Dane County Rezone Petition

Application Date	Petition Number
10/17/2025	DCPREZ-2025-12231
Public Hearing Date	
12/16/2025	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME EPIC SYSTEMS CORPORATION	PHONE (with Area Code) (608) 209-1777	AGENT NAME D'ONOFRIO KOTTKE AND ASSOCIATES - NATHAN LOCKWOOD	PHONE (with Area Code) (608) 833-7530
BILLING ADDRESS (Number & Street) 1979 MILKY WAY		ADDRESS (Number & Street) 7530 WESTWARD WAY	
(City, State, Zip) VERONA, WI 53593		(City, State, Zip) Madison, WI 53717	
E-MAIL ADDRESS		E-MAIL ADDRESS	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		**ADDRESS OR LOCATION OF REZONE**		**ADDRESS OR LOCATION OF REZONE**	
Southwest of 2645 Country View Road					
TOWNSHIP VERONA	SECTION 17	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		**PARCEL NUMBERS INVOLVED**		**PARCEL NUMBERS INVOLVED**	
0608-172-9002-0		060818195001, 060818181203, 060817291300, 060817289570			

REASON FOR REZONE

REZONING A PORTION OF LAND FROM WETLAND STATUS TO NON-WETLAND STATUS PURSUANT TO DANE COUNTY CODE OF ORDINANCES SECTION 11.10.

FROM DISTRICT:	TO DISTRICT:	ACRES
Wetland status per Wisconsin DNR Wetland Inventory maps	Non-wetland status	7.74

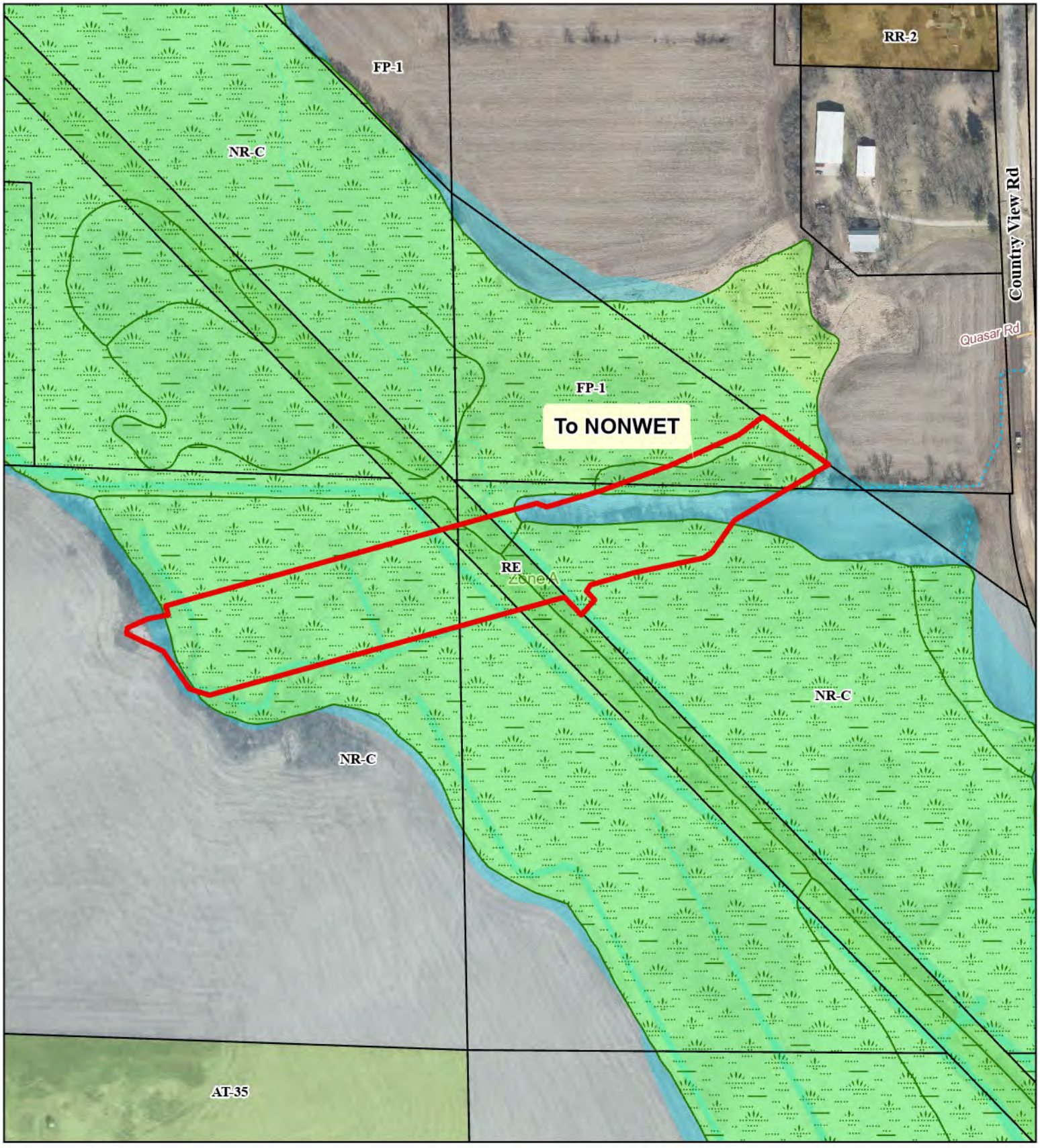
C.S.M REQUIRED?	PLAT REQUIRED?	DEED RESTRICTION REQUIRED?	INSPECTOR'S INITIALS
☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	RWL1
Applicant Initials_____	Applicant Initials_____	Applicant Initials_____	

SIGNATURE:(Owner or Agent)

PRINT NAME:

DATE:

Form Version 04.00.00



PETITION 12231
EPIC SYSTEMS CORPORATION

Proposed Zoning Boundary
Tax Parcel Boundary
Wetland Class Areas
1% Annual Chance Flood Hazard

Feet
0 205 410 820

Dane County
Department of Planning and Development
Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703
(608) 266-4266

Application Fees	
General:	**$395**
Farmland Preservation:	**$495**
Commercial:	**$545**

- PERMIT FEES DOUBLE FOR VIOLATIONS.
- ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.

REZONE APPLICATION

APPLICANT INFORMATION

Property Owner Name:	Epic Systems Corporation	**Agent Name:**	DKA c/o Nathan Lockwood, PE
Address (Number & Street):	1979 Milky Way	**Address (Number & Street):**	7530 Westward Way
Address (City, State, Zip):	Verona, WI 53593	**Address (City, State, Zip):**	Madison, WI 53717
Email Address:	jschumac@epic.com	**Email Address:**	nlockwood@donofrio.cc
Phone#:	608-209-1777	**Phone#:**	608-833-7530

PROPERTY INFORMATION

Township:	Verona, T6N, R8E	**Parcel Number(s):**	060818195001, 060817290020, 060818181203, 060817291300, 060817289570
Section:	prt 17, prt 18	**Property Address or Location:**	West of Country View Rd 1 mi. S of CTH PD

REZONE DESCRIPTION

Reason for the request. In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.

Is this application being submitted to correct a violation? Yes ☐ No ■

PINs: 060818195001, 060817290020, 060818181203, 060817291300, 060817289570

See attached Exhibit A for map of area. See attached Exhibit B for Legal Description. See attached WisDNR Wetland Individual Permit IP-SC-2-24-13-00583 and Associated Alternative 3.2 Exhibits for a details on the DNR approval.

This purpose of this application is to update Dane County Zoning regarding the wetland in the project area as described herein. See Attachment A for complete application narrative.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
Wetland	Out of Wetland	7.7410

Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.

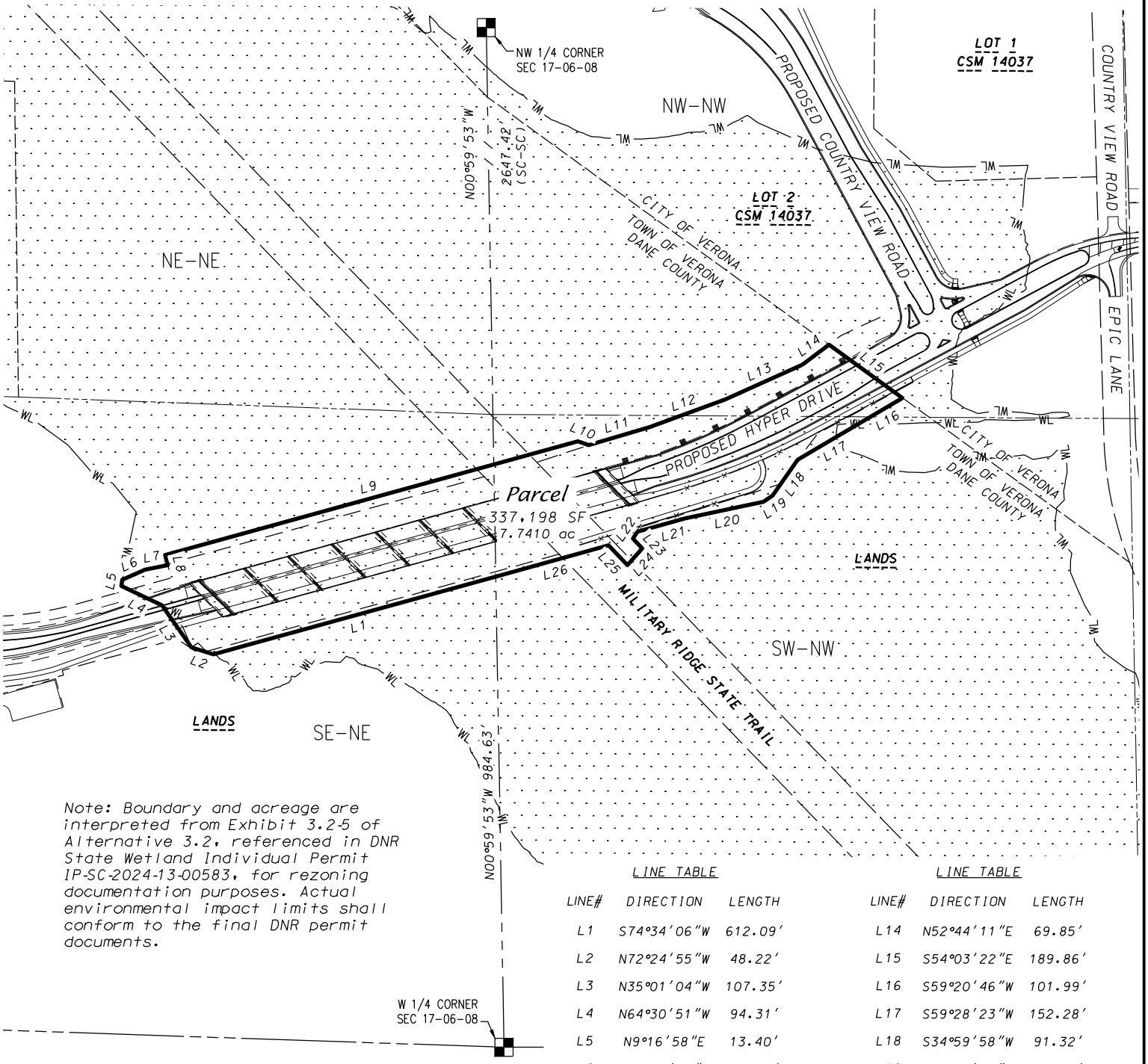
■ Scaled drawing of proposed property boundaries	■ Legal description of zoning boundaries	☐ Information for commercial development (if applicable)	■ Pre-application consultation with town and department staff	☐ Application fee (**non-refundable**), payable to the Dane County Treasurer

I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature Nate Lockwood Date 10/15/25

EXHIBIT A

PART OF THE SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 17; PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 18; ALL IN TOWNSHIP 6 NORTH, RANGE 8 EAST, TOWN OF VERONA, DANE COUNTY WISCONSIN



Note: Boundary and acreage are interpreted from Exhibit 3.2-5 of Alternative 3.2, referenced in DNR State Wetland Individual Permit IP-SC-2024-13-00583, for rezoning documentation purposes. Actual environmental impact limits shall conform to the final DNR permit documents.

LINE TABLE

LINE#	DIRECTION	LENGTH
L1	S74°34'06"W	612.09'
L2	N72°24'55"W	48.22'
L3	N35°01'04"W	107.35'
L4	N64°30'51"W	94.31'
L5	N9°16'58"E	13.40'
L6	N66°00'03"E	51.97'
L7	N78°57'54"E	48.47'
L8	N16°37'07"W	21.87'
L9	N74°34'06"E	895.53'
L10	S70°03'02"E	24.29'
L11	N73°27'58"E	132.30'
L12	N69°56'07"E	168.88'
L13	N65°48'29"E	176.57'

LINE TABLE

LINE#	DIRECTION	LENGTH
L14	N52°44'11"E	69.85'
L15	S54°03'22"E	189.86'
L16	S59°20'46"W	101.99'
L17	S59°28'23"W	152.28'
L18	S34°59'58"W	91.32'
L19	S55°35'29"W	22.95'
L20	S78°00'10"W	166.74'
L21	S74°24'41"W	104.55'
L22	S33°13'42"W	17.48'
L23	S44°12'02"E	28.24'
L24	S41°32'03"W	47.02'
L25	N43°18'11"W	56.99'
L26	S74°34'06"W	244.76'

DATE: 10-13-25

F.N.: 23-05-101

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717

Phone: 608.833.7530 • Fax: 608.833.1089

YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

0 300'

Scale 1" = 300'

Exhibit B – Legal Description
Wetlands Rezone

Part of the SW 1/4 of the NW 1/4 and part of the NW 1/4 of teh NW 1/4 of Section 17; part of the SE 1/4 of the NE 1/4 of Section 18; all in Township 6 North, Range 8 East, Town of Verona, Dane County Wisconsin, containing 337,198 square feet (7.7410 acres) described as follows:

Commencing at the West 1/4 Corner of said Section 17; thence along the West line of the NW 1/4 of said Section 17, N00°59'53"W, 984.63 to the POINT OF BEGINNING; thence S74°34'06"W, 612.09 feet; thence N72°24'55"W, 48.22 feet; thence N35°01'04"W, 107.35 feet; thence N64°30'51"W, 94.31 feet; thence N09°16'58"E, 13.40 feet; thence N66°00'03"E, 51.97 feet; thence N78°57'54"E, 48.47 feet; thence N16°37'07"W, 21.87 feet; thence N74°34'06"E, 895.53 feet; thence S70°03'02"E, 24.29 feet; thence N73°27'58"E, 132.30 feet; thence N69°56'07"E, 168.88 feet; thence N65°48'29"E, 176.57 feet; thence N52°44'11"E, 69.85 feet; thence S54°03'22"E, 189.86 feet; thence S59°20'46"W, 101.99 feet; thence S59°28'23"W, 152.28 feet; thence S34°59'58"W, 91.32 feet; thence S55°35'29"W, 22.95 feet; thence S78°00'10"W, 166.74 feet; thence S74°24'41"W, 104.55 feet; thence S33°13'42"W, 17.48 feet; thence S44°12'02"E, 28.24 feet; thence S41°32'03"W, 47.02 feet; thence N43°18'11"W, 56.99 feet; thence S74°34'06"W, 244.76 feet to the POINT OF BEGINNING.

Attachment A - Wetland Rezone Narrative

Project: Future Hyper Drive Roadway and Bridge – NR-C Lands, EPIC Campus
Location: Town of Verona, Dane County, WI

PART 1 — RESPONSE TO DANE COUNTY ORDINANCE §11.10

Purpose and Overview

This application requests a map amendment to adjust the boundary of the Wetland zoning district to match the actual field-delineated wetlands and approved project footprint associated with the proposed Sugar River Crossing (Hyper Drive) project. The intent is not to remove or fill wetlands for development purposes, but to reconcile the zoning map with the areas already reviewed and permitted by the Wisconsin DNR and U.S. Army Corps of Engineers through the Practicable Alternatives Analysis (PAAwetlands_Sugar River Crossing_FINAL_V2.pdf).

The proposed change affects only those areas required for the multi-piered bridge and associated roadway approaches — designed to minimize disturbance and maintain the function of surrounding wetlands.

(1) Rezoning Method

The rezone will be completed by amending the official zoning map and ordinance consistent with the process outlined in county and state regulations. This update brings the mapped wetland boundary into alignment with delineated field conditions and the approved design footprint. All procedures for public notice, review, and adoption will follow Dane County and Wisconsin statutory requirements.

(2) Avoidance of Significant Adverse Impacts

The project has been carefully designed to avoid or minimize adverse effects on wetland functions and values. Each factor listed in §11.10(2)(a–g) has been addressed below, based on findings documented in the PAA and related permit materials.

(a) Storm and flood water storage capacity
The bridge and roadway grading preserve the majority of existing floodplain and storage capacity. Hydraulic modeling and DNR permit review confirmed that post-construction flood elevations will remain within allowable limits.

(b) Maintenance of groundwater flow and dry-season stream flow
The project avoids disturbance to groundwater discharge and recharge zones. Bridge piers are spaced to maintain river flow and channel connectivity, with no measurable reduction in base flow or wetland hydrology.

(c) Filtering or storage of sediments, nutrients, and pollutants
Temporary construction impacts will be managed under an approved erosion control and stormwater plan. Permanent stormwater management features will continue to filter runoff before it enters wetlands or navigable waters.

(d) Shoreline protection against soil erosion
Bridge abutments and approaches include engineered riprap and vegetated stabilization measures designed to prevent erosion while preserving the river's natural meander pattern.

(e) Fish spawning, breeding, nursery, or feeding grounds
The new crossing was designed with input from DNR biologists to minimize in-stream disturbance. Work will occur within approved timing windows to avoid spawning seasons, and the restored river meanders will enhance aquatic habitat.

(f) Wildlife habitat
The project avoids high-quality habitat areas where feasible and restores or enhances others. Post-construction management will maintain over 11 acres of sedge meadow and restore over 6 acres of wet meadow and upland buffer habitat.

(g) Areas of special recreational, scenic, or scientific interest
The bridge has been sited and designed to blend with the surrounding landscape and preserve visual access to the Sugar River corridor. Wetland restoration and stream meander reconstruction provide long-term ecological and scenic benefit.

(3) Coordination and Notice

The project team acknowledges that the County will provide the Wisconsin DNR district office with the following materials, as required:

(a) A copy of this rezone petition upon filing.

(b) Written notice of the public hearing at least 10 days before the meeting.

(c) A copy of findings and recommendations from the zoning agency within 10 days of submission to the County Board.

(d) Written notice of the County Board's decision within 10 days of issuance.

These procedural steps ensure DNR involvement and transparency throughout the rezone review.

(4) Compatibility with Federally Approved Mitigation

This request is fully consistent with federally and state-approved wetland mitigation activities described in PAAwetlands_Sugar River Crossing_FINAL_V2.pdf and authorized under WisDNR Wetland Individual Permit IP-SC-2-24-13-00583. The project includes substantial restoration and enhancement measures — including re-meandering of the Sugar River and establishment of restored wet meadow and sedge meadow habitats — which exceed the mitigation required under federal and state wetland permitting.

(5) DNR Review and Timing of Effect

If the Wisconsin DNR determines that the proposed amendment may have significant adverse impacts under §11.10(2), the County will include the required 30-day waiting provision before the amendment takes effect.

The applicant fully supports this review process and acknowledges DNR authority to ensure environmental protections remain in place.

Summary

In summary, this rezone request does not expand disturbance beyond what was reviewed and permitted under WisDNR Wetland Individual Permit IP-SC-2-24-13-00583. It simply updates the mapped wetland boundary to reflect actual field conditions and the approved bridge and roadway design, ensuring Dane County's records remain accurate and consistent with environmental permits already in place.

PART 2 – CHECKLIST NARRATIVE

All items on the rezone checklist for scaled site plans, operational details, and neighborhood context are addressed in the narrative and exhibits submitted with the Commercial Use Permit (CUP) application for this project. Please see the CUP submittal Attachment A for complete details regarding: site plan, operational narrative, natural features, neighborhood characteristics, utilities, parking, loading areas, lighting, signage, stormwater and erosion control compliance, traffic, and waste management.

For additional context, project justification, and coordination details, see Supplemental Memo (Lockwood/DKA, 10/16/25) included in the Conditional Use Permit submittal.

INFORMATIONAL REQUIREMENTS FOR PRACTICABLE ALTERNATIVES ANALYSIS FOR PROJECTS IMPACTING WETLANDS (Revised October, 2014)

The Practicable Alternatives Analysis is an important process the applicant is responsible for conducting to thoroughly evaluate and verify the proposed project cannot avoid wetland impacts and that the project alternative selected minimizes wetland impacts to the maximum extent practicable while meeting the basic project purpose. It is very important to provide as much information and detail as possible on the range of alternatives considered along with supporting documentation as your information is used by Department Permit Review Staff to verify project meets the requirements established in law, Section 281.36, Wis. Statutes, and applicable General Permits eligibility standards.

WI Department of Natural Resources (DNR) and U.S. Army Corps of Engineers (ACOE) permit review staff will conduct an evaluation to determine the environmental impacts of the project, including impacts to wetland water quality standards outlined in NR 103, Wis. Administrative Code. If the project results in significant adverse impacts to wetlands or natural resources, the project does not meet the requirements established in law and a permit cannot be granted.

Note: The ACOE requires applicants to complete PAA for those projects that impact not only wetlands, but also other waters, such as lakes, rivers and streams and may utilize this outline for those projects as well.

***DIRECTIONS:** All questions below must be answered in detail and supported with documentation. This includes information required in a Practicable Alternatives Analysis Supplement, if one is available for the proposed project activity as noted in Section 2 and Section 3 below. Attach your Practicable Alternatives Analysis to your wetland permit application along with the other informational items required for a complete application package.*

***ASSISTANCE:** If you have questions about this PAA outline please contact the DNR Water Management Specialist or the U.S. Army Corps of Engineers Project Manager for the county where your project is located for assistance. You may also request a pre-application meeting with DNR and ACOE permit reviewers to help you further understand the PAA process, the minimum project alternatives required and any project specific alternatives that should be considered for your project. Note, agency staff can help provide you with guidance, but the applicant is responsible for preparing and submitting a complete PAA and other application materials.*

SECTION 1 – PROJECT BACKGROUND

1. Describe the basic purpose and need for the project.

The purpose of the proposed 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. Traffic has increased primarily due to the growth of Epic Systems Corporation (Epic), a large employer in Dane County with a campus located in the City of Verona, and, to a lesser extent, single and multi-family residential growth in the City 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).

To accommodate the growth in regional traffic, Wisconsin Department of Transportation (WisDOT) completed the freeway conversion of US 18/151 in Fitchburg at Williamsburg Way and CTH PD (McKee Road) in 2020, removing two at-grade intersections in the segment surrounding the project area. Dane County completed the CTH PD / CTH M reconstruction project in 2020, including expansion of CTH M to 4-lanes and a new intersection at CTH PD/McKee Road & CTH M with a bypass lane for westbound through traffic. Both projects removed upstream bottlenecks, allowing traffic to reach Epic Campus more quickly, which has increased pressure on existing roadway networks in and around the City of Verona.

The City of Verona has been monitoring traffic since 2002 and has coordinated incremental improvements to the surrounding roadway network as Epic has grown and transportation issues arise. In 2021, in response to the increasing volume of traffic due to WisDOT/County projects and growth at Epic and in Verona, the City of Verona began a traffic impact analysis (TIA) study. The purpose of the study which is ongoing, is to establish existing traffic volumes, determine projected traffic volumes based on planned development in the City of Verona, and design roadway and operational improvements required to mitigate the projected traffic safety concerns and capacity impacts that will result from near and long-term growth. Initial results from this study recommended improvements which have already been designed and built along CTH PD, Northern Lights Road, and US 18/151 that improved existing safety and operational issues.

During the TIA process, the City consulted with Epic on their near-term and long-term plans for expanding their campus (Figure 1).

- Current: Epic currently has five campuses and 13,000 employees (December 2023).
- Near-term: Campuses 6 and 7 are currently in the planning and early construction phases of development. Buildings on these campuses are expected to start opening in Fall 2025. It is anticipated that Campuses 6 and 7 will house 4,000 to 5,000 additional employees by the early 2030s.
- Long-term: Epic's long-term, high-level master planning forecasts estimate 25,000 employees by 2050 with future growth anticipated on both sides of the Sugar River on land owned by Epic.

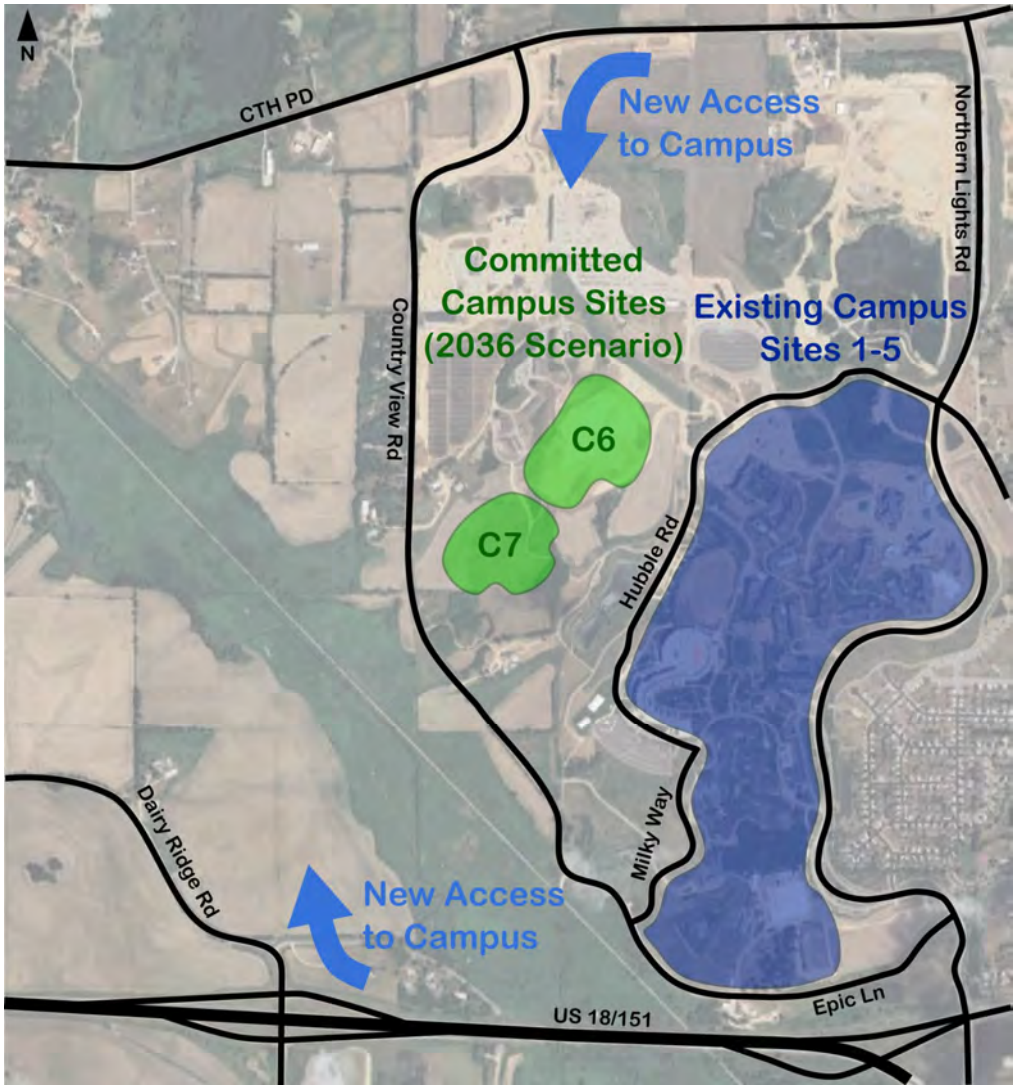


Figure 1- Committed Campus Sites

US 18/151 and CTH PD are the two main roadways used to access the Epic campus; there are no other corridors that can provide access to Epic campus. As shown in Figure 2, there are currently two main access points on the eastern boundary of Epic campus that account for 91% of traffic entering campus (based on 2022 traffic data collected as a part of the TIA): 1) At the southeast: US 18/151 to W Verona Ave/Epic Lane intersection, and 2) At the northeast: CTH PD & Northern Lights Road intersection. Because infrastructure does not exist on the western boundary of Epic campus to accommodate any significant traffic load, nearly all traffic enters Epic campus via Northern Lights Road. The TIA identified that the two existing access points do not have the capacity to handle the forecasted additional traffic resulting from near and long-term planned campus growth and that queuing and backups will cause operational and safety concerns to vehicles on US 18/151 and CTH PD.

Access to the western boundary of Epic's campus is required to handle traffic to Campuses 6 and 7 and future campuses west of the Sugar River. As shown in Figure 2, two additional access points are proposed on the western boundary of Epic's campus: 1) At the southwest: US 18/151& Dairy Ridge/CTH G, and 2) At the northwest: CTH PD & Country View Road intersection (note that a portion of this was constructed in 2023, with the next phase of construction planned for 2024).

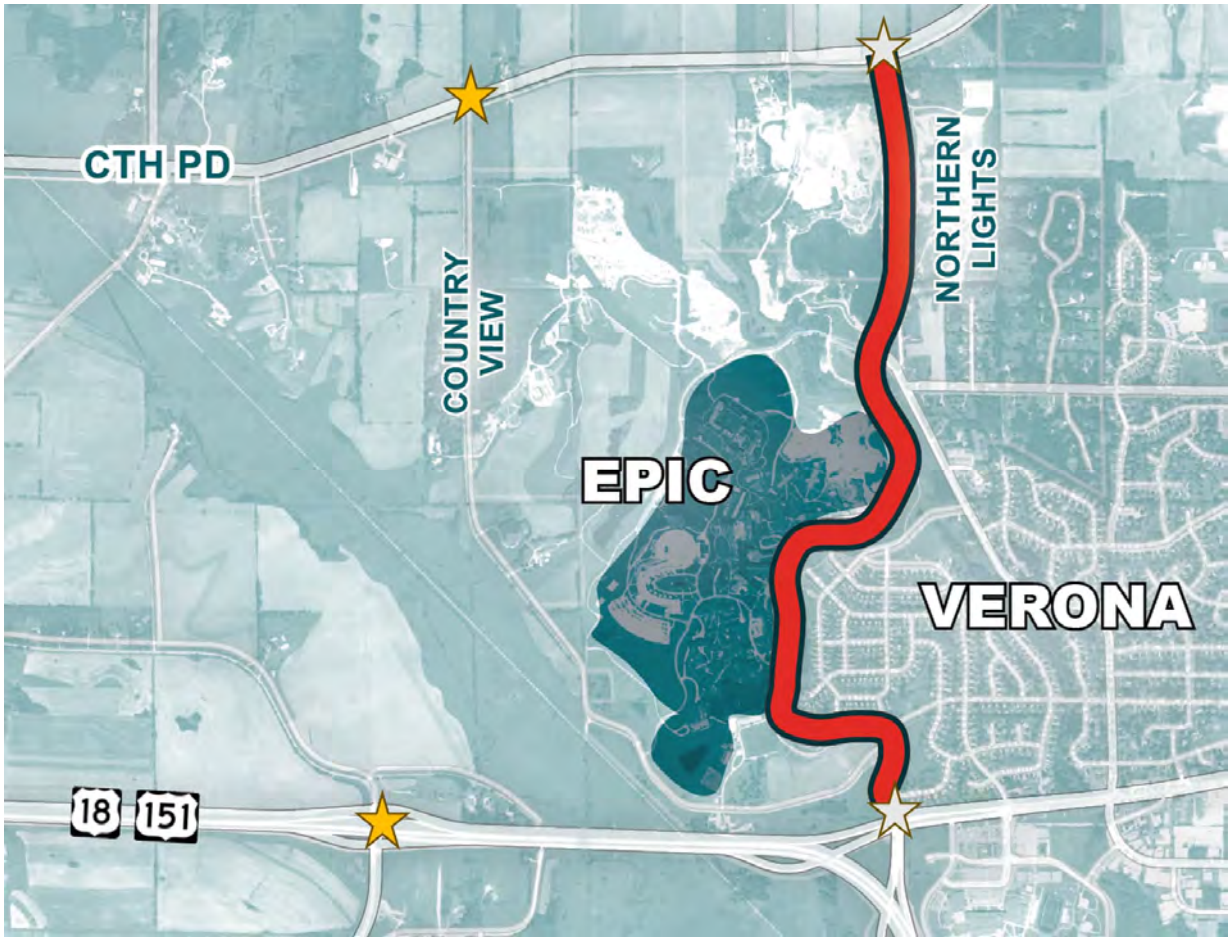


Figure 2-Main Access Points (White – Existing Main Access Points, Gold – Proposed Access Points)

With the forecasted growth at Epic and in the City of Verona, significant traffic congestion and safety concerns will occur if no changes are made to the transportation network. This is further discussed in Section 1, Question 5. Therefore, there is a need for a more robust solution that addresses both near-term and long-term growth in the area. As part of alternatives development, the following criteria were developed to meet the purpose and need of the project:

1. Meets operational and safety requirements to handle near-term and long-term forecasted traffic (e.g. secondary access points)
2. Minimizes net environmental impacts (wetland, floodplain, Military Ridge State Trail (MRST)) while providing improved Sugar River access to the public (bike, pedestrians, kayak, trout fishing, etc.)
3. Consistent with the near-term and long-term growth plans in the region
    a. Based on Epic's growth history, one important criterion to the City of Verona and Epic is that any new facility be publicly owned and be located to accommodate future growth without having to relocate a facility. Northern Lights Road was moved two times between 2005 and 2017, with additional expansion work occurring every couple of years, which causes disruption to City residents and Epic employees and is costly.

4. Minimize relocation of existing infrastructure (buildings, underground utilities, geothermal, solar fields, etc.)

WisDOT is currently designing roadway improvements at the CTH G/Dairy Ridge interchange as well as adding auxiliary lanes (both directions) between CTH G and W Verona Avenue interchanges and W Verona Ave and STH 69 interchanges (eastbound). Construction of these projects will occur in 2025.

2. Is your project an expansion of existing work or is it new construction?

The project is new construction.

3. When did you start to develop a plan for this project (month/year)?

The City of Verona has been monitoring traffic since 2002 and has coordinated incremental improvements to the surrounding roadway network as Epic has grown and transportation issues emerged. This specific project was identified as a need as a part of the traffic impact analysis (TIA) study that began in November 2021 and is ongoing.

4. Are you the current owner or easement holder of the property? If so, how long have you owned the property? If you are not the property owner, please provide the current owner's name and contact information.

Epic is the current landowner of the proposed alternative alignments described in this report. Project alternatives were constrained to Epic-owned property in the City/Town of Verona, with the expectation that the City of Verona will eventually own and maintain any public improvements that are constructed. Wisconsin Department of Natural Resources (WDNR) owns the MRST. A parcel map can be seen in Section 2 Question 3.

Epic's contact is Jim Schumacher at 608-271-9000 or jschumac@epic.com.

5. Explain what the consequences are of not building the project. Include social and economic consequences, as well as other pertinent information.

If the project was not constructed, it would cause severe traffic operation and safety concerns in and around the west side of the City of Verona, particularly at two main access points to the Epic campus. Those two access points at US 18/151 & W Verona Ave/Epic Lane and CTH PD & Northern Lights Road intersection account for 91% of traffic entering campus based on 2022 traffic data.

The existing two main Epic campus access points and Northern Lights Road do not have the capacity to handle the additional traffic resulting from near-term and long-term planned campus growth.

1. US 18/151 & W Verona Ave/Epic Lane – At the westbound off-ramp at US 18/151 & W Verona Ave/Epic Lane, the TIA identifies queue spilling back onto the westbound US 18/151 mainline at the W Verona Ave/Epic Lane interchange daily during the morning rush hour (AM Peak). Queues on US 18/151 represent a significant safety concern with the mixing of high speed (65mph) traffic with stopped vehicles.
2. CTH PD & Northern Lights Road intersection – At the CTH PD & Northern Lights Road intersection, the TIA identifies westbound left turn lane queue spill back outside of the through lanes and east of the CTH PD & Woods Road intersection.

To provide some context behind why there will be traffic operation and safety concerns in the future in this area, more detail is provided, below, related to traffic growth/economics, operational deficiencies and safety, and route importance/access points.

Traffic Growth/Economics

Verona has experienced significant growth on its west side since 2012, particularly as related to employment growth in the region and peak period travel. Epic campus is located within this area and has grown from 4,050 employees in 2012 to over 11,605 employees in early 2023. At the key interchange of US 18/151-W. Verona Ave/Epic Lane, westbound off-ramp traffic since 2012 has increased 79% overall and 7.2% per year; eastbound on-ramp demand has increased 44% overall and 4.0% per year. As traffic volumes have reached the capacity of the existing infrastructure for these movements, congestion during the peak hours is increasing in severity and duration. Recent improvements – including off-ramp expansion in 2013 and the addition of a westbound auxiliary lane in 2022 – have not kept up with growth in traffic volumes, and additional development on the west side of Verona is likely to drive further transportation demand.

As discussed in Section 1, Question 1, Epic is committed to build Campuses 6 and 7. Construction of Campuses 6 and 7 has already begun and is expected to be complete in the early 2030s. These campuses could house 4,000 to 5,000 employees.

Lastly, Epic's long-term master planning has looked at the possibilities for Epic to grow to a size of 25,000 employees by 2050. See Figure 1 in Section 1, Question 1 that includes locations of committed campuses 6 and 7 (Figure 5 illustrates Epic owned property on both sides of the Sugar River).

Operational Deficiencies & Safety

In 2020, WisDOT completed the freeway conversion of US 18/151 at Williamsburg Way and CTH PD, removing two at-grade intersections in the segment surrounding the project area. The images below show the pre-construction and post-construction of US 18/151 roadway improvements. This project improved the capacity of US 18/151 north of Verona by alleviating bottlenecks (at grade crossings) that ultimately limited traffic volumes in the vicinity of the US 18/151-W Verona Ave/Epic Lane interchange. The removal of these at grade crossings and the growth of the west side of Verona has resulted in increased US 18/151 traffic that is impacting interchange operations on the west side of the city.

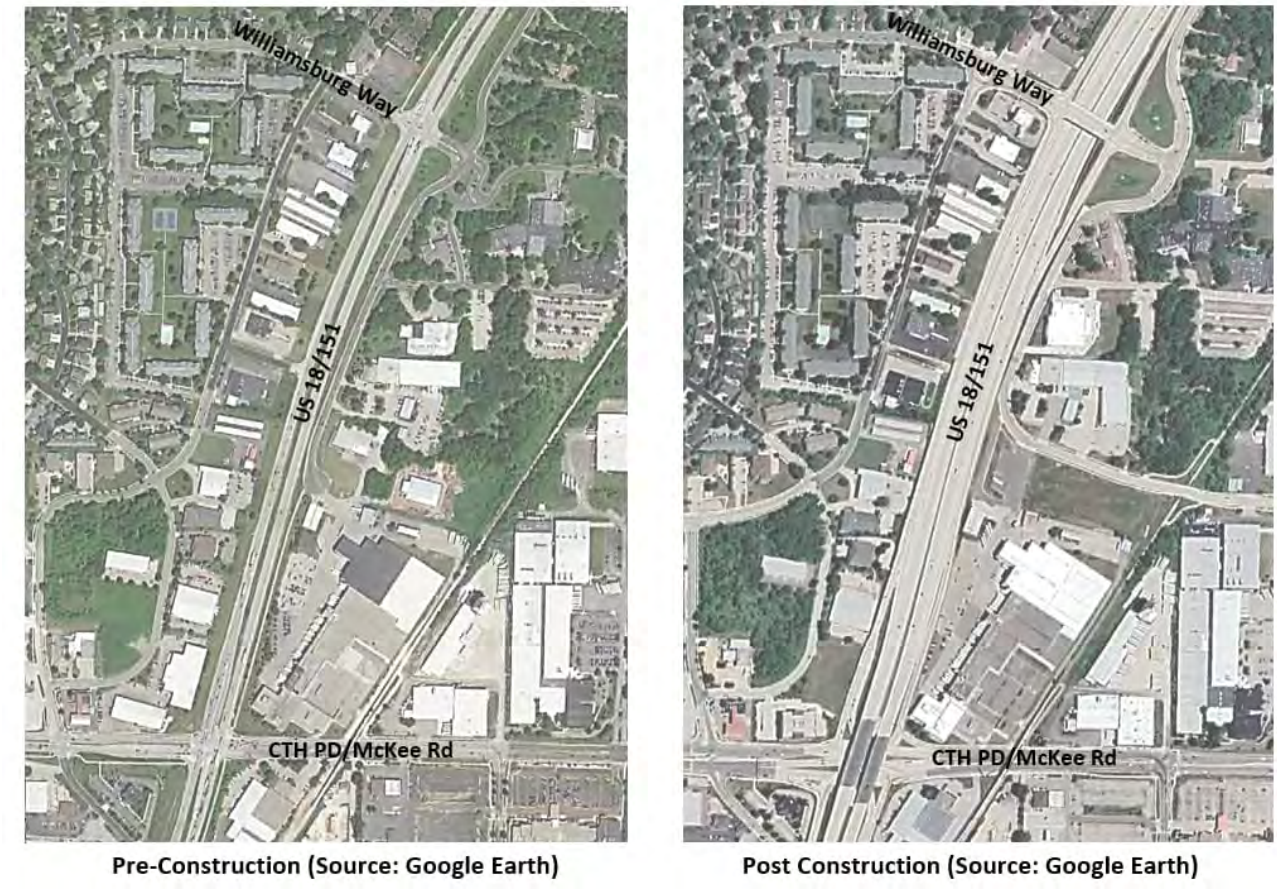


Figure 3-US 18/151 (Verona Road) Project

Following the completion of the US 18/151 freeway project (Figure 3), the primary bottleneck for AM commuters was shifted to the US 18/151 & W Verona Ave/Epic Ln interchange. Growing congestion on the ramps at this interchange led to the addition in 2022 of an interim auxiliary ramp lane to improve safety and address operational concerns caused by the queuing of traffic back onto the westbound US 18/151 mainline at the W Verona Ave/Epic Lane interchange. This project (Figure 4) added a westbound auxiliary lane between the STH 69 interchange and the W Verona Ave/Epic Lane interchange and changed the off-ramp from a 1-lane exit to a 2-lane exit.

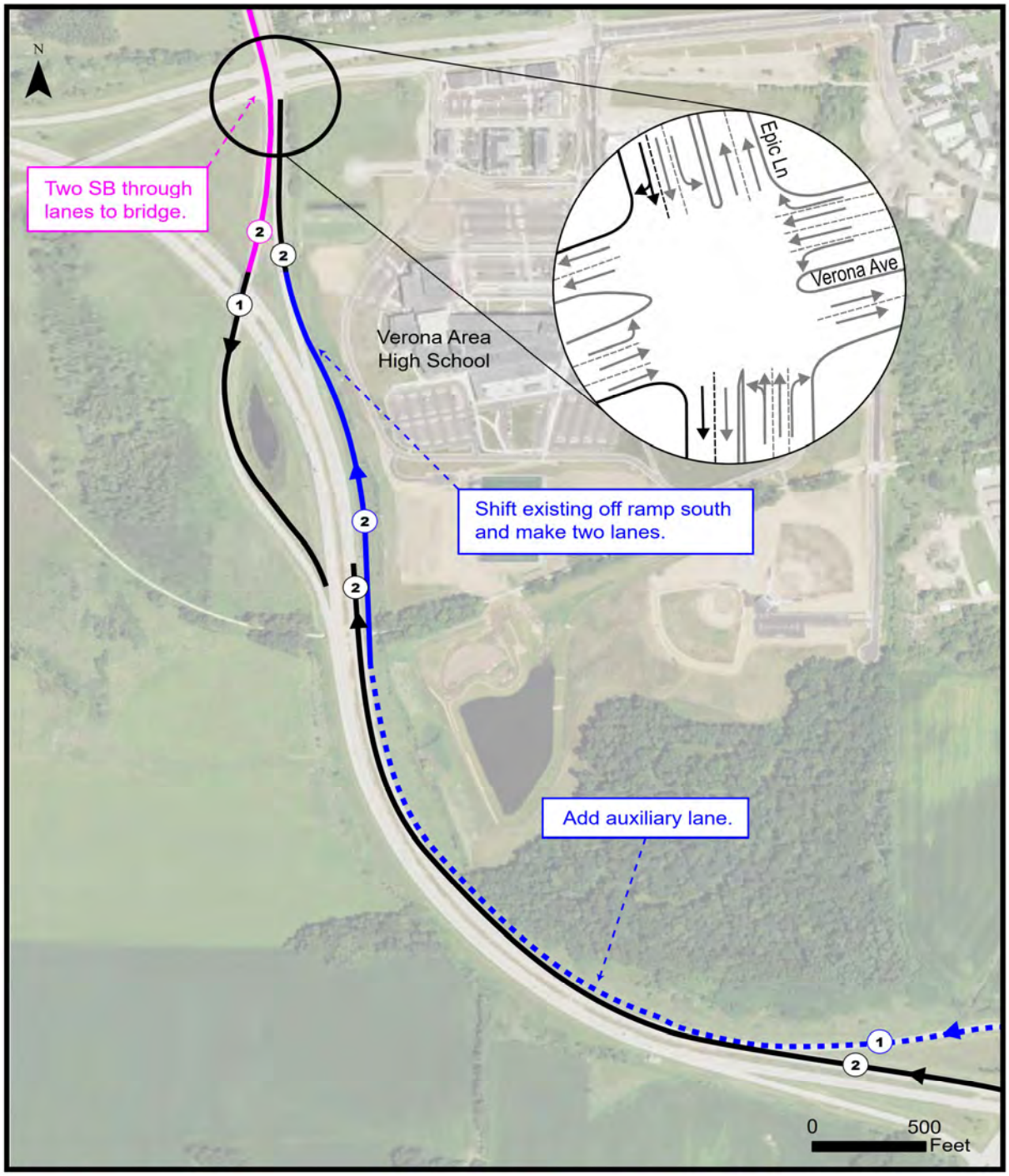


Figure 4-2022 Roadway Improvement Project

The addition of the auxiliary ramp lane reduced the queue length in the AM peak so that queues no longer extended to the westbound US 18/151 mainline. However, due to existing and planned development, traffic continues to grow. Queues on the off-ramp are anticipated to exceed capacity in the future leading to traffic delays, congestion, and potential for safety issues.

The City of Verona has been proactive in addressing congestion at the US 18/151 & W Verona Ave/Epic Lane interchange, adjusting traffic signal timings to maximize the green time for the westbound off-ramp

in the AM peak and eastbound on-ramp in the PM peak. These changes have resulted in very minor operational improvements. The traffic operations deficiency at the US 18/151-W Verona Ave/Epic Lane interchange is now primarily associated with the signalized intersection, which bottlenecks traffic and impacts two primary movements to and from US 18/151:

- Westbound off-ramp in the AM peak
- Eastbound on-ramp in the PM peak

The traffic modeling completed as part of the auxiliary ramp lane project indicated a queue length of 1,350 feet on the westbound off-ramp during the AM peak post auxiliary lane construction in 2022, a reduction from 2,300 feet pre-auxiliary lane construction. The near-term growth in traffic that is anticipated to utilize this interchange is expected to result in queues up to or beyond 2,900 feet. This queue length would exceed the two-lane off-ramp length, resulting in queuing of traffic back onto the US 18/151 mainline. This is a major safety concern with stopped traffic on a 65 mph freeway.

The congestion on the westbound off-ramp in the near future will result in vehicles traveling westbound well below the posted speed in the outside US 18/151 travel lane and queuing is expected to extend onto the west bound US 18/151 mainline. This will result in exiting traffic beginning to slow down as early as the WIS 69 (Paoli Street) interchange 1.25 miles east of the congestion occurring at the interchange. While traffic will be slow in advance of the off-ramp in the right lane, through vehicles will try to maintain freeway speeds in the left lane, causing significant speed differentials between lanes and resulting in the potential for safety issues.

CTH PD was also improved in 2022 by extending the two westbound left turn lanes at the CTH PD & Northern Lights Road intersection.

The City of Verona has experienced much higher volumes along CTH PD during the second half of 2023 due to the US 18/151 lane closures as a part of WisDOT's US 18/151 (Town Hall Road to Fitchrona Road) repaving project. During that project, CTH PD consistently queued past the CTH PD & Woods Road intersection and along the entire length of Northern Lights Road between Hubble Road and CTH PD. These higher construction related traffic volumes, are still less than the expected number of trips coming from the near-term forecasted future growth of 4,000-5,000 employees.

Route Importance/Access Points

US 18/151 is a key regional route serving local and long-distance travel in south-central Wisconsin. It is an important link for a thriving regional economy in an area planning for considerable growth and development. Planned development on the west side of the City of Verona will not be adequately served by the existing roadway network and access points, which have reached capacity under existing traffic volumes. Southwest Dane County is among the state's fastest developing areas, and US 18/151 is the key access route linking the region to the rest of Wisconsin.

CTH PD is a 4-lane divided principal arterial roadway that is a vital county road that provides access to the Epic Campus from the north.

The US 18/151 and CTH PD are the two main roadways used to access the Epic campus. Traffic coming from the east on these two roadways have similar traffic volumes entering and exiting the site.

These two key corridors provide direct access to the Epic campus and play a key role in providing access to the committed and future campuses. There are no other corridors that can provide access to Epic Campus. Therefore, these two corridors need to be able to provide additional access points; otherwise,

queuing and backups will cause delay and jeopardize the safety of all vehicles on US 18/151 and CTH PD.

Summary

The existing roadway network and access to Epic and the west side of the City of Verona is currently strained and will soon be over capacity and will not be able to serve the additional forecasted traffic associated with the growth at Epic.

6. Explain why the project must be located in or across wetlands.

The TIA has determined that western access points along CTH PD and US 18/151 are critical to meet the purpose and need of the project as described in Section 1, Question 5.

A new major thoroughfare (Referred to as the West Road) will be needed to connect CTH PD to US 18/151 and providing access to the west side of the Epic campus. The West Road will be similar in function to Northern Lights Road, connecting CTH PD to US 18/151, and serving as a major public thoroughfare on the edge of Epic's campus. Any alternative route for the new west thoroughfare given the geography of the area will include a new crossing of the Sugar River and would be located in or across wetlands.

SECTION 2 – DEVELOPING PROJECT ALTERNATIVES

Your analysis must address the following questions. Certain project types have specific standard "avoid and minimize" alternatives that you are required to consider. There are activity-based Practicable Alternatives Analysis (PAA) Supplements available for (1) Private Roads/Driveways; (2) Commercial/Residential/Industrial Structures; (3) Utilities; (4) Recreational Trails; and (5) Solid Waste Disposal Facilities. You are also required to consider avoid and minimize project alternatives that may be unique to your project and/or site. For each alternative analyzed, please show the location of the alternatives on an aerial photograph and clearly label each alternative.

1. How could you redesign or reduce your project to avoid wetlands and still meet your basic project purpose?

A wide range of alternatives were developed during this process. Here is the list of alternatives and associated exhibits that will be discussed in the following sections/questions:

- Alternative 0 – No Build
- Alternative 1 – West Verona Ave Interchange (Exhibit 1)
- Alternative 2 – (Exhibit 2-1 and 2-2)
- Alternative 3.1 – (Exhibits 3.1-1, 3.1-2, 3.1-3)
- Alternative 3.2 – (Exhibits 3.2-1, 3.2-2, 3.2-3, 3.2-4, 3.2-5)
- Alternative 3.3 – (Exhibits 3.3-1, 3.3-2)
- Alternative 4 – (Exhibit 4)
- Alternative 5 – (Exhibit 5)

As part of the alternative's development, the project analyzed alternatives that did not impact existing wetlands; however, these alternatives do not meet the purpose and need of the project as described in Section 1.

Alternative 0 is a "no build" alternative, which does not fulfill the purpose and need of the project. In a no-build scenario, the number of Epic employees will continue to grow, and traffic volumes and safety issues will continue to worsen. The existing access points (US 18/151 and CTH PD) and Northern Lights Road cannot handle the additional traffic to Campuses 6 and 7 and potential future campuses. Please see discussion in Section 1, Question 5 for more details.

Alternative 1 is a concept to expand the West Verona Avenue interchange, which would avoid wetland impacts. Due to current and projected campus growth, the interchange would not have the capacity from a traffic perspective, even with the significant improvements shown in Alternative 1. Epic also anticipates the potential to grow their campus on the west side of the Sugar River as shown in Figure 5 (It shows Epic property ownership on both sides of the Sugar River).

The project considered whether existing Country View Road could provide a west side roadway access from CTH PD to Campuses 6 and 7 instead of a new alignment to the west but determined that it could not. Country View Road south of CTH PD has substandard roadway design (Steep, rolling hills) that restricts drivers' stopping sight distance. With the high volume of traffic from Epic's new campuses, this design is a safety concern. It would be expected to cause crashes due to the limited visibility of traffic over the hill. Based on the required typical roadway section/profiles needed to meet today's safety standards, expanding Country View Road to four lanes along the existing alignment would impact existing homes on the west side of Country View Road in the Town of Verona, existing Epic-owned solar fields,

and existing Epic-owned geothermal bore fields. Additionally, expanding Country View Road to four lanes does not add capacity at the US 18/151 to W Verona Ave/Epic Lane intersection. Without any capacity improvements or a secondary access point all traffic in the area entering via US 18/151 would have to go through the US 18/151 & W Verona Ave intersection causing it to fail from a traffic capacity standpoint.

Alternatives 2 through 5 all cross the Sugar River and would have a range of wetland impacts.

2. How could you redesign or reduce your project to minimize wetland impacts and still meet your basic project purpose?

Background

As noted earlier, providing a secondary access point to the western side of the Epic site from US 18/151 is needed to meet the purpose and need. Using the existing interchange at Dairy Ridge Road / CTH G was determined to be logical and efficient connection to CTH PD. Several alternatives were considered and their impact on the Sugar River and associated wetlands was evaluated. The goal with each alternative is to minimize environmental impacts.

This new thoroughfare (West Road) is viewed as the boundary of Epic campus similar to how the existing Northern Lights Road creates a border on the east side of the Epic Campus. This new roadway will create a separation between external public roads and Epic's private campus. The existing public roads of Country View, CTH PD, Northern Lights Road, and Epic Lane surround the existing campus. These public roadways connect to Epic's private roads which include Milky Way and Hubble.

Another strong reason for placing the new west road on the outside edge of the campus is pedestrian safety. There is significant pedestrian traffic on campus with over 11,000 employees on site each day. Forcing this amount of pedestrian traffic to cross a high-volume public roadway would not create a safe environment for the different modes of traffic located on the private Epic Campus.

It is especially important to Epic for their functionality as a business and culture that a major public thoroughfare does not bisect their property. This new road would be able to accommodate both near and long-term growth in the area.

The goal of placing the road on the edge of Epic's property maximizes their property and avoids the scenario that occurred for existing Northern Lights Road. Northern Lights Road was reconstructed and relocated several times to accommodate growth, safety for pedestrians, and ensure the campus was not divided by public thoroughfares.

Alternative Discussion

Alternative 2 is an option that directs traffic straight north of CTH G to new Campuses 6 and 7. This does not meet the purpose and need as it is inconsistent with future plans, this alternative would directly impact potential future campuses. This alternative does have the least amount of non-ruderal wetland impacts. It is inconsistent with Epic campus plans; it doesn't accommodate future traffic goals and doesn't create the separation between public roads and lower speed private roads.

Alternative 3.1 meets the purpose and need of the project by accommodating both current and future traffic and is consistent with future plans. Alternatives 3.2 and 3.3 are slight variations and were developed to help further minimize/reduce wetland impacts. This is discussed further in Section 3 Question 2.

Alternatives 4 and 5 were other alternatives considered but do not meet the purpose and need of the project. Alternative 4 is a concept that does not require a new crossing location across the MRST or the Sugar River. The concept uses the existing roadway network (e.g., Dairy Ridge, White Crossing Road,

CTH PD). However, the extra distance required to travel is ~4.0 miles from Dairy Ridge to access Campuses 6 and 7. Roadway infrastructure would need to be improved and the existing White Crossing Road bridge over the Sugar River would need to be raised resulting in wetland impacts. Alternative 5 would split the existing campuses from future campuses thus creating concerns with mixing higher speed public roads with private roads and heavy pedestrian movements. Most importantly these alternatives would require traffic in-direction to access Campuses 6 and 7. The indirection would not attract enough users resulting in traffic continuing to use existing connections to campus therefore not addressing the traffic operations and safety issues created by expected traffic growth.

3. What other sites were considered for this project? Please include properties you currently own, have recently owned, adjacent parcels and properties available for sale in the area. Provide the geographic area(s) you searched for an alternative site and the specific location of other properties considered. For each of these properties considered, indicate why they were not selected whether or not they meet the basic purpose and need identified in Section 1. Available properties that meet the purpose and need should be considered further, particularly if they result in lower wetland impact compared to the selected alternative." If no other sites were considered, please explain why.

The purpose and need of this project are based on addressing existing and planned traffic growth of the area. Significant investment has already been made at the existing site (First property purchased in 2002) with fully built-out Campuses 1 through 5 accommodating approximately 13,000 employees. Due to company culture and efficiency reasons, the Epic masterplan assumes all future growth to occur adjacent to or near the existing campuses. As shown in Figure 5, Epic owns considerable land in the area to accommodate this growth. Because of these reasons, no other sites were considered.

Figure 5 – Epic Owned Land

SECTION 3 – EVALUATING PROJECT ALTERNATIVES

For each alternative considered, the following information should be used to evaluate whether the alternative meets or does not meet the basic project purpose. In addition, quantitative and reliable supporting information should also be provided and includes information such as data, reports, studies, economic or cost comparison analysis and other pertinent information. If there is PAA Supplement available for your project type as noted in Section 2, Step 3 of the
PAA Supplement outlines common supporting documentation applicants use to evaluate feasibility of an alternative and supply with their PAA submittal. Providing summary tables of the alternatives considered can provide a useful comparison of the alternatives and ease the review process. Each project alternative should be clearly labeled on an aerial photograph showing proposed location.

1. Will the alternative affect wetlands? If so please provide the acreage and type of wetland impacted.

Alternative 0, 1, 4, and 5 are not further evaluated in this section based on determination of not meeting the purpose and need as described in Section 1, Question 1.

Alternatives 2, 3.1, 3.2 and 3.3 were carried forward for further evaluation. Each alternative's wetland impacts are shown in table below.

See the attached alternatives exhibits for details as well as the below *Table 1- Roadway Crossing Impacts*. Please note there are four criteria that are required to meet the purpose and need of the project as described in Section 1, Question 1.

Table 1 - Roadway Crossing Impacts

	Wetland Impacts (Acres)						Purpose and Need Criteria				
	Temporary			Permanent							
Alter. #	Non-Ruderal	Ruderal	Total	Non-Ruderal	Ruderal	Total	Criteria 1 (Access)	Criteria 2 (Environmental Impacts)	Criteria 3 (Growth)	Criteria 4 (Relocation)	Meet Purpose and Need
0	No Wetland Impacts						No	Yes	No	Yes	No
1	No Wetland Impacts						No	Yes	No	Yes	No
2	0.02	2.16	2.18	0.07	10.64	10.71	Yes	No	No	Yes	No
3.1	1.19	0.81	2.00	4.02	6.30	10.32	Yes	Yes	Yes	Yes	Yes
3.2	0.24	1.73	1.97	1.26	6.90	8.16	Yes	Yes	Yes	Yes	Yes
3.3	0.46	2.13	2.59	1.80	8.13	9.93	Yes	Yes	Yes	Yes	Yes
4	Does not meet purpose and need. Alternative 2 provides a more direct route.										
5	Does not meet purpose and need. Alternative 2 provides a more direct route.										

2. Provide resizing or reconfiguration options for each alternative to reduce or eliminate wetland impacts.

Alternative 2 was carried forward for further evaluation because it is the shortest distance across the wetlands and has the least amount of total non-ruderal wetland impacts.

Alternative 3.1 was the initial preferred location of a north crossing of the Sugar River. However, after the wetland delineation was completed, it was determined that this crossing of the Sugar River was directly through a section of non-ruderal wetlands.

As a result, Alternatives 3.2 and 3.3 were developed that provided alternate crossing locations in the same general area that minimized impacts to non-ruderal wetlands. Alternative 3.2 provides a less skewed crossing of the Sugar River and MRST compared to Alternative 3.3. Alternative 3.3 is located in an area of disturbed wetlands—an old roadbed on the east side of the MRST and a channelized portion of the Sugar River on the west side of the MRST, splitting the two areas of non-ruderal wetlands. Alternative 3.1 was not carried forward due to Alternatives 3.2 and 3.3 having less non-ruderal wetland impacts.

3. What are the primary costs for developing the alternative?

- *Primary costs may be converted to a cost/acre, cost/ton, cost/linear-foot or other appropriate figure for comparison purposes. However, please describe whether there is any aspect of an alternative that greatly inflates or reduces the primary costs for that alternative. Sunk costs should not be included in the analysis and include costs associated with the purchase of the property, consultant fees and other preexisting outlays not directly related to the selection of alternatives.*

Overall costs, including construction and maintenance, were developed for Alternatives 2, 3.2, and 3.3. The eventual owner of this roadway and structure will be the City of Verona. An alternative cost comparison was completed for a pre-cast arch crossing option for each remaining alternative. The City of Verona prefers options that lower the long-term maintenance costs of the structure.

Table 2 - Alternative Cost Comparison

Alternative #	Roadway Construction Cost	Structure Construction Cost	Maintenance Cost (75-year)	Overall Cost*	Meets Purpose / Need?
2	$66,298,000	$20,202,000	$6,135,000	$92,635,000	No
3.2	$88,035,000	$21,038,000	$6,135,000	$115,208,000	Yes
3.3	$94,216,000	$25,784,000	$6,135,000	$126,135,000	Yes

*Costs do not include stream realignment or utility cost

The overall cost of Alternative 3.2 is less than Alternative 3.3 and both meet the purpose and need.

An additional cost analysis for Alternative 3.2 was completed to compare the cost between the pre-cast arch versus a bridge option as seen in Table 3. Please see the attached structure plan sheets to view precast arch layout.

Table 3 – Precast Arch versus Bridge Cost for Alternative 3.2

Type	Roadway Construction Cost	Structure Construction Cost	Maintenance Cost (75-year)	Overall Cost*
Precast Arch	$88,035,000	$21,038,000	$6,135,000	$115,208,000
Bridge	$88,035,000	$14,770,000	$31,200,000	$134,005,000

*Costs do not include stream realignment or utility cost

The upfront cost for the bridge is cheaper than the precast arch alternative. However, the long-term maintenance cost of the bridge alternative is much more significant than the precast arch resulting in the precast arch being the more economical alternative overall.

4. What are the logistical reasons that make an alternative not practicable?

Logistical constraints include, but are not limited to:

- *Inability to meet other regulatory standards*
- *Construction Limitations*
- *Access or transportation concerns*
- *Site availability*
- *Existing infrastructure*

Alternative 2 does not meet the purpose and need as previously described. This alternative has access or transportation concerns related to separating future campus developments from the existing campus. It doesn't accommodate future traffic goals and doesn't create the separation between public roads and lower speed private roads. Separation between public roads and private roads is very important. This split would cause inefficiencies for staff moving between campuses and unsafe conditions for staff walking or biking between campuses across the busy public street. There is significant pedestrian traffic on campus with over 11,000 employees on site each day. This amount of pedestrian traffic mixing with a public roadway would not create a safe pedestrian or vehicular environment. It does provide a more direct connection to campus 6 and 7 without significantly re-routing. A four-lane publicly owned arterial splitting the campus would not align with the Epic campus master planning. This alternative would not allow Epic to maximize their property for future growth and would create a public roadway within a private campus.

Alternative 3.2 or 3.3 do not have any logistical concerns but Alternative 3.2 does have less wetland disturbance than Alternative 3.3.

5. What are the technical constraints to an alternative?

- *Technical constraints include inadequate depth to bedrock, inappropriate site geology, inadequate distance to groundwater, proximity to a contaminated area, unfavorable soils, creating adequate conveyance for both local drainage as well as the flood profile, or engineering concerns.*

<u>Stormwater Management/Floodplain Constraints</u>

The Sugar River has a mapped FEMA floodplain. It is required that development will not obstruct flow, not adversely impact insurable structures, and provide adequate freeboard from the 100-year flood profile (0.00 ft rise per WDNR regulation). Generally, Alternative 2 and 3.2 are feasible within these technical constraints.

All alternatives would be considered new development within the City of Verona or Dane County and require stormwater management control per City/County ordinances. The project will require peak discharge rate control, total suspended solids (TSS) removal control, and thermal control. Any stormwater discharges into the adjacent wetlands will be required to meet the Wisconsin protective area standards (NR151.245 / NR 151.125). These outlets would be required to meet 80% TSS removal before discharging. Alternatives 3.2 and 3.3 are feasible within these technical constraints using common best management practices (BMPs) such as wet detention ponds, grass swales and filter strips, and stormwater conveyance inlets with sumped inverts as needed.

Alternative 2 connects to Country View Road at an unfavorable location which is a technical constraint for stormwater conveyance and management. There are steep hills on the west side of the roadway and floodplain immediately to the east side. There are two existing culvert crossings that convey water from the

north, a set of two 29”x45” elliptical reinforced concrete pipe (RCP) culverts and a set of two 19”x30” elliptical RCP culverts. The roadway connection would require over 8 feet of fill to convey water past these crossings so it can be treated per the required stormwater management control requirements.

In Alternative 2, there are limited options for common stormwater BMPs. A wet detention basin would be proposed on the west side of the floodplain with the pond built on fill above existing ground as there is limited slope to daylight an outlet pipe. The eastern side of the alternative would need to use underground detention and water quality systems such as 60-inch or greater RCP pipes buried under the roadway and/or concrete vaults to the north of Country View. These BMPs would be fragmented and less effective than a singular treatment location due to existing utilities and duct banks in this location.

Given these technical constraints, the stormwater management options for Alternative 2 have significantly higher construction costs and maintenance costs compared to the common methods available in Alternative 3.2 and 3.3.

Other Constraints/Notes

Epic contractors have extensive construction experience in the area and don’t foresee any construction obstacles that can’t be overcome.

Alternatives 2, 3.2, and 3.3 are in the same general location and similar geotechnical constraints are expected. Soil borings are still needed to further determine geotechnical constraints.

Roadway design and geometrics need to meet and follow Wisconsin Department of Transportation design requirements for a public street with a posted speed of 35 MPH. Horizonal curves, vertical curves, side slopes, widths, and clear zone all have specific minimum requirements. Vertical clearance over MRST must maintain a 12-feet of vertical clearance and must be a grade separated crossing.

6. Are there impacts to other important natural resources?

- *Archeological or historical sites*
- *Habitat for endangered or threatened species*
- *Environmental Corridors or Natural Areas*
- *Waterways*

Archaeological/Historical

A desktop survey was completed, and two potential archeological or historical sites were discovered. There are no known archeological or historical impacts with any of the alternatives. UW-Milwaukee performed a Phase I archeological survey in June 2024. One additional archeological site was found and is also shown on the figure below. The figure below depicts the alignment of Alternatives 2, 3.2 (including southern utility corridor and stream realignment), and 3.3 and potential archeological or historical sites that were found. Note that stream remeandering alignment can be adjusted if needed as design progresses.

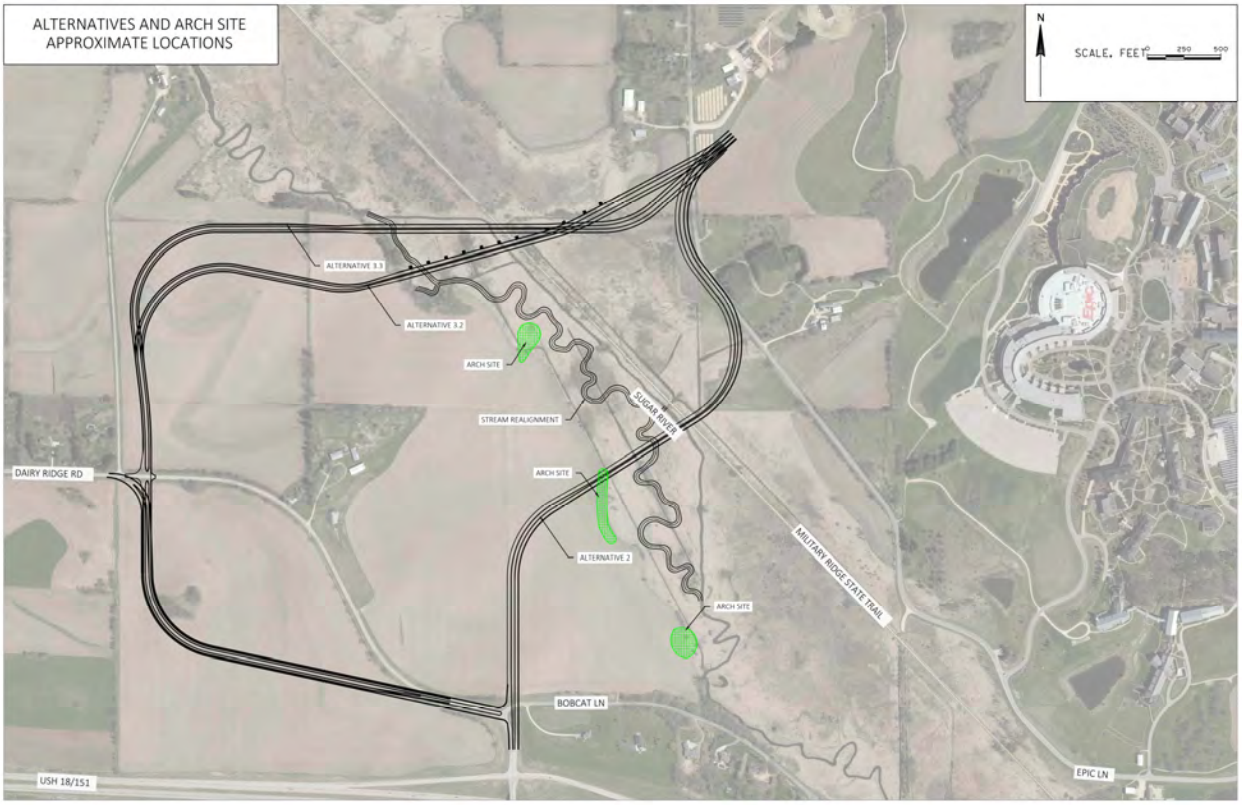


Figure 6 - Alternatives and Arch Site Approximate Locations

Habitats or Endangered Species

An initial Endangered Resources Review (ERR) was conducted for the project site by AECOM in August of 2023. An updated ERR was conducted with the updated project area in February of 2024. This review identified that "further actions are required." Heartland Ecological Group, Inc. conducted a rare species and habitat survey in August and September of 2023. There were no observations of any of the plants identified in the assessment within the Study Area during the field assessment. There may be suitable habitat for the white lady's slipper and eastern prairie fringed orchid within the moderate to high quality wetland communities in the Study Area. Mitigation of impacts to the Rusty Patched Bumble Bee are currently being evaluated. These surveys were completed in June 2024 with a final report completed in July. It was determined that none of the species listed below were found in the project area.

State-Listed Species

- Prairie parsley – early May-late August [in uplands]
- White lady's slipper – late May-early June [in wetlands]

Federally Threatened Species

- Eastern prairie fringed orchid - July [in wetlands]
- Prairie bush-clover – August [in uplands]

Floodplain/Hydraulics

General

Dane County requires that development will not obstruct flow. The proposed design will not cause a flood profile rise for the 1% Annual Chance Event (100-year flood) between the existing and proposed flood profiles on property outside of Epic ownership. However, there will be some local impacts to the flood profile on Epic property. Ultimately, a flood study will need approval from Wisconsin Department of Natural Resources (WIDNR) and a Conditional Letter of Map Revision (CLOMR) will require approval from FEMA.

Freeboard requirements were also considered to supply protection from flood risk by providing capacity for the design storm plus additional capacity. WisDOT, Dane County, and the Town of Verona call for 2 feet of freeboard (height between the low chord of the structure and the 100-year water surface elevation). While this is not a WisDOT structure, this criterion was considered in the design.

Alternative Discussion

Alternative 2 – This alignment is placed perpendicular to flow and is located roughly 4,500 feet upstream of the US 18/151 crossing. This location will require 13 precast structures and a flowthrough wetland to efficiently convey the 100-year floodplain without causing a rise in water surface elevation on or off of Epic Property.

Alternative 3.2 – 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 0.22 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.

Alternative 3.3 – This alternative was placed more horizontal (east-west) to try and split the non-ruderal wetlands. This alignment causes a rise in 100-year water surface elevation both on and off of Epic property. Although several options were considered to mitigate this rise, the extreme skew of this structure and the need to minimize the impact to wetlands made this alternative unfeasible. Additionally, it is known that adjacent property owners to Epic would not approve of a rise on their property. Due to this increase in surface elevation off of the Epic site, Alternative 3.3 was not considered further.

Waterways

Alternative 2 would not require any stream realignment due to the alignment of the stream in conjunction with the roadway alignment. Alternatives 3.2 and 3.3 would require minimal adjacent stream realignment as part of the crossing of the MRST and Sugar River. However, since Alternative 3.3 has floodplain concerns regarding rise off the project site it was not fully evaluated for a possible stream realignment.

7. Are there other factors you would like us to consider during our alternative analysis evaluation?

All discussion in this question is related to the preferred alternative 3.2.

Sugar River

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 Wisconsin DNR land. At least 3,800 linear feet of channelized river will be converted to 5,600 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). There were two springs identified as part of the Sugar River. The spring locations can be seen on the stream realignment plans and the proposed connection to the stream. The proposed stream remeandering will intercept these springs which will allow them to be connected to the main channel.

The project goals for Alternative 3.2's stream restoration:

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.

Summary of the Sugar River restoration values:

- 5,600 linear feet of restored river (centerline distance; 3.97-ac)
- 11,200 linear feet of streambank restoration including fish and macroinvertebrate habitat features (in-channel wood and cover) such as toe-wood sod mats and cedar tree revetments.
- 1.27-acres of restored floodplain wetland types where abandoned ditch scars currently exist as open water.
- 1.88 acres of restored floodplain wetlands where channelized portion of Sugar River currently exists
- 14.12 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 0.23 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 0.20 acres of non-ruderal. Epic will be requesting this connection approval. 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.

Utilities

As part of this project, utilities crossing underneath the MRST and Sugar River are planned as part of this project, rather than as future disturbances separate from the proposed road and stream restoration projects. The project is planned to have two utility crossing locations. The northern crossing includes a private utility corridor under the roadway/bridge and a public utility corridor just south adjacent to the roadway/bridge. The southern crossing is the public utility corridor and is 1,600' south of the proposed crossing.

The northern crossing adjacent to the bridge crossing is already within the temporary/permanent envelope that is being impacted from the roadway/bridge crossing construction. No additional wetland impacts are occurring for these utilities. If this work was done later in a separate project, there would be additional impacts to the wetlands and floodplain in the area. The northern crossing is required to loop the public watermain. Looping the watermain allows for greater capacity, isolation of main breaks to minimize loss of service to customers, better fire flows for fire protection, and a better residual chlorine content due to inline mixing and fewer dead ends. There were no other utility alternatives to this location as any other location would incur additional wetland impacts.

Northern Crossing

1. Private
    i. The location of the private utility corridor is still in progress. This corridor will be included as design continues and be placed within the wetland impact envelope and extended outside of the wetlands/floodplain. Therefore, no further wetland impacts will be attributed for this crossing.
2. Public
    i. The public utilities can be seen in the exhibit 3.2-5 for Alternative 3.2. This location installation would be a 30" steel pipe casing. The length of the casing will be approximately 950 feet across the wetland. It would be able to accommodate future watermain.

The southern public utility crossing is needed to provide sanitary and watermain on the west side of the Sugar River. North of USH 18/151 the Sugar River flows to the southeast; therefore, a pump station will likely be placed north of US 18/151 and west of the Sugar River in the southeast corner to accommodate the sanitary force main. This location will also include watermain so the watermain can be looped as previously discussed above.

Alternatives for different locations were evaluated for this public utility crossing. If the crossing was moved north of the preferred roadway crossing it would either impact a higher amount of non-ruderal wetland areas, or it would be located on property that is not owned by the applicant. If the utilities were located further south, the result would be either a higher amount of non-ruderal wetland areas or be in the Sugar River Wildlife Area. Lastly, a further south location would be in an area where the Sugar River was not being re-aligned and therefore would be more difficult to construct than the proposed location. The reasons for the preferred southern utility crossing include:

1. Shortest crossing through the wetland area under the Sugar River and MRST
2. Overlap the stream restoration to reduce additional temporary wetland impacts
3. Place utility corridor through low quality wetlands.

Southern Crossing

1. Public
    i. The public utilities can be seen in the exhibit 3.2-4 for Alternative 3.2. This location installation would be 30” steel casing pipe for the watermain and a 24” steel casing pipe for the sanitary sewer. The length of the each of the casings will be approximately 1,500 feet across the wetland. It would accommodate future sanitary sewer and watermain. This crossing adds an additional 1.16 acres of temporary wetland impacts. Note the hatched area in the exhibit is the area that is already included as part of the stream restoration aspect of the project. The utility crossing location was updated from the previous version to avoid the archeological site that was found.

Utility Crossing Installation Method

The public utilities could be installed by two different methods: directional bore or temporary open trench with steel casing pipes. Geotechnical investigation will be done to determine the soil conditions to aid in determination which of these methods is preferred. For the purpose of the PAA, the worst-case scenario of wetland impacts is currently shown and quantified.

The northern crossing for both private and public utilities is within the roadway/bridge temporary/permanent impacts so installing casing pipe or concrete duct would not add any adverse impacts. The southern crossing will have additional wetland impacts to install the casing pipe for the public utilities.

The project goal with installation of all utility crossings (concrete duct banks and steel casing pipes) is to reduce the amount of overall wetland impact between this proposed project and future utility installations.

<u>Summary of WDNR permits applicable to this project:</u>

Permits to be submitted in February 2024

1. Wisconsin Department of Natural Resources Wetland Disturbance or Fill Individual Permit
    a. Project affects more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete project.
2. Wisconsin Department of Natural Resources Stream Realignment and Enclosures Individual Permit
    a. Project will alter the course of a stream, including stream relocation.
3. Wisconsin Department of Natural Resources Bridge and Temporary In-Stream Crossing Individual Permit
    a. Project will construct a crossing over a navigable waterway.

Permits submitted later in the project include:

1. Utility easements
    a. Temporary
    b. Permanent
2. Notice of Intent
    a. Project site is larger than 1 acre in size.

Roadway Factors

There were several factors that went into the location of the proposed intersection of the West Road and New Country View (east of the MRST/Sugar River crossing). The location of the intersection was dictated by the location of the crossing itself. As described during the alternatives analysis the location of the crossing was important to minimize wetland impacts to the extent practicable while meeting the purpose and need of the project. As mentioned in Section 2 Question 1, existing Country View Road to the north of the crossing has multiple reasons why a new roadway could not be constructed along existing Country View. Therefore, to connect to CTH PD, New Country View Road (north approach) would need to be located west of existing residences . The west and north approaches of the intersection would be considered public roadways including the intersection itself. The east approach of the intersection would be considered a private roadway (Epic ownership). The east approach will serve as the direct access to Epic Campus 6 and 7 via US 18/151 to Dairy Ridge interchange and new West Road. The intersection has been pushed as far east as possible to reduce wetlands while not impacting existing buildings in use. If the intersection was pushed further west there would be potential to have additional non-ruderal wetland impacts. Other alignments and locations were evaluated but resulted in not meeting roadway design standards, creating less safe intersection (E.g. skew, curvature, vision triangle), and not accommodating the planned future growth. It is important to maintain roadway connection for existing Country View vehicles, as well. This connection will be several hundred feet to the east, which is outside the wetland area.

West Road is laid out for 2 lanes in each direction. It has been designed to accommodate traffic growth over the next 20 years. Using this “design year” is a common WisDOT practice and is viewed as a prudent way to ensure capital investments in transportation infrastructure have a reasonable life span. As stated earlier, the number of Epic employees at that time is anticipated to be ~25,000. To accommodate that amount of growth two lanes in each direction would be needed. The planned number of trips during the AM and PM peak hours would exceed the capacity of a 2-lane roadway (1 lane each direction).

Wetland impacts were reduced further to the extent practicable by using 2:1 slopes and guard rail where appropriate. Please see 30% roadway design plans for more details.

Terrace widths meet City of Verona design standards for the design classification and design year traffic AADT. Terraces need to provide enough width for clear zone and horizontal clearance for signs, traffic signal equipment, and light poles. Our typical section and resulting curb line was set taking into account the immediate shoulder and clear zone requirements for safety and considering the future likelihood that additional roadway capacity will be needed within the 20 year design life.

Additional Restoration/Maintenance

At the request of the WDNR, additional restoration and maintenance areas were added to the project. These areas are not directly needed as part of the project but were added to help improve and preserve the Sugar River area.

On the east side of the Military Ridge State trail there is an area of farmed wet meadow. As part of this project that area will be added to the restoration area being improved. This area is comprised of 6.19 acres of wetland restoration and 3.53 acres of non-wetland restoration (Upland buffer). This area can be

seen on Alternative 3.2 Exhibit 3.2-6 Additional Restoration.

Outside the project area just south there is an area of sedge meadow non-ruderal wetlands along the Military Ridge State Trail. Due to the non-ruderal wetland the project has put together a sedge meadow maintenance plan to help preserve this area. This area in total is 11.26 acres and can be seen on exhibit Alternative 3.2 Exhibit 3.2-8 Sedge Meadow Maintenance.

SECTION 4 - PREFERRED PROJECT ALTERNATIVE

1. Indicate how your preferred project alternative meets your project purpose and how it avoids and/or minimizes wetland impacts to the maximum extent practicable.

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 pubic thoroughfare splitting campus.

Alternative 3.2 crossing of the Sugar River and MRST was chosen after an iterative process to reduce the quantity and quality of wetland impacts. Alternative 3.2 provides the opportunity for further enhancements to the Sugar River stream alignment to improve the character and quality of the Sugar River. Improved public access will be provided to both the Sugar River and the MRST.

Utility crossings are included in the project to help minimize future impacts to the wetlands/floodplain.

The City of Verona will be the owner of the new road and structure. The City considered the cost of the improvements and future maintenance when selecting the precast arch option as the preferred type of structure. While being functional to convey large flooding events, the arch bridge will provide a visually appealing profile to adjacent landowners and users of the Sugar River and MRST.

The City of Verona Public Works agreed with the preferred Alternative 3.2 selection at the City of Verona Public Works meeting that was held on February 26, 2024. Meeting minutes from this meeting can be found here: https://ci.verona.wi.us/AgendaCenter/

2. Indicate how you plan to minimize harm to the impacted wetlands and adjacent wetlands that will not be directly impacted by the project. Examples include, but are not limited to erosion control, proper marking of the limits of proposed wetland impact, visible flagging for protection of wetlands that will not be impacted by project, adequate stormwater management, best management practices, etc.

Temporary and permanent erosion control measures will be implemented on this project in accordance with 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 best management practices (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.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Ave.
Green Bay, WI, 54313

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

December 3, 2024 IP-SC-2024-13-00583

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

RE: State Wetland Individual Permit for the proposed wetland impacts in the Town of Verona, Dane County

Dear Mr. Schumacher:

The Department of Natural Resources has completed its review of your application for a permit authorizing temporary and permanent wetland impacts for the "West Road" bridge crossing project. 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 plans revised in July 2024 propose 3.30 ac of temporary and 7.44 permanent wetland impacts. Approximately one mile of stream relocation will be completed to restore the Sugar River's natural meanders as well as restoration of 6.19 ac of farmed wet meadow, establishing an area 3.53 ac in size as an upland buffer along the edge of existing wetlands, and maintenance/management to maintain the intact 11.26 ac sedge meadow wetland community as a high-quality sedge meadow wetland type.

The project will impact wetlands along Sugar River, located in the SE 1/4, NE 1/4, Section 18, Township 06, Range 08E in the Town of Verona, Dane County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you. Take note of the requirement to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete. If you have any questions about your permit, please call me at (920) 410-3181 or email me at Crystal.VonHoldt@wisconsin.gov.

Sincerely,

Crystal Von Holdt
Waterway Program Policy Coordinator

Email CC: Caree Kovacevich, USACE Project Manager
Roger Lane, Dane County Zoning Administrator
Holly Licht, City of Verona Clerk
Sarah Gaskell, Town Verona Planner/Administrator
Jake Donar, DNR Conservation Warden
Kyle Neeve, Tyler Tkachuk, and Zach Larson, AECOM
Shelly Allness, DNR Field Integration Leader – South Central Region
Brian Cunningham, DNR Regional Waterway/Wetland Supervisor
Kyle Olivencia, DNR Fisheries Biologist
Michael Sorge, DNR Water Resources Supervisor
Camille Bruhn, DNR Water Resources Specialist
Laura Spears, DNR Stormwater Specialist
Eric Heggelund, DNR Environmental Analysis & Review Specialist
Will Disser, DNR Water Management Engineer
Pam Rood, DNR Facilities and Lands Financial Assistance Specialist
Kaylin Helm, DNR Real Estate Program
Kevin Swenson, DNR State Property Supervisor
Andy Paulios, DNR Wildlife Biologist

STATE OF WISCONSIN **WETLAND INDIVIDUAL PERMIT**
DEPARTMENT OF NATURAL RESOURCES **IP-SC-2024-13-00583**

Application of Jim Schumacher on behalf of Epic Systems Corporation (Epic), is hereby granted under Section 281.36, Wis. Stats., and 33 U.S.C.S. Sect. 1341 (CWA Sect. 401), to impact wetlands located at SE 1/4, NE 1/4, Section 18, Township 06N, Range 08E, Town of Verona, Dane County, subject to the following conditions:

PERMIT

1. You must notify Crystal vonHoldt at phone (920) 410-3181 or email Crystal.VonHoldt@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.

2. You must complete the project as described **on or before 12/03/2027**. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.

3. This permit does not authorize any work other than what you specifically describe in your application and final revised plans dated 9/18/2024, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.

4. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers before starting your project.

5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance, or permit compliance.

6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.

7. You must **post a copy of this permit at a conspicuous location on the project site**, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.

8. Your acceptance of this permit and efforts to begin work on this project signify that **you have read, understood, and agreed** to follow all conditions of this permit.

9. You must **submit a series of photographs** to the Department, within one week of completing work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.

10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.

11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards listed under subchapter 3 of ch. NR 151, Wis. Adm. Code. The technical standards are found at https://dnr.wi.gov/, keyword "storm water technical standard".

12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use. The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.
    a. **Inspect and remove** aquatic plants, animals, and mud from your equipment. 2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile, and pumps.
    b. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals, or water from one waterbody to another.
    c. **Wash your equipment** with hot (140 degrees F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

13. Final site stabilization requires the re-establishment of vegetation with non-aggressive, native species and should not contain invasive species (such as Reed Canary Grass, *Phalaris arundinacea*).

14. The excavation of the northern and southern crossing utility trenches must be done in layers and placed back in the trench in the same orientation as it was removed.

15. The wetland at the northern and southern crossing utility trenches must be restored to its original topographic elevations. No mounding or excess fill is allowed unless specified in this permit.

16. You are not allowed to temporarily or permanently stockpile excavated or fill material in the wetland outside of the authorized wetland impact areas identified in the final revised plans. Disposal or placement of excess material cannot be located in wetland, floodplain, in areas of concentrated flow, or below the *ordinary high-water mark* (OHWM) of any navigable waterway unless included in this permit authorization and plans.

17. For areas of temporary wetland impacts, you must survey the vegetation types on an annual basis for three years within the wetland boundary for any growth of non-native exotic species. If exotic species are identified, you must submit a remediation plan to eradicate the exotic species to the Department for written approval and must implement the plan within 90 days of Department approval.

18. During construction, the use of highly visible construction fencing (or similar) is required to completely surround the existing archaeological site (located between station 15+00 and 20+00) and used to create a visual separation (barrier) between wetlands authorized for disturbance and wetlands **not** authorized for disturbance to ensure these areas remain intact during all phases of construction.

19. For elements of the project that require the use of tracking mats, these mats are to be completely removed when construction is finished.

20. This project site has potential to contain suitable habitat for the 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 keeping snags or dying trees intact within the project site (if present) particularly between June 1st and August 15th annually during construction.

21. To minimize soil disturbance and vegetation impacts during saturated ground conditions in Spring, construction is to take place between Fall through Winter annually for optimal construction activities.
    a. Low-pressure-tired or track driven machinery shall be used along with bog mats (timber mats) during frozen ground conditions to limit vegetation and soil impacts.

22. All disturbed areas outside of the newly excavated channel realignment shall be de-compacted, seeded with native, local genotype seed specific to the wetland types disturbed (specified within the planting plan) and treated with certified clean straw to be disked into the topsoil.

23. Temporary and permanent soil stockpiles will have silt fence or similar erosion control practices installed along all downstream sides of the stockpiles. Stockpiles in place for more than 14 days are to be either temporarily seeded or a polymer soil stabilizer applied to the stockpiled soil.

24. As proposed for streambank stabilization of the new stream channel alignment, the sod mats will be cut from the wetland surface during construction and beneficially used as bank cover to establish natural vegetation for bank protection. All contractors working on this project are to closely monitor sod mats and ensure the roots of the sod mat do not get dried out and wind burned which would ultimately kill the vegetation (sod mat).

25. A full complete copy of plans and the permit are to be provided to each contractor working on the project.

26. Erosion control measures must be in place at the end of each working day and must be inspected and any necessary repairs or maintenance performed after every rainfall event exceeding 1/2 inch and at least once per week. Appropriate and proper erosion control practices are to be season-specific and designed for successful establishment of vegetation even when seeding is conducted during non-growing season timeframes.
    a. After the site is 80% stabilized or prior to or at the direction of the Department, all temporary erosion control measures must be removed and disposed of properly.

FINDINGS OF FACT

1. Jim Schumacher on behalf of Epic Systems Corporation (Epic), 1979 Milky Way, Verona, WI 53593, filed an application with this Department on 02/29/2024, under section 281.36, Wis. Stats., to impact wetlands located in the SE 1/4, NE 1/4, Section 18, Township 06N, Range 08E, Town of Verona, Dane County.

2. 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.
    a. The bridge crossing will result in 3.85 ac of temporary and 9.78 permanent wetland impacts. The bridge crossing has a width of 87.25ft wide with a length of 903.08ft from east to west bank of the river valley. The bridge provides 2 travel lanes in each direction with each lane being 11ft wide. The bridge crossing includes a pedestrian path along the south side of the bridge. The bridge includes 9 spans spaced 95ft apart. Each pier supporting the spans for the bridge across the valley floor is 4.25ft wide and a buried footing. The spans are designed intentionally to create a clear span over Sugar Creek and over the Military Ridge State Trail (MRST).

b. Within the footprint of the bridge crossing is a planned utility crossing that will allow utilities to extend east/west across the river valley. There are areas where this northern utility crossing will overlap with the impacts of the bridge piers (which result in a permanent wetland impact at each pier location). In the spanned bridge sections, the installation of the northern utility crossing will create a temporary impact since after the utility is installed, the ground will be restored to wetland.
c. 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. The stream realignment will result in 14.36 acres of temporary wetland disturbances to excavate the new stream channel meander and then use the excavated wetland material to backfill the current straightened stream channel. This will restore wetlands in the straightened stream channel. Access with use of timber mats is considered a temporary impact to wetlands and is included in this calculation of temporary impacts.
d. The existing 11.26 acres of high-quality sedge meadow wetland community on the southwest side of the MRST will remain intact with efforts to ensure this community continues to thrive as a high-quality wetland type. The sedge meadow is immediately adjacent to the Sugar River Wildlife Area.
e. An additional 6.19 acres of farmed wet meadow on the northeast side of the MRST is to be restored (by means of no mow and wetland seed mix) and coupled with an adjacent 3.53 acres of non-wetland restoration to establish an upland buffer along the edge of existing wetlands.

3. There are four criteria that the applicant describes as necessary elements to meet the project purpose and need:
    a. Meet operational and safety requirements to handle near-term and long-term forecasted traffic (e.g., secondary access points).
    b. Minimizes net environmental impacts (wetland, floodplain, Military Ridge State Trail (MRST)) while providing better Sugar River access to the public (bike, pedestrians, kayak, trout fishing, etc.).
    c. Meets near and long-term growth plans in the region. Based on Epic's growth history, one important criterion is that a solution be publicly owned and be located on the outside boundary of campus. Northern Lights Road was moved two times between 2005 and 2017, with additional expansion work occurring every couple of years, which causes disruption to City residents and Epic employees and is costly.
    d. Minimize relocation of existing infrastructure (buildings, underground utilities, geothermal, solar fields, etc.).

4. Seasonal peaks in watershed flow and groundwater limit construction timing on this project. Higher flows in late winter and spring, as well as seasonally high ground water, render work in the floodplain infeasible. Construction is proposed during the recommended fall-winter period for optimal construction activities. In all cases, low-pressure-tired or track driven machinery is planned to be used along with bog (timber) mats once the ground is frozen to limit vegetation and soil impacts.

5. The stream restoration will return the existing straightened stream channel to the 1930s natural meander alignment. This will recreate approximately 1 mile of stream channel designed with a pool-and-riffle system along with in-channel habitat features (root wads) and natural bank stabilization using excavated and salvaged wetland sod mats. Historic ditch scars will be backfilled with excavated wetland material and eleven (11) ditch plugs will be installed to divert the stream flow into the new channel meanders. Some areas of straightened ditch channel may remain as "overflow" areas or backwater areas to create a diverse riparian community. The new meander streambanks will be stabilized using excavated wetland sod mats and toe-wood designs to incorporate natural on-site materials in the restored stream channel.

6. While the project site overlaps with and/or occurs within 1 mile of the Rusty Patched Bumble Bee (RPBB) High Potential Zone and contains suitable habitat, marshes/wetlands, agricultural landscapes, and woodlands, for the bee, there is no federal nexus for federal authority for the taking prohibition per the federal Endangered Species Act (ESA).

7. The applicant contracted UW-Milwaukee Cultural Resource Management (CRM) to complete a Phase 1 Archaeological Survey for the proposed West Road project in July 2024. The CRM report documents three archaeological sites encountered: 47DA0852, 47DA0853, and newly identified site 47DA1609 Sugar River Wetland Scatter. Sites 47DA0852 and 47DA1609 Sugar River Wetland Scatter do not meet the criteria listing on the National Register of Historic Places (NRHP) and so no additional investigations were conducted for those two sites. Site 47DA0853 showed evidence of a Late Archaic component and met the criteria for listing on the NRHP. Avoidance of Site 47DA0853 was recommended and is reflected the plans so no further investigation is necessary. The final plans designed and authorized by this permit includes avoidance of all three archaeological sites during construction and land-disturbing activities.

8. The state's Wastewater Program conveyed coverage for the applicant's 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 applicant's 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 [phone (414) 345-0852, email reece.matheson@wisconsin.gov] for the WPDES Dewatering General Permit (WI-0049344-05-0) or Susan Eichelkraut [phone (414) 897-5714, email susan.eichelkraut@wisconsin.gov] for the WPDES Carriage and Interstitial Water from Dredging Operations General Permit (WI-0046558-06-0). Additional information is available online at https://dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html.

9. Since the proposed project includes construction adjacent and/or over the Military Ridge State Trail (MRST), the applicant is required to apply for and obtain state Real Estate permits with the necessary construction documentations. For questions about obtaining state Real Estate permits, please continue communications with Kaylin Helm with the Department's Real Estate Program. Kaylin can be reached at (608) 444-8059 or by email at Kaylin.Helm@wisconsin.gov.

10. The proposed disturbance area has been field reviewed and surveyed for rare species habitat presence, suitability, and habitat types. The project area was documented as potentially containing suitable habitat for the white lady's slipper orchid and eastern prairie white fringed orchid identified by previous surveys in 2023. Earlier survey work was completed outside of the optimal identification periods of the orchids, so an additional field survey was performed on June 25, 2024, by Heartland Ecological Group to further assess species presence or absence. This field survey date falls within the late blooming/fruiting period of both orchids. Potential habitat areas previously identified were assessed using meander surveys. Neither of the orchids were observed within potential habitat areas.

11. The consultant (AECOM) documented that the project is expected to cause a floodplain impact (an increase to the *Base Flood Elevation*, or BFE). Since the increase is limited to property owned by the applicant, the applicant is not required to acquire flooding easements or complete other legal arrangements since any anticipated rise in the BFE will solely impact the applicant's property (or properties). The application submitted included a floodplain memo mentioning that the applicant intends to apply for a *Conditional Letter of Map Revision* (CLOMR). Obtaining a CLOMR is not required by FEMA until the cumulative impact of all projects in Zone A results in a rise greater than 1.0 foot. Based on communications with both Dane County and the City of Verona, there's an expectation that development pressure in this area will continue to increase with time, so obtaining a CLOMR is a proactive approach by the applicant.

12. Temporary and permanent erosion control measures will be implemented on this project in accordance with 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 best management practices (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.

13. 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.

14. 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.
    a. For the proposed stream restoration portion of the project, at least 3,800 linear feet of existing channelized river channel will be converted to 5,600 linear feet of meandering channel based on a survey of stable reference reach of the Sugar River located south of US 18/151.
    b. There were two springs identified as part of the Sugar River. The spring locations can be seen on the stream realignment plans and the proposed connection to the stream. The proposed stream re-meandering will intercept these springs which will allow them to be connected to the main channel.
    c. The project goals for Alternative 3.2's stream restoration:
        i. Exceed current regulatory requirements of the roadway crossing project.
        ii. Provide ecological functional lift of the Sugar River related to hydraulics, geomorphology, physiochemistry and biology.
        iii. 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.
        iv. Increase the quality of the floodplain wetlands in the Sugar River Valley.
    d. An overview of the Sugar River restoration values:
        i. Proposed 5,600 linear feet of restored re-meandered river channel (measured as centerline distance, which is 3.97 acres of surface area within the river valley) .
        ii. Proposed 11,200 linear feet of streambank restoration including fish and macroinvertebrate habitat features (in-channel wood and cover) such as toe-wood with sod mats and cedar tree revetments.
        iii. Proposed 1.27 acres of restored floodplain wetland types where abandoned ditch scars currently exist as channelized open water.
        iv. Proposed 1.88 acres of restored floodplain wetlands where channelized portion of Sugar River currently exists.
        v. Proposed 14.12 acres of temporary wetland impacts in order to complete the restoration.

15. The goals of the proposed stream restoration include:
    a. Additional resource benefits by means of a voluntary stream restoration element,
    b. Provide ecological functional lift of the Sugar River related to hydraulics, geomorphology, physiochemistry and biology,
    c. 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, and
    d. Increase the quality and connection of the floodplain wetlands within the Sugar River Valley.

16. A public informational hearing was held on May 9, 2024, for an in-person opportunity to provide oral and/or written comments as part of the public comment period. The written comments provided during

the hearing and during the comment period are part of the permit record as well as the audio recording of the informational hearing. The list below is not exhaustive but does include some of the topics generally mentioned during the public comment period regarding public concerns:

a. The Sugar River valley is a valued resource of the community in terms of the river itself and surrounding wetlands. The Upper Sugar River reflects a cold-water success story due to the rebounded fishery and water quality.
b. The original proposed LUNKER structures were urged by the community to be removed from the plans and replace with natural materials such as root wads. Root wads provide improved bank stability and erosion control, and the applicant made that adjustment based on public comments.
c. Community comments focused on maintaining connection between the stream to its floodplain. The final revised plans propose to restore the stream channel from the current straightened alignment to the natural meander alignment as seen in the early 1930s aerial imagery. The preferred (and proposed) bridge design is a design that meets local floodplain regulations as well.
d. The community requested the stream be restored to its original meanders and channels whenever possible to restore trout and aquatic habitat.
e. The comments also mentioned the higher quality wetland communities within the larger river valley wetland complex. The applicant's plans include maintaining the high-quality sedge meadow wetland community as intact (not to be disturbed) and will be part of a wetland enhancement plan to ensure this sedge meadow community continues to thrive.
f. The public comment period brought to light the groundwater seeps/springs on the western river valley bank where the bridge crossing meets the valley side. This information was shared with the applicant and the plans were revised to leave the seeps/springs intact and able to continue flowing with the flow continuing to reach the stream channel.

17. The proposed project will result in temporary and permanent impacts to wetlands if constructed in accordance with this permit. See #IP-SC-2024-13-00581 and #IP-SC-2024-13-00582 for waterway-related application and permit documents for the bridge crossing and stream realignment.

18. The discharge will affect a total of 7.44 acres of wetland for permanent impacts and 3.30 acres of wetland for temporary impacts. The proposed impacts are for the construction of the bridge (roadway) crossing of the Sugar River as well as the temporary impacts associated with the southern utility crossing and the stream restoration (realignment) elements as part of this project.

19. The discharge(s) from the proposed activity will comply with water quality requirements as authorized by this document.

20. The applicant proposed to compensate for wetland losses through mitigation. The Department evaluated the wetland mitigation proposal and determined that on-site mitigation was not feasible, and the purchase of the below mitigation credits could fulfill the compensation obligation. Mitigation for the project was accomplished through the purchase of:
    a. 3.10 shrub carr credits from the Willow Drive Wetland Mitigation Bank
    b. 1.42 sedge meadow credits and 4.12 wet to wet mesic prairie credits from the Johnson Conservancy Wetland Mitigation Bank
    c. 1.64 sedge meadow credits, 0.43 wet to wet mesic prairie credits, and 0.43 shallow marsh credits from the Sugar River Wetland Mitigation Bank.

21. The mitigation plan proposed the total purchase of 11.14 acres of credit to compensate for the original impact of 9.78 acres of permanent wetland loss based for the Alternative 3.2 design (which was revised in July 2024 to reflect a total of 7.44 acres of permanent wetland loss). The applicant voluntarily completed the wetland mitigation compensatory purchase based on the original Alternative 3.2 wetland impact calculations even after the July 2024 revision that reduced the wetland impacts. The credits were

purchased on 10/15/2024 and Affidavits of Bank Credit Purchases were submitted to the Department fulfilling the compensation obligation.

22. No practicable alternative exists which would avoid adverse impacts to wetlands, and the project will result in the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts.
    a. Alternative 0 (no build) and Alternative 1 (West Verona Avenue/USH 18/151 Interchange improvements) are projects that would completely avoid wetland impacts. However, these alternatives were eliminated since these alternatives do not meet the project need and purpose (identified in Finding of Fact #3). In these alternative designs, the traffic capacity and safety improvement elements for the highway are not met.
    b. Alternative 2 (bridge crossing in southern-most portion of the river valley) was eliminated due to the layout not meeting the anticipated traffic capacity and safety improvements. Additionally, wetland impacts (10.71 acres of permanent impacts + 2.18 acres temporary impacts) were high with some impacts being located within high quality native wetland community types (such as shrub carr, sedge meadows, and shallow marsh).
        i. Permanent impacts to ruderal (degraded) wetland types = 10.64 ac
        ii. Permanent impacts to native wetland types = 0.07
        iii. Temporary impacts to ruderal (degraded) wetland types = 2.16 ac
        iv. Temporary impacts to native wetland types = 0.02 ac
    c. Alternative 3.1 (bridge crossing in northern-most portion of the river valley) was eliminated due to the wetland impacts (10.32 acres of permanent impacts + 2.00 acres temporary impacts) being located within high quality native wetland community types (such as shrub carr, sedge meadows, and shallow marsh).
        i. Permanent impacts to ruderal (degraded) wetland types = 6.30 ac
        ii. Permanent impacts to native wetland types = 4.02 ac
        iii. Temporary impacts to ruderal (degraded) wetland types = 0.81 ac
        iv. Temporary impacts to native wetland types = 1.19 ac
    d. **Alternative 3.2** – **Proposed Layout** updated in July 2024 (bridge alignment south of the northern-most alignment location to focus wetland impacts within ruderal wetland community types) is the proposed (preferred) layout pursued by the applicant. The overall wetland impact is 7.44 acres of permanent impacts with 2.22 acres of temporary impacts. This layout has the smallest wetland impact overall. The applicant also proposed several resource restoration and enhancement projects to reduce the overall impacts and find a better net balance between impacts and resource benefits. With completing the required compensatory mitigation along with stream restoration, wetland enhancement, and upland buffer establishment elements, this alternative was pursued as the option meeting the avoid/minimize criteria.
        i. Permanent impacts to ruderal (degraded) wetland types = 6.25 ac
        ii. Permanent impacts to native wetland types = 1.19 ac
        iii. Temporary impacts to ruderal (degraded) wetland types = 2.00 ac
        iv. Temporary impacts to native wetland types = 0.22 ac
    e. Alternative 3.3 (bridge crossing in northern-most portion of the river valley realigned to old historic farm access route) was eliminated due to the wetland impacts (9.93 acres of permanent impacts + 2.59 acres temporary impacts) being located within high quality native wetland community types (such as shrub carr, sedge meadows, and shallow marsh).
        i. Permanent impacts to ruderal (degraded) wetland types = 8.13 ac
        ii. Permanent impacts to native wetland types = 1.80 ac
        iii. Temporary impacts to ruderal (degraded) wetland types = 2.13 ac
        iv. Temporary impacts to native wetland types = 0.46 ac

f. Alternative 4 (using existing White Crossing Road) and Alternative 5 (additional roadway along north side of USH 18/151) would both result in wetland impacts. These alternatives are not expected to meet the traffic operations and safety issues so were eliminated.

23. All practicable measures to minimize adverse impacts to the functional values of the wetland have been taken. The proposed layout pursued by the applicant is Alternative 3.2. This alternative was further updated in July 2024 with a bridge design modification that further reduced the wetland impacts from the original Alternative 3.2 impact calculations. The overall wetland impact is 7.44 acres of permanent impacts with 2.22 acres of temporary impacts. This layout has the smallest wetland impact overall. The applicant also proposed several resource restoration and enhancement projects to reduce the overall impacts and find a better net balance between impacts and resource benefits. With completing the required compensatory mitigation along with stream restoration, wetland enhancement, and upland buffer establishment elements, this alternative was pursued as the option meeting the avoid/minimize criteria.

24. The proposed project will not result in significant adverse impacts to wetland functional values, significant impacts to water quality, or other significant adverse environmental consequences. The proposed project bridge crossing alignment focuses impacts within ruderal (degraded) wetland community types within the larger wetland complex. The bridge crossing is not designed as a complete solid filled footprint on the wetland surface. Rather, the bridge is designed to be elevated and supported with pier-spans to minimize the permanent impact (filled footprint) on the wetland ground. The updated bridge design (as of July 2024) includes a bridge crossing that is 903.08ft in length (from end-to-end approaches). The bridge consists of 9 spans (girders) with 95ft spacing between the piers. The 9 spans cover 855ft of the bridge total length and are supported by 8 piers (with buried footings). Each pier has a 4.25ft wide footprint on the wetland surface (at grade) with a wider footing buried below grade. The piers and spans are designed to provide a clear span section over the Sugar River and over the MRST. The bridge design was adjusted (in July 2024) to account for the seeps/springs on the west river valley bank so that the springs' flow will be maintained and continue to flow into the river channel without obstruction. Within the bridge footprint crossing the river valley, the northern utility crossing will be trenched in as a buried utility. This is considered part of the permanent impact where the utility aligns with the bridge piers and footings impact. The areas of the northern utility crossing that are outside of the pier and footing locations will be a temporary impact and wetlands will be restored. The southern utility crossing will cross the entire river valley (wetlands and the new meandered stream channel). The wetland impacts for this crossing are temporary and wetlands will be restored along the southern utility crossing length with the exception of the new stream channel constructed (which will be maintained as a new meandered stream channel). The southern utility crossing alignment is located partially within the existing farmed wetland field (degraded wetland community type) on the east end of the utility crossing and the west end of the crossing is aligned within a ruderal (degraded) wet meadow wetland community type. Alignments for all proposed project elements are located within ruderal wetland types where practicable and the permanent impact footprints have been reduced to the extent practicable while meeting the project need and purpose.

25. The project's proposed permanent wetland impacts are due to the piers and footings of the bridge spans across the river valley and east side road alignment intersections. The areas at each of the 8 pier locations as well as both east and west abutments are the localized areas of permanent wetland impact. Each pier is 4.25ft wide and extends 87.25ft long (across the 4 lanes – 2 travel lanes in each direction). There is a wider footing buried below ground surface at each of the pier locations. The piers (and subsequent span sections) are intentionally designed to clearly span over the Sugar River and MRST with no structural support elements within the navigable river channel or on the MRST. Where the piers and footings are located in the wetland, the functional values are to be eliminated. Due to the nature of permanent impacts on functional values, the design of the project alignment has focused the majority of

the impacts within areas of existing low-quality wetland plant communities to avoid the higher quality and intact native areas of wetland communities.

26. The applicant owns land on both sides of the navigable waterway and river valley. The applicant has provided information regarding the existing landowner's business plan and continued growth and expansion, the traffic and safety impacts to surface roads and state highways, and considerations to disturbances and safety implications within the surrounding community. The applicant's vision was cushioned with the goal of meeting or exceeding environmental permitting requirements and voluntarily offering a variety of elements in an effort to offset the permanent impacts of the bridge crossing.

27. The project need and purpose was reviewed through the lens of various alternative alignments, locations, configurations, etc. The bridge crossing of the river and river valley has minimized filling and impacts not only to wetlands but to the floodplain, waterway, springs, and recreational opportunities. Secondary impacts include short-term disturbances during active construction. The planned alignment has maximized impacts in areas of ruderal wetland but there are still some impacts planned within smaller areas of native wetland community types. Locations of temporary wetland impacts will be restored to wetland with seeding, plantings, decompaction, and other practices to ensure wetlands and their functional values recover in areas of temporary disturbance.

28. The applicant proposed and committed to several elements in order to better establish a net positive impact. The following additional wetland enhancements as part of the goal for "no net loss" of resource functional value and quality are included in the applicant's project proposal:
    a. Sedge Meadow Maintenance Plan to monitor and maintain the highly native and intact sedge meadow wetland community. This wetland community consists of 11.26 acres of sedge meadow to remain intact (this high-quality wetland type is avoided by all elements of the project design and construction) and will be maintained and improved as a sedge meadow plant community.
    b. Restoration of a currently farmed wetland on the northeast side of the MRST between the trail and the roadway. This farmed wetland field is located just north of the sedge meadow community and across the MRST. This area has been committed to be restored to wetland and additionally expand the restoration along the south side of the roadway to create an upland buffer. The restored wetland field covers 6.19 acres, and the upland buffer will establish 3.53 acres to a protective buffer along this wetland edge.
    c. The applicant proposed plans to complete a large-scale stream restoration project. This proposal will restore the classified trout stream (Sugar River) into the natural stream meanders as seen on the historic aerial imagery from the 1930s. The trout stream has been ditched, channelized, and straightened along with several other ditches established in this area of the wetland as historical attempts to improve drainage. By realigning the stream into the natural meanders, the project design also includes in-stream aquatic habitat features and natural designs for bank stabilization. The abandoned (old) stream channel will be backfilled in some areas and other areas will be restored to diverse wetland/aquatic habitat areas able to receive high water levels and provide restored functional values to this river valley ecological community.

29. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.

30. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an equivalent analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.

31. The Department and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 281.36, Wis. Stats. and NR 103, Wis. Adm. Code.

    The applicant was responsible for fulfilling the procedural requirements for publication of notices under s. 281.36(3p)(d)1m., Wis. Stats, and was responsible for publication of the notice of pending application under s. 281.36(3p)(d)1m., Wis. Stats. or the notice of public informational hearing under s. 281.36(3p)(d)1m., Wis. Stats., or both. Section 281.36(3p)(d)1m., Wis. Stats., provides that if no public hearing is held, the Department must issue its decision within 30 days of the 30-day public comment period, and if a public hearing is held, the Department must issue its decision within 20 days after the 10-day period for public comment after the public hearing. Section 281.36(3p)(d)1m., Wis. Stats, requires the Department to consider the date on which the department publishes a notice on its web site as the date of notice.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes to issue a permit for the construction and maintenance of this project.

2. The Department has complied with s. 1.11, Wis. Stats.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 281.36 (3q), Wis. Stats., and section NR 2.03, Wis. Adm. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed discharge under the wetland individual permit is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the discharge, as proposed, may result in a violation of the provisions of this section.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.
4. If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at the Northeast Region Headquarters, Wisconsin on December 3, 2024.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By:

Crystal Von Holdt
Waterway Program Policy Coordinator