



July 10, 2017

DNR File No. DC-0187

Mr. Steve Steinhoff, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Revising the Northern Urban Service Area with the Yahara Gateway Land, Village of DeForest Proposed Urban Service Area Amendment to the Dane County WQM Plan

Dear Mr. Steinhoff:

We have completed our review of the Northern Urban Service Area request submitted to the Capital Area Regional Planning Commission (CARPC) on April 10th, 2017 to add 116.4 net developable acres and 35.6 acres of environmental corridors for environmentally sensitive areas. This amendment was reviewed by CARPC technical staff with the results summarized in the [Staff Analysis for Northern USA Amendment 2017](#) and the analysis discussed during the public hearing for this amendment.

A public hearing was held on June 8, 2017. The discussion at the public hearing raised important points regarding the Yahara River, Cherokee Marsh, and potential impacts from increased chloride on these waters. This section of the Yahara River is listed as impaired under the Clean Water Act for elevated chloride and Cherokee Marsh is a sensitive resource integral to the Yahara Chain and which has been in active restoration for several years. The CARPC staff technical report, recognizing potential implications of urbanization, identifies recommendations and conditions related to protecting water resources with the passage of this amendment.

After reviewing the CARPC staff technical report and the Commission public hearing minutes, the Department hereby approves this Northern Urban Service Area amendment request submitted by the Village of DeForest. DNR supports and underscores the recommendations and conditions listed on pages 23-25 of the technical report and urges continued discussions between the Village of DeForest and CARPC technical staff on appropriate environmentally sensitive area delineations encompassing the Yahara River. DNR requests that the Village of DeForest work with CARPC technical staff to maximize pollutant reductions for stormwater in general and chlorides specifically. The reduction of chlorides and other contaminants commonly found in developing areas is critical for protection of the Yahara River and the Cherokee Marsh wetland complex ([see technical report pages 23-25](#)). DNR is available for future consultation and refinement of water quality protection efforts related to this development.

This approved plan amendment becomes a part of the *Dane County Water Quality Management Plan* and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217), and outlined in the federal regulations 40 CFR, Part 35.

This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats.

The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 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. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Sincerely,

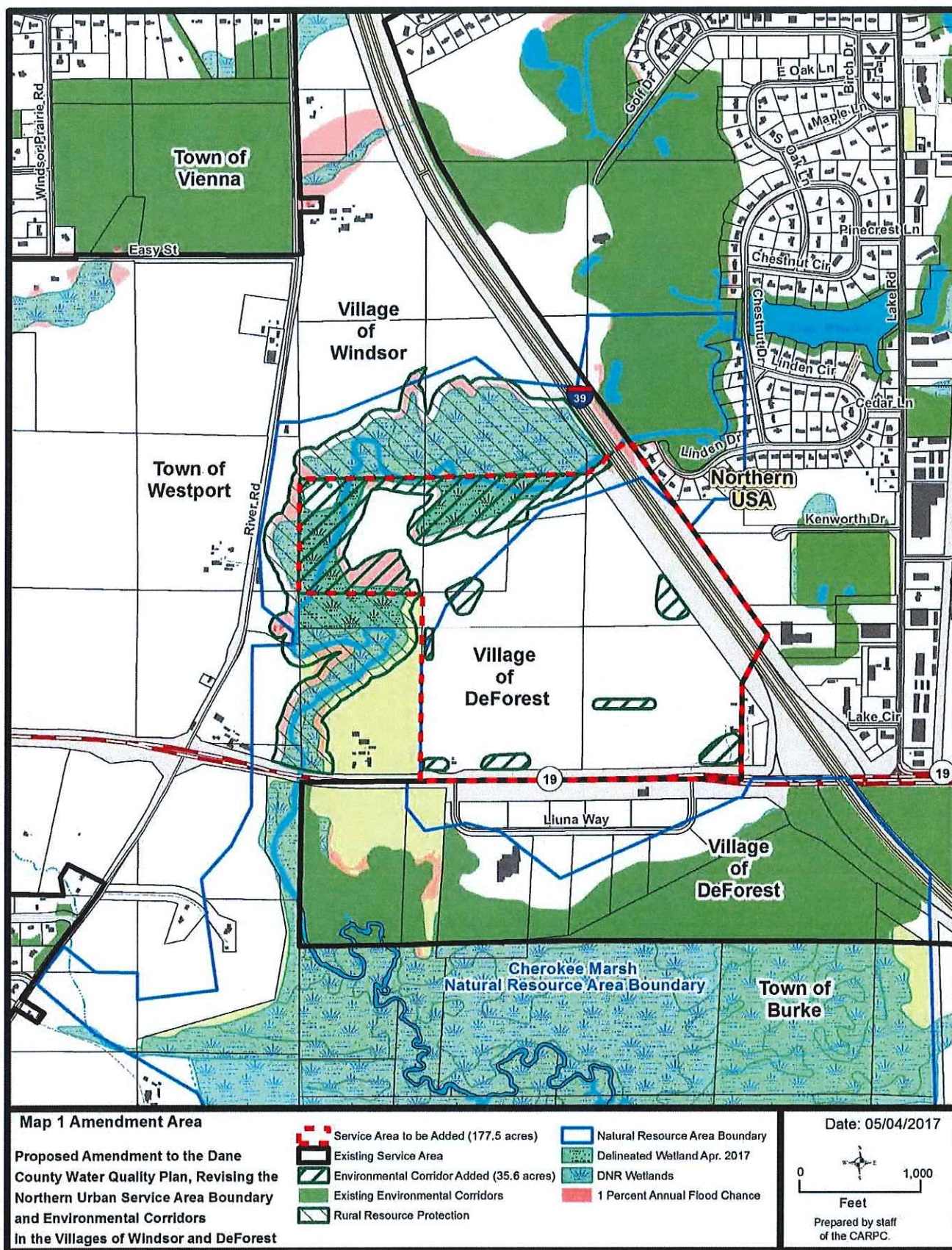
A handwritten signature in dark ink, appearing to read "Timothy R. Asplund". The signature is fluid and cursive, with the first name "Timothy" and last name "Asplund" clearly distinguishable.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Greg Searle - WDNR - SCR - Fitchburg
Michael Sorge - WDNR - SCR - Fitchburg
Lisa Helmuth - WDNR - WQ/3

Map 1 - Amendment Area



Map of Amendment Area, CARPC Staff Analysis Report for the Dane County WQM Plan, 2017

4) Conclusions and Staff Water Quality Recommendations

There is sufficient wastewater collection and treatment plant system capacity to serve the proposed amendment area.

The Village proposes to mitigate the urban nonpoint source impacts of the proposed development by implementing various stormwater best management practices that are designed and constructed to meet or exceed current standards for pollutant reduction, runoff volumes, peak flows, and groundwater recharge. This will reduce the likely urban nonpoint runoff impacts of the proposed development on the receiving waters. To its credit, the Village of DeForest has voluntarily adopted a more stringent stormwater management requirement for new development by requiring pre-development runoff volume conditions be maintained (100% stay-on). This is a model for other communities in further reducing the urban nonpoint runoff impacts of development on receiving waters.

Based on the WGNHS Karst Potential map, the east-central third of the amendment area is within an area where the depth to bedrock over potential karst units is 0 to 75 feet. Regional Planning Commission staff recommends the collection of site-specific data for an accurate assessment of karst potential in this area. If karst features are found, adequate protection measures must be taken to address the potential for groundwater contamination.

In 2004, the Village of DeForest entered into a MOU with the DNR regarding the use of new and existing wells and their impact on Token Creek and other area surface waters. In the MOU, the Village agrees that it will take all reasonable management steps to limit the impacts of their well system on Token Creek, as detailed in the MOU, including the connection of their north and south to allow greater pumping from wells furthest away from Token Creek. This will reduce the likely groundwater withdrawal impacts on the baseflow of area surface waters.

a) Conditions

Regional Planning Commission staff recommends approval of this amendment, based on the land uses and services proposed, and conditioned on the commitment of the Village of DeForest to pursue the following:

1. Submit a detailed stormwater management plan for Regional Planning Commission staff review and approval (in conjunction with DCL&WCD staff) prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:
 - a. Install stormwater and erosion control practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities.
 - b. Control peak rates of runoff for the 1-, 2-, 5-, 10-, 25- and 100-year 24-hour design storms to pre-development levels, in accordance with the Village of DeForest Stormwater Ordinance.
 - c. Maintain the post development stay-on volume to at least 100% of the pre-development stay-on volume for the one-year average annual rainfall period, in accordance with the Village of DeForest Stormwater Ordinance.

- d. Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2012 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* (an average of 9.2 to 9.6 inches/year for the amendment area) or by a site specific analysis, in accordance with the Village of DeForest Stormwater Ordinance.
 - e. Provide at least 80% sediment control for the amendment area based on the 1-year, 24-hour design storm, with a minimum of 60% of that control occurring in a retention pond prior to infiltration, in accordance with the Village of DeForest Stormwater Ordinance.
 - f. Treat the first 0.5 inch of runoff from parking lots to control oil and grease, in accordance with the Village of DeForest Stormwater Ordinance.
2. Stormwater management facilities shall be placed in public outlots whenever feasible and designated as environmental corridor. Easements and perpetual legal maintenance agreements with the Village, to allow the Village to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.
 3. Delineate environmental corridors to include wetlands, 75-foot wetland buffers, 100-year floodplains, streams and shoreland buffers, associated steep wooded slopes, and stormwater management areas to meet *Dane County Water Quality Plan* criteria for the delineation of environmental corridors. Submit plats showing environmental corridors for Regional Planning Commission staff review and approval prior to recording. Any environmental corridor on private property shall be protected by deed restrictions and neighborhood covenants.
 4. Submit the wetland delineation report for Regional Planning Commission staff review when it is completed.
 5. Continue to operate the municipal water system in compliance with the 2004 MOU between the Village of DeForest and the DNR regarding the use of new and existing wells and their potential impact on Token Creek.

b) Recommendations

It is also recommended that the Village of DeForest pursue the following:

1. Require an archaeological survey be performed by a qualified archaeologist for the amendment area as recommended by the Wisconsin Historical Society (see attached letter) and take necessary protection measures if artifacts are found.
2. Based on the WGNHS Karst Potential map, the east-central third of the amendment area is within an area where the depth to bedrock over potential karst units is 0 to 75 feet. Regional Planning Commission staff recommends the collection of site-specific data for an accurate assessment karst potential in this area. If karst features are found, adequate protection measures must be taken to address the potential for groundwater contamination.
3. Request a formal Endangered Resources Review by the WDNR or one of their certified reviewers for potential impacts to endangered resources like rare plants, animals and natural communities and take necessary habitat protection measures if species are found.

4. Collaborate with Dane County Parks Division staff on opportunities associated with this proposed NUSA expansion; the preservation and sensitive development of land adjacent to the already-acquired Cherokee Marsh Wildlife Area and the advancement of Yahara River corridor protection and related recreational opportunities and access, in accordance with local and County plans.
5. Develop and implement a wetland restoration plan for the wetlands on the site to improve habitat and create a natural amenity for the development and the community.
6. Encourage the responsible use of deicers as part of the WI Salt Wise Partnership.
7. Implement the water system improvements identified in the 2011 Joint Water Utility System Study and the Village's Comprehensive Plan. Interconnect Village's north and south (former Token Creek) water utility systems, which currently operate as separate systems.
8. Work with Regional Planning Commission staff to update the Village's Long Term Water Supply Plan using the Regional Groundwater Model.

