



Trans 401 - ECIPs – and More

WTBA/WisDOT Contractor – Engineer Conference
Wisconsin Dells

January 16, 2025



Introductions

- Jeremy Ashauer, P.E.
 - WisDOT Statewide Erosion & Sediment Control Engineer
 - Bureau of Technical Services, Environmental Services Section
- Cami Peterson
 - DNR Transportation Policy Coordinator



Breakout Session Format

- Agency Staffing Updates
- Trans 401 Rulemaking Update
- ECIP Quick Hitters
- Timeout Restrictions
- Breaking down the TCGP
- Endangered Species
- Open Discussion – Q&A
- WTBA – Environmental Committee Updates



Agency Staffing Updates - WisDOT

- WisDOT SWECEs

- Southeast Region

- Tracy Pinkowski has moved to BPD-Drainage
 - Thomas Treacy has left WisDOT
 - SWECEs include Zainab Alrebh and Brady O'Connor

- Bureau of Aeronautics

- Kelly Halada has left WisDOT
 - Mallory Palmer has absorbed those environmental duties until replacement is hired



WisDOT Stormwater & Erosion Control Engineers (SWECE)

NW Region:
Peter Young
Matt Solin (Consultant)

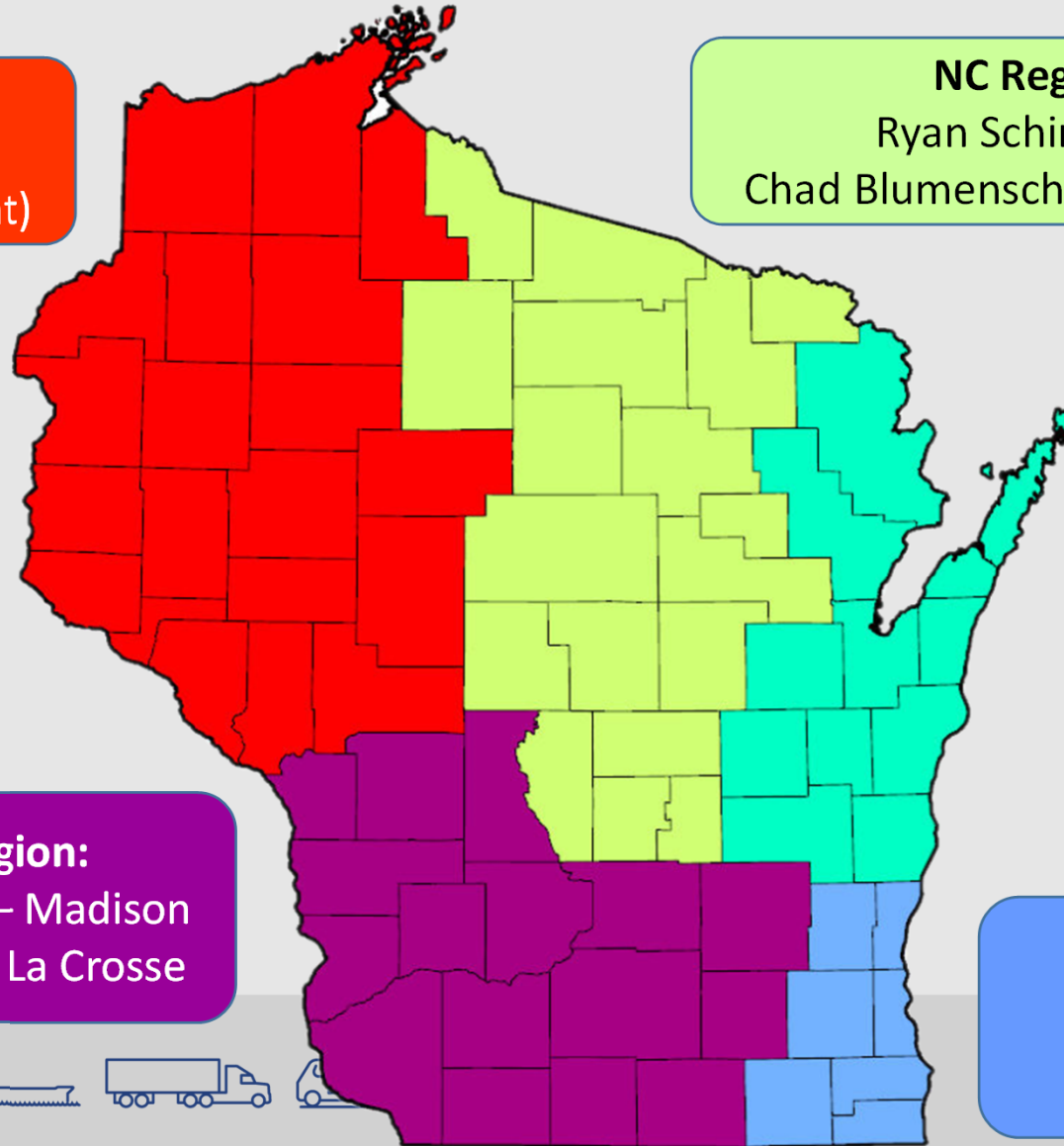
NC Region:
Ryan Schindhelm
Chad Blumenschein (Assistant)

BOA Projects:
Mallory Palmer

NE Region:
Tom Kobus

SW Region:
Peter Fillipi – Madison
Sam Kube – La Crosse

SE Region:
Zainab Alrebh
Brady O'Connor



Agency Staffing Updates - DNR

- New Southern Region Manager – Benton Stelzel
- 2 Transportation Liaison vacancies in the southern region (formerly Benton Stelzel and Shelley Nelson positions)
 - Anticipate filling the first part of 2025.



DNR Transportation Program Contacts

Liaisons

Northern Region

Bill Clark williamH.Clark@wisconsin.gov

- Amy Cronk amy.cronk@wisconsin.gov
- Amy Lesik amyL.lesik@wisconsin.gov
- Leah Nicol leah.nicol@wisconsin.gov
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Central Region

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- Karen Kalvelage karen.kalvelage@wisconsin.gov
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- Jim Doperalski, Jr. james.doperalski@wisconsin.gov
- Matt Schaeve matthew.schaeve@wisconsin.gov
- Marty Dillenburg marty.dillenburg@wisconsin.gov

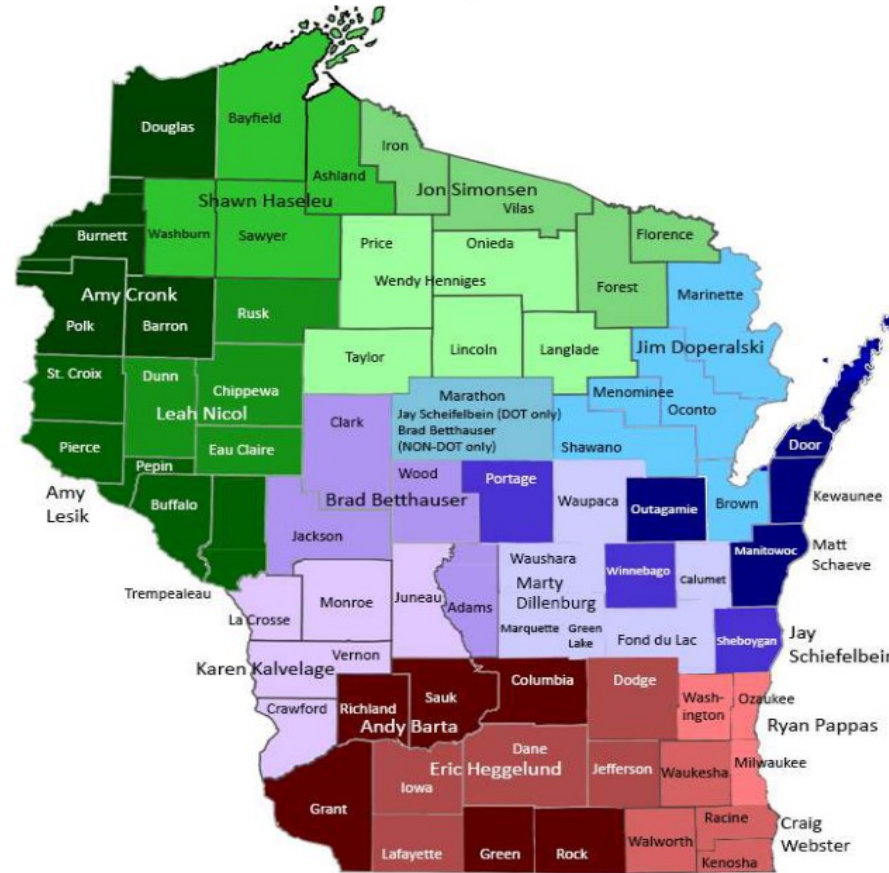
Southern Region

Benton Stelzel Benton.stelzel@wisconsin.gov

- Andy Barta andrew.barta@wisconsin.gov
- Eric Heggelund eric.heggelund@wisconsin.gov
- Craig Webster craig.webster@wisconsin.gov
- Ryan Pappas ryan.pappas@wisconsin.gov

WDNR EA Liaison Assignments

Cami Peterson
 Transportation Policy Coordinator
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<https://dnr.wisconsin.gov/topic/Sectors/Transportation.html>



Trans 401 Rulemaking

Action	Target Date
Scope Statement	Approved on November 2, 2023
Email outreach to stakeholders	Sent on May 13, 2024
Internal Stakeholder Kick-Off Meeting	May 23, 2024
External Stakeholder Kick-Off Meeting	June 11, 2024
Initial rule drafting and editing	June – August 2024
Initial draft edits to stakeholders for review & comment	August 2024 October 2024
Stakeholder meetings/draft revisions/review & comment	Fall 2024 – Spring 2025
Prehearing rule package for legislative review process (Rules Clearinghouse Review, Public Hearing)	Spring – Fall 2025
Final Drafting, Final Approvals (potential stakeholder assistance)	Spring – Fall 2025
<i>Final draft submittal to legislature (wrap-up internal of department rule work)</i>	<i>Must occur before last general business floor period. (April 2026?)</i>
Two successive legislative committee review periods (standing senate and assembly committees and JCRAR)	Rule effective date - Summer 2026?



Trans 401 Rulemaking

General Overarching Themes

- Bring Trans 401 into alignment with relevant sections of NR 151 and NR 216
- Minimize changes to existing processes
- Modify processes for electronic communication and records
- Update reference documents and provide electronic links



Trans 401 Rulemaking

General Overarching Themes

- Reorganization and structural changes for different functional areas
 - Construction, Maintenance, Utilities
- Consolidate all definitions into one section
- Change “selected sites” to “temporary support activities” to broaden the types of support sites consistent with current operations



Trans 401 Rulemaking

General Overarching Themes

- For post-construction performance standards and practices, change Best Management Practices (BMPs) to Stormwater Control Practices (SCPs) to better clarify differences between temporary and permanent measures
- Clarify differences and/or use consistent language to address discharges, unauthorized discharges, prohibited discharges, and releases



Trans 401 Rulemaking

General Overarching Themes

- New section to address WisDOT's responsibilities relative to stormwater discharge permits under the WPDES or NPDES
- New language to address WisDOT's responsibilities relative to the Transportation Separate Storm Sewer (TS4) permit



Trans 401 Rulemaking

General Overarching Themes

- Try to address current issues, processes, and limits of WisDOT authority relative to temporary support activities
 - Material recycling vs. processing
 - Complicated drainage issues
 - Floodplains
 - Wetlands



Trans 401 Rulemaking

Next Steps

- Determine initial layout of new Trans 401 document (WisDOT ESS)
- Drafting of proposed language (WisDOT ESS)
- Stakeholder Focus Groups - discuss, consider, and modify draft language
- Full Stakeholder Meetings – report progress of stakeholder focus group

Final draft due for legislative review in summer 2025



ECIP – Quick Hitters

- Continue using the same ECIP forms through 2025
- Contractor is responsible for submitting to DNR
 - Includes amendments
- Completeness
 - ECIP submittals should be substantially complete
 - More complete = less comments/revisions = quicker response times



ECIP – Quick Hitters

- Answer all questions thoroughly
 - Most sections have several questions in one – answer all parts
 - If the question doesn't apply, say so – this will avoid unnecessary comments

A2	<p>Narrative of Work</p> <ul style="list-style-type: none">a) Include staging and sequence details not captured in schedule, including winter shut down planb) Include details for minimizing area of exposed ground at various stages throughout the projectc) Include description of planned methods for the dewatering of sediment laden waterd) Include detail for timing and placement of seed and timing of seed water items <p>Provide narrative of project activities here or as attachment</p>
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ECIP – Quick Hitters

- Amend the ECIP when necessary
 - Keep it relevant and updated for the site conditions
 - Consider it a “living document”
- Selected Sites & Temporary Support Activity Sites
 - Allow for adequate review time – some can be more complex than others
 - Provide follow up information as soon as possible



Timeout Restrictions

- Timing Restrictions Related to Fisheries (In Water Work)

- Intended to provide regulatory certainty while minimizing adverse impacts on fish movement, fish spawning, and egg incubation periods.
- What is “In-Water” work?
- Dates:
 - a. September 15th through June 15th on all Great Lakes and their tributaries upstream to the first dam or barrier.
 - b. November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 - c. September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 - d. March 1st through June 15th for all other lakeshore waters.
- Waiver request process

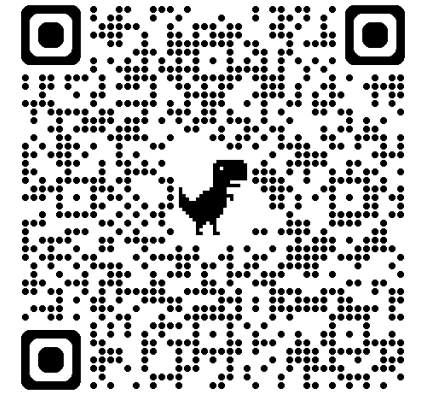
- Timing Restrictions Related to Rare Species



Breaking Down the TCGP

New for 2025

- WisDOT has updated the TCGP Guidance
 - <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/erosion-ctrl-drainage.aspx>
- Revised STSP (107-056)
 - Two different specifications:
 - Projects 1 acre and more
 - Projects less than 1 acre



Breaking Down the TCGP

What is most important for Contractors?

- Uniform perennial vegetative coverage to terminate the permit coverage
 - Correct interpretation: 100% coverage at 70% density



Breaking Down the TCGP

What is most important for Contractors?

- Coverage of selected sites and temporary support activity sites under a project certificate of coverage (minimum criteria):
 - Must meet the permit's applicability criteria
 - Must be for the exclusive use of a WisDOT project
 - Land disturbance does not commence before ECIP approval
 - All land disturbances are fully restored upon completion of the work
- Ultimately, WisDOT will decide whether the site may be covered under the TCGP, with DNR approval.



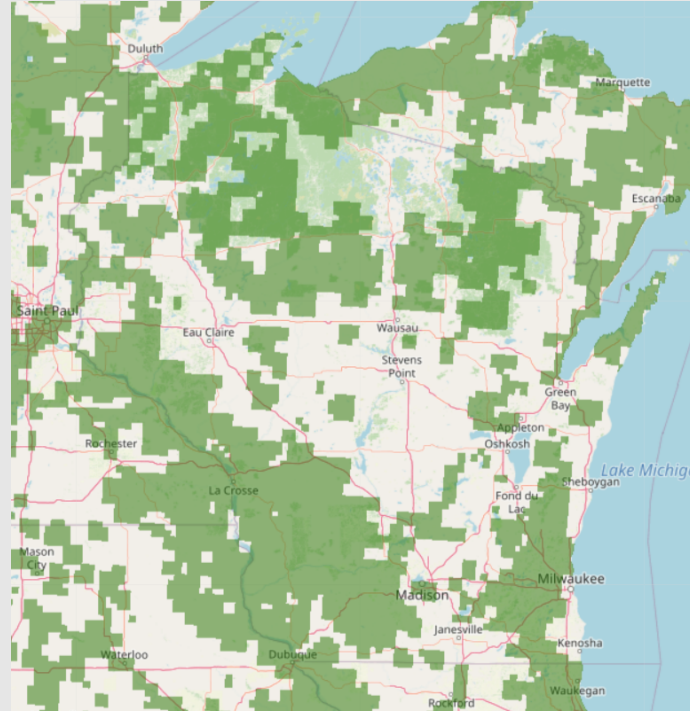
Endangered Species in Construction

- Pay attention to special provisions
- Working to improve consistency and clarity of environmental special provisions
- Common examples:
 - Migratory birds
 - In-stream work restrictions
 - Seasonal timing restrictions



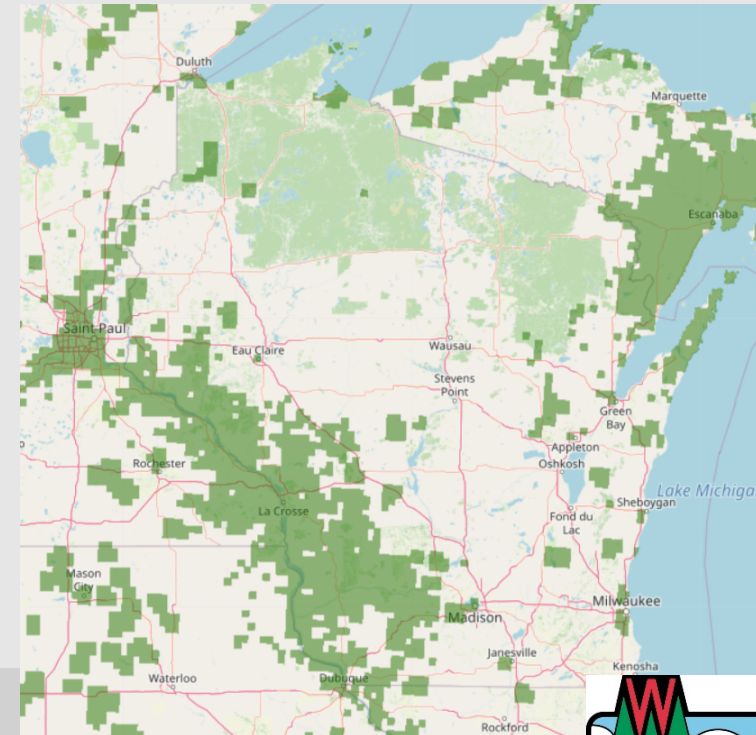
Endangered Species in Construction Bat Updates

- Range maps →
- STSP updates
 - Incorporated tri-colored bat
 - Address reduced ranges
 - Update inactive season dates



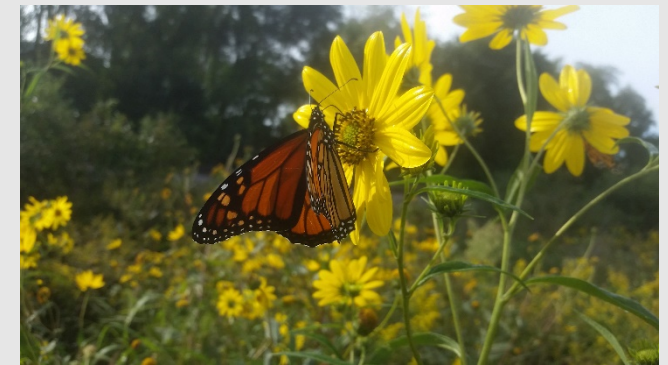
Northern long-eared bat
range map (FWS)

Tri-colored bat
range map (FWS)



Endangered Species in Construction Federal Proposed Rules

- Tri-colored bat
- Rusty patched bumble bee critical habitat
- Salamander mussel and critical habitat
- Critical habitat for three listed mussels (sheepnose, snuffbox, spectaclecase)
- Monarch butterfly



WisDOT Contact Information

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DNR Contact Information

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- DNR Transportation Liaisons (TLs):
 - <https://dnr.wisconsin.gov/topic/Sectors/Transportation.html>



Questions / Discussion

