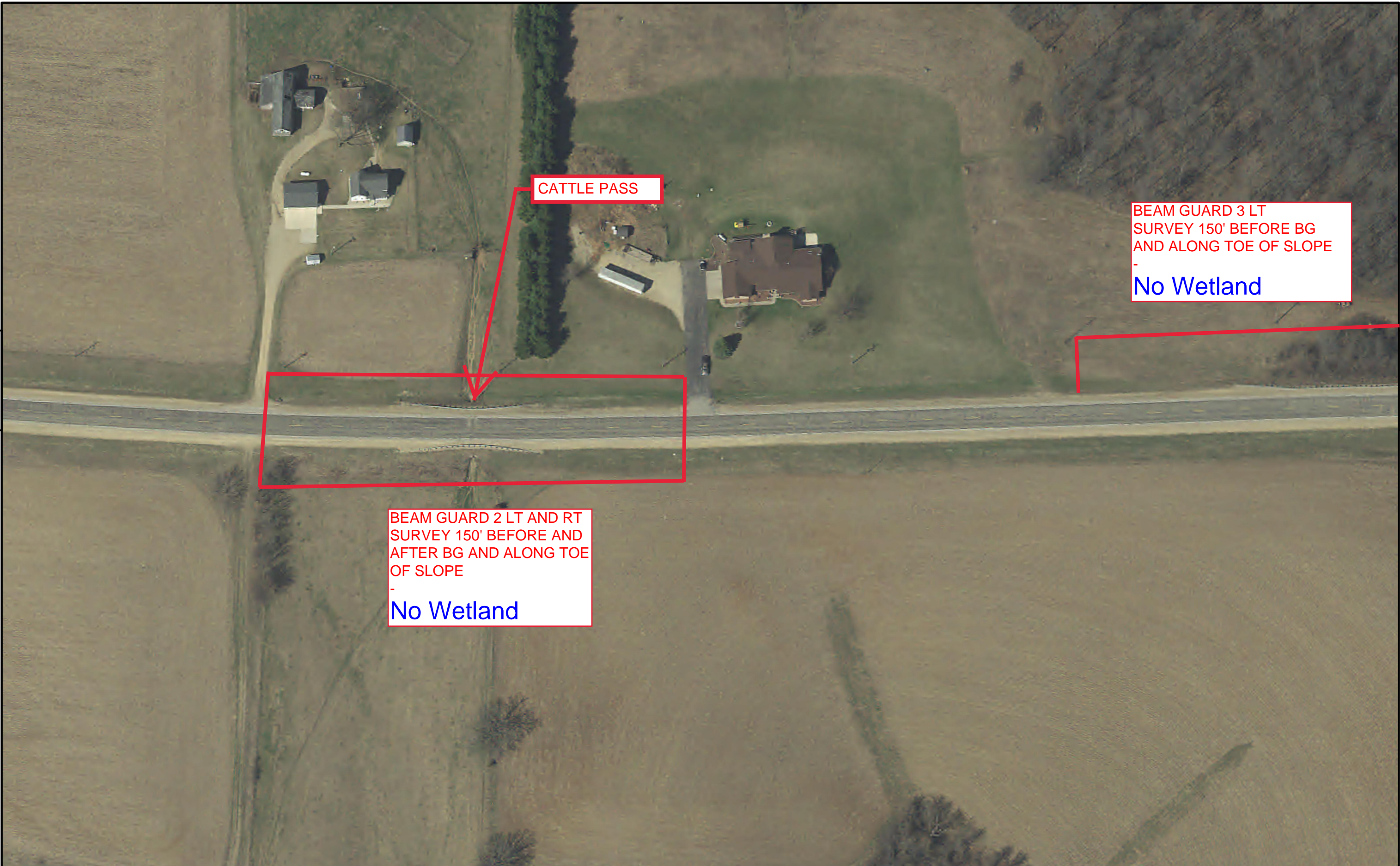


5

BEAM GUARD 1 RT
SURVEY 150' AFTER BG
AND ALONG TOE OF SLOPE
-
No Wetland

PROJECT NO: 1706-04-30	HWY:STH 11	COUNTY: LAFAYETTE	BEAM GUARD 1	SHEET	E
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PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 2,3 / CATTLE PASS	SHEET	E
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BEAM GUARD 3 LT
SURVEY 150' AFTER BG
AND ALONG TOE OF SLOPE
-
No Wetland

BEAM GUARD 4 LT
SURVEY 150' BEFORE BG
AND ALONG TOE OF SLOPE
-
No Wetland

5

5

PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 3,4	SHEET	E
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5

BEAM GUARD 4 LT
SURVEY 150' AFTER BG
AND ALONG TOE OF SLOPE
-

No Wetland

5

5



5

BEAM GUARD 5 LT AND RT
SURVEY 150' BEFORE AND AFTER
BG AND ALONG TOE OF SLOPE
-
wetlands at toe of
slope, north and south
sides

BEAM GUARD 6 LT AND RT
SURVEY 150' BEFORE BG
AND ALONG TOE OF SLOPE
-
wetlands at toe of
slope on north and
south sides; south-
side is farmed
wetland

PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 5,6 / BRIDGE / BOX CULVERT	SHEET	E
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5

BEAM GUARD 6 LT AND RT
SURVEY 150' AFTER BG
AND ALONG TOE OF SLOPE
-
Wetlands at toe of
lope on north and
south sides;
south-side is
farmed wetland

PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 6	SHEET	E
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BEAM GUARD 7 LT
SURVEY 150' BEFORE AND AFTER
BG AND ALONG TOE OF SLOPE

wetland at toe of slope

5

5

VERLEY STREET

CTH D

PROJECT NO: 1706-04-30

HWY: STH 11

COUNTY: LAFAYETTE

BEAM GUARD 7

SHEET

E

FILE NAME : P:\STATE\STH_011\1706-04-30\CAD\DISPLAYS\EXISTING BEAM GUARD LOCATIONS FOR SURVEY.DWG
LAYOUT NAME - 25

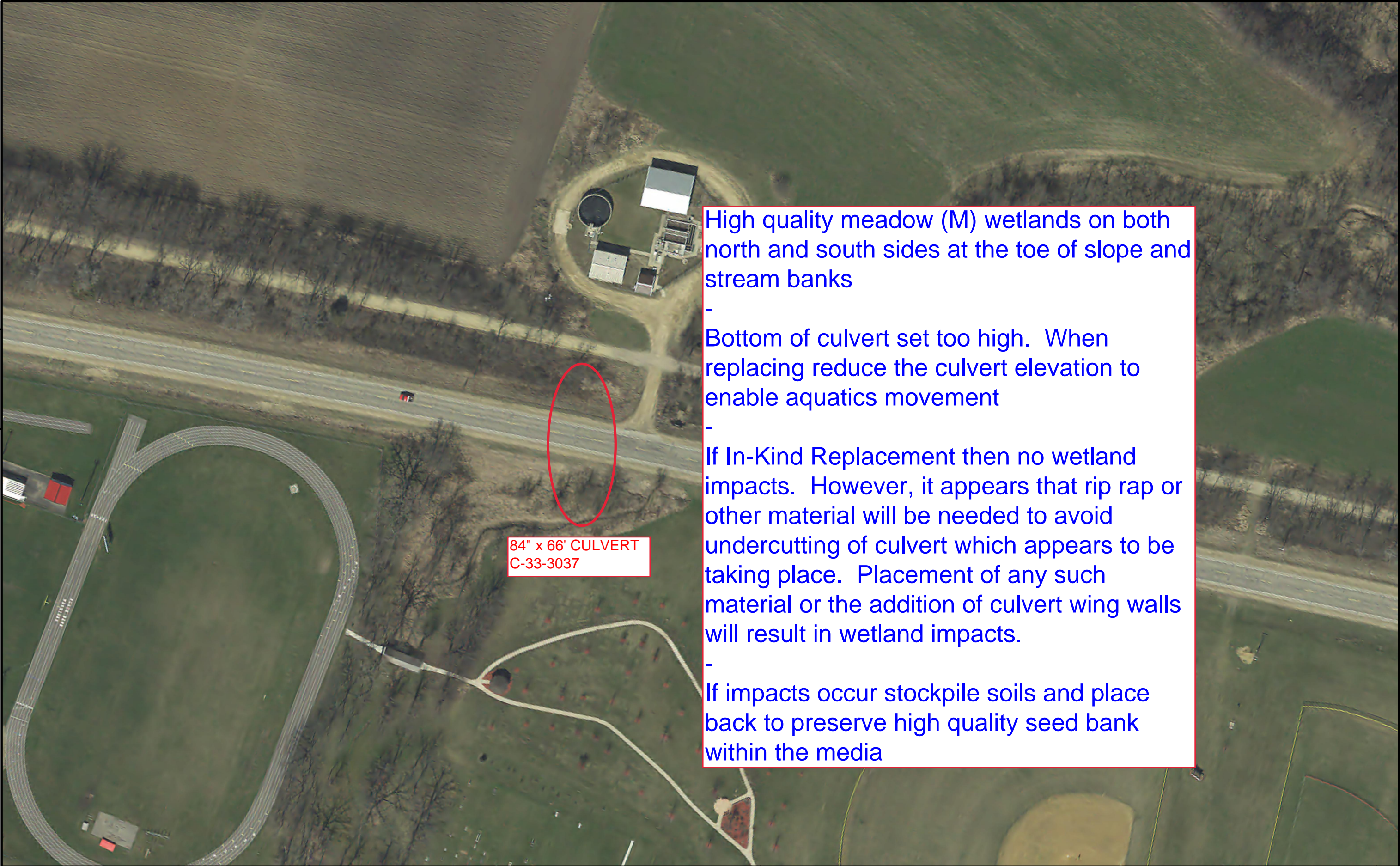
PLOT DATE : 7/17/2017 9:13 AM

PLOT BY : RACH, JEREMY PAUL

PLOT NAME :

PLOT SCALE : 1 IN:100 FT

WISDOT/CADDs SHEET 44



High quality meadow (M) wetlands on both north and south sides at the toe of slope and stream banks

- Bottom of culvert set too high. When replacing reduce the culvert elevation to enable aquatics movement

- If In-Kind Replacement then no wetland impacts. However, it appears that rip rap or other material will be needed to avoid undercutting of culvert which appears to be taking place. Placement of any such material or the addition of culvert wing walls will result in wetland impacts.

- If impacts occur stockpile soils and place back to preserve high quality seed bank within the media



PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 8	SHEET	E
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PROJECT NO: 1706-04-30	HWY: STH 11	COUNTY: LAFAYETTE	BEAM GUARD 9	SHEET	E
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BEAM GUARD 9 LT
SURVEY 150' AFTER BG
AND ALONG TOE OF SLOPE
-
No Wetlands

5

5

ATTACHMENT D

Wetland Impact Tracking Form



Wisconsin Department of Transportation

Division of Transportation System Development
Southwest Region

WETLAND IMPACT TRACKING FORM

****This form must be filled out for all projects.****

Return This Completed Form to:

Erin Rieser
Environmental Coordinator
WisDOT - SW Region
2101 Wright Street
Madison, WI 53704
Phone: (608) 242-8025
Erin.Rieser@dot.wi.gov

Please Complete All
Information Highlighted In
Yellow

WisDOT Regional
Environmental Coordinator
(REC) Will Complete Sections
Highlighted In Green

Project Design I.D. #: 1706-04-30

Project Construction I.D. #: 1706-04-60

Hwy/ Project Title : STH 11
Shullsburg - Monroe

County : Lafayette County

Construction Year : 2019

Date this form is completed: 8/8/2018

Date this form is approved: 8/17/2018

This Form Prepared by:

Jeremy Rach

608-212-3208

Jeremy.Rach@dot.wi.gov

NAME

PHONE

EMAIL

This Form Approved by:

Steve Vetsch Jr

608-785-9049

stephan.vetsch@dot.wi.gov

NAME

PHONE

EMAIL

Is a discharge of dredged or fill material into wetlands anticipated?

NO ☐ **Form complete; no further information is required (RETURN FORM TO REC).**

YES ☒ **1. Complete remainder of form:**
- After final wetland impacts are determined, complete yellow portions on both pages of this form and submit to REC for finalization and approval.
2. Include this final APPROVED form with DNR 401 and USACE 404 permit applications.
3. After receiving USACE 404 permit and DNR 401 final concurrence, return this final APPROVED form to REC along with copy of USACE 404 permit, DNR 401 final concurrence letter, and D size plan sheet showing wetland impact areas.

Wetland Delineation/

Determination completed by:

Laura Bub / Brian Taylor

608-245-2630

brianf.taylor@dot.wi.gov

NAME

PHONE

EMAIL

WDNR Transportation Liason / WisDOT Regional Environmental Coordinator

QUALIFICATIONS

Describe methods used to avoid and minimize impacts to wetlands:

Beam guard will be used to protect steep slopes rather than grading and filling in most of the wetland. Slopes were also steepened from 4:1 to 3:1 and 2:1 slopes outside of the clear zone to help minimize wetland impacts.

Was professional discretion
used to determine debit
ratio?

No

Yes

Describe discretionary
rationale below:

WETLAND IMPACT / REPLACEMENT SUMMARY

Type Impacted	Area Impacted	Type Mitigated	Area Mitigated
AB	-	AB	-
BOG	-	BOG	-
DM	-	DM	-
M	0.06	M	-
RPE	-	RPE	-
RPF	-	RPF	-
SM	-	SM	0.06
SS	-	SS	-
WS	-	WS	-
AB(D)	-	TOTAL	0.06
DM(D)	-		
M(D)	-		
RPE(D)	-		
RPF(D)	-		
SM(D)	-		
SS(D)	-		
WS(D)	-		
TOTAL	0.06		

**WETLAND IMPACT TRACKING FORM - PAGE 2**
DETAILED TABLE OF WETLAND IMPACTS**Directions to complete Page 2:**

1. One location may be made up of several different wetland types. List each type of wetland impacted from each location on the project corridor separately in the table below.
2. The Environmental Coordinator will enter the appropriate ratio and bank information.
3. Use Department of Transportation Wetland Classification System:
<http://roadwaystandards.dot.wi.gov/standards/fdm/24-05-010att.pdf#fd24-5a10.2>
4. Total areas should be reported to the **nearest 0.01 acre**. Any impacts less than 0.01 acre should be rounded up to 0.01 acre.

						DOT REC will provide this information.		
Point #	Wetland ID	Impact Location (project station)	Lat/Long	Type Impacted	Area Impacted	Debit Ratio	Type Mitigated	Area Mitigated
1	1	STA 371+35 - STA 371+72 LT	Lat: 42.565 Long: -89.895	M	0.010	1.000	SM	0.010
2	2	STA 373+21 - STA 374+11 LT	Lat: 42.565 Long: -89.895	M	0.010	1.000	SM	0.010
3	3	STA 373+28 - STA 374+57 RT	Lat: 42.565 Long: -89.895	M	0.010	1.000	SM	0.010
4	4	STA 428+17 - STA 428+34 RT	Lat: 42.565 Long: -89.895	M	0.010	1.000	SM	0.010
5	5	STA 428+19 - STA 428+45 LT	Lat: 42.565 Long: -89.895	M	0.020	1.000	SM	0.020
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000
			Lat: Long:					0.000

Is there potential for onsite mitigation? If unknown, check with the REC.

YES

Where is it located? (T/R, station, map)

NO

List bank site to be used. **(Determined by REC)**

Patrick March-Vale Credit site

Please attach another sheet if the space provided is not adequate for all impacts or to add any additional comments.

ATTACHMENT E

DNR Coordination



September 14, 2017

Matthew Dapp, P.E.,
WisDOT – SW Region
2101 Wright Street
Madison, WI 53704-2583

Subject: DNR Initial Project Review
Project I.D. 1706-04-30/60
STH 11
Shullsburg to Monroe (CTH KK to Robert Homb Memorial Dr)
Lafayette County

Dear Mr. Dapp:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the proposed above-referenced project on 8/14/17. According to your proposal, the purpose of this project is to resurface the roadway and replace outdated beam guard. Proposed improvements include beam guard replacement, culvert replacement, grading, and shoulder work. The existing culvert structure is located on an unnamed tributary to the Pecatonica River, on the east side of South Wayne.

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 assume that additional information will be provided that addresses all resource concerns identified. In addition to the project specific resource concerns highlighted below, it is DNR's expectation that the full range of DOT roadway standards will be applied throughout the design process.

A. Project-Specific Resource Concerns

Section 4(f) Requirement:

Public lands are present in the vicinity of this project. If there is potential for impacts to these lands, please begin coordination with us as soon as possible. *First and foremost, every effort should be taken to avoid impacts to these lands.*

There is a U.S. Dept. of Transportation "Section 4(f)" process for federally funded transportation projects that impact various types of public parks, wildlife refuges, and recreation areas. This requirement is coordinated by state and federal transportation departments. Please ensure the 4f process as described in DOT FDM Chapter 21-25-1 is followed.

Stewardship Funded Lands:

An additional Stewardship Fund compensation requirement will apply to the **Village of South Wayne Community Park**. Lands acquired and/or developed with the Knowles-Nelson Stewardship Funds from the DNR

that are converted from their recreational or natural resources conservation utility to any other use must be replaced, or made whole by land replacement of equal or greater value, pending approval from the DNR Secretary. This requirement is coordinated with the Regional DNR Grant Staff and the Statewide Grant Managers.

Wetlands:

There is potential for wetland impacts to occur as a result of this project, particularly on the east end of the project, near South Wayne. 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. Per the Cooperative Agreement, mitigation banking is the preferred compensation option, however DOT and DNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis. DNR requests information regarding the amount and type of unavoidable wetland impacts.

A wetland determination was conducted on August 23, 2017 by Laura Bub, DNR, and Brian Taylor, WisDOT. Brian Taylor has collected the location of wetlands.

Fisheries/Stream Work:

The unnamed Tributary to the Pecatonica River is a warm water fishery. In order to protect developing fish eggs and substrate for aquatic organisms, all instream work that could adversely impact water quality should be undertaken between June 16 and February 28.

Aquatic Connectivity and Culvert Work:

The 84" culvert located in South Wayne, on the north side of Highway 11, north of the community park, should be set and sized in such a manner to avoid or minimize impacts to stream morphology, aquatic organism passage, and water quality. Currently, the culvert is perched above the elevation of the natural stream bed. Setting the culvert lower, to restore stream connectivity, is the environmentally preferred action at this site.

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

Endangered Resources:

Based upon a review of the Natural Heritage Inventory (NHI) and other DNR records dated 9/14/2017, no Endangered Resources or suitable habitat that could be impacted by this project are known or likely to occur in the project area or its vicinity.

Invasive Species and Viral Hemorrhagic Septicemia (VHS):

Any equipment coming into contact with surface waters must be properly cleaned and disinfected to address the spread of invasive species and viruses. Special provisions must require contractors to implement the following measures before and after mobilizing in-water equipment to prevent the spread of VHS, Zebra Mussel, and other invasive species. Contractors should follow *STSP 107-055 Environmental Protection, Aquatic Exotic Species Control*, or protocol found here: http://dnr.wi.gov/topic/fishing/documents/vhs/disinfection_protocols.pdf. Additional information on invasive species and infested waters can be found at: <http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx>

Floodplains:

It appears as though portions of the project are within mapped floodplain. Floodplain impacts should be assessed and/or quantified and appropriate coordination must be carried out in accordance with the DOT/DNR Cooperative Agreement. Coordination must also occur with the Lafayette County Zoning Program.

Burning:

If burning of brush will occur as part of this project, the contractor should be informed that it is illegal to burn materials other than clean wood. It is also illegal to start or maintain fires using oily substances, or other materials prohibited under chapter NR 429, Wis. Adm. Code. All necessary burning permits must be obtained prior to construction, as required under local and state fire protection regulations, in order to comply with NR 429 (Malodorous Emissions & Open Burning) http://docs.legis.wisconsin.gov/code/admin_code/nr/400/429.pdf.

Burning permits are available through the local DNR ranger or fire warden, however other local burning permits maybe required.

B. Project Specific Construction Site Considerations

The following issues should be addressed in the Special Provisions, and the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (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. Erosion control and stormwater measures must adhere to the DNR/DOT Cooperative Agreement, Trans 401, and applicable federal laws.

Erosion Control and Storm Water Management:

- Erosion control devices should be specified on the construction plans. All disturbed bank areas should be adequately protected and restored as soon as feasible.
- If erosion mat is used along stream banks, DNR recommends that biodegradable non-netted mat be used (e.g. Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animals to become entrapped while moving in and out of the stream. 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.
- If dewatering is required for any reason, the water must be pumped into a properly selected and sized dewatering basin before the clean/filtered water is allowed to enter any waterway or wetland. The basin must remove suspended solids and contaminants to the maximum extent practicable. A properly designed and constructed dewatering basin must take into consideration maximum pumping volume (gpm or cfs) and the sedimentation rate for soils to be encountered. Do not house any dewatering technique in a wetland.
- The contractor should restrict the removal of vegetative cover and exposure of bare ground to the minimum amounts necessary to complete construction. Restoration of disturbed soils should take place as soon as conditions permit. If sufficient vegetative cover will not be achieved because of late season construction, the site must be properly winterized.
- All temporary stock piles must be in an upland location and protected with erosion control measures (e.g. silt fence, rock filter-bag berm, etc.). Do not stockpile materials in wetlands, waterways, or floodplains.

Structure Removal/Bridge Demolition:

Due to the type of structure currently at the site, the department recognizes the need to allow debris to enter the waterway and recommends the use of **STSP 203-015**, *Removing Old Structure over Waterway*, for this project.

Temporary Stream Channel or Culvert:

If a temporary channel is needed for culvert construction, the channel should be lined with plastic or other non-erodible material and weighted down with clean stone. A temporary channel or culvert must be capable of carrying all stream flows during the construction period and must maintain a suitable depth and velocity to allow the passage of migrating fish and aquatic species. Fish that become stranded in dewatered areas or temporary channels should be captured and returned to the active channel immediately.

These requirements should be addressed in the special provisions and require the contractor to outline these construction methods in the ECIP.

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. Contact Mark Davis, Air Management Specialist 608-266-3658, with questions on the form. The notification must be submitted 10 working days in advance of demolition projects.

Navigation Concerns During Construction:

This unnamed tributary to the Pecatonica River is not used by recreational watercraft. It will not be necessary to place navigational aids during construction.

Other Issues/Unique Features: The Cooperative Agreement allows our agencies to be flexible with our review process in order to ensure the DOT project remains on schedule. At times we will identify unique resources or project specific concerns that necessitate creative solutions to complex resource issues. We believe the requests below are necessary to adequately protect resources, are reasonable, are site specific, and will not set precedence or new policy for statewide policy or guidance. The request made below apply only to this project, and should be incorporated into the project Special Provisions.

- **Oak Wilt:** This project involves work that may involve cutting or wounding of oak trees. To prevent the spread of oak wilt disease, please avoid cutting or pruning of oaks from April through September. See the DNR webpage at: <http://dnr.wi.gov/topic/foresthealth/oakwilt.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>

This project may require a permit from the U.S. Army Corps of Engineers (ACOE). For further details you will need to contact Kerrie Hauser of the ACOE located in the LaCrescent, MN office, at 651.290.5903. 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 me at 608.275.3485 or by email at laura.bub@wisconsin.gov.

Sincerely,



Laura Bub
Environmental Analysis & Review Specialist

cc: Brian Taylor – WisDOT Environmental
Terry Loeffelholz – Lafayette County Zoning
Kerrie Hauser – U.S. Army Corps of Engineers

ATTACHMENT F

Tribal Government Coordination



Division of Transportation
Systems Development
2101 Wright Street
Madison, WI 53704-2583

Scott Walker, Governor
Dave Ross, Secretary
Internet: www.dot.wisconsin.gov

November 15, 2017

JONATHAN BUFFALO, NAGPRA REP.
SAC AND FOX OF THE MISSISSIPPI IN IOWA
349 MESKWAKI ROAD
TAMA, IA 52339-9629

RE: 1706-04-30
SHULLSBURG - MONROE
CTH KK TO ROBERT HOMB MEMORIAL DRIVE
STH 11
LAFAYETTE

The Wisconsin Department of Transportation (WisDOT), in cooperation with the Federal Highway Administration, is considering an undertaking located at/on STH 11 for 6.56 miles between CTH KK and the Lafayette/Green County line. The project will consist of a mill and overlay of the existing roadway.

Your tribe has requested to be notified of undertakings in this area of Wisconsin. Attached is information regarding the proposed undertaking to assist in consultation on the scope of identification efforts, which includes the determination and documentation of the area of potential effects (APE).

WisDOT would be pleased to receive any comments your tribe wishes to share regarding this undertaking, the determination of the APE, and any potential impacts to historic properties and/or burials. Environmental studies may be conducted for this undertaking such as archaeological site identification survey, architecture/history survey, endangered species survey, contaminated material investigations, soil testing and right-of-way surveys. Results of these studies and comments provided by you will assist the engineers in the design to avoid, minimize or mitigate effects upon cultural and natural resources. To ensure your comments are considered during this early phase of project development, WisDOT requests a response within 30 days of receipt of this letter.

If your tribe wishes to become a consulting party under Section 106 of the National Historic Preservation Act or would like to receive additional information regarding this undertaking, please contact me by email at matthew.dapp@dot.wi.gov or by phone at 608-246-5353.

Sincerely,

Matthew Dapp, P.E.

Matthew Dapp, P.E.
WisDOT Project Manager

Attachments:

- Project Location Map
- Concept Definition Report

Project Mailing List			
Tribal Contacts - Updated May 2017			
->	Lafayette		
	Tribal Name	Contact	Address 1
	Company	Contact	Address 1
1	Bad River Band of Lake Superior Chippewa Indians of Wisconsin	Edith Leoso, THPO	P.O. Box 39
2	Forest County Potawatomi Community of Wisconsin	Michael LaRonge, THPO	Tribal Office
3	Ho-Chunk Nation	William Quackenbush, THPO	Executive Offices
4	Iowa Tribe of Oklahoma	Cultural Preservation Office	RR 1, Box 721
5	Lac Vieux Desert Band of Lake Superior Chippewa Indians	giiwegiizhigookway Martin, THPO	Ketegitigaaning Ojibwe Nation
6	Prairie Band Potawatomi Nation	Hattie Mitchell, THPO	16281 Q Road
7	Prairie Island Indian Community	Noah White, THPO	5636 Sturgeon Lake Road
8	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Larry Balber, THPO	88385 Pike Road, Highway 13
9	Sac and Fox Nation of Missouri in Kansas and Nebraska	Gary Bahr	305 N. Main
10	Sac and Fox Nation of Oklahoma	Sandra Massey, NAGPRA Rep.	RR 2, Box 246
11	Sac and Fox of the Mississippi in Iowa	Jonathan Buffalo, NAGPRA Rep.	349 Meskwaki Road

ATTACHMENT G

Signed Environmental Report

CATEGORICAL EXCLUSION CHECKLIST
FOR 23 CFR 771.117(c) ACTIONS
 Wisconsin Department of Transportation
 Revised July 2015

DD	DDD	ADMIN	P/R	R/E
DEC 5				PLAN
TRAF	TSS	CONST MAT	MAINT	FILES

WisDOT Design and Construction IDs Design ID: 1706-04-30 Construction ID: 1706-04-60		Federal Project IDs (if available) N/A	Legal Description (Township, Range, Section) T1N, R4E, SECTIONS 12, 13, T1N, R5E, SECTIONS 1, 7, 8, 10, 11, 12, 15, 16, 17, 18	County Lafayette County <i>ENJ 1706 04 30</i>
Project Name Shullsburg - Monroe			Project Termini/ Location CTH KK to East Lafayette County Line	
Name of Route or Facility to be Improved WIS 11		Facility Classification Minor Arterial	Improvement Type Resurfacing	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost) \$2,123,618.00			Funding Source(s) (check all that apply) <input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Local	
23 CFR 771.117(c) Project Type Number and Text 22				
Section 4(f) <input checked="" type="checkbox"/> None <input type="checkbox"/> De Minimis <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Historic Bridge <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception				
Right of Way Acquisition 0.00 Total Acres 0.00 Fee Simple Acres 0.00 Permanent Easement Acres 0.00 Temporary Easement Acres				
Number of Buildings Acquired <input checked="" type="checkbox"/> None N/A Vacant Buildings N/A Occupied Buildings				
Name of Individual/ Firm Preparing this Form Jeremy Rach/WisDOT SW Region			CE Preparation Date 11/15/2017	Environmental Process Start Date 8/15/17

**WisDOT Region Environmental Coordinator or
Local Program Management Consultant**

I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document, and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b), and will not result in significant environmental impacts. I recommend this CE for approval.

(Signature) *[Signature]*

(Print Name) *Sherry F. Taylor*

(Date) *12/5/17*

**WisDOT Region, Central Office, or Local Program
Project Manager**

I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE.

(Signature) *[Signature]*

(Print Name) *Matthew Dapp*

(Date) *12/5/2017*

A determination that this project satisfies the criteria for an FHWA (c)-listed Categorical Exclusion (CE) does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a (c)-listed CE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with Federal, State, or Local laws or regulations should be maintained in the project file and provided with this checklist upon request.

ATTACHMENT H

Arch. and History Screening List

Pursuant to 36 CFR 800.3 (a)(1) WisDOT (Cultural Resources) has determined the proposed actions for these undertakings (projects) will have no potential to cause effects to historic properties. No further section 106 obligations are required. However, if the proposed actions for an undertaking (project) should change in any way that would involve ground disturbing activities, additional section 106 coordination is required for that undertaking (project).

County	Main ID	Notification Date	Project Put on Screening List for	Route	Title	Bridge ID
La Crosse	5991-00-15	09/22/2009	Archaeology Only	Village of West Salem,	Elm St to Garland St	
La Crosse	5991-00-17	08/01/2012	Both Archaeology and History	Village of West Salem	various locations	
La Crosse	5991-00-19	01/09/2015	Both Archaeology and History	North Mark Street	East Ave-Hamlin St	
La Crosse	5991-02-44	09/10/2007	History Only	Oak Avenue South Bicy	Enhancement	
La Crosse	5991-02-46	09/02/2009	Both Archaeology and History	City of Onalaska Ped I	Quincy Street to Troy Street	
La Crosse	5991-03-02	02/13/2014	Both Archaeology and History	CTH B	Clinton St; Bainbridge St to Avon St	
La Crosse	5991-05-01	06/22/2009	Both Archaeology and History	City of La Crosse, CTH	Greenwood Drive to Sablewood Road	
La Crosse	5991-05-03	11/24/2008	History Only	City of La Crosse, Oak	Palace St to Enterprise Ave	
La Crosse	5991-05-04	11/24/2008	History Only	City of LaCrosse, East	Losey Boulevard to Victory St	
La Crosse	5991-05-07	02/29/2012	Both Archaeology and History	City of LaCrosse, 33rd	Bentwood Place to Solaris Lane	
La Crosse	5991-05-18	07/19/2016	Archaeology Only	Market Street	14th Street to 19th Street	
La Crosse	5991-05-27	12/14/2015	Archaeology Only	6th Street South	Badger Street to State Street	
La Crosse	5991-07-30	08/08/2008	Both Archaeology and History	City of LaCrosse	Flyway Observation Deck	
La Crosse	5991-07-31	02/28/2014	History Only	City of LaCrosse Ped I	Various Locations	
La Crosse	5991-08-08	11/29/2013	Both Archaeology and History	CTH B	Gillettee Street	
La Crosse	5991-09-37	10/23/2013	Both Archaeology and History	Village of Holmen	Holmen Dr (CTH HD) & Sunset Dr inters	
La Crosse	7068-01-30	10/06/2015	History Only	CTH T	USH 53 to STH 108	
La Crosse	7141-01-61	06/16/2006	Both Archaeology & History	STH 35	USH 53 - Trempealeau	
La Crosse	7190-03-01	01/10/2011	History Only	STH 35	Lacrosse-Trempealeau BN RR bridge-O	
La Crosse	7272-00-00	04/06/2016	Both Archaeology and History	Village of Holmen, Sun	CTH HD to CTH DH	
La Crosse	7345-00-00	11/28/2016	Both Archaeology and History	CTH V	CTH D - CTH TT	P-32-098
La Crosse	7570-05-31	08/01/2013	Both Archaeology and History	STH 16	LaCrosse - Sparta CTH DE and CTH E I	
La Crosse	7575-01-30	09/14/2012	Both Archaeology and History	STH 16	LaCrosse - Sparta Gillette St to STH 157	
La Crosse	7575-01-31	10/18/2011	Both Archaeology and History	STH 16	Lacrosse-Sparta STH 157 to S kinney C	
La Crosse	7575-01-32	09/20/2012	Both Archaeology and History	STH 16	Lacrosse-Sparta lacrosse st to gillette st	
La Crosse	7930-08-00	10/25/2017	Archaeology Only	STH 108	Stan Olson Rd - L Pfaff Rd	
Lafayette	1202-00-31	12/12/2014	Both Archaeology and History	USH 151	Platteville - Dodgeville Pecatonica River	B3300970
Lafayette	1706-00-34	01/30/2010	Both Archaeology and History	STH 11	Shullsburg-Monroe CTH O to STH 23	b3308260
Lafayette	1706-00-34	01/30/2010	Both Archaeology and History	STH 11	Shullsburg-Monroe CTH O to STH 23	
Lafayette	1706-02-31	05/10/2007	Both Archaeology and History	STH 11	STH 23 - CTH KK	
Lafayette	1706-03-00	08/29/2017	Both Archaeology and History	STH 11	Shullsburg - Monroe; Shullsburg Branch	B-33-826
Lafayette	1706-03-31	08/04/2017	Both Archaeology and History	STH 11	Shullsburg-Monroe; Shullsburg Branch B	B-33-826
Lafayette	1706-04-30	06/15/2017	History Only	STH 11	Sullsburg-Monroe; CTH KK to County Li	
Lafayette	5245-00-33	03/05/2008	Both Archaeology and History	STH 23	STH 11 - Mineral Point STH 11 to STH 8	B3300540
Lafayette	5307-00-01	10/10/2012	Both Archaeology and History	CTH O	STH 11 - STH 81	
Lafayette	5590-00-01	07/02/2015	Both Archaeology and History	STH 78	Pecatonica River Structure B-33-9	B-33-9
Lafayette	5590-03-30	09/16/2010	Both Archaeology and History	STH 78	Wiota - Argyle CTH D to S Limit V Argyl	b3300100
Lafayette	5590-03-30	09/16/2010	Both Archaeology and History	STH 78	Wiota - Argyle CTH D to S Limit V Argyl	b3308310
Lafayette	5596-00-30	05/10/2007	Both Archaeology and History	STH 81	STH 80 - Darlington STH 80 - STH 23	b3300130
Lafayette	5596-00-30	05/10/2007	Both Archaeology and History	STH 81	STH 80 - Darlington STH 80 - STH 23	B3300080
Lafayette	5596-00-30	05/10/2007	Both Archaeology and History	STH 81	STH 80 - Darlington STH 80 - STH 23	B3300120
Lafayette	5596-00-30	05/10/2007	Both Archaeology and History	STH 81	STH 80 - Darlington STH 80 - STH 23	B3300110
Lafayette	5596-01-30	12/29/2008	Both Archaeology and History	STH 81	Platteville-Darlington Pass Creek&Galen	b3300110

From: [Cloud, Lynn - DOT](#)
To: [Matheson, Todd - DOT](#)
Cc: [Bartowitz, Kyle A - DOT](#); [Taylor, Brian F - DOT](#); [DOT BEES Cultural Resources](#)
Subject: WisDOT ID# 1706-04-30; STH 11: Schullsburg - Monroe, CTH KK to Robert Homb Memorial Dr.; Lafayette County
Date: Wednesday, June 28, 2017 10:32:55 AM
Attachments: [47LT43 \(Stevens\) approximate location on 2015 aerial photo.pdf](#)
[47LT45 \(BLT-0141 South Wayne Mounds\) approx location on 2015 aerial phot....pdf](#)

The archival and literature review has been completed for the above project. The project was added to the screening list, June 22, 2017, for **history only**.

The project **does not qualify** for the archaeology screening list. One un-catalogued burial site extends into and one archaeological site abuts the project area. You shall adhere to the **commitments outlined below** (which have been entered into PMP).

Commitments The following sites have commitments for the project

The following site is within the project area and the **Region must notify WisDOT's Cultural Resources Team (CRT) when the project is within one (1) year of construction**. CRT will petition the Wisconsin Historical Society (WHS) for authorization within the boundaries of a burial site under State Statute 157.50.

- **47LT45/BLT-0141 (South Wayne Mounds): un-catalogued**
- Site shall not** be used for borrow or waste disposal, or the staging of personnel, equipment and/or supplies.
- **47LT43 (Stevens): abuts**

The use of the Section 106 form (DT1635) is not required in this instance and the **project sponsor may continue with completing the cultural resources (36 CFR 800/NHPA) portion of the environmental document. Please print this email for use in the environmental document.**

If the scope or activities of the undertaking change, further consultation with the Bureau of Technical Services' Cultural Resources Team (CRT) will be required for project re-evaluation.

ATTACHMENT I

USFWS Section 7 Consultation

**Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA)
Range-wide Programmatic Informal Consultation for
Indiana Bat and Northern Long-eared Bat**

Project Submittal Form for FHWA, FRA, and Transportation Agencies
Updated June 23, 2015

In order to use the programmatic informal consultation to fulfill Endangered Species Act consultation requirements, transportation agencies must use this form to submit project-level information for all may affect, not likely to adversely affect (NLAA) determinations to the appropriate U.S. Fish and Wildlife Service (Service) field office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide.

In submitting this form, the transportation agency ensures that the proposed project(s) adhere to the criteria of the range-wide programmatic informal BA. Upon submittal of this form, the appropriate Service field office may review the site-specific information provided and request additional information. If the applying transportation agency is not notified within 14 calendar days of emailing the Project Submittal Form to the Service field office, it may proceed under the range-wide programmatic informal consultation.

Further instructions on completing the form can be found by hovering your cursor over each text box.

1. Date:

2. Lead Agency:

This refers to the Federal governmental lead action agency initiating consultation; select FHWA or FRA as appropriate

3. Requesting Agency:

a. Name:

b. Title:

c. Phone:

d. Email:

4. Consultation Code¹:

5. Project Name(s):

¹ Available through IPaC System Official Species List: <https://ecos.fws.gov/ipac/>

6. Project Description:

Please attach additional documentation or explanatory text if necessary

7. Other species from Official Species List:

No effect – project(s) are inside the range, but no suitable habitat – see additional information attached

May Affect – see additional information provided for those species (either attached or forthcoming)

8. For Ibat/NLEB, if Applicable, Explain Your No Effect Determination

No effect – project(s) are outside the species' range (*form complete*)

No effect – project(s) are inside the range, but no suitable summer habitat (*form complete*)

No effect from maintenance, alteration, or demolition of bridge(s)/structure(s) – results of inspection surveys indicate no signs of bats. (*form complete*)

No effect – other (*see Section 2.2 of the User's Guide – form complete*)

Otherwise, please continue below.

9. Affected Resource/Habitat Type

Trees

Bridge

Other Non-Tree Roosting Structure (e.g., building)

Other (please explain):

10. For Tree Removal Projects:

- a. Please verify that no documented roosts or foraging habitat will be impacted and that project is within 100 feet of existing road surface:
- b. Please verify that all tree removal will occur during the inactive season²:
- c. Timing of clearing:
- d. Amount of clearing:

11. For Bridge/Structure Work Projects:

- a. Proposed work:
- b. Timing of work:
- c. Evidence of bat activity on bridge/structure:
- d. If applicable, verify that superstructure work will not bother roosting bats in any way:
- e. If applicable, verify that bridge/structure work will occur only in the winter months:

² Coordinate with local Service field office for appropriate dates.

12. Please confirm the following:

Proposed project(s) adhere to the criteria of the range-wide programmatic informal BA (see Section 2.0).

All applicable AMMs will be implemented, including³:

Tree Removal AMM 1:

Dust Control AMM 1:

Tree Removal AMM 2:

Water Control AMM 1:

Tree Removal AMM 3:

Water Control AMM 2:

Tree Removal AMM 4:

Water Control AMM 3:

Bridge AMM 1:

Water Control AMM 4:

Bridge AMM 2:

Water Control AMM 5:

Bridge AMM 3:

Water Control AMM 6:

Bridge AMM 4:

Wetland/Stream Protection AMM 1:

Structure AMM 1:

Wetland/Stream Protection AMM 2:

Structure AMM 2:

Wetland/Stream Protection AMM 3:

Structure AMM 3:

Wetland/Stream Protection AMM 4:

Structure AMM 4:

Wetland/Stream Protection AMM 5:

Lighting AMM 1:

Wetland/Stream Protection AMM 6:

Lighting AMM 2:

³ See AMMs Fact Sheet (Appendix B) for more information on the following AMMs.

ATTACHMENT J

Regional General Permit - 2



US Army Corps
of Engineers®
St. Paul District

DEPARTMENT OF THE ARMY

TRANSPORTATION REGIONAL GENERAL PERMIT

PERMIT: Transportation Regional General Permit

ISSUING OFFICE: St. Paul District U.S. Army Corps of Engineers

EFFECTIVE DATE: February 17, 2018

EXPIRATION DATE: February 16, 2023

A. AUTHORIZATION

Regulated activities conducted in accordance with the terms and conditions of the Transportation Regional General Permit (RGP or permit) are authorized in the States of Wisconsin and Minnesota and on Federally-recognized American Indian Reservations in Wisconsin and Minnesota. Certain regulated activities require an applicant to submit pre-construction notification (PCN) and receive written St. Paul District Corps of Engineers Regulatory Branch (Corps) verification prior to commencing work. Refer to the appropriate sections of this permit for a description of RGP procedures, eligible activities, conditions, exclusions and application instructions.

Unless otherwise specified in the Corps letter verifying a project complies with the terms and conditions of this RGP, the time limit for completing work authorized by the permit ends upon the expiration date of the RGP. Activities authorized under this RGP that have commenced construction or are under contract to commence construction in reliance upon this RGP, will remain authorized provided the activity is completed within 12 months of the date of the RGP expiration, suspension, or revocation; whichever is sooner.

Some RGP authorizations are not valid until a project proponent obtains a Clean Water Act Section 401 water quality certification (401 certification) or waiver from the appropriate water quality certifying agency; see general condition 27 in Section H below. Section 404, Clean Water Act regulated activities excluded from 401 certification in general condition 27 require a project-specific 401 certification or waiver from the appropriate agency. In addition, some RGP authorizations may be subject to project-specific special conditions that will be specified in the Corps verification letter. This RGP does not obviate the need for other necessary federal, state, tribal, or local authorizations or permits.

B. TRANSPORTATION REGIONAL GENERAL PERMIT APPLICABILITY

The Transportation RGP applies to certain transportation associated activities in waters of the United States (US), including wetlands, as described in this permit, in the States of Wisconsin and Minnesota, including within the exterior boundaries of Indian Reservations.

Authorities: The Transportation RGP may be used to authorize these activities pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344, Section 404) for discharges of dredged and fill material into waters of the US and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403, Section 10) for work and structures that are located in, under, or over any navigable water of the US. Activities subject to Section 404 and Section 10 regulatory requirements are hereafter referred to as regulated activities.

CATEGORY 1: MINOR MAINTENANCE - LINEAR TRANSPORTATION

Eligible Activities: Regulated activities required for crossings of waters of the US associated with minor repairs, rehabilitation, or replacement of a previously authorized¹ currently serviceable linear transportation project provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated in the original permit or the most recently authorized modification. **Regulated activities associated with tributary channelization, slope widening, road widening, new lanes, trails, railways and runways, or new stormwater ponds are NOT authorized by this category.**

Activities authorized by this category are limited to:

- (1) *Minor* deviations in a culvert or bridge configuration or filled area due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes, site conditions, or safety standards, including and limited to: the repair of a culvert aprons or bridge piles, lining or cleaning of pipes, culverts or bridges, extension of culverts without slope or shoulder widening, upsizing of culverts or flumes, maintenance of existing stream bank protection (not to expand original footprint), resetting or re-tying of aprons and culverts, and apron placements², including the use of temporary discharges, necessary to conduct those activities;
- (2) Removal of previously authorized structures or fills, including temporary discharges necessary to conduct those activities;
- (3) Repair, rehabilitation, or replacement of structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage, including temporary discharges necessary to conduct those activities; and
- (4) Removal of accumulated sediment and debris within the vicinity of bridges and culverted crossings, including temporary discharges necessary to conduct those activities².

Activity restrictions:

- a) Removal of accumulated sediment and debris is limited to the minimum necessary to reestablish the approximate dimensions of a waterway in the vicinity of a structure to what existed when the structure was built and does not extend farther than 200 feet in any direction from the structure.
- b) All tributary channel modifications are limited to the minimum necessary for the repair, rehabilitation, or replacement of a structure or fill. Modifications to a tributary, including the removal of material from the tributary necessary to complete eligible activities, must be immediately adjacent to the structure or fill being maintained.
- c) All dredged or excavated material must be deposited and retained in an area that is not a water of the US.

No PCN is required unless triggered by the terms and condition of this permit (See Section E. Pre-Construction Notification).

CATEGORY 2: MODIFICATION - LINEAR TRANSPORTATION

¹ Previously authorized under 33 CFR 330.3 or by a Corps permit

² The undertaking of these activities does not always result in a discharge or require a Corps permit. This RGP category authorizes the repair, rehabilitation, or replacement of previously authorized structures or fills that do not qualify for the Clean Water Act (CWA) Section 404(f) exemptions such as the maintenance exemption or the maintenance (but not construction) of drainage ditch exemption.

St. Paul District Corps of Engineers, Regulatory Branch
Transportation Regional General Permit

Eligible Activities: Regulated activities required for crossings of waters of the US associated with the expansion, modification, improvement or minor realignments of an existing linear transportation project (e.g., roads, highways, attached frontage roads, railways, trails, airport runways, and taxiways), including the temporary structures, fills, and work, including the use of temporary mats, necessary for those activities.

Activity restrictions:

- a) Regulated activities cannot cause the loss of greater than 1.0 acre of waters of the US for each single and complete project, including the area of tributary loss (see definition of single and complete linear project).
- b) If the overall project (including all single and complete projects) would result in the loss of 3.0 acres or less of waters of the US, including the area of tributary loss, the 1.0 acre limit at each single and complete crossing does not apply.
- c) All tributary channel modifications, including bank stabilization, are limited to the minimum necessary to construct or protect the linear transportation project and cannot exceed 500 linear feet³ for each single and complete project, unless the Corps waives the 500 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. An applicant may request, in writing, a waiver from the Corps.

An applicant must submit a PCN for the overall linear project proposed:

- i. If a single and complete project exceeds 0.1 acre of loss of waters of the US;
- ii. If the overall linear project (including all single and complete projects) exceeds 10,000 square feet (0.2 acres) of loss of waters of the US;
- iii. If the single and complete project exceeds 0.5 acre of temporary impact to waters of the US;
- iv. If a waiver from General Condition 15 for the duration of temporary impacts in waters of the US is requested by the applicant (allowing temporary fill to remain in place longer than 90 days between May 15 and November 15);
- v. If a waiver from the 500 linear foot tributary limit is requested by an applicant; or
- vi. If triggered by the project's location or potential impacts as described in Section E. Pre-Construction Notification.

CATEGORY 3: NEW CONSTRUCTION - LINEAR TRANSPORTATION

Eligible Activities: Regulated activities required for crossings of waters of the US associated with the construction of a linear transportation project (e.g., roads, highways, railways, trails, airport runways, and taxiways). Examples of eligible activities include: discharges for the construction of: (1) new roads or major realignments of existing roadways; (2) new railroad spurs or tracks; (3) new or detached frontage roads; (4) new airport runways; (5) new or detached trails; (6) associated linear infrastructure for those new construction projects, and (7) temporary structures, fills, and work, including the use of temporary mats, necessary for activities 1-6.

Activity restrictions:

- a) Regulated activities cannot cause the loss of greater than 0.5 acre of waters of the US for each single and complete project, including the area of tributary loss (see definition of single and complete linear project).
- b) All tributary channel modifications, including bank stabilization, are limited to the minimum necessary to construct or protect the linear transportation project and cannot exceed 500 linear feet for each single and complete project, unless the Corps waives the 500 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. An applicant may request, in writing, a waiver from the Corps.

CATEGORY 3: NEW CONSTRUCTION - LINEAR TRANSPORTATION, CONTINUED

³ When calculating loss of a tributary for a culvert replacement, the linear foot length of the existing culvert does not count toward the 500 linear foot limit. Rip-rap and other tributary impacts count towards the tributary modification limit. See Section D. Calculating Impacts to Waters of the United States for more information.

An applicant must submit a PCN for the overall linear project proposed:

- i. If a single and complete project exceeds 400 square feet of loss of waters of the US;
- ii. If a single and complete project exceeds 0.5 acre of temporary impact to waters of the US;
- iii. If a waiver from General Condition 15 for the duration of temporary impacts in waters of the US is requested by an applicant (allowing temporary fill to remain in place longer than 90 days between May 15 and November 15);
- iv. If a waiver from the 500 linear foot tributary limit is requested by an applicant; or
- v. If triggered by the project's location or potential impacts as described in Section E. Pre-Construction Notification.

CATEGORY 4: NON-LINEAR TRANSPORTATION PROJECTS

Eligible Activities: Regulated activities required for the construction, expansion, or maintenance of non-linear features associated with transportation projects, including the use of temporary discharges necessary to conduct those activities. Such projects may include: vehicle maintenance or storage buildings, weigh stations, rest-stops, parking lots, train stations, aircraft hangars, and associated infrastructure, including stormwater management facilities.

Activity restrictions:

- a) Regulated activities cannot cause the loss of greater than 0.5 acre of waters of the US, including the area of tributary loss (see definition of single and complete non-linear project).
- b) The discharge must not cause the loss of greater than 300 linear feet of a tributary, unless the Corps waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (see definition of single and complete non-linear project). An applicant may request, in writing, a waiver from the Corps.

An applicant must submit a PCN:

- i. If the single and complete project exceeds 0.1 acre of loss of waters of the US;
- ii. If the single and complete project exceeds 0.5 acre of temporary impact to waters of the US;
- iii. If a waiver from General Condition 15 for the duration of temporary impacts in waters of the US is requested by an applicant (allowing temporary fill to remain in place longer than 90 days between May 15 and November 15);
- iv. If a waiver from the 300 linear foot tributary limit is requested by an applicant; or
- v. If triggered by the project's location or potential impacts as described in Section E. Pre-Construction Notification.

CATEGORY 5: TRANSPORTATION SURVEYING

Eligible Activities: Regulated temporary activities required for surveying activities necessary for transportation projects, such as core sampling, exploratory-type bore holes, exploratory trenching, soil surveys, sediment sampling, sample plots or transects for wetland delineations, historic resources surveys, and temporary access roads necessary to perform those activities.

Activity restrictions:

- a) Regulated activities for the recovery of historic resources are not authorized.
- b) Losses of waters of the US are not authorized.
- c) Bore holes must be properly sealed following completion of survey activities.

An applicant must submit a PCN for the overall project proposed:

- i. If the single and complete project exceeds 0.5 acre of temporary impact to waters of the US; or
- ii. If triggered by the project's location or potential impacts as described in Section E. Pre-Construction Notification.

C. TRANSPORTATION REGIONAL GENERAL PERMIT EXCLUSIONS

St. Paul District Corps of Engineers, Regulatory Branch
Transportation Regional General Permit

The following activities are INELIGIBLE for Transportation RGP authorization:

1. Regulated activities that would divert more than 10,000 gallons per day of surface or ground water into or out of the Great Lakes Basin.
2. Regulated activities that may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.
3. Regulated activities eligible for authorization under a valid Corps Special Area Management plan (SAMP) general permit, see <http://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/> for more information on SAMPs.
4. Regulated activities that would occur in a calcareous fen, unless the Wisconsin Department of Natural Resources (WI DNR) has authorized the proposed regulated activity, or the Minnesota Department of Natural Resources (MN DNR) has approved a calcareous fen management plan specific to the project. A list of known Minnesota calcareous fens can be found at: http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf.
5. Activities that would occur in or affect designated portions of a National Wild and Scenic River System, including parts of the St. Croix River in Minnesota and Wisconsin and the Wolf River in Wisconsin, or a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.
6. Regulated activities which are likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No regulated activity is authorized which “*may affect*” a listed species or critical habitat, unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed.
7. Regulated activities which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, unless the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
8. Regulated activities which may result in disturbance or removal of human remains unless disposition of the remains has been determined by the appropriate authority under applicable laws, and the work is authorized by the Corps. See Section H, Condition 10 for more information.
9. Regulated activities which require permission from the Corps pursuant to 33 U.S.C. 408 (Section 408) because they will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project, unless the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the Corps federally authorized civil works project.
10. Regulated activities where applicants are unable to demonstrate that the structures comply with applicable state dam safety criteria or have been designed by qualified persons.
11. Regulated activities which would adversely affect public water supplies.

D. CALCULATING IMPACTS TO WATERS OF THE UNITED STATES

1. **Waters of the US may include waterbodies such as streams, rivers, lakes, ponds, and wetlands** (see Definitions, Section I).
2. **Loss of waters of the US** is the sum of all permanently adversely affected jurisdictional waterbodies for a single and complete project. Temporary impacts to waters of the US, discussed below, are calculated separately from losses of waters of the US and do not contribute to loss thresholds. Permanent adverse effects include filling, flooding, excavation, or drainage in waters of the US as a result of the regulated activity. Permanent adverse effects to waters of the US include regulated activities that change a waterbody to dry land, increase the bottom elevation of a waterbody, decrease the bottom elevation of a waterbody (e.g. excavation of a sedge meadow wetland to shallow marsh), or change the use of a waterbody.

St. Paul District Corps of Engineers, Regulatory Branch
Transportation Regional General Permit

- a) Losses of wetland must be reported in either acres or square feet, as appropriate.
 - b) Losses of tributaries, ponds, and lakes must be reported in acres or square feet and linear feet below the plane of the ordinary high water mark. If regulated activities are proposed along opposite banks (e.g. bank stabilization along both banks of a tributary) or at multiple locations (e.g. construction of bridge abutments and piers), they are added together to determine the overall amount of linear loss to waters of the US.
 - c) Additional measurements for waterbodies may be required. If required, these measurements will be specified in the Regional General Permit Applicability, Section B or in Pre-Construction Notification Information, Section E.
3. **Temporary impacts to waters of the US** include the sum of all regulated impacts to waters of the US for a single and complete project which are restored to preconstruction conditions after construction. Examples of temporary impacts to waters of the US may include the placement of timber matting, installation of coffer dams, trenching and backfilling, and in many cases, mechanized land-clearing.
- a) Temporary impacts to wetlands must be reported in either acres or square feet, as appropriate.
 - b) Temporary impacts to tributaries, ponds, and lakes must be reported in acres or square feet and linear feet below the plane of the ordinary high water mark. If regulated activities are proposed along opposite banks or at multiple locations, temporary impacts must be added together to determine the overall amount of temporary linear impact.
 - c) Additional measurements for waterbodies may be required. If required, these measurements will be specified in the Regional General Permit Applicability, Section B or in Pre-Construction Notification Information, Section E.
4. **Losses and temporary impacts to waters of the US do not include:**
- a) Activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act.
 - b) Impacts to linear ditches, as defined in Section I provided the ditch is not constructed in a wetland.
5. The measurements of loss and temporary impact to waters of the US are for determining whether a project may qualify for the RGP, and are not reduced by compensatory mitigation.

E. PRE-CONSTRUCTION NOTIFICATION (PCN) INFORMATION

Projects that meet the terms and conditions of the Transportation RGP and do not require submittal of a PCN, as outlined below, may commence work after project proponents have carefully confirmed that the activity will be conducted in compliance with all applicable terms and conditions of the RGP.

For all activities which require PCN, project proponents must obtain written Corps verification of Transportation RGP coverage before starting regulated work. For Transportation RGP activities that require PCN, the PCN must include all other nationwide permits, programmatic general permits, RGPs, or individual permits used or intended to be used to authorize any part of the overall linear and non-linear project (including all single and complete projects), including regulated activities that require Corps authorization but do not require PCN.

If an activity does not specifically require a PCN (as described in each RGP category), follow the table below to know if a PCN must be submitted and a written verification letter received prior to starting work.

St. Paul District Corps of Engineers, Regulatory Branch
Transportation Regional General Permit

<p>With the exception of all category 1 activities, a PCN is required for regulated activities proposed in these aquatic resources⁴:</p>	<p><u>WISCONSIN:</u></p> <ol style="list-style-type: none"> 1. The Apostle Islands National Lakeshore; 2. Madeline Island; 3. State-designated wild rice waters (https://data.glifwc.org/manoomin.harvest.info); 4. Coastal plain marshes; 5. Bog wetland plant communities; 6. Interdunal wetlands; 7. Great Lakes ridge and swale complexes; 8. Fens; and 9. Wetland sites designated by the Ramsar Convention (as of the date of publication, these include: the Horicon Marsh, Upper Mississippi River Floodplain wetlands, Kakagon and Bad River Sloughs, Door County Peninsula Coastal wetlands, and the Chiwaukee Illinois Beach Lake Plain), see https://rsis Ramsar.org/. 	<p><u>MINNESOTA:</u></p> <ol style="list-style-type: none"> 1. Wild rice waters identified in Minn. R. 7050.0470, subpart 1 (or as amended by the Minnesota Pollution Control Agency); 2. Bog wetland plant communities; and 3. Fens.
<p>PCN is required for the following activities to comply with other federal laws:</p>	<ol style="list-style-type: none"> 1. Regulated activities which might affect Federally-listed threatened, endangered, or proposed threatened and endangered species, designated critical habitat, or proposed critical habitat <u>unless</u> ESA Section 7 consultation addressing the effects of the proposed activity has been completed by a federal applicant or lead federal agency. 2. Regulated activities which might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties <u>unless</u> the requirements of Section 106 of the NHPA have been satisfied by a federal applicant or lead federal agency. 3. Regulated activities which might result in disturbance or removal of human remains. 4. Regulated activities which require Section 408 permission from the Corps because it will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project. 5. Regulated activities in the National Wild and Scenic River System, including the designated portions of the St. Croix River in Minnesota and Wisconsin and the Wolf River in Wisconsin, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status. 	
<p>Other activities which require PCN include:</p>	<ol style="list-style-type: none"> 1. Areas of suspected sediment or soil contamination, including but not limited to Superfund sites. Superfund sites in Minnesota or Wisconsin can be located by searching the EPA's website: https://www.epa.gov/superfund/search-superfund-sites-where-you-live. 2. Bridges, structures, and sunken vessels more than 50 years old, unless already determined ineligible for listing on National Register of Historic Places. Culverts that are constructed using pre-cast concrete or corrugated metal are not subject to this PCN requirement. 3. All regulated activities which require a waiver to be eligible for authorization by the RGP, including and limited to: a waiver to exceed the listed 500 linear foot tributary limit (Categories 2 and 3); a waiver to exceed the listed 300 linear foot tributary limit (Category 4); or a waiver from general condition 15. Duration of Temporary Impacts (allowing temporary fill to remain in place longer than 90 days between May 15 and November 15, see Section H). 	

Timing of PCN: Where required by the terms of this RGP, the prospective permittee must notify the Corps by submitting a PCN as early as possible. The Corps will determine if the PCN is complete within 30 calendar days of the date of receipt

⁴ Additional information for identifying listed plant communities can be found at:

www.mvp.usace.army.mil/Missions/Regulatory.aspx, the Wisconsin Department of Natural Resources' (WI DNR) website: www.dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland, or at the Minnesota Department of Natural Resources' Native Plant Community Classification's website: www.dnr.state.mn.us/npc/classification.html.