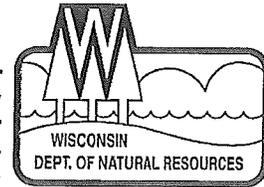


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
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Green Bay, WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
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Telephone 920-662-5114
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December 17, 2013

Aaron Brault
Director Sheboygan Planning and Conservation Department
508 New York Avenue
Sheboygan, WI 53081-4126

Subject: **DNR Initial Project Review:**
Project I.D. 4995-02-00/71
County Highway C Reconstruction – Country Aire Drive to Woodland Drive
City of Plymouth, Sheboygan County

Dear Mr. Brault,

The Department of Natural Resources has received the information you provided on October 11, 2013 for the proposed project referenced above. According to your proposal, the purpose of this project is to reconstruct the roadway and add storm sewer to alleviate flooding and poor drainage issues. Additionally, minor parts of the project include some curbing, shouldering, and re-grading ditches. The new storm sewer is proposed to run under the eastern shoulder/travel land and will drain south into Jackson Creek which eventually flows in to the Mullet River. All proposed work will take place within the current right-of-way.

Preliminary information has been reviewed by Department. Initial comments on the project as proposed are included below and assume that additional information will be provided that addresses all resource concerns identified.

A. Project-Specific Resource Concerns

Wetlands:

There is potential for wetland impacts to occur as a result of this project and therefore wetland impacts must be avoided and/or minimized to the greatest extent possible. Forested, emergent wet meadow wetlands exist along the riparian corridor of Jackson Creek. In the event that unavoidable wetland impacts exceed 10,000 ft² wetland mitigation will be required. The Department requests information regarding the amount and type of unavoidable wetland impacts; specifically where the proposed toe of slope will be in relation to the wetland areas.

Endangered Resources (ER):

Based upon a review of the Natural Heritage Inventory (NHI) and other Department records on December 04, 2013, the following Endangered Resources have been identified in the project area or its vicinity and could be impacted by this project.

- *Thamnophis sauritus* - Eastern Ribbonsnake – Endangered (END)
- *Luxilus chrysocephalus* – Striped Shiner – Endangered (END)
- *Calylophus serrulatus* – Yellow Evening Primrose – Special Concern (SC)

Any potential impacts to the Eastern Ribbonsnake may be minimized by following the amphibian and reptile exclusion fencing protocol which has been enclosed for your reference. Impacts to the other resources listed above are not anticipated.

Fisheries/Stream Work:

Jackson Creek is a cool-cold transition headwater Class II trout stream; around the year 2000, the fish assemblage included Brook Trout and the invertebrate assemblages indicated "good" water quality. Given the history of impacts that Jackson Creek has experienced in the past due to other road construction and development projects, it is critical that appropriate measures be taken to minimize any potential negative environmental impacts to the creek. Based on the information that has been provided to the Department to date, please consider the following recommendations:

- Only modify the length of ditch each day that can be protected after each work day. All ditch checks and erosion matting should be installed before leaving the site.
- Any modifications to culverts/bridges should ensure that they are properly sized to convey the bank full discharge. Preferably bottomless or at a minimum, buried a foot below grade. Match upstream and downstream slope control.
- Limit the extent of engineered storm water discharges from impervious surfaces. Infiltration in lieu of detention.
- Install and maintain erosion control practices; ensure the practices are functioning properly after rainfall exceeding ¼".

Invasive species & VHS:

Based upon site review, there is a risk for the spread of invasive species; primarily Reed Canary Grass (*Phalaris arundinacea*).

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. This website provides further information and lists those species classified as Restricted or Prohibited under NR 40:
<http://dnr.wi.gov/topic/invasives/classification.html>.

The Department will work with project managers to help identify specific locations of problem areas across the project site and to recommend preventive measures. The following Best Management Practices (BMPs) for rights-of-way provide a series of measures that will ensure reasonable precautions are taken throughout the stages of construction:
<http://council.wisconsinforestry.org/invasives/transportation/pdf/ROW-Manual.pdf>

B. Construction Site Considerations

Erosion control & Storm Water:

- If the project will result in disturbing an area of 1 acre or more, coverage under the Construction Site Storm Water Runoff permit (WPDES Permit No. WI-S067831-4) must be obtained from the Department. Information on the permit process, application forms, and staff contacts are available at: <http://dnr.wi.gov/topic/stormwater/construction/>. Please contact Brooke Yanke, Storm Water Specialist at (414) 263-8535 or brooke.yanke@wisconsin.gov for permit requirements.
- Erosion control devices should be specified on the construction plans.
- All demolition material from this project must be disposed of properly. Disposal of waste or excess materials in floodplains, wetlands, or waterways is not permitted.
- 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. See DNR's Dewatering Technical Standard 1061 to aid you in method selection by soil type. Do not house any dewatering technique in a wetland.
- Construction materials and equipment must be stored in an upland location; storage in wetlands, waterways, or floodplains is not permitted.
- 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.
- Erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/4 inch and at least once per week.
- You must 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, it will be important that the site is properly winterized (e.g. dormant seeding, erosion control matting, sodding, etc).
- After the site is 80% stabilized all temporary erosion control measures must be removed and disposed of properly.

Other Issues/Unique Features

There are two closed LUST sites located along the project corridor, adjacent or within the County Highway C right-of-way (T15N-R21E-Sec16). Information is available at the Department's Remediation

Leaking Underground Storage Tanks when?

and Redevelopment Sites web mapping application <http://dnr.wi.gov/topic/brownfields/rrsm.html>. While these sites are listed as 'closed', there may still be remnant contamination present. Please keep in mind during your project planning that any remaining contamination must be properly handled and disposed of if disturbed. If there will be impacts beyond the existing highway footprint in these areas, be sure to notify the Department.

All selected sites for waste and/or borrow must be an adequate distance from and not within any waterway, wetland, or floodplain. Selected sites must have erosion control measures (both temporary and/or permanent) installed to prevent offsite sediment runoff. An environmental review will have to be conducted on selected sites that are not permitted (commercial) facilities. Other special conditions may apply to any non-permitted selected sites.

The project may require a permit from the U.S. Army Corps of Engineers (ACOE). For further details you will need to contact Anthony Jernigan of the ACOE located in the Waukesha office, at (262)-547-6986. Please note, since this project will not be administered by the Wisconsin Department of Transportation and thereby not subject to the cooperative agreement, all local, state, and federal permits and/or approvals must be obtained by the entity administering the project prior to commencing construction.

There are historical sites adjacent to the project area or its vicinity. Based on the preliminary information provided to the Department, it is unlikely that the sites will be impacted as a result of the project. Should the scope of the project change (increasing the right of way, real estate acquisition, etc.) please contact this office immediately.

The above comments represent the Department's initial concerns for the proposed project and do not constitute final concurrence. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 920-662-5130.

Sincerely,



Jay Schiefelbein
Environmental Analysis & Review Specialist
Northeast Region

ec:

M. Helmrick – WisDOT REC, Green Bay
D. Uelmen - WisDOT TEA Program Manager
G. Landis – WisDOT NE Region Local Program Manager
B. Yanke – DNR Storm Water, Milwaukee
V. Pappas - DNR Water Supervisor, Plymouth
W. Wawrzyn - DNR Fisheries Biologist, Plymouth

c: M. Auchter – Sargento Foods Project Lead