

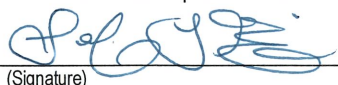
CATEGORICAL EXCLUSION CHECK LIST

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

WisDOT Design and Construction IDs Design ID# 1001-10-02 Construction ID# Multiple	Federal Project IDs (if available) N/A	Legal Description (Township, Range, Section) 6 site locations along corridor	County Dane & Rock
Project Name I-39/90 Corridor Excess Right-of-Way		Project Termini/ Location Illinois state line – US 12/18	
Name of Route or Facility to be Improved I-39/90 Corridor Expansion Project	Facility Classification Interstate	Improvement Type Reconstruction	
Estimated Project Cost in Year of Expenditure \$ (include R/W Cost) varies		Funding Source(s) (check all that apply) <input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Local	
23 CFR 771.117(c) Project Type Number and Text (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.			
Section 4(f) <input checked="" type="checkbox"/> None <input type="checkbox"/> De Minimis <input type="checkbox"/> Bikeway/ Walkway <input type="checkbox"/> Minor Park/ Rec <input type="checkbox"/> Minor Historic <input type="checkbox"/> Historic Bridge <input type="checkbox"/> Net Benefit <input type="checkbox"/> Exception			
Right of Way Acquisition 0 Total Acres WisDOT-owned ROW Fee Simple Acres 0 Permanent Easement Acres 0 Temporary Easement Acres			
Number of Buildings Acquired <input checked="" type="checkbox"/> None Vacant Buildings Occupied Buildings			
Name of Individual/ Firm Preparing this Form Jennifer Grimes WisDOT I-39 Corridor Team Environmental Coordinator		CE Preparation Date 11/15/17	Environmental Process Start Date WisDOT Region, BTS, BPD, FHWA meeting: 6/22/17

WisDOT Region Environmental Coordinator or Local Program Management Consultant

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



(Signature)

Jennifer Grimes

(Print Name)

11/29/17

(Date)

WisDOT Region, Central Office, or Local Program Project Manager

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



(Signature)

James Buschkopf

(Print Name)

11/29/2017

(Date)

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

I. Proposed (c)-list Categorical Exclusion – Insert the number and text of the applicable FHWA (c)-list CE from 23 CFR 771.117(c). Updated copies of the FHWA CE regulations are available on the [US Government Printing Office Website](#).

(24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

☒ Project is not being processed as a (c)(26), (c)(27), or (c)(28) project

Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). Check all boxes that apply to the proposed project. If any boxes are checked, the project cannot be documented with this checklist. Instead, process it with a PCE if it meets the criteria in Section VII of the FHWA – WisDOT CE Agreement. If the action is disqualified by the Section VII criteria, prepare an ER, EA, or EIS, as applicable.

23 CFR 771.117(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

- ☐ (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements
**In Wisconsin, a minor amount of right-of-way is defined as fee or PLE acquisition ≤ 1 acre/ mile on average for (c)(26) actions and ≤ 0.5 acre total for (c)(27)&(28) actions.*
- ☐ (2) An action that needs a bridge permit from the US Coast Guard
- ☐ (2) An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899
- ☐ (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act
- ☐ (3) The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts
**If a project includes a 4(f) de minimis determination or programmatic evaluation, the 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE.*
- ☐ (3) A finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act
- ☐ (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
**In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.*
- ☐ (5) Changes in access control
**In Wisconsin, changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using this checklist.*
- ☐ (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

II. Description of Proposed Action – Provide a concise project description below, including the project purpose and need and scope of work. Attach a project location map and other appropriate exhibits (existing and proposed typical sections, etc.). The description must be consistent with the specific CE listed in Section I, above.

The Wisconsin Department of Transportation (WisDOT), in cooperation with the Federal Highway Administration (FHWA), is considering allowing existing excess WisDOT I-39/90 Right-of-Way (ROW) to potentially be used for contractor's select sites during construction. WisDOT Standard Spec 107.20 (*Erosion Control*) and Chapter TRANS 401.08 Wisconsin Administrative Code (*Erosion Control Implementation Plan (ECIP)*) require the prime contractor to prepare and submit an ECIP for a project and to identify any material sites that may be needed to complete the project. "Selected Sites" are chosen by the highway contractor for the purposes of hauling borrow and/or waste material for the adjacent highway reconstruction.

Generally, the direct environmental impacts on WisDOT projects are quantified within the slope intercepts and/or proposed R/W for the actual highway improvement work. For the 45-mile I-39/90 Corridor Expansion Project, some parcels of WisDOT-owned property outside of the existing operational ROW limits, that were not proposed to be impacted by the reconstruction, did not require full environmental study and analysis. Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.

In January 2017, the “DOT Aggregate Selected Site” was submitted by a highway contractor as an ECIP Amendment proposing to excavate within the ROW and process rock for the purpose of producing select crushed material and base aggregate material; for asphalt and concrete batch plant siting; and for storage of materials. The site is a 27 acre parcel of land acquired in the 1960s as part of the original I-90 project using state and federal funds. This “spur” of land was purchased for a future interchange with US 12 that was never ultimately constructed and was not being maintained for highway purposes. The construction management documentation (contract modification justification and interstate access justification) and environmental investigation work (wetland/stream/habitat review, Section 106, agency coordination, public meeting and environmental documentation) was completed for approval of the select site in May 2017. The four-month process for reviewing and approving the site prompted an evaluation of the entire I-39/90 Corridor from the Illinois state line – US 12/18 for larger parcels of land outside of the vertical and horizontal excavation limits shown on the plans that may potentially be requested for use by highway contractors, e.g. outside of the “operational right-of-way”.

Existing operational right-of-way refers to the following:

- Right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose.
 - This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and
 - Other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities.
- Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

The I-39/90 corridor was evaluated in the following National Environmental Policy Act (NEPA) documents that can be found on the I-39/90 Corridor website at the following link: <https://projects.511wi.gov/i-39-90/environmental/>

- a) 1001-07-00 I-39/90, Environmental Assessment (EA), approved by the Federal Highway Administration (FHWA) on 7/29/08 and the Finding of No Significant Impact (FONSI) was signed on 10/1/10, with an effective approval date of 10/19/10.
- b) 1001-10-02 I-39/90, EA Re-Evaluation & Supplementation, approved by FHWA on 10/30/14
- c) 1003-10-02 I-39 & I-43 Interchange, EA/FONSI, approved by FHWA on 8/28/15
- d) 1007-10-03 DOT Aggregate Selected Site (*ECIP Select Site for 1007-11-75*), Categorical Exclusion Checklist (CEC), approved 5/15/17

The I-39/90 EA Re-Evaluation included the following language in *Section 3.3.6, Construction impacts*:

Estimates at the time of this re-evaluation indicate that the project will require 6.3 million cubic yards of excavation and 4.4 million cubic yards of borrow material. It is anticipated that material from borrow sites will be obtained locally from existing sites that are zoned accordingly. However, selection of the borrow sites is the responsibility of the construction contractor subject to approval by WisDOT under Federal Rule 23 CFR 635.407.

This CEC addresses 14 Potential Select Site locations that were reviewed for environmental “clearance” and NEPA evaluation in advance of upcoming LET projects to the same level as the rest of the corridor. No evaluation has been

made as to the suitability of the materials at these locations; the areas were only reviewed to identify if previous environmental investigation and documentation coverage was completed for the following environmental concerns: Section 106 (History, Archaeology, and Tribal Notification), Wetland Delineations, Stream/Waterway identification, Threatened & Endangered (T&E) Species occurrences and Upland Habitat Areas (intact wooded areas).

The potential locations reviewed within WisDOT ROW (south to north) are described below and on the figures in Attachment 1, Potential Select Site Maps. Six locations, *Sites #1, 5, 6, 10, 12 and 14, required additional investigation and/or agency coordination and are explained below. The remaining sites (without an asterisk) were evaluated under previous NEPA documentation (a-d, listed above). Any commitments or impact considerations are mentioned in italics.

*Site #1, Beloit Welcome Center:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known Wisconsin Department of Natural Resources (WDNR) records of this bat species occur within the vicinity. US Fish & Wildlife Service (USFWS) consultation documentation was submitted for potential tree clearing.*

Site #2, Northeast quadrant of the I-43 Interchange:

- I-39 & I-43/WIS 81 Interchange EA/FONSI (1003-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- Farmland acquisition/impacts in the NE quadrant were included in the Agricultural Impact Statement Addendum published by DATCP (12/27/13) and the EA/FONSI.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*

Site #3, US 14 interchange quadrants:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*

Site #4, WIS 26 interchange quadrants:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*
- *The WIS 26 interchange is within the 5-year (time of travel) capture zone for the city of Janesville wells 9 and 14 per the wellhead protection plan. Additional ground disturbing activities in this area or activities that could increase potential impacts on the groundwater and impact the infiltration efficiencies of the basins would require additional coordination with the City of Janesville Director of Public Works and the WisDOT Southwest Region Stormwater Engineer.*

*Site #5, Townline Road (former rest area):

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Wetlands, Streams, T&E Species and Upland Habitat Areas.
- This I-39/90 Corridor Excess Right-of-Way CEC (1001-10-02) covers the areas identified for: Section 106.
 - An archaeology field survey & history literature review was completed. Section 106 documentation was submitted and approved by SHPO on September 28, 2017. SHPO concurred with "No historic properties in the Area of Potential Effects."
- *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known WDNR records of this bat species occur within the vicinity. USFWS consultation documentation was submitted for potential tree clearing.*

*Site #6, Rest Area #17:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Wetlands, Streams, T&E Species and Upland Habitat Areas. Section 106 investigation was only completed for the areas within the slope intercepts and/or proposed R/W for the actual highway improvement work.
- This I-39/90 Corridor Excess Right-of-Way CEC (1001-10-02) covers the areas identified for: Section 106 outside of the slope intercepts.
 - An archaeology field survey & history literature review was completed. Section 106 documentation was submitted and approved by SHPO on September 28, 2017. SHPO concurred with "No historic properties in the Area of Potential Effects."
- *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known WDNR records of this bat species occur within the vicinity. USFWS consultation documentation was submitted for potential tree clearing.*

Site #7, Old Goede Road (overpass removal):

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Site #8, US 51 / WIS 73 interchange areas outside of the northbound and southbound off ramps:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*
- *Avoid impacts to wetland areas outside of the slope intercepts.*

Site #9, West ½ of US 51 interchange:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*
- *The east side of the interchange is to remain intact outside of the slope intercepts and will not be used as a material source or for storage of materials or equipment.*

*Site #10, US 12 future spur from I-90 construction in 1960s:

- East:
 - I-39/90 DOT Aggregate Selected Site CEC (1007-10-03) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
 - This location was used as a source of materials site for Construction ID# 1007-11-75 (May 2017 – November 2017)
- West:
 - I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106.
 - This I-39/90 Corridor Excess Right-of-Way CEC (1001-10-02) covers the areas identified for: Wetlands, Streams, T&E Species and Upland Habitat Areas.
 - A natural resources field survey was conducted on 9/29/17.
 - *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known WDNR records of this bat species occur within the vicinity. USFWS consultation documentation was submitted for potential tree clearing.*

Site #11, Koshkonong Road (area between town road and I-39/90):

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

*Site #12, Median south of CTH N interchange (wide, wooded median area):

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts.*
- *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known WDNR records of this bat species occur within the vicinity. USFWS consultation documentation was submitted for potential tree clearing.*

Site #13, CTH N interchange quadrants:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.*
- *Avoid impacts to wetland areas outside of the slope intercepts.*

*Site #14, Safety & Weight Enforcement Facility (SWEF) #16, South of CTH MN:

- I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.
- *Potentially suitable habitat was identified for the Northern Long-eared Bat. No known WDNR records of this bat species occur within the vicinity. USFWS consultation documentation was submitted for potential tree clearing.*

III. Project is a Complete FHWA Action – Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check either boxes (1-3) or the last box. If this is not possible, adjust the scope of the project to meet the criteria.

23 CFR 771.111(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated shall:

- ☒ (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope
- ☒ (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made
- ☒ (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements
- ☐ Project is not an action resulting in construction and does not require compliance with (1-3) above

IV. Categorical Exclusion Definition - Check all boxes that apply to the proposed project. If you are unable to check a box in this section, evaluate the scope of the project and prepare more detailed environmental documentation.

23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- ☒ Do not induce significant impacts to planned growth or land use for the area
- ☒ Do not require the relocation of significant numbers of people
- ☒ Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- ☒ Do not involve significant air, noise, or water quality impacts
- ☒ Do not have significant impacts on travel patterns
- ☒ Do not otherwise, either individually or cumulatively, have any significant environmental impacts

V. Unusual Circumstances - Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper.

Such unusual circumstances include:

- ☐ (1) Significant environmental impacts
- ☐ (2) Substantial controversy on environmental grounds
- ☐ (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act
- ☐ (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action
- ☐ Other unusual circumstances not listed in FHWA regulations (describe below)
(In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project.)

Describe any unique or unusual circumstances and subsequent coordination with FHWA:

N/A

VI. Supporting Documentation – List any additional discussion, agency correspondence, or supporting documentation used in this CE determination. Attach this documentation to the checklist and maintain a copy in the project file. Projects with 4(f) *de minimis* determinations or programmatic evaluations will require review by WisDOT Central Office and review and approval by FHWA prior to the approval of this CE.

PUBLIC INVOLVEMENT

Methods of communication for the I-39/90 Corridor, include, but are not limited to, newsletters, brochures, and social media outlets such as Twitter, Facebook, and YouTube. The Corridor Management Team maintains a project Web site (www.i39-90.wi.gov) and an email distribution list which those interested in the project can sign up for email updates both of which are updated throughout design and construction.

As construction continues, WisDOT and consultant construction staff will regularly inform property owners of the operations and any impacts to their property due to construction activities. Staff will continue to respond and/or meet with property owners in a timely manner to properly address and mitigate their questions or concerns.

AGENCY COORDINATION

Wisconsin Department of Natural Resources (WDNR)

Based upon a review of the Natural Heritage Inventory (NHI) and other WDNR records for the I-39/90 Corridor (1/26/17 Dane County, 2/17/17 Rock County), 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. There are no northern long-eared bat roost sites, hibernaculum or observances identified on the NHI database within 2 miles of the project site. There are no rusty patched bumble-bee observances for greater than 2 miles from the corridor and none of the sites are identified as occurring within the high potential zone for the species.

(See Attachment 2, Agency Coordination (WDNR, USFWS))

US Fish & Wildlife Service (USFWS)

USFWS Consultation for the entire I-39/90 Corridor is done on an annual basis prior to anticipated tree clearing. Because no response was received from USFWS as of March 18, 2017, the effect determination as submitted by WisDOT satisfies the Section 7 Consultation requirements for 2017 construction projects. The I-39/90 Corridor projects will not result in prohibited take of the Northern Long-eared Bat (NLEB) and no additional coordination is needed for 2017. The 2018 anticipated construction impacts for the corridor will be submitted in January 2018 prior to the start of construction operations.

Additional USFWS consultation documentation is being completed in advance of the corridor submittal for six sites with potentially suitable habitat for the NLEB (Site #1, 5, 6, 10, 12, & 14) prior to December 2017, January 2018 and March 2018 bid lettings for potential tree clearing in 2018 by highway contractors to expedite potential select site evaluation if submitted in an ECIP or ECIP Amendment.

<i>Potential Contractor Select Site</i>	<i>Site #</i>	<i>Approximate Scattered Tree Coverage (acres)</i>
<i>Beloit Welcome Center Area (NB) and SB field</i>	1	NB: 2.25 / SB: 5.34
<i>H-M Townline Rd, former rest area</i>	5	8.65
<i>Rest Area #17</i>	6	18.93
<i>US 12 future spur from I-90 construction in 60s</i>	10	27.80
<i>Median area south of CTH N</i>	12	28.61
<i>Safety & Weight Enforcement Facility (SWEF) #16</i>	14	3.23

Consultation documentation was submitted to USFWS on November 13, 2017 including an effect determination pertaining to potential impacts to the following species: Whooping Crane, Higgins Eye Pearly Mussel, Eastern Prairie

Fringed Orchid, Mead's Milkweed, Prairie brush-clover, Northern Long-eared Bat (NLEB), and the Eastern Massasauga for excess right-of-way (ROW) along the I-39/90 Corridor outside of the original environmental documentation limits.

WisDOT intends to rely on the programmatic biological opinion for the Northern Long-eared Bat, developed for the final 4(d) rule and this submittal to satisfy our Section 7(a)(2) responsibilities, as outlined in the streamlined consultation framework. In accordance with the final 4(d) rule issued for the Northern long-eared bat, WisDOT has determined that the proposed activity along I-39/90, may affect but will not result in prohibited take of the NLEB. The activity involves tree removal, but will not occur within 0.25 miles of a known hibernacula, nor will the activity remove a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree from June 1 – July 31.

USFWS consultation guidance requires a 30-day evaluation period for the NLEB under the 4(d) rule streamlined consultation framework; if no response or requests for additional information are received by December 14, 2017, the determination as submitted by WisDOT satisfies the Section 7 Consultation requirements and tree clearing at the six sites will not result in prohibited take of the NLEB and no additional coordination with USFWS is needed.

In the table describing the effect findings related to the federal species, all remaining species received a no effect determination.

(See Attachment 2, Agency Coordination (WDNR, USFWS))

Wisconsin Historical Society, State Historic Preservation Officer (SHPO)

Section 106 documentation for Site #5, Townline Road (former rest area) and Site #6, Rest Area #17 was sent to SHPO on September 12, 2017. SHPO concurred with the finding of "No historic properties (historical or archaeological) in the Area of Potential Effects (APE) and signed the Section 106 review form on September 28, 2017.

(See Attachment 3, Section 106 Review Form)

TRIBAL COORDINATION

A tribal notification letter was sent to tribes during the EA Re-Evaluation for each of the 3 segments (North, Central and South) notifying them of the federal undertaking and request for comments. No responses were received from any of the Tribes.

VII. Mitigation & Commitments – List any environmental mitigation measures or commitments that will be incorporated into the project. Any items listed below must be incorporated into the project plans and contract documents. *Attach a copy of this page to the design study report (DSR) and the plans, specifications, and estimate (PS&E) submittal package.*

Environmental Factor	Commitment (If none, include 'No special or supplemental commitments required.')
General Economics	No special or supplemental commitments required.
Business	No special or supplemental commitments required.
Agriculture	No special or supplemental commitments required.
Community or Residential	No special or supplemental commitments required.
Indirect Effects	No special or supplemental commitments required.
Cumulative Effects	No special or supplemental commitments required.
Environmental Justice	No special or supplemental commitments required.
Historic Resources	No special or supplemental commitments required.
Archaeological/Burial Sites	No special or supplemental commitments required.
Tribal Coordination/Consultation	No special or supplemental commitments required.
Section 4(f) and 6(f) or Other Unique Areas	No special or supplemental commitments required.
Aesthetics	No special or supplemental commitments required.
Wetlands	No special or supplemental commitments required.
Rivers, Streams and Floodplains	No special or supplemental commitments required.
Lakes or other Open Water	No special or supplemental commitments required.
Groundwater, Wells and Springs	In accordance with Sections NR 812.09(4)(a) & (b), Wisconsin Administrative Code, WDNR approval is necessary for the construction and operation of a high capacity well system. A high capacity well permit must be obtained from DNR's Water Use Program by the highway contractor prior to beginning work at the site. The Highway Contractor is responsible for all costs associated with the permit. The high capacity well will be capped and abandoned when project is complete. The Highway Contractor and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.
Upland Wildlife and Habitat	No special or supplemental commitments required.
Coastal Zones	No special or supplemental commitments required.
Threatened and Endangered Species	In accordance with the final 4(d) rule issued for the northern long-eared bat, WisDOT has determined that the proposed activity, will not result in prohibited take of the NLEB. The activity involves potential tree removal, but will follow the following conservation measures: tree removal will not occur within 0.25 miles of a known hibernacula, nor will the activity remove a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree from June 1 – July 31. The Highway Contractor and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.

Air Quality	An Air Pollution Control Permit must be obtained from WDNR's Air Management Program by the highway contractor prior to citing and operation of asphalt plants or rock crushing facilities at any select site on WisDOT ROW. The Highway Contractor is responsible for all costs associated with the permit. The Highway Contractor and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.
Construction Stage Sound Quality	No special or supplemental commitments required.
Traffic Noise	No special or supplemental commitments required.
Hazardous Substances or Contamination	No special or supplemental commitments required.
Storm Water	<p>Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below. The Corridor Stormwater Engineer and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.</p> <p>The WIS 26 interchange is within the 5-year (time of travel) capture zone for the city of Janesville wells 9 and 14 per the wellhead protection plan. Additional ground disturbing activities in this area or activities that could increase potential impacts on the groundwater and impact the infiltration efficiencies of the basins would require additional coordination with the City of Janesville Director of Public Works and the WisDOT Southwest Region Stormwater Engineer. The Corridor Stormwater Engineer and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.</p>
Erosion Control	Permanent and temporary erosion control measures will be implemented during construction. Construction site erosion control will be part of the projects design and construction as set forth in TRANS 401 Wis. Adm. Code and the WisDOT/WDNR cooperative agreement. The Erosion Control Implementation Plan (ECIP) is required, and will be adhered to during construction. The Construction Project Leader will be responsible for overseeing erosion control implementation.
Other: Blasting	County and local zoning bodies are responsible for mine siting requirements and regulation. The contractor will obtain blasting permits and all work will be done in accordance with local, county and state regulations. The Highway Contractor and Construction Project Leader will be responsible for ensuring the fulfillment of this commitment.
Other: Select Sites	All selected sites for waste and/or borrow must be an adequate distance from and not within any waterway, wetland, or floodplain. Selected sites must have erosion control measures installed to prevent offsite sediment runoff, both temporary and/or permanent. Additional environmental review will have to be conducted on selected sites that are not permitted (commercial) facilities. Other special conditions may apply to any non-permitted selected sites, which must be identified in the ECIP. The Construction Project Leader will be responsible for overseeing erosion control implementation.

Attachment 1 Potential Select Site Location Maps

Attachment 2: Agency Coordination (WDNR, USFWS)

Attachment 3: Section 106 Review Form

Attachment 1: Potential Select Site Location Maps



Potential Select Site #01

Welcome Center
South of E. Colley Rd.



Nov. 2017

Published by M. Liska

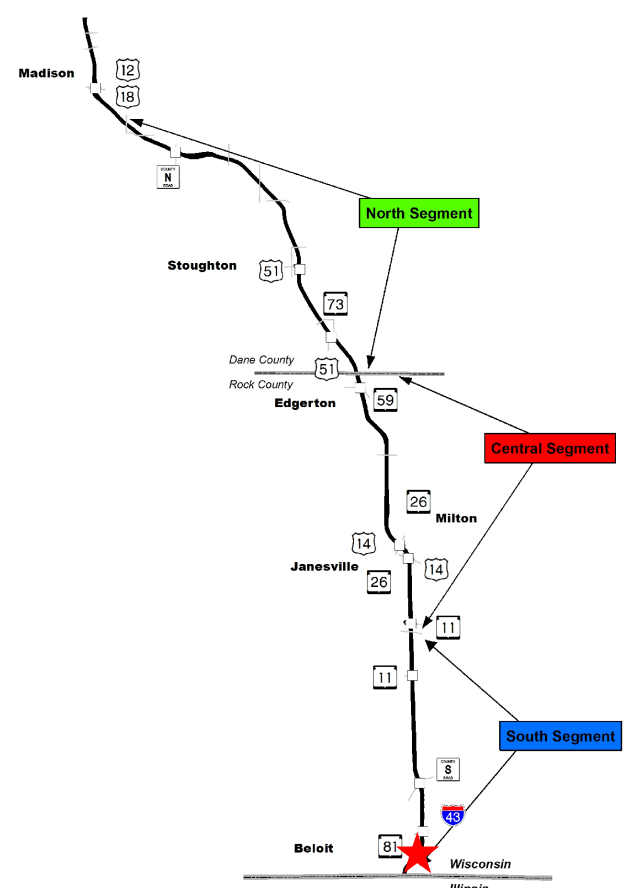
Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Notes: Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts. Contractor select sites on WisDOT R/W outside of the slope intercepts should be requested as a part of the ECIP or an ECIP Amendment

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.
* Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #02

NE Quadrant of I-43 Interchange



Nov. 2017

Published by M. Liska

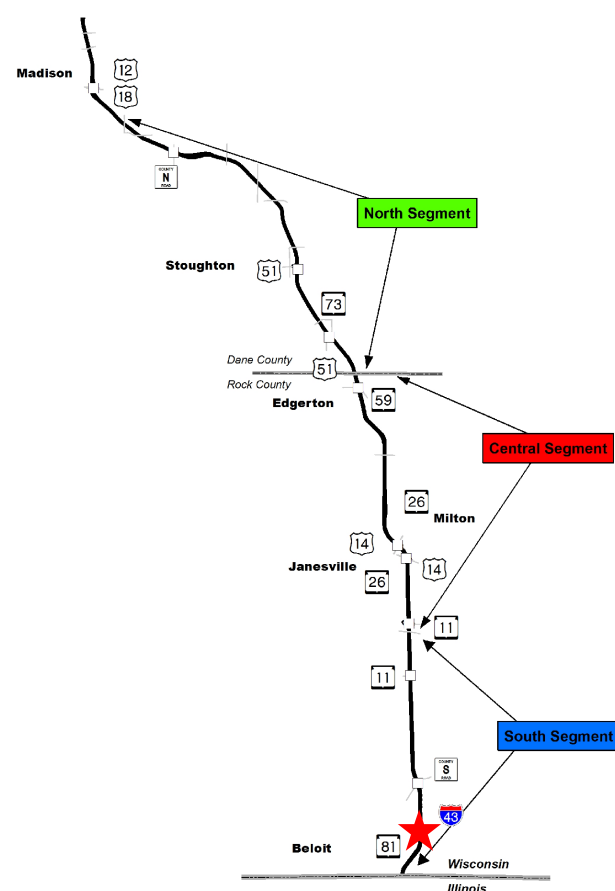
Notes: I-39 & I-43 Interchange EA/FONSI (1003-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas. Farmland acquisition/impacts in the NE quadrant were included in the Agricultural Impact Statement Addendum provided by DATCP and the EA/FONSI.

Notes: Right of way not cleared as of Nov 2017. Anticipated clear by February 2018.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W
- Proposed IH 43 Ramps

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #03



US 14 Interchange

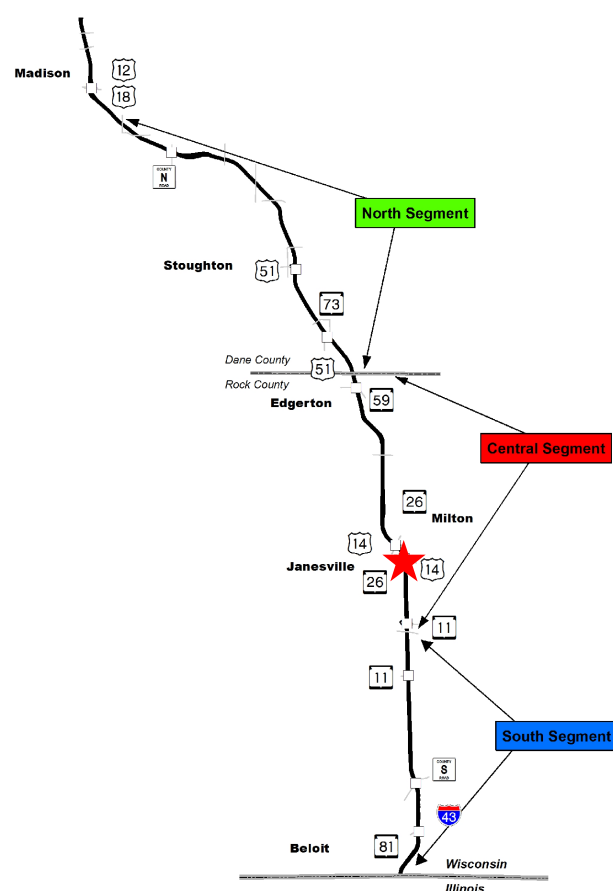
Nov. 2017

Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W



Source: Esri, DigitalGlobe, GeoEye, AeroGRID, IGN, USGS, USDA, CNR

* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #04



WIS 26 Interchange

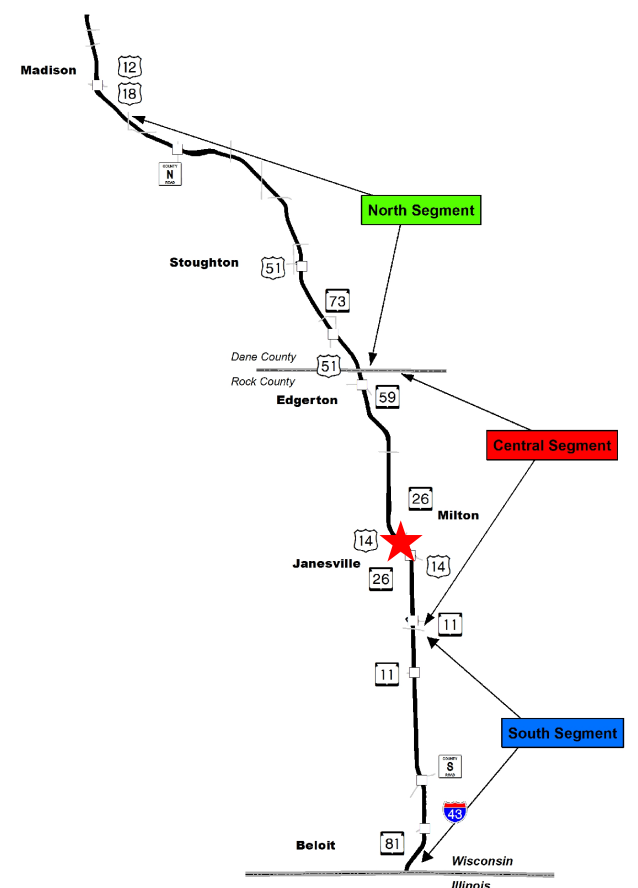
Nov. 2017

Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W



Source: Esri, DigitalGlobe, GeoEye, AeroGRID, IGN, USGS, USDA, CNR

* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #05

Townline Rd.



Nov. 2017

Published by M. Liska

H-M Townline Rd

Notes: I-39/90 Material source CEC document (1001-10-02) covered the areas identified for: Section 106.

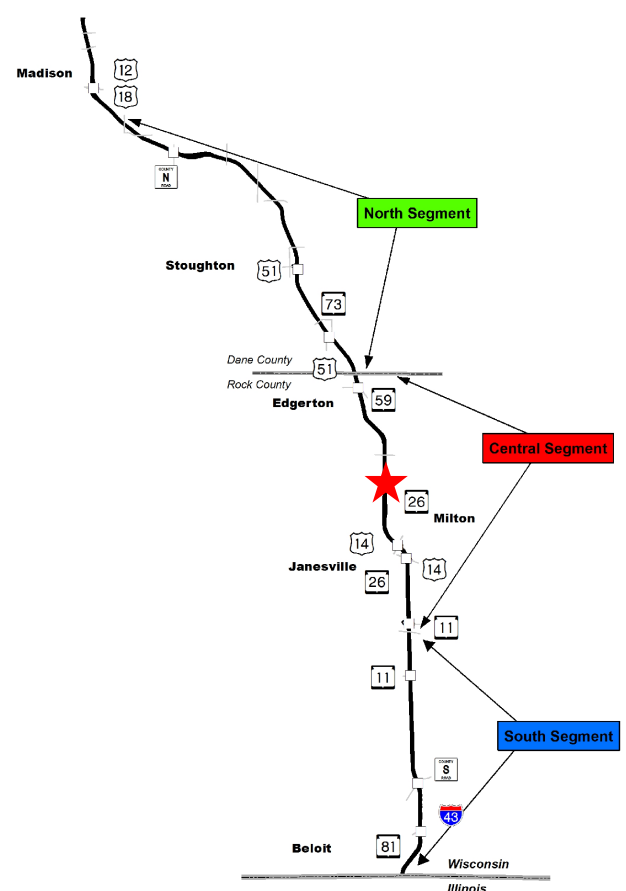
Notes: I-39/90 EA Re-Evaluation (1001-10-02) DID cover the areas identified for: Wetlands, Streams, T&E Species and Upland Habitat Areas.

Notes: Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts. Contractor select sites on WisDOT R/W outside of the slope intercepts should be requested as a part of the ECIP or an ECIP Amendment.

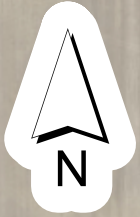
Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogric



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.
*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #06

Rest Area #17



Nov. 2017

Published by M. Liska

Monogue Rd

Notes: I-39/90 material source CEC document (1001-10-02) covered the areas identified for: Section 106.

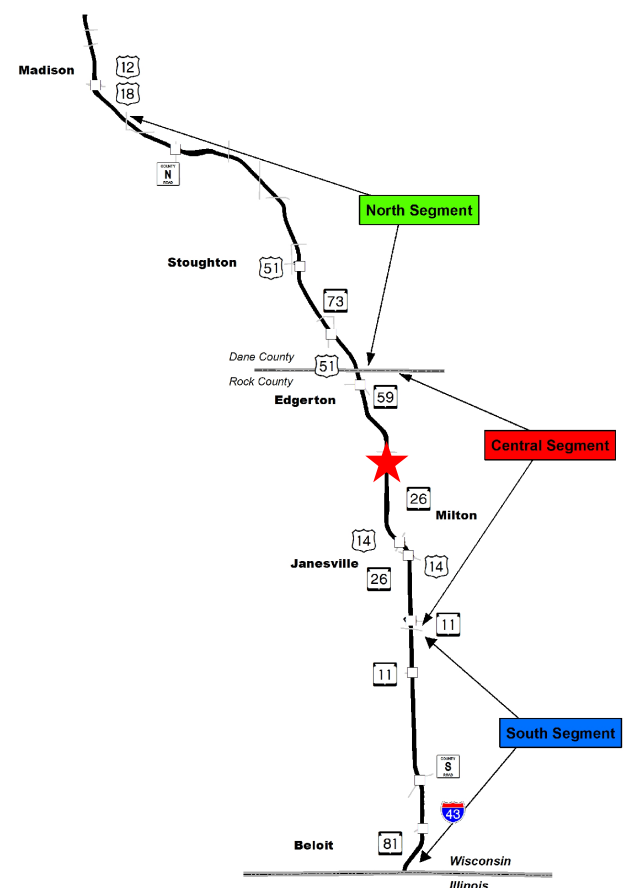
Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Wetlands, Streams, T&E Species and Upland Habitat Areas.

Notes: Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts. Contractor select sites on WisDOT R/W outside of the slope intercepts should be requested as a part of the ECIP or an ECIP Amendment.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogric



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #07

Old Goede Rd. Connection



Nov. 2017

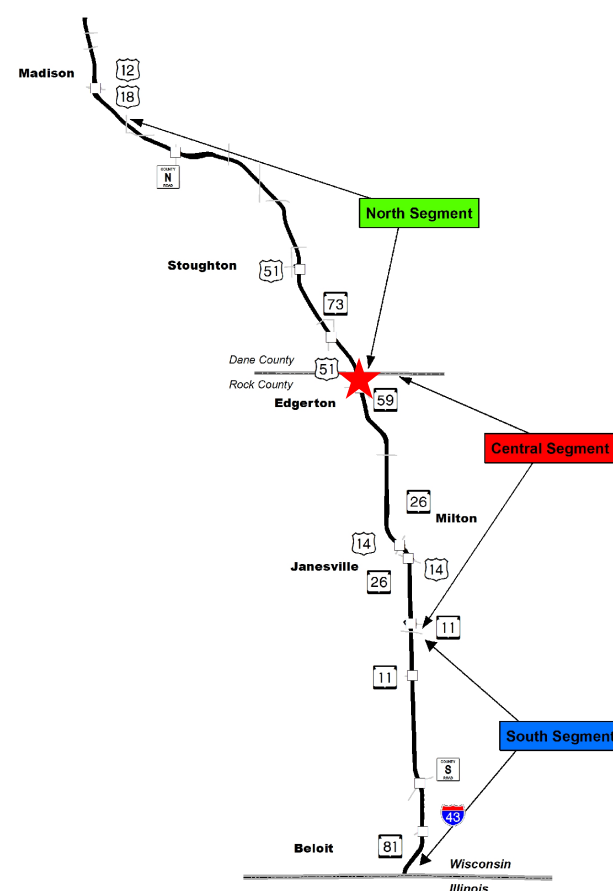
Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.
* Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #08

US 51 / WIS 73 Interchange
NW & SE Quadrants



Nov. 2017

Published by M. Liska

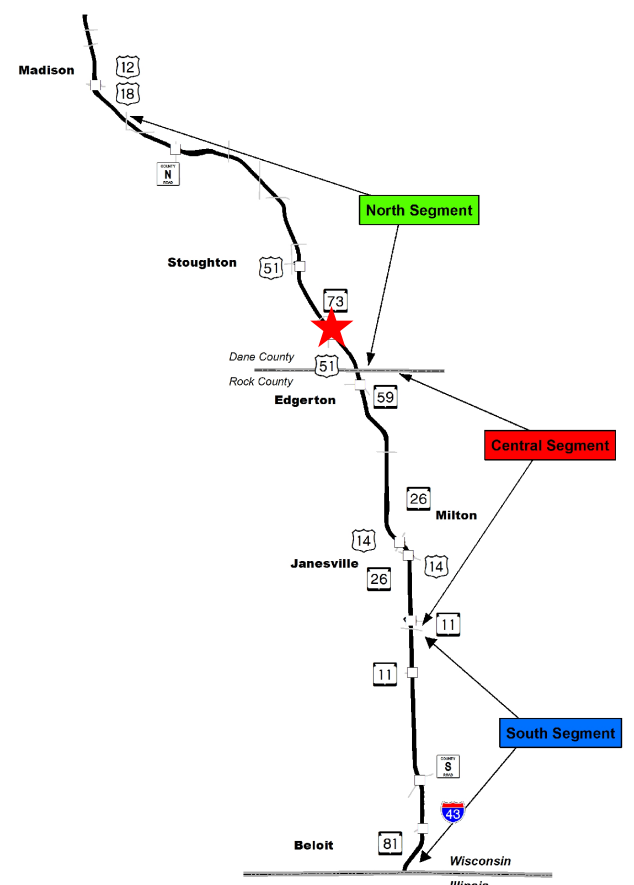
Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas. Avoid impacts to upland habitat/intact wooded areas and wetlands outside of the slope intercepts.

Retired Frontier Line

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.
* Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #09

West 1/2 of US 51 Interchange



Nov. 2017

Published by M. Liska

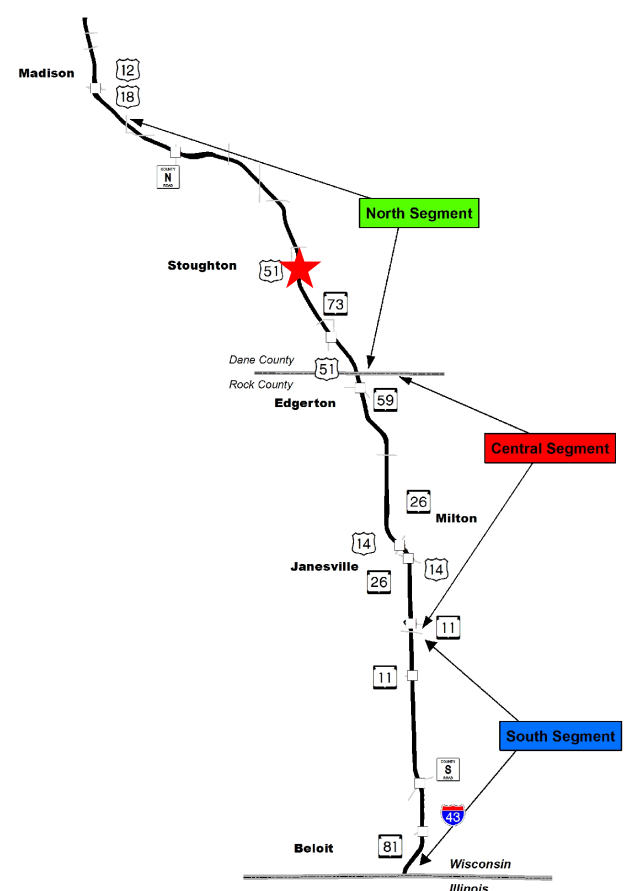
Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Notes: The east side of the interchange is to remain intact outside of the slope intercepts and will not be used as a material source or for storage of materials or equipment.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #10

North of E. Church Rd.



Nov. 2017

Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the area on the west of the interstate for: Section 106.

Notes: Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts. Contractor select sites on WisDOT R/W outside of the slope intercepts should be requested as a part of the ECIP or an ECIP Amendment.

Notes: DOT aggregate site CEC document (1007-10-03) covered the area east of the interstate for: Section 106, wetlands, streams, T&E species, and upland habitat areas.

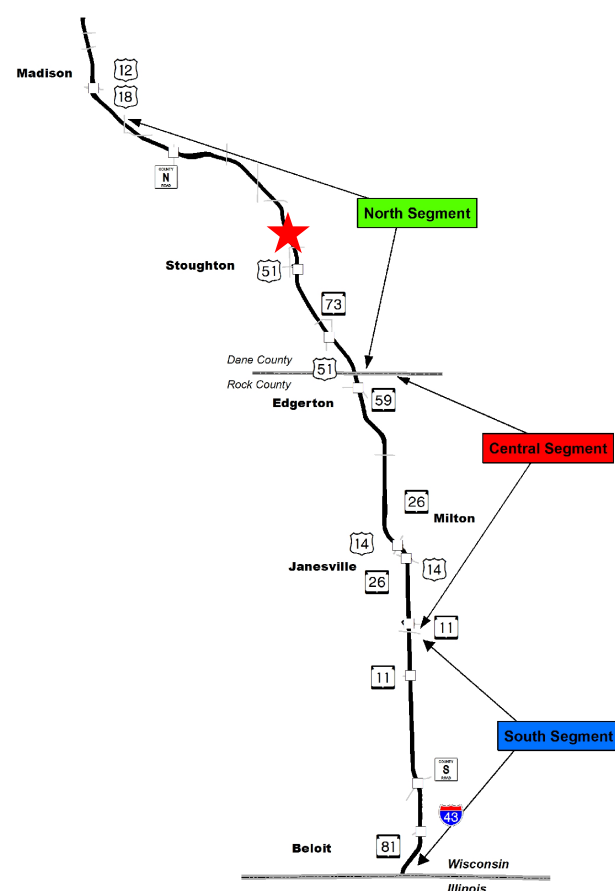
Location used as a source material site for 1007-11-75

Notes: I-39/90 material source CEC document (1001-10-02) covered the area west of the interstate for: Wetlands, streams, T&E species, and upland habitat areas.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalGlobe, GeoEye, AeroGRID



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #11

Koshkonong Rd.



Nov. 2017

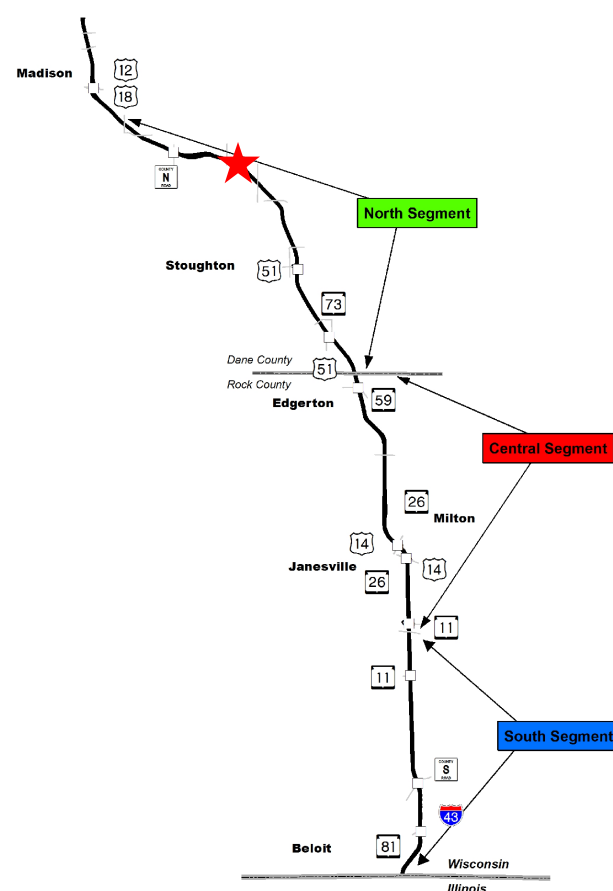
Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Legend

- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W

Source: Esri, DigitalG
Getmapping, Aerogrid



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.



Potential Select Site #12

Median South of CTH N



Nov. 2017

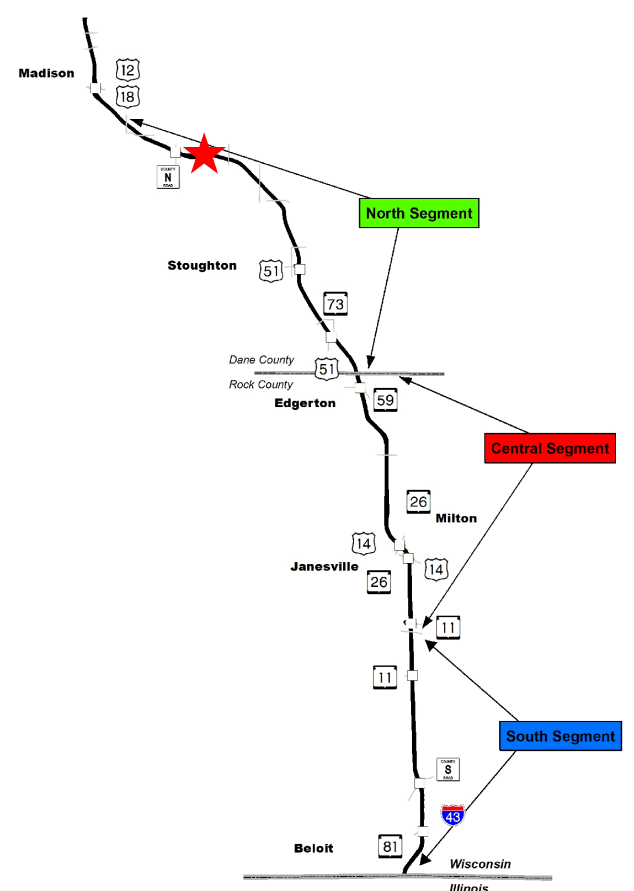
Published by M. Liska

Notes: I-39/90 EA Re-Evaluation (1001-10-02) covered the areas identified for: Section 106, Wetlands, Streams, T&E Species and Upland Habitat Areas.

Notes: Avoid impacts to the extent practical to upland habitat/intact wooded areas outside of the slope intercepts. Contractor select sites on WisDOT R/W outside of the slope intercepts should be requested as a part of the ECIP or an ECIP Amendment.

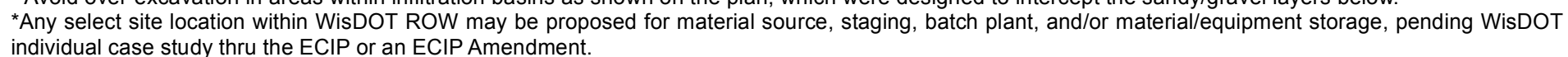
Legend

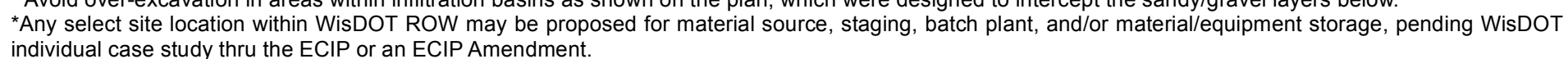
- Upland Habitat
- Infiltration Areas
- Wetland
- Utility
- Enviro Clear
- Enviro Not Clear
- Do Not Use
- Acquired R/W
- Existing R/W
- Slope Intercept 1007-11-76/80



* Avoid over-excavation in areas within infiltration basins as shown on the plan, which were designed to intercept the sandy/gravel layers below.

*Any select site location within WisDOT ROW may be proposed for material source, staging, batch plant, and/or material/equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.





Attachment 2: Agency Coordination (WDNR, USFWS)

From: [Grimes, Jennifer - DOT](#)
To: [Andrew Horton USFWS](#)
Cc: [Barrette, Alyssa - DOT](#); [Schauder, Kimberly - DOT \(Kimberly.Schauder@dot.wi.gov\)](#); [Vesperman, John - DOT](#); [DOT I39 Project](#)
Subject: Request to Initiate Informal Section 7 Consultation: NLEB for WisDOT I-39 Corridor Excess ROW, Rock & Dane Co. [ID #1001-10-02]
Date: Monday, November 13, 2017 4:48:49 PM
Attachments: [1001-10-02 Excess ROW StreamlinedConsultationForm NLEB 11-13-17 w Attachments.pdf](#)

USFWS Consultation Codes: 03E17000-2018-SLI-0173, 03E17000-2018-SLI-0175, 03E17000-2018-SLI-0176,

03E17000-2018-SLI-0177, 03E17000-2018-SLI-0178, 03E17000-2018-SLI-0182

WisDOT ID# 1001-10-02

I-39/90 Corridor Excess ROW

Illinois state line – US 12/18 (Madison Beltline)

Rock and Dane County, WI

Andrew,

WisDOT, on behalf of FHWA, is submitting the following information and determination to fulfil Section 7(a)(2) responsibilities under the ESA pertaining to potential impacts to the following species: Whooping Crane, Higgins Eye Pearly Mussel, Eastern Prairie Fringed Orchid, Mead's Milkweed, Prairie brush-clover, Northern Long-eared Bat, and the Eastern Massasauga for excess right-of-way (ROW) along the I-39/90 Corridor outside of the original environmental documentation limits.

WisDOT intends to rely on the programmatic biological opinion for the Northern Long-eared Bat, developed for the final 4(d) rule and this submittal to satisfy our Section 7(a)(2) responsibilities, as outlined in the streamlined consultation framework.

- In accordance with the final 4(d) rule issued for the northern long-eared bat, WisDOT has determined that the proposed activity along I-39/90, described in greater detail in the attached documentation, may affect but will not result in prohibited take of the NLEB. The activity involves tree removal, but will not occur within 0.25 miles of a known hibernacula, nor will the activity remove a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree from June 1 – July 31.

In the table (pdf pages 2-3) describing the effect findings related to the federal species, all remaining species received a no effect determination.

Additional project/supporting information is included in the attached .pdf. If you need additional information, feel free to contact me at 608-884-1147.

Thank you,
Jenny

Jennifer Grimes

Environmental Coordinator

Mega Team Projects & Planning Major Studies

WisDOT Southwest Region – Edgerton

111 Interstate Blvd, Edgerton, WI 53534



Phone 608.884.1147 | Cell 608.516.9760



jennifer.grimes@dot.wi.gov

WisDOT ID# 1001-10-02
I-39/90 Corridor Excess ROW
Illinois state line – US 12/18 (Madison Beltline)
Rock and Dane County, WI

iPaC Consultation Codes: 03E17000-2018-SLI-0173, 03E17000-2018-SLI-0175, 03E17000-2018-SLI-0176,
03E17000-2018-SLI-0177, 03E17000-2018-SLI-0178, 03E17000-2018-SLI-0182

Attachments Included:

Section 7 Federal Species Effect Determination (11/13/17)

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form (11/13/17)

I-39/90 Corridor Map – 2018 Construction and Staging

DNR Coordination (1/26/17 Dane County, 2/17/17 Rock County)

Official Species Lists:

<i>Potential Contractor Select Site</i>	<i>Site #</i>	<i>iPaC Consultation Code</i>
<i>Beloit Welcome Center Area (NB) and SB field</i>	1	03E17000-2018-SLI-0173
<i>H-M Townline Rd, former rest area</i>	5	03E17000-2018-SLI-0175
<i>Rest Area #17</i>	6	03E17000-2018-SLI-0176
<i>US 12 future spur from I-90 construction in 60s</i>	10	03E17000-2018-SLI-0177
<i>Median area south of CTH N</i>	12	03E17000-2018-SLI-0178
<i>Safety & Weight Enforcement Facility (SWEF) #16</i>	14	03E17000-2018-SLI-0182

WisDOT I-39/90 Right-of-Way outside original environmental documentation limits, Illinois state line - US 12/18, Rock Co. & Dane Co.

Endangered Species Act – Section 7 Federal Species Effect Determination

rev. 11/13/17

	Status	Habitat Summary*	Habitat Present (Y/N)	Effect Finding	Justification
Birds					
Whooping Crane (<i>Grus americana</i>) <i>Dane and Rock</i>	Experimental Population, Non-Essential	Open wetlands and lakeshores	N	No Effect	This is a non-essential experimental population. A review of Wisconsin Department of Natural Resources (DNR) Natural Heritage Inventory (NHI) Database did not identify previous occurrences or suitable habitat for this species.
Clams					
Higgins eye pearly mussel (<i>Lampsilis higginsii</i>) <i>Dane County</i>	Endangered	The Higgins eye is a freshwater mussel of larger rivers where it is usually found in deep water with moderate currents.	N	No Effect	No crossings of suitable habitat would occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify previous occurrences or suitable habitat for this species.
Flowering Plants					
Eastern Prairie Fringed Orchid (<i>Platanthera leucophaea</i>) <i>Dane and Rock</i>	Threatened	The eastern prairie fringed orchid occurs in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh	N	No Effect	Impacts to suitable habitat would not occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify suitable habitat for this species.
Mead's Milkweed (<i>Asclepias meadii</i>) <i>Dane County</i>	Threatened	This milkweed requires moderately wet (mesic) to moderately dry (dry mesic) upland tallgrass prairie or glade/barren habitat characterized by vegetation adapted for drought and fire.	N	No Effect	Impacts to suitable habitat would not occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify previous occurrences or suitable habitat for this species.
Prairie bush-clover (<i>Lespedeza leptostachya</i>) <i>Dane & Rock</i>	Threatened	This plant prefers lightly disturbed areas such as forest openings, wood edges and where bluffs descend to streams. It also grows along highway rights-of-way and powerline corridors.	N	No Effect	Impacts to suitable habitat would not occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify suitable habitat for this species.

WisDOT I-39/90 Right-of-Way outside original environmental documentation limits, Illinois state line - US 12/18, Rock Co. & Dane Co.

Endangered Species Act – Section 7 Federal Species Effect Determination

rev. 11/13/17

Mammals					
Northern long-eared Bat (<i>Myotis septentrionalis</i>) <i>Dane & Rock</i>	Threatened	Hibernates in caves and mines-swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.	N	May Affect – Not Likely to Adversely Affect	Impacts to suitable habitat would not occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify suitable habitat for this species.
Reptiles					
Eastern massasauga (<i>Sistrurus catenatus</i>) <i>Rock County</i>	Threatened	Massasaugas live in wet areas including wet prairies, marshes and low areas along rivers and lakes. In many areas massasaugas also use adjacent uplands during part of the year.	N	No Effect	Impacts to suitable habitat would not occur as part of this project. A review of Wisconsin DNR's Natural Heritage Database did not identify previous occurrences or suitable habitat for this species.

*Habitat Summary information obtained from USFWS Species Fact Sheets.

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

YES NO

1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ (Name, Email, Phone No.): WisDOT, on behalf of FHWA. Jennifer Grimes, jennifer.grimes@dot.wi.gov, (608) 884-1147

Project Name: WisDOT ID# 1001-10-02 I-39/90 Corridor Excess Right-of-Way (ROW)

Project Location (include coordinates if known): Illinois state line – US 12/18 (Madison Beltline); Rock and Dane County, WI

Basic Project Description (provide narrative below or attach additional information):

The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor in on-going and will continue thru 2022.

Generally, the direct environmental impacts on WisDOT projects are quantified within the slope intercepts and/or proposed ROW. For the 45-mile I-39/90 Corridor Expansion project, some parcels of WisDOT-owned

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

property outside of the operational ROW limits, that were not proposed to be impacted by the reconstruction, did not require full environmental study and analysis.

This consultation submittal is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose. No evaluation has been made as to the suitability of the materials at these locations; the areas were only reviewed to identify if previous environmental documentation coverage was completed.

WisDOT reviewed several locations along the corridor for excess right-of-way that could be requested as a potential Select Site, including ROW for Material Source, Batch Plant and/or Material & Equipment Storage Locations.

- Contractor selected sites have previously not been included in annual I-39/90 Corridor tree clearing totals and were not submitted for the 2017 request.
- WisDOT acknowledges that updated review for threatened and endangered species will need to occur on an annual basis for each construction season.
- Any select site location within WisDOT R/W may be proposed for staging, batch plants, or material and/or equipment storage, pending WisDOT individual case study thru the ECIP or an ECIP Amendment.

USFWS consultation is required at six sites with potentially suitable habitat for the NLEB (Site #1, 5, 6, 10, 12, & 14) prior to December 2017, January 2018 and March 2018 bid lettings for potential tree clearing in 2018 by highway contractors.

<i>Potential Contractor Select Site</i>	<i>Site #</i>	<i>iPaC Consultation Code</i>	<i>Approximate Scattered Tree Coverage (acres)</i>
<i>Beloit Welcome Center Area (NB) and SB field</i>	1	03E17000-2018-SLI-0173	NB: 2.25 / SB: 5.34
<i>H-M Townline Rd, former rest area</i>	5	03E17000-2018-SLI-0175	8.65
<i>Rest Area #17</i>	6	03E17000-2018-SLI-0176	18.93
<i>US 12 future spur from I-90 construction in 60s</i>	10	03E17000-2018-SLI-0177	27.80
<i>Median area south of CTH N</i>	12	03E17000-2018-SLI-0178	28.61
<i>Safety & Weight Enforcement Facility (SWEF) #16</i>	14	03E17000-2018-SLI-0182	3.23

A 2018 construction project map is attached, dependent on project funding.

An official species list was generated for each of the six sites using the iPaC tool on 11/7/17 and 11/8/17. Effect determinations for the federally listed species identified in the official species list are included in the attached table.

Wisconsin Department of Natural Resources (WDNR) reviewed their Natural Heritage Inventory (NHI) database on 1/26/17 for Dane County and 2/17/17 for Rock County. In that review, WDNR determined that there are no known NLEB maternity roost trees within 150 feet and no known hibernacula within 0.25 miles of the proposed project.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	95	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31		

⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

If known, estimated acres of forest conversion from June 1 to July 31 ⁶		
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: Jennifer Grimes Date Submitted: November 13, 2017

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

SUBJECT TO CHANGE

From: [Heggelund, Eric P - DNR](#)
To: [Grimes, Jennifer - DOT](#)
Subject: 1001-10-02 I-39 Corridor, Illinois state line - US 12/18, Rock Co. & Dane Co.: DNR NHI Review (1/26/17)
Date: Thursday, January 26, 2017 2:01:34 PM

Jenny,

Based on a review of the NHI database for the IH39 corridor, there are no listed endangered, threatened or special concern species known or likely to occur with the project area. There are no NLEB roost sites or hibernaculum within a mile of the project corridor. Additionally, there are no occurrences of the eastern massasauga rattlesnake or rusty patch bumble bee within a mile of the corridor.

Let me know if you need anything else.

Eric

We are committed to service excellence.

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

Eric Heggelund

Phone: 608-275-3301

Cell: 608-228-7927

Eric.heggelund@wisconsin.gov

From: Grimes, Jennifer - DOT
Sent: Wednesday, January 25, 2017 4:24 PM
To: Heggelund, Eric P - DNR; Bub, Laura A - DNR
Cc: DOT I39 Project
Subject: I-39 Corridor, Illinois state line - US 12/18, Rock Co. & Dane Co.: Request for NHI review

Laura and Eric,

It's time again for an overall NHI review for the I-39 Corridor from the Illinois state line to the US 12/18 Interchange (Madison Beltline). This is the 2nd year where I plan to submit information for consultation to the USFWS for the Section 404 permit applications and construction projects for that year, instead of coordinating on each permit or project individually for 2017 federal actions.

In addition to your general review, I am requesting that your NHI review response that you determine species occurrences and potential impacts for the following newly listed species and/or their habitat specifically, so I can address any concerns with FHWA and USACE:



1. Northern Long-eared Bat (NLEB) with respect to the following criteria in the Final 4(d) rule (effective February 16, 2016) for tree removal:
 - a. Within ¼ mile of a known hibernaculum, any time of year

- b. Within 150 feet of a known, occupied maternity roost tree during the pup season (June 1 – July 31)
 - c. Destroys a known, occupied maternity roost tree during the pup season (June 1 – July 31)
- 2. Eastern Massasauga Rattlesnake
 - a. Listed Threatened under Federal Endangered Species Act (effective October 31, 2016)
 - b. Not federally regulated in Dane or Rock Counties
- 3. Rusty Patched Bumble Bee
 - a. Listed Endangered under Federal Endangered Species Act (effective February 10, 2017)
 - c. Federally regulated in Dane County; Not federally regulated in Rock County

If you need any additional materials to complete your review, please let me know. I have attached the latest version of the 2017 construction map for the corridor.

Jenny

Jennifer Grimes

Environmental Analyst & Review Specialist
Mega Team Projects & Planning Majors Studies
WisDOT Southwest Region – Edgerton
111 Interstate Blvd, Edgerton, WI 53534
 Phone 608.884.1147 | Cell 608.516.9760
 jennifer.grimes@dot.wi.gov

From: [Bub, Laura A - DNR](#)
To: [Grimes, Jennifer - DOT](#)
Subject: RE: I-39 Corridor, Illinois state line - US 12/18, ROCK COUNTY NHI review
Date: Friday, February 17, 2017 4:33:14 PM

Hi Jenny,

The Wisconsin Natural Heritage Inventory (NHI Portal) database was reviewed on February 17, 2017 for the I-39/90 Corridor in **Rock County** between the Dane County line and the Wisconsin/Illinois state line.

The NHI Portal contains all current Northern Long-eared Bat roost sites and hibernacula in Wisconsin. The NHI Portal contains verified survey results from WI DNR, FWS, and private organizations and is updated on a regular basis. The NHI Portal was consulted for this project and it was determined that this project is more than 1/4 mile from a known maternity roost tree AND is more than 1/4 mile from a known hibernacula. Therefore, there will be no impacts to the Northern Long-eared Bat.

Additionally, at this time, there are no records in the NHI Portal within this project boundary for either the Eastern Massasauga Rattlesnake or the Rusty Patched Bumble Bee.

Finally, there are not expected to be any impacts to state-listed species, as suitable habitat is not present within the project boundaries.

Thanks for your coordination. If you need any additional information, please let me know.

Laura

We are committed to service excellence.

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

Laura Bub

Phone: (608) 275-3485

Laura.Bub@Wisconsin.gov

From: Grimes, Jennifer - DOT
Sent: Wednesday, January 25, 2017 4:24 PM
To: Heggelund, Eric P - DNR; Bub, Laura A - DNR
Cc: DOT I39 Project
Subject: I-39 Corridor, Illinois state line - US 12/18, Rock Co. & Dane Co.: Request for NHI review

Laura and Eric,

It's time again for an overall NHI review for the I-39 Corridor from the Illinois state line to the US 12/18 Interchange (Madison Beltline). This is the 2nd year where I plan to submit information for consultation to the USFWS for the Section 404 permit applications and construction projects for

that year, instead of coordinating on each permit or project individually for 2017 federal actions.

In addition to your general review, I am requesting that your NHI review response that you determine species occurrences and potential impacts for the following newly listed species and/or their habitat specifically, so I can address any concerns with FHWA and USACE:

1. Northern Long-eared Bat (NLEB) with respect to the following criteria in the Final 4(d) rule (effective February 16, 2016) for tree removal:
 - a. Within ¼ mile of a known hibernaculum, any time of year
 - b. Within 150 feet of a known, occupied maternity roost tree during the pup season (June 1 – July 31)
 - c. Destroys a known, occupied maternity roost tree during the pup season (June 1 – July 31)
2. Eastern Massasauga Rattlesnake
 - a. Listed Threatened under Federal Endangered Species Act (effective October 31, 2016)
 - b. Not federally regulated in Dane or Rock Counties
3. Rusty Patched Bumble Bee
 - a. Listed Endangered under Federal Endangered Species Act (effective February 10, 2017)
 - c. Federally regulated in Dane County; Not federally regulated in Rock County

If you need any additional materials to complete your review, please let me know. I have attached the latest version of the 2017 construction map for the corridor.

Jenny

Jennifer Grimes

Environmental Analyst & Review Specialist

Mega Team Projects & Planning Majors Studies

WisDOT Southwest Region – Edgerton

111 Interstate Blvd, Edgerton, WI 53534

 Phone 608.884.1147 | Cell 608.516.9760

 jennifer.grimes@dot.wi.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 07, 2017

Consultation Code: 03E17000-2018-SLI-0173

Event Code: 03E17000-2018-E-00410

Project Name: I-39/90 Beloit Welcome Center Area (NB) and SB field (site #1): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0173

Event Code: 03E17000-2018-E-00410

Project Name: I-39/90 Beloit Welcome Center Area (NB) and SB field (site #1):
potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #1 - Beloit Welcome Center Area (NB) and
SB field [This is site 1 of 6]

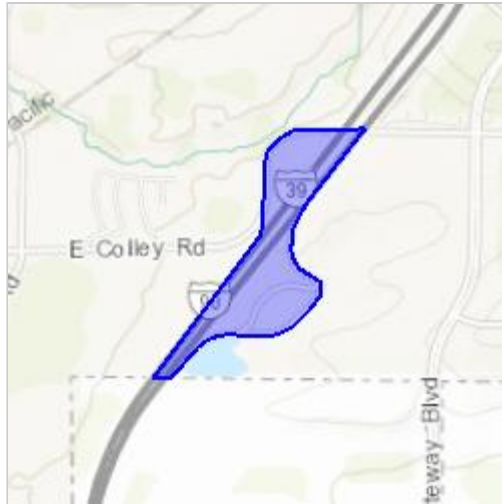
The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.50677274673795N88.98478552987666W>



Counties: Rock, WI

Endangered Species Act Species

There is a total of 5 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. 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.

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*
No critical habitat has been designated for this species.

Threatened

Species profile: <https://ecos.fws.gov/ecp/species/9045>

Birds

NAME

STATUS

Whooping Crane *Grus americana*
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.

Experimental
Population,
Non-Essential

Species profile: <https://ecos.fws.gov/ecp/species/758>

Reptiles

NAME

STATUS

Eastern Massasauga (=rattlesnake) *Sistrurus catenatus*
No critical habitat has been designated for this species.

Threatened

Species profile: <https://ecos.fws.gov/ecp/species/2202>

Flowering Plants

NAME

STATUS

Eastern Prairie Fringed Orchid *Platanthera leucophaea*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/601>

Prairie Bush-clover *Lespedeza leptostachya*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4458>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 08, 2017

Consultation Code: 03E17000-2018-SLI-0175

Event Code: 03E17000-2018-E-00414

Project Name: I-39/90 H-M Townline Rd, former rest area (site #5): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0175

Event Code: 03E17000-2018-E-00414

Project Name: I-39/90 H-M Townline Rd, former rest area (site #5): potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #5 - H-M Townline Rd, former rest area [This is site 2 of 6]

The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.75650144306188N89.00330448698416W>



Counties: Rock, WI

Endangered Species Act Species

There is a total of 5 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. 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.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Whooping Crane <i>Grus americana</i> 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: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non-Essential

Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2202	Threatened

Flowering Plants

NAME

STATUS

Eastern Prairie Fringed Orchid *Platanthera leucophaea*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/601>

Prairie Bush-clover *Lespedeza leptostachya*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4458>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 08, 2017

Consultation Code: 03E17000-2018-SLI-0176

Event Code: 03E17000-2018-E-00416

Project Name: I-39/90 Rest Area #17 (site #6): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or**

are over 200 feet in height (e.g., communication towers), please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0176

Event Code: 03E17000-2018-E-00416

Project Name: I-39/90 Rest Area #17 (site #6): potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #6 - Rest Area #17 [This is site 3 of 6]

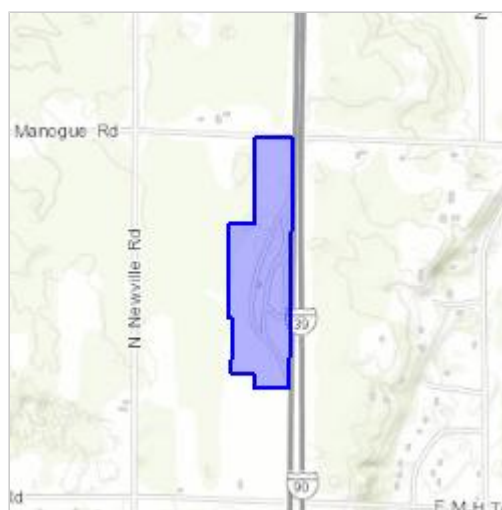
The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.7695097564894N89.00679179749255W>



Endangered Species Act Species

There is a total of 5 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. 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.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Whooping Crane <i>Grus americana</i> 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: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non-Essential

Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2202	Threatened

Flowering Plants

NAME

STATUS

Eastern Prairie Fringed Orchid *Platanthera leucophaea*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/601>

Prairie Bush-clover *Lespedeza leptostachya*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4458>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 08, 2017

Consultation Code: 03E17000-2018-SLI-0177

Event Code: 03E17000-2018-E-00418

Project Name: I-39/90 US 12 future spur from I-90 construction in 60s (site #10): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0177

Event Code: 03E17000-2018-E-00418

Project Name: I-39/90 US 12 future spur from I-90 construction in 60s (site #10):
potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #10 - US 12 future spur from I-90
construction in 60s [This is site 4 of 6]

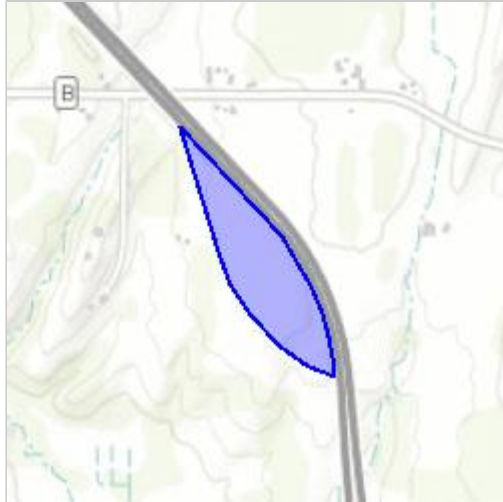
The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.96252322061663N89.10205734539387W>



Counties: Dane, WI

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. 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.

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9045>

Birds

NAME

STATUS

Whooping Crane *Grus americana*

Experimental
Population,
Non-Essential

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: <https://ecos.fws.gov/ecp/species/758>

Clams

NAME

STATUS

Higgins Eye (pearlymussel) *Lampsilis higginsii*

Endangered

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/5428>

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Mead's Milkweed <i>Asclepias meadii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8204	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4458	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 08, 2017

Consultation Code: 03E17000-2018-SLI-0178

Event Code: 03E17000-2018-E-00420

Project Name: I-39/90 Median area south of CTH N (site #12): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or**

are over 200 feet in height (e.g., communication towers), please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0178

Event Code: 03E17000-2018-E-00420

Project Name: I-39/90 Median area south of CTH N (site #12): potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #12 - Median area south of CTH N [This is site 5 of 6]

The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.99891143893346N89.17879348474544W>



Counties: Dane, WI

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. 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.

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9045>

Birds

NAME

STATUS

Whooping Crane *Grus americana*

Experimental
Population,
Non-Essential

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: <https://ecos.fws.gov/ecp/species/758>

Clams

NAME

STATUS

Higgins Eye (pearlymussel) *Lampsilis higginsii*

Endangered

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/5428>

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Mead's Milkweed <i>Asclepias meadii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8204	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4458	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Green Bay Ecological Services Field Office
2661 Scott Tower Drive
New Franken, WI 54229-9565
Phone: (920) 866-1717 Fax: (920) 866-1710



In Reply Refer To:

November 08, 2017

Consultation Code: 03E17000-2018-SLI-0182

Event Code: 03E17000-2018-E-00428

Project Name: I-39/90 Safety & Weight Enforcement Facility (SWEF) #16 (site #14): potential contractor select site

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height (e.g., communication towers)**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

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:

Green Bay Ecological Services Field Office

2661 Scott Tower Drive

New Franken, WI 54229-9565

(920) 866-1717

Project Summary

Consultation Code: 03E17000-2018-SLI-0182

Event Code: 03E17000-2018-E-00428

Project Name: I-39/90 Safety & Weight Enforcement Facility (SWEF) #16 (site #14):
potential contractor select site

Project Type: TRANSPORTATION

Project Description: WisDOT right-of-way Site #16 - Safety & Weight Enforcement Facility
(SWEF) #16 [This is site 6 of 6]

The proposed action for I-39/90 involves expanding the existing 4-lane divided interstate highway to a 6-lane divided highway, with an 8-lane divided highway in the Janesville area. All 11 interchanges and all overpass bridges, except the Cranston Road overpass, will be reconstructed to meet current design standards. Construction along the corridor is on-going and will continue thru 2022.

The purpose of submitting several site locations is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/43.00871119119688N89.22458810381835W>



Counties: Dane, WI

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. 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.

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9045>

Birds

NAME

STATUS

Whooping Crane *Grus americana*

Experimental
Population,
Non-Essential

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: <https://ecos.fws.gov/ecp/species/758>

Clams

NAME

STATUS

Higgins Eye (pearlymussel) *Lampsilis higginsii*

Endangered

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/5428>

Flowering Plants

NAME

STATUS

Eastern Prairie Fringed Orchid *Platanthera leucophaea*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/601>

Mead's Milkweed *Asclepias meadii*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/8204>

Prairie Bush-clover *Lespedeza leptostachya*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4458>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Attachment 3: Section 106 Review Form



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
DT1635 6/2014

17-1279/RO
Xref 07-0240/DH/RO
14-0073/RO

SHPO

RECEIVED
SEP 14 2017

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

I. PROJECT INFORMATION

☐ Amended Submittal (include new information only)

Project ID 1001-10-02	Highway – Street I-39/90	BY:	County..... Rock
Potential Material Source Sites			
Project Termini Site 5 - Townline Road: Approximately 650 feet east of IH-39, beginning approximately 500 feet south of East M-H Townline Road, extending south to approximately 2,000 feet south of East M-H Townline Road, east of the former rest area location along IH-39. Site 6 - Rest Area #17: Approximately 1,200 feet west of IH-39, beginning at Manogue Road to 3,700 feet south of Manogue Road, west of the current rest area along IH-39.			Region – Office Southwest - Edgerton
Regional Project Engineer – Project Manager Derek Potter			(Area Code) Telephone Number (608) 884-7135
Consultant Project Engineer – Project Manager N/A			(Area Code) Telephone Number N/A
Archaeological Consultant Brian D. Nicholls, University of Wisconsin-Milwaukee Cultural Resource Management Services			(Area Code) Telephone Number (414) 229-3078
Architecture/History Consultant Gail Klein, University of Wisconsin-Milwaukee Cultural Resource Management Services			(Area Code) Telephone Number (414) 229-3078
Date of Need 11/1/17			SHSW Number
Return a Signed Copy of This Form to Jennifer Grimes 608-884-1147 jennifer.grimes@dot.wi.gov			

II. PROJECT DESCRIPTION

Project Length miles	Land to be Acquired: Fee Simple acres	Land to be Acquired: Easement acres			
Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width	400'-420'	400-450'	Terrace Width	N/A	N/A
Shoulder	N/A	N/A	Sidewalk Width	N/A	N/A
Slope Intercept	N/A	N/A	Number of Lanes	4	6-8
Edge of Pavement	N/A	N/A	Grade Separated Crossing	N/A	N/A
Back of Curb Line	N/A	N/A	Vision Triangle acres	N/A	N/A
Realignment	N/A	N/A	Temporary Bypass acres	N/A	N/A
Other – List: material source locations within existing R/W outside of proposed slope intercepts			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.

Background:

The initial Section 106 for the IH 39/90 Corridor expansion project (WisDOT ID# 1001-07-00, SHSW# 07-0240/DA/RO) was reviewed and approved in 2007 and the Section 106 for the Central Segment of the IH 39/90 Corridor expansion project (WisDOT ID# 1005-10-01, SHSW# 14-0073/RO) was approved by SHPO on February 17, 2014. The Environmental Document for projects under this contract is FHWA type 4-FONSI and was approved on October 19, 2010. A Re-Evaluation and Supplementation of Environmental Assessment was prepared for the IH 39/90 Corridor and approved by FHWA on October 30, 2014. The purpose of the EA study was to determine what improvements would be required to create an IH 39/90 that meets current design standards, has improved safety features, accommodates future traffic with an acceptable level of service (LOS), and replaces aging pavements and structures. The analysis and findings of the EA indicated a need for an expansion and reconstruction of IH 39/90, including reconstruction of all existing overpasses.

Material Source and/or Material Storage Locations:

There were two locations along the I-39/90 Corridor's existing right-of-way identified by the project team that were not surveyed during the EA Re-Evaluation stage, due to being outside of the proposed slope intercepts and the proposed right-of-way, but may provide an opportunity for contractor excavation and/or storage of materials for the I-39/90 reconstruction.

- Site 5 - Townline Road: Approximately 650 feet east of IH-39, beginning approximately 500 feet south of East M-H Townline Road, extending south to approximately 2,000 feet south of East M-H Townline Road, east of the former rest area location along IH-39.
- Site 6 - Rest Area #17: Approximately 1,200 feet west of IH-39, beginning at Manogue Road to 3,700 feet south of Manogue Road, west of the current rest area along IH-39.

The intent of reviewing these additional sites is to provide an environmental evaluation for areas not directly impacted by the project that may be requested as select sites by the highway contractor under the Erosion Control Implementation Plan (ECIP) process. The goal is to reduce delays after LET for additional environmental investigations and to conduct the appropriate agency coordination for sites that highway contractors may propose.

☐ 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 type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Info. Mtg. 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 type="checkbox"/> Other: | <input type="checkbox"/> Other: |

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.

The Area of Potential Effects (APE) for architecture/history is limited to the two WisDOT-owned parcels, and no other properties will be affected by the project.

V. PHASE I – ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

- | ARCHAEOLOGY | HISTORY |
|---|---|
| <input checked="" type="checkbox"/> Archaeological survey is needed | <input type="checkbox"/> Architecture/History survey is needed |
| <input type="checkbox"/> Archaeological survey is not needed | <input checked="" type="checkbox"/> Architecture/History survey is not needed |
| <input type="checkbox"/> Screening list (date) | <input type="checkbox"/> Screening list (date) |
| <input type="checkbox"/> Burial site in project area, Wis. Stat. 157.70 applies | <input type="checkbox"/> No structures or buildings of any kind within APE |
| | <input checked="" type="checkbox"/> Non-Survey History Documentation attached |

VI. SURVEY COMPLETED

- | ARCHAEOLOGY | HISTORY |
|--|--|
| <input checked="" type="checkbox"/> NO archaeological sites(s) identified – ASFR attached | <input type="checkbox"/> NO buildings/structures identified – Report attached |
| <input type="checkbox"/> NO potentially eligible site(s) in project area – Phase I Report attached | <input type="checkbox"/> Potentially eligible buildings/structures identified in the APE – Report attached |
| <input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached | <input type="checkbox"/> Avoided through redesign |
| <input type="checkbox"/> Avoided through redesign | <input type="checkbox"/> Previously listed/eligible property identified in the APE – Report attached |
| <input type="checkbox"/> Phase II conducted – go to VII (Evaluation) | |
| <input type="checkbox"/> Phase I Report – Cemetery/cataloged burial documentation | |

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

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



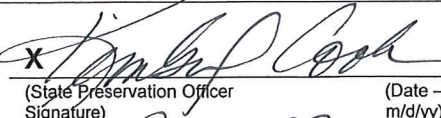
VIII. COMMITMENTS/SPECIAL PROVISIONS – must be included with special provisions language

- ☐
- Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction.

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;
- ☐ Go to Step 4: Assess affects and begin consultation on affects.
- ☐ 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.

X. SIGNATURES

for  9/11/17 (Regional Project Manager Signature) (Date – m/d/yy)	 9/12/17 (WisDOT Historic Preservation Officer Signature) (Date – m/d/yy)	 Sept 28 2017 (State Preservation Officer Signature) (Date – m/d/yy)
X (Consultant Project Manager Signature) (Date – m/d/yy)		