

Categorical Exclusion Checklist (CEC)

02-29-2024

Wisconsin Department of Transportation

Project Summary (guidance)

Project Design ID 1023-02-01		Construction ID 1023-02-81		Project Title Black River Falls - Tomah											
Project Route or Facility IH94		Project Termini RMP IH90E-IH94W B41-24 IH90W B41-44		Funding Sources (check all that apply) <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> State <input type="checkbox"/> Local											
County Monroe		Municipality (City, Village, Town) La Grange Township		Estimated Total Project Cost (design, construction, real estate, etc). Include delivery cost in Year of Expenditure (YOE). \$9,600,000 - \$11,000,000 in 2026 dollars											
National Highway System (NHS) Route <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No State Long Truck Route / Restricted Truck Route <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Designated Oversized/Overweight (OSOW) Freight Network <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Section / Township / Range 1, 2 / T17N / R1W 35, 36 / T18N / R1W 6 / T17N / R1E		Real Estate Acquisition Portion of Estimated Cost (YOE) N/A in N/A dollars Utility Relocation Portion of Estimated Cost (YOE) N/A in N/A dollars											
Section 4(f): <input checked="" type="checkbox"/> No Section 4(f) <input type="checkbox"/> Exception to Section 4(f) <input type="checkbox"/> De Minimis Section 4(f) <input type="checkbox"/> Programmatic Section 4(f) <input type="checkbox"/> Individual Section 4(f) Evaluation		Bridge Number(s) (if applicable) B-41-24, B-41-44		Number of Relocations: Residential N/A Business N/A Other N/A <table><tr><td>Right of Way Acquisition</td><td>Acres</td></tr><tr><td>Fee</td><td>0.0</td></tr><tr><td>Permanent Limited Easement (PLE)</td><td>0.0</td></tr><tr><td>Temporary Limited Easement (TLE)</td><td>0.0</td></tr><tr><td>Highway Easement (HE)</td><td>0.0</td></tr></table>		Right of Way Acquisition	Acres	Fee	0.0	Permanent Limited Easement (PLE)	0.0	Temporary Limited Easement (TLE)	0.0	Highway Easement (HE)	0.0
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Highway Easement (HE)	0.0														
Functional Classification of Existing Route (FDM 4-1-10 & 4-1-15)			Urban	Rural	WisDOT Project Improvement Strategy and Type (FDM 3-5 & FDM 11-1 attachment 10.1)										
Freeway/Expressway			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Improvement Strategy – Improvement Type										
Principal Arterial			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Perpetuation – Preservation/Restoration <input type="checkbox"/>										
Minor Arterial			<input type="checkbox"/>	<input type="checkbox"/>	Perpetuation – Resurfacing <input type="checkbox"/>										
Major Collector			<input type="checkbox"/>	<input type="checkbox"/>	Perpetuation – Pavement Replacement <input type="checkbox"/>										
Minor Collector			<input type="checkbox"/>	<input type="checkbox"/>	Perpetuation – Bridge Rehabilitation <input type="checkbox"/>										
Local			<input type="checkbox"/>	<input type="checkbox"/>	Perpetuation – Bridge Preventative <input type="checkbox"/>										
No Functional Class			<input type="checkbox"/>	<input type="checkbox"/>	Rehabilitation – Preservation/Restoration <input type="checkbox"/>										
Other			<input type="checkbox"/>	<input type="checkbox"/>	Rehabilitation – Resurfacing <input type="checkbox"/>										
Is any part of a 23 CFR 667, Facilities Repeatedly Requiring Repair and Reconstruction (F4R) site within the Project Termini: <input type="checkbox"/> Yes <input type="checkbox"/> No (reference information link is below) (https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/f4r.aspx) If “Yes” is checked, the project’s alternative analysis must comply with FDM 3-22			Rehabilitation – Pavement Replacement <input type="checkbox"/>												
Environmental Process Start Date: 6/5/2024			Rehabilitation – Reconstruction <input type="checkbox"/>												
23 CFR 771.117(c) or (d) -or- Trans 400 WI Admin Code Project Type Number and Text: c(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.			Rehabilitation – Bridge Rehabilitation <input type="checkbox"/>												
Name of Individual & Agency/Firm Preparing this Form: Gregory Payne, P.E., Benesch			Rehabilitation - Bridge Replacement <input checked="" type="checkbox"/>												
			Modernization - Expansion <input type="checkbox"/>												
			Preventative Maintenance <input type="checkbox"/>												
			State Majors <input type="checkbox"/>												
			Other – Describe: <input type="checkbox"/>												
WisDOT Region Environmental Coordinator (REC) or Central Office Bureau of Technical Services Environmental Services Section (ESS) or Environmental Process and Documentation Section (EPDS) Staff Member: I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Programmatic Agreement (CE-PA). I further certify that I have reviewed this document and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b) and will not result in significant environmental impacts. I recommend this CE for approval. Brian Taylor Digitally signed by Brian Taylor Date: 2024.12.13 05:41:48 -06'00'															
Print – Name and Affiliation		Signature		(Date – m/d/yy)											
WisDOT Region or Central Office Project Manager or ESS/EPDS Staff Member: I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. If this CE is a type delegated to WisDOT for approval under the CE-PA, I approve this CE. If this CE is a type retained for approval by FHWA, I recommend this CE for approval. Brian Meyer Digitally signed by Brian Meyer DN: C=US, E=brian.meyer@dot.wi.gov, O=State of WI-DOT, OU=PDS, CN=Brian Meyer Date: 2024.12.13 06:37:22-06'00'															
Print – Name and Affiliation		Signature		(Date – m/d/yy)											

FHWA Approval

☐ This CEC has been prepared for a CE listed in 23 CFR 771.117(d) that has not been delegated to WisDOT for approval by FHWA through the CE-PA, Section VI. B. 1. WisDOT has consulted with FHWA per CE-PA Section VII. A. 3 and determined a CEC is acceptable documentation for the proposed action. FHWA must review and approve this CEC prior to WisDOT proceeding with final design, acquisition of right of way or construction. FHWA approves this CE.

(Signature)

(Date)

This template may be used for National Environmental Policy Act (NEPA) documentation and/or Wisconsin Environmental Policy Act (WEPA) CE documentation.

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

I. Fiscal Constraint ([guidance](#))

Projects identified in the WisDOT Statewide Transportation Improvement Program (STIP) per 23 CFR 450.218(g), which are typically FHWA or Federal Transit Administration (FTA) funded projects, must demonstrate fiscal constraint. In addition, and regardless of funding source, projects defined as regionally significant per 23 CFR 450.104 and 23 CFR 450.218(h), must also demonstrate fiscal constraint.

Indicate whether a project ID for a subsequent phase following design (either a project ID for meaningful right-of-way acquisition or a project ID for construction) is included in the most recent version, or a previous version of the STIP, included in a STIP amendment, or listed in the STIP with a Backlog Advanceable Pilot Program (BAPP) STIP label. One of the boxes must be checked to demonstrate fiscal constraint.

If the proposed project is within a metropolitan planning area, it also must be in the metropolitan planning organization (MPO) transportation improvement program (TIP).

<input type="checkbox"/>	The proposed action is not federally funded with FHWA or FTA funds per 23 CFR 450.218(g), does not require federal approval, and is not considered a regionally significant project. Federal fiscal constraint requirements do not apply.
<input checked="" type="checkbox"/>	<p>The proposed action is federally funded with FHWA or FTA funds per 23 CFR 450.218(g), requires federal approval, or is considered a regionally significant project. The proposed action is approved <u>in the most recent version of the STIP or included in a STIP amendment.</u></p> <p><u>Name of STIP or STIP Amendment:</u> 2024-2027 STIP</p> <p><u>STIP Date and Page Number on which the project can be found:</u> 2024-2027 Page 89</p> <p><u>Include a copy of the page from the STIP as an attachment:</u> <input checked="" type="checkbox"/> Included as: Attachment 1 - STIP</p> <p>For projects in metropolitan planning areas, it must also be in the metropolitan planning organization (MPO) transportation improvement program (TIP).</p> <p><u>Name of the TIP or TIP amendment:</u></p> <p><u>TIP Date and Page Number on which the project can be found:</u></p> <p><u>Include a copy of the page from the TIP as an attachment:</u> <input type="checkbox"/> Included as: Attachment</p>
<input type="checkbox"/>	<p>The proposed action is federally funded with FHWA or FTA funds per 23 CFR 450.218(g), requires federal approval, or is considered a regionally significant project. The proposed action was approved <u>in a previous version of the STIP but is no longer included in the most recent STIP because initial project funding authorization has occurred.</u></p> <p><u>Name of STIP or STIP Amendment:</u></p> <p><u>STIP Date and Page Number on which the project can be found:</u></p> <p><u>Include a copy of the page from the STIP as an attachment:</u> <input type="checkbox"/> Included as: Attachment</p> <p>For projects in metropolitan planning areas, it must also be in the metropolitan planning organization (MPO) transportation improvement program (TIP).</p> <p><u>Name of the TIP or TIP amendment:</u></p> <p><u>TIP Date and Page Number on which the project can be found:</u></p> <p><u>Include a copy of the page from the TIP as an attachment:</u> <input type="checkbox"/> Included as: Attachment</p>

II. Proposed (c)-list Categorical Exclusion 23 CFR 771.117(c)26, (c)27 or (c)28

Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). If project is being processed as any other CE category skip to question III.

Check all boxes that apply to the proposed project. **If any boxes are checked, the project cannot be documented with (c)(26), (c)(27), or (c)(28) and FHWA approval is required.** Consult REC and/or EPDS to determine appropriate environmental document type.

- ☐ An acquisition of more than a minor amount of right of way or that would result in any residential or non-residential displacements
*In Wisconsin, a minor amount of right of way is defined as fee or PLE acquisition ≤ 1 acre/ mile on average for (c)(26) actions and ≤ 0.5 acre total for (c)(27)&(28) actions.
- ☐ An action that needs a bridge permit from the US Coast Guard
- ☐ An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899
- ☐ A finding of "adverse effect" to historic properties under the National Historic Preservation Act
- ☐ The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts
*If a project includes a Section 4(f) de minimis determination or programmatic evaluation, the Section 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE
- ☐ A finding of "may affect, likely to adversely affect" a threatened or endangered species or critical habitat protected by the Endangered Species Act
- ☐ Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
*In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3, as defined in FDM 11-50-5
- ☐ Changes in access control
*Existing access may be modified as long as access is maintained in a similar fashion as it existed prior the project being implemented. Creation of new access for the purposes of new development, removal of existing access without replacement or existing appropriate alternate access being available, or substantial changes that would modify existing circulation patterns on the parcel would disqualify the project.
- ☐ A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

III. Description of Purpose and Need, Alternatives Considered and Preferred Alternative ([guidance](#))

Provide the project purpose and need, alternatives considered (as needed) and a concise project description below, including project background as appropriate, and the scope of work. Attach a project location map and other appropriate exhibits that are referred to in this document. The description must be consistent with the CE listed on the cover page. The project purpose and need or project description should include a brief explanation of the project's NEPA/WEPA logical termini in relation to the project scope, and purpose and need.

Design Build Project:

This project will be completed utilizing an alternative contracting mechanism, Design-Build. WisDOT's Design-Build Program is a collaborative contracting process that brings the engineering and construction industries together at the outset of a highway improvement project. Traditionally in Wisconsin, these processes have always been separated, where a designer plans the project, and a construction company then bids on those plans. Federal regulations created within Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) and modified again through Moving Ahead for Progress in the 21st Century Act (MAP-21) allow for this alternative contracting method. In 2019, Wisconsin law, Statute 84.062 (Alternative Product Delivery), was passed to allow WisDOT to use Design Build as an option to roadway design and construction.

Project Overview:

The project is located at the I-90/94 interchange in the towns of Tomah, Oakdale, and La Grange in Monroe County, Wisconsin. The project encompasses approximately 0.748 miles of I-94. The project limits include I-94 over the eastbound I-90/westbound I-94 ramp and I-94 over the westbound I-90 ramp. Please see the **Attachment 2 - Project Location Map**.

Significance of Facility:

I-94 is part of the National Highway System (NHS) and connects seven states across the Northern Midwest. With an annual daily traffic of 26,000-38,000 vehicles, the Tomah Interchange is a major thoroughfare that sees student traffic between the Madison and Milwaukee areas and Minneapolis, Eau Claire, and La Crosse areas, recreational traffic from Southern WI to Northern WI, heavy truck traffic, and local and visitor traffic. I-90, another NHS facility, merges with eastbound I-94 at this interchange, leading to additional vehicle traffic.

History of Facility:

The two structures within the project limits were initially constructed in 1963 and underwent concrete overlays in 1978 and 2004. The I-94 roadway adjacent to the bridges was last treated in 2016 with a mill and overlay.

Existing Features:

I-94 is a four-lane divided highway – the eastbound roadway is the focus of this project and includes two 12-foot lanes with paved interior and exterior shoulders. The two bridges located within the project limits are two-lane flat concrete slab structures with concrete parapets.

Purpose:

The project's main purpose is to address structural deficiencies on the I-90 EB/I-94 WB overpass and the I-90 WB overpass.

Need:

Physical bridge deterioration: Existing bridge structures B-14-24 and B-14-44 have undergone numerous repairs including multiple concrete overlays of the bridge decks. The existing bridges show cracking and spalling (outer section of concrete breaks away in localized areas) of the existing concrete. The cracking and spalling are found all over the structure including in the deck, abutments, columns, and bridge rail. Monitoring at both structures is ongoing for loose concrete under the deck that could fall on the roadway ramps underneath.

Substandard clearance over freeway ramps: The existing I-94 bridges which pass over the I-90 westbound ramp and the I-90 eastbound to I-94 westbound connection do not meet current standards for vertical clearances. Minimum design standards for vertical clearance is 16' 9". The existing structures include the following clearance heights: B-41-24 = 15' 5-3/4" and B-41-44 = 15' 3-1/2". Although no bridge hits have been reported below I-94, crashes which may hit the low clearance structure have the potential to compromise the structural integrity of the bridge overpass possibly causing failure.

Alternatives:

Alternative #1 - No Build

This alternative would result in no change to the existing facility. WisDOT would continue to incur increased structure and roadway maintenance costs and ultimately the bridge structures may require closure if they are not repaired or replaced. While this alternative does not meet the purpose and need for the proposed action, it does serve as a baseline for the comparison of other alternatives.

Alternative #2 – Bridge rehabilitation.

This alternative would attempt to repair the existing structure by using a concrete overlay and crack repairs. The existing structure has already undergone two concrete overlays and the existing structures has significant spalling. WisDOT would continue to incur increased structure and roadway maintenance costs. Additionally, this alternative does not meet the need of improving the vertical clearance. This alternative does not address the project purpose and need and therefore, is not the preferred alternative. As part of the design build process, if this alternative is selected in lieu of the preferred alternative, the design build contractor is required to perform a re-evaluation of this environmental document.

Alternative #3 – Bridge replacement with roadway approach reconstruction (Preferred Alternative)

This alternative would remove the existing structures and replace them with new structures built to current standards. The new structures would be designed for a design life of 75 years with no substantial maintenance anticipated for 20 years. Additionally, this alternative would raise the profile of I-94 to provide a minimum vertical clearance of 16'-9". Since this alternative is the only alternative that meets the projects purpose and need, this alternative is the preferred alternative.

Additional proposed features of the preferred alternative include:

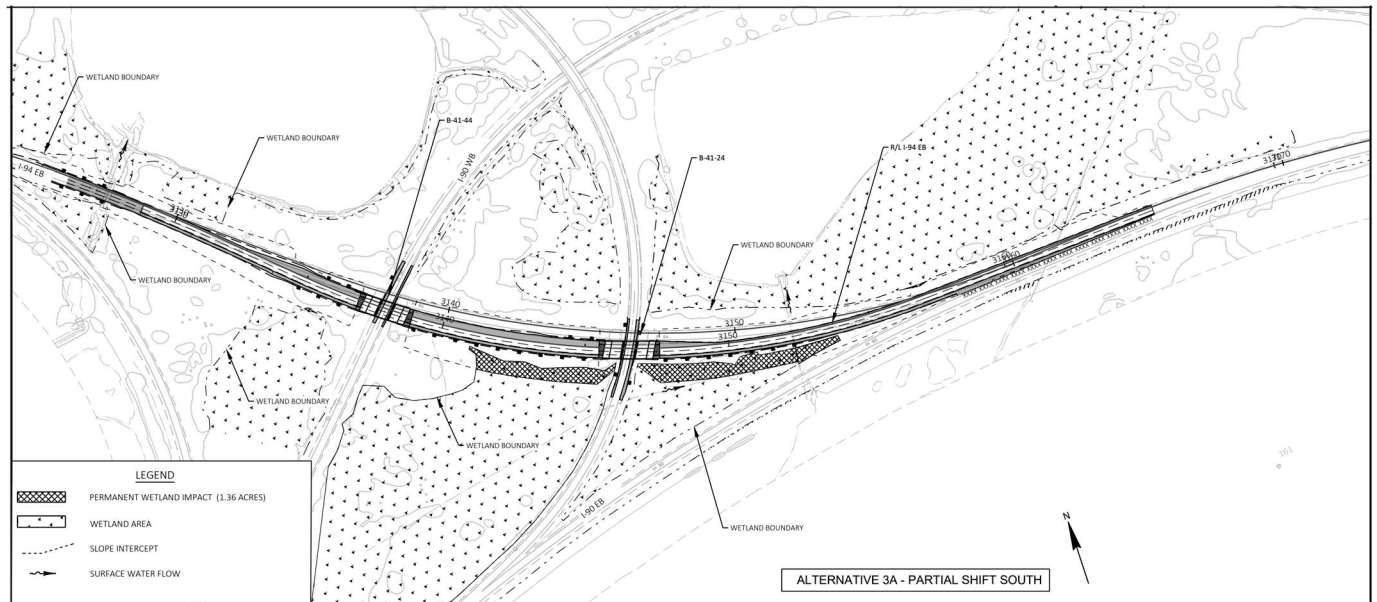
- Replacing the two bridge structures
- Structures to provide a 16' 9" vertical clearance
- Proposed pavement structure is 12.5 inches of concrete pavement over 6 inches of gravel
- Grading for any adjusted roadway geometry
- Removing, extending, or replacing culverts as needed
- Installing new guardrail at the structures
- Temporarily widening adjacent ramps/roadways to maintain traffic
- Widening the new bridges from two-lanes to three-lanes
- Installing new pavement marking, signing, and shoulder rumble strips

Four different bridge replacement variations were analyzed as part of Alternative #3. No significant differences were identified between these variations. For this reason, WisDOT will use the design-build process to identify the most advantageous variation from a cost and constructability perspective while avoiding, minimizing, and mitigating environmental impacts. This will be accomplished by engaging a design-build team through the procurement process. Environmental impacts are not expected to increase from those presented in this document. Should environmental impacts change as a result of the design-builder's design, the design-builder will be required to re-evaluate this environmental document.

The four bridge replacement variations analyzed are as follows. Please see **Attachment 3 - Alternative 3 Comparison** for a summary and comparison of impacts and costs for these variations

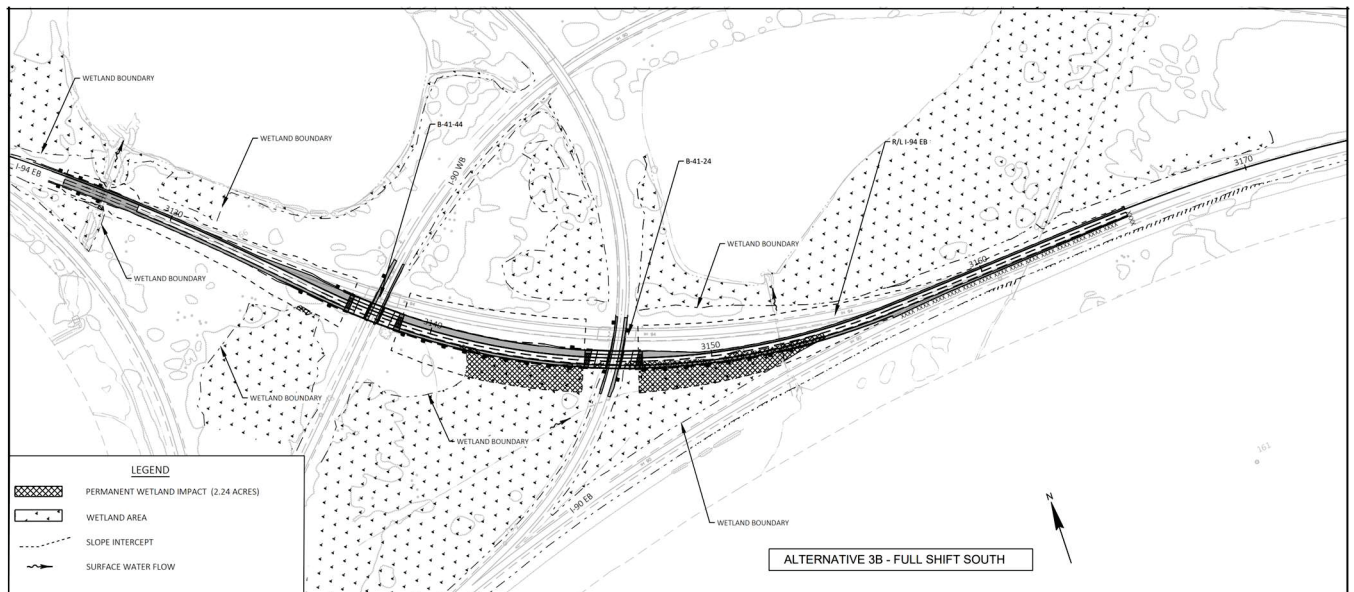
3A - Reconstructing the new bridges partially south of the existing highway

Construction of the new bridges and approaches south of the existing roadway to ensure 2-lanes of traffic remain in operation on the existing highway. The proposed bridges would be constructed in halves. No temporary bridges would need to be constructed.



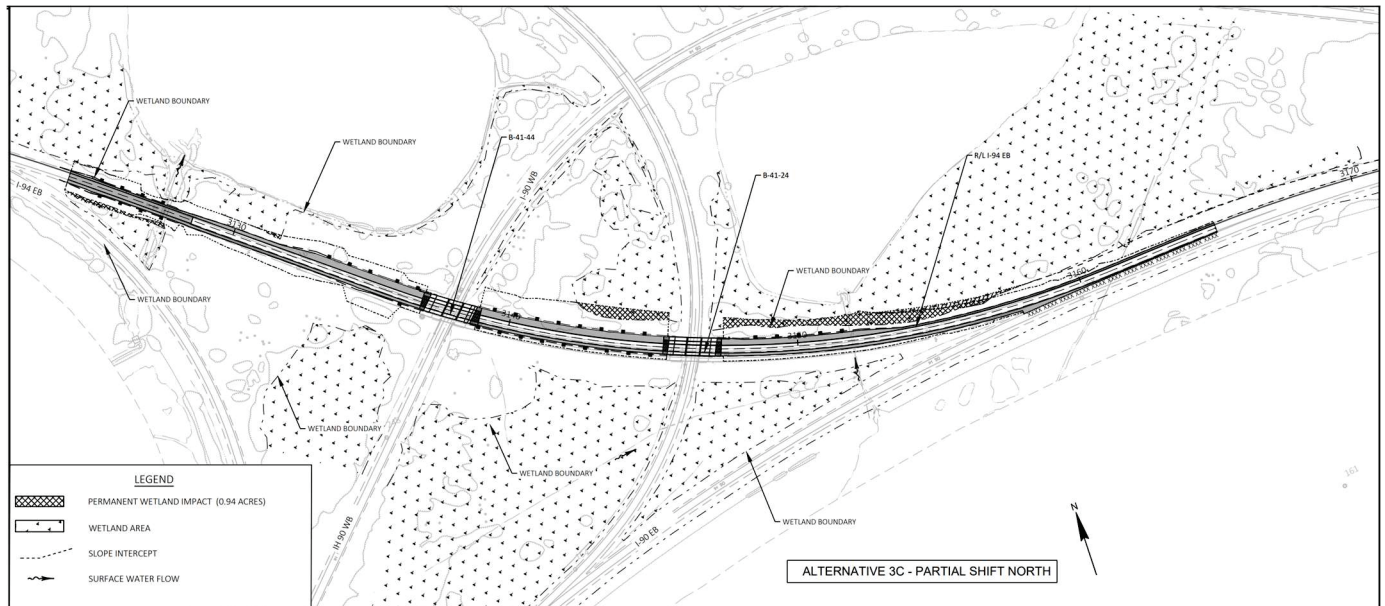
3B - Reconstructing the new bridges full shift south of the existing highway.

Construction of the new bridges and approaches south of the existing roadway to ensure 2-lanes of traffic remain in operation on the existing highway. The proposed roadway would be shifted far enough south such that the bridges could be constructed in a single stage. No temporary bridges would need to be constructed.



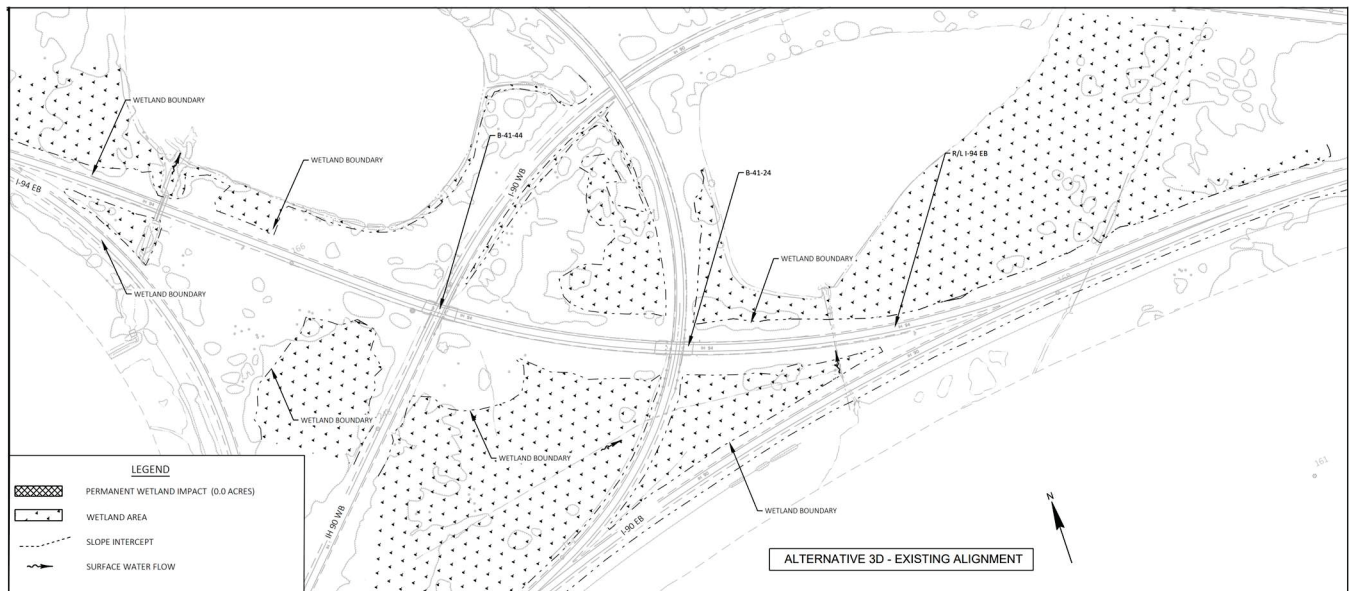
3C - Reconstructing the new bridges partially north of the existing highway.

Construction of the new bridges and approaches partially north of the existing roadway while the 2-lanes of traffic remain in operation on the existing highway. The proposed bridges would be constructed in halves. No temporary bridges would need to be constructed.



3D - Replacing the new bridges on the existing alignment.

Construction of temporary bridges and bypass south of the existing roadway to allow 2-lanes of traffic to remain in operation during construction of the new permanent bridges. This alternative would involve constructing the temporary bridges and removal of the temporary bridges.



IV. Project is a Complete FHWA Action

To process your project with this checklist you must be able to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, to demonstrate it is a complete FHWA action, pursuant to 23 CFR 771.111(f).

Check all boxes that apply to the proposed project. You must check all of boxes 1-3, or the last box. **If you are unable to check either all of boxes 1-3 or the last box in this section, you cannot complete this document and must reassess the project scope to meet the criteria.**

Proposed projects being developed under WEPA must also meet these criteria.

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

V. Categorical Exclusion Definition

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

Check all boxes that apply to the proposed project. **If you are unable to check any box in this section, you cannot use any CE documentation, and must prepare an EA or EIS.** Proposed projects being developed under WEPA must also meet these criteria.

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

VI. Unusual Circumstances ([guidance](#))

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances may require the FHWA, in cooperation with the applicant, to conduct additional environmental studies to determine if the CE classification is proper. In addition; if the project includes auxiliary lanes and/or capacity expansion WisDOT must consult with FHWA to determine whether a CEC is appropriate. Proposed projects being developed under WEPA must also meet these criteria.

Check all boxes that apply to the proposed project. **If any boxes in this section are checked, coordination with the REC, EPDS and FHWA is required prior to making a final CE determination.**

- ☐ Significant environmental impacts
- ☐ Substantial controversy on environmental grounds
- ☐ Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act (not required for WEPA document, consult with REC or EPDS for requirements)
- ☐ Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action
- ☐ Project includes auxiliary lanes or capacity expansion

Describe any coordination with the REC, EPDS and FHWA related to any unusual circumstances, including auxiliary lanes or capacity expansion:

N/A

VII. Tribal Lands

For projects, regardless of project type, located partially or entirely on Tribal lands in trust, allotted, or reservation status, WisDOT Region staff shall consult with WisDOT EPDS staff prior to preparing CEC documentation. In certain cases, the involvement of Tribal land may warrant preparing higher level environmental documentation (e.g. ER instead of CEC). Prior to approval, the document preparer will send the CEC to the WisDOT EPDS liaison for review so EPDS can ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.

Describe any Tribal coordination (enter "N/A" if project is not on tribal lands):

N/A

VIII. Tribal/Agency/Local Unit of Government Coordination and Public Involvement ([guidance](#))

Provide a brief description of Tribal coordination. Describe any unresolved issues and how they will be resolved. Attach evidence of coordination as applicable:

Agency	Comments
American Indian Tribes	American Indian Tribes were notified about the proposed project and provided an opportunity to comment on cultural resource aspects. The notification emails and letters were sent on June 5th, 2024. No comments were received in the 30-day comment period. No adverse effect to cultural or environmental resources has been identified. (Attachment 4 – Native American Tribal Coordination).

Provide a brief description of coordination conducted with agencies and local unit(s) of government. All projects at a minimum should include a discussion about coordination conducted with the Wisconsin Department of Natural Resources (WDNR), U.S. Fish and Wildlife Service (USFWS), Federal Aviation Administration (FAA), and WisDOT-Bureau of Aeronautics (BOA). Coordination conducted with other agencies and local unit(s) of government should be included, as appropriate. Describe any unresolved issues and how they will be resolved. Attach evidence of agency and local unit(s) of government coordination as applicable:

Agency	Comments
Federal Aviation Administration (FAA) / Bureau of Aeronautics (BOA)	Bloyer Field Airport is within 5 miles of the project. The FAA Notice of Criteria was utilized and indicated no further coordination with FAA is required if the project utilizes a crane more than 60 feet in height. An email was sent to the BOA and a letter was sent to Bloyer Field on June 5, 2024, describing the project (See Attachment 5 – BOA/FAA Coordination).
Railroads and Harbors Section	No railroad crossings are located along the project limits or proposed detour route. No harbors are directly located within project limits.
Natural Resources (DNR)	Consultation with the Wisconsin Department of Natural Resources (WDNR) was initiated on June 3, 2024. An initial review letter response was received August 21, 2024. WisDOT will continue to coordinate with DNR to resolve or minimize project related concerns (See Attachment 6 – WDNR Coordination).
State Historic Preservation Office (SHPO)	SHPO coordination was completed August 14th, 2024 (See Attachment 7 – Section 106). None of the properties in the area of potential effect were found to be archaeologically or historically significant and no additional surveys are needed.
U.S. Army Corps of Engineers (USACE)	A wetland delineation was conducted in 2024. Wetland impacts are anticipated, coordination will take place to avoid or minimize and mitigate for any impacts and a 404 permit application will be submitted if impacts cannot be avoided.
U.S. Fish and Wildlife Service (USFWS)	Official Species List obtained on August 9th, 2024. Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat was utilized and determined that the project may affect - not likely to adversely affect the Indiana bat (<i>Myotis sodalis</i>) and/or the threatened Northern long eared bat (<i>Myotis septentrionalis</i>). A no affect was also determined for the Eastern Massasauga Rattlesnake and Karner Blue Butterfly. Threatened and Endangered Species factor sheet attached. See Attachment 8 – USFWS Coordination as well.
Local Officials	A Local Officials Meeting was held virtually on August 27 th , 2024 at 4:00pm. An invitation letter was emailed to agencies, and local officials within the project area. The meeting reviewed the project limits, description of work, possible impacts, and planned timeline. The project team requested feedback and any concerns or suggestions the attendees might have. The main concern at the meeting was the overall process of Design-Build and when construction would take place. Please see Attachment 9 – Local Government Coordination which includes the agenda/minutes with project facts, and attendee concerns.

Provide a brief discussion of public involvement efforts. Describe any concerns expressed, how those concerns were resolved and how any unresolved concerns will be resolved:

- Public involvement mailing was sent on July 19th, 2024 to residences and businesses along the corridor. The letter outlined the project limits and scope, possible impacts, planned timeline. No initial comments were received. A mailing was sent on September 6th, 2024 for A public involvement meeting was also held on September 18th, 2024 in the City of Tomah. Mailers were sent out to adjacent property owners and a project website was made available with additional information. The project team gave a presentation and gave opportunity for the public to ask questions and provide comments. The main comment discussed at the meeting was time of construction and impacts to traffic. See **Attachment 10 - Public Involvement Coordination**.

IX. Environmental Factors ([guidance](#))

If the effects on an environmental factor can't be adequately summarized in several sentences, the Factor Sheet for the environmental factor must be included. If the Factor Sheet is completed also include a brief summary here in the effects box. Factor sheets should be attached in the order the shown below.

Factors	Adverse Impact	Beneficial Impact	No Impacts Identified	Factor Sheet Attached	Effects (for those Factors not present in the project area indicate 'not present')
Business and Economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Short-term impacts to would occur during construction.
Community	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Access to emergency vehicles, school buses, and local residences and businesses within the project limits will be maintained throughout construction, in accordance with the "Traffic" section of the project special provisions and the project TMP.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Relocations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Indirect Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present
Cumulative Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present
Environmental Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project will not disproportionately negatively impact specific populations. EJSscreen was utilized to identify low income and minority populations.
Historic Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Burial Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present
Tribal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present
Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Section 6(f) and other Unique Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although Preferred Alternative (3A through 3D) could be selected, based on the preferred alternatives considered, impacts would not exceed 3 acres. A wetland impact tracking form and US Army Corps of Engineers (USACE) 404 General Permit and 401 Water Quality Certification will be required for the project. Wetland impacts will be avoided and minimized to the maximum extent wherever feasible.
Surface Water Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not present
Groundwater, Wells, and Springs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Impacts to Groundwater, Wells, and Springs are not anticipated with the project.
Coastal Zones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Surface Water Data Viewer (SWDV) indicates that mapped floodplain exists within the project limits at B-41-55. No work to this structure is anticipated with the project.
Unique Wildlife and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Not present

Threatened, Endangered and Protected Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>IPaC system's Official Species List identified seven federally listed species within the project limits. A concurrence email was issued by USFWS on September 5th, 2024. The USFWS concurred that the project may affect, but not likely to adversely affect the Tricolored and Northern Long Eared Bat. A determination of no effect was made for the Karner Blue Butterfly, Salamander Mussel, and the Eastern Massasauga Rattlesnake. See informal consultation documented in Attachment 8 – USFWS Coordination.</p> <p>There are no known Northern Long-eared Bat (NLEB) maternity roost trees within 150 feet of the project or known hibernacula within 0.5 miles of the proposed project area.</p> <p>This project is located outside the High Potential Zone for the Rusty Patched Bumblebee.</p> <p>Migratory bird nesting was found to be present at B-41-44 and B-41-24. See the attached Threatened, Endangered and Protected Resources factor sheet. See Attachment 6 –WDNR Coordination.</p>
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Impacts to air quality are not expected.</p> <p><input type="checkbox"/> Project is in an area designated as <i>nonattainment or maintenance</i> for one or more transportation-related criteria air pollutants. The Air Quality Factor Sheet should be included as an attachment.</p>
Construction Sound	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Construction sound impacts may occur. (See Construction Sound Factor Sheet)
Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A detailed noise analysis was not required for this project. No impacts are anticipated.
Hazardous Substances, Contamination and Asbestos		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Asbestos inspection of structures, B-41-024 ,and 44 was completed by TRC Consultants on July 25 th , 2018. None of the materials tested positive for Asbestos. A phase 1 hazardous materials assessment was completed in April of 2018 by CBS ² and found no hazardous materials.
Stormwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Minor modifications to drainage, for example extending of culverts, anticipated due to realignment of IH-94 eastbound.</p> <p><input checked="" type="checkbox"/> Project involves 1 or more acres of land disturbance and requires a coverage under the Transportation Construction General Permit (TCGP)</p>
Erosion and Sediment Control	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor short-term impacts resulting from construction activities anticipated. Standard Best Management Practices (BMPs) will be implemented.
OTHER FACTORS					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

X. Supporting Documentation ([guidance](#))

List additional discussion, agency correspondence, or supporting documentation used in this CE determination that was not covered in the previous questions or in an attached Factor Sheet. Projects with Section 4(f) *de minimis* determinations or programmatic evaluations will require review by EPDS and review and approval by FHWA prior to the approval of this CE. Attach necessary documentation to this checklist and maintain a copy in the project file:

Construction Sound Factor Sheet
 Threatened, Endangered and Protected Resources Factor Sheet
 Attachment 1 – STIP
 Attachment 2 – Project Location Map
 Attachment 3 – Alternative 3 Comparison
 Attachment 4 – Native American Tribal Coordination
 Attachment 5 – BOA/FAA Airport Coordination
 Attachment 6 – WDNR Coordination
 Attachment 7 – Section 106
 Attachment 8 – USFWS Coordination
 Attachment 9 – Local Government Coordination
 Attachment 10 – Public Involvement Coordination

XI. Environmental Commitments ([guidance](#))

Identify and describe any avoidance, minimization or compensation measures (commitments) in detail. Be specific on what needs to happen and specifically where on the project. Indicate when the commitment should be implemented and who in WisDOT is responsible for fulfilling each commitment (Project Manager, Environmental Coordinator, etc.). Please note if the commitment will be indicated on the final plan, recorded in the Plans, Specifications and Estimates (PS&E), under special provisions in the final plan set, in construction notes, or some other written format. Attach a copy of this completed matrix to the design study report and the PS&E submittal package. Be sure to update it if further commitments are made after the Environmental Document is signed.

Factor	Commitment (If none, indicate N/A)
Business and Economics	Access to businesses, local residences and emergency vehicles will be maintained by the contractor during construction. The Design Build Project Manager will ensure fulfillment.
Community	N/A
Aesthetics	N/A
Agriculture	N/A
Relocations	N/A
Indirect Impacts	N/A
Cumulative Impacts	N/A
Environmental Justice	N/A
Historic Properties	N/A
Burial Sites	N/A
Tribal Lands	N/A
Section 4(f)	N/A
Section 6(f) or Other Specially Funded Lands	N/A
Wetlands	<p>Wetland impacts, not to exceed 3 acres, will occur as a result of this project but will be minimized to the greatest extent practicable as the design build moves forward.</p> <p>Unavoidable wetland losses will be compensated for in accordance with the WDNR/DOT Cooperative Agreement and the DOT Wetland Mitigation banking is the preferred compensation option, however DOT and WDNR agree that other practicable and ecologically valuable project specific opportunities may be pursued on a case-by-case basis.</p> <p>The WisDOT designer will include language in the Request for Proposal (RFP) notifying the contractor(s) of this requirement. The Design Build Project Manager in conjunction with the WisDOT Construction Project Manager will obtain the proper 401 and 404 permits prior to construction. The WisDOT Construction Project Manager will ensure that the requirements of the RFP are met through regular coordination with the Design Build Project Manager.</p>
Surface Water Resources	N/A
Floodplains	N/A
Groundwater, Wells and Springs	N/A
Coastal Zones	N/A
Unique Wildlife and Habitat Concerns	N/A

Threatened, Endangered and Protected Resources	<p>Trees will be demarcated for clearing in the design plan and removed during the inactive period (November 1 to March 31). Bridges and all culverts greater than 48-inches impacted by the project will be assessed for Northern Long Eared Bats within 2 years of construction. These structures were inspected on 7/24/2024 and found no evidence of bats.</p> <p>The Wisconsin Department of Transportation, on behalf of the Federal Highway Administration, and any contractors must take care when handling dead or injured NLEB, or any other federally listed species that are found at the project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO has been exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.</p> <p>Migratory bird nests were found to be present at B-41-24 and B-41-44. Nesting season occurs between April 15 and August 31. If structure demolition is planned within this timeframe, then the project will utilize measures to prevent nesting (e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to April 15). If netting is used, ensure the maximum mesh hole size in the net will be ¾ inch or less. If netting or bridge removal cannot be realized within the specified timeframes, a Bird Depredation Permit will be obtained from the United States Fish and Wildlife Service (USFWS) prior to demolition.</p> <p>All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices.</p> <p>The Design Build Project Manager and WisDOT Construction Project Manager will ensure these commitments are fulfilled.</p>
Air Quality	N/A
Construction Sound	According to WisDOT Standard Specifications 107.8(6) and 108.7.1, the contractor will comply with local ordinances governing the hours for operation of construction equipment. They will obtain prior approval to operate from 10 p.m. to 6 a.m. from the WisDOT Construction Project Manager. Additionally, motorized equipment will need to be equipped with mufflers in good operating condition. The Design Build Project Manager and WisDOT Construction Project Manager will ensure this commitment is fulfilled.
Traffic Noise	N/A
Hazardous Substances, Contamination and Asbestos	Asbestos-containing material was not found to be present on Structure B-41-24 or B-41-44. Standard Special Provision (STSP) 107-125 shall be included in the plans and the contractor will be responsible for completion of the Notification of Demolition and/or Renovation (DNR form 4500-1130). The Design Build Project Manager and WisDOT Construction Project Manager will ensure this commitment is fulfilled.
Stormwater	<p>Design includes erosion control and storm water measures that adhere to the Wisconsin Pollutant Discharge Elimination System. Transportation Construction General Permit (TCGP) for Storm Water Discharges will be required since 1.0 acres of ground disturbance is expected. Coverage under TCGP is required prior to construction.</p> <p>Permit coverage will be completed by submitting a Notice of Intent (NOI) prior to central office DOT submittal of the final design. The Design Build Project Manager and WisDOT Construction Project Manager will ensure this commitment is fulfilled.. Permitting may be needed if improving ditches involves converting vegetated to impervious surfaces.</p>

Erosion Control	<p>Standard WisDOT measures for erosion control precautions during construction will be implemented according to the current Wisconsin Standard Specifications for Highway and Structure Construction. The WisDOT, as per the WisDOT/WDNR Cooperative Agreement, will contact the WDNR liaison and will coordinate with the WDNR prior to performing any construction activities.</p> <p>Construction site erosion and sediment control procedures will be followed as set forth in TRANS 401 and the WisDOT/WDNR Cooperative Agreement. During design, an erosion control plan will be developed in consultation with WDNR. The Design Build Project Manager and WisDOT Construction Project Manager will ensure this commitment is fulfilled.</p> <p>The Design-Builder's ECIP will be provided at least 14 days prior to the preconstruction meeting for this project. The ECIP will become part of the contract and will be submitted to the WisDOT for approval and the WDNR for concurrence by the contractor. The Design Build Project Manager and WisDOT Construction Project Manager will ensure this commitment is fulfilled.</p>
Other: Aeronautics	<p>The FAA Notice Criteria Tool was completed with a 60-foot-tall crane. If a taller crane is planned to be utilized, the FAA Notice Criteria Tool should be updated and additional coordination may be needed. The Design Build Project Manager will ensure this commitment is fulfilled.</p>

CONSTRUCTION SOUND Factor Sheet

06-11-2019

Wisconsin Department of Transportation

Alternative: 3 – Bridge Replacement	Preferred: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None identified	Project ID: 1023-02-81
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1. **Identify and describe residences, schools, libraries, government or social services offices or other noise sensitive areas near the proposed project which will be in use during construction window of the proposed project. Include the number of persons potentially affected:** There are no noise sensitive areas within 100' of the proposed project. According to WisDOT Standard Specifications 107.8(6) and 108.7.1, the contractor will comply with local ordinances governing the hours for operation of construction equipment. They will need prior approval to operate from 10 p.m. to 6 a.m.
2. **Describe the types of construction equipment to be used on the project. Discuss the expected severity of noise levels including the frequency and duration of any anticipated high noise levels:** Standard construction equipment is anticipated to be used on the project including backhoes, milling machine, paver, and dump trucks. Noise levels beyond the typical range of 67 to 107 dBA at a distance of 50 feet are not anticipated.
3. **Describe the construction stage noise abatement measures to minimize identified adverse noise effects:**
Check all that apply:
 - ☒ WisDOT Standard Specifications 107.8(6) and 108.7.1 will apply.
 - ☐ WisDOT Standard Specifications 107.8(6) and 108.7.1 will apply with the exception that the hours of operation requiring the engineer's written approval for operations will be changed to _____ p.m. until _____ a.m.
 - ☐ WisDOT Standard Specifications 107.8(6) and 108.7.1 will apply with the exception that the hours of operation requiring the engineer's written approval for operations will be changed to _____ p.m. until _____ a.m.
 - ☐ Special construction stage noise abatement measures will be required. Describe:

THREATENED, ENDANGERED and PROTECTED RESOURCES Factor Sheet

03-28-2022

Wisconsin Department of Transportation

Alternative: 3 – Bridge Replacement	Preferred: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Identified	Project ID: 1023-02-81
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Federal Resources

1. Complete the following table using the Official Species List from U.S. Fish and Wildlife Service (FWS):

Species Common Name	Species Scientific Name	Federal Status	Effect Determination	Justification/Explanation
Gray Wolf	Canis lupus	Endangered	May effect - not likely to adversely affect	No known occurrences of this species within project area.
Northern Long-eared Bat	Myotis septentrionalis	Endangered	May effect - not likely to adversely affect	There are no known Northern Long-eared Bat (NLEB) maternity roost trees within 150 feet of the project or known hibernacula within 0.5 miles of the proposed project area.
Whooping Crane	Grus americana	Experimental Population, NonEssential	No effect	No known occurrences of this species within project area.
Eastern Massasauga	Sistrurus catenatus	Threatened	No effect	No habitat is known to exist within project area.
Salamander Mussel	Simpsonia ambigua	Proposed Endangered	May effect - not likely to adversely affect	No habitat is known to exist within project area.
Karner Blue Butterfly	Lycaeides melissa samuelis	Endangered	No effect	No habitat is known to exist within project area.
Monarch Butterfly	Danaus plexippus	Candidate	No effect	The monarch is a candidate species and not yet listed or proposed for listing. There are no Section 7 requirements for candidate species unless the proposed action is likely to jeopardize the species' continued existence. The proposed project will not jeopardize the monarch's continued existence and no further action is needed.

Date of Official Species List: 8/9/2024

2. Is there designated or proposed critical habitat within or near the project?

☒ No

☐ Yes, describe critical habitat, proximity to project, and potential impacts to the critical habitat (you may want to complete the Other Factor Sheet to document the critical habitat):

3. Has Section 7 consultation with FWS been completed?

☐ No, explain:

☒ Yes, describe consultation efforts and conclusions and indicate location within the environmental document: Formal consultation occurred with FWS on September 5th, 2024. Please see **Attachment 8 – USFWS Coordination**.

4. Are avoidance, minimization or mitigation measures included in the project to reduce or offset impacts?

☐ No, explain:

☒ Yes, briefly describe here: No known hibernacula or roost trees in project area per coordination with WDNR for NLEB. All trees will be removed during the inactive period.

State Resources

1. Are state threatened or endangered species known to occur in the project area?

- ☒ None identified.
☐ Yes.

Date of Natural Heritage Inventory (NHI) database review or DNR initial review letter: 8/21/2024

2. Are impacts to state-listed species anticipated as a result of the project?

- ☒ No, explain:
☐ Yes, explain:

3. Has threatened and endangered resource coordination with DNR been completed?

- ☐ No, explain:
☒ Yes, attach and reference location in this document: Please see **Attachment 6 – WDNR Coordination**

4. Are avoidance, minimization or mitigation measures included in the project to reduce or offset impacts?

- ☒ No, describe: No state species are known to occur in project area.
☐ Yes, briefly describe:

Other Protected Resources

Bald and Golden Eagles

1. Are bald and/or golden eagles known to occur near the project?

- ☒ None identified, proceed to Migratory Birds Question
☐ Yes, describe here and continue to Question 2:

2. Will there be adverse or beneficial effects on bald and/or golden eagles as a result of the project?

- ☐ No, explain:
☐ Yes, indicate whether effects are adverse or beneficial and describe potential effects:
☐ Adverse, describe:
☐ Beneficial, describe:

3. Has bald and golden eagle-related coordination with WDNR and/or FWS been completed?

- ☐ No, explain:
☐ Yes, attach and reference location in this document:

4. Are avoidance, minimization or mitigation measures included in the project to reduce or offset impacts?

- ☐ No, explain:
☐ Yes, briefly describe:

Migratory Birds

1. Are migratory birds known to occur in the vicinity of the project?

- ☐ None identified, remainder of questions do not need to be completed
☒ Yes, describe here and continue to Question 2: Migratory bird nests were found on B-41-24 and B-41-44

2. Will there be adverse or beneficial effects on migratory birds because of the project?

- ☒ No, explain: The project will utilize measures to prevent nesting (e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to April 15).
☐ Yes, indicate whether effects are adverse or beneficial and describe potential effects:
☐ Adverse, describe:
☐ Beneficial, describe:

3. Has migratory bird-related coordination with WDNR and/or FWS been completed?

- ☐ No, explain:
☒ Yes, attach and reference location in this document: Please see **Attachment 6 – WDNR Coordination**

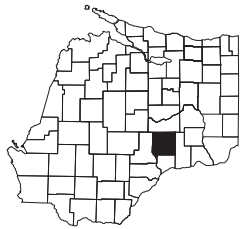
4. Are avoidance, minimization or mitigation measures included in the project to reduce or offset impacts?

- ☐ No, explain:
☒ Yes, briefly describe: The project will utilize measures to prevent nesting (e.g., remove unoccupied nests during the non-nesting season and install barrier netting prior to April 15).

Attachment 1: STIP/TIP

Year	Project	Schd Dt	Pgm	Contract Type	CONCEPT	Net Miles	Route	Project Description WISDOT Program	Estimate Anticipated Funding
2025	5165-00-72	01/14/2025	205	LET	BRRPL	0.044	CTH Z	CTH P - STH 131 (CTH Z)	\$500,000 - \$749,999
								POE CREEK BRIDGE B-41-0330	
								CONST OPS/BRIDGE REPLACEMENT	
								LOCAL BRIDGES	STBG <5K POP - IIJA
2026	5165-00-73	12/08/2026	205	LET	BRRPL	0.032	CTH Z	T FOREST - T WELLINGTON (CTH Z)	\$500,000 - \$749,999
								BILLINGS CREEK BRIDGE B-41-0332	
								CONST OPS/BRIDGE REPLACEMENT	
								LOCAL BRIDGES	HIP BRIDGE FORMULA PGM OFF
2024	1017-01-93	04/25/2024	303	MIS	MISC	15.742	IH 090	TOMAH - CAMP DOUGLAS, EB	\$100,000 - \$249,999
								USH 12 TO CTH C	
								SERVICE PATROL/1017-01-73/MIS	
								BACKBONE	NON-FEDERAL
2026	1074-00-62	12/08/2026	303	LET	PSRS30	8.513	IH 090	LA CROSSE - TOMAH	\$5,000,000 - \$5,999,999
								W COUNTY LINE TO STH 16 (EXIT 28)	
								CONST/REPAIR BOTH RDWYS/PSRS30	
								BACKBONE	NATIONAL HIGHWAY PERF IIJA
2027	1077-03-61	12/14/2027	303	LET	PSRS10	4.271	IH 090	SPARTA - TOMAH	\$3,000,000 - \$3,999,999
								0.65 MI W OF CTH M TO USH 12	
								CONST/PAVT REPAIR/BOTH RDWYS/PSRS	
								BACKBONE	NATIONAL HIGHWAY PERF IIJA
2027	1023-02-81	11/09/2027	303	LET	BRRPL	0.062	IH 094	BLACK RIVER FALLS - TOMAH	\$9,000,000 - \$9,999,999
								R_IH090E-IH94W B41-291;IH90W B41-292	
								CONST/BRRPL	
								BACKBONE	NATIONAL HIGHWAY PERF IIJA
2026	5025-00-72	01/13/2026	205	LET	BRRPL	0.027	LOC STR	T TOMAH, INTERIOR ROAD	\$250,000 - \$499,999
								LEMONWEIR CREEK BRIDGE, B-41-0339	
								CONST/BRIDGE REPLACEMENT	
								LOCAL BRIDGES	HIP BRIDGE FORMULA PGM OFF

Attachment 2: Project Location Map



STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
PLAN OF PROPOSED IMPROVEMENT
BLACK RIVER FALLS - TOMAH

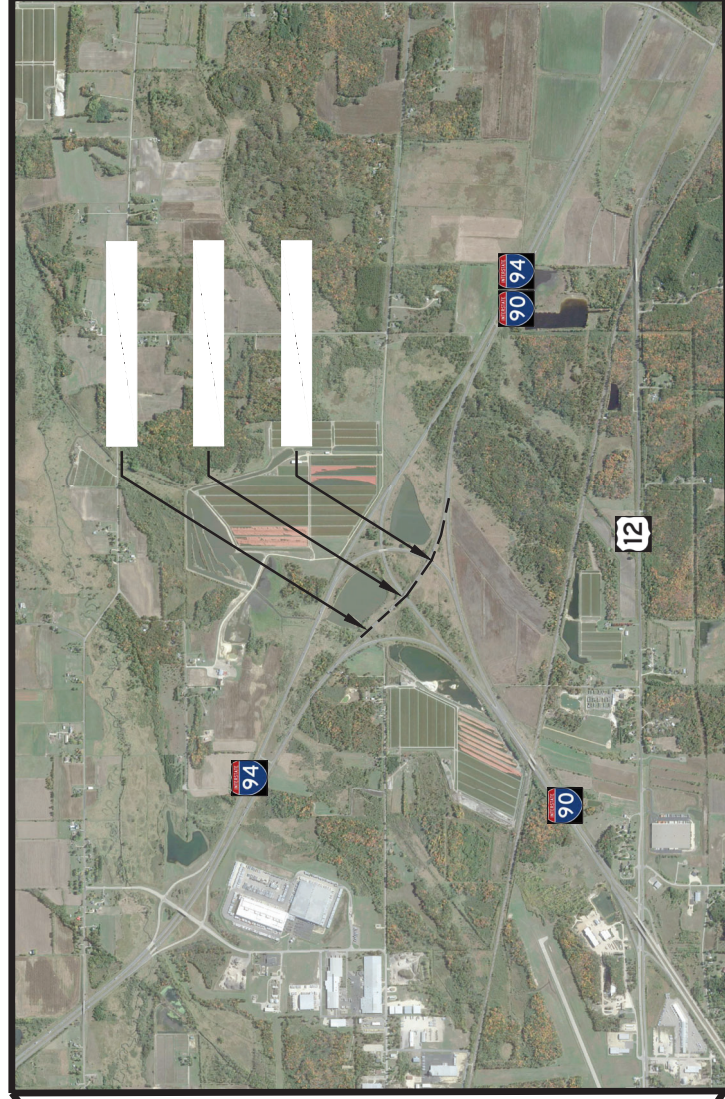
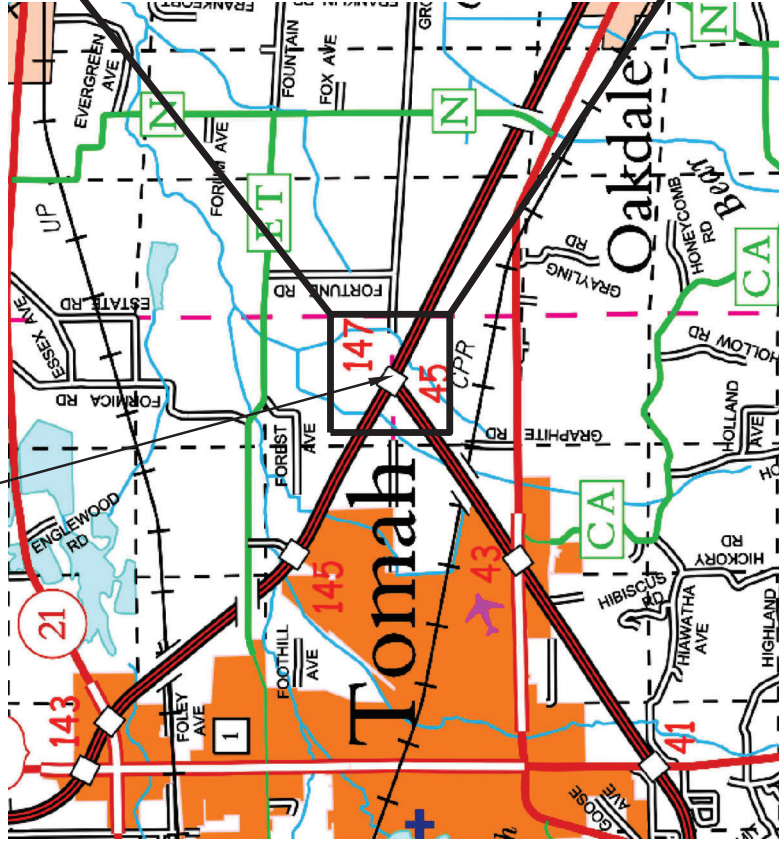
RMP IH90E-IH94W B41-24 IH90W B41-44

IH-94

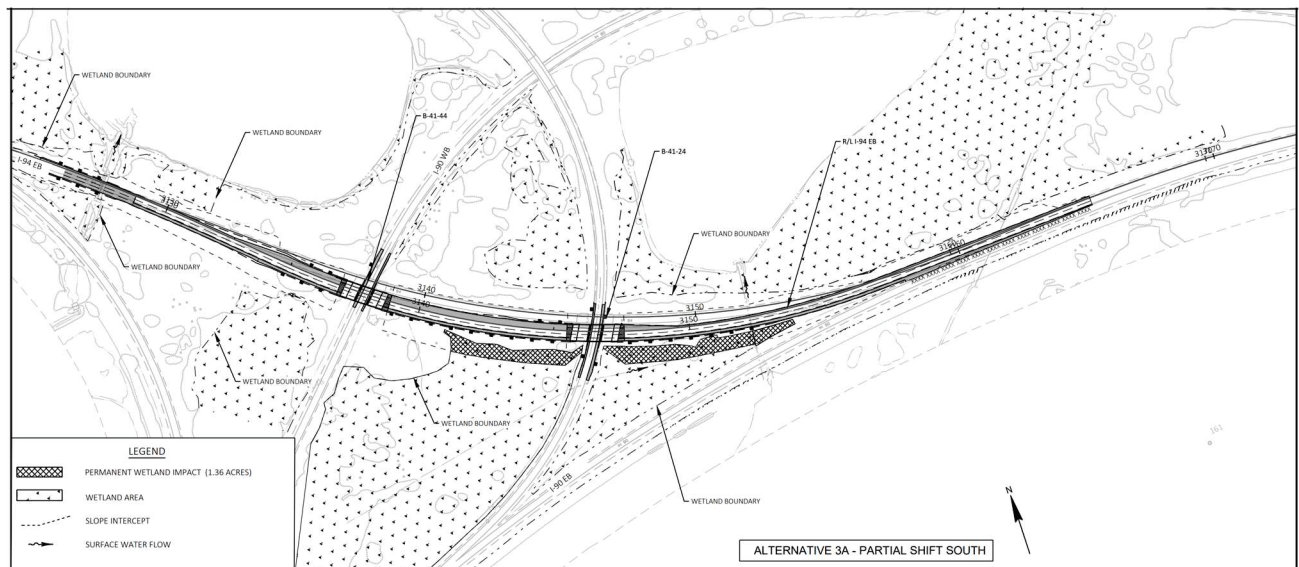
MONROE

STATE PROJECT NUMBER
1023-02-01

PROJECT LOCATION



Attachment 3: Alternative 3 Comparison



Alternative 3B – Full Shift South

Traffic

- Two lanes of traffic would remain open on the existing alignment.
- Single lane closures to temporary tie-in new and old construction

Construction

- Pre-stressed Concrete Girder Bridge
- Three spans to minimize girder depth
- 16' 9" minimum clearance

Alignment

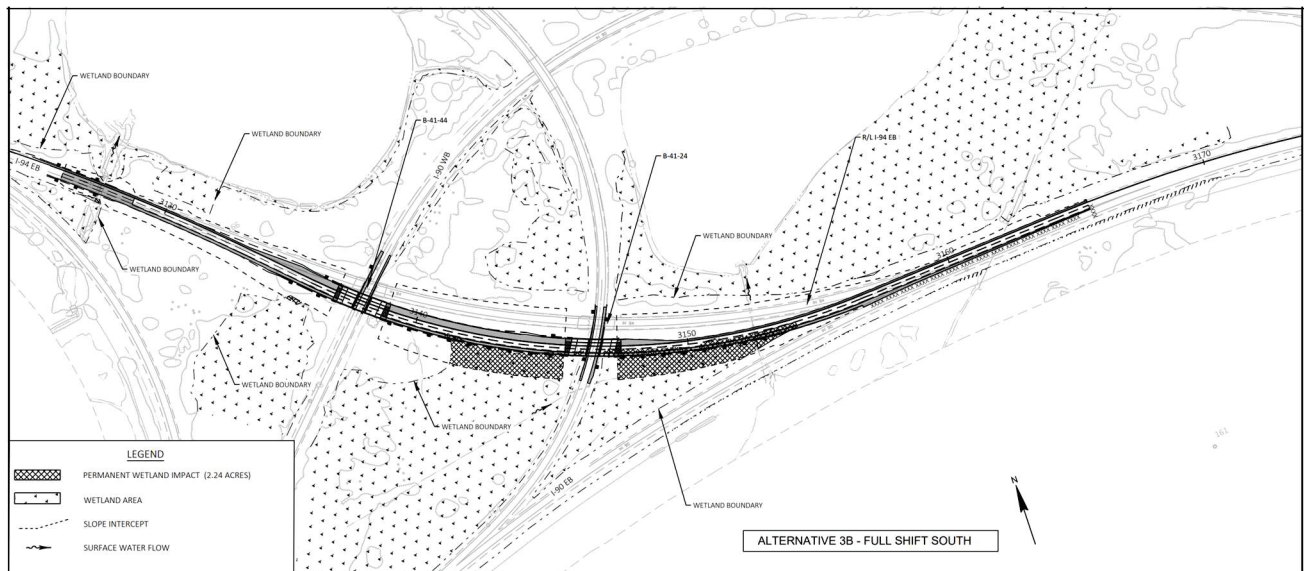
- 2460' Radius on main curve & 5.8% maximum superelevation on main curve

Pros

- Traffic staging can avoid impacts to B-41-55
- Majority of the roadway can be constructed off-alignment
- No wetland impacts for future widening since all future widening will be on the old roadbed
- Proposed bridge structure can be completed in a single stage

Cons

- Worst Impacts to wetlands
- ITS Camera will need to be relocated
- Large amount of fill material needed (Approximately 130,000 CY)



Alternative 3C – Partial Shift North

Traffic

- Two lanes of traffic would remain open on the existing alignment.
- Single lane closures to temporary tie-in new and old construction

Construction

- Pre-stressed Concrete Girder Bridge
- Three spans to minimize girder depth
- 16' 9" minimum clearance

Alignment

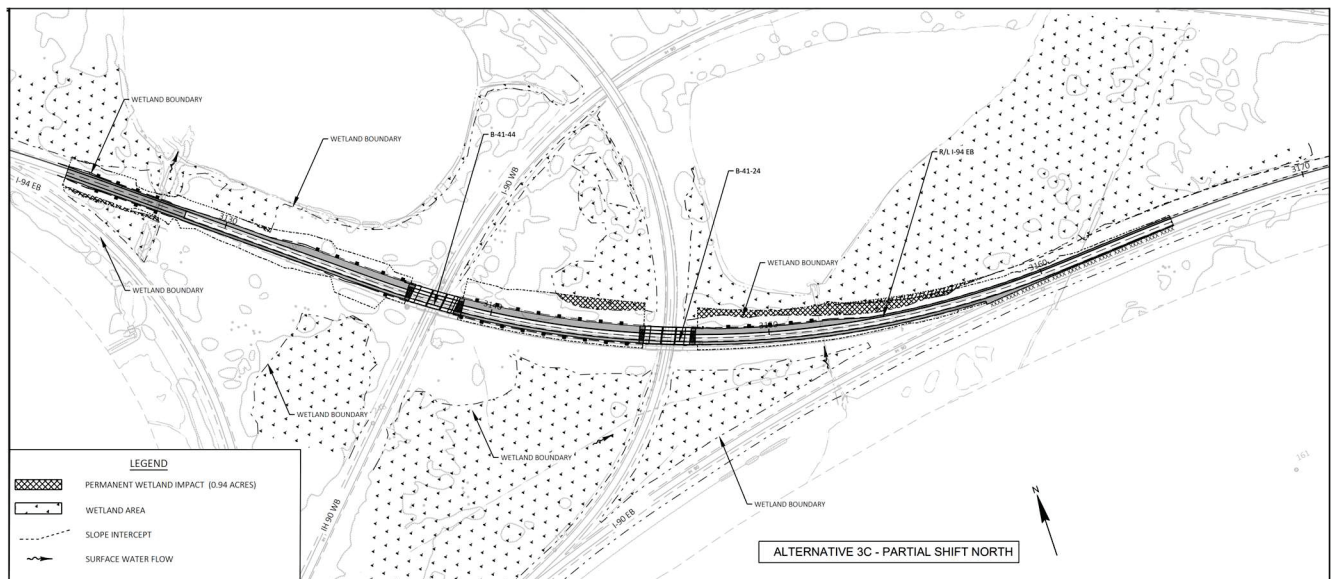
- 3440' Radius on main curve & 4.9% maximum superelevation on main curve

Pros

- Traffic staging can avoid impacts to B-41-55
- Lower amount of permanent wetland impacts compared to other alternatives
- Lowest amount of fill material compared with other alternatives

Cons

- Proposed bridge structures need to be constructed in halves and have a section of existing bridge removed
- Soils north of the existing structure by the pond may require more dewatering and marsh excavation
- ITS Camera will need to be relocated
- Traffic staging requires additional widening to the north that temporary will impact wetlands



Alternative 3D – Existing Alignment

Traffic

- Two lanes of traffic would remain open on the existing alignment and temporary structure built
- Two lanes of traffic on temporary structure
- Single lane closures to temporary tie-in new and old construction

Construction

- Pre-stressed Concrete Girder Bridge
- Three spans to minimize girder depth
- 16' 9" minimum clearance

Alignment

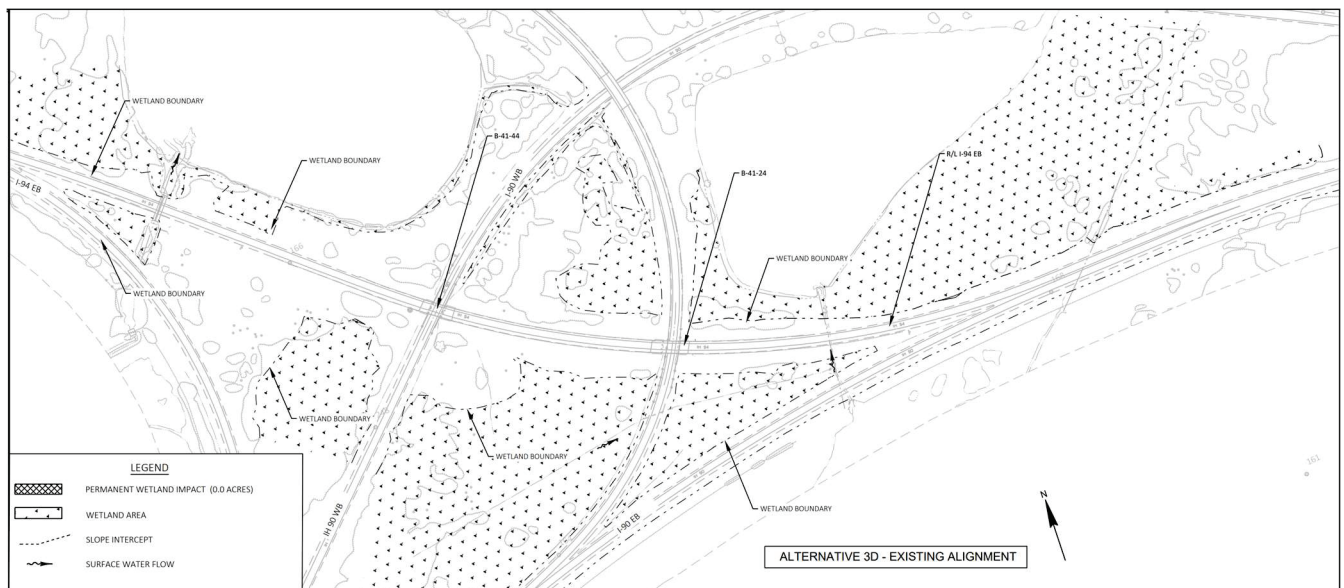
- 2460' Radius on main curve & 5.8% maximum superelevation on main curve

Pros

- Much lower permanent wetland impacts
- ITS camera can remain in existing location

Cons

- Much higher cost / throw-away costs of temporary bridge
- Temporary structure requires significant amount of fill material to the south
- Temporary wetland impacts equal that of the permanent wetland impacts for alternative 3A.



Alternative Summary:

	Estimated Construction Cost	Temporary Wetland Impacts	Permanent Wetland Impacts
Alternative 3A	\$9.6 Million	Approx. 0.25 Acres	Approx. 1.36 Acres
Alternative 3B	\$10.0 Million	Approx. 0.25 Acres	Approx. 2.24 Acres
Alternative 3C	\$9.6 Million	Approx. 0.25 Acres	Approx. 0.94 Acres
Alternative 3D	\$10.5+ Million	Approx. 1.36 Acres	Approx. 0.0 Acres

Attachment 4: Native American Tribal Coordination

**WisDOT Division of Transportation System
Development**
Southwest Region – La Crosse
3550 Mormon Coulee Rd.
La Crosse, WI 54601

**Governor Tony Evers
Secretary Craig Thompson**
wisconsindot.gov
Telephone: enter (608) 785-9022
FAX: enter (608) 785-9969



Subject: WisDOT request for comment and notification of Federal undertaking under 36 CFR 800 1023-02-01/81

**WisDOT Project: 1023-02-01/81
Highway/Termini: IH 94: Black River Falls - Tomah
County: Monroe
Township, Range, Section: T-17-N, R-01-W, Section 1 and T-18-N, R-01-W, Section 36**

The Wisconsin Department of Transportation (WisDOT), in cooperation with the Federal Highway Administration (FHWA), is considering an undertaking located along IH 94 at the Cranberry Interchange near Tomah. The proposed project is to replace two bridges, B-41-44, and B-41-24, that span IH 90 westbound and IH 90 eastbound/IH 94 westbound ramp, respectively. The project is approximately 0.75 miles in length and is anticipated to be constructed entirely within WisDOT right-of-way. Please see the attached Project Location Map. The proposed bridge replacement undertaking will consist of the following:

- Replacing the two bridge structures at their current location or shifting them north or south to maintain traffic. Please see the attached Project Overview.
- Grading for any adjusted roadway geometry
- Extending or replacing box culvert B-41-55
- Removing, extending, or replacing culverts as needed
- Installing new guardrail at the structures
- Temporary widening adjacent ramps/roadways to maintain traffic
- Widening the new bridges from 2-lanes to 3-lanes
- Installing new pavement marking, signing, and rumble strips

Attached is information regarding the proposed undertaking to assist you in providing comments regarding the determination of the area of potential effect (APE) and potential impacts to historic properties and/or burial sites.

WisDOT would be pleased to receive any comments your tribe wishes to share regarding the determination of the APE or potential impacts to historic properties and/or burials in this undertaking. Additionally, you may use this opportunity to request consultation pursuant to 36 CFR 800.3. WisDOT understands that your tribe is a sovereign nation and as such has the discretion to consult government to government with the FHWA directly. Also other environmental studies may be conducted to include endangered species survey, contaminated material investigations, soil testing and right-of-way surveys. Results of these studies will assist the engineers in the design to avoid, minimize or mitigate the proposed project's effect upon cultural and natural resources. If WisDOT identifies the potential for historic properties to be affected, you will be provided more information.

To ensure your comments are considered during this early phase of project development, WisDOT requests a response within 30 days of receipt of this letter.

If your tribe wishes to become a consulting party under Section 106 of the National Historic Preservation Act or would like to receive additional information regarding this proposed project, please reply to this email or contact:

WisDOT Project Manager: Brian Meyer

Phone: 608-789-5676

Address: 3550 Mormon Coulee Rd, La Crosse, WI 54601

EC: Amy Coughlin - Regional Tribal Liaison
Tribal Leader

CC: Johnathan Buffalo, NAGPRA Rep. – Sac and Fox Tribe of the Mississippi in Iowa
Cultural Preservation Office - Iowa Tribe of Oklahoma

Attachments: Project Location Map
Project Overview
Project APE

Attachment 5: BOA/FAA Airport Coordination

**WisDOT Division of Transportation System
Development**
Southwest Region – La Crosse
3550 Mormon Coulee Rd.
La Crosse, WI 54601

**Governor Tony Evers
Secretary Craig Thompson**
wisconsindot.gov
Telephone: enter (608) 785-9022
FAX: enter (608) 785-9969



June 5, 2024

Bureau of Aeronautics
P.O. Box 7914
Madison, WI 53707

Project ID: 1023-02-01/81
Title: Black River Falls - Tomah
Project Limits: RMP IH90E-IH94W B41-24 IH90W B41-44
Roadway: IH 94
County: Monroe County

Dear Josh Cothren,

The Wisconsin Department of Transportation (WisDOT) is developing plans to replace two bridges within the IH 94 and IH 90 interchange east of Tomah. The proposed project is to replace two bridges, B-41-44, and B-41-24, that span IH 90 westbound and IH 90 eastbound/IH 94 westbound ramp, respectively. The project is approximately 0.75 miles in length and is anticipated to be constructed entirely within WisDOT right-of-way. Please see the attached Project Location Map and Project Overview. The proposed bridge replacement undertaking will consist of the following:

- Replace the two bridge structures at their current location or shift them north or south to maintain traffic.
- Grade for any adjusted roadway geometry
- Extend or replace box culvert B-41-55
- Remove, extend, or replace culverts as needed
- Install new guardrail at the structures
- Temporary widen ramps/roadways adjacent to structures to maintain traffic
- Widen the new bridge structures from 2-lanes to 3-lanes
- Install new pavement marking, signing, and rumble strips

Construction is scheduled to start in 2028. This project is within five miles of the Bloyer Field Municipal Airport. The FAA Notice Criteria Tool was utilized, and Notice Criteria was not met, and a notice of proposed construction will not be required to be filed with the FAA. If you would like additional information, my contact info is listed below. Lastly, I would like to thank you in advance for your assistance and cooperation in our design process.

Sincerely,

Brian Meyer

Brian Meyer, P.E.
WisDOT Project Manager
3550 Mormon Coulee Rd
La Crosse, WI 54601
608-789-5676
brian.meyer@dot.wi.gov

**WisDOT Division of Transportation System
Development**
Southwest Region – La Crosse
3550 Mormon Coulee Rd.
La Crosse, WI 54601

**Governor Tony Evers
Secretary Craig Thompson**
wisconsindot.gov
Telephone: enter (608) 785-9022
FAX: enter (608) 785-9969



June 5, 2024

Airport Manager – Bloyer Field
1140 E Clifton St.
819 Superior Ave.
Tomah, WI 54660

Project ID: 1023-02-01/81
Title: Black River Falls - Tomah
Project Limits: RMP IH90E-IH94W B41-24 IH90W B41-44
Roadway: IH 94
County: Monroe County

Dear Airport Manager,

The Wisconsin Department of Transportation (WisDOT) is developing plans to replace two bridges within the IH 94 and IH 90 interchange east of Tomah. The proposed project is to replace two bridges, B-41-44, and B-41-24, that span IH 90 westbound and IH 90 eastbound/IH 94 westbound ramp, respectively. The project is approximately 0.75 miles in length and is anticipated to be constructed entirely within WisDOT right-of-way. Please see the attached Project Location Map and Project Overview. The proposed bridge replacement undertaking will consist of the following:

- Replace the two bridge structures at their current location or shift them north or south to maintain traffic.
- Grade for any adjusted roadway geometry
- Extend or replace box culvert B-41-55
- Remove, extend, or replace culverts as needed
- Install new guardrail at the structures
- Temporary widen ramps/roadways adjacent to structures to maintain traffic
- Widen the new bridge structures from 2-lanes to 3-lanes
- Install new pavement marking, signing, and rumble strips

Construction is scheduled to start in 2028. This project is within five miles of the Bloyer Field Municipal Airport. The FAA Notice Criteria Tool was utilized, and Notice Criteria was not met, and a notice of proposed construction will not be required to be filed with the FAA. If you would like additional information, my contact info is listed below. Lastly, I would like to thank you in advance for your assistance and cooperation in our design process.

Sincerely,

Brian Meyer

Brian Meyer, P.E.
WisDOT Project Manager
3550 Mormon Coulee Rd
La Crosse, WI 54601
608-789-5676
brian.meyer@dot.wi.gov



Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

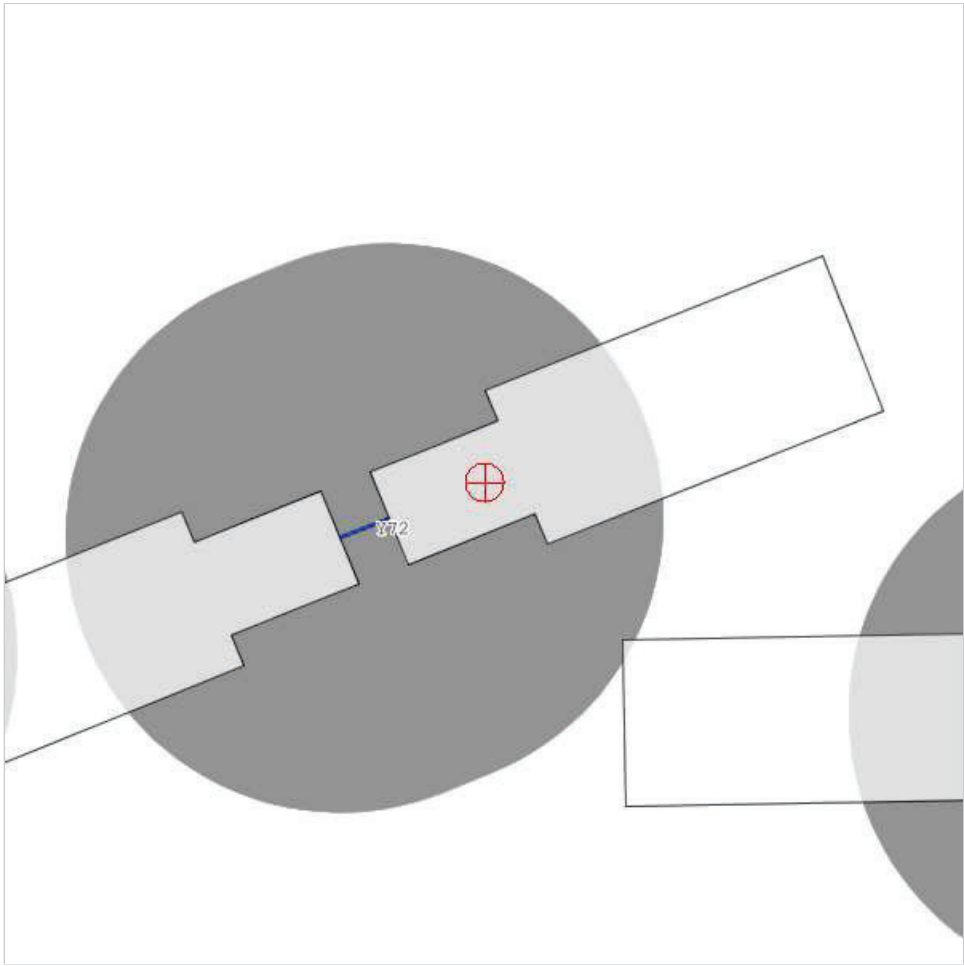
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.





* Structure Type:	CRANE Mobile Crane
Please select structure type and complete location point information.	
Latitude:	43 Deg 59 M 6.44 S N
Longitude:	90 Deg 26 M 50.34 S W
Horizontal Datum:	NAD83
Site Elevation (SE):	970 (nearest foot)
Structure Height :	60 (nearest foot)
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes

Results

You do not exceed Notice Criteria.





COMMUNICATION	NAVIGATION	SERVICES
CTAF 122.9 APP/DEP 135.25 CLNC DEL (630) 906-8921	<div data-bbox="649 1318 972 1423"> Elevation 966' TPA 1966' </div> <div data-bbox="649 1430 972 1497"> VOR to Field 117.9 ODI 084 / 43 NM </div>	<div data-bbox="992 1297 1256 1419"> FUEL 100LL 24 HR Self Serve Airport Manager (608) 374 7440 </div>
<ul style="list-style-type: none">  	<div data-bbox="862 1692 971 1745">   </div>	<div data-bbox="992 1577 1239 1713"> STAMP LOCATION  Flight Office <small>AIRPORT PASSPORT PROGRAM</small> </div>
ADDRESS 1140 E Clifton St, Tomah, WI 54660		

Attachment 6: WDNR Coordination



August 21, 2024

Brian Meyer
WisDOT – SWR
Brian.Meyer@dot.wi.gov

— **Subject: DNR Initial Review**

Project I.D. 1023-02-01 – Design Build
IH-90/94 Eastbound Bridge Replacements
B-41-0024 & B-41-0044
Tomah Interchange
Black River Falls – Tomah
Monroe County

Dear Mr. Meyer:

The Wisconsin Department of Natural Resources (DNR) has received the information you provided for the above-referenced project. According to your proposal, this is a design-build project and project includes the replacement of the eastbound I-94 bridges (B-41-024 & B-41-0044). Additional proposed improvements include:

- Replacement and widening of B-41-0024 & B-41-0044 from 2-lanes to 3-lanes in width
- Grading for any adjusted roadway geometry
- Removing, extending, or replacing culverts as needed
- Extending or replacing box culvert B-41-0055
- Installing new guardrail at structures
- Temporary widening adjacent ramps/roadways

Due to the design-build process any roadway geometry changes are unknown as of the submittal for Initial Comments. A broad review of the Environmental Sections below were completed to try to encompass any proposed changes to minimize the amount of re-coordination due to increased footprint impact.

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

Project-Specific Resource Concerns

Wetlands:

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

Fisheries/Stream Work:

Kreyer Cree is a warm water fishery and supports mostly forage fish at the project location. No in-stream date restrictions will be required for work associated with the waterway. It is currently undetermined what the scope of work is for B-41-0055. Best management practices shall be utilized, including working in dry/dewatered/diverted conditions..

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

Natural Heritage Conservation

Based upon a review of the Natural Heritage Inventory (NHI) dated August 13, 2024, there are **NO** known listed species or suitable habitat that could be impacted by this project. With this review the following has also been determined:

- The NHI Portal database contains all current Northern Long-eared Bat (NLEB) and Tricolored Bat (TCB) roost sites and hibernacula in Wisconsin. These include verified survey results from WI DNR, FWS, and private organizations. Based on project location, this project is more than one mile from a NLEB/TCB known maternity roost tree AND a known hibernaculum. Therefore, this project can proceed without state restrictions for the Northern Long-eared Bat and the Tricolored Bat. This project may be within the federal buffers of a documented Northern Long-eared Bat occurrence. Follow the “FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat or the NLEB Rangewide Determination Key in IPaC” to determine the project activity’s affects and/or complete further consultation with FWS, as necessary.
- This project is located outside of any High Potential Zones (HPZ) for the Rusty Patched Bumblebee (RPBB), and therefore should have no impact on this federally endangered species.

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

Migratory Birds:

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

Invasive Species:

All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices (<https://dnr.wi.gov/topic/Invasives/bmp.html>) to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For further information, please refer to the following: <https://dnr.wi.gov/topic/invasives/classification.html>

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

Floodplains:

Proposed temporary or permanent changes in these regulated floodplain areas require that DOT coordinate with the Monroe County Zoning. Examples of floodplain encroachments include but are not limited to: changes to waterway crossings; culvert extensions; changes to road surface elevations and/or side-slopes; temporary causeways; temporary structures; general fill. To ensure compliance with the DOT/DNR Cooperative Agreement [floodplain attachment](#), and intent of Wis. Admin. Code, Chapter NR116, please copy the DNR Transportation Liaison when project related floodplain impact information is shared with Monroe County Zoning. This helps DNR document that floodplain issues have been sufficiently addressed prior to issuing Final Concurrence.

Storm Water Management & Erosion Control:

- For projects disturbing an acre or more of land erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. WisDOT should apply for permit coverage by submitting a Notice of Intent (NOI) prior to, or when requesting Final Concurrence. Permit coverage will be issued by DNR with the Final Concurrence letter after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP you can go to the following link, and click on the "Transportation" tab: <https://dnr.wi.gov/topic/Sectors/Transportation.html>

- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive permit-coverage from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their implementation of erosion control measures as it relates to the construction project, as well as their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

Structure Removal Over Waterway/Bridge Demolition:

Due to the characteristics of this section of the Kreyer Creek, work should be completed in accordance with standard specification 203, item #**203.0260**, *Removing Structures Over Waterways or Wetlands Minimal Debris*. Please coordinate with DNR throughout the design phase of the project to ensure minimal debris expectation are understood and appropriate.

Temporary Structure for Bridge Projects:

If a temporary bridge will likely be used, please include the location of the temporary bridge on the plans of the existing bridge to minimize potential environmental impacts. In addition, the DOT must meet the standards of chapter NR 116, Wis. Adm. Code, Floodplain Management, for the temporary bridge. Lastly, the temporary bridge should be clearly marked and lit for the navigational and recreational safety, and a waterway marker permit may be required.

If a temporary structure is used, all disturbed areas will need full restoration to pre-construction contours unless otherwise agreed upon with the Transportation Liaison. Please identify restoration details in the plans and special provisions.

Temporary Stream Channel or Culvert:

If a temporary channel is needed for construction, the diversion channel shall be lined with plastic or other non-erodible material, staked, and weighted down with clean stone. A temporary channel or culvert should convey as much flow as possible. At a minimum, the temporary diversion channel/culvert must pass baseflow (approximately a Q-2 year 24-hour storm event). If the waterway is particularly flashy, size the diversion accordingly. Additionally, the temporary channel/culvert should match stream depth and velocity as close as possible 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:

A Notification of Demolition and/or Renovation and Application for Permit Exemption, DNR form 4500-113 (chapters NR 406, 410, and 447 Wis. Adm. Code) may be required. Please refer to DOT FDM 21-

5-1 (November 2019) and the DNR's notification requirements web page: <http://dnr.wi.gov/topic/Demo/Asbestos.html> for further guidance on asbestos inspections and notifications. Contact Mark Chamberlain, Air Management Specialist (608) 575-5634, with questions on the form. The notification must be submitted 10 working days in advance of demolition projects, regardless of asbestos quantities. Please refer to WisDOT procedures on asbestos inspection and abatement for supplemental information.

U.S. Army Corps of Engineers Coordination:

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

Other:

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

The above comments represent the DNR's initial concerns for the proposed project and does not constitute final concurrence. Final concurrence will be granted after further review of refined project plans, Erosion Control Plan, Wetland Impact Tracking Form, Special Provisions, NOI for the TCGP, and additional coordination if necessary. If any of the concerns or information provided in this letter requires further clarification, please contact this office at (608) 406-7880, or email at Karen.Kalvelage@wisconsin.gov.

Sincerely,

Karen Kalvelage

Environmental Analysis & Review Specialist

cc: Steve Vetsch – WisDOT
Sam Kube – WisDOT
Brian Taylor – WisDOT
Amanda Zacharias – Benesch
Greg Payne – Benesh
Alison Elliot – Monroe Co Zoning
ACOE
David Ohnstad – Monroe Co Hwy Comm

Attachment 7: Section 106



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
DT1635 8/2023

24-1642

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

WHS Case #

I. PROJECT INFORMATION

☐ Amended Submittal (include new information only)

Project ID 1023-02-01/81	Highway – Street IH-94	County Monroe
Project Termini RMP IH90E-IH94W B41-24 IH90W B41-44	Region – Office SW Region	
Regional Project Engineer – Project Manager Brian Meyer	(Area Code) Telephone Number (608) 789-5676	
Consultant Project Engineer – Project Manager Amanda Zacharias - Benesch	(Area Code) Telephone Number (414) 308-1320	
Archaeological Consultant Vicki Twinde-Javner - Mississippi Valley Archaeology Center, UW-La Crosse	(Area Code) Telephone Number (608) 785-6475	
Architecture/History Consultant Erin Kelly - Mead & Hunt	(Area Code) Telephone Number (608) 443-0325	

II. PROJECT DESCRIPTION

Project Length 0.748 miles	Land to be Acquired: Fee Simple 0 acres		Land to be Acquired: Easement 0 acres		
Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right of Way Width Irregular width within the interchange area. No new Right of Way is proposed.	700 ' +	700 ' +	Terrace Width None	N/A	N/A
Shoulder Total Inside Shoulder: Total Outside shoulder:	6' 10'	6' 12'	Sidewalk Width None	N/A	N/A
Slope Intercept Grading within Interchange Area from shoulder	15' - 40'	15' - 100'	Number of Lanes Eastbound IH-94 Roadway: Eastbound B-41-24, B-41-44:	2 travel 2 travel	2 travel 3 travel
Edge of Pavement Inside edge of pavement measured from inside edgeline: Outside edge of pavement measured from inside edgeline:	6' 34'	6' 36'	Grade Separated Crossing EB IH-94 over IH-90 WB Ramp: EB IH-94 over IH-90 EB to IH-94 WB Ramp:	15' 5-3/4" 15' 3-1/2"	16' 9"
Back of Curb Line N/A	N/A	N/A	Vision Triangle N/A acres	N/A	N/A
Realignment	N/A	EB IH-94 realigned to north or south of existing roadway	Temporary Bypass N/A acres	N/A	N/A
Other – List: N/A	N/A	N/A	Stream Channel Change	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree Topping and/or Grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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

The project is located at the I-90/94 interchange in the towns of Tomah, Oakdale, and La Grange in Monroe County, Wisconsin. The project encompasses approximately 0.748 miles of I-94. The project limits include I-94 over the eastbound I-90/westbound I-94 ramp and I-94 over the westbound I-90 ramp. The proposed project is analyzing alternatives to address structure deterioration, and vertical clearance needs of structure B-41-24 and B-41-44. Changes to roadway geometrics may be investigated to maintain traffic during construction. Please see the included Project Location – Map.

This project will be completed utilizing an alternative contracting mechanism, Design-Build. WisDOT's Design-Build Program is a collaborative contracting process that brings the engineering and construction industries together at the outset of a highway improvement project. Traditionally in Wisconsin, these processes have always been separated, where a designer plans the project, and a construction company then bids on those plans.

The scope of work for this project includes the following:

- Replacing the two bridge structures (B-41-24 and B-41-44) at their current location or shifting them north or south to maintain traffic.
- Grading for any adjusted roadway geometry
- Extending or replacing box culvert B-41-55
- Removing, extending, or replacing culverts as needed
- Installing new guardrail at the structures
- Temporary widening adjacent ramps/roadways to maintain traffic
- Widening the new bridges from 2-lanes to 3-lanes
- Installing new pavement marking, signing, and rumble strips

☐ Add continuation sheet, if needed.

SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION (continued)

Wisconsin Department of Transportation DT1635

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

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

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

IV. AREA OF POTENTIAL EFFECTS – APE

ARCHAEOLOGY: Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.

HISTORY: Describe the area of potential effects for buildings/structures. Please work with your architecture/history consultation to complete this section.

The Area of Potential Effect was delineated to include parcels immediately adjacent to or within the proposed project area of the Cranberry interchange. Mead & Hunt, Inc. reviewed the Wisconsin Historic Preservation Database to identify previously recorded properties within the APE, including those listed in the National Register of Historic Places. No such properties were identified within the APE. Properties within the APE are limited to the cranberry bog with a single, modern pole building and two c.1990 houses, none of which meet the survey criteria.

V. PHASE I – ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

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

VI. SURVEY COMPLETED

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

VII. FORMAL EVALUATION COMPLETED

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

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

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

N/A

☐ Please attach continuation page if needed.

IX. PROJECT DECISION

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

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

X. SIGNATURES

x **Brian Meyer**
Digitally signed by Brian Meyer
DN: C=US, E=brian.meyer@dot.wi.gov,
O=State of WI-DOT, OU=PDS, CN=Brian
Meyer
Date: 2024.07.10 08:32:29-05'00'
(WisDOT Regional Signature) (Date – m/d/yy)

x **Barry Payne**
DocuSigned by:
3F13953827A84D7...
(WisDOT Historic Preservation Officer Signature) (Date – m/d/yy)
ugust 8, 2024

x **Kimberly Cap**
DocuSigned by:
2F3FB9178D084A4...
(State Preservation Officer Signature) (Date – m/d/yy)
ugust 14, 2024

Attachment 8: USFWS Coordination

Payne, Gregory

From: Simpkins, Darin <Darin_Simpkins@fws.gov>
Sent: Thursday, September 5, 2024 6:00 PM
To: Taylor, Brian F - DOT
Subject: Re: [EXTERNAL] Section 7 Informal Consultation - 1023-03-01-I90/94-"Tomah Interchange"-Bridge Replacement

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(Brian - I took the liberty to wrap this up, based on my understanding of your revised determinations - see below. Let me know if you have any questions)

USFWS Project Code #: 2024-0096539

RE: WisDOT ID 1023-02-01 I-90/94 interchange in the towns of Tomah, Oakdale, and La Grange in Monroe County, Wisconsin

Dear Brian Taylor :

The U.S. Fish and Wildlife Service (Service) is responding to your request dated September 5, 2024 to verify that the proposed I-90/94 interchange Project in the towns of Tomah, Oakdale, and La Grange in Monroe County, Wisconsin (WisDOT ID: 1023-02-01) (the Project) may rely on the amended February 5, 2018, Programmatic Biological Opinion (BO) (dated March 23, 2023) for federally funded or approved transportation projects that may affect the federally listed endangered northern long-eared bat (NLEB) (*Myotis septentrionalis*). We received your request and the associated *Likely to Adversely Affect* (LAA) Consistency Letter on August 8, 2024.

This letter provides the Service's response as to whether the Wisconsin Department of Transportation, on behalf of the Federal Highways Administration, may rely on the BO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the Project's effects to the NLEB.

The Wisconsin Department of Transportation, on behalf of the Federal Highway Administration, has determined that the Project is *Likely to Adversely Affect* the NLEB.

Conclusion

The Service has reviewed the effects of the proposed Project, which includes the Wisconsin Department of Transportation, on behalf of the Federal Highway Administration, commitment to implement any applicable mitigation measures as indicated on the LAA Consistency Letter. We confirm that the proposed Project's effects are consistent with those analyzed in the BO. The Service has determined that projects consistent with the conservation measures and scope of the program analyzed in the BO are not likely to jeopardize the continued existence of the NLEB. In coordination with your agency and the other sponsoring Federal Transportation Agencies, the Service will reevaluate this conclusion annually in light of any new pertinent information under the adaptive management provisions of the BO.

Incidental Take

Northern Long-eared Bat

Tree Removal

The Service anticipates that tree removal associated with the proposed Project will cause incidental take of NLEBs. As described in the Incidental Take Statement (ITS) of the BO, quantifying the specific number of individuals affected is not practicable. Therefore, the Services uses a surrogate (acreage of tree removal) to prove a means of expressing and monitoring take of the NLEB.

The Proposed Project will remove approximately 2.6 acres of trees from habitat that is suitable for the NLEB that are anticipated to result in adverse effects.

Bridge, Culvert, and/or Structure Activities

Incidental take of NLEBs is reasonably certain to occur at up to 10 bridges/culverts or structures range-wide in a 12-month period when signs of bat use or occupancy was observed (five or fewer bats observed), as covered under the ITS in the BO. If your initial bridge/culvert or structure bat assessment failed to detect NLEB use or occupancy, yet bats are later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these instances, potential incidental take of NLEBs may be exempted provided that the take is reported to the Service.

Reasonable and Prudent Measures

The Service will add the acreage of Project-related tree removal to the annual total acreage attributed to the BO as a surrogate measure of NLEB incidental take and exempted from the prohibitions of Section 9 of the ESA. Such exemption is effective as long as your agency implements the reasonable and prudent measure (RPM) and accompanying terms and conditions of the BO's ITS.

The sole RPM of the BO's ITS requires the Federal Transportation Agencies to ensure that State/Local transportation agencies, who choose to include eligible projects under the programmatic action, incorporate all applicable conservation measures in the project proposals submitted to the Service for ESA Section 7 compliance using the BO. The implementing terms and conditions for this RPM require the Federal Transportation Agencies to offer training to appropriate personnel about using the BO, and promptly report sick, injured, or dead bats (regardless of species) or any other federally listed species located at the project site.

Reporting Dead or Injured Bats

The Wisconsin Department of Transportation, on behalf of the Federal Highway Administration, and any contractors must take care when handling dead or injured NLEB, or any other federally listed species that are found at the project site to preserve biological material in the best possible condition and to protect the handler from exposure to diseases, such as rabies. Project personnel are responsible for ensuring that any evidence about determining the cause of death or injury is not unnecessarily disturbed. Reporting the discovery of dead or injured listed species is required in all cases to enable the Service to determine whether the level of incidental take exempted by this BO has been exceeded, and to ensure that the terms and conditions are appropriate and effective. Parties finding a dead, injured, or sick specimen of any endangered or threatened species must promptly notify this Service Office.

Reinitiation Notice

This letter concludes consultation for the Project, which qualifies for inclusion in the BO issued to the Federal Transportation Agencies. To maintain this inclusion, a reinitiation of this Project-level consultation is required where the Federal Highway Administration discretionary involvement or control over the Project has been retained (or is authorized by law) and if:

1. the amount or extent of incidental take of NLEBs is exceeded;
2. new information reveals that the Project may affect listed species or critical habitat in a manner or to an extent not considered in the BO;
3. the Project is subsequently modified in a manner that causes an effect to listed species or designated critical habitat not considered in the BO; or
4. a new species is listed or critical habitat designated that may be affected by the Project.

Per condition #1 above, the anticipated incidental take is exceeded when:

- the Project removes more than 2.6 acres of habitat suitable for the NLEB; and/or
- the Project takes more than 5 NLEBs resulting from a bridge, culvert, or structure activity at no more than 10 bridges, culverts, or structures range-wide in a 12 month period[1].

In instances where the amount or extent of incidental take is exceeded, the Wisconsin Department of Transportation, on behalf of the Federal Highway Administration, is required to immediately request a reinitiation of this Project-level consultation.

The Service also concurs with the WisDOT's determination of *No Effect* the Karner Blue Butterfly (KBB; *Lycaeides melissa samuelis*) and Eastern Massasauga Rattlesnake (EMR; *Sistrurus catenatus*). Although the Service generally does not comment on *No Effect* determinations, concurrence for an updated determination differing from that provided in the MN-WI d-key in IPaC was requested. WisDOT consulted with Wisconsin Department of Natural Resources who concluded that occurrences and habitat for KBB and EMR do not exist in the area of the project.

The generated Consistency Letter is sufficient consultation documentation for NLAA determinations using the MN-WI Determination Key, unless otherwise directed. Further consultation is only necessary for *May Affect* (MA) determinations, which have been addressed in this letter. This letter concludes consultation under Section 7 of the Endangered Species Act, as amended for listed species identified in the Official Species List (OSL) and affected by project actions.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the BO. If you have any questions regarding our response or if you need additional information, please contact Darin Simpkins at darin_simpkins@fws.gov or 920-866-1739.

Sincerely,
Darin Simpkins

From: Simpkins, Darin
Sent: Thursday, September 5, 2024 2:50 PM
To: Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>
Subject: Re: [EXTERNAL] Section 7 Informal Consultation - 1023-03-01-I90/94-"Tomah Interchange"-Bridge Replacement

An updated consultation request with determinations would probably be best.

On Sep 5, 2024, at 2:24 PM, Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov> wrote:

Hey Darin!

Force of habit. Do you want me to change the email for the other two to NE then?

Brian

From: Simpkins, Darin <Darin_Simpkins@fws.gov>
Sent: Thursday, September 5, 2024 2:01 PM
To: Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>
Subject: Re: [EXTERNAL] Section 7 Informal Consultation - 1023-03-01-I90/94-"Tomah Interchange"-Bridge Replacement

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Hi Brian -

Whether the project falls under the PBO or not does not have a bearing on whether a NLEB determination should be NLAA or LAA. In essence, the process is the same, where we issue a verification letter confirming that it falls under the PBO with an ITS. You might just go with LAA as indicated in the NLEB Consistency Letter for simplicity, but it's up to you.

Several WisDOT biologists have requested a change from NLAA to NE for some species because WDNR stated that habitat for those species did not exist in the project area. If habitat doesn't exist, and the species doesn't occur there, why would there be an effect? It's your determination, so again, it's up to you.

Darin

From: Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>
Sent: Thursday, September 5, 2024 1:33 PM
To: Simpkins, Darin <Darin_Simpkins@fws.gov>
Cc: Taylor, Brian F - DOT <BrianF.Taylor@dot.wi.gov>
Subject: [EXTERNAL] Section 7 Informal Consultation - 1023-03-01-I90/94-"Tomah Interchange"-Bridge Replacement

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Good Afternoon, Darin!

The above referenced project is located at the I-90/94 interchange in the towns of Tomah, Oakdale, and La Grange in Monroe County, Wisconsin. The interchange is more commonly referred to as the "Tomah Interchange". The project encompasses approximately 0.748 miles of I-94. The project limits include I-94 over the eastbound I-90/westbound I-94 ramp and I-94 over the westbound I-90 ramp.

The purpose of this project is to replace all the bridges within this interchange utilizing an alternative contracting mechanism, Design-Build. WisDOT's Design-Build Program is a collaborative contracting process that brings the engineering and construction industries together at the outset of a highway improvement project. Traditionally in Wisconsin, these processes have always been separated, where a designer plans the project, and a construction company then bids on those plans. Under Design-Build, although a preferred alternative is selected, the environmental impacts are assessed for all the alternatives considered and provided to the contractor for future permitting.

As the attached **Project Location Map and Design Build Alternatives** illustrates, the alternatives being considered for the above referenced project will either replace the bridges at the existing location, shift slightly north, or south of the existing highway. The Design-Build team would select which of the three alternatives would be the most cost-effective while maximizing safety while minimizing environmental impacts traffic flow during and following construction.

The Section 7 Consultation was conducted to consider all three alternatives as described above.

Using the IPac: FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB) and the Minnesota- Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey), a Likely to Adversely Affect (LAA) and two May Affect determinations were a result.

Based on the documentation below and attached, WisDOT respectfully requests a May Affect, Not Likely to Adversely Affect (NLAA) for the species below:

NLEB

Likely to Adversely Affect (LAA)

WisDOT respectfully requests a May Affect, Not Likely to Adversely Affect (NLAA) based on the justifications and commitments specified below:

- The project falls under the current PBO.
- Bridge inspections conducted in 2023, confirmed an absence of guano, roosting or foraging.
- As the attached **Project Location Map and Design Build Alternatives** illustrates, any proposed shifts off the roadway will be minor and tree removal, conducted during the inactive season, will be confined to only areas of grading.
 - It is anticipated that per alternative selected, the below represents acres of brush and/or trees over 3-inch in diameter that will be removed.
 - Alt 1 Partial Shift South: 0.63 Acres
 - Alt 2 Full Shift South: 0.76 Acres
 - Alt 3 Partial Shift North: 1.2 Acres
- WisDOT will Commit to the below AMMs.
 - Additional bat inspections for bridges and culverts will be completed within 1 year of demolition, reconstruction or disruptive activities.
 - If evidence of bat use (e.g., guano, staining) is observed during the most recent bat inspection, demolition, reconstruction disruptive activities will not occur on applicable structures during the bat active season.

- Measures specifically designed to exclude bats from structures (e.g., expandable foam, expansion joint gland removal, netting, etc.) will be utilized on applicable structures. Exclusion measures will be implemented/installed prior to the start of the bat active season. Exclusion measures will be inspected and maintained, as appropriate, until disruptive work on structure commences.

Karner Blue Butterfly (KBB) and Eastern Massasauga Rattlesnake (EMR)

May Affect (MA)

WisDOT respectfully requests a May Affect, Not Likely to Adversely Affect (NLAA) based on the justifications specified below:

- Following an NHI review of the project area. In the attached, **WDNR Initial Comments Letter**, WDNR stated that no occurrences or habitat exists for either species.

Thank you,

Brian

Brian F. Taylor

Environmental Coordinator
WisDOT DTSD Southwest Region
2101 Wright Street
Madison, WI 53704
Office: (608) 245-2630
Cell: (608) 516-3452
brianf.taylor@dot.wi.gov



United States Department of the Interior

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



In Reply Refer To:
Project Code: 2024-0096539
Project Name: 1023-02-01

08/09/2024 14:14:15 UTC

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

To Whom It May Concern:

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

Threatened and Endangered Species

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

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

Consultation Technical Assistance

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

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

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

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

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

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

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

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

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

Northern Long-Eared Bats

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

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 15 to March 31. During the active season (April 1 to November 14) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

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

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

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

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

Effect determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

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

Whooping Crane

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

Other Trust Resources and Activities

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

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

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

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

wetlands or other areas that support large numbers of raptors and migratory birds.

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

State Department of Natural Resources Coordination

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

Minnesota

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

Email: Review.NHIS@state.mn.us

Wisconsin

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

Email: DNRRERReview@wi.gov

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

Attachment(s):

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

OFFICIAL SPECIES LIST

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

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2024-0096539
Project Name: 1023-02-01
Project Type: Road/Hwy - Maintenance/Modification
Project Description: Black River Falls – Tomah
RMP IH90E – IH94W B-41-24 IH90W B-41-44
IH94
Monroe County

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.98634595,-90.44881114273429,14z>



Counties: Monroe County, Wisconsin

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 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
Gray Wolf <i>Canis lupus</i> Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico. There is final critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/4488	Endangered
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	Endangered

BIRDS

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

REPTILES

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

CLAMS

NAME	STATUS
Salamander Mussel <i>Simpsonaias ambigua</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6208	Proposed Endangered

INSECTS

NAME	STATUS
Karner Blue Butterfly <i>Lycaeides melissa samuelis</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

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

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

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

PROBABILITY OF PRESENCE SUMMARY

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

Probability of Presence (■)

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

Breeding Season (■)

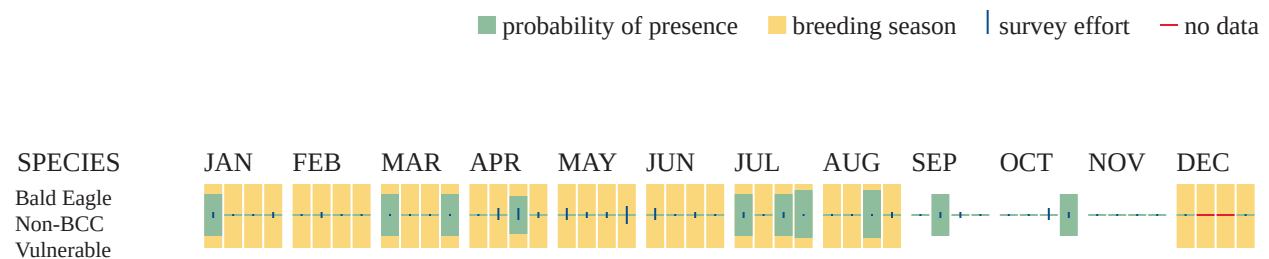
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

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

No Data (—)

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



Additional information can be found using the following links:

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

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Eastern Whip-poor-will <i>Antrastomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

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

Probability of Presence (■)

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

Breeding Season (■)

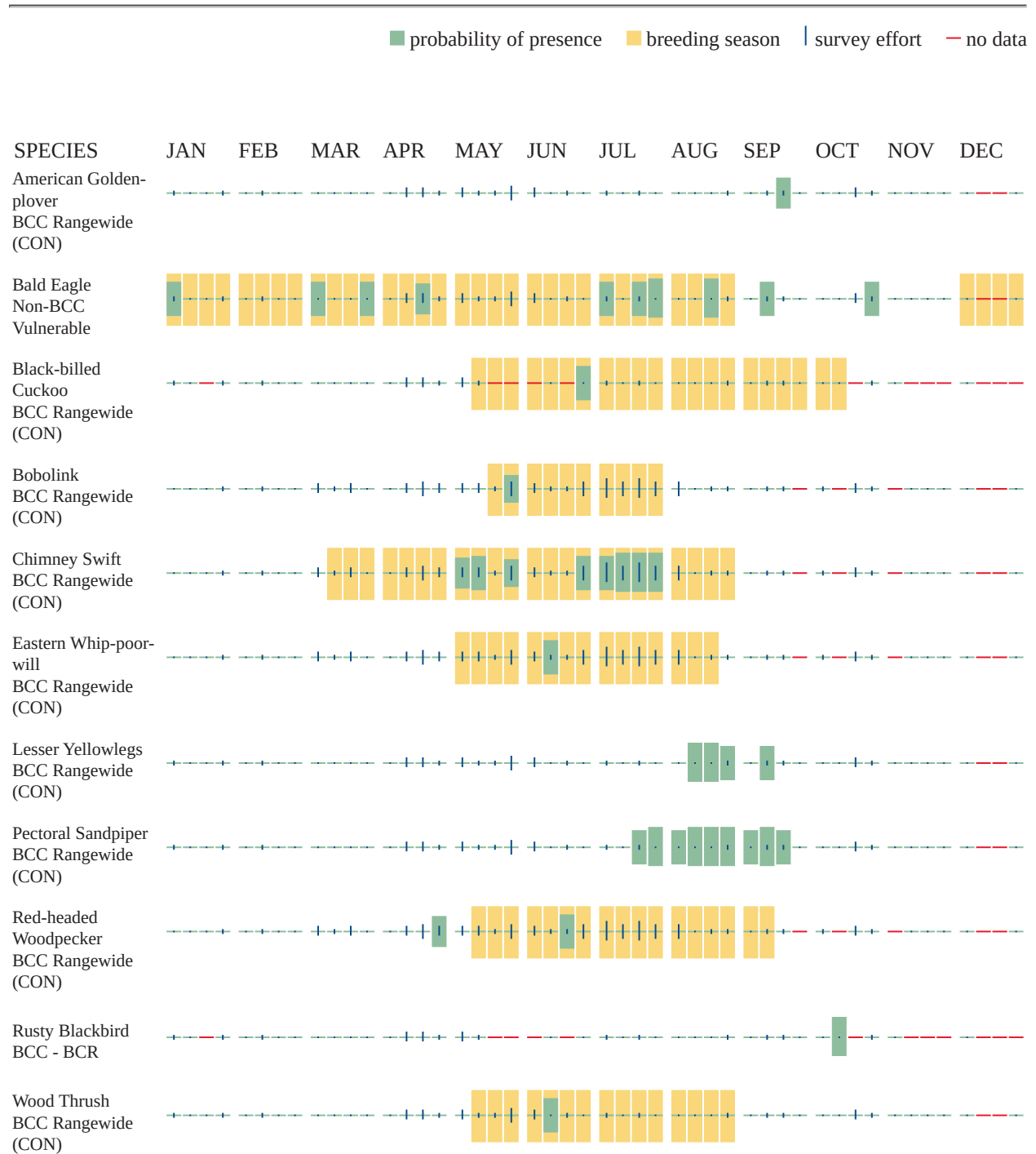
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (l)

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

No Data (—)

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



Additional information can be found using the following links:

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

WETLANDS

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

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

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

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Wisconsin Department of Transportation

Name: Gregory Payne

Address: 5315 Wall St. Suite 220

City: Madison

State: WI

Zip: 53718

Email: gpayne@benesch.com

Phone: 4149777574

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



United States Department of the Interior

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



In Reply Refer To:
Project code: 2024-0096539
Project Name: 1023-02-01

08/09/2024 14:23:17 UTC

Subject: Consistency letter for '1023-02-01' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Gregory Payne:

The U.S. Fish and Wildlife Service (Service) received on **August 09, 2024** your effect determination(s) for the '1023-02-01' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

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

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (<i>Sistrurus catenatus</i>)	Threatened	May affect
Gray Wolf (<i>Canis lupus</i>)	Endangered	NLAA
Karner Blue Butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered	May affect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Salamander Mussel (<i>Simpsonaias ambigua</i>)	Proposed	May affect
	Endangered	
Whooping Crane (<i>Grus americana</i>)	Experimental	No effect
	Population, Non-Essential	

Determination Information

Consultation with the Service is not complete. Further consultation with the Minnesota-Wisconsin Ecological Services Field Office is required for those species with a determination of "May Affect," listed above. Please email our office at TwinCities@fws.gov and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse effects to those species.

Additional Information

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

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

Species-specific information

Gray Wolf: Please notify the Service if there is observed gray wolf activity during project implementation that could indicate a den or rendezvous site in close proximity (e.g., multiple wolves observed).

Whooping Crane Nonessential Experimental Population: For Federal projects outside a National Wildlife Refuge or National Park, we treat the nonessential experimental population (NEP) of whooping crane as proposed for listing and only two provisions of section 7 would apply: section 7(a)(1) and section 7(a)(4). Section 7(a)(4) requires Federal agencies to confer with the Service on actions that are likely to jeopardize the continued existence of a proposed species. **You indicated that the Action is not likely to result in jeopardy of the NEP of whooping crane. As such, your obligations under section 7 for whooping crane are complete.**

Eastern Massasauga Rattlesnake: EMR may be present in the Action area. The following projects are not within the scope of the Minnesota-Wisconsin DKey: prescribed fire; projects that alter hydrology; projects that will occur in EMR occupied wetlands; and projects that do not apply recommended conservation measures. Project-specific review is needed for these types of projects. **Please coordinate with the Minnesota-Wisconsin Ecological Services Field Office to further evaluate effects of the Action on eastern massasauga rattlesnake.**

Karner Blue Butterfly: Karner blue butterfly may be present in the Action area. Projects that disturb wild lupine (the host plant) or result in habitat loss for Karner blue butterfly need additional project-specific review. **Please coordinate with the Minnesota-Wisconsin Ecological Services Field Office to further evaluate effects of the Action on Karner blue butterfly.**

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald

and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

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

- Northern Long-eared Bat *Myotis septentrionalis* Endangered

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

Action Description

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

1. Name

1023-02-01

2. Description

The following description was provided for the project '1023-02-01':

Black River Falls – Tomah
RMP IH90E – IH94W B-41-24 IH90W B-41-44
IH94
Monroe County

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.98634595,-90.44881114273429,14z>



QUALIFICATION INTERVIEW

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

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

Yes

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

Yes

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

Yes

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

No

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

No

6. Does the action involve a new communications tower?

No

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

No

8. Will your action permanently affect local hydrology?

No

9. Will your action temporarily affect local hydrology?

No

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

No

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

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

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

Yes

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

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

Yes

13. Will your action include spraying insecticides?

No

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

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

No

15. Will your action impact Eastern Massasauga rattlesnake habitat?

Note: Suitable habitat includes a variety of wetland habitats and associated wetlands. Populations in Wisconsin are typically associated with floodplain habitats along rivers where they occupy open wetlands such as sedge meadows, wet meadows, shrub-carrs, and adjacent upland prairies, floodplain forests, and old fields. Eastern massasaugas also use open uplands and/or forest openings for foraging, basking, gestation and parturition (i.e., giving birth to young). Massasauga habitats generally appear to be characterized by the following: (1) open, sunny areas intermixed with shaded areas, presumably for thermoregulation; (2) presence of the water table near the surface for hibernation; and (3) variable elevations between adjoining lowland and upland habitats. Suitable hibernation habitat are areas where EMR can use for shelter to survive the winter. EMR usually hibernate below the frost line in crayfish or small mammal burrows, tree root networks or rock crevices in or along the edge of wetlands or in adjacent upland areas with presumably high water tables (areas where the soil is saturated but not inundated). Following egress from hibernacula in the spring, EMR typically remain above ground in the vicinity for a week or two, and return to these areas in the fall for several weeks prior to entering hibernation. Surveys in the spring (shortly following egress) or fall (prior to ingress) when snakes are congregating in the vicinity may help identify these important areas. Maintaining stable hydrology of these areas is important during the inactive season.">uitable Eastern Massasauga rattlesnake habitat.

Yes

16. Does your action involve prescribed fire?

No

17. Will you use wildlife-safe materials for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern Massasauga rattlesnake?

Note: Wildlife safe materials are those that are 100% biodegradable and use a loose weave (often called leno weave) that allow animals to wiggle free. To minimize wildlife entanglement and plastic debris pollution, choose temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable non-plastic materials such as jute, sisal, or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives. All netting materials used should have a wildlife-safe, loose-weave design with movable, non-welded joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Avoid the use of silt fences reinforced with metal or plastic mesh. When no longer required, temporary erosion and sediment control products should be promptly removed.

No

18. Your project is within the range of federally listed freshwater mussels. Have surveys for freshwater mussels been conducted according to a Service-approved survey plan?

Note: You must receive prior approval for any proposed mussel survey by contacting the Minnesota-Wisconsin Ecological Services Field Office. All mussel surveys in Minnesota and Wisconsin must comply with State approved protocols.

Minnesota Mussel Protocol: <https://files.dnr.state.mn.us/eco/nhnrp/mn-mussel-survey-and-relocation-protocol.pdf>.

Wisconsin Mussel Protocol: https://molluskconservation.org/Library/Protocol%20PDFs/WI%20Wadable%20Mussel%20Protocol_8-18-15.pdf

No

19. [Semantic] Does the project intersect the Salamander mussel AOI?

Automatically answered

Yes

20. Will the action occur in oak savanna, oak or pine barrens, prairie, openings within oak and/or pine forest including rights-of-way, or old fields in association with oak forest? If you do not know, click "yes".

Yes

21. Did you conduct surveys for the larval host plant, wild blue lupine (*Lupinus perennis*), in the proposed project action area?

Please use the survey protocols from Wisconsin DNR found [here](#).

No

22. If wild blue lupine is known to be present, can you avoid disturbance to these areas?

No

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

No

24. Does the action occur within a National Wildlife Refuge or National Park?

Note: For the purposes of section 7 of the Act, we treat nonessential experimental populations (NEPs) as threatened species when the NEP is located within a National Wildlife Refuge (NWR) or National Park (NP), and therefore section 7(a)(1) and the consultation requirements of section 7(a)(2) of the Act apply in NWRs and NPs. Section 7(a)(1) requires all Federal agencies to use their authorities to conserve listed species. Section 7(a)(2) requires that Federal agencies consult with the Service before authorizing, funding, or carrying out any activity that would likely jeopardize the continued existence of a listed species or adversely modify its critical habitat.

No

25. For Federal projects outside a National Wildlife Refuge or National Park, we treat the nonessential experimental population of whooping crane as proposed for listing and only two provisions of section 7 would apply: section 7(a)(1) and section 7(a)(4). Section 7(a)(4) requires Federal agencies to confer with the Service on actions that are likely to jeopardize the continued existence of a proposed species. Have you determined that your action is likely to jeopardize the continued existence of whooping crane?

No

26. [Hidden Semantic] Does the action area intersect the endangered gray wolf AOI?

Automatically answered

Yes

27. Is there any potential for the action to harm wolves directly (e.g., mammal trapping, poison bait), or indirectly (e.g., increasing vehicle use that may result in vehicle strikes, exposure to potential human persecution)?

No

28. [Hidden Semantic] Does the action area intersect the endangered gray wolf AOI?

Automatically answered

Yes

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

Automatically answered

Yes

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

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

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

No

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

No

IPAC USER CONTACT INFORMATION

Agency: Wisconsin Department of Transportation

Name: Gregory Payne

Address: 5315 Wall St. Suite 220

City: Madison

State: WI

Zip: 53718

Email: gpayne@benesch.com

Phone: 4149777574

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



United States Department of the Interior

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



In Reply Refer To:
Project code: 2024-0096539
Project Name: 1023-02-01

08/09/2024 14:42:32 UTC

Subject: Consistency letter for the '1023-02-01' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated August 09, 2024 to verify that the **1023-02-01** (Proposed Action) may rely on the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures. **At least one of the qualification interview questions indicated an activity or portion of your project is consistent with a likely to adversely affect therefore, the overall determination for your project is, may affect, and is likely to adversely affect the endangered Indiana bat (*Myotis sodalis*) and/or the endangered northern long-eared bat (*Myotis septentrionalis*).** Consultation with the Service pursuant to section 7(a)(2) of the ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

This "may affect - likely to adversely affect" determination becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO to satisfy the agency's consultation requirements for this project. Please provide this consistency letter to the lead Federal action agency or its designated non-federal representative for review, and as the agency deems appropriate, transmit to this Service Office for verification that the project is consistent with the PBO.

This Service Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days after receiving request for verification to:

- verify that the Proposed Action is consistent with the scope of actions covered under the PBO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the action proposal;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO, and
- identify anticipated incidental take.

ESA Section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or Northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities: If your initial bridge/culvert or structure assessments failed to detect Indiana bats, but you later detect bats prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Massasauga (=rattlesnake) *Sistrurus catenatus* Threatened
- Gray Wolf *Canis lupus* Endangered
- Karner Blue Butterfly *Lycaeides melissa samuelis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Salamander Mussel *Simpsonia ambigua* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

1023-02-01

DESCRIPTION

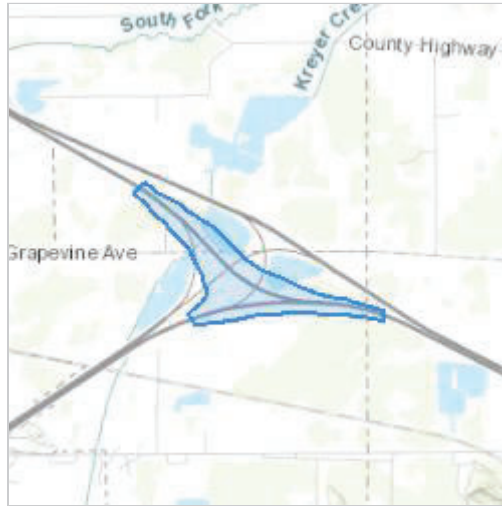
Black River Falls – Tomah

RMP IH90E – IH94W B-41-24 IH90W B-41-44

IH94

Monroe County

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.98634595,-90.44881114273429,14z>



DETERMINATION KEY RESULT

Based on your answers provided, this project is likely to adversely affect the endangered Indiana bat and/or the endangered northern long-eared bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the conclusion and Incidental Take Statement provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the northern long-eared bat^[1]?

[1] See [northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) *Federal Highway Administration (FHWA)*

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

15. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

16. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

Yes

17. Are *all* trees that are being removed clearly demarcated?

Yes

18. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

19. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

Yes

20. Does the project include slash pile burning?

No

21. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

22. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

23. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- 10230201 Bat Assessment Forms.pdf <https://ipac.ecosphere.fws.gov/project/CGJKEFKBWBG7VL7JSQ4F2PJ5L4/projectDocuments/147715544>

24. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

25. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

26. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

27. Will the project involve the use of **temporary** lighting *during* the active season?

Yes

28. Is there *any* suitable habitat **within** 1,000 feet of the location(s) where **temporary** lighting will be used?

No

29. Will the project install new or replace existing **permanent** lighting?

No

30. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

31. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

32. Will the project raise the road profile **above the tree canopy**?

No

33. Are the wetland or stream protection activities associated with compensatory wetland/stream mitigation portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because your activities associated with compensatory wetland/stream mitigation activities do not clear suitable summer habitat and are not within 0.5 miles of Indiana bat or NLEB hibernaculum.

34. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

35. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

36. Is the habitat removal portion of this project consistent with a Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal that occurs outside the NLEB's active season is 100-300 feet from the existing road/rail surface, and is not in documented roosting/foraging habitat or travel corridors.

37. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

38. Is the temporary lighting portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the lighting will be more than 1,000 feet from the nearest suitable habitat

39. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

40. **Tree Removal AMM 1**

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

41. **Tree Removal AMM 3**

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

42. For Indiana bat, if applicable, compensatory mitigation measures are required to offset adverse effects on the species (see Section 2.10 of the BA). Please select the mechanism in which compensatory mitigation will be implemented:

6. Not Applicable

PROJECT QUESTIONNAIRE

1. Please describe the proposed bridge work:

Replacement of B-41-44 and B-41-24. Possible extension of B-41-55 and three culvert pipes.

2. How many acres^[1] of trees are proposed for removal between 100-300 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0

3. Please state the timing of all proposed bridge work:

Spring/Summer/Fall 2026 or 2027

4. **Please verify:**

All tree removal will occur greater than 0.5 mile from any hibernaculum.

Yes, I verify that all tree removal will occur greater than 0.5 miles from any hibernaculum.

5. Is the project location 0-100 feet from the edge of existing road/rail surface?

Yes

6. Is the project location 100-300 feet from the edge of existing road/rail surface?

Yes

7. Please enter the date of the bridge assessment:

7/24/2024

8. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

No

9. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

Yes

10. **Please verify:**

No documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted between June 1 and July 31.

Yes, I verify that no documented NLEB roosts or surrounding summer habitat within 150 feet of documented roosts will be impacted during this period.

11. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

2

12. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *Tree Removal AMM 1*
- *Tree Removal AMM 3*
- *General AMM 1*

AVOIDANCE AND MINIMIZATION MEASURES (AMMS)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

This key was last updated in IPaC on October 30, 2023. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the endangered **northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Wisconsin Department of Transportation

Name: Gregory Payne

Address: 5315 Wall St. Suite 220

City: Madison

State: WI

Zip: 53718

Email: gpayne@benesch.com

Phone: 4149777574

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration

Attachment 9: Local Government Coordination

Local Officials Meeting Minutes

August 27th, 2024 @ 4:00pm

Microsoft Teams Virtual Meeting

Black River Falls – Tomah
I-94
Monroe County
WisDOT Project ID 1023-02-01

Introductions

WisDOT

- Brian Meyer – WisDOT Project Manager/Supervisor
- Jay Wheaton – Design Build Coordinator (Mead & Hunt)

Project Design Team – Benesch

- Greg Payne – Project Engineer

Local Officials

- Kirk Arity – City of Tomah Director of Public Works

WisDOT Project – 1023-02-01

1. Project Overview

- a. Project limits: RMP IH90E-IH94W B-41-24 to RMP IH90W B-41-44
- b. Bridge Replacements: Bridges B-41-24 and B-41-44 are proposed to be replaced to address deterioration and substandard clearance.
- c. New alignment of the structures
- d. Adjacent roadway work will include new pavement would include 12.5" concrete over 6" base.

2. Traffic Control

- a. Maintain two lanes of traffic on I-94 EB during peak hours

Freeway Peak Hours	
Pre-Memorial Day & Post Labor Day	
	Eastbound
Sunday	10am to 5pm
Monday	-
Tuesday	-
Wednesday	-
Thursday	-
Friday	10am to 5pm
Saturday	-

Freeway Peak Hours	
Memorial Day to Labor Day	
	Eastbound
Sunday	9am to 7pm
Monday	11am to 5pm
Tuesday	-
Wednesday	-
Thursday	11am to 5pm
Friday	9am to 7pm
Saturday	9am to 3pm

- b. Single lane closures allowed at all times on the ramps

3. Design-Build Process

- a. Benesch to complete initial design feasibility before the project is bid to Design-Build contractor
- b. Process Overview

4. Project Schedule

- a. Environmental Document (CEC) – Anticipated November 2024
- b. 50% Plan – Anticipated November 2024
- c. 1078 Submittal to Utilities
- d. Advertisement – March 1st, 2025
- e. Construction – Fall 2025 and Spring/Summer/Fall 2026 anticipated

5. Public Involvement Meeting

- a. When: September 18th, 2024
- b. Meeting time: 5- 7pm
- c. Meeting location: 819 Superior Ave, Tomah WI 54660
 - i. Specify City Hall instead of Parks & Recreation
- d. Format: Short Presentation at 5:30pm

6. Local Officials Concerns & Comments

- a. The general public will likely be most concerned about how traffic will be maintained.
- b. Design team to send Kirk the PIM invite and he will post it on their bulletin board and may get it posted on their website/facebook page.

Attachment 10: Public Involvement Coordination

I-94 Improvement Project Public Involvement Meeting Notification

A Public Involvement Meeting has been scheduled for September 18th, 2024. The meeting will be held at the City of Tomah Parks & Recreation Department, 819 Superior Ave, Tomah, WI 54660 from 5:00pm – 7:00pm. A short presentation will be given at 5:30pm.

The purpose of this meeting will be to discuss the plan to replace two bridges along eastbound I-94 in the interchange with I-90. The bridges are deteriorating and do not meet current standards for vertical clearances.

Two lanes of traffic will be maintained along I-94 during peak travel periods and single lane closures will be allowed during off-peak hours. Ramp closures will be limited. Temporary widening on adjacent ramps/roadways may occur to maintain traffic. The work is anticipated to begin as early as fall of 2025, but most work is anticipated in 2026. You can view more information about the design at the following website:

<https://wisconsin.dot.gov/Pages/projects/by-region/sw/I94-tomahbridges/default.aspx>

If you have any additional questions, comments, or concerns regarding this project you are encouraged to contact Brian Meyer, Project Manager at the WisDOT Southwest Region, at 3550 Mormon Coulee Rd, La Crosse, WI 54601, email: brian.meyer@dot.wi.gov, or phone: (608) 789-5676.



BRIAN MEYER
WISDOT SW REGION
3550 MORMON COULEE RD
LA CROSSE, WI 54601



I-94 IMPROVEMENT PROJECT
PUBLIC INVOLVEMENT MEETING NOTIFICATION
SEPTEMBER 18th 5:00 P.M. – 7:00P.M.
819 SUPERIOR AVE, TOMAH, WI 54660

Public Involvement Meeting Handout

**I-94
Black River Falls to Tomah
B-41-24 & B-41-44 Bridge Replacement
Monroe County**



**September 18th, 2024
5:00pm
Tomah City Hall**

Purpose of the meeting

Purpose: The purpose of the project is to address the deterioration of bridge B-41-24 over the I-90 EB/I-94 WB ramp and bridge B-41-44 over the I-90 WB ramp within the Tomah Interchange. The project will also address substandard clearance beneath the bridges and widen the bridges from two-lanes to three-lanes.

Need: Although the overpass bridges are structurally sufficient, the bridges have undergone numerous repairs including multiple concrete overlays of the bridge decks. The most recent overlays were in 2004, but the existing bridges show cracking and spalling (outer section of concrete breaks away in localized areas) of the existing concrete and need replacement.

The existing bridges also do not meet current standards for vertical clearances. The minimum design standard for vertical clearance is 16'-9". The existing structures included the following clearances: B-41-24 = 15'-5 $\frac{3}{4}$ " and B-41-44 = 15'-3 $\frac{1}{2}$ ". Although no bridge hits have been reported below IH-94, crashes which may hit the low clearance structure have the potential to compromise the integrity of the bridge overpass, possibly causing failure.

As I-94 continues to see heavy traffic throughout Wisconsin, the two bridges within the project limits may need to carry increased traffic in the future. Widening the structures preemptively will allow them to operate at a greater capacity if it becomes necessary in the future, and allow for routine maintenance with less lane closures.

Since I-94 from Black River Falls to Tomah is a major thoroughfare, traffic control is an important consideration for the project. The roadway alignment may be shifted slightly north or south to help maintain traffic on the existing roadway during construction.

The objective of this meeting is to obtain public input on the proposed improvements. WisDOT has previously met with local officials and incorporated their feedback into the project and is now looking for more input from the community.

This meeting will provide a brief presentation on the project and then provide time for individual questions and answers.

Project information

WisDOT is proposing to improve approximately 0.75 miles of I-94, including two bridges: B-41-24 over the I-90 EB/I-94 WB ramp and B-41-44 over the I-90 WB ramp. Proposed improvements include:

- Replacing the two bridge structures and shifting them north or south to maintain traffic
- Grading for any adjusted roadway geometry
- Extending or replacing box culvert B-41-55
- Removing, extending, or replacing culverts as needed
- Installing new guardrail at the structures
- Temporarily widening adjacent ramps/roadways to maintain traffic
- Widening the new bridges from two-lanes to three-lanes
- Installing new pavement marking, signing, and shoulder rumble strips

Proposed traffic impacts

Construction is anticipated to begin in Fall of 2025 and Spring/Fall/Summer of 2026.

During construction, two lanes of traffic along eastbound I-94 will be maintained during peak travel periods. Single lane closures of the adjacent two-lane ramps are anticipated.

Real estate

The project is anticipated to be completed within WisDOT right-of-way, so no real estate acquisition is anticipated at this time.

Project update/next steps

The presentation will be posted on the project website found below. The environmental document is planned to be signed in November of 2024.

<https://wisconsindot.gov/Pages/projects/by-region/sw/i94-tomahbridges/default.aspx>

Public input/comments

We encourage you to talk to the project representatives and ask them questions. Attached to this handout is a sheet for your written comments and input regarding the proposed project. Please mail any written comments about the project by October 2nd, 2024, or leave them in the comment box tonight. You can also e-mail your comments to the contact listed below.

Your comments assist us in developing a project that will serve the needs of the traveling public as well as the needs of the local community. Your input is welcome and appreciated throughout the design process.

For more information, please contact:

Brian Meyer
Wisconsin Department of Transportation
3550 Mormon Coulee Rd
La Crosse, WI, 54601
(608) 789-5676
brian.meyer@dot.wi.gov

Public Involvement Meeting Comment Form

Project ID: 1023-02-01

1-94

Black River Falls to Tomah

B-41-24 & B-41-44 Bridge Replacement

Monroe County

September 18th, 2024

Please place this form in the comment box or mail by October 2nd, 2024 to Attn: Brian Meyer, WisDOT SW Region Office, 3550 Mormon Coulee Rd., La Crosse, WI 54601. Comments can also be e-mailed to brian.meyer@dot.wi.gov. Your comments assist us in developing a project that will serve the needs of the traveling public as well as the needs of the local community. Your input is welcome and appreciated throughout the design process.

Name: _____

Address: _____

Daytime Phone Number (optional): _____

Email Address (optional): _____

Please Print Comments (attach additional sheets if necessary)

[illegible]

The information in this document including names, addresses, phone numbers, e-mail addresses, and signatures is not confidential, and may be subject to disclosure upon request, pursuant to the requirements of the Wisconsin open records law, sections 19.31 - 19.39 of the Wisconsin Statutes.