

Chicago-Milwaukee
Amtrak Hiawatha Service
Draft Environmental Assessment

Appendix H
Wisconsin DNR Initial and Final Project Review
Letters



December 23, 2014

Melanie K. Johnson, P.E.
Quandel Consultants
2000 Auburn Drive, Suite 291
Beachwood, OH 44122

Subject: **DNR Initial Project Review:**
Hiawatha Passenger Rail
Chicago-Milwaukee Environmental Assessment & Service Development Plan
Kenosha, Racine and Milwaukee Counties

Dear Ms. Johnson:

The Department has received the information you provided for the proposed above-referenced project on November 5th, 2014. According to your proposal, the purpose of this project is to increase passenger rail service from 7 trips per day to 10 trips per day. Proposed improvements include:

1. A new platform, with elevator towers and overhead walkway, across from the existing General Mitchell International Airport Rail Station
2. New signalization equipment at the Muskego Rail Yard (Menomonee Valley, I-43 to 43rd St.). Rehabilitation or replacement of deteriorated Muskego Rail Yard bridges over the Menomonee River may be added to the signalization project
3. Upgraded signals near the Milwaukee Intermodal Station cut-off point

Preliminary information has been reviewed by DNR staff for the project under the DOT/DNR Cooperative Agreement. Initial comments on the project as proposed are included below and assume that additional information will be provided that addresses all resource concerns identified.

A. Project-Specific Resource Concerns

Wetlands & Waterways

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

Endangered Resources (ER)

Based upon a review of the Natural Heritage Inventory (NHI) and other Department records on December 23, 2014 no Endangered Resources or suitable habitat that could be impacted by this project are known or likely to occur in the project area or its vicinity.

Fisheries/Stream work

The Menomonee River is a navigable waterway. In order to protect developing fish eggs and substrate for aquatic organisms, all in-stream work that could adversely impact water quality should be undertaken between June 15th and February 28th of the calendar year.

Migratory birds

Based on the information provided/based on site review, there is evidence of past migratory bird nesting on the existing structure. Under the U.S. Migratory Bird Treaty Act, 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. Therefore, the project should either utilize measures to prevent nesting (e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1), or should occur only between August 30 and May 1 (non-nesting season). (If netting is used, ensure it is properly maintained, then removed as soon as the nesting period is over.) If neither of these options is practicable then the U.S. Fish & Wildlife Service must be contacted to apply for a depredation permit.

Invasive species & VHS

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. This website provides further information and lists those species classified as Restricted or Prohibited under NR 40:

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

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

In particular, the following measures will be important for this project:

http://dnr.wi.gov/topic/fishing/documents/vhs/disinfection_protocols.pdf

For work involving waterbodies:

All equipment must be properly cleaned and disinfected to address the spread of invasive species and viruses. Special provisions should require contractors to implement the following measures before and after mobilizing in-water equipment to prevent the spread of Viral Hemorrhagic Septicemia (VHS), Zebra Mussel, and other invasive species. Follow **STSP 107-055** Environmental Protection – Aquatic Exotic Species Control, which includes the protocol found here:

For up to date information on invasive species and infested waters go to

<http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx>

Floodplains

A determination must be made as to whether the project lies within a mapped/zoned floodplain. In order to meet the standards of NR 116, Floodplain Management, a hydraulic and hydrologic analysis must be conducted for the 100-year flood event for any new structures. Plans for the structure must comply with the provisions of the local community's floodplain zoning ordinance. DNR requires submittal of the results of a 100-year flood analysis for the structure(s).

If the new structure(s) will create an increase of 0.01 feet or more in the 100-year backwater condition, DNR requires that all affected upstream landowners be notified, appropriate legal arrangements made, and the local floodplain ordinance must be amended. For areas lying outside mapped/zoned floodplain, DNR may request the results of DOT flow and backwater calculations.

Other Issues/Unique Features

Emerald Ash Borer

This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. It is illegal to move or transport ash material, the emerald ash borer, and hardwood debris (i.e. firewood) from EAB quarantined areas to a non-quarantined area without a compliance agreement issued by WI Department of Agriculture, Trade and Consumer Protection. Regulated items include cut hardwood (non-coniferous) firewood, ash logs, ash mulch or bark fragments larger than one inch in diameter, or ash nursery stock (DATCP statute 21).

For more information regarding the EAB and quarantine areas please follow the links below.

<http://datcpservices.wisconsin.gov/eab/article.jsp?topicid=20>

B. Construction Site Considerations

The following issues may be addressed in the Special Provisions and the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (ECIP).

Erosion control/Stormwater

Erosion control devices should be specified on the construction plans. All disturbed bank areas should be adequately protected and restored as soon as feasible.

An adequate erosion control implementation plan (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.

If erosion mat is used along stream banks, the department recommends that biodegradable and non-netted mat be used (e.g., Class I Type A Urban, Class I Type B Urban, or Class II Type C). Long-term netted mats may cause animals to become entrapped while moving in and out of the stream. Avoid the use of fine mesh matting that is tied or bonded at the mesh intersection such that the openings in the mesh are fixed in size.

Structure removal/Bridge demolition

Due to the characteristics of this section of the Menomonee River, STSP 203-020, *Removing Old Structure Over Waterway With Minimal Debris*, will be adequate for this project. Please coordinate with DNR early in the design phase of the project if the bridge must be dropped into the waterway before removal.

Asbestos

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-35-45 and the DNR's notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further guidance on asbestos inspections and notifications. Contact Mark Davis, Air Management Specialist 608-266-3658, with questions on the form. The DNR's online notification system is available at <http://dnr.wi.gov/topic/Demo/Asbestos.html>. The notification must be submitted 10 working days in advance of demolition projects.

The above comments represent the Department's initial concerns for the proposed project and do not constitute final concurrence. Final concurrence will be granted after review of plans and further consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office 414.881.5633.

Sincerely,



Kristina Betzold
Environmental Analysis & Review Specialist
Southeast Region

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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January 12, 2016

Melanie K. Johnson, P.E.
Quandel Consultants
2000 Auburn Drive, Suite 291
Beachwood, OH 44122

Subject: **DNR Review on Findings of Environmental Assessment:**
Hiawatha Passenger Rail
Chicago-Milwaukee Environmental Assessment & Service Development Plan
Kenosha, Racine and Milwaukee Counties

Dear Ms. Johnson:

The Department has received the information you provided for the proposed above-referenced project on November 5th, 2014. According to your proposal, the purpose of this project is to increase passenger rail service from 7 trips per day to 10 trips per day. Proposed improvements include:

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The Department provided comments on December 23, 2014, and further coordination has addressed these comments and concerns. The Department has no further comments on the content of the Environmental Assessment at this time, but will circulate the EA for staff review during the public comment period.

Comments addressed through the review process represent the Department's overall project concerns and do not constitute final concurrence, permitting or approvals needed for project construction. If any of the concerns or information provided in this letter requires further clarification, please contact this office 414.881.5633.

Sincerely,

A handwritten signature in cursive script that reads 'Kristina Betzold'.

Kristina Betzold
Environmental Analysis & Review Specialist
Southeast Region

