CHECKLIST FOR WEPA COMPLIANCE DETERMINATIONS FOR THE WATERWAY & WETLAND PROGRAM UNDER CH. 30 & S. 281.36, STATS.

Under s. NR 150.20, Wis. Adm. Code, individual permits for the waterway and wetland impacts under Ch. 30, Stats. and s. 281.36, Stats. are considered equivalent analysis actions that require a WEPA determination. Equivalent analysis actions do not typically require additional environmental analysis due to the required analysis and noticing procedures under Ch. 30, Stats. and s. 281.36, Stats.

The following checklist shall be utilized by staff for actions that do not require additional environmental analysis. The checklist should be utilized to identify and document the evaluation of potential environmental impacts from a proposed project and alternatives.

General Information

Instructions for staff: This information will be auto filled from the database. If you entered a project description in the database, that will be filled in the Brief Description section.

Docket Number(s)	IP-SC-2024-13-00581, 00582, and 00583
Applicant	Epic Systems Corporation Jim Schumacher, Epic, jschumac@epic.com
Contact Person (if different than applicant)	Kyle Neeve, AECOM, kyle.neeve@aecom.com Zach Larson, AECOM, Zachary.larson@aecom.com Tyler Tkachuk, AECOM, Tyler.Tkachuk@aecom.com
Mailing Address	1979 Milky Way
	Verona, WI 53593
Location	Dane County
	in the SE1/4 of the NE1/4 of Section 18, Township 6 North, Range 8 East
Regulated Activities	Stream realignment with habitat features, wetland impacts, bridge crossing

Brief Description of the Project:

The purpose of this project is to address traffic growth, safety, and emerging and forecasted operational deficiencies on both US 18/151, between the W. Verona Avenue/Epic Lane and the County Trunk Highway (CTH) G/Dairy Ridge Road interchanges, and along CTH PD in the City and Town of Verona. Verona is one of Wisconsin's fastest growing communities (per US Census data, the population grew by over 30% between 2010 and 2020) and so the volume of traffic has reflected the growth of this community. The project consists of a proposed (currently) private roadway and bridge crossing over the Sugar River and the state trail connecting US 18/151 to Epic Campuses from the southwest along with wetland impacts for installing a utility crossing. The project proposes 3.85 ac of temporary and 9.78 ac of permanent wetland impacts. Approximately one mile of stream relocation and restoration is proposed to be done as part of this project to bring the Sugar River back to the natural meandering as well as an additional 6.56 ac of farmed wet meadow to be restored (by means of no mow and wetland seed mix) and 3.53 ac of restoring an upland buffer along the edge of existing wetlands.

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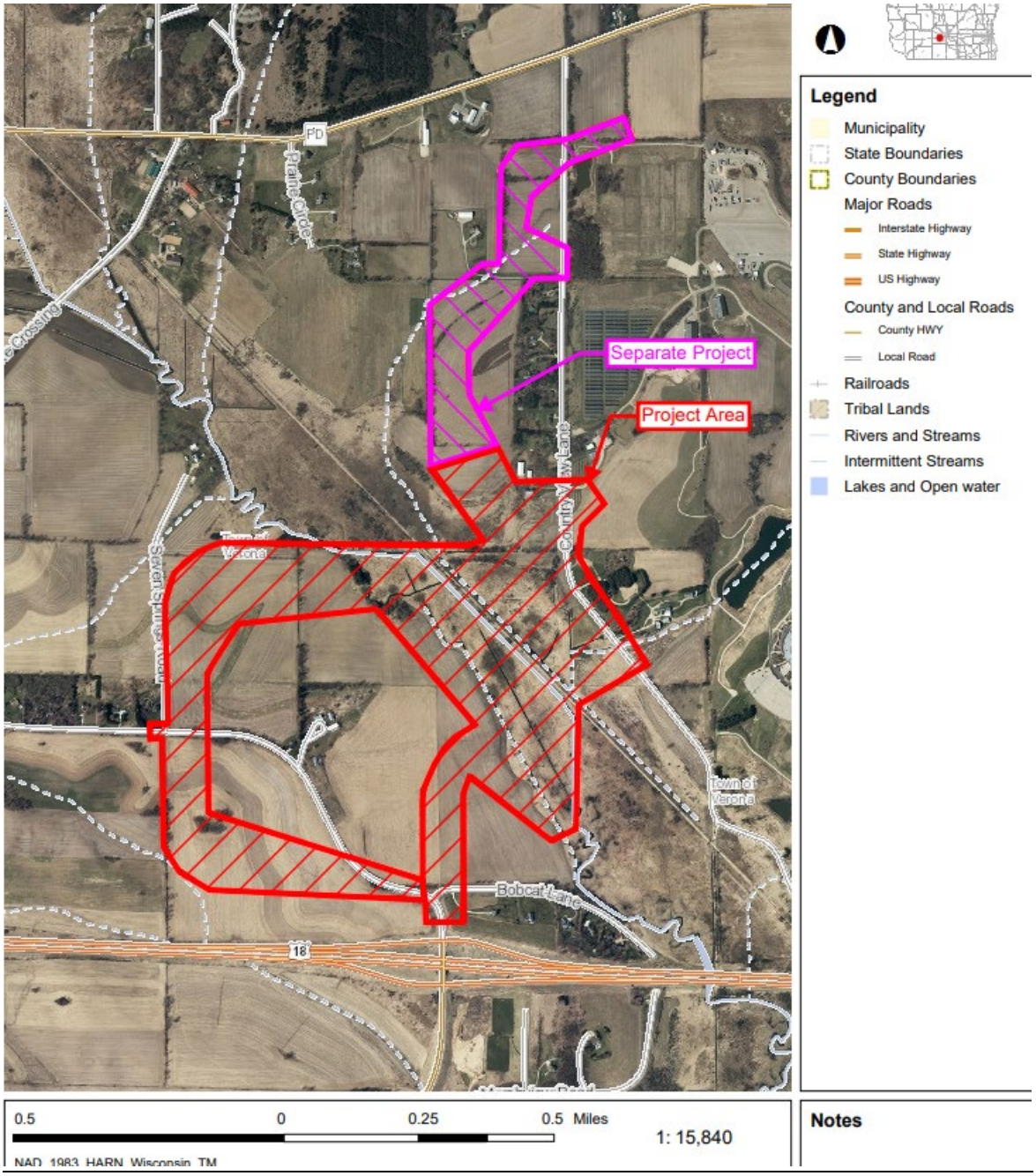
Maps, Plans, Photos or other documents included in the file

Instructions for staff: Check the box next to the documents that are already in the file.



CHECKLIST FOR WEPA COMPLIANCE DETERMINATIONS FOR THE WATERWAY & WETLAND PROGRAM UNDER CH. 30 & S. 281.36, STATS.

Other Known State, Federal, Tribal, or Local Permits, Approvals or Reviews check Instructions for staff: Check the box next to any other permits that you know the project may require. No additional documentation is necessary for this section.

Federal

- X US Army Corps of Engineers
- ☐ FEMA
- ☐ Other: _____

Tribal

- ☐ _____

Local

- X Shoreland Zoning
- X Floodplain Zoning

State

- ☐ State Historical Preservation Office (Arch/Hist)
- ☐ Coastal Zone Management
- ☐ Remediation & Redevelopment
- ☐ Natural Heritage Conservation (E/T species)
- ☐ Drinking & Groundwater (water use, well permit)
- X State Real Estate permits (state trails)
- ☐ Air Management
- ☐ Solid Waste
- X Wastewater
- X Runoff Management
- ☐ Fisheries (natural waterbody permit or fish stocking permit)

Affected Environment

Instructions for staff: Provide a link or reference to resource manager comments or other documents that are either already in the file or were utilized during permit processing. Otherwise, you may write in the boxes the resources that may be impacted by the project.

Physical, Biological or Cultural Resources	Description or Reference to Resource Manager Comments or Documents in File
Public Rights or Interests	Fish, wildlife, recreational, and navigational corridor along the bottom of the floodplain/wetland valley of Sugar River. Applicant will need to obtain the appropriate local floodplain permitting before construction begins. As the state real estate process and LAWCON (Land and Water Conservation Fund) conversion will be separate from state waterway and wetland permitting, no impacts are anticipated to affect the real estate process. Note: As previously requested, DNR Real Estate legal descriptions and other required documentation is required to begin the real estate easement conveyance process and LAWCON conversion process with the U.S. National Park Service. An unnamed archaeological site 47DA0852 (lithic scatter arch site) is located adjacent to the proposed project site. Recommendations for project design and construction:

	• Relative to architecture/history resources, aerial imagery indicates the presence of built resources within this project APE; a field survey is required to document any properties over 40 years of age that retain sufficient degrees of integrity to meet Wisconsin Historical Society (WHS) survey criteria. Survey results and recommendations should be documented in an architecture/history letter report. = Complete • Relative to archaeological resources, there is one previously recorded archaeological site coincident with the current project area (47DA0852 Unnamed Site). Archaeological survey of the project APE is recommended for compliance with Section 106 of the NHPA. • There are no documented burial sites coincident with the project, and no authorization is required from the WHS related to Wisconsin Statute §157.70.
Current Land Use or Development at Site	Riverine valley corridor is surrounded by rural agricultural land use as well as commercial development land use of various private property landowners. Downstream is state-owned and county-owned lands along with a state trail running along the waterway in the riverine valley.
Fisheries Resources	Comments to be mindful of not letting the roots of the sod mat get dried out and wind burned between harvesting sod and placing on streambank for final stabilization over winter months. Minimal freezing is likely acceptable but drying of the roots will kill the vegetation and decrease success of sod mats as stabilization. Use of LUNKERs: Proceed carefully as it can be very difficult to install LUNKERSs in dry conditions without the water moving through the newly realigned channel. The installation can be tricky when the channel is dry due to lack of water level reference to set structures at the right elevation with the water's surface. The tree revetments and toe wood sod mats don't need to be as precise with their installation so they can be done in dry conditions before the new channel is filled will stream flow.
Wildlife Resources	Potential temporary impacts from construction disturbances to amphibians, waterfowl, songbirds, small mammals. Project appears to be well designed to minimize impact to waterfowl and wetland furbearers.
Water Quality	There are no long-term anticipated impacts to aquatic organisms from this project. All erosion and sediment control *Best Management Practices* (BMPs) need to be followed to ensure turbidity, sediment, and erosion is adequately controlled, streambanks are properly sloped, all seeding areas are stabilized, and vegetation is fully established. In the narrative, seeding, planting, and restoration is planned for February-March. It will be very hard to establish vegetative growth during those winter months. I suggest they seed and plant during the growing season. Their plans should be followed accordingly for spoils placement and spoil materials should not be placed in any area of consolidated flow. Coverage under DNR storm water construction site WPDES general permit coverage is required to comply with construction and post-construction requirements pursuant to chs. NR 151 and 216, Wis. Adm. Code. The Wastewater Program conveyed coverage for the EPIC-County View Road project under the Wisconsin Pollutant Discharge Elimination System (WPDES)

	Dewatering General Permit (WI-0049344-05-0) on February 28, 2024. If there are additional planned wastewater discharges to waters of the state from the EPIC transportation project (e.g., additional dewatering, discharges from dredged materials), additional coverage under a WPDES general permit must be obtained prior to the discharge. For questions about obtaining coverage under a WPDES general permit, contact the Reece Matheson [(414) 345-0852, reece.matheson@wisconsin.gov] for the WPDES Dewatering General Permit (WI-0049344-05-0) or Susan Eichelkraut [(414) 897-5714, susan.eichelkraut@wisconsin.gov] for the WPDES Carriage and Interstitial Water from Dredging Operations General Permit (WI-0046558-06-0). Additional information is available at https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html.
Wetland Functional Values	The preferred Alternative 3.2 meets the purpose and need of the project. It minimizes non-ruderal wetland impacts to the extent practicable, provides the secondary access point via US 18/151 and CTH PD required to meet the near and long-term growth in the area, creates a safe transportation network for all modes of traffic, while also preserving Epic's ability to expand to safely grow without a public thoroughfare splitting campus. Temporary and permanent erosion control measures will be implemented on this project in accordance with Wisconsin Department of Natural Resources (WDNR) Technical Standards. Soil stockpiles will be stored outside of the wetland/floodplain area and will have silt fence or erosion logs placed along all downstream sides of stockpiles. Stockpiles in place for longer than 14 days will be either be temporarily seeded or a polymer soil stabilizer will be applied to the stockpiled soil. The stormwater BMPs will be installed outside of the wetlands. Stormwater conveyance features such as grassed swales, filter strips, and storm sewer will be used to limit the amount of wetland disturbance to route water to treatment. The BMPs and any discharge into the wetland area will be designed to provide water quality (TSS) control before discharging into the protective area of the wetland. Thermal control will be provided via grassed swales, infiltration basins, or rock cribs before entering the wetlands. Visible flagging or markings will be provided to indicate the areas of temporary or permanent disturbance as defined by the project to ensure construction is kept within these limits. <u>Preferred Alternative 3.2 (proposed design)</u> • Total wetland impact = 12.08 ac ○ 1.59 ac impact to native/higher quality wetlands • Meets need/purpose with decreased wetland impacts from Alternative 3.1 layout. • Lower overall long-term maintenance costs (compared to Alternative 3.3 layout) • Floodplain: This alignment was set perpendicular to the floodplain and is located 7,300 feet upstream of the US 18/151 crossing. This location will

require 12 precast structures and a flowthrough wetland to efficiently convey the 100-year floodplain without causing a rise in water surface elevation off of Epic property. Additionally, this alternative includes stream restoration features. This alternative does, however, cause a maximum rise of 0.25 foot on Epic property just upstream of the structure (See Floodplain Exhibit). This rise does not adversely impact any insurable structures and will be accounted for in a CLOMR analysis.

Temporary Impacts (ac)		Permanent Impacts (ac)		Wetland Cover Type
Ruderal (degraded)	Non-ruderal (native)	Ruderal (degraded)	Non-ruderal (native)	
	0.01			wet prairie
	0.24		0.99	sedge meaadow
2.73		3.82	0.6	wet meadow
0.07		0.63		shallow marsh
0.34		2.52		shrub carr
				hardwood swamp
0.46		1.22		farmed wet meadow
3.6	0.25	8.19	1.59	total
total temporary	3.85			
total permanent	9.78			
total overall	13.63			

6.56 ac of restored farmed wet meadow (no mow and wetland seed mix to amend seed bank)
3.53 ac upland buffer along wetland

As part of Alternative 3.2 (preferred alternative) a portion of the Sugar River is being restored (Exhibit 3.2- 3). Restoration of the Sugar River on Epic's property has been a long-term goal of Epic. Given the road and bridge construction being proposed by this project it seems the appropriate time to follow through with those plans. Epic is developing stream realignment and restoration plans to be included in this project. The Sugar River was channelized likely around the turn of the 20th century as the watershed's landcover was being converted from native habitats to agriculture. The combination of land cover conversion and channelization of the river has all but eliminated ecological functions related to hydrologic, hydraulic, geomorphic, physio-chemical, and biological processes. In addition, the Sugar River is a classified cold-water trout stream with special significance regionally.

The plan set (See attached stream realignment plans) presents a realignment of the Sugar River channel from the north side of the proposed crossing, through the proposed crossing and then through the valley floodplain to the southern limit of the Epic property, where it will rejoin the non-channelized segment on WDNR. At least 3,800 linear feet of channelized river will be converted to 5,400 linear feet of meandering channel based on a survey of stable reference reach of the Sugar River located south of US 18/151. The stream alignments for Alternative 3.2 can be seen in the Alternative Exhibit 3.2-3 (Stream Restoration).

<u>The project goals for Alternative 3.2's stream restoration:</u>

1. Exceed current regulatory requirements of the roadway crossing project.
2. Provide ecological functional lift of the Sugar River related to hydraulics, geomorphology, physiochemistry and biology.

	3. Effect positive impacts on social values of the valley related to ecosystem restoration: natural, healthy open spaces for foot and bike traffic along the MRST, enhanced kayaking/canoeing, wildlife viewing and fishing. 4. Increase the quality of the floodplain wetlands in the Sugar River Valley. <u>Summary of the Sugar River restoration values:</u> • 5,400 linear feet of restored river (centerline distance; 4.39-ac) • 10,800 linear feet of streambank restoration including fish and macroinvertebrate habitat features (in-channel wood and cover) such as toe-wood sod mats, lunkers, cedar tree revetments. • 1.58-acres of restored floodplain wetland types where abandoned ditch scars currently exist as open water. • 1.73 acres of restored floodplain wetlands where channelized portion of Sugar River currently exists. • 14.44 acres of temporary wetland impacts in order to complete the restoration. <u>Multi-Use Path to MRST</u> A walking path will be proposed to connect to the MRST on the south (downstream) side of the roadway. This sloping path will be protected from upstream flooding impacts and offer a longer lifespan and less maintenance if constructed on the south side. Most of the path would fall within the grading limits and impacts already proposed by the construction of the roadway. Only an additional 0.21 acres of impacts are required to construct a path connection to the MRST compared to if no path were constructed. This breaks down to an additional 0.03 acres of ruderal and 0.18 acres of non-ruderal. Epic will need to request this connection approval through the real estate application process. These values are included as part of Alternative 3.2 wetland impacts in Table 1 (Roadway Crossing Impacts). <u>Path to Sugar River</u> A path will be proposed for the construction of a gravel parking lot and a natural walking path as part of the project. The lot and path would connect to the proposed roadway and provide public access to the Sugar River. Epic will be requesting this connection approval. This access would be provided on the west side of the river / wetlands as depicted in the exhibits of Alternative 3.2.
Air Quality	Good. No impacts anticipated to air quality during or after construction of waterway and wetland activities.

Negative or Positive Environmental Consequences (Direct, Secondary & Cumulative), Instructions for staff: Provide a link or reference to resource manager comments or other documents that are either already in the file or were utilized during permit processing that discuss the potential negative or positive environmental consequences. Otherwise, you may write in the boxes the resources that may be impacted by the project. Then WMSs should write "long term" or "short term" to describe those impacts in the last column.

Physical, Biological or Cultural Resources	Description of Impacts or Reference to Documents in File	Long term/Short term impacts
Public Rights and Interests	Proposed stream restoration (achieved through relocating stream channel back to historic natural meanders instead of remaining in channelized ditch) with in-stream habitat elements, improved public access to the state trail and waterway, temporary wetland impacts for installation of utility conduit for future development, and temporary and permanent wetland impacts for a new private commercial roadway bridge crossing of the riverine valley (wetlands, navigable stream, and floodplain valley).	Short term impacts: construction disturbances to stream channel and wetlands for bridge crossing, stream restoration, and utility installation. Long term impacts: restoration of stream into a natural meandering alignment with improved aquatic habitat features; areas of wetland improvement by restoration efforts to degraded wet meadows and creation of upland buffer along a portion of the existing wetland.
Fisheries Resources	Stream restoration details: • 10,800 linear feet of streambank restoration including fish and macroinvertebrate habitat features (in-channel wood and cover) such as toe-wood sod mats, lunkers, cedar tree revetments. • 5,400 linear feet of restored river (centerline distance; 4.39-ac).	Short-term and long-term impacts. Construction disturbances provide temporary impacts which are minimizing interruption since stream flow will be maintained in the existing channel during the construction of the new alignment. The new channel will be stabilized before flow is introduced so aquatic impacts are very temporary due to construction with long-term positive impacts of restoring the stream into a naturally meandering channel and reconnecting floodplain/wetland environments to the stream system.
Wildlife Resources	Amphibians and birds may be affected during construction. Endangered Resources (ER) review for state listed species: 1. Rusty Patched Bumble Bee: This project overlaps the Rusty Patched Bumble Bee (RPBB) High Potential	Short-term and long-term impacts. Construction disturbances create temporary impacts. Long-term positive impacts of restoring the stream and riparian corridor into a naturally meandering channel and reconnecting floodplain/wetland environments to the stream system.

	Zone and occurs within 1 mile of a RPBB EO and contains suitable habitat, marshes/wetlands, agricultural landscapes, and woodlands, for the bee. While take of the bee is prohibited per the federal Endangered Species Act, this project has no federal nexus. Therefore, recommended (voluntary) follow-up actions for the Rusty patched bumble bee may include: ▪ use native trees, shrubs, and flowering plants in landscaping. ▪ provide plants that bloom from spring through fall (Wisconsin Native Plant Species List: https://p.widencdn.net/tanvm9/NH0936), ▪ remove and control invasive plants in any habitat used for foraging, nesting, or over-wintering. 2. Big Brown & Tricolored Bats: Tree removal occurring as part of this project is covered for *take* by the Cave Bat Broad Incidental Take Permit and there are no required actions for this species. However, it is recommended that special consideration be given to protecting snags or dying trees (if present), particularly from June 1 – August 15.	
Water Quality	There should be no impacts to aquatic organisms from this project. All BMPs should be followed to ensure turbidity, sediment, and erosion is adequately controlled, streambanks are properly sloped, all seeding areas are stabilized, and vegetation is fully established. In the narrative, seeding, planting, and restoration is planned for February-March. It will be very hard to establish vegetative growth during those winter months. Suggest seeding/planting during the growing season. Their plans should be followed accordingly for spoils	Short-term and long-term impacts. Construction disturbances provide temporary impacts to be minimized by planned best management practices for erosion control and stabilization. Phasing is planned to minimize water quality impacts by maintaining stream flow in the existing channel during the construction of the new alignment. The new channel will be stabilized before flow is introduced so water quality impacts are controlled and contained. There are long-term

	placement and spoil materials should not be placed in any area of consolidated flow.	positive impacts of restoring the stream into a naturally meandering channel and reconnecting floodplain/wetland environments to the stream system.
Wetland Functional Values	The project design has substantially demonstrated avoidance of wetland impacts where practicable and then minimization of wetland impacts where avoidance could not be achieved. The proposed project is pursuing Alternative 3.2 layout and the overall project includes a proposal by the applicant offering several elements of environmental and resource lift (improvements). 1.58-acres of restored floodplain wetland types where abandoned ditch scars currently exist as open water. 1.73 acres of restored floodplain wetlands where channelized. portion of Sugar River currently exists. 14.44 acres of temporary wetland impacts to complete the restoration. 9.78 ac of permanent wetland impacts; 3.85 temporary wetland impacts; 6.56 ac of restored farmed wet meadow; 3.53 ac upland buffer creation.	<u>Short term impacts:</u> The proposal includes permanent and temporary wetland impacts due to the roadway/bridge crossing. There are temporary disturbances proposed within wetlands that will be minimized by design and restored after construction access is completed. Other temporary impacts are expected from the installation of a utility conduit in the southern portion of the project area for future impact-free installation of utility lines from the east side of the river valley to the west side. <u>Long term impacts:</u> Permanent wetland impacts are demonstrated to meet the avoid/minimize requirements but are also balanced by the requirement to complete compensatory wetland mitigation. The application has proposed several elements to provide for environmental lift so that the overall net balance of impacts with improvements results in a smaller gap.
Air Quality	N/A	
Other Impacts	N/A	

<u>Potential to Impact Ecologically Sensitive Resources</u>

Instructions for staff: Check the box next to any of the ecologically sensitive resources that may be impacted by the project. No additional documentation is necessary for this section.

X Cold Water Community under s. NR 102.04(3)(a), Wis. Adm. Code, including all trout streams and their tributaries and trout lakes.

☐ State or Federally designated wild and scenic rivers, designated state riverways and state designated scenic urban waterways s. 30.26, Stats.,

☐ Calcareous fens

X State parks, forests, trails, and recreation areas

Ch. NR 302 16 USC 1271 to 1287, ss. 30.40 to 30.49, Stats., and s. 30.275, Stats.

☐ Unique or significant wetlands as identified in special area management plans (SAMP), special wetland inventory studies (SWIS), advanced delineation and identification studies (ADID), areas designated by the USEPA under section 404(c) and regional natural area plans

☐ Lakes Michigan, Lake Superior or Mississippi River

☐ Designated Sensitive Area NR 109 or a Public Rights Feature under NR 1.06, Wis. Adm. Code

☐ State and Federal fish and wildlife refuges and fish and wildlife management areas

☐ State and Federally designated wilderness areas

☐ Designated or dedicated state natural areas

☐ Wild Rice waters

☐ Surface waters identified as outstanding or exceptional in ch. NR 102, Wis. Adm. Code

☐ Areas with significant tribal interest

Evaluation

Instructions for staff: Insert Yes or No into the first column to answer the questions after you have completed your review of the project. Then you may insert a description in the final column to further clarify your answer.

Evaluation	Yes/No	Description
Are there alternatives that would further avoid, minimize, or mitigate negative environmental consequences?	No	Project is least environmentally damaging alternative and has documented an intensive evaluation of traffic safety and alternatives, minimizing net environmental impacts, providing public access to the river and the state trail, and reducing long-term impacts for cost/maintenance to the existing business and immediate surrounding community.
Are there unknowns or risks that create uncertainty in knowing the environmental consequences of the project?	No	Project plans adequately control for erosion and water quality protection.
Is there the potential for this decision to set a precedent that influences future decisions or is the project controversial?	No	Project primarily affects property owned by a private business entity. The business operations (growth, expansion, etc.) creates ancillary impacts to public roadways, state trails, and other municipal infrastructure. The applicant has engaged the community and considered the impacts to the residents, business employees, and public resources to find a balance of public and private interests. A public hearing was completed on May 9, 2024, and public comments were submitted orally (and

		recorded) and through written comments until the end of the public comment period on May 19, 2024. Each comment was reviewed, entered into the public record, and considered in the final permit decision specifically for the activities falling under the state's authority for proposed wetland discharges (impacts).
Does the project have the potential to significantly affect energy usage in the State of Wisconsin?	No	Project is continued use of privately owned business property.

In accordance with s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s.1.11, Stats., and ch. NR 150, Wis. Adm. Code. This is an equivalent analysis action under s. NR 150.20 (2) (a), Wis. Adm. Code. The Department has complied with the requirements of the Wisconsin Environmental Policy Act, s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code.

Crystal van Holdt

May 22, 2024

Signature of Evaluator Date Signed