

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Green Bay, WI, 54313

Tony Evers, Governor

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April 8, 2024

IP-SC-2024-13-00581, 00582, and 00583

Epic Systems Corporation
Attn: Jim Schumacher
1979 Milky Way
Verona, WI 53593
[sent electronically]

Dear Mr. Schumacher:

Thank you for working with the Department of Natural Resources (DNR) on your proposed project. This letter contains important information regarding your DNR permit application to conduct stream restoration (realignment) of a navigable waterway (#00581), to construct a bridge crossing of a navigable waterway (#00582), and to discharge fill materials in wetlands (#00583) in Dane County.

We have reviewed your application materials and are writing to notify you that **we need additional information to complete your application** and determine if your proposed project will meet applicable legal standards. It is important that we receive clear detailed information about your project requirements and constraints, so the permit application file adequately explains your project and allows the DNR to issue a decision that is supported by the file information. **Specifically, we need the following information and clarification:**

1. **PROPOSED TEMPORARY CROSSING DETAILS:** Please provide additional clarifying details regarding the temporary stream crossing. The temporary crossing was mentioned in the narrative, but I was unable to locate detailed plan information about the type, duration, location, and number of temporary crossings. Please provide details for an overview of all temporary crossings, each crossing location and design (top view, cross section view, longitudinal view), description of the length of time the crossing will be in place, and the removal (and stream restoration) details.
2. **VEGETATION MANAGEMENT:** The proposed plans include cutting and handling of sod mats during winter. The department has concerns that the cut sod mats may freeze and become brittle, reducing the survival rate and success of sod mats for bank stabilization. Also, the overall seeding plan indicated seeding to be completed during winter. Placing the seed outside the growing season is not uncommon but since the seed will not germinate and establish vegetative cover in time for spring runoff (when site stabilization is needed), the stabilization plan will need to include secondary practices to stabilize the disturbed areas while seed is still germinating.
 - a. Are there additional details you can provide about the sod mats that can be provided to address the concern with the survival of sod mats as bank stabilization practices?
 - b. Please update the erosion control and revegetation plans to make sure there are intermediate practices such as erosion blanket or a similar construction site erosion control practice found online at [Storm water construction technical standards | STORM WATER TECHNICAL STANDARDS, MODELS AND BMPS | Wisconsin DNR.](#)
3. **STREAM HABITAT STRUCTURES:** The narrative indicates LUNKERS are proposed for in-stream aquatic habitat. Some in-stream habitat features are challenging to install with flow present in the channel while other types of habitat features are much easier to install with flow present. For LUNKERS, it is often very difficult to install this structure in dry (no flow) conditions. Having flow present helps you set the structure at the right elevation with the water's surface elevation.

- a. We encourage you to consider updating the plan to install LUNKERS in the newly restored stream after the flow has been routed to the new channel. Please provide updated plans incorporating the adjusted sequence for installing LUNKERS after flow is routed to the new channel.
4. WETLANDS - BALANCING NET LOSS: In reviewing the thorough alternatives analysis and supporting delineation information, the Department sees a possible opportunity for wetland enhancement of approximately 7 acres along the river valley. The enhancement of an existing farmed wet meadow will help reduce the gap a little more to reach a balance closer to “no net loss”.
 - a. The farmed wet meadow (approx. 7 ac in size) located on the east bank and is at the location where the Southern Utility Crossing is proposed. If Epic is willing to stop farming (mowing) and establish native wetland vegetation in the field (approximately 7 acres), the overall permanent wetland impacts are better balanced with a 7-ac wetland restoration that returns a farmed, degraded wetland to a natural community with wetland functions and values.
 - b. Please provide details on how Epic will work to re-establish a native wet meadow community in place of the farmed field.
 5. WETLANDS - MITIGATION: The Department is evaluating the submitted mitigation information (the purchase of mitigation credits for impacts to wetlands from the proposed Alternative 3.2. When a final mitigation calculation is available, I'll provide you with the next steps for you to complete the mitigation credit purchase.
 6. OTHER PERMITS REQUIRED: A friendly reminder of the other permits, approvals, permissions, etc. that are required to be obtained before construction begins. The items below are not an all-inclusive list but rather are a few specific reminders:
 - a. Notice of Intent (NOI) for construction site WPDES state-coverage is required which will include review of storm water management treatment practices.
 - b. Please clarify the timing of the pending wetland and waterway permit application process and Epic's local floodplain permitting process. Is Epic seeking the local floodplain permitting concurrently with this permit application process or waiting until after the waterway/wetland permit decision is finalized before pursuing the floodplain permit?
 - c. DNR's Real Estate Program to obtain land rights for any temporary and permanent impacts to the Military Ridge State Trail. It is also likely impacts will require a land conversion related to Federal LAWCON encumbrance. Please reach out to real estate staff (Kaylin Helm: Kaylin.helm@wisconsin.gov) when you have determined the final crossing locations and impacts.
 - d. There may be other permits required in the future when private utilities are proposed to be installed within the Southern Utility Crossing location. The proposed utility work for this permit process is to authorize the wetland disturbance to lay the conduit that would hold utility lines in the future.

Please submit the requested information to me as soon as possible so we can determine your application to be complete and continue to the next step in the process. Please be sure to point out any additions or alterations to the project that are different from the original permit application. This is also an opportunity for you to explain how your project will avoid or minimize impacts to wetlands and public waters.

Please note that once your permit application is determined to be complete, the Department is legally required to review and issue a permit decision, which means we will be unable to refund your permit fee. At any time during the review process, you have the right to send us a letter or email requesting your application be withdrawn.

If we do not receive the requested information or hear from you in response to this letter within 30 calendar days from the date of this letter, we may dismiss your application **without prejudice**.

If you have any questions, please contact me at phone (920) 410-3181 or by email at Crystal.VonHoldt@wisconsin.gov.

Sincerely,

A handwritten signature in cursive script that reads "Crystal Von Holdt".

Crystal Von Holdt
Water Management Specialist

Email CC: Zach Larson, AECOM
Caree Kovacevich, USACE Project Manager
Shelly Allness, SWR Field Integration Leader
Brian Cunningham, Waterways/Wetlands Program Supervisor