

Appendix H

Correspondence

Wisconsin DNR

U.S. Army Corps of Engineers

U.S. Environmental Protection Agency

U.S. Coast Guard

U.S. Fish and Wildlife Service

Wisconsin Dept. of Transportation Bureau of Aeronautics

Kenosha and Sylvania Airports

State Historical Society

Forest County Potawatomi Tribe

Village of Mount Pleasant

Final

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 28, 2018

Dobra Payant
Wisconsin Department of Transportation
Division of Transportation Systems Development
141 NW Barstow Street
Waukesha, WI 53187

Subject: DNR Initial Project Review
Project I.D. 3763-00-04
CTH KR - CTH H to Old Green Bay Road
~~to approximately 700 feet east of 90th Street.~~ CB
Village of Mount Pleasant, Racine County

Dear Ms. Payant:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the proposed above-referenced project. According to your proposal, the purpose of this project is to roadway reconstruction and expansion. Proposed improvements include expansion of CTH KR from CTH H to Old Green Bay Road in Racine County. The roadway will be widened from two lanes to ~~six~~ lanes, intersection and drainage improvements. The existing structure on the Pike River will be replaced and widened. ~~four~~ CB

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT (Wisconsin Department of Transportation) Cooperative Agreement. Initial comments on the project as proposed are included below, and assume that additional information will be provided that addresses all resource concerns identified. In addition to the project specific resource concerns highlighted below, it is DNR's expectation that the full range of DOT roadway standards will be applied throughout the design process.

A. Project-Specific Resource Concerns

Wetlands:

Mapped wetlands, wetland indicators and hydric soils are present throughout the project area and there is potential for wetland impacts to occur as a result of this project. Wetland impacts must be avoided and/or minimized to the greatest extent practicable. Unavoidable wetland losses must be compensated for in accordance with the DNR/DOT Cooperative Agreement and the DOT Wetland Mitigation Banking Technical Guideline. Per the Cooperative Agreement, mitigation banking is the preferred compensation option, however DOT and DNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis. DNR requests information regarding the amount and type of unavoidable wetland impacts.

The entire project area is located within the Pike River Watershed, Southwest Lake Michigan Basin and should be mitigated as such. Continue with established coordination process to determine plan for wetland mitigation. **Please provide proposed plans showing wetland impacts to this office and ensure adequate time for review/comments/revisions prior to plan finalization.**

Fisheries/Stream Work:

The North Branch of the Pike River is a navigable waterway that has a designated use of a Fish and Aquatic Life Water. In order to protect developing fish eggs and substrate for aquatic organisms, all instream work that could adversely impact water quality should NOT be undertaken between March 1st and June 1st of the calendar year. In general, this includes work that disturbs the bed or banks of the waterway. Coordinate with this office with questions on what construction activities are considered in water work and can or cannot be performed during this time period.

The Village of Mount Pleasant was awarded an EPA 2010 Great Lakes Restoration Initiative grant for the North Branch of the Pike River for the purpose of habitat restoration and plantings including wetland and prairie environments, channel widening and bank stabilization, replacing culverts to aid fish passage, providing fish habitat structures, and the creation of fish spawning areas. **Impacts to any areas restored/enhanced utilizing this grant funding should be avoided or minimized to the all practicable extends.** Please coordinate with the Village of Mount Pleasant (contact for award is Anthony Beyer) to ensure that proper procedure is followed if this project will impact any areas where this grant funding may have been used. DNR does not have records that details areas where this grant funding may have been utilized.

Aquatic Connectivity and Culvert Work:

The bridge over the North Branch of the Pike River should be set and sized in such a manner to avoid or minimize impacts to stream morphology, aquatic organism passage, and water quality. This requires that water flow characteristics and streambed sediment in the bridge should closely match the characteristics of the streambed sediment in the natural channel. The invert elevations of the existing and proposed structure(s), the water surface elevations, and the natural streambed elevations upstream and downstream should be specified in the plans. The natural streambed elevations should extend well beyond the zone of influence of the culvert. The width and depth of the waterway must not be altered. However, a minor amount of dredging necessary to place the structure elements is permissible. **Please provide proposed plans for this structure to this office and ensure adequate time for review/comments/revisions prior to plan finalization.**

Endangered Resources:

Based upon a review of the Natural Heritage Inventory (NHI) and other DNR records dated 6/28/18, Endangered Resources and/or suitable habitat that could be impacted by this project are known or likely to occur in the project area or its vicinity are included in the attached Occurrence Summary. DNR will coordinate with Natural Heritage Inventory Program to determine if site specific surveys are needed and/or what measures should be taken to avoid and/or mitigate impacts to species.

Portions of this project are located within a Rusty Patched Bumble Bee Federal High Potential Zone.

Conservation measures must be implemented into the project scope if habitat will be impacted and coordination with US Fish and Wildlife may be required. More information is available at:
<https://ecos.fws.gov/ecp0/profile/speciesProfile.action?spcode=IOWI>

There are no known Northern Long-eared Bat (NLEB) maternity roost trees within 150 feet of the project, or known hibernacula within 0.25 miles of the proposed project area.

Migratory Birds:

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

Invasive Species and Viral Hemorrhagic Septicemia (VHS):

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under chapter NR 40 Wis. Adm. Code. Further information on species classified as Restricted or Prohibited under NR 40 can be found at: <http://dnr.wi.gov/topic/Invasives/classification.html>.

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

For work in wetland and waterways:

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

Additional information on invasive species and infested waters can be found at: <http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx>

Floodplains:

A determination must be made as to whether or not the project lies within a mapped/zoned floodplain and will impact the floodplain. Floodplain impacts should be assessed and/or quantified and appropriate coordination must be carried out in accordance with the DOT/DNR Cooperative Agreement. **Please provide proposed plans showing floodplain impacts to this office and ensure adequate time for review/comments/revisions prior to plan finalization.** Coordination must also occur with the Racine County Zoning Program.

B. Project Specific Construction Site Considerations

The following issues should be addressed in the Special Provisions, and the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (ECIP). An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. Erosion control and stormwater measures must adhere to the DNR/DOT Cooperative Agreement, Trans 401, and applicable federal laws.

Storm Water Management & Erosion Control:

(Rev. 10/15)

- For projects disturbing an acre or more of land, erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. DOT should apply for permit coverage just before the project goes to final PS&E. Permit coverage will be issued by the DNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP search "*DNR Transportation Liaison*" and click on the storm water tab.
- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive "permit-coverage" from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

Selected Site & Commercial Non-Metallic Mines:

- The DOT Select Site process must be adhered to for clean fill or any other material that leaves the work site. The DNR liaison will review all proposed select sites and a site visit may be required. Filling of wetlands, waterways or floodplain is not allowed under the select site process, unless the site owner attains required permits. No new impermeable surfaces can be left at a select site (including gravel roads or pads), unless the site owner attains required permits. Contaminated materials leaving the site need to adhere to the Hazardous Material Management Plan.
- Use of Commercial Non-Metallic Mines must accompany documentation that such mines have received all applicable local, state and federal permits before being used on the project, including local non-metallic mining reclamation permits and applicable WPDES permits as issued by the DNR.

Structure Removal/Bridge Demolition:

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

Temporary Stream Channel:

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

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

Asbestos:

(Rev. 10/15)

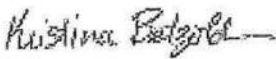
A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-35-45 and the DNR's notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further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

- **Emerald Ash Borer:** This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. It is illegal to move or transport ash material, the emerald ash borer, and hardwood debris (i.e. firewood) from EAB quarantined areas to a non-quarantined area without a compliance agreement issued by WI Department of Agriculture, Trade and Consumer Protection. Regulated items include cut hardwood (non-coniferous) firewood, ash logs, ash mulch or bark fragments larger than one inch in diameter, or ash nursery stock (DATCP statute 21).
 - For more information regarding the EAB and quarantine areas please click on the following link: <http://datcpservices.wisconsin.gov/eab/article.jsp?topicid=20>
 - Recommendations to reduce the spread of EAB in potentially infested Ash wood: <http://datcpservices.wisconsin.gov/eab/articleassets/Recommendations%20to%20reduce%20the%20spread%20of%20EAB.pdf>

This project may require a permit from the U.S. Army Corps of Engineers (ACOE). All local, state, and federal permits and/or approvals must be obtained prior to commencing construction activities.

The above comments represent the DNR's initial concerns for the proposed project and do not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, and additional consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 414.507.4946, or email at Kristina.Betzold@wi.gov.

Sincerely,



Kristina Betzold
Environmental Analysis & Review Specialist



**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

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

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5888
E-Mail: waukesha.dtd@dot.state.wi.us

July 12, 2018

April Marcangeli
U.S. Army Corps of Engineers
Regulatory Branch
250 N. Sunnyslope Road, Suite 296
Brookfield, WI 53005

RE: WisDOT I.D. 3763-00-04
County KR Reconstruction
County H to Old Green Bay Road
Kenosha and Racine Counties

Dear Ms. Marcangeli,

The Wisconsin Department of Transportation (Southeast Region office) is planning to reconstruct County KR from County H to Old Green Bay Road, a distance of approximately 2.8 miles, in Kenosha and Racine Counties (See Exhibit A). The project will reconstruct the existing 2-lane rural roadway to a 4-lane urban roadway. New bridges will replace existing at-grade crossings at the Canadian Pacific and Union Pacific railroad corridors. The existing bridge over the Pike River will be replaced with a new structure. The project includes improvements to intersections at WIS 31 and Old Green Bay Road to ensure traffic operations are maintained in all directions with the anticipated travel demand and associated capacity needs on County KR. Construction is anticipated to begin in Spring 2021 and conclude in Fall 2022.

WisDOT is preparing an Environmental Assessment, consistent with the Wisconsin Environmental Policy Act (WEPA), and wetland delineations are underway to inform our impact analysis. No federal funds will be used for project development. We anticipate completing the environmental document in Fall 2018 and submitting a Section 404 permit application in Fall 2019. Please let us know of any specific issues or concerns to address as we complete our environmental analysis in advance of permit applications. We look forward to your response. If you have any questions or require additional information, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

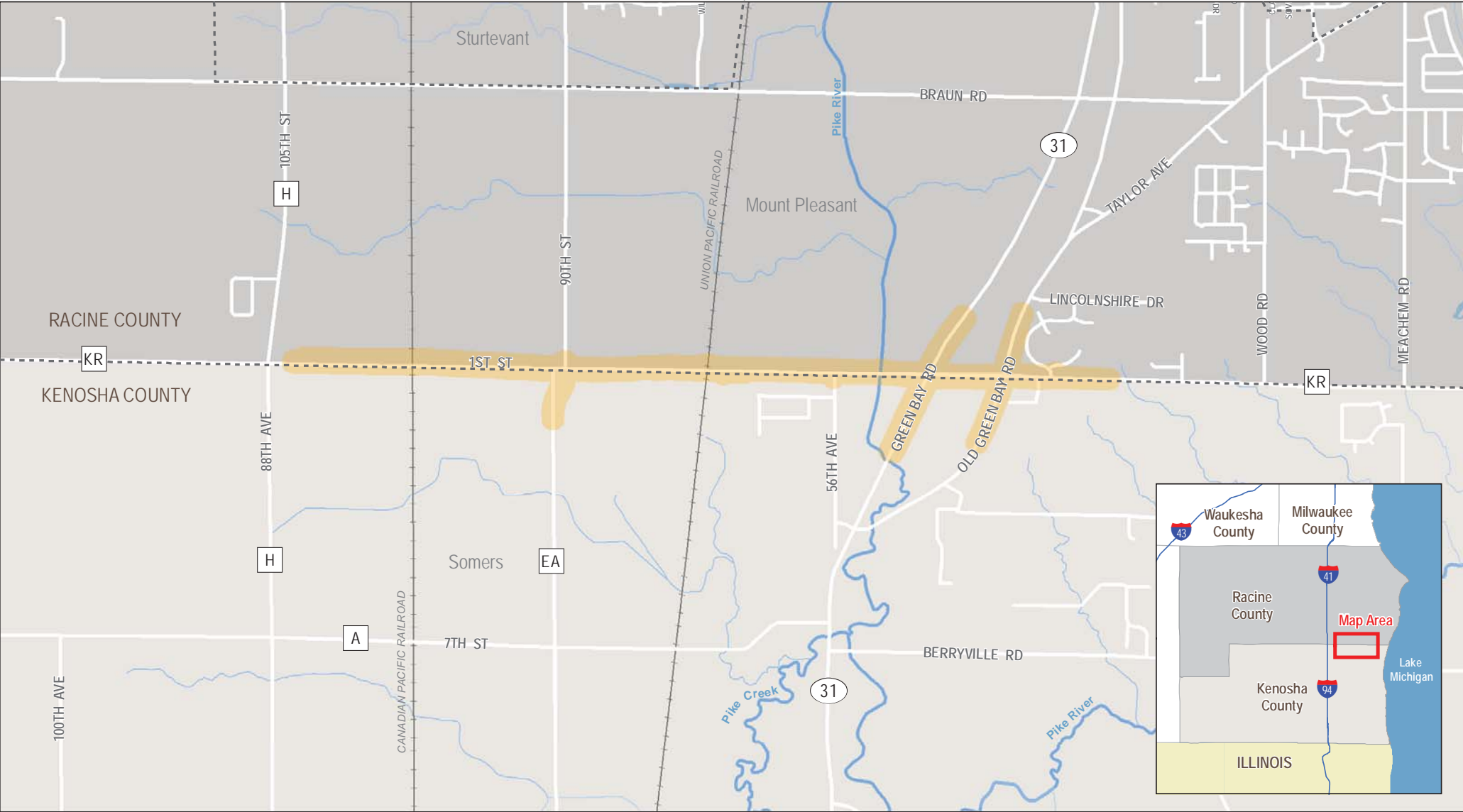
Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

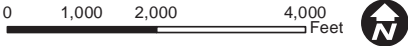
Steve Hoff, PE
Project Manager
WisDOT – SE Region

Cc: Dobra Payant, WisDOT Southeast Region
Brenda Ruenger, WisDOT Southeast Region

Exhibit A



- Legend**
- Project Limits
 - Racine County
 - Kenosha County
 - Municipal Boundaries



COUNTY KR RECONSTRUCTION
PROJECT LOCATION

County KR Phase 2

Call with Paul Powell, USACE

August 3, 2018

Summary of Phone Call

- Carolyn Seboe contacted Paul Powell, USACE, regarding the restoration project along the Pike River in Mount Pleasant.
- The project was in partnership with the Village of Mount Pleasant.
- Federal funds came from GLRI. Local funds from Village of Mount Pleasant.
- Completed flood control and habitat restoration along one mile stretch of Pike River north of County KR from County KR to Braun Road.
- Restoration activities included
 - Changes to narrow ditch
 - Lower banks
 - Added storage
 - Slowed water
 - Planted 70 acres of prairie for habitat.
- USACE project summary factsheet at https://www.lre.usace.army.mil/Portals/69/docs/PPPM/Environmental/GLRI/Wisconsin/GLRI_pike_rvr_2016.pdf
- Completed in 2016
- Paul will email Carolyn the project drawings and the agreement between USACE and the village.
- USACE turned over project operations and maintenance to the village.
- No restrictions from GLRI funds since under village control now.
- Up to village what mitigation might be necessary and/or restrictions. Agreement has language to support this.
- Tony Beyer is Village contact for project.
- Paul is willing to do a conference call with Tony if necessary to discuss further.

MEMORANDUM FOR RECORD

SUBJECT: Environmental Compliance Review for the proposed Wisconsin Department of Transportation (WDOT) Roadway Safety Improvements within the completed aquatic ecosystem restoration project on the Pike River, Village of Mount Pleasant, Racine County, Wisconsin.

1. INTRODUCTION: This memorandum documents the environmental effects of non-Federal sponsor alterations to the completed aquatic ecosystem restoration project on the Pike River located within the Village of Mount Pleasant, Racine County, Wisconsin.

2. NAME OF PROJECT: Pike River Ecosystem Restoration, Phases 8 and 9
Village of Mount Pleasant, Racine County, Wisconsin.

3. LOCATION: Reconstruction of County KR between County H to Old Green Bay Road at the Pike River in Racine and Kenosha County, Wisconsin.

4. AUTHORITY: Section 206 of the Water Resource Development Act of 1996. The Pike River restoration area was developed with Federal Great Lakes Restoration Initiative funds through a 2015 Project Partnership Agreement with the U.S. Army Corps of Engineers and the Village of Mount Pleasant, Racine County, Wisconsin. Per Article II.E, of the agreement, the Village is responsible for operating and maintaining the restoration area in a manner compatible with the authorized purposes of the restoration project. Article II.K notes the Village shall prevent "obstructions or encroachments on the Project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on Project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the Project, hinder operation and maintenance of the Project or interfere with the Project's proper function."

5. PROJECT PURPOSE AND NEED: The Wisconsin Department of Transportation (WDOT) is planning to widen the existing County Road KR roadway from two lanes to four lanes and adding curb and gutter. A portion of the work is located within the existing Pike River restoration area and includes replacing two box culverts that provide capacity for a 20% (5 year) discharge event with a 1% (100 year) discharge event. The proposed roadway improvements are for highway safety.

6. ENVIRONMENTAL COMPLIANCE: The following provides an environmental compliance review determination that the proposed work does not hinder operation and maintenance of the Project or interfere with the Project's proper function.

In general, the proposed County KR reconstruction project avoids the portion of the Pike River restoration area that includes the newly realigned the Pike River and associated restoration improvements, including floodplain excavations and establishment of wetlands,

SUBJECT: Environmental Compliance Review for the proposed Wisconsin Department of Transportation (WDOT) Roadway Safety Improvements within the completed aquatic ecosystem restoration project on the Pike River, Village of Mount Pleasant, Racine County, Wisconsin.

Note: After this correspondence, WisDOT further reduced impacts in the restoration area to 0.38 acres. See WisDOT letter to Village of Mount Pleasant, dated 12/13/18 on Appendix H, page 58.

sedge meadow, wet-mesic and mesic prairie restoration area. Maintaining the County KR widening and bridge construction in the immediate vicinity of existing County KR avoids impacting the long-term function of the restoration area. Thus, the proposed County KR construction would not reduce the outputs and functions produced by the restoration project, hinder its operation and maintenance, or interfere with its proper function. The project does impact the established prairie in 1.2 acres for the development of the stormwater detention basin designed to hold the 1% storm event and release the collected waters at an existing 10% (10 year) storm event rate. The collected stormwater will receive some wetlands filtration prior to release to the Pike River. Wetlands are proposed to be located within the wet stormwater detention basin to assist in filtering sediments and nutrients from overland runoff prior to discharge to the Pike River, thus protecting water quality within the receiving waters. The sides of the basin will be planted with native vegetation including upland prairie.

Environmental Analysis Branch (EAB) review of the proposed roadway construction indicated that the proposed work within the environmental restoration project area is considered minor and is consistent with the ecological restoration goals. The project provides for the containment and treatment of stormwater runoff from the roadway and replaces existing prairie habitat with wetlands and upland prairie. It is the determination of EAB that the proposed modifications do not result in reduction of the outputs produced by the Project, hinder operation and maintenance of the Project or interfere with the Project's proper function.

7. CONCLUSION AND DETERMINATION: The proposed action has been evaluated pursuant to the project partner agreement and impacts to the environmental restoration completed by the Village of Mount Pleasant. This memorandum provides a determination that the proposed work is consistent with the original intent of the project and the adverse impacts to the ecological functions of the project are minimal and mitigated to the extent practicable. Based upon the information contained in this memorandum, implementing the proposed action will cause no environmental effects not previously addressed; therefore, no further documentation will be prepared for the implementation of the proposed action.

Prepared by: HARRINGTON.HAL.FREDRIC.1093242374
Digitally signed by HARRINGTON.HAL.FREDRIC.1093242374
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA,
cn=HARRINGTON.HAL.FREDRIC.1093242374
Date: 2018.11.28 10:50:11 -05'00'

Hal F. Harrington Date

Approved by: UHLARIK.CHARLES.A.1230382715
Digitally signed by UHLARIK.CHARLES.A.1230382715
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=UHLARIK.CHARLES.A.1230382715
Date: 2018.11.28 11:01:49 -05'00'

Charles A. Uhlarik Date
Chief, Environmental Analysis Branch



**Division of Transportation
System Development**
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E-Mail: waukesha.dtd@dot.state.wi.us

July 12, 2018

Kenneth Westlake
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

RE: WisDOT I.D. 3763-00-04
County KR Reconstruction
County H to Old Green Bay Road
Kenosha and Racine Counties

Dear Mr. Westlake,

The Wisconsin Department of Transportation (Southeast Region office) is planning to reconstruct County KR from County H to Old Green Bay Road, a distance of approximately 2.8 miles, in Kenosha and Racine Counties (See Exhibit A). The project will reconstruct the existing 2-lane rural roadway to a 4-lane urban roadway. New bridges will replace existing at-grade crossings at the Canadian Pacific and Union Pacific railroad corridors. The existing bridge over the Pike River will be replaced with a new structure. The project includes improvements to intersections at WIS 31 and Old Green Bay Road to ensure traffic operations are maintained in all directions with the anticipated travel demand and associated capacity needs on County KR. Construction is anticipated to begin in Spring 2021 and conclude in Fall 2022.

WisDOT is preparing an Environmental Assessment, consistent with the Wisconsin Environmental Policy Act (WEPA). No federal funds will be used for project development. We anticipate completing the environmental document in Fall 2018 and submitting a Section 404 permit application in Fall 2019. Please let us know of any specific issues or concerns to address as we complete our environmental analysis. We look forward to your response. If you have any questions or require additional information, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

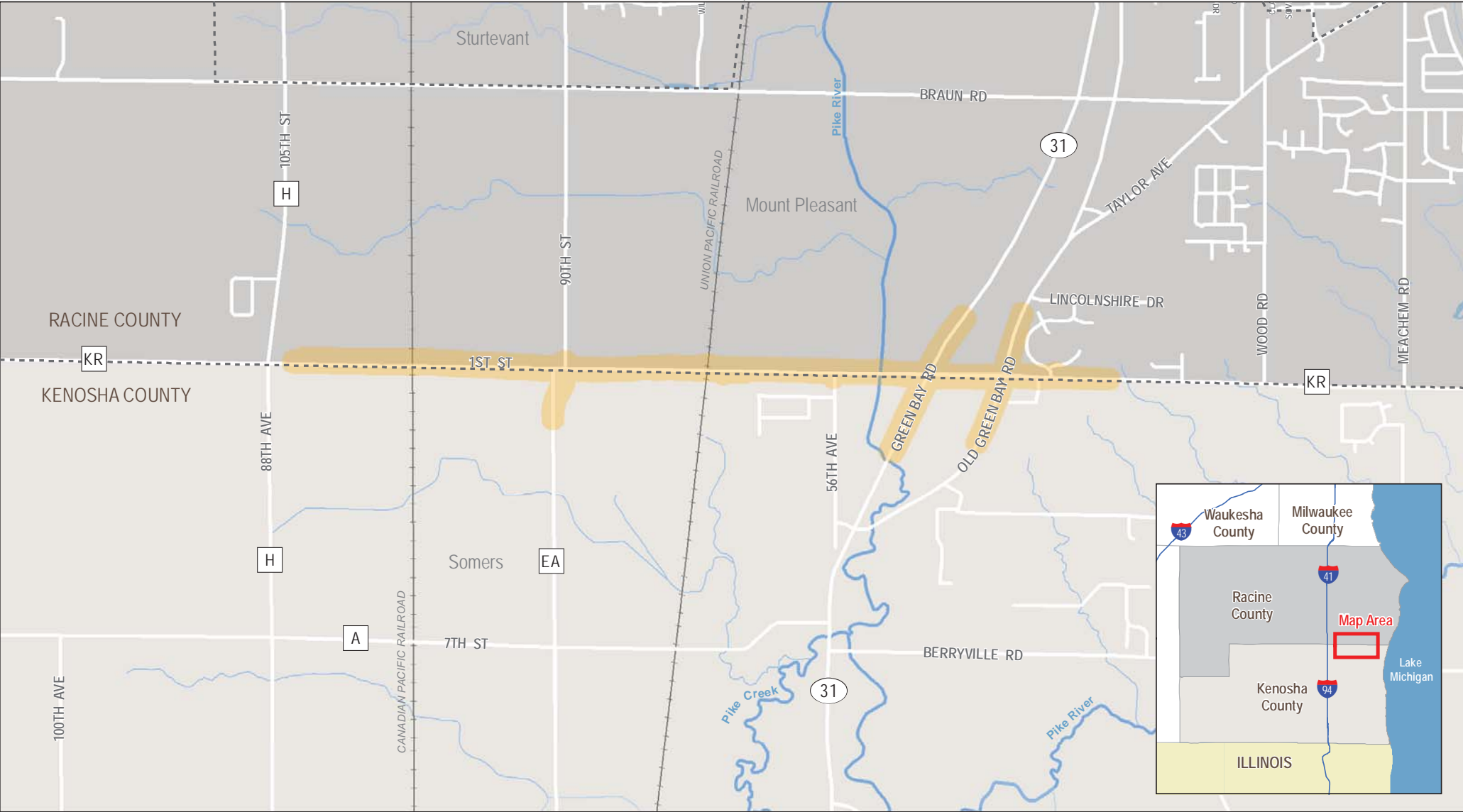
Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

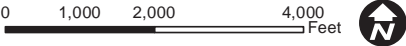
Steve Hoff, PE
Project Manager
WisDOT – SE Region

Cc: Dobra Payant, WisDOT Southeast Region
Brenda Ruenger, WisDOT Southeast Region

Exhibit A



- Legend**
- Project Limits
 - Racine County
 - Kenosha County
 - Municipal Boundaries



COUNTY KR RECONSTRUCTION
PROJECT LOCATION

From: Stanifer, William B CIV <William.B.Stanifer@uscg.mil>
Sent: Monday, July 16, 2018 10:31 AM
To: Caron Kloser
Cc: 'Hoff, Steve - DOT'; Payant, Dobra - DOT; 'Ruenger, Brenda H - DOT'
Subject: RE: WisDOT I.D. 3763-00-04 County KR Reconstruction
Attachments: KR Reconstruction - Pike River - CGAA.pdf

Good Morning Caron,

Attached you should find our determination for the KR Reconstruction Project in Racine County, WI. No permit requirement or construction coordination required from the USCG; Pike River currently does not carry a federal navigation project. Thank you for making us aware of the project and I would ask that once complete a set of as-built plans be forwarded to our office. An FTP transfer will also work if the file proves to be cost-prohibitive to print/mail. If you have any questions or concerns please let me know.

Blair Stanifer
Bridge Management Specialist
Ninth Coast Guard District
(216) 902-6086
Fax: (216) 902-6088

From: Caron Kloser <CKloser@HNTB.com>
Sent: Thursday, July 12, 2018 1:22 PM
To: Stanifer, William B CIV <William.B.Stanifer@uscg.mil>
Cc: 'Hoff, Steve - DOT' <Steve.Hoff@dot.wi.gov>; Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>; 'Ruenger, Brenda H - DOT' <Brenda.Ruenger@dot.wi.gov>
Subject: [Non-DoD Source] WisDOT I.D. 3763-00-04 County KR Reconstruction

Mr. Stanifer,

The Wisconsin Department of Transportation (Southeast Region office) is planning to reconstruct County KR from County H to Old Green Bay Road, a distance of approximately 2.8 miles, in Kenosha and Racine Counties. The project will reconstruct the existing 2-lane rural roadway to a 4-lane urban roadway. The project will replace the existing bridge over the Pike River on County KR. The bridge will be replaced with two new structures to accommodate eastbound and westbound lanes. Additional work required for the completion of the project includes but is not limited to: excavation, borrow material, curb and gutter, driveway modifications to match proposed roadway, beamguard at the structure approaches, and shoulder aggregate grading. See the attached project location map.

I am coordinating with you to determine USCG authority, navigability and permit determination for WisDOT bridge replacement projects that span Wisconsin waterways.

Let me know if any additional information is needed for a determination.

Thank you

Caron Kloser

Caron Kloser, AICP
Environmental Planner

HNTB Corporation
11414 West Park Place, Suite 300
Milwaukee, WI 53224
Tel (414) 359-2300
Direct (414) 410-6776
Fax (414) 359-2314
www.hntb.com

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U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Ninth Coast Guard District

1240 E 9th St
Cleveland, OH 44199
Staff Symbol: (dpb)
Phone: (216) 902-6086
FAX: (216) 902-6088
E-mail:
william.b.stanifer@uscg.mil

16590
July 16, 2018
B-072/wbs

Ms. Caron Kloser, AICP
HNTB Corporation
11414 West Park Place – Suite 300
Milwaukee, WI 53224

Dear Ms. Kloser:

We are responding to your email dated July 12, 2018 regarding the proposed replacement of the County KR (1st Street) Bridge across Pike River, Village of Mount Pleasant, Racine County, WI.

Pike River and its tributaries do not currently carry a federal navigation project or a federal navigation channel. The waterway is unlikely to be improved in the future to carry either. As such, the U.S. Coast Guard does not currently exercise jurisdiction over this waterway as it pertains to its bridge permitting authorities. A Coast Guard bridge permit is not required for the project as proposed. No coordination with the Coast Guard during construction activities for the proposed work is required.

Although a Coast Guard bridge permit will not be required for this project as proposed, you may need to comply with the requirements of other federal, state, or local agencies. Please ensure these requirements are satisfied.

If you require further assistance in this matter, or to schedule construction activities, please contact Blair Stanifer of this staff at (216) 902-6086.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blair Stanifer".

For
S. M. STRIFFLER
Chief, Bridge Branch
U. S. Coast Guard
By direction

From: Barrette, Alyssa - DOT
To: [Payant, Dobra - DOT](#); [Caron Kloser](#); [Hoff, Steve - DOT](#)
Cc: [Ruenger, Brenda H - DOT](#); [Trainer, Patricia - DOT](#); [Lawry, Scott - DOT](#); [Bohen, Jeff - DOT](#); [Waldschmidt, Jay - DOT](#); [Brown, Joel R - DOT](#); [Rowe, Stacy A - DNR](#)
Subject: FW: WisDOT I.D. 3763-00-04; KR Phase 2, Racine and Kenosha Counties, WI - Section 10 coordination
Date: Thursday, December 13, 2018 2:45:29 PM

Please see the correspondence below from USFWS regarding potential rusty patched bumble bee impacts on the CTH KR Phase 2 project.

This decision and email correspondence concludes our evaluation of potential impacts to the species under the Endangered Species Act. Please incorporate the required and recommended mitigation measures into the project plan and schedule – native seeding with seed mix 70 or 70A in disturbed areas within the high potential zones (required) and time of year restrictions for activities within forested areas of the high potential zone. No further action is required for this species. However, if project plans change within the rusty patched bumble bee high potential zone, further coordination with the USFWS will be required. Please notify me if plans change to facilitate further coordination.

Incorporate this finding and correspondence into your Endangered Species Act summary for the environmental document. Please note: FWS will not be providing confirmation on the project team's determinations for the other species identified on the Official Species List.

Please let me know if you have any questions.

Thank you,

Alyssa Barrette

Ecologist and Wetland Biologist

Wisconsin Department of Transportation

Bureau of Technical Services | Environmental Services Section

Hill Farms 5th Floor South | Madison, WI 53705

Phone: 608.266.1017 | Cell: 608.381.8127

From: Horton, Andrew [mailto:andrew_horton@fws.gov]

Sent: Thursday, December 13, 2018 9:24 AM

To: Barrette, Alyssa - DOT <Alyssa.Barrette@dot.wi.gov>

Subject: Re: [EXTERNAL] FW: WisDOT I.D. 3763-00-04; KR Phase 2, Racine and Kenosha Counties, WI - Section 10 coordination

Alyssa,

Thank you for the updated information and the conversation on Monday.

I have looked over the information provided regarding the KR Phase 2 road expansion project (WisDOT I.D. 3763-00-04) located in Kenosha and Racine Counties, Wisconsin. The action area of the proposed action is located within identified High Potential Zones of the rusty patched bumble bee (*Bombus affinis*; RPBB).

Based on a closer examination of the impacts, we believe there is no significant risk to RPBB in the proposed action area south of the County Line Road (1st St.) as the forested habitat appears to be either too managed or disturbed to support overwintering habitat for the species. There is still some potential of impact to RPBB within the action area north of the road if tree clearing is occurring between October 15 and March 15, although we believe the risk is relatively low. Out of an abundance of caution, postponing tree clearing until after March 15 would eliminate the risk of overwintering queen RPBBs from being inadvertently crushed or disturbed as their presence in the forested area would be highly unlikely. However, I would not consider this a requirement since our best available information we have at this time shows the area of impact to be a narrow band of trees that are fairly dense and would be less likely to be high quality overwintering habitat for the species. The conservation measures you propose to replant disturbed areas with a pollinator friendly seed mix will result in beneficial effects to RPBB and the loss of 1.29 acres of forested habitat is unlikely to limit overwintering opportunities to RPBB within this High Potential Zone in the future.

This concludes our technical assistance regarding this project. Please contact our office if you have any questions or need any further guidance.

- Andrew

Andrew Horton
U.S. Fish and Wildlife Service
Minnesota-Wisconsin Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(952) 252-0092, ext. 208

From: Payant, Dobra - DOT <Dobra.Payant@dot.wi.gov>
Sent: Tuesday, November 6, 2018 10:03 AM
To: tamara_smith@fws.gov
Cc: Brown, Joel R - DOT; Hoff, Steve - DOT; Caron Kloser; Ruenger, Brenda H - DOT; Bohlen, Jeff - DOT
Subject: WisDOT I.D. 3763-00-04; KR Phase 2, Racine and Kenosha Counties, WI - Section 10 coordination
Attachments: 181101 KR - RPBB HPZ Impacts w Pond Locations - 11x17_v4.pdf; WisDOT I.D. 3763-00-04; KR Phase 2, Racine and Kenosha Counties, WI - Section 10 coordination

Hi Tamara,

This email is to follow up on my voice mail that I left for you last week (10/30/18) in attempt to continue Wisconsin Department of Transportation (WisDOT) coordination with US FWS on the above-referenced project.

The subject project is a non-federal transportation project, for which WisDOT is preparing an Environmental Assessment following the Wisconsin Environmental Policy Act (WEPA). It is our understanding that to address potential impacts to federally listed threatened and endangered species, we are required to follow Section 10 of the Endangered Species Act (ESA). We have already initiated coordination with FWS office and with our recent submittal (attached below), we have been seeking further information from US FWS to determine if the subject project would result in a prohibited take of the Rusty Patched Bumble Bee (BPBB). As a side note and based on our analyses, we concluded that our project will not intentionally take (or "result in prohibited take of" other federally listed species identified in iPaC.

In Appendix E of the above submittal, there is an exhibit showing areas (hatched in yellow) where our project would cross the RPBB High Potential Zone (HPZ). Since that submittal, we were able to narrow down these areas, see new/update exhibit attached below.

Of the remaining areas, all of them except the most eastern part of the project appear to be "habitats where the RPBB is unlikely to be present." These areas are mowed (the most western area near Parkway Subdivision) or are planted with row crops, mowed or contain disturbed wooded areas (all four quadrants of the intersection of CTH KR and Old Green Bay Road within the HPZ).

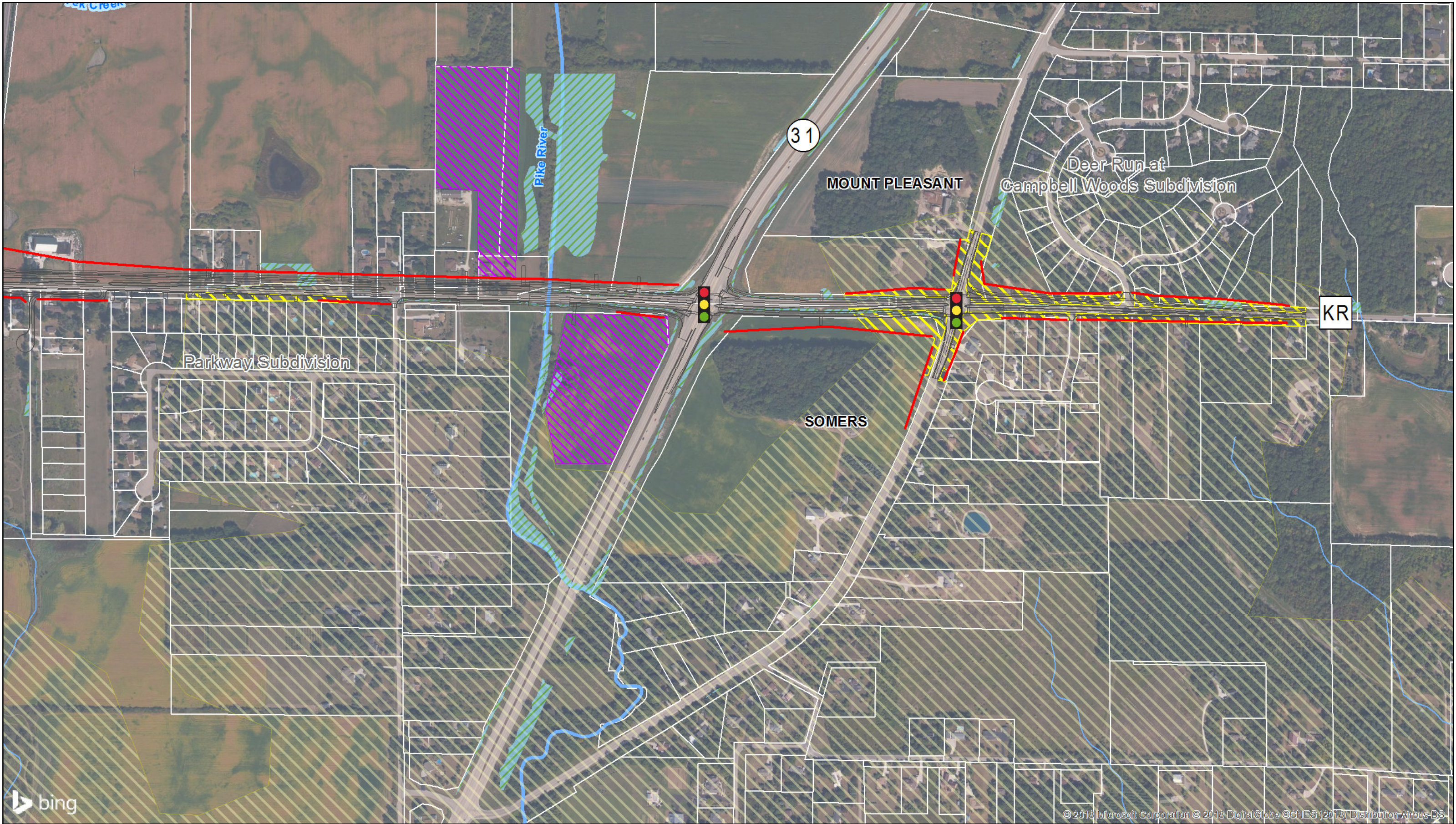
Please let me know if you concur with our conclusions thus far and how we should proceed regarding our coordination on potential impacts to RPBB, specifically for the most eastern part of the project.

We appreciate your help and looking forward to talking to you soon.

Thank you,

Dobra

*Dobrogniewa (Dobra) S. Payant, P.E.
Civil Engineer Advanced – Environmental Lead
WisDOT SE Region – Technical Services Section
141 NW Barstow Street
Waukesha, WI 5187-0798
(414) 750-2677*



Legend

- Proposed ROW
- ▨ Potential Stormwater Pond Locations
- ▨ Delineated Wetland
- ▨ High Potential Zone within ROW and Potential Ponds
- ▨ RPBB High Potential Zones

0 250 500 1,000 Feet



11/1/2018

COUNTY KR PHASE 2

Rusty Patched Bumble Bee High Potential Zone



**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

**Scott Walker, Governor
David Ross, Secretary**
Internet: www.dot.wi.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662
E-Mail: waukesha.dtd@dot.wi.gov

September 11, 2018

PETER FASBENDER
U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES FIELD OFFICE
4101 AMERICAN BOULEVARD EAST
BLOOMINGTON, MN 55425

Subject: WisDOT ID: 3763-00-04
County KR
County H to Old WIS 31 (Old Green Bay
Road)
Kenosha and Racine Counties

Dear Mr. Fasbender,

WisDOT is submitting the following information to support Section 10 coordination responsibilities for a non-federal transportation project under the Endangered Species Act (ESA) pertaining to potential impacts to federally listed threatened and endangered species. WisDOT is requesting USFWS opinion on effects or potential for an incidental take for the following species:

- Northern Long-eared Bat
- Red Knot
- Whooping Crane
- Rusty Patched Bumble Bee
- Eastern Prairie Fringed Orchid

WisDOT proposes to reconstruct County KR from County H to Old Green Bay Road, about 2.8 miles, in Kenosha and Racine counties (See Attachment A – Project Location Map). The project would upgrade the existing two-lane undivided roadway to a four-lane divided urban roadway.

Existing drainage ditches would be replaced with curb and gutter, and storm water would be conveyed to detention ponds. New bridges would replace the existing two at-grade railroad crossings, and a new structure would replace the existing box culvert conveying the Pike River. The project would include improvements to maintain traffic operations at the County KR intersections with WIS 31 and Old Green Bay Road and it would realign County EA (72nd Avenue) on the south with 90th Street on the north.

A 10-foot multi-use path would be built on both sides of the road between County H and 90th Street. The path would be on the north side of County KR between 90th Street and WIS 31.

Construction is scheduled for 2021/2022.

Attached, you will find an updated IPaC official species list (Attachment B). For information, we have included further discussion of each species below.

Northern Long-Eared Bat (NLEB)

WisDOT intends to rely on the programmatic biological opinion developed the final 4(d) rule and this submittal to satisfy our responsibilities under the Endangered Species Act.

In accordance with the final 4(d) rule issued for the NLEB, WisDOT has determined that the proposed activity, described in the attached determination form, will not result in prohibited take of the NLEB (see Attachment C – NLEB Determination for non-federal WisDOT projects). The activity involves tree removal, but will not occur within 0.25 miles of a known hibernacula at any time of the year, 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. WDNR has concluded that “there are no known Northern Long-Eared Bat Roosting sites or hibernacula in or within ½ mile of the County KR Corridor.” For these reasons, we conclude that the subject project will not result in prohibited take of the NLEB.

Red Knot

The project limits do not overlap with potential suitable habitat, which is sandy coastlines along the Great Lakes, or artificial habitats that mimic natural habitats. Habitats in the corridor are comprised patches of upland woodland, wetlands and floodplains primarily disturbed by agricultural and suburban development. Based on these factors, we conclude that the subject project will not intentionally take (or “result in prohibited take of”) the Red Knot bird.

Whooping Crane

The project limits overlap with potential suitable habitat (shallow water wetlands, as well as croplands and marshes during migration). USFWS has designated the Whooping Crane as Experimental Population, Non-Essential in the study area, meaning the population is being introduced outside the species’ current range, but within its historic range. Given the transient nature of the species in the project area, and the scope of the project, we conclude that the subject project will not intentionally take (or “result in prohibited take of”) the Whooping Crane.

Rusty Patched Bumble Bee (RPBB)

The project limits overlap with a RPBB high potential zone and contains suitable habitat (See Attachment D – Map of High Potential Zone). To mitigate for potential impacts to the RPBB, WisDOT proposes to seed areas of disturbance in the high potential zone with a native flowering seed mix (either mix #70 or 70A) as a conservation measure. Attachment E includes a list of species included in the native seed mixes. The location of proposed stormwater detention ponds are undetermined at this time. The map in Attachment E shows potential limits of disturbance for both the roadway and ponds in the high potential zone. **WisDOT seeks further information from USFWS to determine if the subject project will result in a prohibited take of the RPBB.**

Eastern Prairie Fringed Orchid

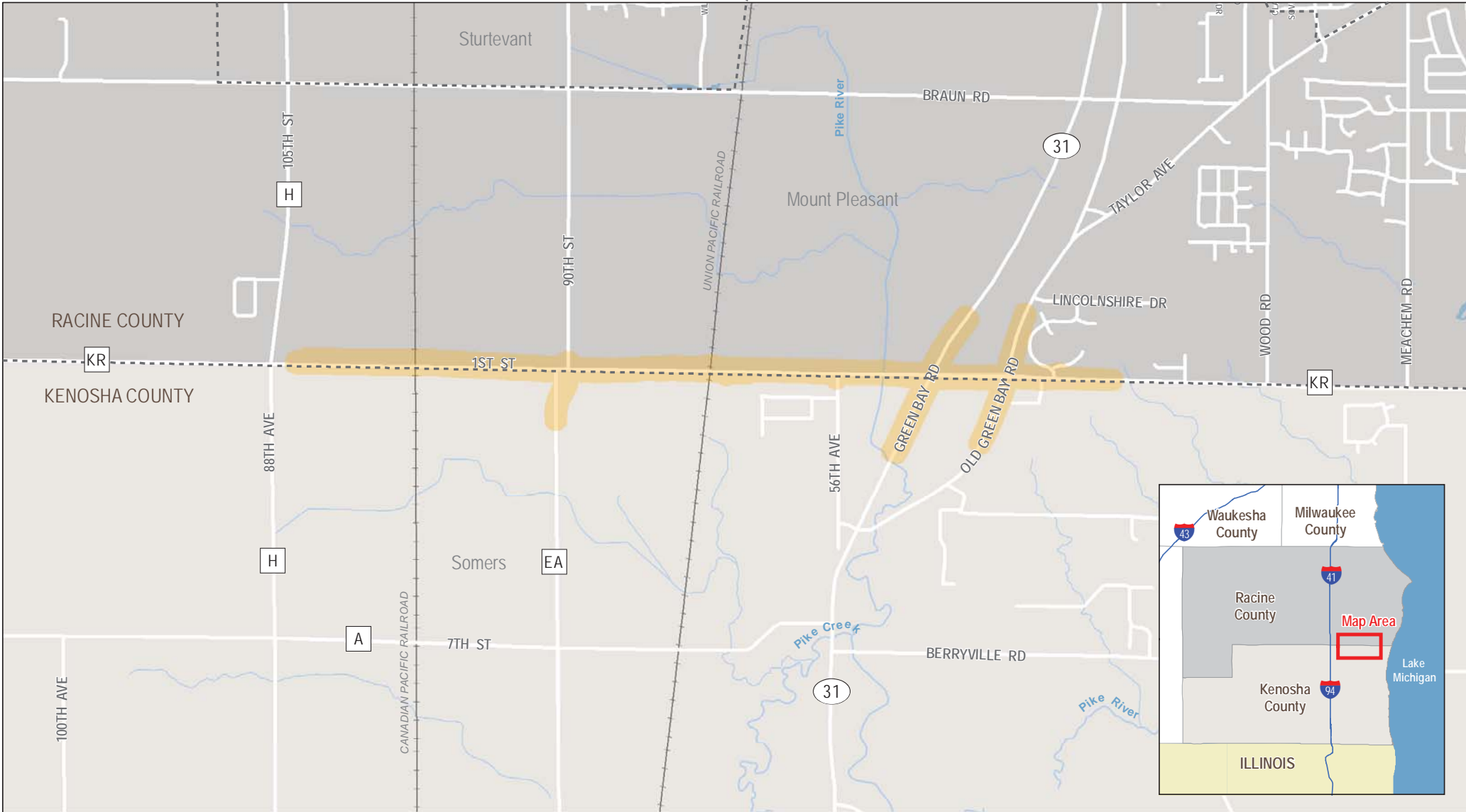
The Eastern Prairie Fringed Orchid occurs in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh edges, even bogs. It requires full sun for optimum growth and flowering and a grassy habitat with little to no woody encroachment. There are no federal lands present in the project corridor. The orchid was not observed in the wetland delineation field review completed in 2018. A follow-on rare plant survey is planned for September 2018 for state-listed species, and we will look for evidence of the species’ presence. We conclude the project will not intentionally take (or result in a prohibited take of) the Eastern Prairie Fringed Orchid.

For your information, I am attaching the initial review letter from the Wisconsin Department of Natural Resources (Attachment F). We look forward to coordinating with you soon to finalize our determinations. We will follow up with you within the next two weeks for further guidance. Should you have any questions, please contact me.

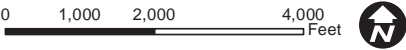
Brenda Ruenger, P.G.
Regional Environmental Coordinator
DTSD Southeast Region
262-548-6709
Brenda.Ruenger@dot.wi.gov

cc: Andrew Horton, USFWS
Kristina Betzold, Wisconsin DNR

Attachment A
Project Location Map



- Legend**
- Project Limits
 - Racine County
 - Kenosha County
 - Municipal Boundaries



**COUNTY KR PHASE 2
PROJECT LOCATION**

Attachment B
IPaC Official Species List
County KR Phase 2



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:
Consultation Code: 03E17000-2018-SLI-1225
Event Code: 03E17000-2018-E-02811
Project Name: COUNTY KR RECONSTRUCTION

July 12, 2018

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-1225

Event Code: 03E17000-2018-E-02811

Project Name: COUNTY KR RECONSTRUCTION

Project Type: TRANSPORTATION

Project Description: Project will reconstruct County KR from County H to Old Green Bay Road, a distance of about 2.8 miles, in Kenosha and Racine counties. The project will upgrade the existing two-lane rural roadway to a four-lane urban roadway from County H to Old Green Bay Road. New bridges will replace the existing two at-grade railroad crossings, and a new structure will replace the existing bridge over the Pike River. The project will incorporate 10-foot multiuse paths to improve circulation for nonmotorized users and connect to existing and planned trails and sidewalks in the area. The project also includes improvements to maintain traffic operations in all directions at the County KR intersections with WIS 31 and Old Green Bay Road. Racine County, Kenosha County and the Village of Mount Pleasant will be responsible for right of way acquisition, and construction is expected to begin in spring 2021.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.66815253301062N87.86694988552127W>



Counties: Kenosha, WI | Racine, 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

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
Red Knot <i>Calidris canutus rufa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
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

Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered

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

Critical habitats

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

Attachment C

NLB Checklist for Non-Federal Projects

Northern Long-Eared Bat Take Determination under the Final 4(d) Rule for non-federal WisDOT projects

3763-00-04

County KR – Phase 2

County H to Old Green Bay Road

Racine and Kenosha

Project Description/Scope

Project will reconstruct County KR from County H to Old Green Bay Road, a distance of about 2.8 miles, in Kenosha and Racine counties. The project will upgrade the existing two-lane rural roadway to a four-lane urban roadway from County H to Old Green Bay Road. The project will allow for a potential future expansion to six lanes between County H and 90th Street. New bridges will replace the existing two at-grade railroad crossings, and a new structure will replace the existing bridge over the Pike River. The project will incorporate 10-foot multiuse paths to improve circulation for nonmotorized users and connect to existing and planned trails and sidewalks in the area. The project also includes improvements to maintain traffic operations in all directions at the County KR intersections with WIS 31 and Old Green Bay Road. Racine County, Kenosha County and the Village of Mount Pleasant will be responsible for right of way acquisition, and construction is expected to begin in spring 2021.

A. Effect determination for northern long-eared bat:

1 – Does the project involve purposeful take?

☐ Yes – see REC. Take may or may not be prohibited depending on specifics.

☒ No – Proceed to question 2.

2 – Will the project take place within a cave or mine where northern long-eared bats hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

☐ Yes – Take prohibited. Use of this form is not acceptable.

☒ No – Proceed to question 3.

3 – Will your action involve tree removal?

☐ No – Take is not prohibited. No need to complete remainder of this checklist. Complete Section B on effect determinations for other federally listed species, attach required information (Section C) and place documentation in file.

☐ Yes, the project removes hazardous tree(s) to protect human life or property – Take is not prohibited. No need to complete remainder of this checklist. Complete Section B on effect determinations for other federally listed species, attach required information (Section C) and place documentation in file.

☒ Yes, the project involves tree removal other than hazardous tree(s) – Proceed to Question 4.

4 – Does the project include one or both of the following: 1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31; or 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year?

☐ Yes – Take prohibited. Coordination with USFWS required to determine if the project can proceed without harming or killing northern long-eared bats or if a permit is needed. Use of this form is not acceptable.

☒ No – Take is not prohibited. Complete Section B on effect determinations for other federally listed species, attach required information (Section C) and place documentation in file.

B. Effect determination(s) for federally listed species other than northern long-eared bat on the IPaC official species list:

☐ No other federally listed species

☒ No effect – see table below.

☐ May affect –consultation with USFWS is required. Use of this form is not acceptable.

Species Common Name	Species Scientific Name	Effect Determination	Justification
Red Knot	<i>Calidris canutus rufa</i>	No effect	Habitat is not present in project area.
Whooping Crane	Grus Americana	Will not result in a prohibited take	Experimental Population, Non-Essential, Transient through project area.
Rusty Patched Bumble Bee	Bombus affinis	Will not result in a prohibited take	WisDOT proposes to seed an area with a native flowering seed mix as a conservation measure.
Eastern Prairie Fringed Orchid	Platanthera leucophaea	Determination pending	Pending coordination with USFWS and field reviews, the Eastern Prairie Fringed Orchid is not present in the project area.

If take is not prohibited for northern long-eared bat and no effect determinations can be made for all other federally listed species, the Section 7 process is complete. Confirm determination decisions with REC. Place an electronic copy of this form along with the required attachments (below) in the project file and attach to the environmental document.

C. Required Attachments:

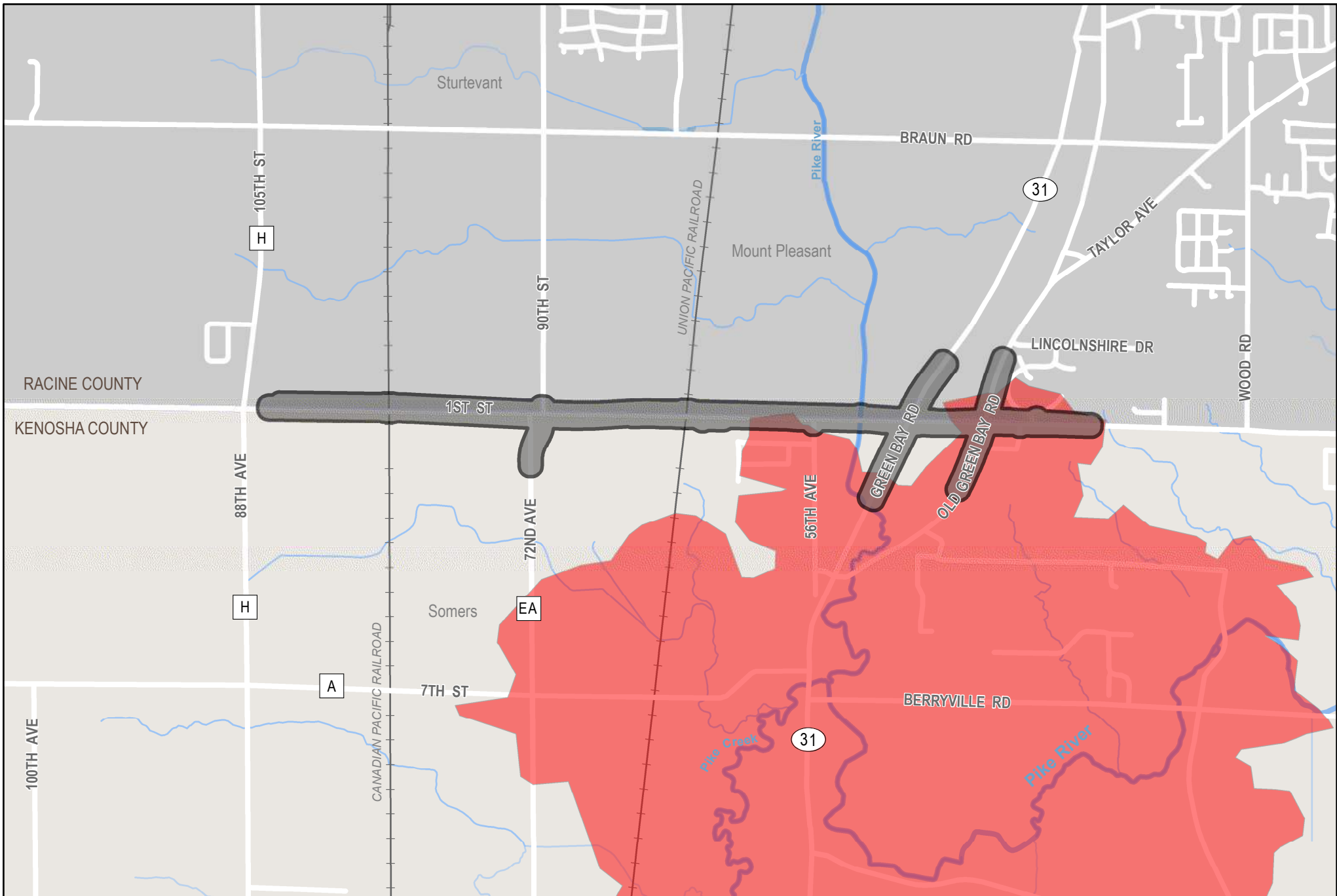
☒ WDNR NHI review: 6/28/2018



☒ IPaC Official Species List: 7/12/2018

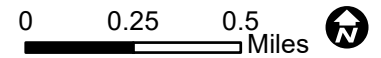
Attachment D

Project Location in Rusty Patched Bumble Bee

High Potential Zone



- Legend**
-  Project Limits
 -  RPBB High Potential Zones



Rusty Patched Bumble Bee High Potential Zones

Attachment E
Native Seed Mix and
Potential Planting Zones

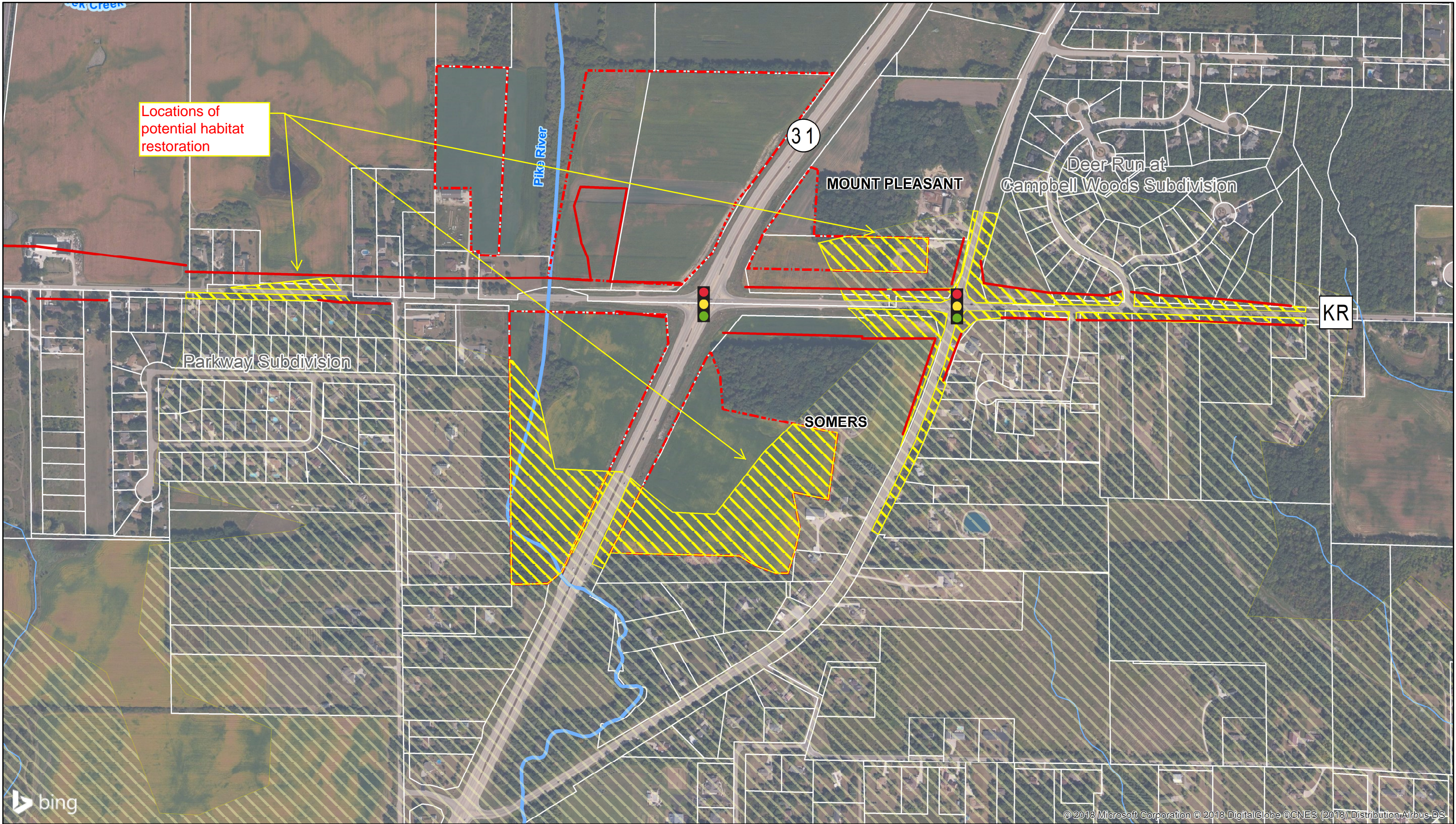
TABLE 630-2 NATIVE SEED MIXTURES

SPECIES	SPECIES BOTANICAL NAME	PURITY & GERMINATION minimum %	MIXTURE PROPORTIONS in percent			
			NO. 70	NO. 70A	NO. 75	NO. 80
FORBES	Canada Anemone	<i>Anemone canadensis</i>	PLS	2		
	Butterflyweed	<i>Asclepias tuberosa</i>	PLS		2	
	New England Aster	<i>Aster novae-angliae</i>	PLS	2	2	
	Partridge-pea	<i>Chamaecrista (Cassia) fasciculata</i>	PLS		2	
	Purple Prairie Clover	<i>Dalea (Petalostemum) purpurea</i>	PLS	2	2	4
	Canada Tick-trefoil	<i>Desmodium canadense</i>	PLS	2		
	Flowering Spurge	<i>Euphorbia corollata</i>	PLS		2	
	Wild Geranium	<i>Geranium maculatum</i>	PLS	2		
	Western Sunflower	<i>Helianthus occidentalis</i>	PLS	3	2	
	Rough Blazingstar	<i>Liatris aspera</i>	PLS		2	
	Prairie Blazingstar	<i>Liatris pycnostachya</i>	PLS	2		
	Lupine	<i>Lupinus perennis</i>	PLS		3	
	Wild Bergamot	<i>Monarda fistulosa</i>	PLS	2		
	Horse Mint	<i>Monarda punctata</i>	PLS		2	
	Yellow Coneflower	<i>Ratibida pinnata</i>	PLS	2	2	
	Blackeyed Susan	<i>Rudbeckia hirta</i>	PLS			1
	Showy Goldenrod	<i>Solidago speciosa</i>	PLS	2	2	
	Spiderwort	<i>Tradescantia ohiensis</i>	PLS	2	2	
	Golden Alexanders	<i>Zizia aurea</i>	PLS	2		
GRASSES	Big Bluestem	<i>Andropogon gerardi</i>	PLS	15	15	10
	Sideoats Grama	<i>Bouteloua curtipendula</i>	PLS	15	20	20
	Canada Wildrye	<i>Elymus Canadensis</i>	PLS	15	15	35
	Slender Wheatgrass	<i>Elymus trachycaulus</i>	PLS			20
	Junegrass	<i>Koeleria macrantha</i>	PLS		5	
	Annual Ryegrass	<i>Lolium multiflorum</i>	[1]			10
	Switchgrass	<i>Panicum virgatum</i>	PLS			10
	Salt Grass	<i>Puccinella distans</i>	[1]			2
	Little Bluestem	<i>Schizachyrium (Andropogon) scoparium</i>	PLS	15	20	10
	Indiangrass	<i>Sorghastrum nutans</i>	PLS	15		10
ALTERNATE FORBES	Sky Blue Aster	<i>Aster azureus</i>	PLS	[2]	[2]	
	White Wild Indigo	<i>Baptisia leucantha</i>	PLS	[2]	[2]	
	Pale Purple Coneflower	<i>Echinacea pallida</i>	PLS	[2]	[2]	
	White Prairie Clover	<i>Petalostemum candidum</i>	PLS	[2]	[2]	
	Stiff Goldenrod	<i>Solidago rigida</i>	PLS	[2]	[2]	
	Hoary Vervain	<i>Verbena stricta</i>	PLS	[2]	[2]	

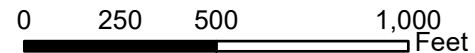
[1] Provide the minimum purity and germination specified in 630.2.1.5.1.1(3) in the table of highway seed mixtures.

[2] The contractor may, if the engineer approves, substitute an alternate forb for a required forb that is not available using the same percentage as specified for the required forb. Use a different alternate forb for each

Source: Wisconsin Department of Transportation 2018 Seed Mix Special Provisions, Section 630



- Layer**
- Proposed ROW
 - Potential Stormwater Ponds
 - High Potential Zone within ROW and Potential Ponds
 - RPBB High Potential Zones



8/28/2018

COUNTY KR PHASE 2
Rusty Patched Bumble Bee High Potential Zone

Attachment F
WDNR Initial Review Letter

Final

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 28, 2018

Dobra Payant
Wisconsin Department of Transportation
Division of Transportation Systems Development
141 NW Barstow Street
Waukesha, WI 53187

Subject: DNR Initial Project Review
Project I.D. 3763-00-04
CTH KR - CTH H to Old Green Bay Road
~~to approximately 700 feet east of 90th Street.~~ CB
Village of Mount Pleasant, Racine County

Dear Ms. Payant:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the proposed above-referenced project. According to your proposal, the purpose of this project is to roadway reconstruction and expansion. Proposed improvements include expansion of CTH KR from CTH H to Old Green Bay Road in Racine County. The roadway will be widened from two lanes to ~~six~~ ^{four} lanes, intersection and drainage improvements. The existing structure on the Pike River will be replaced and widened. KB

Preliminary information has been reviewed by DNR staff for the project under the DNR/DOT (Wisconsin Department of Transportation) Cooperative Agreement. Initial comments on the project as proposed are included below, and assume that additional information will be provided that addresses all resource concerns identified. In addition to the project specific resource concerns highlighted below, it is DNR's expectation that the full range of DOT roadway standards will be applied throughout the design process.

A. Project-Specific Resource Concerns

Wetlands:

Mapped wetlands, wetland indicators and hydric soils are present throughout the project area and there is potential for wetland impacts to occur as a result of this project. Wetland impacts must be avoided and/or minimized to the greatest extent practicable. Unavoidable wetland losses must be compensated for in accordance with the DNR/DOT Cooperative Agreement and the DOT Wetland Mitigation Banking Technical Guideline. Per the Cooperative Agreement, mitigation banking is the preferred compensation option, however DOT and DNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis. DNR requests information regarding the amount and type of unavoidable wetland impacts.

The entire project area is located within the Pike River Watershed, Southwest Lake Michigan Basin and should be mitigated as such. Continue with established coordination process to determine plan for wetland mitigation. **Please provide proposed plans showing wetland impacts to this office and ensure adequate time for review/comments/revisions prior to plan finalization.**

Fisheries/Stream Work:

The North Branch of the Pike River is a navigable waterway that has a designated use of a Fish and Aquatic Life Water. In order to protect developing fish eggs and substrate for aquatic organisms, all instream work that could adversely impact water quality should NOT be undertaken between March 1st and June 1st of the calendar year. In general, this includes work that disturbs the bed or banks of the waterway. Coordinate with this office with questions on what construction activities are considered in water work and can or cannot be performed during this time period.

The Village of Mount Pleasant was awarded an EPA 2010 Great Lakes Restoration Initiative grant for the North Branch of the Pike River for the purpose of habitat restoration and plantings including wetland and prairie environments, channel widening and bank stabilization, replacing culverts to aid fish passage, providing fish habitat structures, and the creation of fish spawning areas. **Impacts to any areas restored/enhanced utilizing this grant funding should be avoided or minimized to the all practicable extends.** Please coordinate with the Village of Mount Pleasant (contact for award is Anthony Beyer) to ensure that proper procedure is followed if this project will impact any areas where this grant funding may have been used. DNR does not have records that details areas where this grant funding may have been utilized.

Aquatic Connectivity and Culvert Work:

The bridge over the North Branch of the Pike River should be set and sized in such a manner to avoid or minimize impacts to stream morphology, aquatic organism passage, and water quality. This requires that water flow characteristics and streambed sediment in the bridge should closely match the characteristics of the streambed sediment in the natural channel. The invert elevations of the existing and proposed structure(s), the water surface elevations, and the natural streambed elevations upstream and downstream should be specified in the plans. The natural streambed elevations should extend well beyond the zone of influence of the culvert. The width and depth of the waterway must not be altered. However, a minor amount of dredging necessary to place the structure elements is permissible. **Please provide proposed plans for this structure to this office and ensure adequate time for review/comments/revisions prior to plan finalization.**

Endangered Resources:

Based upon a review of the Natural Heritage Inventory (NHI) and other DNR records dated 6/28/18, Endangered Resources and/or suitable habitat that could be impacted by this project are known or likely to occur in the project area or its vicinity are included in the attached Occurrence Summary. DNR will coordinate with Natural Heritage Inventory Program to determine if site specific surveys are needed and/or what measures should be taken to avoid and/or mitigate impacts to species.

Portions of this project are located within a Rusty Patched Bumble Bee Federal High Potential Zone.

Conservation measures must be implemented into the project scope if habitat will be impacted and coordination with US Fish and Wildlife may be required. More information is available at:
<https://ecos.fws.gov/ecp0/profile/speciesProfile.action?spcode=IOWI>

There are no known Northern Long-eared Bat (NLEB) maternity roost trees within 150 feet of the project, or known hibernacula within 0.25 miles of the proposed project area.

Migratory Birds:

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

Invasive Species and Viral Hemorrhagic Septicemia (VHS):

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under chapter NR 40 Wis. Adm. Code. Further information on species classified as Restricted or Prohibited under NR 40 can be found at: <http://dnr.wi.gov/topic/Invasives/classification.html>.

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

For work in wetland and waterways:

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

Additional information on invasive species and infested waters can be found at: <http://dnr.wi.gov/lakes/invasives/AISByWaterbody.aspx>

Floodplains:

A determination must be made as to whether or not the project lies within a mapped/zoned floodplain and will impact the floodplain. Floodplain impacts should be assessed and/or quantified and appropriate coordination must be carried out in accordance with the DOT/DNR Cooperative Agreement. **Please provide proposed plans showing floodplain impacts to this office and ensure adequate time for review/comments/revisions prior to plan finalization.** Coordination must also occur with the Racine County Zoning Program.

B. Project Specific Construction Site Considerations

The following issues should be addressed in the Special Provisions, and the contractor will be required to outline their construction methods in the Erosion Control Implementation Plan (ECIP). An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. Erosion control and stormwater measures must adhere to the DNR/DOT Cooperative Agreement, Trans 401, and applicable federal laws.

Storm Water Management & Erosion Control:

(Rev. 10/15)

- For projects disturbing an acre or more of land, erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. DOT should apply for permit coverage just before the project goes to final PS&E. Permit coverage will be issued by the DNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP search "*DNR Transportation Liaison*" and click on the storm water tab.
- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive "permit-coverage" from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

Selected Site & Commercial Non-Metallic Mines:

- The DOT Select Site process must be adhered to for clean fill or any other material that leaves the work site. The DNR liaison will review all proposed select sites and a site visit may be required. Filling of wetlands, waterways or floodplain is not allowed under the select site process, unless the site owner attains required permits. No new impermeable surfaces can be left at a select site (including gravel roads or pads), unless the site owner attains required permits. Contaminated materials leaving the site need to adhere to the Hazardous Material Management Plan.
- Use of Commercial Non-Metallic Mines must accompany documentation that such mines have received all applicable local, state and federal permits before being used on the project, including local non-metallic mining reclamation permits and applicable WPDES permits as issued by the DNR.

Structure Removal/Bridge Demolition:

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

Temporary Stream Channel:

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

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

Asbestos:

(Rev. 10/15)

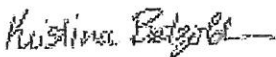
A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-35-45 and the DNR's notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further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

- **Emerald Ash Borer:** This project has the potential for spreading the Emerald Ash Borer (EAB) beetle. It is illegal to move or transport ash material, the emerald ash borer, and hardwood debris (i.e. firewood) from EAB quarantined areas to a non-quarantined area without a compliance agreement issued by WI Department of Agriculture, Trade and Consumer Protection. Regulated items include cut hardwood (non-coniferous) firewood, ash logs, ash mulch or bark fragments larger than one inch in diameter, or ash nursery stock (DATCP statute 21).
 - For more information regarding the EAB and quarantine areas please click on the following link: <http://datcpservices.wisconsin.gov/eab/article.jsp?topicid=20>
 - Recommendations to reduce the spread of EAB in potentially infested Ash wood: <http://datcpservices.wisconsin.gov/eab/articleassets/Recommendations%20to%20reduce%20the%20spread%20of%20EAB.pdf>

This project may require a permit from the U.S. Army Corps of Engineers (ACOE). All local, state, and federal permits and/or approvals must be obtained prior to commencing construction activities.

The above comments represent the DNR's initial concerns for the proposed project and do not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, and additional consultation if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at 414.507.4946, or email at Kristina.Betzold@wi.gov.

Sincerely,



Kristina Betzold
Environmental Analysis & Review Specialist



Division of Transportation
Investment Management
PO Box 7914
Madison, WI 53707-7914

Scott Walker, Governor
Dave Ross, Secretary
Internet: <https://www.wisconsin.gov>

Telephone: 608-266-3351

Facsimile (FAX): 608-267-6748

August 28, 2018

WISDOT SE REGION
ATTN: STEVE HOFF, P.E.
141 NW BARSTOW STREET
WAUKESHA, WI 53187

County KR, Sylvania Airport, Kenosha Regional Airport
County KR – Mount Pleasant (County H- Old Green Bay Road),
Kenosha, Racine Counties

Dear Mr. Hoff:

I have reviewed the information submitted on the County KR – Mount Pleasant (County H- Old Green Bay Road) project, located in Kenosha and Racine Counties. I do not have any issues with the project at this time from a Bureau of Aeronautics standpoint. Since portions of the project are in the vicinity of the Kenosha Regional Airport, and the Sylvania Airport, the '[Notice Criteria Tool](#)' on the FAA's Obstruction Evaluation and Airport Airspace Analysis (OE/AAA) website should be used to see if any temporary equipment or permanent structures will require study.

If required to file for a study, the FAA requests submittal at least 45 days prior to the start of construction to give them enough time to complete the study. If you have any questions about this process I can assist you.

Additionally, the FAA guidance on wildlife attractants on or near airports is [FAA Advisory Circular 150/5200-33](#). Please make sure that any storm water retention and/or detention facilities follow the recommendations outlined in the FAA guidance.

On a final note, the Bureau of Aeronautics recommends contacting the airports as a friendly heads up about your project. Each airport will welcome any information you have about the use of equipment and closure of roads that may affect access to the airport or airport operations. The contacts for the airports listed above are as follows:

Kenosha Regional Airport:

Contact: Corey Reed: 262-653-4159

Sylvania Airport:

Contact: Robert McKay: 262-886-045

Sincerely,

Levi Eastlick

Airspace Manager/Chief Pilot
WisDOT/DTIM/Bureau of Aeronautics
4822 Madison Yards Way, 5th Floor South, Room 535
Madison, WI 53707-7914
608.267.5018 | Levi.Eastlick@dot.wi.gov





**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

**Scott Walker, Governor
David Ross, Secretary**
Internet: www.dot.wi.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662
E-Mail: waukesha.dtd@dot.wi.gov

August 30, 2018

MR. ROBERT MCKAY
SYLVANIA AIRPORT
2624 SOUTH SYLVANIA AVE
STURTEVANT, WI 53177

Subject: WisDOT ID: 3763-00-04
County KR
County H to Old WIS 31 (Old Green Bay
Road)
Kenosha and Racine Counties

The Wisconsin Department of Transportation (Southeast Region office) is reconstructing County KR from County H to Old Green Bay Road, a distance of approximately 2.8 miles, in Kenosha and Racine Counties (See attached Project Location Map). The project will reconstruct the existing 2-lane rural roadway to a 4-lane urban roadway. New bridges will replace existing at-grade crossings at the Canadian Pacific and Union Pacific railroad corridors. The existing box culvert conveying the Pike River will be replaced with a new structure. The project includes improvements to intersections at WIS 31 and Old Green Bay Road to ensure traffic operations are maintained in all directions with the anticipated travel demand and associated capacity needs on County KR. Construction is anticipated to begin in Spring 2021 and conclude in Fall 2022.

Since Sylvania Airport is within five miles of the project corridor, we wanted you to be aware of the project and to contact me if you have specific concerns or comments regarding the project as it relates to airport operations. We will add your contact information to our mailing list so that you receive notices of future public meetings.

If you have any questions or require additional information, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

Steve Hoff, PE
Project Manager
WisDOT – SE Region

Enclosures: Project Location Map

cc: Levi Eastlick, WisDOT/DTIM/Bureau of Aeronautics



**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

**Scott Walker, Governor
David Ross, Secretary**
Internet: www.dot.wi.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662
E-Mail: waukesha.dtd@dot.wi.gov

August 30, 2018

MR. COREY REED
KENOSHA REGIONAL AIRPORT
9900 52ND STREET
KENOSHA, WI 53144

Subject: WisDOT ID: 3763-00-04
County KR
County H to Old WIS 31 (Old Green Bay
Road)
Kenosha and Racine Counties

The Wisconsin Department of Transportation (Southeast Region office) is reconstructing County KR from County H to Old Green Bay Road, a distance of approximately 2.8 miles, in Kenosha and Racine Counties (See attached Project Location Map). The project will reconstruct the existing 2-lane rural roadway to a 4-lane urban roadway. New bridges will replace existing at-grade crossings at the Canadian Pacific and Union Pacific railroad corridors. The existing box culvert conveying the Pike River will be replaced with a new structure. The project includes improvements to intersections at WIS 31 and Old Green Bay Road to ensure traffic operations are maintained in all directions with the anticipated travel demand and associated capacity needs on County KR. Construction is anticipated to begin in Spring 2021 and conclude in Fall 2022.

Since Kenosha Airport is in the vicinity of the project corridor, we wanted you to be aware of the project and to contact me if you have specific concerns or comments regarding the project as it relates to airport operations. We will add your contact information to our mailing list so that you receive notices of future public meetings.

If you have any questions or require additional information, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

Steve Hoff, PE
Project Manager
WisDOT – SE Region

Enclosures: Project Location Map

cc: Levi Eastlick, WisDOT/DTIM/Bureau of Aeronautics

REQUEST FOR SHPO REVIEW AND COMMENT ON A STATE UNDERTAKING

SHPO ^{PA} KN

Submit one copy with each undertaking for which our comment is requested. Please print or type. We do not accept Electronic Submittals.

Return to:

Wisconsin Historical Society, Historic Preservation and Public History Division, Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

- ☒ This is a new submittal.
☐ This is supplemental information relating to Case #: _____, and title: _____
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.

The title of the agreement is _____

- a. State Agency Jurisdiction (Agency providing funds, assistance, license, permit): WI Dept. of Transportation
b. State Agency Contact Person: Jason Kennedy
c. Phone: 608-267-6693 FAX: _____
d. Return Address: 4822 Madison Yards Way, 5th Floor South Zip Code: 53705
e. Email Address: jason1.kennedy@dot.wi.gov
f. Project Name: WisDOT I.D. 3763-00-04: County KR - Phase 2
g. Project Street Address: From County H to Old Green Bay Road
h. County: Racine/Kenosha City: Mt. Pleasant/Somers Zip Code: 53406
i. Project Location: Township 2N/3N, Range 22, E/W (circle one), Section 2,3,4,5, 32,33,34,35, Quarter Sections _____
j. Project Narrative Description—Attach Information as Necessary, including brief project overview and current photos of project property(ies).
k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE. See attachments A to E.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☒ The following historic property(ies) is (are) recorded in the Wisconsin Inventory of Historic Places and is (are) located within the project APE.
See attached cultural resource report

Attach supporting materials (including copy of Wisconsin inventory database record, current photo(s) of property..

III. FINDINGS

- ☒ No historic property (enumerated in II above) may be affected by the proposed project. Attach supporting material.
☐ The proposed undertaking may affect an historic property (identified in II above) located within the project APE. Attach supporting material.

Authorized Signature: Jason Kennedy Date: 10/11/2018Type or print name: Jason Kennedy

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☒ Agree with the finding in section III above.
☒ Do not agree with the finding in section III above.
☐ The proposed undertaking will not adversely affect one or more historic properties.
☐ The proposed undertaking will adversely affect one or more historic properties.
☐ WHS requires negotiation with the state agency to address the adverse effect.
☐ WHS does not require negotiation with the state agency to address the adverse effect.
☐ WHS objects to the finding for reasons indicated in attached letter.
☐ WHS cannot review until information is sent as follows:

see attached memo.
with burial site caveats.Authorized Signature: Debra Bonnett Date: 10/17/18



Date: October 17, 2018

To: Jason Kennedy

From: Chip Brown

Re: WisDOT Project 3763-00-04: CTH KR – Phase 2, from CTH H to Old Green bay Road; Racine and Kenosha Counties

IN REPLY, PLEASE REFER TO WHS CASE # 18-1222/RA/KN

I have received the materials you submitted describing the above-referenced project. Pursuant to Wis. Stat. §§ 44.40 and 157.70, I offer the following comments.

I agree that, as described, this project may not affect any historic properties. However, I recognize that the cataloged and uncataloged Immigrant Burial Site (Archaeological Site Inventory # RA-0302) is located in close proximity to the proposed project location. If there may be any disturbance to this human burial site, our office must review and authorize such proposed work within the uncataloged location. If there may be any disturbance to the cataloged area of this site, our office must review the proposal and commence the permitting process for this action. No disturbance may take place before an authorization or permit is granted.

With questions, please contact me by email at chip.brown@wisconsinhistory.org or by telephone at (608) 264-6508. I look forward to hearing from you soon with the above-described information. Thank you very much for your continued attention to this matter.

From: Payant, Dobra - DOT
Sent: Wednesday, October 24, 2018 3:55 PM
To: 'Michael LaRonge' <Michael.LaRonge@fcpotawatomi-nsn.gov>
Cc: Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>
Subject: RE: WisDOT Project 3763-00-04, CTH-KR (CTH-H to Old Wis 31), Kenosha and Racine Counties, Wisconsin.

Dear Mr. LaRonge,

Thank you for your involvement with the above-referenced project. The subject project is a state undertaking and therefore follows compliance to Wisconsin Statutes, Section 44.40.

Below is the information you requested.

1. *Cultural Resource Investigations for the CTH KR Extension, CTH H to Old WIS 31, Kenosha and Racine Counties, Wisconsin*, dated October 2018 and prepared by University of Wisconsin-Milwaukee Cultural Resource Management.
2. WHS letter, dated October 17, 2018.

Please feel free to contact Steve Hoff (copied on this email) or myself, if you have any questions.

Sincerely,
Dobra Payant

*Dobrogniewa (Dobra) S. Payant, P.E.
Civil Engineer Advanced – Environmental Lead
WisDOT SE Region – Technical Services Section
141 NW Barstow Street
Waukesha, WI 5187-0798
(414) 750-2677*

From: Payant, Dobra - DOT
Sent: Thursday, July 26, 2018 9:05 AM
To: 'Michael LaRonge' <Michael.LaRonge@fcpotawatomi-nsn.gov>

Cc: Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>

Subject: FW: WisDOT Project 3763-00-04, CTH-KR (CTH-H to Old Wis 31), Kenosha and Racine Counties, Wisconsin.

Dear Mr. LaRonge,

We are currently in the process of preparing the documentation you have requested. Once it is finalized, we'll make sure to send it to you.

Thank you for your response.

Sincerely,

Dobra Payant

Dobrogniewa (Dobra) S. Payant, P.E.

Civil Engineer Advanced – Environmental Lead

WisDOT SE Region – Technical Services Section

141 NW Barstow Street

Waukesha, WI 5187-0798

(414) 750-2677

From: Michael LaRonge [<mailto:Michael.LaRonge@fcpotawatomi-nsn.gov>]

Sent: Tuesday, July 24, 2018 9:47 PM

To: Hoff, Steve - DOT <Steve.Hoff@dot.wi.gov>

Subject: Re: WisDOT Project 3763-00-04, CTH-KR (CTH-H to Old Wis 31), Kenosha and Racine Counties, Wisconsin.

Re: WisDOT Project 3763-00-04, CTH-KR (CTH-H to Old Wis 31), Kenosha and Racine Counties, Wisconsin.

Dear Mr. Hoff,

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

This response pertains to the project mention above. The Tribal Historic Preservation Office (THPO) has reviewed the materials you provided regarding the project and request a copy of the archaeological report and SHPO letter associated with the project.

Your interest in protecting Wisconsin's cultural and historic properties is appreciated. If you have any questions or concerns, please contact me at the email or number listed below.

Respectfully,

Michael LaRonge, THPO

715-784-7354

michael.laronge@FCPOtawatomi-nsn.gov



**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

**Scott Walker, Governor
David Ross, Secretary**
Internet: www.dot.wi.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662
E-Mail: waukesha.dtd@dot.wi.gov

November 5, 2018

ANTHONY BEYER
VILLAGE ENGINEER/UTILITIES MANAGER
VILLAGE OF MOUNT PLEASANT
8811 CAMPUS DRIVE
MOUNT PLEASANT, WI 53406

Subject: WisDOT ID: 3763-00-04
County KR -Phase 2
County H to Old Green Bay Road
Kenosha and Racine Counties

Dear Mr. Beyer,

WisDOT is preparing an environmental assessment and completing preliminary engineering for the proposed reconstruction and widening of County KR between County H and Old Green Bay Road in Racine and Kenosha counties. I am coordinating with you to obtain input and concurrence on the proposed changes from the project to the Pike River restoration area and the future Biex Ramke Homestead park property, which are owned by the Village of Mount Pleasant.

The proposed project would widen County KR and require approximately 0.73 acres of the future Biex Ramke Homestead park property that fronts County KR (see attached map). The property is undeveloped, and no recreational features would be impacted.

The proposed road widening would replace the Pike River box culvert with two bridges. This work would impact approximately 0.38 acres of restoration area at the Pike River crossing (see attached map). The proposed road widening would remove habitat area but avoid the Pike River Pathway that is under construction along the west side of the Pike River. The new County KR construction would include a multi-use path on the north side of the road that connects to the Pike River Pathway.

Additionally, WisDOT is continuing refinement of the location of a stormwater management pond on the north side of County KR and west of the Pike River. The attached map identifies an area where a stormwater pond would be in relation to the Pike River restoration area. In coordination with Racine County and the Village of Mount Pleasant, WisDOT will refine the pond's precise location during final design. The stormwater pond site area could occupy up to 2.5 acres inside the restoration area boundaries. The stormwater pond would avoid the Pike River Pathway but may remove restored habitat area. Depending on final location of the stormwater pond, a drainage easement would also be required to connect the pond to the Pike River. Racine County will be responsible for the long-term maintenance of the stormwater pond and drainage easement.

The Pike River restoration area was developed with federal Great Lakes Restoration Initiative funds through a 2015 Project Partnership Agreement with the U.S. Army Corps of Engineers. Per Article II.E, of the agreement, the village is responsible for operating and maintaining the restoration area in a manner compatible with the authorized purposes of the restoration project. Article II.K notes the village shall prevent "obstructions or encroachments on the Project (including prescribing and enforcing regulations to prevent such obstructions or encroachments) such as any new developments on Project lands, easements, and rights-of-way or the addition of facilities which might reduce the outputs produced by the Project, hinder operation and maintenance of the Project or interfere with the Project's proper function."



**Division of Transportation
System Development**
Southeast Regional Office
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

**Scott Walker, Governor
David Ross, Secretary**
Internet: www.dot.wi.gov

Telephone: (262) 548-5903
Facsimile (FAX): (262) 548-5662
E-Mail: waukesha.dtd@dot.wi.gov

The proposed project encroachments will not change the public ownership of the restoration area, or the future Biex Ramke Homestead park. Also, remaining vegetated areas that would be disturbed from the construction of County KR and the stormwater pond would be planted with a seed mix to mimic vegetation of the restoration area to the greatest practicable extent. The proposed bridges over the Pike River would maintain design flows.

The proposed County KR reconstruction project avoids the portion of the Pike River restoration area that includes the newly realigned the Pike River and associated restoration improvements, including floodplain excavations and establishment of a wetlands, sedge meadow, wet-mesic and mesic prairie restoration area. Maintaining the County KR widening and bridge construction in the immediate vicinity of existing County KR avoids impacting the long-term function of the restoration area. Thus, the proposed County KR construction would not reduce the outputs and functions produced by the restoration project, hinder its operation and maintenance, or interfere with its proper function.

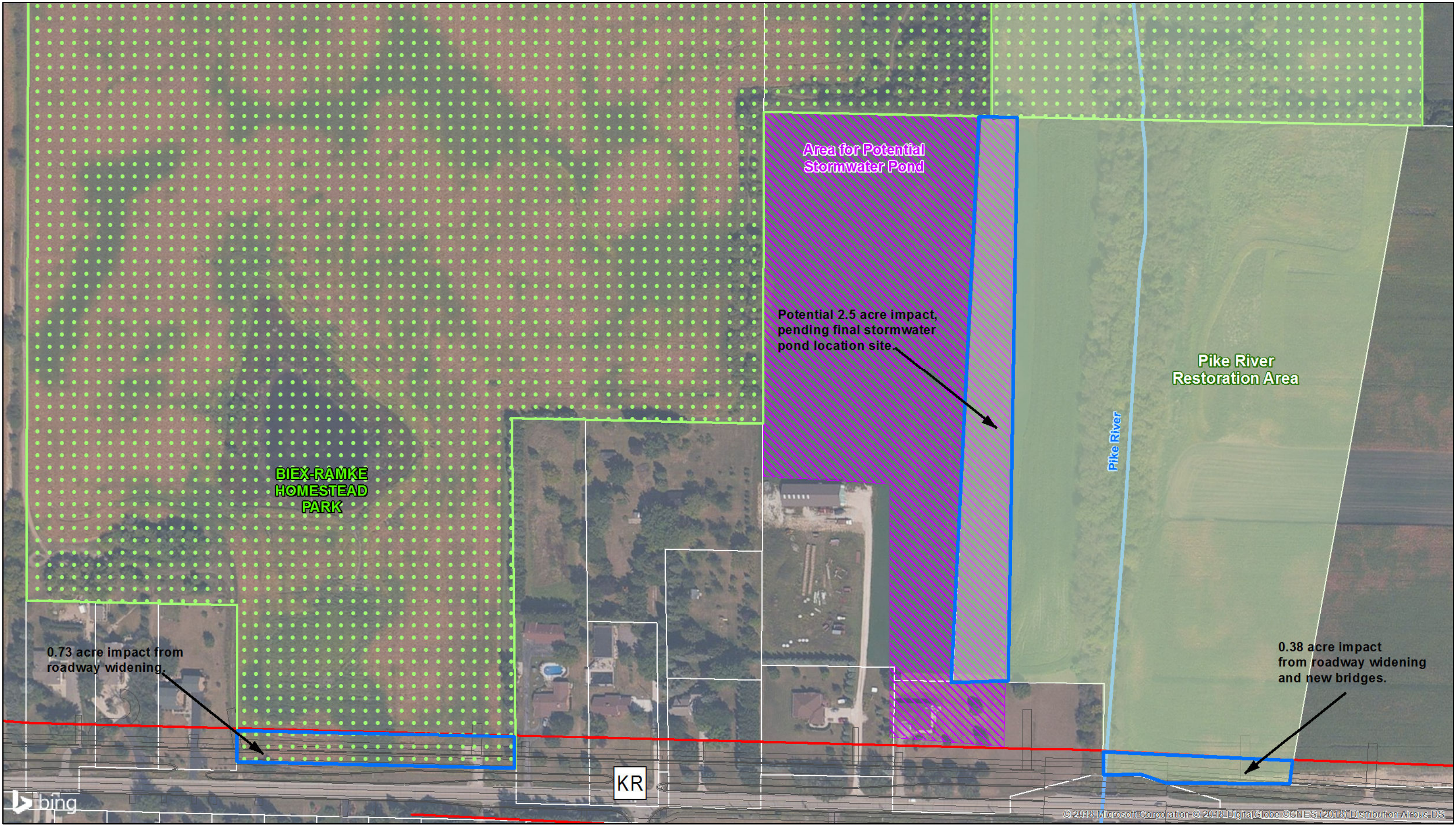
I am requesting your written concurrence with our determination. Receipt of your response by November 30, 2018 would be appreciated. Should you have any questions, or wish to discuss further, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steve Hoff".

Steve Hoff, PE
Project Manager
WisDOT – SE Region

cc: Paul Powell, USACE
Dobra Payant, WisDOT SER
Brenda Ruenger, WisDOT SER
Caron Kloser, HNTB Corporation



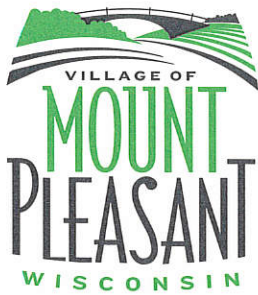
Legend

 Pike River Restoration Area	 Potential Stormwater Pond Locations
 Parks	 Impact Area
 Proposed ROW	

11/1/2018

COUNTY KR PHASE 2

Potential Impact to Pike River Restoration Area and Biex Ramke Homestead Park



**STORM WATER DRAINAGE
UTILITY DISTRICT**

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November 27, 2018

Mr. Steve Hoff, P.E.—Project Manager
WisDOT—SE Region
141 N.W. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Re: WisDOT ID: 3763-00-04
CTH KR—Phase 2
Intersection with Pike River Corridor

Dear Mr. Hoff,

I am in receipt of your letter dated November 5, 2018 related to the planned CTH KR reconstruction from CTH H to Old Green Bay Road in Kenosha and Racine Counties.


Specifically, you have requested my concurrence that the proposed reconstruction project at its intersection with the Pike River does not adversely affect the restoration work completed along the Pike River recently completed by the Village of Mount Pleasant and the U.S. Army Corps of Engineers.

We are in receipt of the memo dated November 20, 2018 from the U.S. Army Corps of Engineers which determines that there is minimal/negligible impact from the road reconstruction project on the restoration work completed in the Pike River.

The Village generally concurs with the Army's determination that the road reconstruction project will cause minimal floodplain and ecological impacts to the restoration project along the Pike River. We encourage further coordination related to the location of the detention pond being constructed in the general area for the road work, as it relates to its planned minimal impact on the Pike River Corridor.

If I can provide anything further, please contact me at (262) 664-7849.

Sincerely,
The Village of Mount Pleasant


Anthony J. Beyer, P.E.
Village Engineer/Utilities Manager

Cc: Storm Water Drainage Commission
Claude Lois
Paul Powell

December 13, 2018

ANTHONY BEYER
VILLAGE ENGINEER/UTILITIES MANAGER
VILLAGE OF MOUNT PLEASANT
8811 CAMPUS DRIVE
MOUNT PLEASANT, WI 53406

Subject: WisDOT ID: 3763-00-04
County KR -Phase 2
County H to Old Green Bay Road
Kenosha and Racine Counties

Dear Mr. Beyer,

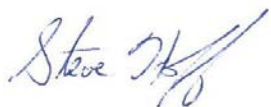
Thank you for your November 27th letter regarding proposed work for the County KR reconstruction project in the Pike River restoration area and Biex Ramke Homestead park property. Since your letter, we have reconsidered the County KR stormwater pond location after receiving additional input from other affected property owners. We now propose to locate the pond within the future Biex Ramcke Homestead park property, which avoids the Pike River restoration area, as well as adjacent private property. I am following up with you to obtain further input and concurrence on the proposed changes at the future park property.

The attached map illustrates the general area where the pond would be located. In coordination with Racine County and the village of Mount Pleasant, we will refine the pond's precise location during final design. The stormwater pond site area could occupy approximately 1.35 acres on the future park property. Depending on final location of the stormwater pond, a drainage easement through the Pike River restoration area would be required to connect the pond to the Pike River. Racine County will be responsible for the long-term maintenance of the stormwater pond and drainage easement.

As noted in my November 5, 2018 letter, the proposed County KR widening would still acquire approximately 0.73 acres of the future park property that fronts County KR (see attached map). The property is undeveloped, and no recreational features would be impacted by either the proposed acquisition for widening or easement required for the pond. During final design, we will coordinate with the Village to locate the pond and develop a planting plan to accommodate and benefit future development plans for the property.

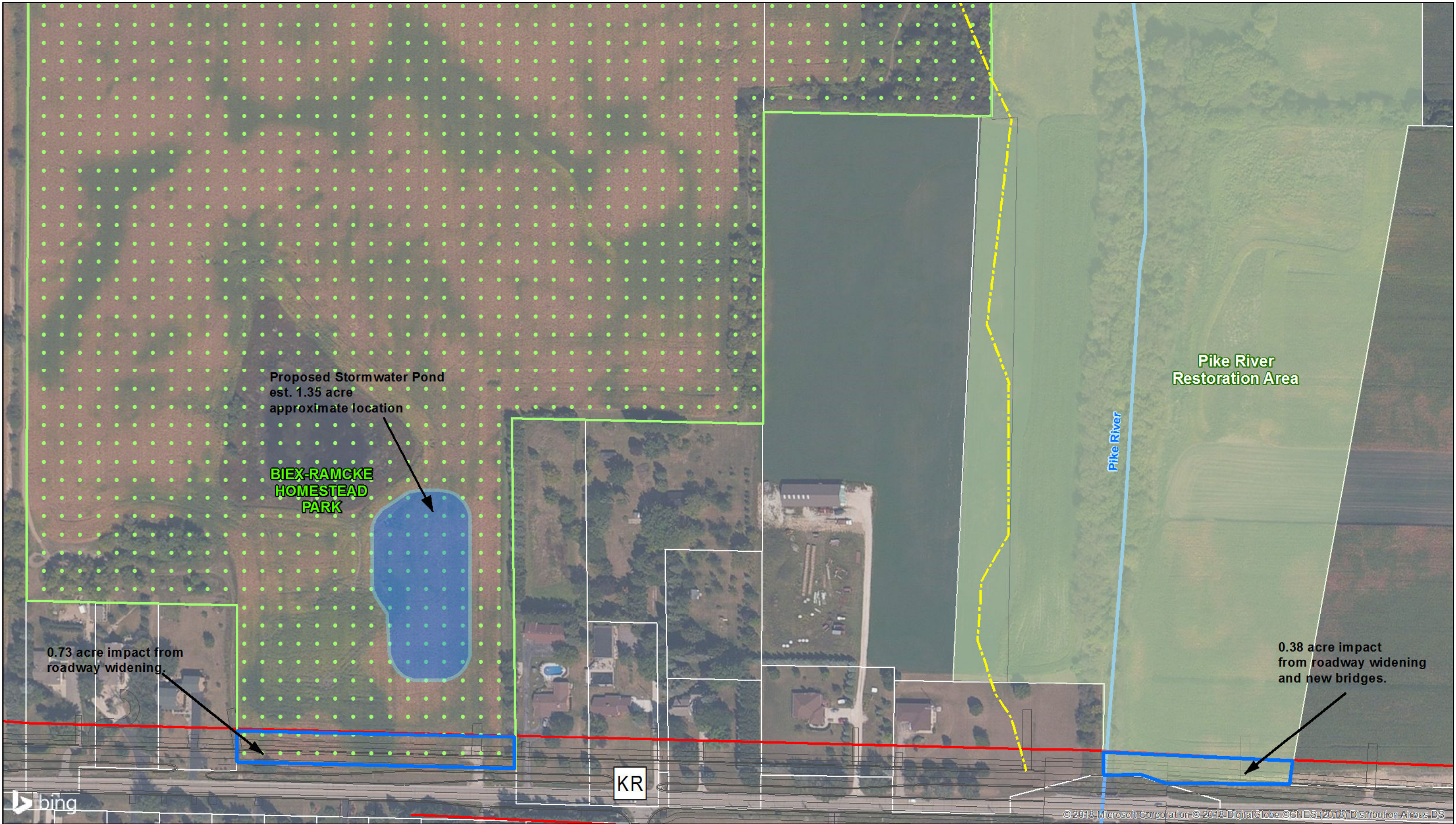
I am requesting your written concurrence with our approach. Receipt of your **response by January 2, 2019** would be appreciated. Should you have any questions, or wish to discuss further, please contact me at (262) 548-6718 or steve.hoff@dot.wi.gov.

Sincerely,



Steve Hoff, PE
Project Manager
WisDOT – SE Region

cc: Paul Powell, USACE
Dobra Payant, WisDOT SER
Brenda Ruenger, WisDOT SER
Caron Kloser, HNTB Corporation



- Legend**
- Proposed Stormwater Pond
 - Impact Area
 - Pike River Pathway
 - Pike River Restoration Area
 - Biex Ramcke Homestead Park
 - Proposed ROW

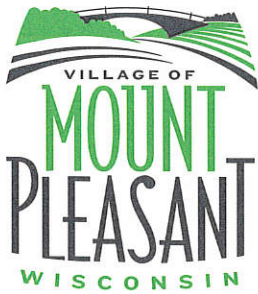
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12/13/2018

COUNTY KR PHASE 2

Potential Impact to Pike River Restoration Area and Biex Ramcke Homestead Park



**STORM WATER DRAINAGE
UTILITY DISTRICT**

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December 14, 2018

Mr. Steve Hoff, P.E.—Project Manager
WisDOT—SE Region
141 N. Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798

Re: WisDOT ID: 3763-00-04
CTH KR—Phase 2
Intersection with Pike River Corridor

Dear Mr. Hoff,


I am in receipt of your letter dated December 13, 2018 related to the planned CTH KR reconstruction from CTH H to Old Green Bay Road in Kenosha and Racine Counties.

Specifically, you have requested my concurrence on the change in location of a detention pond to be constructed to facilitate the widening of CTH KR. The pond in question has been relocated to the south-central portion of Biex-Ramcke Homestead Park, and therefore, removed from the Pike River Corridor, as previously shown.

We generally concur with the approximate location of the footprint of the pond as shown. We look forward to working with you on the finer details of the pond construction and placement as the design progresses.

If I can be of further assistance, please contact me at (262) 664-7849.

Sincerely,
The Village of Mount Pleasant


Anthony J. Beyer, P.E.
Village Engineer/Utilities Manager

Cc: Storm Water Drainage Commission
Claude Lois