



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

REPLY TO
ATTENTION OF

September 9, 2016

Operations
Regulatory (2016-00615-KJH)

Jennifer Grimes
Wisconsin Department of Transportation
111 Interstate Blvd.
Edgerton, Wisconsin 53534

Dear Ms. Grimes:

We have reviewed a permit application by the Wisconsin Department of Transportation to discharge fill material into a total of 2.67 acres of wetlands for lane expansion on Interstate Highway 39 (IH 39) at the County Highway N (CTH N) interchange (WisDOT Project ID: 1007-11-81) and reconstruction of the CTH N interchange including approaches and bridge replacement over IH 39 (WisDOT Project ID: 1007-10-86). The project site is in Sections 4 and 9, T. 6 N, R. 11 E, Dane County, Wisconsin.

The discharge of dredged or fill material proposed within waters of the United States is authorized under the provisions of Letter of Permission LOP-06-WI, provided the work complies with the enclosed General Conditions and is constructed in accordance with the enclosed drawings labeled 2016-00615-KJH, page 1 of 4 through page 4 of 4, which are hereby incorporated as part of this Letter of Permission. The authorized work includes:

1. The discharge of fill material into 1.50 acres of Wet Meadow and 0.65 acre of Wooded Swamp for the reconstruction of CTH N southbound exit ramp.
2. The discharge of fill material into 0.24 acre of Wet Meadow and 0.10 acre of Wooded Swamp for the reconstruction of the CTH N drainage ditch.
3. The discharge of fill material into 0.16 acre of Wet Meadow, 0.01 acre Shrub Scrub, and 0.01 acre of Aquatic Bed for the construction of additional southbound and northbound lanes on IH 39.

The authorization is subject to the enclosed General Conditions and the following Special Condition:

1. To offset the unavoidable loss of 1.90 acres of Wet Meadow, 0.75 acre of Wooded Swamp, 0.01 acre of Shrub Scrub, and 0.01 acre of Aquatic Bed the permittee shall debit 2.83 Wet Meadow wetland credits from the World Dairy Wetland Mitigation Bank. The Corps has received the Wetland Impact Tracking Form documenting that the credit transactions have occurred.

This work is authorized provided you obtain confirmation that Section 401 Water Quality Certification has been granted or waived for the project from the Wisconsin Department of Natural Resources.

This Letter of Permission is issued under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The time limit for completing this authorized work ends three years from the date of this letter. This Federal authorization does not obviate the need to obtain other Federal, state or local authorizations required by law.

This letter constitutes an initial proffered permit and contains a signed copy of the preliminary jurisdictional determination (JD) for your project. Also enclosed is a Notification of Administrative Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form which provide information regarding your right to object to these determinations.

If you object to the terms and/or conditions of this initial proffered permit, please see Section I-A and complete Section II of the RFA and submit it to the District Engineer in accordance with 33 CFR 331. Your objections to the initial proffered permit must be received by the St. Paul District Office within 60 days of the date of the NAP or you will forfeit your right to challenge the terms or conditions of the permit.

Before accepting the RFA, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. § 331.5, and that it has been received by the District or Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Corps District or Division Office if you do not object to the initial proffered permit.

The preliminary JD prepared for the site described above is not appealable. The preliminary JD is a written indication that there may be waters or wetlands subject to federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. If you wish to receive an approved jurisdictional determination, please see Section I-E. If this preliminary JD is acceptable, please sign and date both copies of the preliminary JD form and return one copy to the address below within 30 days from the date of this letter.

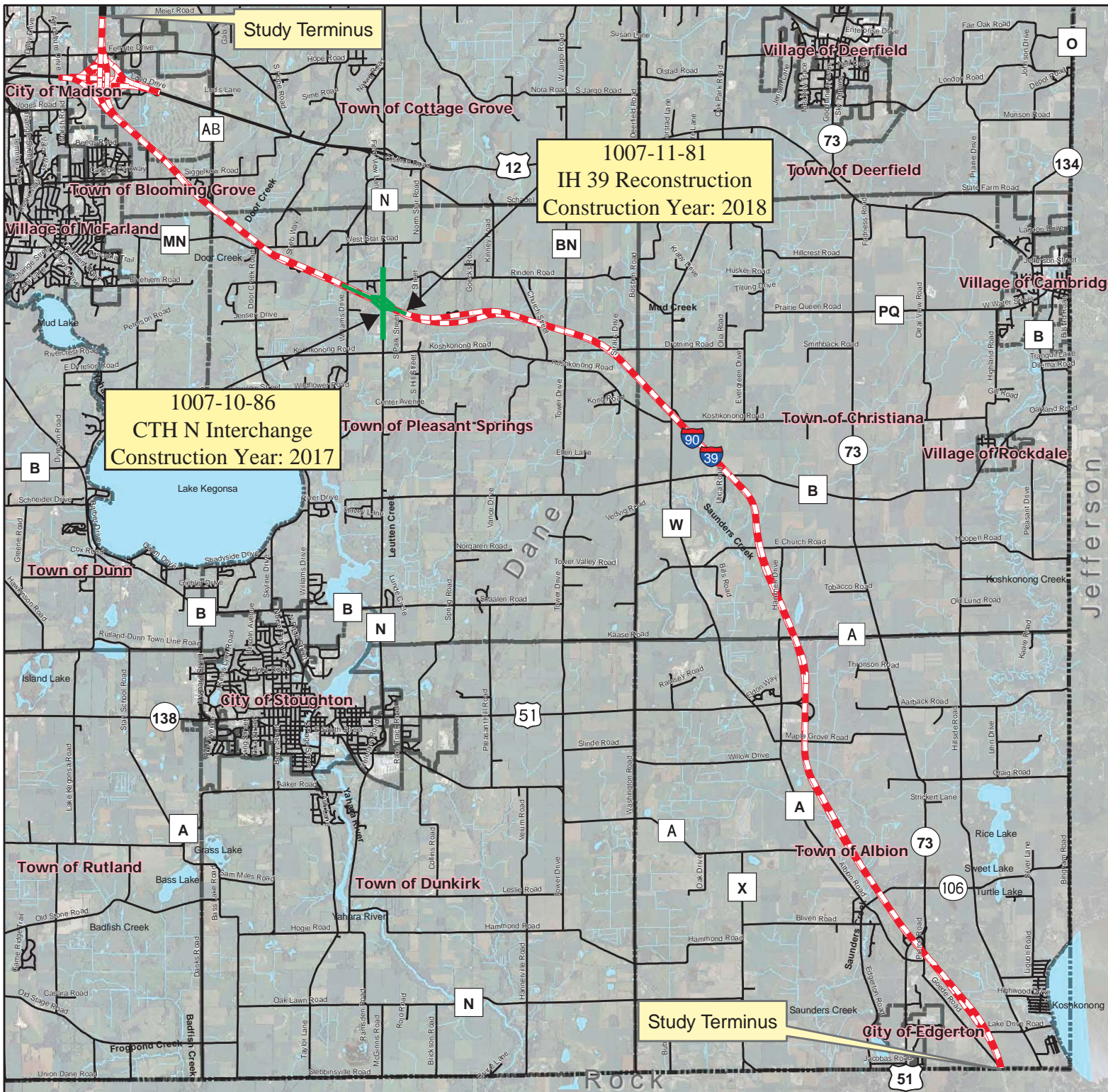
If you have any questions, contact Kerrie J. Hauser in our La Crescent office at (651) 290-5903 or by e-mail at kerrie.j.hauser@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Samuel L. Calkins
Colonel, Corps of Engineers
District Engineer

cc:
WDNR, Eric Heggelund Transportation Liaison







IMPROVING *a gateway to Wisconsin*

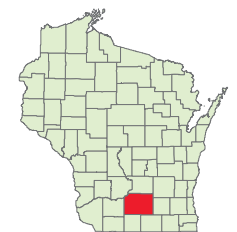
I-39/90
 Illinois State Line - Madison
 Dane/Rock County Line - US 12/18
 Dane County North Segment

WisDOT ID:
 1007-10-01

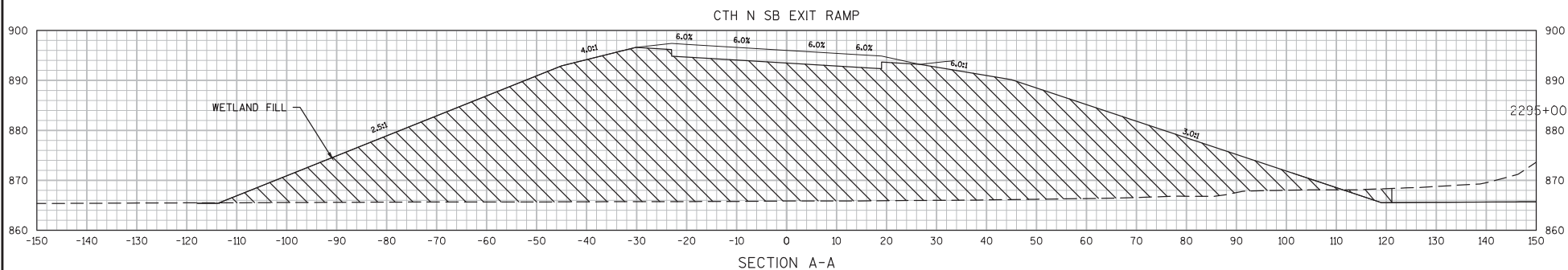
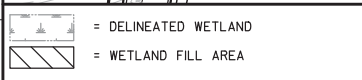
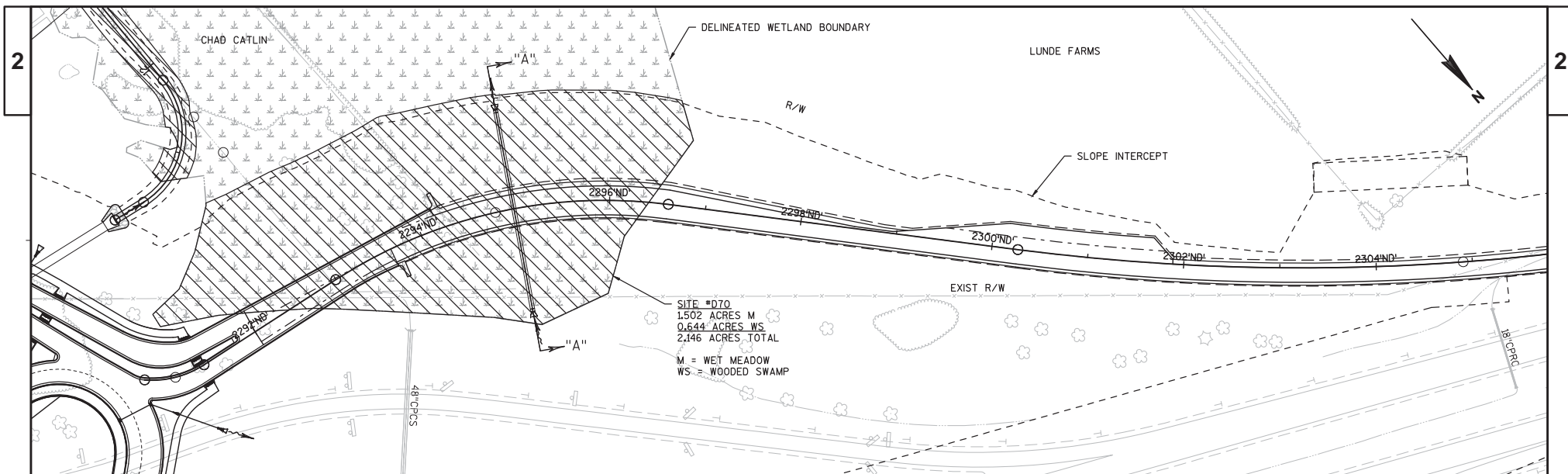
Legend

-  I-39/90
-  Roads
-  Municipal Boundary
-  Water

0 0.5 1 2 Miles
 1 inch equals 1.89 miles



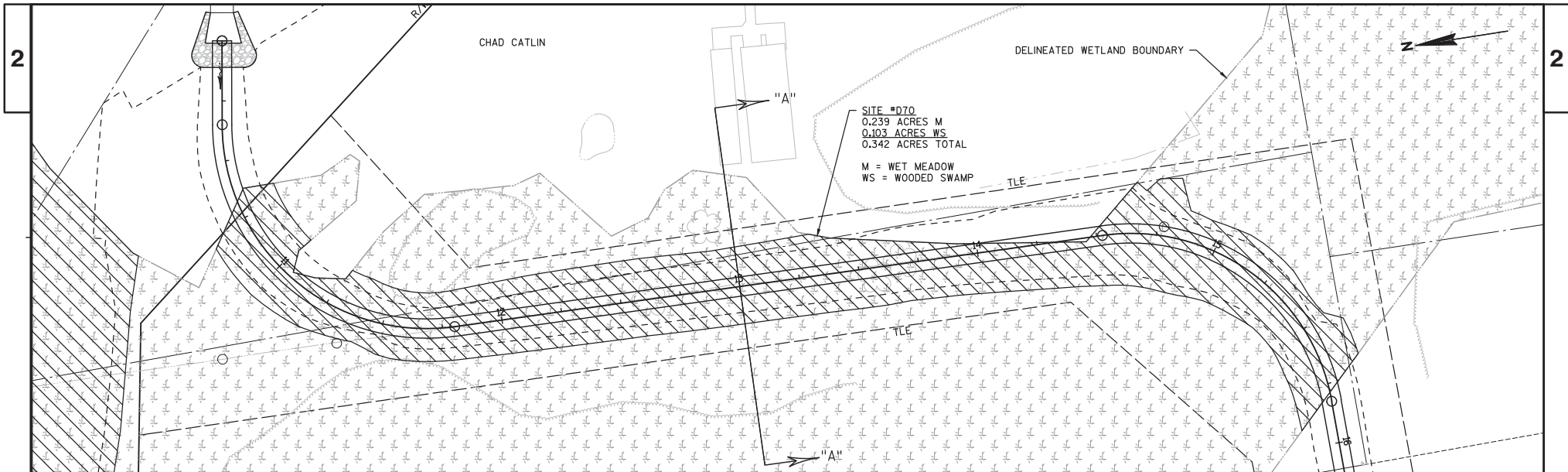
SAVE FOLDER PATH:P:\VED\04\01\119189\REPORTS & PERMITS\SECTION 404\1007-10-86 - CTH N INTERCHANGE



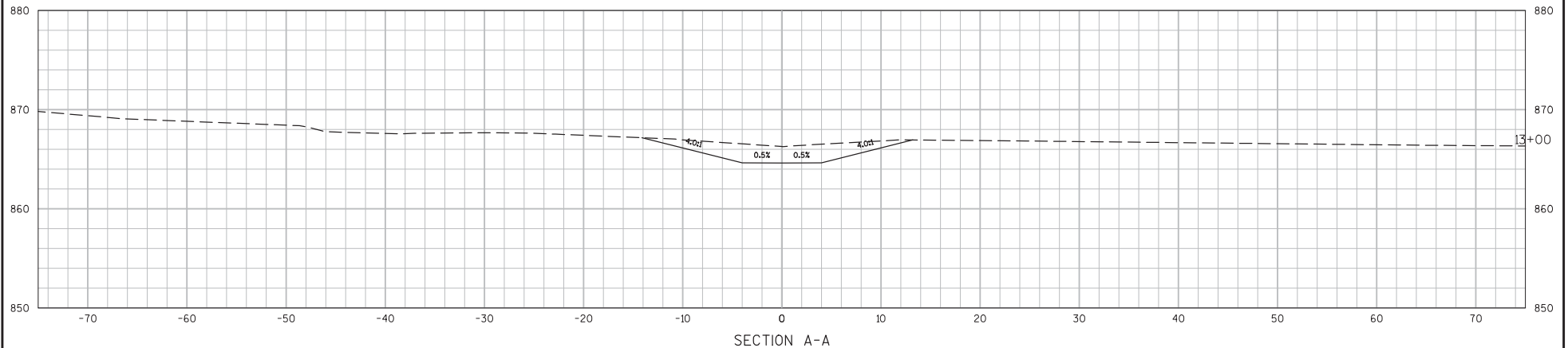
PROJECT NO:1007-10-87	HWY: IH 39	COUNTY:DANE	WETLAND IMPACTS - CTH N	SHEET	E
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FILE NAME : CTH N WETLAND CROSS SECTION.DWG
COMBINED BN CS WD - 022001_EC (EROSION CONTROL - WD) - 023202_EC
PLOT DATE : 2/1/2016 1:35 PM
PLOT BY : ----
LAYOUT NAME : 023202_EC
PLOT SCALE : 1 IN = 100 FT
WISDOT/CADDs SHEET 42

SAVE FOLDER PATH: P:\VED\040615\REPORTS & PERMITS\SECTION 404\1007-10-86 - CTH N INTERCHANGE



- = DELINEATED WETLAND
- = WETLAND FILL AREA



PROJECT NO:1007-10-87	HWY: IH 39	COUNTY:DANE	WETLAND IMPACTS - CTH N	SHEET	E
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FILE NAME : CTH N DRAINAGE WETLAND CROSS SECTION.DWG
COMBINED BN CS WD - 022001_EC (EROSION CONTROL - WD) - 023202_EC

PLOT DATE : 2/1/2016 1:36 PM

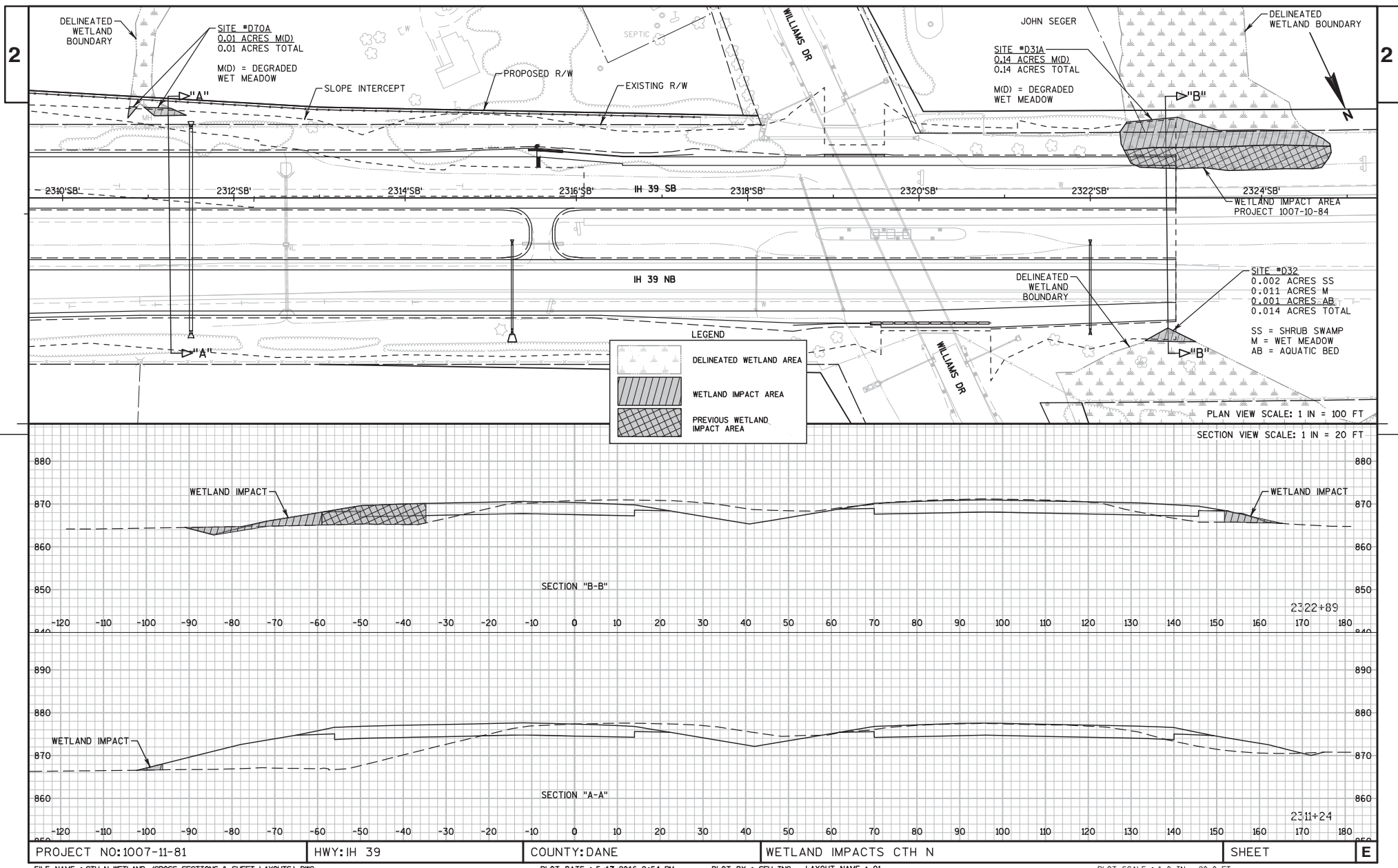
PLOT BY : ----

LAYOUT NAME : 023202_EC

PLOT SCALE : 1 IN=40 FT

WISDOT/CADDs SHEET 42

SAVE FOLDER PATH: \\SEHARDISON\PROJECTS\AE\0401\1007-11-81 - CTH N INTERCHANGE



PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office File/ORM # PJD Date:

State <input type="text" value="WI"/>	City/County <input type="text" value="Dane County"/>	Name/ Address of Person Requesting PJD	<input type="text" value="Jennifer Grimes"/> <input type="text" value="Wisconsin Department of Transportation"/> <input type="text" value="111 Interstate Blvd."/> <input type="text" value="Edgerton, Wisconsin 53534"/>
Nearest Waterbody: <input type="text" value="Wetlands - Yahara River"/>			
Location: TRS, LatLong or UTM: <input type="text" value="Sections 4 & 9, T. 6 N, R. 11 E"/>			

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters:

linear ft width acres Stream Flow:

Wetlands: acre(s) Cowardin Class:

Name of Any Water Bodies
on the Site Identified as

Tidal:

Section 10 Waters:

Non-Tidal:

☒ Office (Desk) Determination

☐ Field Determination:

Date of Field Trip:

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☐ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
 - ☐ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name:
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☒ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date):
 - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



9 September 2016

Signature and Date of Regulatory Project Manager
(REQUIRED)

Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “preconstruction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.