

## **APPENDIX M**

### **Agency Coordination**

- M1     FAA Coordination
- M2     Railroads and Harbors Coordination
- M3     WDNR Coordination
- M4     Section 106 Coordination
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- M6     EPA Coordination
- M7     Amtrak Coordination
- M8     American Indian Tribes Coordination

## **APPENDIX M1**

### **FAA Coordination**

## Dan Schrum

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**From:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>  
**Sent:** Friday, February 16, 2024 9:25 AM  
**To:** gary.d.wilson@faa.gov  
**Cc:** Jones.kimberly@msnairport.com; kirchner@msnairport.com; Rasmussen, Chad; Levi Ney; Messina, Matthew R - DOT; Davis, Howard - DOT; Malicki, Matthew - DOT; Gehrke, Michelle; Hemesath, Lisa (FHWA); Howe, Michelle - DOT; Dan Schrum; Joel Brown; Matthew D. Zitzow  
**Subject:** WisDOT ID 5410-08-01 US 51 Stoughton Road North Corridor Study: FAA Coordination  
**Attachments:** 2024-02-16 US 51 North Study - FAA Coordination.pdf

Mr. Wilson,

The Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration (FHWA) are studying the US 51 (Stoughton Road) North transportation corridor from the WIS 30 interchange in Madison to the I-39/90/94 interchange in the town of Burke. The purpose of the study is to develop and evaluate potential long-term solutions to address the corridor transportation needs, including improving safety for all travel modes, improving traffic operations to congestion, and replacing aging infrastructure.

The study area includes the portion of US 51 that is located adjacent to Dane County Regional Airport (DCRA) and passes through two Runway Protection Zones (RPZs). Because the study includes analysis of a range of improvements (including, but not limited to roadway cross section/alignment, infrastructure, and property changes), WisDOT continues to coordinate with stakeholders, including DCRA. Further, WisDOT is aware that the completion of an RPZ Alternatives Analysis may be necessary to satisfy Federal Aviation Administration (FAA) requirements.

WisDOT has been coordinating with DCRA on a US 51 improvement alternative that would address the transportation needs on the corridor while not requiring any permanent right-of-way from DCRA within the current RPZs for RWY 32 and RWY 21. More detail on that alternative can be found in the attached letter and exhibits. In an email dated 2/2/24, DCRA indicated they considered this the best alternative.

WisDOT asks that FAA review the attached materials and provide feedback on whether or not any further RPZ analysis would be required for this proposed US 51 roadway concept adjacent to DCRA. Please acknowledge receipt of this information and provide feedback no later than March 15, 2024, if possible.

Jeff

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office  
(608) 245-2656



U. S. Department  
Of Transportation

**Federal Aviation  
Administration**

Chicago Airports District Office  
2300 East Devon Avenue  
Des Plaines, IL 60018

April 16, 2024

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office  
2101 Wright Street  
Madison, WI 53704

*US 51 (Stoughton Road) North Corridor Study: US 51 Concept in the Vicinity of Dane County Regional Airport (MSN), Madison, Wisconsin*

Dear Mr. Berens:

The Federal Aviation Administration (FAA), Chicago Airports District Office (CHI-ADO) has reviewed the subject conceptual US 51 road improvements in the vicinity of Dane County Regional Airport (MSN) in Madison, Wisconsin.

Based upon our review, the Airport Sponsor (Dane County) has adequately reviewed and selected the most desirable conceptual plan alternate in accordance with the criteria set forth in Paragraph 2.2.5.7 in FAA Advisory Circular 150/5190-4B, "Airport Land Use Compatibility Planning". Since the criteria in this paragraph has been satisfied, no further Runway Protection Zone (RPZ) analysis is necessary.

Thank you for the opportunity to review this concept plan and please forward any questions to me at [Gary.D.Wilson@faa.gov](mailto:Gary.D.Wilson@faa.gov).

Sincerely,

GARY DAVID  
WILSON

Digitally signed by GARY DAVID  
WILSON  
Date: 2024.04.16 07:43:27 -05'00'

Gary D. Wilson, Assistant Manager  
Chicago Airports District Office

cc: Kimberley Jones – Airport Director, MSN  
Matt Messina – Wisconsin Bureau of Aeronautics



## **APPENDIX M2**

### Railroads and Harbors Coordination

## Dan Schrum

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**From:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>  
**Sent:** Monday, July 31, 2023 11:10 AM  
**To:** Dan Schrum; zfreeman@kapurinc.com  
**Cc:** Schave, Daniel L - DOT; Howe, Michelle - DOT; Bennett, Nicholas; Joel Brown; DOT US 51 Stoughton Road Corridor  
**Subject:** FW: 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

FYI, RR

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**From:** Sommers, Kristen - DOT <kristen.sommers@dot.wi.gov>  
**Sent:** Monday, July 31, 2023 10:50 AM  
**To:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>  
**Cc:** Brunmeier, Brian T - DOT <brian.brunmeier@dot.wi.gov>; Dey, Maithili - DOT <maithili.dey@dot.wi.gov>; Baer, Gregory - DOT <gregory.baer@dot.wi.gov>; Beckman, Teri L - DOT <Teri.Beckman@dot.wi.gov>  
**Subject:** RE: 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

Hi Jeff,

RHS has reviewed the options and has no particular preference for or against any of them. At this point in the study, we think it's important that a grade separation continues to be considered, which your team is doing, so we concur. In terms of minimizing options, the partial cloverleaf appears to have the most cons vs. pros, and would seem a logical choice to remove as an option.

Regarding your question about existing and future train projections, please continue to work with Teri on that.

Regarding the question about queueing, your analysis focused on the more frequent high-speed trains, but it seems logical to us that the less frequent slower trains would result in longer queue lengths along highway 51. In short, for the queueing analysis, we feel that whichever train situation (frequent and fast or infrequent and slow) that produces the worst queueing should be the case that we analyze.

Thanks,

Kris Sommers, P.E.  
Railroad Engineering and Safety Supervisor  
WisDOT Bureau of Transit, Local Roads, Railroads and Harbors  
Division of Transportation Investment Management  
Phone: 608-266-3341

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**From:** Berens, Jeff - DOT <[Jeff.Berens@dot.wi.gov](mailto:Jeff.Berens@dot.wi.gov)>  
**Sent:** Tuesday, July 18, 2023 11:04 AM  
**To:** Sommers, Kristen - DOT <[kristen.sommers@dot.wi.gov](mailto:kristen.sommers@dot.wi.gov)>  
**Subject:** RE: 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

Kris,

Following up on the email below. We are currently in the process of developing alternative concept screening criteria for the US 51 and Lex/Commercial intersection. We would like to include any BRH feedback into rating/ranking evaluation. Ideally, we would like to reduce the number of current concepts (4) carried forward for more detailed evaluation to either three or two by mid-August, which would be about a month before we anticipate holding our second PIM. Thanks.

Jeff

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**From:** Berens, Jeff - DOT

**Sent:** Monday, June 12, 2023 1:47 PM

**To:** Sommers, Kristen - DOT <[kristen.sommers@dot.wi.gov](mailto:kristen.sommers@dot.wi.gov)>

**Cc:** Beckman, Teri L - DOT <[Teri.Beckman@dot.wi.gov](mailto:Teri.Beckman@dot.wi.gov)>; Baer, Gregory - DOT <[gregory.baer@dot.wi.gov](mailto:gregory.baer@dot.wi.gov)>; Brunmeier, Brian T - DOT <[brian.brunmeier@dot.wi.gov](mailto:brian.brunmeier@dot.wi.gov)>; Dey, Maithili - DOT <[maithili.dey@dot.wi.gov](mailto:maithili.dey@dot.wi.gov)>; Schave, Daniel L - DOT <[Daniel.Schave@dot.wi.gov](mailto:Daniel.Schave@dot.wi.gov)>

**Subject:** RE: 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

Kris,

Thank you for getting back to me. I have provided responses to your questions in red below. Please let me know if you have any questions.

Jeff

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**From:** Sommers, Kristen - DOT <[kristen.sommers@dot.wi.gov](mailto:kristen.sommers@dot.wi.gov)>

**Sent:** Friday, May 26, 2023 2:01 PM

**To:** Berens, Jeff - DOT <[Jeff.Berens@dot.wi.gov](mailto:Jeff.Berens@dot.wi.gov)>

**Cc:** Beckman, Teri L - DOT <[Teri.Beckman@dot.wi.gov](mailto:Teri.Beckman@dot.wi.gov)>; Baer, Gregory - DOT <[gregory.baer@dot.wi.gov](mailto:gregory.baer@dot.wi.gov)>; Brunmeier, Brian T - DOT <[brian.brunmeier@dot.wi.gov](mailto:brian.brunmeier@dot.wi.gov)>; Dey, Maithili - DOT <[maithili.dey@dot.wi.gov](mailto:maithili.dey@dot.wi.gov)>

**Subject:** RE: 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

Hi Jeff, I appreciate you sharing this information with Teri and our Rails and Harbors team. I think your team did a nice job with this early analysis and recommendation for further study. Our Rails and Harbors team has reviewed your recommendations and alternatives and here are some early comments and questions for your team to think about:

General comments/questions

- If a no-build alternative was to become a real option, we'd still want to do all we can to install gates at the crossing. **Noted. This would need to be investigated further if the no-build option was identified as the preferred alternative to see if improvements could be implemented within the Majors program.**
- In the calculations your team is using 16 trains per day. Shouldn't this include the existing trains? It may round it to 17 per day to account for the existing four per week. Also, has anyone reached out to WSOR to see if the current train counts are accurate? Future projections? **Good point to include the existing trains. We have not coordinated with WSOR about future freight projections either with or without passenger rail. Is that something we would coordinate through Teri at the Region or work through someone at Rails and Harbors?**
- Your analysis assumes Amtrak will be running at 60 mph. We noticed that in Aaron Bowe's e-mail from February that this was the minimum speed. Could Amtrak trains be going as fast as 79 mph? **This is a potential outcome, but the speeds might be limited approaching or leaving Madison. We do not have the TPC runs for the corridor. However, 60MPH might be the conservative approach in this case, because a faster speed will clear the crossing faster than a slower speed.**
- The future worst-case queue is based on 60 mph and 700 foot long trains. What about the freight that is moving at typicals of 20-25 mph? Would it be safe to assume these would cause a longer than 43 second delay, causing the queue to be greater than 350 feet? Is there an anticipated increase in speed for the freight trains? **We would not assume an increase in freight speeds for this line. We believe the line will primarily remain as a switching**

mainline for customers. A slower freight train at 700 feet or even longer will likely result in the crossing being blocked for more than 43 secs. The gate activation times are likely the same, but the time to traverse the crossing will increase based on speed and length. However, should the queues used in the analysis be based on this happening a few times a week or the potential passenger trains that would be occurring more frequently?

- If the passenger rail does increase to the frequencies in your analysis, will a second track be needed? We believe the initial concept is for this to remain as a single-track segment with the proposed passenger service. However, best practices is always to preserve space for a second mainline track in any underpass or overpass option.

#### Raised 3-leg option

- When pedestrians use that crosswalk near the eastern Commercial Ave , that could create queueing over the track. Please ensure consideration of this in further study. Queuing due to pedestrian crossing will be taken into consideration if the concept moves forward. We can investigate moving the crossing to the other side of the intersection or adjust the intersection location if possible.
- Would either of the two Commercial intersections be signalized? This has yet to be determined. More detailed traffic analysis will be completed if the concept moves forward.
- Given the connectivity of the roads, it seems odd that the two non-contiguous and parallel roadways are both called Commercial Ave. The road naming is odd in this area and may need to be reconfigured depending on the final alternative that is selected. Currently Commercial comes up to US 51 on the east side, crosses, and then heads south on the west side.

#### Additional points:

- The grade-separated options, and all options for that matter, have a lot of pedestrian/bike impacts....please make sure to analyze bike/ped safety impacts in depth. Yes, all movements will be reviewed in more detail as concepts are further developed.
- Once alternatives are pared down, our RHS team can offer suggestions on specific warning devices and other specific safety measures. That sounds good, thanks.
- Please reach out to me if you have any questions about preemption of the existing system or any future systems that would be needed.
- Our comments do not reflect those of the railroad. It will be important to consider the railroad's comments, particularly regarding property, safety, operations impacts, etc.

We look forward to hearing the results of further study and look forward to working with you on this project.

Thanks,

Kris Sommers, P.E.  
Railroad Engineering and Safety Supervisor  
WisDOT Bureau of Transit, Local Roads, Railroads and Harbors  
Division of Transportation Investment Management  
Phone: 608-266-3341

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**From:** Berens, Jeff - DOT <[Jeff.Berens@dot.wi.gov](mailto:Jeff.Berens@dot.wi.gov)>

**Sent:** Thursday, May 4, 2023 6:33 AM

**To:** Sommers, Kristen - DOT <[kristen.sommers@dot.wi.gov](mailto:kristen.sommers@dot.wi.gov)>

**Cc:** Beckman, Teri L - DOT <[Teri.Beckman@dot.wi.gov](mailto:Teri.Beckman@dot.wi.gov)>

**Subject:** 5410-08-01 US 51 Stoughton Road North Corridor Study: Railroad Grade Separation Analysis

Hi Kris,

I am the Project Manager on the US 51 Stoughton Road North corridor study which extends from WIS 30 in Madison to I-39/90/94 in the town of Burke (see attached map). The study is investigating options to address safety, traffic operations, and infrastructure issues on the corridor and is scheduled to be completed towards the end of 2024. The

study team is currently developing high-level alternative concepts throughout the corridor. Within the study limits US 51 crosses the WSOR tracks at-grade in between the WIS 30 interchange and the Lexington/Commercial Avenue intersection. In this area we are investigating both at-grade (1 concept) and grade-separated (3 concepts) options at the tracks. Below is a link to a memo that outlines the reasons for investigating potential grade separated options and a link to the alternative concepts being investigated. Please review and let me know if you have any questions, comments, or recommendations that the study team can take into consideration moving forward. Thanks.

Grade Separation memo: <https://wisdot.box.com/s/pbrrsbozs2vsguwq8i8tyiu3rjjvdm7>

Alternative Concepts: <https://wisdot.box.com/s/7fp6b1jsrxs1ecfapw493w1vre3xc15g>

Jeff

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office  
(608) 245-2656

## Dan Schrum

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**From:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>  
**Sent:** Thursday, August 8, 2024 3:16 PM  
**To:** Dan Schrum  
**Subject:** FW: 5410-08-01 US 51 Stoughton Road North Corridor Study: WSOR Crossing of US 51

**From:** Berens, Jeff - DOT  
**Sent:** Wednesday, April 03, 2024 6:20 AM  
**To:** Sommers, Kristen - DOT <[kristen.sommers@dot.wi.gov](mailto:kristen.sommers@dot.wi.gov)>  
**Cc:** Beckman, Teri L - DOT <[Teri.Beckman@dot.wi.gov](mailto:Teri.Beckman@dot.wi.gov)>; Howe, Michelle - DOT <[michelle.howe@dot.wi.gov](mailto:michelle.howe@dot.wi.gov)>  
**Subject:** 5410-08-01 US 51 Stoughton Road North Corridor Study: WSOR Crossing of US 51

Hi Kris,

I wanted to provide an update on the US 51 North Corridor study that extends from just south of WIS 30 in Madison to just south of the I-39/90/94 interchange in the town of Burke. Within the study limits US 51 crosses the WSOR tracks at-grade in between the WIS 30 interchange and the Lexington/Commercial Avenue intersection. At the time of our last correspondence in January 2024 we were evaluating two options, one at-grade and one grade separated at the tracks. They are listed below.

- Maintain at-grade intersection with improvements (at-grade)
- Raised 3-leg (grade separated)

You can view these options at the following link: <https://wisdot.box.com/s/9h84ewwdttrws4ej37w1lur197j1rzw>

The study team is now to the point where we completed a detailed alternative screening analysis and have identified a Recommended Alternative that we plan to present at our upcoming public involvement meeting on April 18<sup>th</sup>. The Recommended Alternative is the alternative that we feel best addresses the study purpose and need, taking into account the potential impacts and costs of the alternatives, as well as the feedback received to date. I do want to note that the Recommended Alternative may change as the study moves forward based on feedback we receive during out outreach efforts.

We are currently proposing the Maintain at-grade intersection option, which would keep the existing at-grade crossing of the WSOR tracks south of Commercial Avenue. Please note that with this option we would propose to widen the median to allow gates to be installed at the tracks. Both options have similar vehicle safety and operations, however the at-grade option has fewer impacts and would be considerably less expensive. In addition, it is still unknown whether passenger rail would be coming to Madison.

Please let me know if you have any questions or comments by April 15, 2024. Thanks.

Jeff

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office

(608) 245-2656

## **APPENDIX M3**

### **WDNR Coordination**





June 6, 2023

Jeff Berens  
WisDOT SW Region  
2101 Wright Street  
Madison, WI 53704

**Subject: DNR Initial Review**  
Project I.D. 5410-08-01  
USH 51 (Stoughton Road) North Study  
WIS 30 to I-39/90/94  
Dane County

Dear Mr. Berens:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the above-referenced project. The project is an evaluation of reconstructing USH 51 Stoughton Road between WIS 30 in the City of Madison to Interstate 39/90/94 near the Village of DeForest, a distance of approximately 5.5 miles. Proposed work includes the reconstruction of USH 51, focusing on the 14 at-grade intersections to address safety, travel demand, deficient traffic, operations, and addressing current roadway geometric deficiencies.

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT Cooperative Agreement. Initial comments on the project as proposed are included below, and we assume that additional information will be provided that addresses all resource concerns identified. When requesting Final Concurrence/Water Quality Certification, please send the most up-to-date plan set (including the erosion control plan sheets), contract special provisions, Wetland Impact Tracking Form, Notice of Intent for the Transportation Construction General Permit (TCGP), and any additional pertinent information to demonstrate environmental commitments will be met.

### **Project-Specific Resource Concerns**

#### **Public Lands:**

There are local and county parks located near USH 51 within the project limits. WisDOT has not indicated if these facilities may be impacted. Local jurisdictions may also have public properties in the project area DNR is not involved with. Some properties may have state or federal encumbrances that require additional coordination. Please coordinate early with the DNR regarding potential impacts so that we may identify encumbrances or any other potential interests. We also recommend early coordination with appropriate local authorities regarding potential impacts.

Please consider design alternatives that completely avoid impacts to public lands. However, if avoidance is not practicable, please allow ample time for coordination and resolution.

**US DOT Section 4(f) Coordination:**

The U.S. Dept. of Transportation “Section 4(f)” process applies to federally funded transportation projects that impact specific properties (e.g., public parks, wildlife refuges, and recreation areas) as well as properties where Pittman-Robertson or Dingle-Johnson funds have been expended.

**Wetlands:**

The submittal included a wetland delineation dated June 17, 2022, for the project corridor. We have reviewed the report and figures and agree with the wetland boundaries as described in those documents.

There is potential for wetland impacts to occur as a result of this project. Wetland impacts must be avoided and/or minimized to the greatest extent practicable. Unavoidable wetland losses must be compensated for in accordance with the DNR/DOT Cooperative Agreement and the WisDOT Wetland Mitigation Banking Technical Guideline. Please provide the wetland community type and quantity of unavoidable wetland impacts, and mitigation information for this project using the Wetland Impact Tracking Form.

**Fisheries/Stream Work:**

Token Creek would be considered a cold-water fishery. Unless otherwise agreed upon prior to the start of construction, there shall be no in-stream disturbance between September 15 and May 15, with both dates inclusive of the timeout period. This construction BMP minimizes impacts to fish and other aquatic organisms during sensitive time periods such as spawning and migration.

Starkweather Creek and all other waterways other than Token Creek within the project limits would be considered warm-water fisheries. Unless otherwise agreed upon prior to the start of construction, there shall be no in-stream disturbance between March 1 and June 15, with both dates inclusive of the timeout period. This construction BMP minimizes impacts to fish and other aquatic organisms during sensitive time periods such as spawning and migration.

Starkweather Creek and West Branch Starkweather Creek (Airport Road Creek) are both considered impaired. Both creeks run through highly developed urban areas and have been impacted by point and non-point runoff, have extensive channelization and have had most of its wetlands drained, filled or developed. Impairments and pollutants include acute aquatic toxicity, low dissolved oxygen, phosphorus, chloride, PFOS, E. coli and others. Some areas have been dredged to reduce problems. Future projects should consider opportunities and select alternatives that reduce or minimize pollutant loads to the maximum extent practicable, do not increase degradation to these waterways and protect surrounding wetlands.

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

**Natural Heritage Conservation:**

A review of the Natural Heritage Inventory (NHI) dated April 25, 2023, was submitted with the project materials. This report described that the project area is near a known occurrence for the threatened, endangered and/or special concern species. There is potential for these species to occur if there is

suitable habitat within your project limits. Future projects should consider impacts to these habitats and should plan to survey for species as necessary.

***NHI Disclaimer:** This review letter may contain NHI data, including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law (s. 23.27 3(b), Wis. Stats.). As a result, endangered resources-related information contained in this review letter may be shared only with individuals or agencies that require this information in order to carry out specific roles in the permitting, planning, and implementation of the proposed project. Endangered resources information must be redacted from this letter prior to inclusion in any publicly disseminated documents*

### **Migratory Birds:**

Bridges and large culverts should be reviewed for evidence of nesting swallows or other migratory birds. Under the U.S. Migratory Bird Treaty Act, intentional destruction of swallows and other migratory birds or their nests is unlawful unless a permit has been obtained from the U.S. Fish & Wildlife Service (USFWS). Therefore, the project should either occur only between September 1<sup>st</sup> and April 14<sup>th</sup> (non-nesting season) or utilize measures to prevent nesting (*Reference: Wisconsin DOT Migratory Bird Treaty Act Compliance Guidance, Version 1.1, March 1, 2021*). If avoidance measures are not feasible then USDA Wildlife Services must be contacted to begin the depredation permit application process.

### **Invasive Species:**

All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices

(<https://dnr.wi.gov/topic/Invasives/bmp.html>) to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For further information, please refer to the following:

<https://dnr.wi.gov/topic/invasives/classification.html>

- **Emerald Ash Borer:** This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. While it is legal to freely move ash debris or wood throughout Wisconsin, it is a best management practice to prevent spreading the pest to areas where it is not yet established. A frequently updated map of where EAB is confirmed in WI is available at [Wisconsin's EAB Information website](#). As a rule of thumb, if your project is in the southern half of the state and you are removing many dead or dying ash, they may be infested with EAB. If so, consider these [best management practices to prevent spread of EAB](#).
- **Oak Wilt:** This project involves work that may involve cutting, pruning, or accidental wounding of oak trees. Follow WDOT policy regarding preventing transmission of oak wilt, <https://wisconsindot.gov/rdwy/cmm/cm-03-10.pdf#cm3-10.2>

### **Floodplains:**

The Surface Water Data Viewer (SWDV) indicates that there are special flood hazard areas (e.g., mapped floodplain areas) within the project limits. Proposed temporary or permanent changes in these regulated floodplain areas require that DOT coordinate with the local zoning authority. Examples of floodplain encroachments include but are not limited to changes to waterway crossings; culvert extensions; changes to road surface elevations and/or side-slopes; temporary causeways; temporary structures; general fill. To ensure compliance with the DOT/DNR Cooperative Agreement [floodplain attachment](#), and intent of Wis. Admin. Code, Chapter NR116, please copy the DNR Transportation Liaison when project related floodplain impact information is shared with the zoning administrator. This

helps DNR document that floodplain issues have been sufficiently addressed prior to issuing Final Concurrence.

**Storm Water Management & Erosion Control:**

- The project proposal is exploring new facilities including reconfigured interchanges, new frontage roads and other areas with increases in impervious surfaces. The project study should address the impacts of various alternatives on storm water runoff quality and quantity and should look for opportunities to provide storm water runoff treatment to the maximum extent practicable.
- For projects disturbing an acre or more of land erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. WisDOT should apply for permit coverage by submitting a Notice of Intent (NOI) prior to, or when requesting Final Concurrence. Permit coverage will be issued by DNR with the Final Concurrence letter after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP you can go to the following link, and click on the “Transportation” tab: <https://dnr.wi.gov/topic/Sectors/Transportation.html>
- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive permit-coverage from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their implementation of erosion control measures as it relates to the construction project, as well as their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

**Asbestos:**

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-5-1 (November 2019) 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 Chamberlain, Air Management Specialist (920) 424-7898, with questions on the form. The notification must be submitted 10 working days in advance of demolition projects, regardless of asbestos quantities. Please refer to WisDOT procedures on asbestos inspection and abatement for supplemental information.

**U.S. Army Corps of Engineers Coordination:**

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

**Other:**

All local, state, and federal permits and/or approvals must be obtained prior to commencing

construction activities.

The above comments represent the DNR's initial concerns for the proposed project and does not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, Erosion Control Plan, Wetland Impact Tracking Form, Special Provisions, NOI for the TCGP, and additional coordination if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at (608) 228-7927, or email at [eric.heggelund@wisconsin.gov](mailto:eric.heggelund@wisconsin.gov).

Sincerely,

*Eric Heggelund*

Eric Heggelund  
Environmental Analysis & Review Specialist

cc: Jenny Grimes, WisDOT REC  
Brian Taylor, WisDOT REC

## Dan Schrum

---

**From:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>  
**Sent:** Monday, July 22, 2024 9:03 AM  
**To:** Heggelund, Eric P - DNR  
**Cc:** Joel Brown; Paul Chellevoid; Dan Schrum  
**Subject:** 5410-08-01 US 51 Stoughton Road North: Study Update  
**Attachments:** 5410-08-01 US 51 North Study - Dane County Plan View.pdf

Eric,

I would like to share that WisDOT has internally identified a preferred alternative for the US 51 Stoughton Road North Study. We have incorporated comments from the Initial Review letter received June 6, 2023 into project's design and the Environmental Assessment (EA) prepared for the project. Attached you will find plan view drawings of the alternatives that will be included in the EA for your information and review.

We plan to hold the next technical advisory committee meeting the second week in August. The intention of that meeting will be to review the preferred alternative. Please have a look through the preferred alternative plan views and let me know if you have questions, concerns or would like to have a discussion.

Thank you,

Jeff

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office  
(608) 245-2656

## Dan Schrum

---

**From:** Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>  
**Sent:** Wednesday, September 18, 2024 12:22 PM  
**To:** Berens, Jeff - DOT; Paul Chellevoid; Joel Brown; Dan Schrum; Helmrick, Michael - DOT  
**Subject:** 5410-08-01-US 51 North-T&E Surveys Commitments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon!

WDNR has concurred with the Commitments regarding conducting surveys for the T&E species listed in the ERR for the above referenced project. Please include this documentation with the WDNR correspondence and reference the location in the T&E Factor Sheet and in the Commitments.

Thank you,

Brina

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**From:** Heggelund, Eric P - DNR <Eric.Heggelund@wisconsin.gov>  
**Sent:** Wednesday, September 18, 2024 9:55 AM  
**To:** Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>  
**Subject:** RE: 5410-08-01-US 51 North-T&E Surveys Commitments

Hi Brian,

WDNR understands WisDOTs commitment to completing the required surveys for the USH 51 North corridor project (ID 5410-08-01) as described in the ERR and that they will work to avoid or mitigate any impacts as a result of those surveys if the species is identified.

Let me know if you need anything else,

Thanks,

Eric

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**Eric Heggelund**

Phone: (608) 228-7927

[eric.heggelund@wisconsin.gov](mailto:eric.heggelund@wisconsin.gov)

---

**From:** Taylor, Brian F - DOT <[BrianF.Taylor@dot.wi.gov](mailto:BrianF.Taylor@dot.wi.gov)>  
**Sent:** Tuesday, September 17, 2024 2:42 PM  
**To:** Heggelund, Eric P - DNR <[Eric.Heggelund@wisconsin.gov](mailto:Eric.Heggelund@wisconsin.gov)>  
**Subject:** 5410-08-01-US 51 North-T&E Surveys Commitments

Good Afternoon, Eric !

As we are working on finalizing the draft Environmental Assessment (EA) for review, the project is adding Commitments to the document to complete the required surveys per the ERR Review submitted by Stantec and reviewed by WDNR (Stacy Rowe). See attached.

As part of the Threatened and Endangered Species Factor Sheet we use to document both state and federally listed species, if we are Committing to conducting surveys as design progresses it requires documentation from WDNR that it is understood that T&E surveys will be conducted as design progresses through final design in accordance to the WisDOT/WDNR Cooperative Agreement.

If you could, please respond to this email that WDNR understands WisDOTs commitment to completing the required surveys for the above referenced corridor project per the ERR and work to avoid or mitigate any impacts as a result of those surveys if the species is identified.

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](mailto:brianf.taylor@dot.wi.gov)



**From:** [Heggelund, Eric P - DNR](#)  
**To:** [Joel Brown](#)  
**Cc:** [Taylor, Brian F - DOT](#); [Berens, Jeff - DOT](#)  
**Subject:** RE: 5410-08-01 US 51 (Stoughton Road) North Study NHI Review update  
**Date:** Monday, May 19, 2025 10:30:20 AM  
**Attachments:** [NHI Review USH\\_51\\_North\\_Study\\_5410-08-01.pdf](#)  
[image001.png](#)

---

Good morning,

Please find attached the updated NHI review for the study. Let me know if you have questions or need anything else.

Eric

**Eric Heggelund**

Phone: (608) 228-7927

[eric.heggelund@wisconsin.gov](mailto:eric.heggelund@wisconsin.gov)

Our core values include professionalism, integrity, and customer service.

Please visit our [survey](#) to provide feedback on your experience interacting with any DNR employee.

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**From:** Joel Brown <[joelbrown@HNTB.com](mailto:joelbrown@HNTB.com)>  
**Sent:** Thursday, May 15, 2025 10:49 AM  
**To:** Heggelund, Eric P - DNR <[Eric.Heggelund@wisconsin.gov](mailto:Eric.Heggelund@wisconsin.gov)>  
**Cc:** Taylor, Brian F - DOT <[BrianF.Taylor@dot.wi.gov](mailto:BrianF.Taylor@dot.wi.gov)>; Berens, Jeff - DOT <[Jeff.Berens@dot.wi.gov](mailto:Jeff.Berens@dot.wi.gov)>  
**Subject:** 5410-08-01 US 51 (Stoughton Road) North Study NHI Review update

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the  
content is safe.**

Hi Eric,

I am working on a corridor manager role for the US 51 Stoughton Road North Study. It has been a while since the NHI was checked for the study. Would you be able to complete a quick NHI check for us for us? The IRL prepared for the study dated June 6, 2023 is attached for reference.

Thanks in advance, and hopefully Kelsey and I will run into you guys around Stoughton this weekend.

**Joel Brown**

Section Manager – Environmental Planning

Planning and Technical Services

Tel (608) 509-2319 Email [joelbrown@hntb.com](mailto:joelbrown@hntb.com)

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## **APPENDIX M4**

### Section 106 Coordination



# SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation  
DT1635 8/2023

24-1675

For instructions, see [FDM Chapter 26](#).

WHS Case #

## I. PROJECT INFORMATION

☐ Amended Submittal (include new information only)

Project ID 5410-08-01	Highway – Street US 51 (Stoughton Road)	County Dane
Project Termini WIS 30 to I-39/90/94	Region – Office SW Region - Madison	
Regional Project Engineer – Project Manager Jeff Berens	(Area Code) Telephone Number (608) 245-2656	
Consultant Project Engineer – Project Manager Dan Schrum	(Area Code) Telephone Number (608) 298-5424	
Archaeological Consultant Commonwealth Heritage Group	(Area Code) Telephone Number (414) 466 4121	
Architecture/History Consultant Commonwealth Heritage Group	(Area Code) Telephone Number (414) 466 4121	

## II. PROJECT DESCRIPTION

Project Length 5.5 miles	Land to be Acquired: Fee Simple 6.23 acres	Land to be Acquired: Easement Unknown acres
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Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right of Way Width US 51 - WIS 30 to US 151 - US 151 to I39/90/94 Side Roads -N Stoughton Service Rd -Commercial Avenue -Schmedeman Avenue Extension -Kinsman Boulevard -Leo Circle	37-500 ft 47-311 ft  24-86 ft 30-465 ft 0 ft 33-65 ft 8-55 ft	37-500 ft 47-311 ft  24-86 ft 30-465 ft 32 ft 33-52 ft 22-47 ft	Terrace Width US 51 Side Roads -Schmedeman Avenue Extension	N/A  N/A	5-47 ft  8 ft
Shoulder US 51	3-8 ft	2-14 ft	Sidewalk Width US 51 Side Roads -Schmedeman Avenue Extension	5 ft  N/A	10 ft  5 ft
Slope Intercept R/L US 51 NB/ R/L US 51 SB	50-150 ft/ 50-95 ft	41-122 ft/ 30-71 ft	Number of Lanes US 51	4 - 6	4 - 6
Edge of Pavement R/L US 51 NB/ R/L US 51 SB	26-40 ft/ 26-78 ft	24-59 ft/ 24-73 ft	Grade Separated Crossing WIS 30/US 51	1	1
Back of Curb Line R/L US 51 NB/ R/L US 51 SB	26.5 - 74.5ft	26.5-75.5 ft	Vision Triangle 0 acres	N/A	To Standard
Realignment	N/A	* 1) 2500 ft 2) 1600 ft 3) 460 ft 4) 695 ft 5) 455 ft 6) 590 ft	Temporary Bypass 0 acres	N/A	N/A

Other – List:			Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree Topping and/or Grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**Brief Narrative Project Description:** Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right of way, whichever is greater. Include all temporary, limited and permanent easements. For amendments (e.g. design refinements, scope changes, etc) description should only include new/added project actions and materials.

The Wisconsin Department of Transportation (WisDOT) is evaluating the reconstruction of US 51/Stoughton Road, referred to as US 51 hereafter. The study's limits span from just south of WIS 30 in the city of Madison to just south of Interstate 39/90/94 in the town of Burke, a distance of approximately 5.5 miles. The study area is located in central Dane County, Wisconsin. US 51 is one of the busiest north-south routes in the city of Madison, serving as a vital arterial highway on the city's east side, providing links to I-39/90/94, US 151 (East Washington Avenue), WIS 30, and US 12/18. US 51 provides access to numerous industrial, residential, and commercial business developments, schools, medical facilities, and recreational areas. US 51 is a National Highway System (NHS) route and is identified as a principal arterial. Interchanges are located at both ends of the study, WIS 30 to the south and I-39/90/94 to the north. There are 14 at-grade intersections on US 51 in the study area, including the two WIS 30 ramp terminals.

The preferred alternative is to reconstruct approximately 5.5 miles, one interchange, and improve eleven intersections. The Daentl Road intersection, while within the study limits, is being investigated as part of a separate I-39/90/94 interstate study due to its proximity to the I-39/90/94 interchange.

### Corridor Summary

- South of WIS 30 to north of US 151: Reconstruction of a 6-lane urban section with a shared-use path
- North of US 151 to Anderson Street: Reconstruction of a 5-lane urban section with a shared-use paths
- Anderson Street to Kinsman Boulevard: Reconstruction of a 4-lane urban section with a shared-use path
- Kinsman Boulevard to Pierstorff Street: Reconstruction of a 4-lane urban section
- Pierstorff Street to Hoepker Road: Reconstruction of a 4-lane rural section and horizontal curve correction
- Hoepker Road to Daentl Road: Reconstruction of a 4-lane rural section with a shared-use path

### Intersection Summary

Most of the intersections along US 51 would keep similar configurations as they exist, with improvements for the preferred alternative.

- **WIS 30** would be reconstructed and remain a signalized diamond interchange. Improvements to the existing condition would be implemented; they include additional turn lanes, additional auxiliary lane, extended turn lanes, and a new shared-use path east of US 51, north of the interchange.
- **Lexington Avenue/Commercial Avenue** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include updated roadway geometry, additional turn lanes, extended turn lanes, additional auxiliary lane,

new railroad signals and gates, additional pedestrian crossings, and new shared-use paths along the east side of US 51 and along the east side of Commercial Avenue to the Walmart property and Madison Metro bus stop. This reconstruction would realign the intersection of Lexington Avenue and North Stoughton Service Road to the west.

- **US 151** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include a realignment of the intersection's north leg, additional turn lanes, extended turn lanes, northbound through lane, additional and improved pedestrian crossings, a shared-use path on the east side of US 51 both north and south of the intersection and a shared-use path on the west side of US 51 north of the intersection. The North Stoughton Service Road would become a cul-de-sac near the intersection and a new fourth leg of the Schmedeman Avenue intersection would connect south to Prairie Avenue.
- **Anderson Street** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include extended turn lanes, improved bicycle and pedestrian crossings, a new shared-use path on the east side of US 51 north of the intersection, and a new shared-use path along the east and west of US 51 south of the intersection.
- **Kinsman Boulevard** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include additional turn lane storage, improved dedicated east-west bike lanes, additional pedestrian crossings, and a new shared-use path along the east side of US 51 south of the intersection.
- **Pierstorff Street** would be reconstructed and remain an unsignalized right-in/right-out intersection. Improvements to the existing condition would be implemented; they include extended offset turn lanes and improved median cut-outs for non-motorized US 51 crossings. The S-curve north of this intersection would be reconstructed to meet standards and Leo Circle would be realigned to accommodate this change.
- **Rieder Road** would be reconstructed and remain an unsignalized left turn restricted intersection.
- **Amelia Earhart Drive** would be reconstructed and remain an unsignalized full-access intersection. Improvements to the existing condition would be implemented; they include an extended turn lane and an additional turn lane.
- **Hanson Road** would be reconstructed and remain a full-access intersection. Improvements to the existing condition would be implemented; they include median-protected deceleration and acceleration lanes for cross-traffic movements, a northbound deceleration lane, and dedicated turn lanes on Hanson Road.
- **Hoepker Road** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include extended turn lanes, additional turn lanes, additional pedestrian crossings, and a new shared-use path along the east side of US 51 to the north of the intersection.
- **Acker Road** would be reconstructed and remain an unsignalized full-access intersection. Improvements to the existing condition would include extended turn lanes, additional turn lanes, and a new shared-use path along the east side of US 51.

- **County CV** would be reconstructed and remain a signalized intersection. Improvements to the existing condition would be implemented; they include extended turn lanes, an additional bike-ped crossing, and a new shared-use path along the east side of US 51 that would tie into a shared-use path proposed as part of the I-39/90/94 study.

\* Realignment Locations:

- 1) US 51 from US 151/East Washington Avenue to Kinsman Boulevard
- 2) US 51 northbound between Pierstorff Street and Rieder Road
- 3) Commercial Avenue south of Lexington Avenue
- 4) North Stoughton Service Road north of Lexington Avenue
- 5) Schmedeman Avenue continuation south of US 151/East Washington Avenue
- 6) Leo Circle north of Pierstorff Street

☐ Add continuation sheet, if needed.

**SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION** (continued)

Wisconsin Department of Transportation DT1635

**III. CONSULTATION:** How has notification of the project been provided to:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Property Owners                   | <input checked="" type="checkbox"/> Historical Societies/Organizations | <input checked="" type="checkbox"/> Native American Tribes |
| <input checked="" type="checkbox"/> Public Involvement Meeting Notice | <input checked="" type="checkbox"/> Public Involvement Meeting Notice  | <input type="checkbox"/> Public Involvement Meeting Notice |
| <input checked="" type="checkbox"/> Letter - Required for Archaeology | <input checked="" type="checkbox"/> Letter                             | <input checked="" type="checkbox"/> Letter                 |
| <input type="checkbox"/> Telephone Call                               | <input type="checkbox"/> Telephone Call                                | <input type="checkbox"/> Telephone Call                    |
| <input type="checkbox"/> Other:                                       | <input checked="" type="checkbox"/> Email                              | <input checked="" type="checkbox"/> Email                  |

Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

**IV. AREA OF POTENTIAL EFFECTS – APE****ARCHAEOLOGY:** Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.**HISTORY:** Describe the area of potential effects for buildings/structures. Please work with your architecture/history consultation to complete this section.

Properties that may be directly or indirectly affected by the proposed roadway reconstruction and intersection improvements.

**V. PHASE I – ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED**

- |   |   |
|---|---|
| <b>ARCHAEOLOGY</b><br><input checked="" type="checkbox"/> Archaeological survey is <b>needed</b><br><input type="checkbox"/> Archaeological survey is <b>not needed</b><br><input type="checkbox"/> Screening list (date)<br><input type="checkbox"/> Non-Survey Archaeology Documentation attached | <b>HISTORY</b><br><input checked="" type="checkbox"/> Architecture/History survey is <b>needed</b><br><input type="checkbox"/> Architecture/History survey is <b>not needed</b><br><input type="checkbox"/> Screening list (date)<br><input type="checkbox"/> Non-Survey History Documentation attached |
|---|---|

**VI. SURVEY COMPLETED**

- |  |   |
|--|---|
| <b>ARCHAEOLOGY</b><br><input checked="" type="checkbox"/> Archaeological Survey Field Report (ASFR) attached<br><input checked="" type="checkbox"/> Cemetery/burial documentation attached<br><input type="checkbox"/> Phase I Report attached<br><input type="checkbox"/> No Potentially eligible sites identified<br><input type="checkbox"/> Potentially eligible site(s) identified<br><input type="checkbox"/> Avoided through redesign or outside APE<br><input type="checkbox"/> Phase II conducted | <b>HISTORY</b><br><input checked="" type="checkbox"/> Architecture/History Survey Report (AHSR) attached<br><input type="checkbox"/> Potentially eligible buildings/structures identified<br><input type="checkbox"/> Avoided through redesign or outside the APE<br><input type="checkbox"/> Determination of Eligibility (DOE) completed<br><input type="checkbox"/> Previously listed/eligible property identified<br><input type="checkbox"/> Avoided through redesign or outside the APE |
|--|---|

**VII. FORMAL EVALUATION COMPLETED**

- |   |  |
|---|--|
| <input type="checkbox"/> Phase II Report Attached<br><input type="checkbox"/> No arch site(s) eligible for NRHP<br><input type="checkbox"/> Arch site(s) eligible for NRHP<br><input type="checkbox"/> Site(s) eligible for NRHP – DOE attached | <input type="checkbox"/> Determination(s) of Eligibility attached<br><input type="checkbox"/> No buildings/structure(s) eligible for NRHP<br><input type="checkbox"/> Buildings/structure(s) eligible for NRHP |
|---|--|

**VIII. COMMITMENTS/SPECIAL PROVISIONS – must be included with special provisions language**

- ☒
- Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction. Please include archaeology site number(s).

47DA0058/BDA0327, 47DA1304/BDA0019

☐ Please attach continuation page if needed.**IX. PROJECT DECISION**

- ☒ No historic properties (historical or archaeological) in the APE.
- ☐ No historic properties (historical or archaeological) affected.\*
- ☐ Historic properties (historical and/or archaeological) may be affected by project;
- ☐ Documentation for Determination of No Adverse Effects is included with this form. WisDOT has concluded that this project will have No Adverse Effect on historic properties. Signature by SHPO below indicates SHPO concurrence in the DNAE and concludes the Section 106 Review process for this project.\*
- ☐ Go to Step 4: Assess affects

\* Per 23 CFR 774, WisDOT, on behalf of FHWA, hereby informs SHPO that concurrence with 'No historic properties affected' or 'No Adverse Effect on historic properties' may be used in considering whether a de minimis Section 4(f) finding or a temporary occupancy exception is appropriate. SHPO signature on this form serves as acknowledgement of this official notification.

**X. SIGNATURES**

x <b>Brian Taylor</b> <small>Digitally signed by Brian Taylor Date: 2024.07.22 21:14:13 -05'00'</small> (WisDOT Regional Signature)	x <b>Barry Page</b> <small>Digitally signed by Barry Page Date: 2024.08.09 14:07:00 -05'00'</small> (WisDOT Historic Preservation Officer Signature)	x <b>Kimberly Cook</b> <small>Digitally signed by Kimberly Cook Date: 2024.08.28 14:04:00 -05'00'</small> (State Preservation Officer Signature)	August 9, 2024 August 28, 2024 (Date – m/d/yy)
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## **APPENDIX M5**

### **USFWS Coordination**



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793



In Reply Refer To:

06/13/2025 15:44:43 UTC

Project code: 2024-0071695

Project Name: 5410-08-01 USH 51 North Study

Subject: Technical Assistance letter for '5410-08-01 USH 51 North Study' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Joel Brown:

The U.S. Fish and Wildlife Service (Service) received on **June 13, 2025** your effect determination(s) for the '5410-08-01 USH 51 North Study' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Prairie Fringed Orchid ( <i>Platanthera leucophaea</i> )	Threatened	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed Threatened	No effect
Prairie Bush-clover ( <i>Lespedeza leptostachya</i> )	Threatened	No effect
Whooping Crane ( <i>Grus americana</i> )	Experimental Population, Non-Essential	No effect

## **Determination Information**

Thank you for informing the Service of your “No Effect” determination(s). Your agency has met consultation requirements and no further consultation is required for the species you determined will not be affected by the Action.

## **Additional Information**

**Sufficient project details:** Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

**Future project changes:** The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

**For non-Federal representatives:** Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. Please include the Federal action agency in additional correspondence regarding this project.

### **Species-specific information**

**Listed Plants:** You have indicated that your Action will have no effect (NE) on a threatened or endangered plant species. Although your Federal Endangered Species Act requirements are met, we recommend you contact the Minnesota or Wisconsin Department of Natural Resources regarding compliance with state law. **You may need a state permit if your Action will harm state-listed plants.**

**Bald and Golden Eagles:** Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened

**Coordination with the Service is not complete if additional coordination is advised above for any species.**

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

5410-08-01 USH 51 North Study

**2. Description**

The following description was provided for the project '5410-08-01 USH 51 North Study':

USH 51/Stoughton Road Study Area

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.14090565,-89.3228126383283,14z>



## QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

*Yes*

2. Is the action being funded, authorized, or carried out by a Federal agency?

*Yes*

3. Are you the Federal agency or designated non-federal representative?

*No*

4. Does the action involve the installation or operation of wind turbines?

*No*

5. Does the action involve purposeful take of a listed animal?

*No*

6. Does the action involve a new communications tower?

*No*

7. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?

*No*

8. Will your action permanently affect local hydrology?

*No*

9. Will your action temporarily affect local hydrology?

*Yes*

10. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

*No*

11. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

**Note:** Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

Yes

12. Will your action disturb the ground or existing vegetation?

**Note:** This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

13. Will your action include spraying insecticides?

No

14. Does your action area occur entirely within an already developed area?

**Note:** Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

15. Does eastern prairie fringed orchid occur in the action area?

No

16. Does prairie bush-clover occur in the action area?

No

17. Have you determined that the action will have no effect on individuals within the whooping crane nonessential experimental population (NEP)?

Yes

18. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

**Automatically answered**

Yes

19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

No

20. Is this project funded, authorized, or carried out by the U.S. Fish and Wildlife Service?

No



## **IPAC USER CONTACT INFORMATION**

Agency: Private Entity  
Name: Joel Brown  
Address: 1 S Pinckney Street  
City: Madison  
State: WI  
Zip: 53703  
Email: joelbrown@hntb.com  
Phone: 6085092319

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Federal Highway Administration



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793



In Reply Refer To:

05/16/2025 16:45:48 UTC

Project Code: 2024-0071695

Project Name: 5410-08-01 USH 51 North Study

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

## Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

## Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of “no effect” or “may affect, not likely to adversely affect.” In each case, the Service has compiled and analyzed the best available information on the species’ biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a “Not Likely to Adversely Affect” (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a “May Affect” determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for “May Affect” determinations unless otherwise indicated in your output letter.

**Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review.** If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

### **Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species**

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

### **Northern Long-Eared Bats**

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected. For bat activity dates, please review Appendix L in the [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#).

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC

species list report for your records.

*If any of the above activities are proposed*, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the northern long-eared bat and tricolored bat range-wide D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys help to determine if prohibited take might occur and, if not, will generate an automated verification letter. Additional information about available tools can be found on the Service's [northern long-eared bat website](#).

### **Whooping Crane**

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

### **Other Trust Resources and Activities**

*Bald and Golden Eagles* - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. It is the responsibility of the project proponent to survey the area for any migratory bird nests. If there is an eagle nest on-site while work is on-going, eagles may be disturbed. We recommend avoiding and minimizing disturbance to eagles whenever practicable. If you cannot avoid eagle disturbance, you may seek a [permit](#). A [nest take permit](#) is always required for removal, relocation, or obstruction of an eagle nest. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

*Communication Towers* - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

### **State Department of Natural Resources Coordination**

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. **Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.**

#### *Minnesota*

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

#### *Wisconsin*

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNRERReview@wi.gov](mailto:DNRERReview@wi.gov)

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

#### Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **Minnesota-Wisconsin Ecological Services Field Office**

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

## PROJECT SUMMARY

Project Code: 2024-0071695

Project Name: 5410-08-01 USH 51 North Study

Project Type: Road/Hwy - Maintenance/Modification

Project Description: USH 51/Stoughton Road Study Area

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.14090565,-89.3228126383283,14z>



Counties: Dane County, Wisconsin

## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.



## BIRDS

NAME	STATUS
<b>Whooping Crane <i>Grus americana</i></b> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	Experimental Population, Non-Essential

## INSECTS

NAME	STATUS
<b>Monarch Butterfly <i>Danaus plexippus</i></b> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened
<b>Rusty Patched Bumble Bee <i>Bombus affinis</i></b> There is <b>proposed</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9383">https://ecos.fws.gov/ecp/species/9383</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/W7FLARMOJ5DIVMUQSYJ7LZVPTY/documents/generated/5967.pdf">https://ipac.ecosphere.fws.gov/project/W7FLARMOJ5DIVMUQSYJ7LZVPTY/documents/generated/5967.pdf</a>	Endangered
<b>Western Regal Fritillary <i>Argynnis idalia occidentalis</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/12017">https://ecos.fws.gov/ecp/species/12017</a>	Proposed Threatened

## FLOWERING PLANTS

NAME	STATUS
<b>Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/601">https://ecos.fws.gov/ecp/species/601</a>	Threatened
<b>Prairie Bush-clover <i>Lespedeza leptostachya</i></b> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4458">https://ecos.fws.gov/ecp/species/4458</a>	Threatened

## CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<b>Rusty Patched Bumble Bee <i>Bombus affinis</i></b> <a href="https://ecos.fws.gov/ecp/species/9383#crithab">https://ecos.fws.gov/ecp/species/9383#crithab</a>	Proposed

# USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act <sup>2</sup> and the Migratory Bird Treaty Act (MBTA) <sup>1</sup>. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

### Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/ activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

### Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information](#)

on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a></p>	<p>Breeds Dec 1 to Aug 31</p>

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

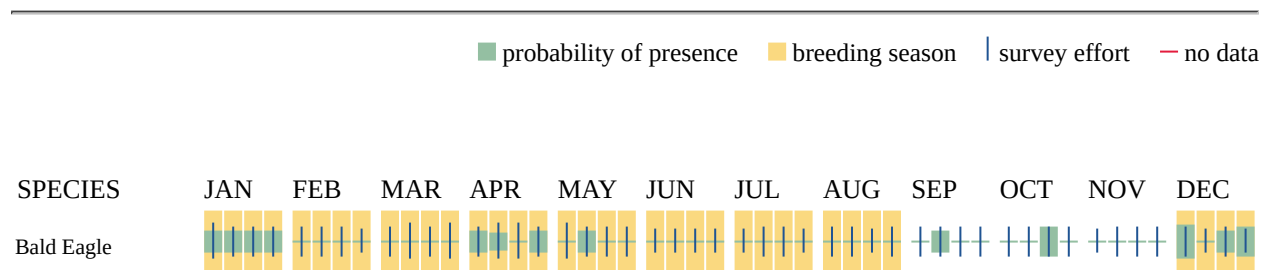
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

**Survey Effort (|)**

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**No Data (—)**

A week is marked as having no data if there were no survey events for that week.



Non-BCC  
Vulnerable

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) <sup>1</sup> prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black Tern <i>Chlidonias niger surinamenis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20

NAME	BREEDING SEASON
<b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
<b>Bobolink</b> <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9454">https://ecos.fws.gov/ecp/species/9454</a>	Breeds May 20 to Jul 31
<b>Canada Warbler</b> <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9643">https://ecos.fws.gov/ecp/species/9643</a>	Breeds May 20 to Aug 10
<b>Chimney Swift</b> <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
<b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a>	Breeds May 1 to Jul 20
<b>Grasshopper Sparrow</b> <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/8329">https://ecos.fws.gov/ecp/species/8329</a>	Breeds Jun 1 to Aug 20
<b>Henslow's Sparrow</b> <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a>	Breeds May 1 to Aug 31
<b>Le Conte's Sparrow</b> <i>Ammospiza leconteii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9469">https://ecos.fws.gov/ecp/species/9469</a>	Breeds Jun 1 to Aug 15
<b>Lesser Yellowlegs</b> <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Pectoral Sandpiper</b> <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere

NAME	BREEDING SEASON
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a>	Breeds May 10 to Sep 10
<b>Rusty Blackbird</b> <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9478">https://ecos.fws.gov/ecp/species/9478</a>	Breeds elsewhere
<b>Semipalmated Sandpiper</b> <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9603">https://ecos.fws.gov/ecp/species/9603</a>	Breeds elsewhere
<b>Short-billed Dowitcher</b> <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Wood Thrush</b> <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>	Breeds May 10 to Aug 31

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

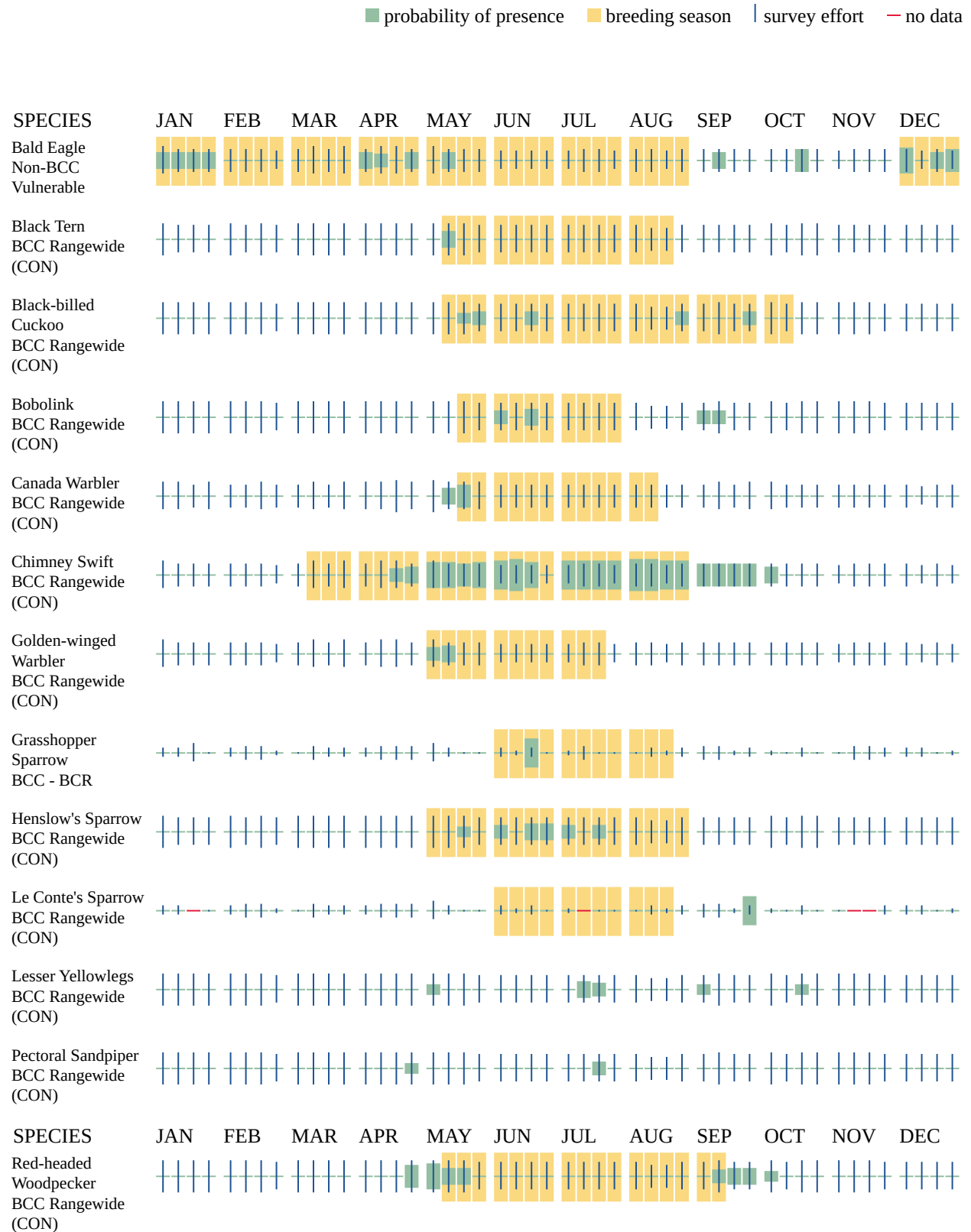
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

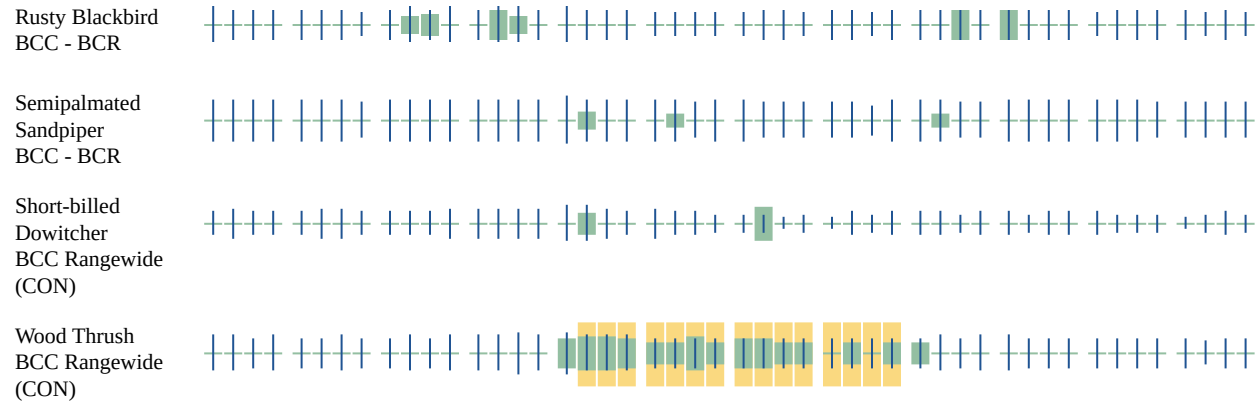
### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

### FRESHWATER EMERGENT WETLAND

- PEM1F
- PEM1C
- PEM1A

### RIVERINE

- R2UBHx

### OTHER

- Pf



FRESHWATER POND

- PUBHx
- PUBGx

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1C
- PFO1F
- PSS1C

## **IPAC USER CONTACT INFORMATION**

Agency: Private Entity  
Name: Zach Zopp  
Address: 1 S Pinckney St, Suite 600  
City: Madison  
State: WI  
Zip: 53703  
Email: zzopp@hntb.com  
Phone: 6088073144

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Wisconsin Department of Transportation

## Dan Schrum

---

**From:** Simpkins, Darin <Darin\_Simpkins@fws.gov>  
**Sent:** Wednesday, September 4, 2024 1:22 PM  
**To:** Taylor, Brian F - DOT  
**Subject:** Re: [EXTERNAL] Informal Consultation for RPBB - 5410-08-01-US 51 (WIS 30 to I39)-Dane Co

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

FWS No. : 2024-0071695

Dear Brian Taylor:

The U.S. Fish and Wildlife Service (Service) received information provided regarding the Wisconsin Department of Transportation (WisDOT) USH 51 North Study project (WisDOT ID: 5410-08-01) in Dane County, WI with effects analyses on rusty patched bumble bee (*Bombus affinis*; RPBB). WisDOT requested concurrence with effects determinations of “*May Affect, Not Likely to Adversely Affect*” the RPBB, in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The proposed project consists of operational and safety improvements to US 51 between the WIS 30 Interchange and the I-90/94/39 Interchange. Project is scheduled for construction in the spring March/April 2025.

Project activities will result in ground disturbance to potential RPBB habitat in the High Potential Zone (HPZ). In total, the area of ground disturbance exhibiting potential suitable RPBB habitat in the HPZ is 0.76 acres. Foraging habitat for the RPBB does exist in sparse areas throughout the project limits.

The Service concurs that this project *May Effect, Not Likely to Adversely Affect* the RPBB. The majority of the project limits contains low to poor habitat (wetland, roadway medians and drainage swales) and are regularly mowed turf grass within the road right of way. An overwintering colony has not been identified, so the impact to overwintering queens is unknown. However, if present, construction will take place in the spring when the bees would be active which will reduce the potential to impact and foraging adults (if present) and adults will have other nearby areas to forage. Vegetation/trees/brush will be removed by April 1, prior to any flowering forb growth. WisDOT will also utilize a special salt tolerant seed (#30 mix) in graded areas in contact with salt contaminated snow (fore slope and ditch bottom). In graded areas on the back slope and other areas where applicable, WisDOT will use a flowering forb mix (WisDOT 70A mix) as well as plant flowering shrubs in areas outside of the clear zone and where applicable. WisDOT will restore approximately 1.87 acres with flowering forb mix and 208 locations of flowering shrub species.

This concludes consultation under Section 7 of the Endangered Species Act, as amended for the species listed above. Should you have any questions regarding this response, or if a change in project plans occurs, please contact Darin Simpkins ([darin\\_simpkins@fws.gov](mailto:darin_simpkins@fws.gov); 920-866-1739) for additional assistance.

---

**From:** Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>  
**Sent:** Thursday, August 29, 2024 11:42 AM  
**To:** Simpkins, Darin <Darin\_Simpkins@fws.gov>  
**Cc:** Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>  
**Subject:** [EXTERNAL] Informal Consultation for RPBB - 5410-08-01-US 51 (WIS 30 to I39)-Dane Co

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

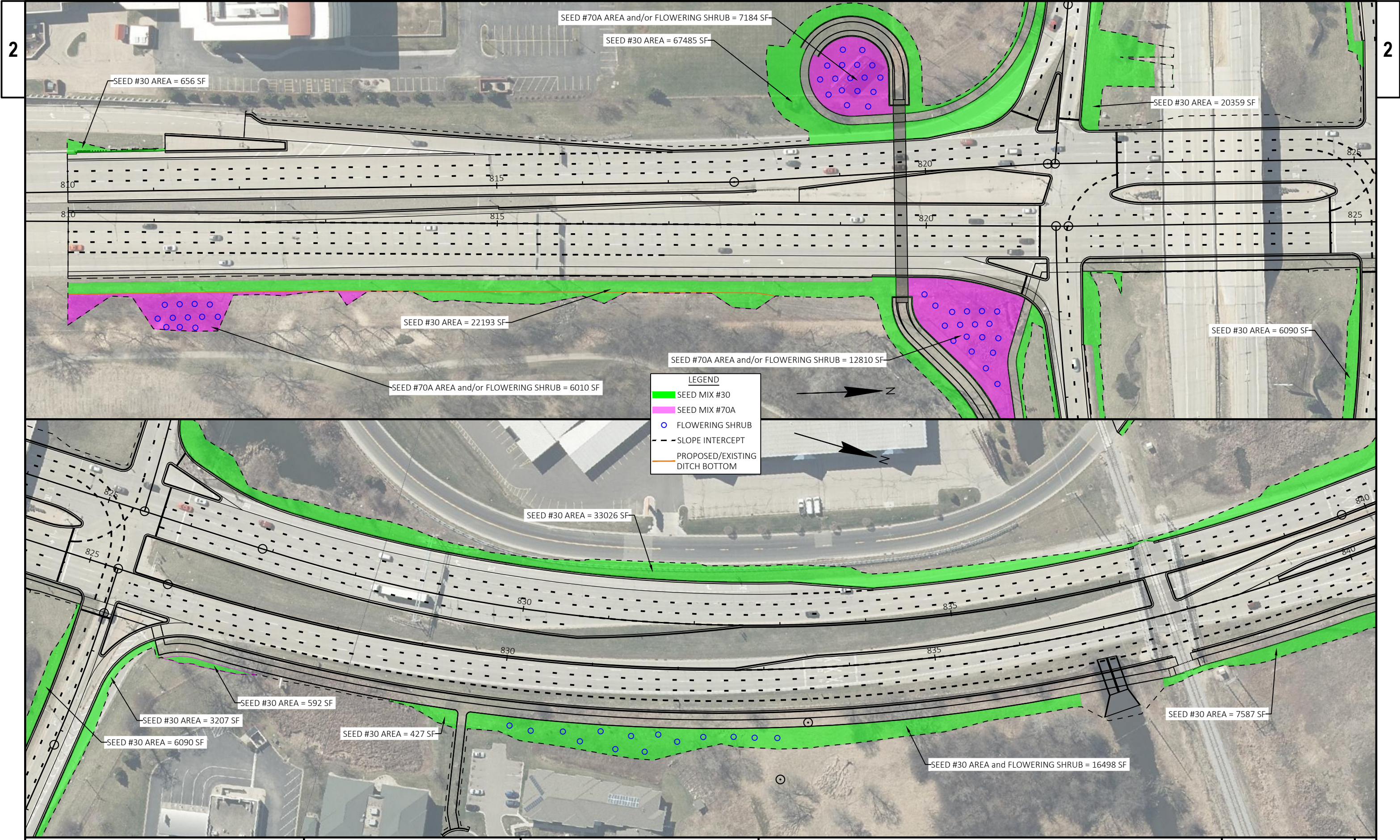
Good Morning, Darin!

The attached documentation pertains to Section 7 Informal Consultation for impacts to the RPBB for the above referenced corridor project in which WisDOT respectfully requests concurrence with a May Affect, Not Likely to Adversely Affect for the RPBB.

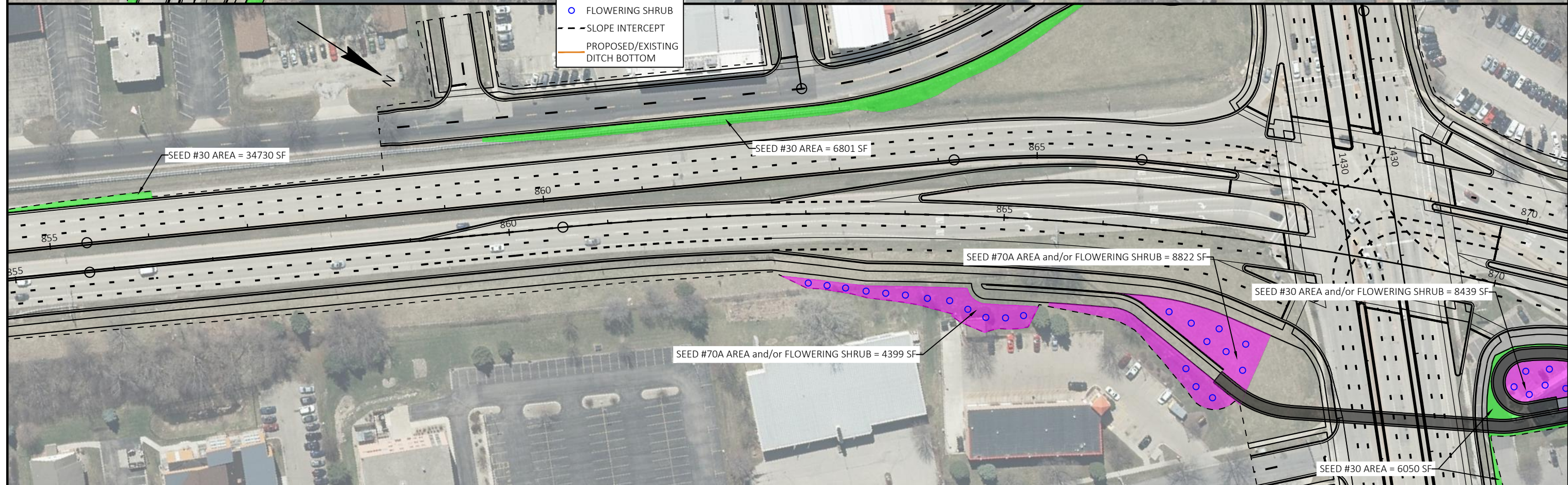
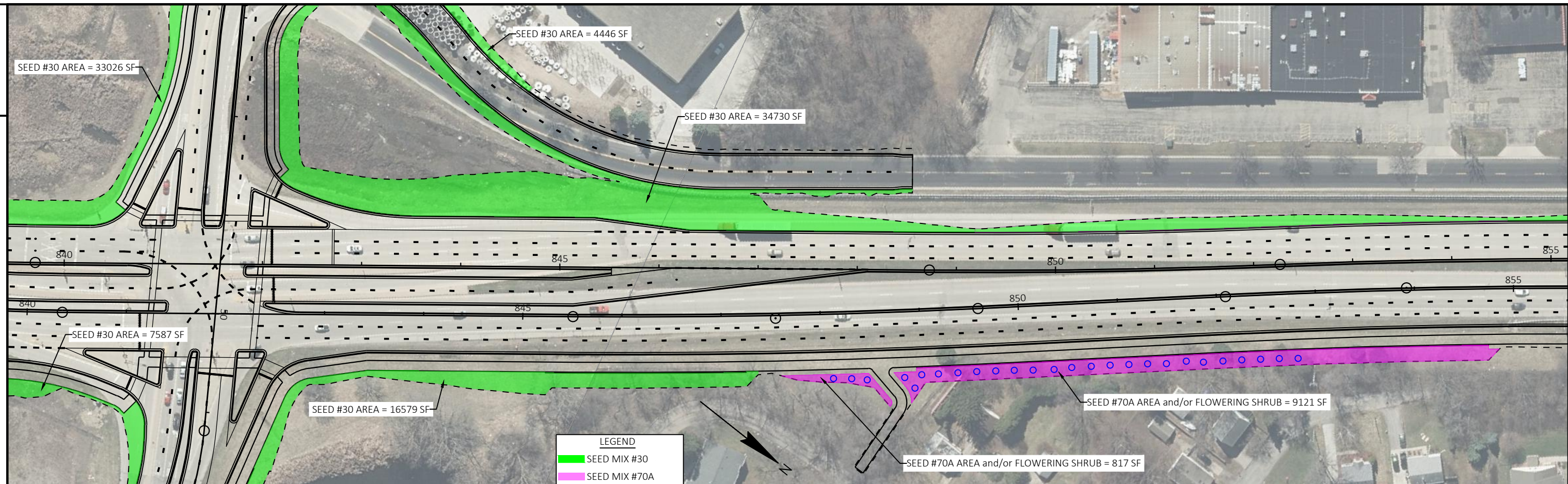
Thank you,

Brian



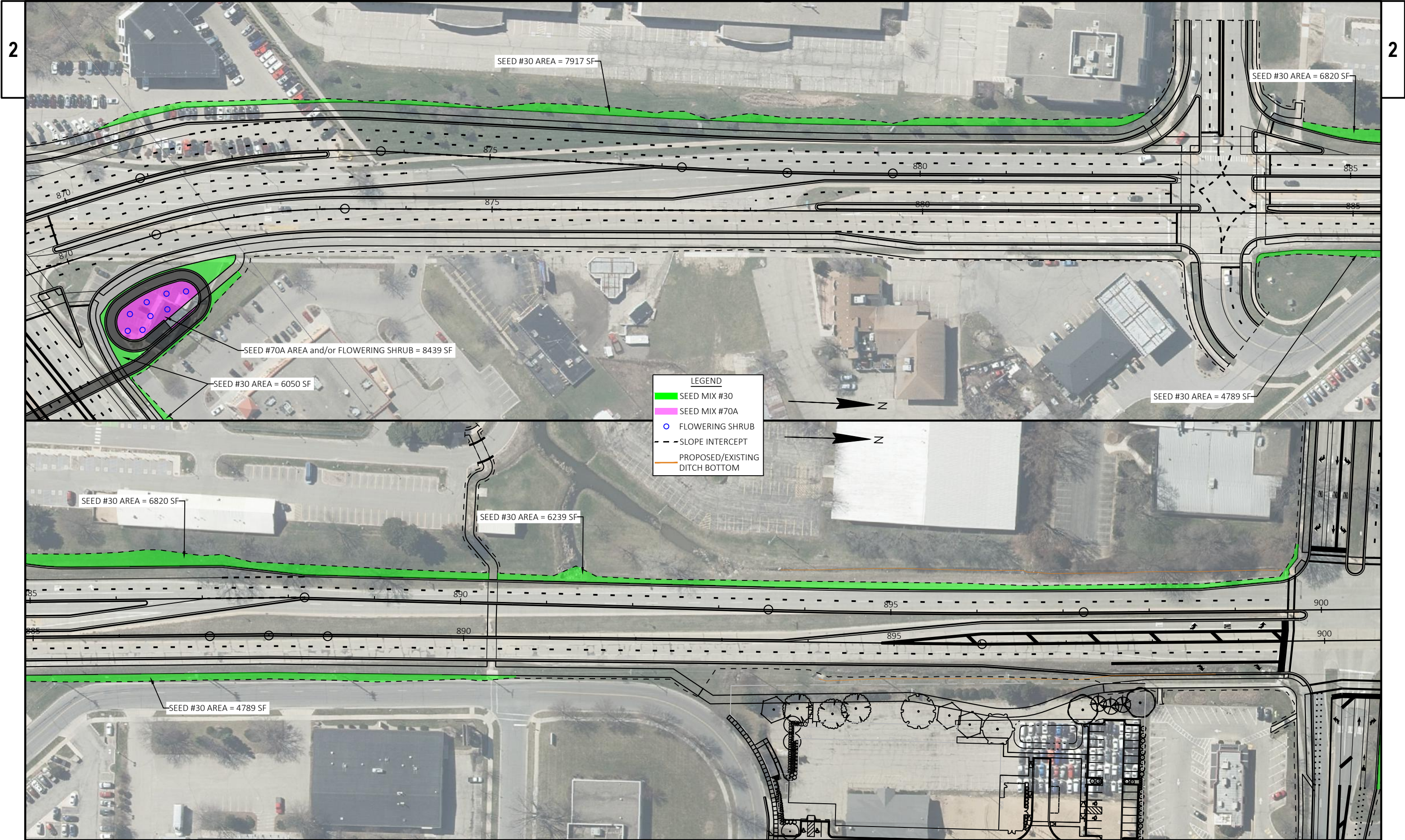




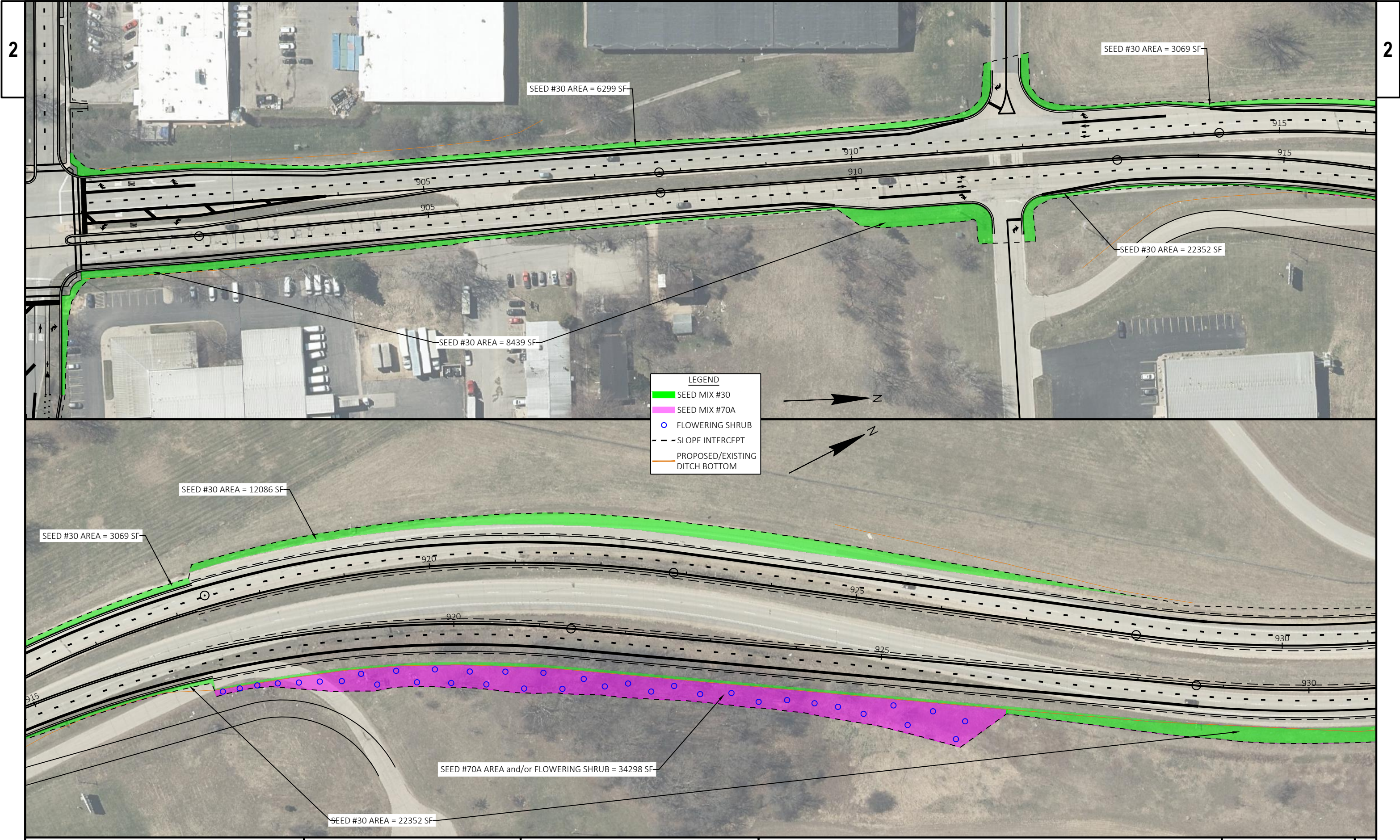


PROJECT NO: 5410-08-01	HWY: USH 51	COUNTY: DANE	RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS	SHEET 02	E
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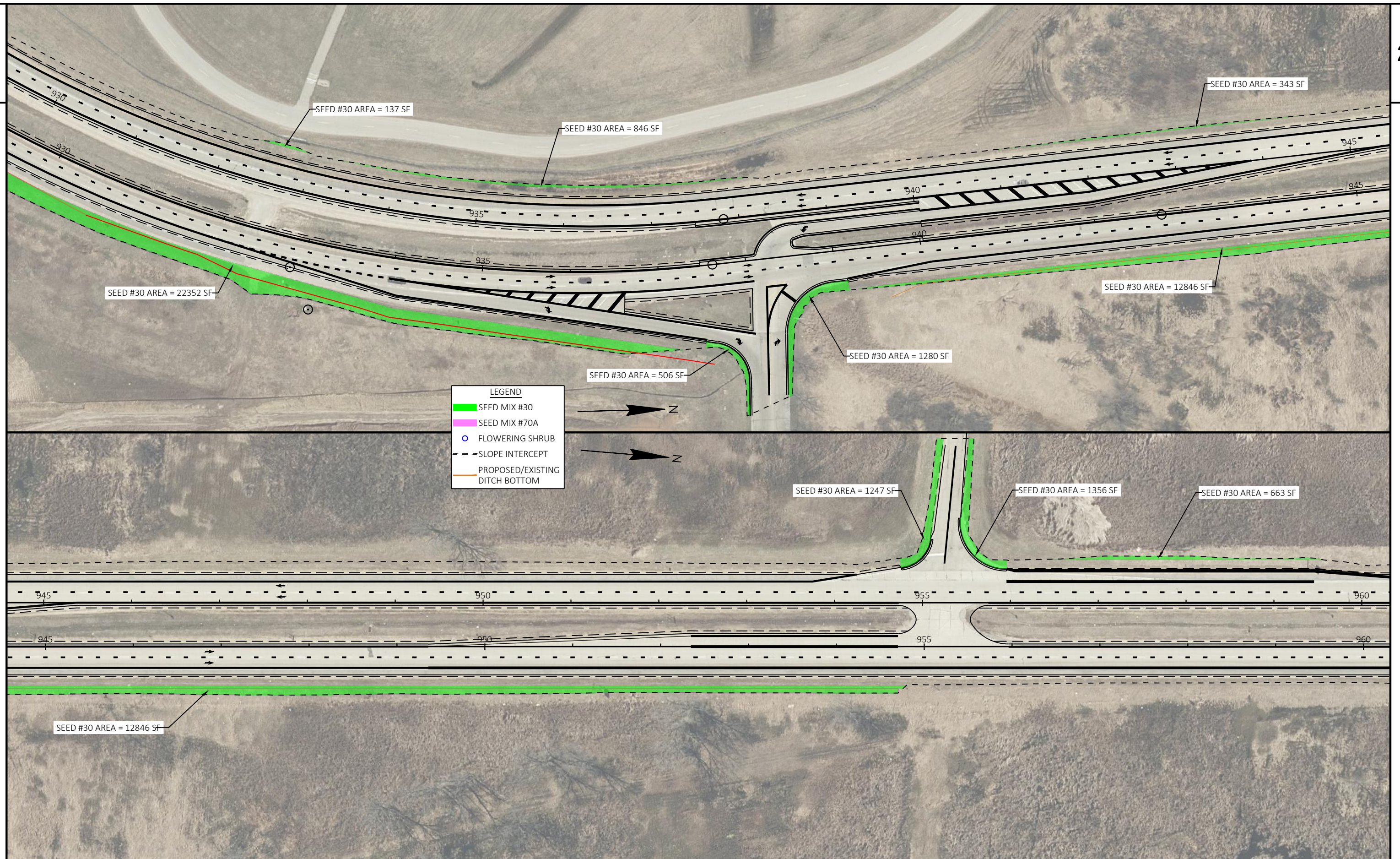












PROJECT NO: 5410-08-01

HWY: USH 51

COUNTY: DANE

RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS

SHEET 05

E

FILE NAME : S:\DOT\DOT\_SW\220600 - USH 51 (5410-08-01)\54100801\SHEETS\OTHR\51 SECTION 7 EXHIBIT\_RPBB HPZ\_08272024.DWG  
LAYOUT NAME - 05

PLOT DATE : 8/28/2024 11:40 AM

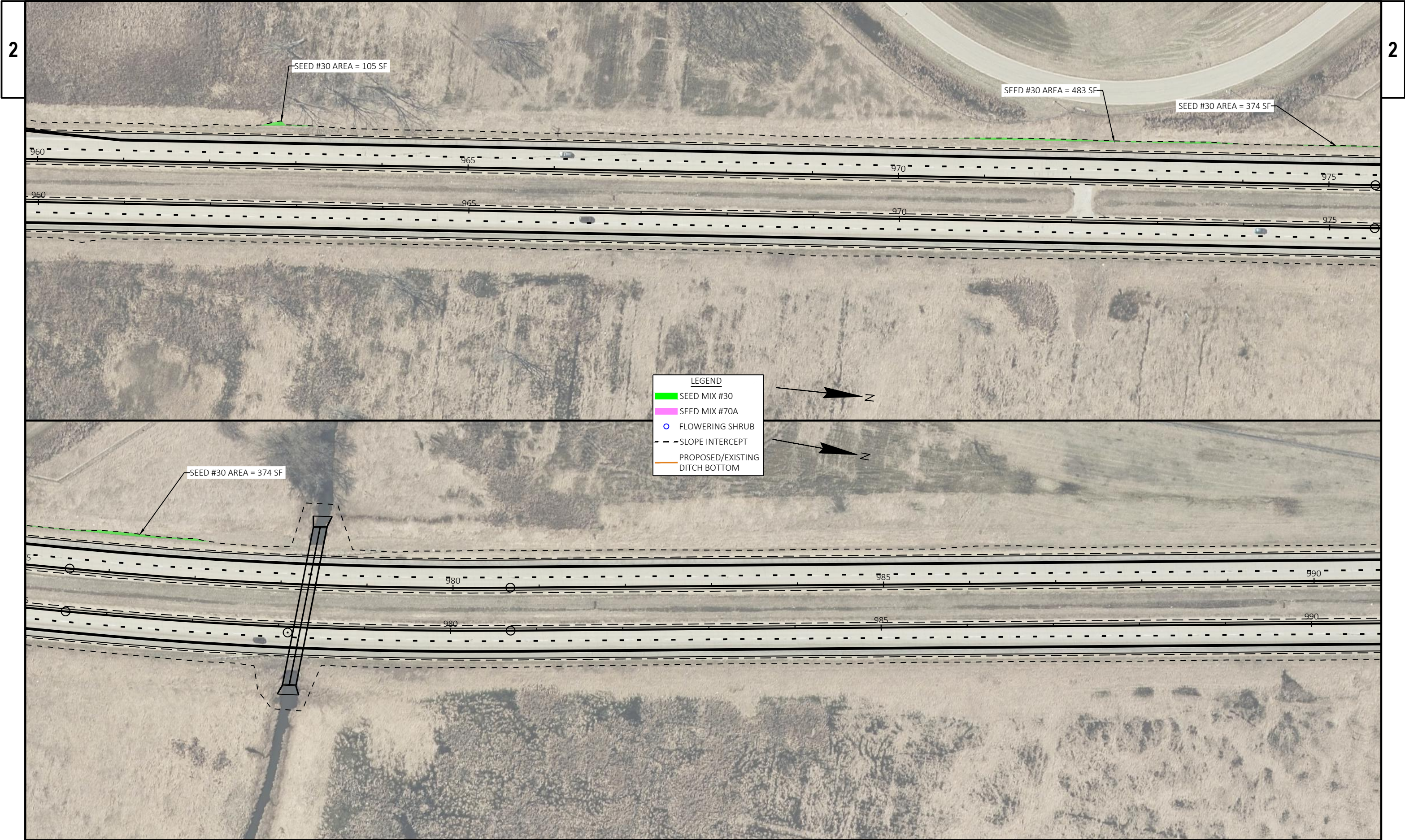
PLOT BY : NIKOLAI PAVLISCAK

PLOT NAME :

PLOT SCALE : 1 IN:100 FT

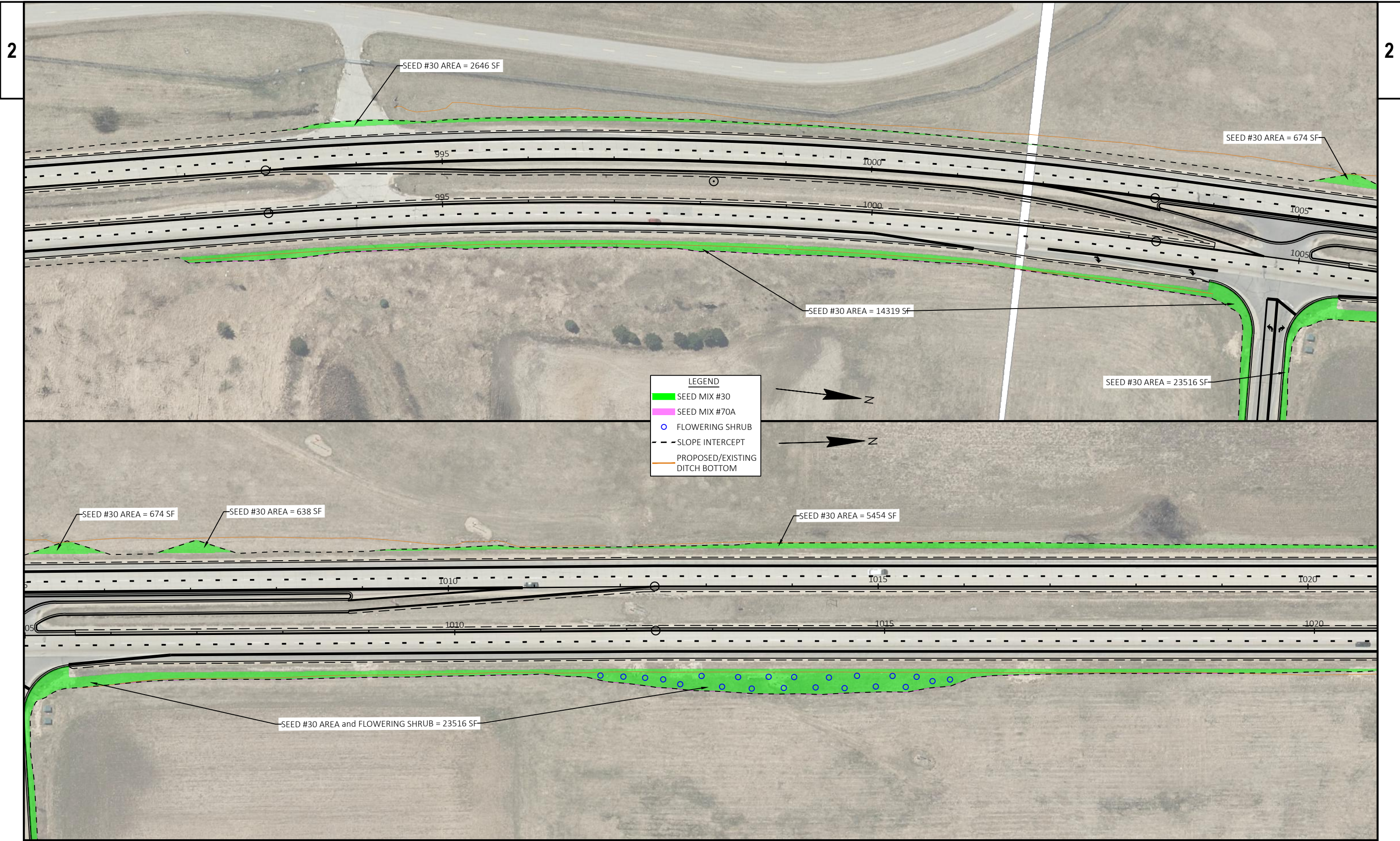
WISDOT/CADDs SHEET 44



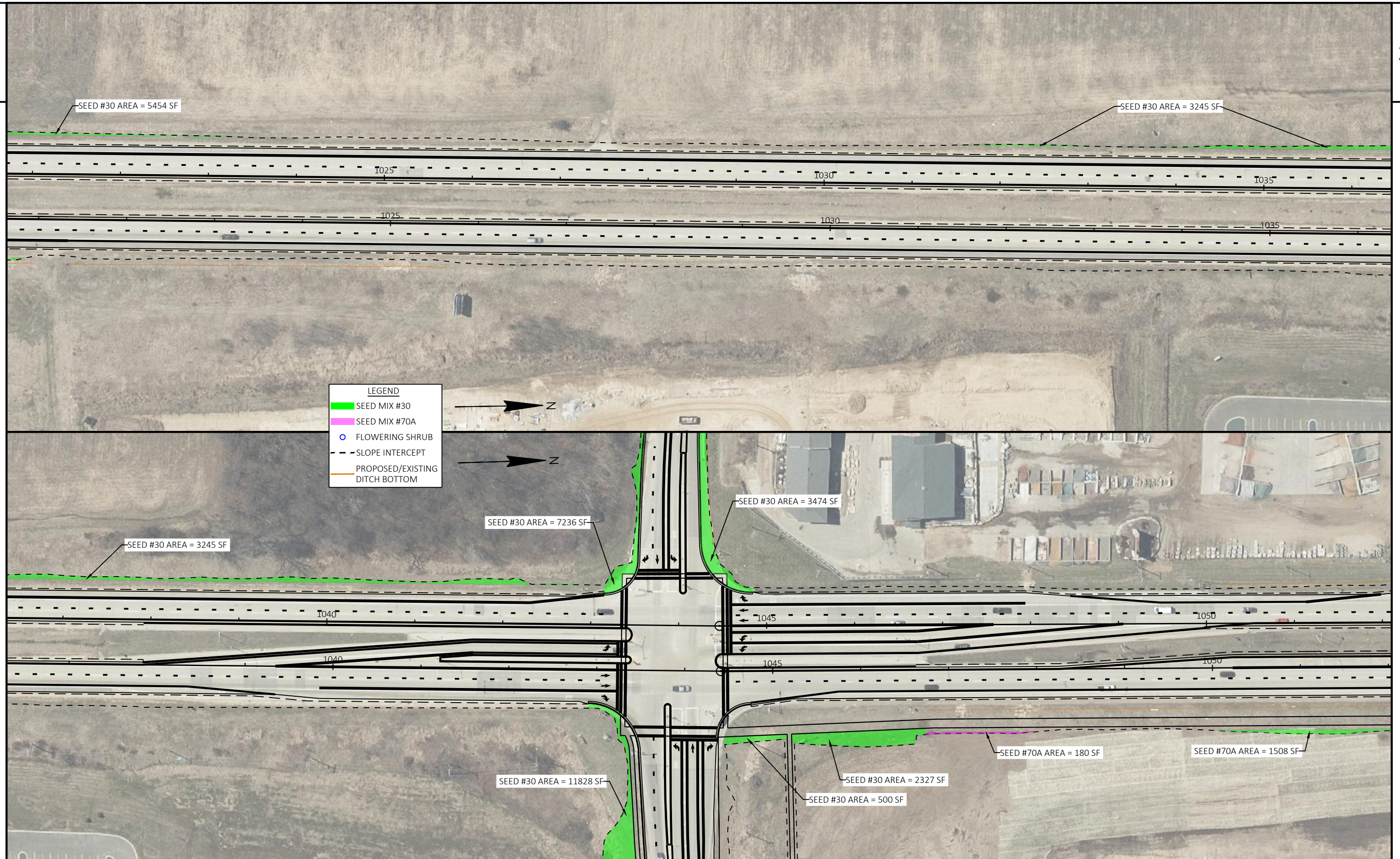


PROJECT NO: 5410-08-01	HWY: USH 51	COUNTY: DANE	RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS	SHEET 06	E
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PROJECT NO: 5410-08-01

HWY: USH 51

COUNTY: DANE

RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS

SHEET 08

E

FILE NAME : S:\DOT\DOT\_SW\220600 - USH 51 (5410-08-01)\54100801\SHEETS\OTHR\51 SECTION 7 EXHIBIT\_RPBB HPZ\_08272024.DWG  
LAYOUT NAME - 08

PLOT DATE : 8/28/2024 11:40 AM

PLOT BY : NIKOLAI PAVLISCAK

PLOT NAME :

PLOT SCALE : 1 IN:100 FT

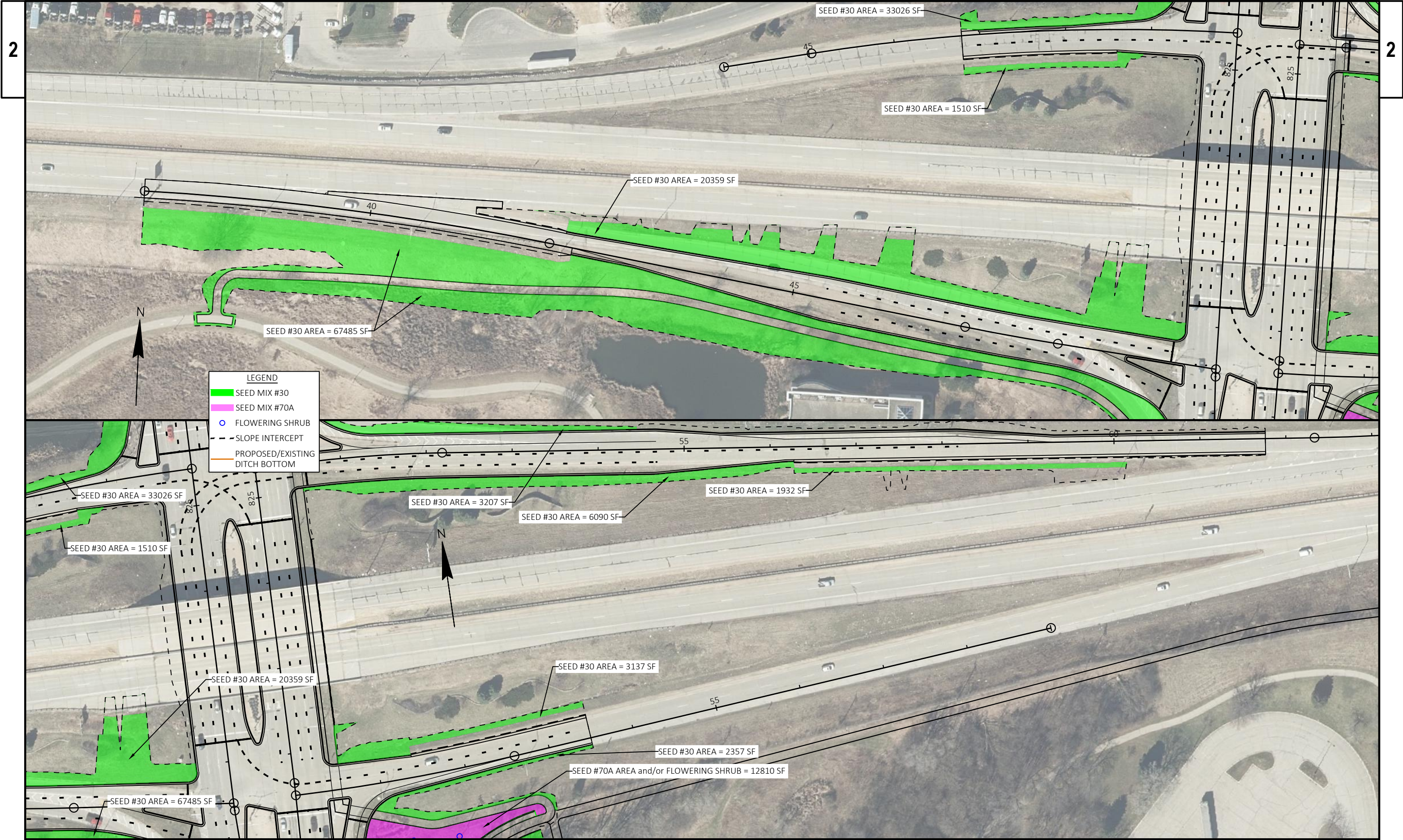
WISDOT/CADDs SHEET 44



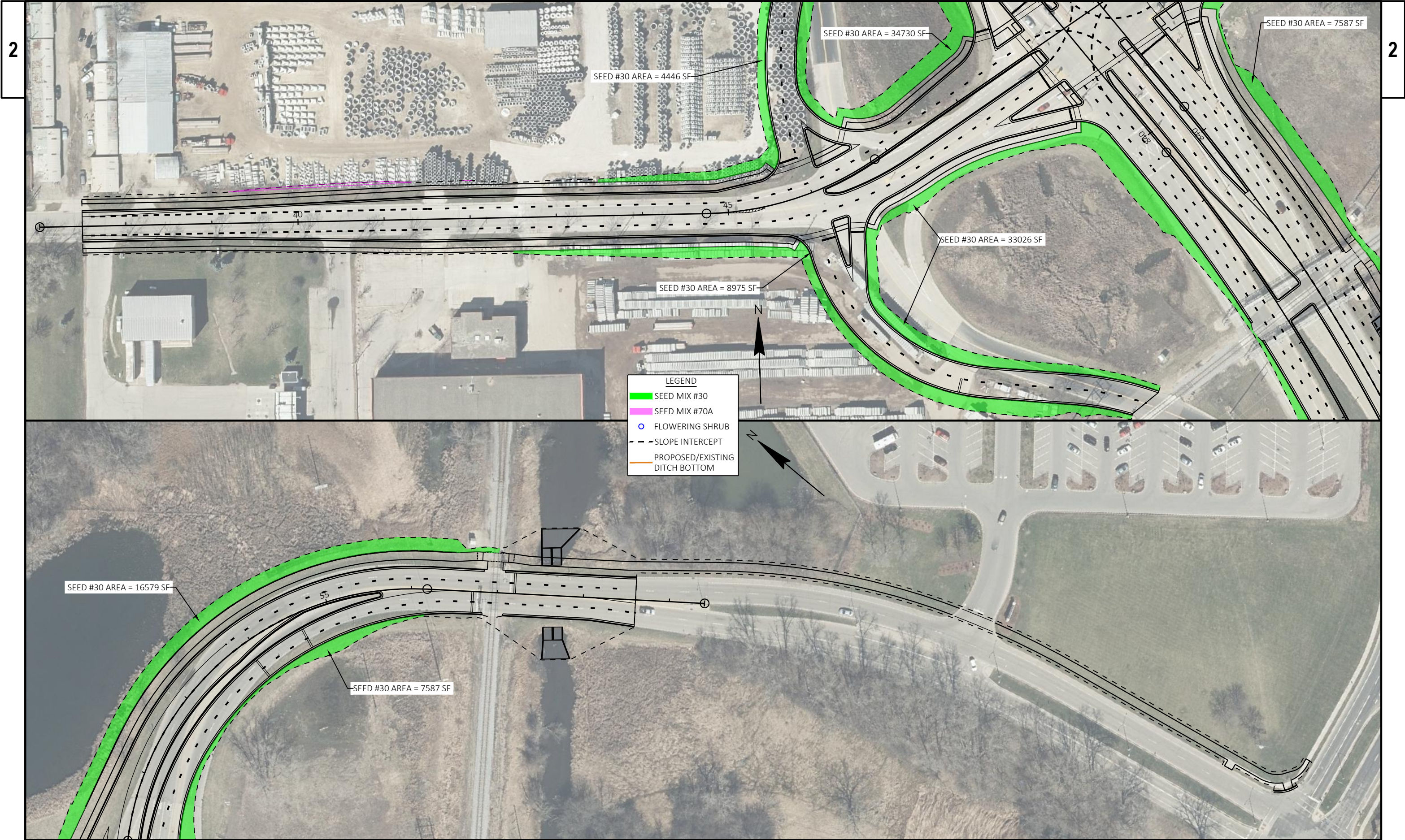


PROJECT NO: 5410-08-01	HWY: USH 51	COUNTY: DANE	RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS	SHEET 09	E
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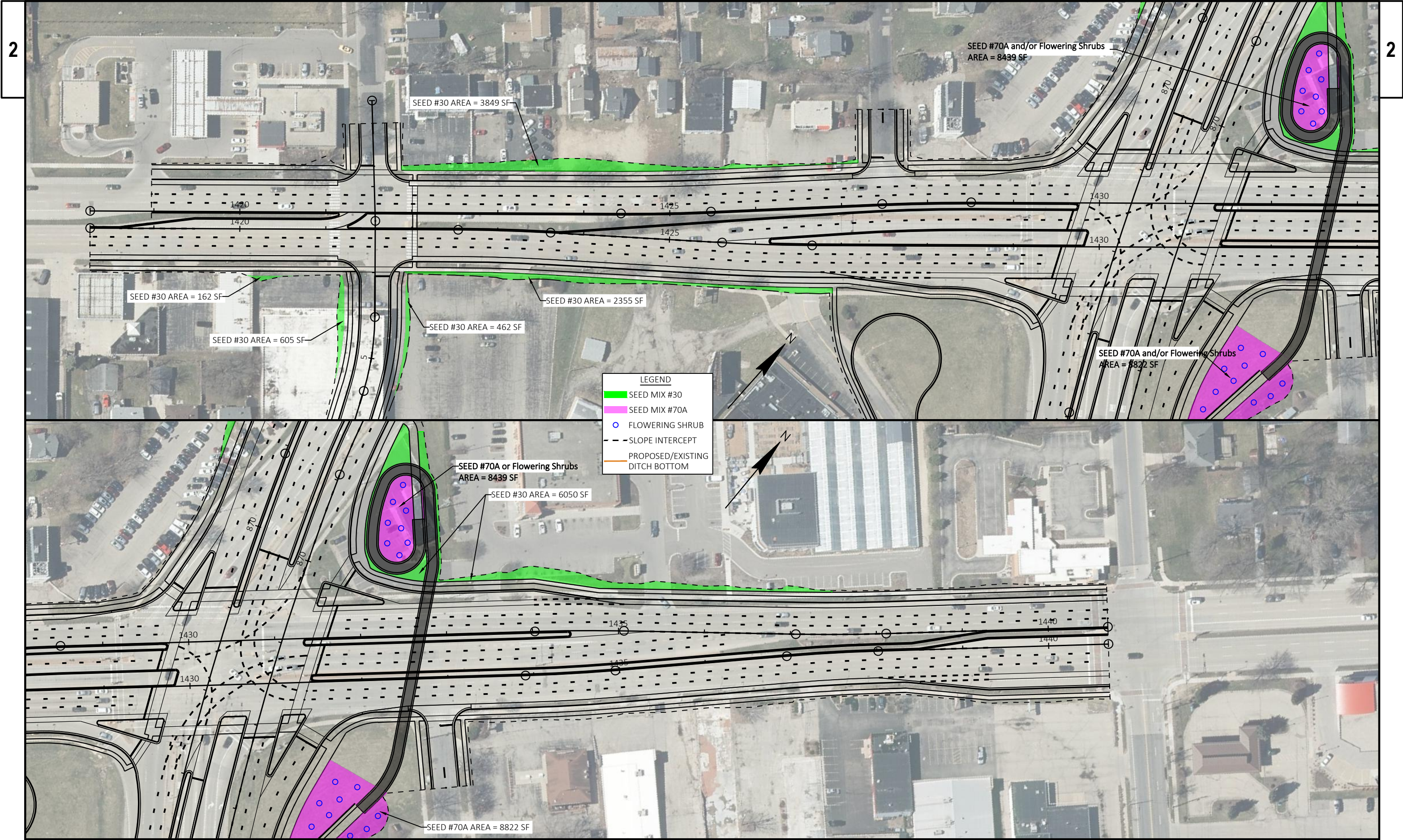






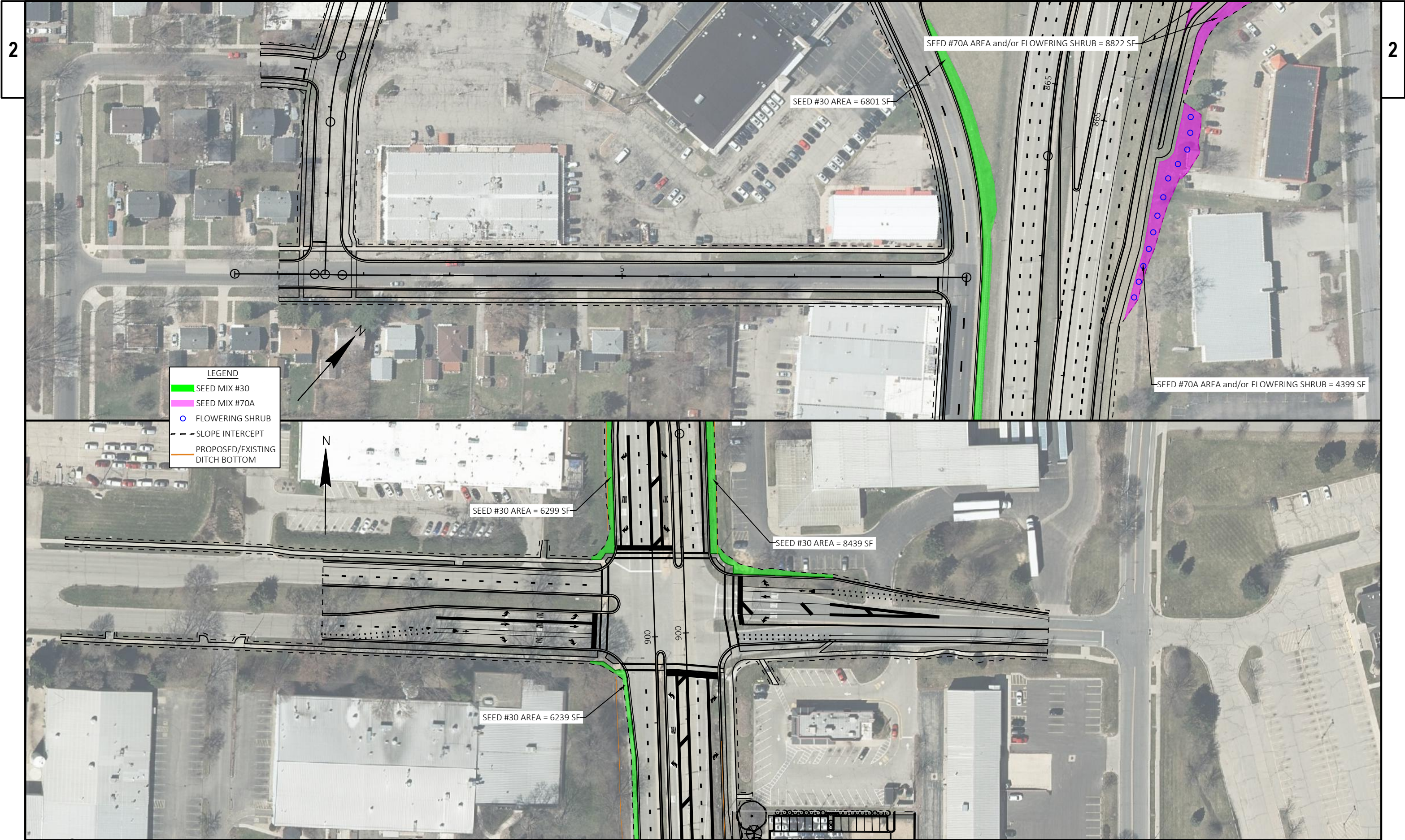




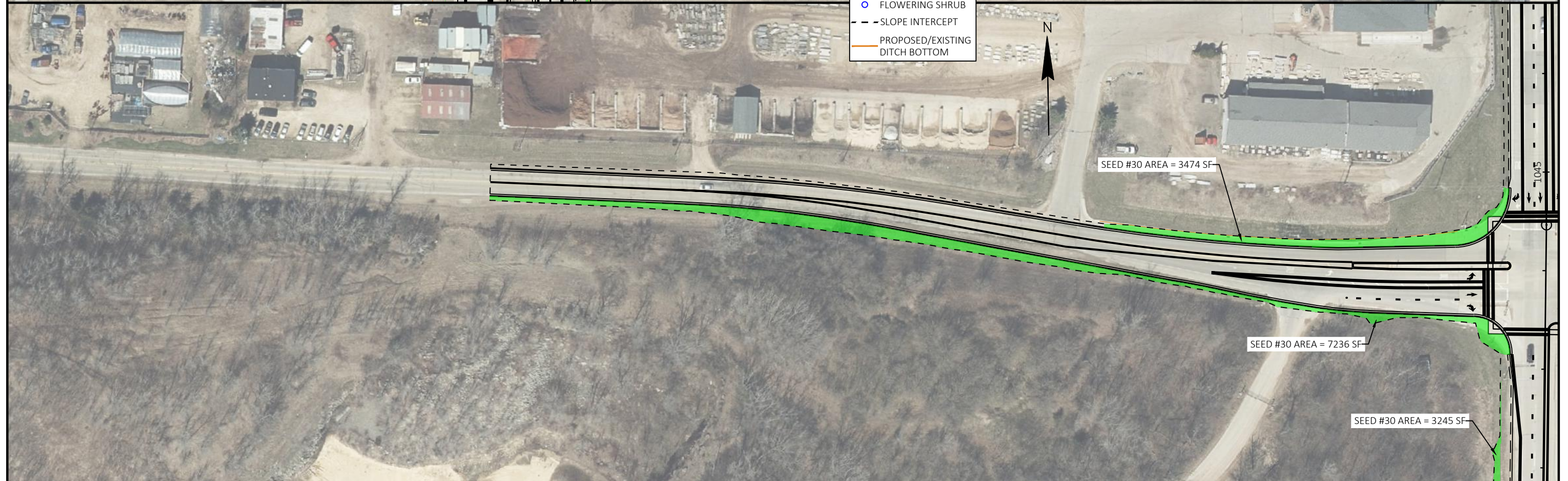
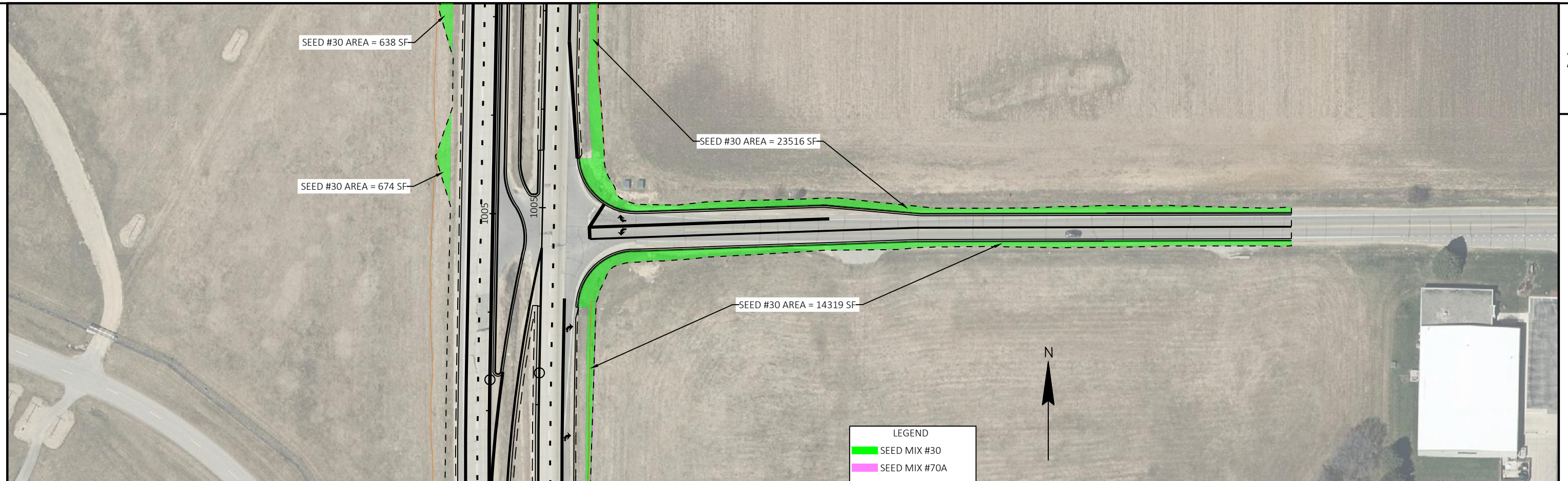


PROJECT NO: 5410-08-01	HWY: USH 51	COUNTY: DANE	RUSTY PATCHED BUMBLE BEE HIGH POTENTIAL ZONE IMPACTS	SHEET 12	E
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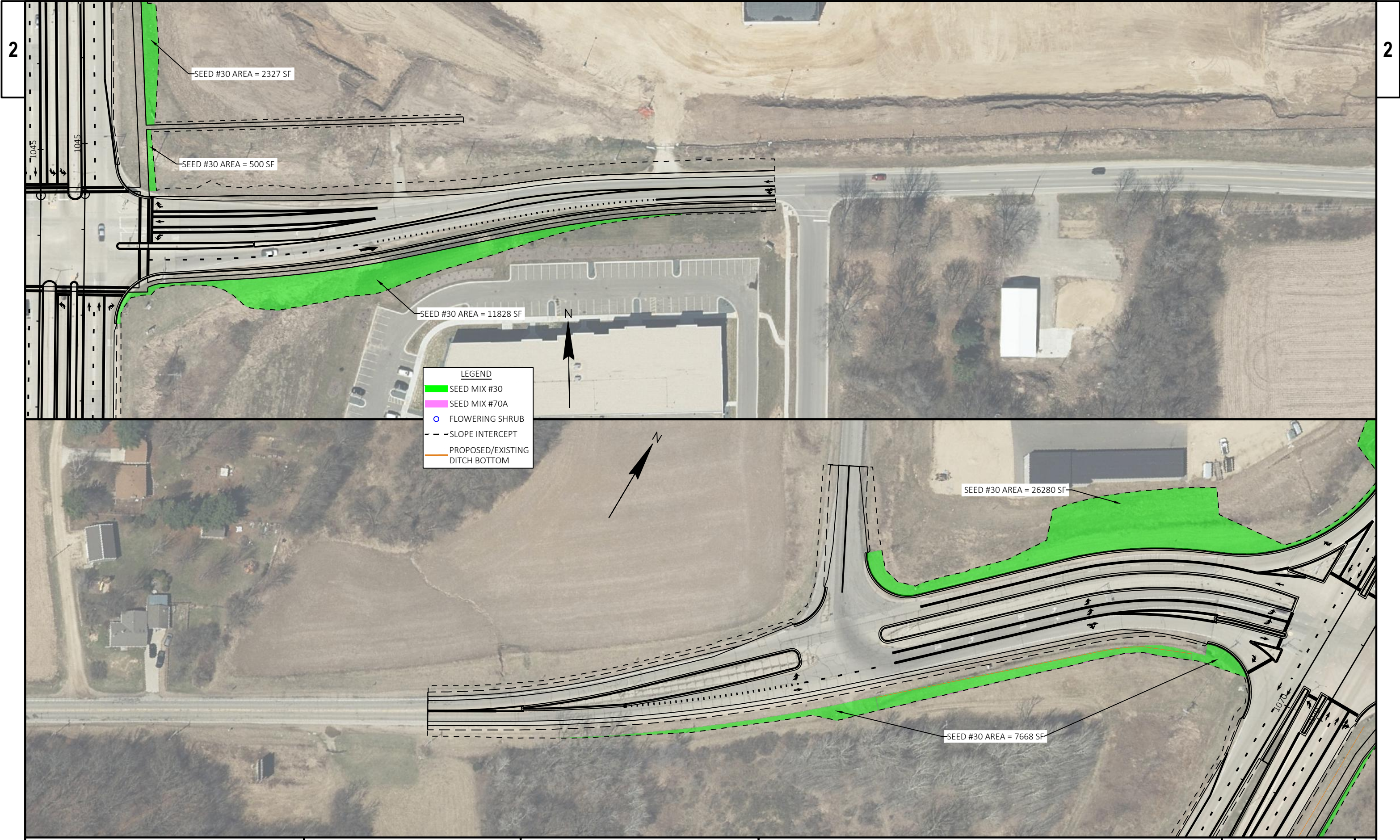




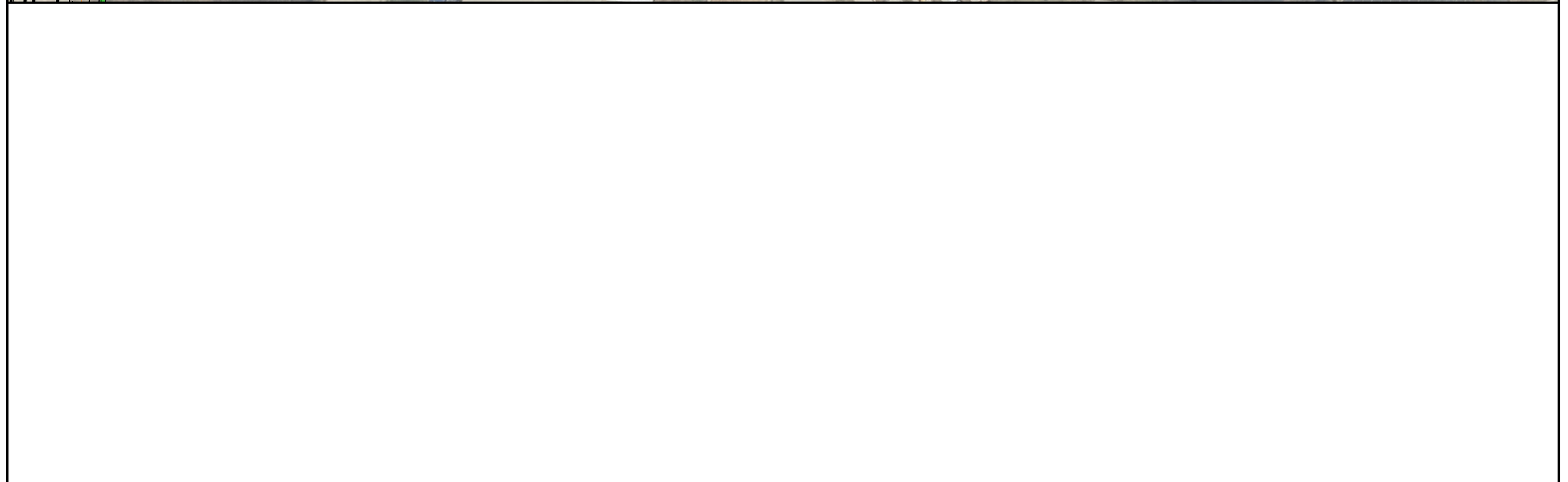












## **APPENDIX M6**

### **EPA Coordination**



**WisDOT**  
**Southwest Region Office**  
Madison Office  
2101 Wright Street  
Madison, WI 53704

**Governor Tony Evers**  
**Secretary Craig Thompson**  
[wisconsindot.gov](http://wisconsindot.gov)  
Telephone: (608) 246-3800  
FAX: (608) 246-7996  
Email: [swr.dtsd@dot.wi.gov](mailto:swr.dtsd@dot.wi.gov)

June 3, 2024

Environmental Protection Agency, Region 5  
NEPA Implementation Section  
(Mail Code E-19J)  
77 W. Jackson Blvd.  
Chicago, IL 60604

To whom it may concern,

This letter is to inform you a Notice of Intent (NOI) was published in the Federal Register April 29, 2024, announcing WisDOT and FHWA will no longer be preparing an Environmental Impact Statement (EIS) for the United States Highway (US) 51 corridor located in Dane County, Wisconsin, between US 12/18 and Wisconsin State Highway (WIS) 19. FHWA issued the NOI to prepare an EIS in the Federal Register on August 6, 2012, at 77 FR 46790, for an approximate 11-mile corridor improvement project on US 51. The improvements were being considered to address existing and future transportation demand on US 51, safety concerns and operational concerns, and to identify land which may need to be preserved for future transportation improvements. Based on further review of the project, it was determined appropriate for the project scope to be reduced due to changes in project needs and the local environment.

WisDOT will be moving forward with two studies along US 51. The US 51 Stoughton Road North Study begins at the US 51/WIS 30 interchange in Madison WI and continues to the I-39/90/94 Interchange in the town of Burke. The US 51 South Study begins near Voges Road in the village of McFarland and continues north to the US 51/WIS 30 interchange in the city of Madison.

Information specific to each study and their schedules is available on the WisDOT webpage at the links below:

- US 51 North Study - <https://wisconsindot.gov/Pages/projects/by-region/sw/us51-corridor/northstudy.aspx>
- US 51 South Study - <https://wisconsindot.gov/Pages/projects/by-region/sw/us51-corridor/southstudy.aspx>

Please let me know if you have questions or comments.

Regards,

A handwritten signature in cursive script, appearing to read "Jeff Berens", is located below the "Regards," text.

Jeff Berens, WisDOT Project Manager

Cc:

Lisa Hemesath – FHWA, Environmental Protection Specialist  
Michelle Gehrke – FHWA, Transportation Engineer  
Michelle Howe – WisDOT, Project Supervisor  
Mike Helmricks – WisDOT, BTS-EPDS  
Jessica McDonald – WisDOT SW Region, Environmental Coordinator  
Joel Brown – HNTB Corridor Manager

## **APPENDIX M7**

### **Amtrak Coordination**

**NATIONAL RAILROAD PASSENGER CORPORATION**

2955 Market Street, Philadelphia, PA 19104



To: Jeff Berens  
WisDOT SW Region  
101 Wright Street  
Madison, WI 53704

Date: July 3, 2024

Subject: US 51 (Stoughton Road) Railroad Grade Separation

Mr. Berens,

This acknowledges receipt and review of the City of Madison Department of Transportation letter to Wisconsin DOT regarding railroad grade separation analysis for US 51 (Stoughton Road) North Study on the Wisconsin & Southern Railroad (WSOR) at grade between WIS 30 and the Commercial Avenue intersection. Amtrak is not the owner of WSOR and has no authority to approve or disapprove the implementation of railroad grade separation at the proposed location. However, Amtrak is in favor of a highway-rail grade separation at this location.

Amtrak is willing to participate in any future project coordination discussions and/or public safety outreach efforts to raise awareness of the hazards that exist around railroad-highway interface.

Sincerely,

Justin A. Meko

A handwritten signature in black ink, appearing to read "JA Meko", written over a light blue horizontal line.

Vice President, Operational Safety

CC: City of Madison Department of Transportation  
Wisconsin & Southern Railroad (WSOR)  
National Railroad Passenger Corporation  
Federal Railroad Administration



## **APPENDIX M8**

### American Indian Tribes Coordination

## Dan Schrum

---

**From:** Berens, Jeff - DOT  
**Sent:** Thursday, March 16, 2023 1:09 PM  
**To:** DOT DL THPOs  
**Cc:** MikeW; Crawford, James - DNR; WhiteEagle, Marlon; Louis Taylor; Johnson, J; Chairman-MITW; Shannon Holsey; Hill, Tehassi - DNR; Boyd, Chris; William R; VanZile, Robert - DNR; Coughlin, Amy - DOT; DOT Cultural Resources  
**Subject:** WisDOT request for comment and notification of Federal undertaking under 36 CFR 800 (5410-08-01) ENV-AGC  
**Attachments:** US 51 Stoughton Road North Study Map.pdf

**WisDOT Project:** 5410-08-01  
**Highway/Termini:** US 51 (Stoughton Road)/WIS 30 to I-39/90/94  
**County:** Dane County

5410-08-01 ENV-AGC

The Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT) are considering an undertaking on United States Highway (US) 51 (Stoughton Road) in Dane county (see attached map). The study corridor begins at the US 51/Wisconsin Highway (WIS) 30 interchange in city of Madison and continues north to the US 51/I-39/90/94 interchange in the town of Burke.

WisDOT has identified preliminary project needs to assess how best to accommodate traffic volumes with a focus on safety and access issues. Anticipated alternatives that address project needs could include travel demand management, spot reconstruction improvements, and reconstruction that may or may not include access modifications and capacity expansion. WisDOT will also evaluate not implementing any improvements, also referred to as the No Build alternative. The types of potential impacts that could result from reconstruction include physical disturbance of natural, community, cultural or Tribal resources; right of way acquisition; relocations; noise impacts; air quality impacts; or impacts from disturbing hazardous materials.

Your tribe has requested to be notified of undertakings in this area of Wisconsin.

FHWA and WisDOT would be pleased to receive any comments your tribe wishes to share regarding the determination of the area of potential effect (APE) or potential impacts to historic properties and/or burials in this undertaking. Additionally, you may use this opportunity to request consultation pursuant to 36 CFR 800.3. WisDOT understands that your tribe is a sovereign nation and as such has the discretion to consult government to government with the FHWA directly.

As part of the study effort, WisDOT has contracted with consultants to conduct various environmental field surveys including wetlands, streams/floodplains, threatened and endangered species, archaeological, historical, hazardous materials, and noise reading surveys. Results of these studies will assist project staff in the design to avoid, minimize or mitigate the proposed project's effect upon cultural and natural resources. If WisDOT identifies the potential for historic properties to be affected, you will be provided more information.

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 proposed project, please reply to this email or contact:

**WisDOT Project Manager: Jeff Berens, P.E.**  
**Phone: 608-245-2656**  
**Address: 2101 Wright Street, Madison, WI 53704**

EC: DOTCulturalResources@dot.wi.gov  
Amy Coughlin Southwest Regional Tribal Liaison  
Tribal Leader

CC: Johnathan Buffalo, NAGPRA Rep. – Sac and Fox Tribe of the Mississippi in Iowa  
Cultural Preservation Office - Iowa Tribe of Oklahoma  
Hattie Mitchell, THPO – Prairie Band Potawatomi Nation

Attachments: Study Location Map  
**Study Location Map: US 51 (Stoughton Road)/WIS 30 to I-39/90/94**

Jeff Berens, P.E.  
Major Studies Project Manager  
WisDOT SW Region - Madison Office  
(608) 245-2656

*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.*

## Dan Schrum

---

**From:** Benjamin Rhodd <Benjamin.Rhodd@fcp-nsn.gov>  
**Sent:** Tuesday, March 21, 2023 9:00 AM  
**To:** Berens, Jeff - DOT  
**Subject:** RE: WisDOT request for comment and notification of Federal undertaking under 36 CFR 800 (5410-08-01) ENV-AGC

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Mr. Berens,

Pursuant to consultation under Section 106 of the National Historic Preservation Act (1966 as amended) the Forest County Potawatomi Community (FCPC), a Federally Recognized Native American Tribe, reserves the right to comment on Federal undertakings, as defined under the act.

The Tribal Historic Preservation Office (THPO) staff has reviewed the information you provided for this project. Upon review of site data and supplemental cultural history within our Office, the FCPC THPO is pleased to offer a finding of No Historic Properties affected of significance to the FCPC, however, we request to remain as a consulting party for this project.

As a standard caveat sent with each proposed project reviewed by the FCPC THPO, the following applies. In the event an Inadvertent Discovery (ID) occurs at any phase of a project or undertaking as defined, and human remains or archaeologically significant materials are exposed as a result of project activities, work should cease immediately. The Tribe(s) must be included with the SHPO in any consultation regarding treatment and disposition of an ID find.

In addition to my Office being notified of projects, and in case you send notices to my Chairman, see the change in the Forest County Potawatomi Community's authorizing officials. The updated contact information for FCPC's newly elected Tribal officials is provided below;

***Primary Authorizing Official (effective 2/13/2023)***  
James A. Crawford, Tribal Chairman (primary AOR)  
PO Box 340  
5416 Everybody's Road  
Crandon, WI 54520  
(715) 478-7200  
[FCPGrantsChairman@fcp-nsn.gov](mailto:FCPGrantsChairman@fcp-nsn.gov)

***Secondary Authorizing Official (effective 11/7/2022)***

Ms. Heather R. VanZile, Tribal Vice-Chair (Authorizing Official in the Chairman's absence)  
PO Box 340  
5416 Everybody's Road  
Crandon, WI 54520  
(715) 478-7200

Thank you for protecting cultural and historic properties and if you have any questions or concerns, please contact me at the email or number listed below.

Respectfully,

Ben Rhodd, MS, RPA, Tribal Historic Preservation Officer  
Forest County Potawatomi  
Historic Preservation Office  
8130 Mish ko Swen Drive, P.O. Box 340, Crandon, Wisconsin 54520  
P: 715-478-7354 C: 715-889-0202 Main: 715-478-7474  
Email: [Benjamin.Rhodd@fcp-nsn.gov](mailto:Benjamin.Rhodd@fcp-nsn.gov)  
[www.fcpotawatomi.com](http://www.fcpotawatomi.com)

---

**From:** Berens, Jeff - DOT <Jeff.Berens@dot.wi.gov>

**Sent:** Thursday, March 16, 2023 1:09 PM

**To:** DOT DL THPOs <DOTDLTHPOs@dot.wi.gov>

**Cc:** MikeW <Mikew@badriver-nsn.gov>; James Crawford <james.crawford@fcp-nsn.gov>; WhiteEagle, Marlon <Marlon.WhiteEagle@ho-chunk.com>; Louis Taylor <Louis.taylor@lco-nsn.gov>; Johnson, J <jjohnsonsr@ldftribe.com>; Chairman-MITW <chairman@mitw.org>; Shannon Holsey <shannon.holsey@mohican-nsn.gov>; Hill, Tehassi - DNR <thill7@oneidanation.org>; Boyd, Chris <Chris.boyd@redcliff-nsn.gov>; William R <williamr@stcroixjibwe-nsn.gov>; VanZile, Robert - DNR <robert.vanzile@scc-nsn.gov>; Coughlin, Amy - DOT <Amy.Coughlin@dot.wi.gov>; DOT Cultural Resources <DOTCulturalResources@dot.wi.gov>

**Subject:** WisDOT request for comment and notification of Federal undertaking under 36 CFR 800 (5410-08-01) ENV-AGC

**WisDOT Project:** 5410-08-01

**Highway/Termini:** US 51 (Stoughton Road)/WIS 30 to I-39/90/94

**County:** Dane County

5410-08-01 ENV-AGC

The Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT) are considering an undertaking on United States Highway (US) 51 (Stoughton Road) in Dane county (see attached map). The study corridor begins at the US 51/Wisconsin Highway (WIS) 30 interchange in city of Madison and continues north to the US 51/I-39/90/94 interchange in the town of Burke.

WisDOT has identified preliminary project needs to assess how best to accommodate traffic volumes with a focus on safety and access issues. Anticipated alternatives that address project needs could include travel demand management, spot reconstruction improvements, and reconstruction that may or may not include access modifications and capacity expansion. WisDOT will also evaluate not implementing any improvements, also referred to as the No Build alternative. The types of potential impacts that could result from reconstruction include physical disturbance of natural, community, cultural or Tribal resources; right of way acquisition; relocations; noise impacts; air quality impacts; or impacts from disturbing hazardous materials.

Your tribe has requested to be notified of undertakings in this area of Wisconsin.

FHWA and WisDOT would be pleased to receive any comments your tribe wishes to share regarding the determination of the area of potential effect (APE) or potential impacts to historic properties and/or burials in this undertaking. Additionally, you may use this opportunity to request consultation pursuant to 36 CFR 800.3. WisDOT understands that your tribe is a sovereign nation and as such has the discretion to consult government to government with the FHWA directly.

As part of the study effort, WisDOT has contracted with consultants to conduct various environmental field surveys including wetlands, streams/floodplains, threatened and endangered species, archaeological, historical, hazardous materials, and noise reading surveys. Results of these studies will assist project staff in the design to avoid, minimize or mitigate the proposed project's effect upon cultural and natural resources. If WisDOT identifies the potential for historic properties to be affected, you will be provided more information.

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 proposed project, please reply to this email or contact:

**WisDOT Project Manager: Jeff Berens, P.E.**

**Phone: 608-245-2656**

**Address: 2101 Wright Street, Madison, WI 53704**

EC: [DOTCulturalResources@dot.wi.gov](mailto:DOTCulturalResources@dot.wi.gov)

Amy Coughlin Southwest Regional Tribal Liaison  
Tribal Leader

CC: Johnathan Buffalo, NAGPRA Rep. – Sac and Fox Tribe of the Mississippi in Iowa  
Cultural Preservation Office - Iowa Tribe of Oklahoma  
Hattie Mitchell, THPO – Prairie Band Potawatomi Nation

Attachments: Study Location Map

**Study Location Map: US 51 (Stoughton Road)/WIS 30 to I-39/90/94**

Jeff Berens, P.E.

Major Studies Project Manager

WisDOT SW Region - Madison Office

(608) 245-2656

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