

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (847) 294-7575. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-AGL-10413-OE.

**Signature Control No: 228804112-230235219**

Vivian Vilaro  
Specialist

( DNE )



January 3, 2003

Mr. Brian Kalvelage  
DNR Service Center  
3550 Mormon Coulee Road  
La Crosse, WI 54601

Re: Onyx Seven Mile Creek Landfill Horizontal Expansion  
Ordinary High Water Mark Determination for Feasibility Study

Dear Mr. Kalvelage:

We have completed a survey of the Ordinary High Water Mark (OHWM) of Seven Mile Creek in the area adjacent to the proposed north expansion of the Superior Seven Mile Creek Landfill. The section of the creek that was surveyed runs through the southeast quarter of Section 8, T27N, R8W. The purpose of this OHWM determination was to establish a 300-foot setback limit from Seven Mile Creek OHWM to the proposed edge of the waste for the north horizontal expansion.

This survey was completed in response to a condition listed in your August 16, 2002, response letter to the north horizontal expansion Initial Site Report. A copy of this letter and figure and a discussion of the proposed site set back from Seven Mile Creek will be included with the feasibility study for the north horizontal expansion.

According to the WDNR publication PUB-FH-002 01REV, the OHWM is defined as the point on the bank where the water is present often enough so that the streambed begins to look different from the upland. Specifically, the point on the bank up to which the water, by presence, wave action or flow, leaves a distinct mark on the bank. The mark may be indicated by erosion, destruction of/or change in vegetation or other easily recognizable characteristics. This was the criterion we used to determine the OHWM on Seven Mile Creek.

The process used to establish the OHWM on Seven Mile Creek is as follows. On November 18, 2002, Chris Goodwin and I walked the watercourse and placed flags at the OHWM. Flags were numbered and placed along the left (east) side of the creek marking the OHWM. In addition, seven wooden stakes were placed along with flags at the points nearest the proposed expansion. These provide a more durable marker of the OHWM. The flag locations were then surveyed and plotted on the attached figure.

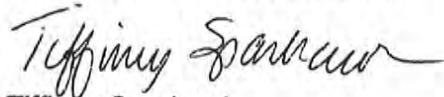
Brian Kalvelage  
January 3, 2003  
Page 2 of 2

The attached figure shows the OWHM limits and the 300 foot waste limit set-back. Photos of the stream with the flagged OWHM are included to show the typical limits of the OWHM. The photo locations are identified by flag numbers.

If you have any questions I can be reached at 715-831-7674.

Sincerely,

Owen Ayres & Associates, Inc.

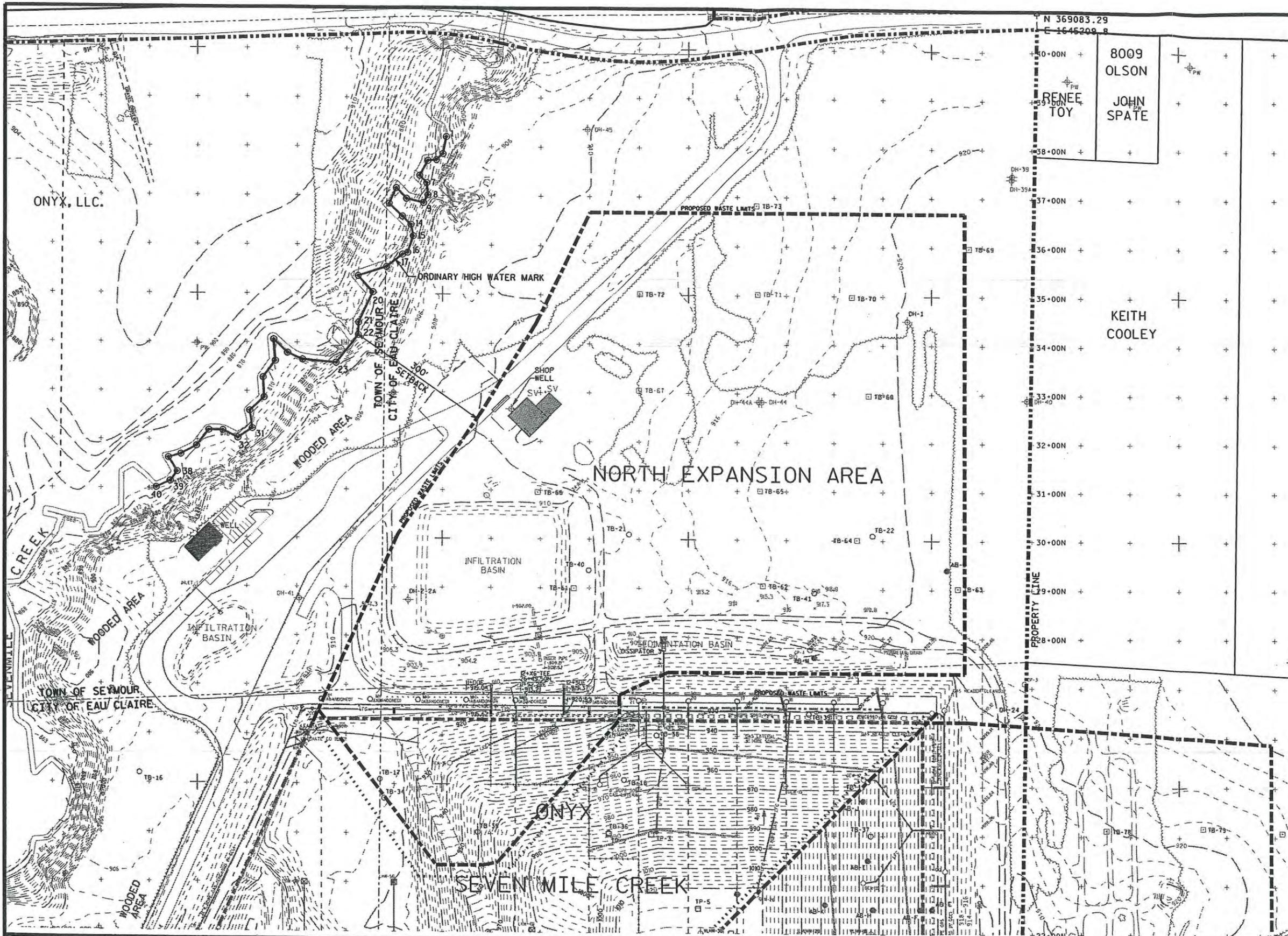


Tiffiney Sparhawk  
Water Resources Engineer

TS:df

Enclosure

cc: Mark Vinall  
Randy Frank  
Dan Koich  
Jim Anklam



- LEGEND:**  
 (ALL OF LEGEND IS NOT NECESSARILY DEPICTED ON THIS DRAWING)
- EXISTING CONTOUR (10' INTERVAL)
  - EXISTING CONTOUR (2' INTERVAL)
  - PROPOSED CONTOUR (10' INTERVAL)
  - PROPOSED CONTOUR (2' INTERVAL)
  - SPOT ELEVATION \* 894.4
  - STORM SEWER W/ SIZE & TYPE OF PIPE MH 24" RCP
  - CULVERT
  - BUILDING BLDG
  - HARD SURFACED ROADWAY ASPHALT CONC ETC
  - NON-SURFACED ROADWAY GVL DIRT ETC
  - MONITORING WELL MW-1
  - MONITORING WELLS W/ PIEZOMETERS MW-35-35A
  - LEACHATE COLLECTION SYSTEM MH 14
  - LEACHATE CLEANOUT RISER CO RISER
  - LYSIMETER RISER RISER L-1C
  - HEADWELLS LHW-1
  - GAS VENT GV
  - GAS PROBES GP-1
  - LANDFILL GAS & CLEANOUT LFG-CO
  - GAS EXTRACTION WELL GEW-12
  - WELL HEAD WH-1
  - CONTROL POINT CP-1
  - FENCE LINE CHAIN LINK/BARBED WIRE/ETC.

**NOTES:**  
 1) SITE CONTOURS BASED ON:  
 SECTOR 2-AERIAL FLIGHT BY KBM OF OCTOBER 2, 2000  
 SECTOR 2-LATEST AYRES SURVEY OF JANUARY 2, 2001

**HORIZONTAL & VERTICAL CONTROL:**  
 ELEVATIONS BASED ON: USGS NGVD 1929

- CP-2 - 14+00N 0+00E EL - 900.17
- CP-3 - 14+00N 9+00E EL - 900.43
- CP-4 - 14+00N 14+00E EL - 900.70

**SITE GRID TO STATE PLANE GRID  
 (COORDINATE CONVERSION)**

SITE	CONTROL POINT	STATE
14+26.25N 21+67.65E	STONE MONUMENT (SEC COR 8/9/11/76)	366426.25N 1645167.65E

DR. BY G.S. J.G. SCHMIDT  
 CHK. BY T. SPARHAWK  
 DATE JAN. 2003

DGN FILE: NORTHEXP01HM.DGN  
 JOB NO. 10-0739.00  
 SCALE AS NOTED



PLANS PREPARED BY  
**AYRES ASSOCIATES**  
 Engineers/Architects  
 Scientists/Surveyors  
 Owen Ayres & Associates Inc.  
 Eau Claire, Wisconsin

**ONYS SEVEN MILE CREEK LANDFILL, LLC**  
 HORIZONTAL EXPANSION - FEASIBILITY  
 EAU CLAIRE, WISCONSIN  
 JANUARY, 2003

ORDINARY HIGH WATER MARK DETERMINATION

SHEET NO. 1



**Flag 1**



**Flags 7,8**



**Flags 7,8,9**



**Flag 7**



**Flags 8,9**



**Flag 9**



**Flags 14,15**



**Flag 15**



**Flags 17,16,15**



**Flags 17,16**



**Flag 20**



**Flag 21**



**Flags 22,21**



**Flag 22**



**Flag 23**



**Flag 23**



**Flag 31**



**Flag 32**



**Flag 38**



**Flag 40**



**Flag 39**

JUN 16 2003

June 9, 2003

3817 MINERAL POINT ROAD  
MADISON, WI 53705-5100  
TEL 608/262.1705  
FAX 608/262.8086  
WWW.UWEX.EDU/WGNHS/JAMES M. ROBERTSON  
DIRECTOR AND STATE GEOLOGISTMs Lori Rosemore  
Ayres Associates  
3433 Oakwood Hills Parkway  
P.O. Box 1590  
Eau Claire, WI 54702-1590Voice 715-834-3161  
Fax 715-831-7500

Dear Ms. Rosemore,

In your fax inquiry of June 5, 2003, you request assistance in evaluating fault areas, seismic impact zones, and unstable areas with respect for an evaluation for the horizontal expansion of the Onyx Seven Mile Creek Landfill in sec. 8 ann 9, T. 27 N., R. 8 W., Eau Claire County. This area of Wisconsin is considered aseismic, and poses no particular earthquake hazard. However, shaking from areas to the east and south may occasionally be felt.

## 1. Fault area:

In evaluating an available report (B.A. Brown, 1988, Bedrock Geology of Wisconsin, West-Central Sheet. 1:250,000 Map 88-7.), and our understanding of the geology of west-central Wisconsin, we have identified no faults of Holocene age in the area.

## 2. Seismic Impact Zone: (Defined at NR 500.03 (208))

The best source of information for this from the National Seismic Hazard Mapping Project of US Geological Survey at <http://geohazards.cr.usgs.gov/eq/>.

Upon examination of Plate 3 (Preliminary map of horizontal acceleration (Expressed as percent of gravity) in rock with 90 percent probability of not being exceeded in 250 years) in S.T. Algermissen, D.M. Perkins, P.C. Thienhaus, S.L. Hanson, and B.L. Bender (1982) Probabilistic estimates of maximum acceleration and velocity and velocity in rock in the contiguous United States: U.S. Geological Survey Open-file Report 82-1033, 99 p., I have determined that all of Wisconsin falls within a zone identified as having between 5 and 9 percent horizontal acceleration. Additional information from the U.S. Geological Survey may be found at <http://geohazards.cr.usgs.gov/eq/index.shtml>

3. Unstable area:

I have made no evaluation of unstable areas. That can only be determined by actual site analysis and where appropriate test of the surficial material.

4. Pertinent Geological Report

Mudrey, M.G., Jr., 1984, 1984-1. List of earthquakes in Wisconsin: Wisconsin Geological and Natural History Survey Open-file Report 1984-01, 2 p

Respectfully,



Dr. Michael G. Mudrey, Jr.  
Geologist

email [mgmudrey@wisc.edu](mailto:mgmudrey@wisc.edu)



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

## AIRPORTS DISTRICT OFFICE - MINNEAPOLIS

6020 28th Avenue South, Room # 102  
Minneapolis, Minnesota 55450-2706  
May 7, 2002

**RECEIVED**  
MAY 09 2002  
AYRES ASSOCIATES

Attn. Lori A. Rosemore, P. G. Hydrogeologist  
Owen Ayres & Associates, Inc.  
3433 Oakwood Hills Parkway  
P.O. Box 1590  
Eau Claire, Wisconsin 54702-1590

Re: Proposed: Landfill Expansion - Seven Mile Creek Landfill  
Eau Claire, Eau Claire County, Wisconsin  
Finding of Compatibility

Dear Ms. Rosemore:

I am responding to your correspondence dated October 12, 2001. The additional information provided was very helpful and I can now report that the FAA has completed its compatibility determination for the proposed referenced facility.

As you know, the FAA neither approves nor disapproves locations of sanitary landfills, restricted waste facilities or other similar types of waste disposal operations. We are concerned with the safety of flight and the protection of those involved in private and commercial aviation. Although we can offer advice and guidance on the flight safety impact of a landfill facility near an airport, final approval or disapproval of the location is the responsibility of the licensing authority.

In this case the FAA has determined that although the proposed facility is located off airport property. The subject facility should not be incompatible with airport operations.

The FAA has completed its review of a proposal to construct/expand the existing Seven Mile Creek Landfill near Cjippewa Valley Regional Airport, Eau Claire, Wisconsin. We concur with the proposal relative to compatibility standards contained in FAA AC 150/5200-33, but with conditions identified below:

1. The Landfill Facility must be properly supervised to assure that the bird populations are not increasing and that appropriate control procedures are being followed.
2. Any increases in bird activity that might be hazardous to safe aircraft operations will result in prompt mitigation actions and/or closure of the Landfill.
3. The Landfill Owner/Operator should develop and implement a Wildlife Hazard Management Plan based on a zero tolerance policy for birds.
4. The above conditions must be clearly defined via state/local licensing procedures associated with the establishment of the Landfill.

If you have any questions or need any additional clarification, please feel free to contact us at (612) 713-4350.

Sincerely,

Michael Pinkley  
Airports Program Analyst  
Cc WBA

B-15



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Archaeology Office  
952 Tacoma Beach Rd.  
Sturgeon Bay, WI 54235  
Telephone: 920-743-2083

Scott McCallum, Governor  
Darrell Bazzell, Secretary

RECEIVED  
OCT 18 2001  
AYRES ASSOCIATES

October 15, 2001

Lori A. Rosemore  
Owen Ayres & Associates, Inc.  
3433 Oakwood Hills Parkway, Box 1590  
Eau Claire, WI 54702-1590

SUBJECT: Superior Seven Mile Creek Landfill, Eau Claire County

Dear Ms. Rosemore:

I have checked Wisconsin Historical Society records, and have determined that there are no known archaeological sites or historic structures in the area of the proposed expansion of the Superior Seven Mile Creek Landfill near Eau Claire (T27N, R8W, sections 8-9, 16-17). While unreported sites may exist, no further review is needed for compliance with §.44.40 *Wis. Stats.*

Sincerely,

Victoria Dirst, Ph.D.  
DNR Archaeologist

## **Email Communications**

## Daigle, Teri

---

**From:** Bobb.Beauchamp@faa.gov  
**Sent:** March 21, 2019 7:43 AM  
**To:** Daigle, Teri  
**Cc:** Oswald, John  
**Subject:** RE: Airport Setbacks and Concurrence Request for Seven Mile Creek Landfill Proposed Expansion

Teri,

Thank you for the additional information. Based on this, the FAA agrees with your conclusion that the 6-mile restriction from FAA AC 150/5200-34A does not apply to the proposed modifications at the Seven Mile Creek Landfill. As explained in your documentation, the proposed expansion is a vertical and horizontal expansion of an existing landfill in operation on or before April 5, 2000.

If you have any questions or need additional information, please do not hesitate to contact me.

---

**From:** Daigle, Teri <Teri.Daigle@cornerstoneeg.com>  
**Sent:** Thursday, March 14, 2019 2:26 PM  
**To:** Beauchamp, Bobb (FAA) <Bobb.Beauchamp@faa.gov>  
**Cc:** Oswald, John <John.Oswald@Cornerstoneeg.com>  
**Subject:** RE: Airport Setbacks and Concurrence Request for Seven Mile Creek Landfill Proposed Expansion

Bobb,

Thank you for responding to our request to review airport setbacks from the Seven Mile Creek Landfill Proposed Northeast Expansion. A letter was sent in the mail today (and included as an attachment to this email) with a response to your email dated March 11, 2019 requesting additional information regarding the proposed expansion.

Please let me know if you have any additional questions.

Thank you,

**Teri Daigle** | Environmental Engineer | Cornerstone Environmental Group – a Tetra Tech company  
Direct +1 (630) 410-7231 | Business +1 (877) 633-5520 | [teri.daigle@cornerstoneeg.com](mailto:teri.daigle@cornerstoneeg.com)

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## Daigle, Teri

---

**From:** Bobb.Beauchamp@faa.gov  
**Sent:** March 11, 2019 10:00 AM  
**To:** Daigle, Teri  
**Subject:** RE: Airport Setbacks and Concurrence Request for Mallard Ridge Landfill Proposed Expansion

Teri,

Below are the FAA's responses to your conclusions for the Seven Mile Creek Landfill Proposed Expansion in Eau Claire, Wisconsin.

Your letter asks FAA to consider and respond to two conclusions:

1: There are no airport runways designed and used by turbojet aircraft located within 10,000 feet, or designed and used by piston-type aircraft within 5,000 feet, of the proposed project site.

FAA Response: Agree. Based on our review of the information you submitted, and our own records, no public-use airport as defined in 40 CFR Part 258 is within the 10,000' or 5,000' range of the landfill site.

2. There are no public airports within a 5-mile radius of the proposed site.

FAA Response: Agree. Based on our review of the information you submitted, and our own records, no public use airport lies within 5 miles of the landfill site.

2a: The 6-mile area listed in FAA Advisory Circular 150/5200-34 does not apply because the landfill is being expanded or modified after April 5, 2000.

FAA Response: Neither agree nor disagree. We note that the Chippewa Valley Regional Airport (EAU) is within 6 miles of the proposed site, and that our records indicate that EAU is a public use airport serving primarily general aviation aircraft and scheduled air carrier operations using aircraft with less than 60 passenger seats. This indicates that EAU is possibly an airport that is subject to the 6-mile restriction found in 49 USC section 44718(d). Per FAA AC 150/5200-34, the airport must have total annual enplanements consisting of at least 51% of scheduled air carrier enplanements in aircraft with less than 60 passenger seats. We are still working to verify this last requirement, but it appears that EAU will also meet this condition.

Your letter does not contain enough information regarding the proposed landfill project for the FAA to reach a determination as to whether the proposed expansion is also subject to the 6-mile restriction at this time. In order to provide a response, we will need the following information:

Basic information regarding the nature of the proposed expansion. In particular, whether the proposed expansion is the construction of a new, discrete cell, or the expansion (vertical or lateral) or modification of an existing cell.

A map depicting the likely location or outline of the proposed expansion.

A brief description of the permits and permitting actions that will be required in order to construct and operate the proposed expansion. For example, will the proposed expansion require a new permit from the state of WI, or will it require a modification or renewal of an existing permit?

Once you have provided the additional requested information, we will be able to provide you with a more complete response to your letter.

---

**From:** Daigle, Teri <Teri.Daigle@cornerstoneeg.com>  
**Sent:** Friday, March 08, 2019 9:15 AM  
**To:** Beauchamp, Bobb (FAA) <Bobb.Beauchamp@faa.gov>  
**Subject:** FW: Airport Setbacks and Concurrence Request for Mallard Ridge Landfill Proposed Expansion

Bobb,

Has there been any progress on confirming airport setback distances for our two proposed landfill expansions? Could you provide a timeline for when we can expect a response from your office?

I've attached the original letters for your reference.

Thanks,

**Teri Daigle** | Environmental Engineer | Cornerstone Environmental Group – a Tetra Tech company  
Direct +1 (630) 410-7231 | Business +1 (877) 633-5520 | [teri.daigle@cornerstoneeg.com](mailto:teri.daigle@cornerstoneeg.com)

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**From:** Daigle, Teri  
**Sent:** February 14, 2019 11:29 AM  
**To:** 'Bobb.Beauchamp@faa.gov' <[Bobb.Beauchamp@faa.gov](mailto:Bobb.Beauchamp@faa.gov)>  
**Cc:** John Oswald ([John.Oswald@Cornerstoneeg.com](mailto:John.Oswald@Cornerstoneeg.com)) <[John.Oswald@Cornerstoneeg.com](mailto:John.Oswald@Cornerstoneeg.com)>  
**Subject:** FW: Airport Setbacks and Concurrence Request for Mallard Ridge Landfill Proposed Expansion

Bobb,

Has there been any progress on confirming airport setback distances for our two proposed landfill expansions? Could you provide a timeline for when we can expect a response from your office?

I've attached the original letters for your reference.

Thanks,

**Teri Daigle** | Environmental Engineer | Cornerstone Environmental Group – a Tetra Tech company  
Direct +1 (630) 410-7231 | Business +1 (877) 633-5520 | [teri.daigle@cornerstoneeg.com](mailto:teri.daigle@cornerstoneeg.com)

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---

**From:** Daigle, Teri  
**Sent:** January 9, 2019 12:40 PM  
**To:** 'Bobb.Beauchamp@faa.gov' <[Bobb.Beauchamp@faa.gov](mailto:Bobb.Beauchamp@faa.gov)>  
**Subject:** RE: Airport Setbacks and Concurrence Request for Mallard Ridge Landfill Proposed Expansion

Bobb,

Has there been any progress on confirming airport setback distances for our two proposed landfill expansions? Has your office been affected by the government shutdown?

Regards,

**Teri Daigle** | Environmental Engineer | Cornerstone Environmental Group – a Tetra Tech company  
Direct +1 (630) 410-7231 | Business +1 (877) 633-5520 | [teri.daigle@cornerstoneeg.com](mailto:teri.daigle@cornerstoneeg.com)

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---

**From:** [Bobbe.Beauchamp@faa.gov](mailto:Bobbe.Beauchamp@faa.gov) <[Bobbe.Beauchamp@faa.gov](mailto:Bobbe.Beauchamp@faa.gov)>  
**Sent:** September 7, 2018 12:41 PM  
**To:** Daigle, Teri <[Teri.Daigle@cornerstoneeg.com](mailto:Teri.Daigle@cornerstoneeg.com)>  
**Subject:** RE: Airport Setbacks and Concurrence Request for Mallard Ridge Landfill Proposed Expansion

Teri,

I have received both your emails and attachments containing the notifications for the Advanced Disposal Mallard Ridge Landfill proposed expansion, and the Advanced Disposal Seven Mile Creek Landfill proposed expansion.

---

**From:** Daigle, Teri  
**Sent:** September 7, 2018 9:52 AM  
**To:** [bobb.beauchamp@faa.gov](mailto:bobb.beauchamp@faa.gov)  
**Cc:** John Oswald ([John.Oswald@Cornerstoneeg.com](mailto:John.Oswald@Cornerstoneeg.com))  
**Subject:** Airport Setbacks and Concurrence Request for Seven Mile Creek Landfill Proposed Expansion  
**Attachments:** SMCL FAA Notification Letter 9-6-2018 complete.pdf

Mr. Beauchamp,

Please find attached an e-copy of a letter requesting your review of airport setback distances for the proposed expansion at the Seven Mile Creek Landfill in Eau Claire, Wisconsin. The proposed expansion will include additional cells adjacent to an existing landfill. Please let us know if you require any additional information or if you'd like a hard copy mailed to you.

Kind regards,

**Teri Daigle** | Environmental Engineer  
Direct +1 (630) 410-7231 | Business +1 (877) 633-5520 | Fax +1 (877) 845-1456 | [teri.daigle@tetratech.com](mailto:teri.daigle@tetratech.com)

**Cornerstone Environmental, a Tetra Tech Company** | Complex World, Clear Solutions™  
8413 Excelsior Drive, Suite 160 | Madison, WI 53717 | [tetratech.com](http://tetratech.com)

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## Daigle, Teri

---

**From:** Oswald, John  
**Sent:** November 7, 2018 1:31 PM  
**To:** 'Kent, Aaron T - DNR'  
**Cc:** 'Coller, Nathan - DNR'; 'Lourigan, Joseph J - DNR'; Field, Tyler; Mark Vinall; Tim Curry; Roche, Dan  
**Subject:** Seven Mile Creek Landfill - Sector 2 NE Expansion - AGIP Additional Information (Lic No. 3097)

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	'Kent, Aaron T - DNR'	
	'Coller, Nathan - DNR'	
	'Lourigan, Joseph J - DNR'	
	Field, Tyler	Read: 11/7/2018 1:39 PM
	Mark Vinall	
	Tim Curry	
	Roche, Dan	Read: 11/7/2018 2:12 PM

Aaron,

The purpose of this email is to provide additional information regarding the Advanced Disposal Services Seven Mile Creek Landfill (SMCL) – Sector 2 Northeast Expansion proposed Alternative Geotechnical Investigation Program (AGIP). On October 23, 2018, Cornerstone Environmental Group, LLC (Cornerstone) on behalf of SMCL, submitted an AGIP to the Wisconsin Department of Natural Resources (WDNR) for the Sector 2 Northeast Expansion. The WDNR is currently reviewing this submittal.

Since the submittal, Cornerstone has become aware that due to the lack of availability of hollow stem drill rigs, a Sonic drilling method will need to be utilized to perform the subsurface investigation. Since the Sonic drilling method is planned to be utilized for the installation of the proposed five boring/well sampled locations, an exemption is being requested for the collection of standard penetration tests (SPTs) as required by NR 512.09 (1)(d) and NR 507.06 (1)(b) because SPT tests cannot be obtained during this drilling method.

The exemption for SPTs based on the use of this drilling method for landfill geotechnical investigations is justified for the following reasons:

- Standard penetration test data has previously been obtained during sample collection at 26 borings within 300 feet of the Expansion footprint as identified in the AGIP.
- The unconsolidated soil primarily consists of fine grained sand or silty sand. The sand overlies friable and weathered sandstone bedrock. Typical blow counts from the attempt to collect split samples in the friable/weathered bedrock have been 50 over a few inches across the site. The sonic drilling method is more likely to collect a representative sample from the bedrock than the split spoon method. A rock core will still be collected from the deepest boring.
- The current conceptual design in the horizontal footprint area indicates that a majority of the unconsolidated soil will likely be removed during liner construction. As a result, any gathered SPT information will be of limited value.

- This drilling method has been utilized for other landfill Feasibility Studies within the State of Wisconsin.

We request you provide an email concurrence for the proposed additional exemption request for the Sector 2 Northeast Expansion AGIP, as soon as possible. Please contact me with any additional questions at [John.Oswald@cornerstoneeg.com](mailto:John.Oswald@cornerstoneeg.com) or by phone at (630) 410-7224.

**John C. Oswald, P.G. (WI, MN, IL)** | WI Operations Director/Client Manager  
Direct +1 (630) 410-7224 | Mobile +1 (608) 515-4111 | [john.oswald@cornerstoneeg.com](mailto:john.oswald@cornerstoneeg.com)

**Cornerstone Environmental Group, LLC - A Tetra Tech Company**  
8413 Excelsior Drive, Suite 160 | Madison, WI, 53717 | [cornerstoneeg.com](http://cornerstoneeg.com) | [tetrattech.com](http://tetrattech.com)

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## Zander, Jamie

---

**From:** Ned Noel <Ned.Noel@eauclairewi.gov>  
**Sent:** Monday, July 21, 2014 3:32 PM  
**To:** Mockert, Susan  
**Cc:** Stephen Nick  
**Subject:** RE: Follow up

After legal review, our City Attorney Steve Nick says this agreement triumphs local zoning need. New agreement negotiations on the expansion plans however might be a good time to address the lack of zoning clarity for all parties involved. Thanks Susan.

Ned Noel  
Associate Planner  
City of Eau Claire  
715-839-8488

---

**From:** Mockert, Susan [<mailto:Susan.Mockert@Cornerstoneeg.com>]  
**Sent:** Tuesday, July 15, 2014 11:11 AM  
**To:** Ned Noel  
**Subject:** Follow up

Hello, Ned.

I am checking in to see if you have had time to look through the document I sent on June 26, 2014 and again on July 9, 2014, the Host Fee Agreement between the City of Eau Claire and Seven Mile Creek Landfill. It is our understanding having read the document that zoning obligations are waived. Please confirm this interpretation of the agreement as possible. Thank you.

**Susan Mockert**  
Project Scientist / GIS Analyst



8413 Excelsior Drive, Suite 160, Madison, WI 53717  
**P:** 630.633.5849 | **M:** 608.338.9544 | [Follow us on LinkedIn!](#)  
[Susan.mockert@cornerstoneeg.com](mailto:Susan.mockert@cornerstoneeg.com)  
[www.CornerstoneEG.com](http://www.CornerstoneEG.com)

**From:** "Lentz, David R" <David.Lentz@dnr.state.wi.us>  
**To:** <jkelly@NRC-INC.NET>  
**cc:** <mwvinall@onyxws.com>, <dasmith@onyxws.com>, "Bischoff, Steve"  
<bischoffs@ayresassociates.com>

---

**Date:** Tuesday, October 05, 2004 02:49PM  
**Subject:** Onyx 7-mile Creek Landfill and Karner Blue Take and Permitting

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Jerry: The attached email message accurately reflects our discussion. Since there is no occupied Karner blue habitat remaining in the north part of the property slated for impacts, then there is no "take", and therefore no permit for KBB take is needed. I have the surveys in my possession. The surveys are in order and the surveyor(s) listed are qualified under the Karner Blue HCP to perform these surveys.

<<Onyx Seven Mile Creek Landfill KBB Program>>

Let me know if there is anything else I can do. Thanks for all your excellent work on this project.

Dave

**David R. Lentz**

*Karner Blue Butterfly HCP Implementation Coordinator*

*Wisconsin Department of Natural Resources*

*Division of Forestry*

*(608) 261-6451 (voice)*

*(608) 266-2925 (fax)*

*(877) 4KARNER (toll free flight information hotline)*

*Karner Blue Butterfly HCP Home Page:*

*<http://www.dnr.wi.gov/org/lander/invertebrates/karner.htm>*

----- Message from "Jerry Kelly" <jkelly@NRC-INC.NET> on Mon, 27 Sep 2004 09:32:59 -0500 -----

**To:** "Lentz, David R" <lentzd@dnr.state.wi.us>

**cc:** "Bill Poole" <bpoole@NRC-INC.NET>

**Subject:** Onyx Seven Mile Creek Landfill KBB Program

Dave:

Attached is a memorandum that summarizes my understanding of our telephone conversation from July. I reported that we did not find the KBB or wild lupine in the proposed northern expansion areas. You stated that, because there was no take in these areas, Onyx did not need a permit for the proposed landfill expansion to the north.

Onyx proposes to continue its pursuit as a full partner in the development of KBB habitat and establishing populations of the species along the new snowmobile trail corridor.

We would appreciate a written letter of concurrence to the above understanding. Onyx requires documentation

<http://namkeal-ntnote1.onyxna.net/mail/dasmith.nsf/2bead48960e1330186256d9c0055b6...> 10/14/2004

of the resolution of any concerns for the KBB for its Plan of Operations comment responses to the WDNR Solid Waste Bureau.

If you have any questions, please call me at (608) 712-9585.

Thanks,

Jerry Kelly

Natural Resources Consulting, Inc.

Attachments:

KBB\_WDNR\_memo.doc



P.O. Box 128  
Cottage Grove, WI 53527-0128  
608-839-1998 • Fax 608-839-1995

www.nrc-inc.net

October 1, 2004

Mr. Dave Lentz  
Karner Blue Butterfly HCP Coordinator  
Division of Forestry  
Wisconsin Department of Natural Resources  
P.O. Box 7921.  
Madison, WI 53707-7921

Subject: ***Letter Report – Wild Lupine-Karner Blue Butterfly Presence/Absence Survey  
Onyx Seven Mile Creek Landfill, Eau Claire County, WI***

Dear Mr. Lentz:

On behalf of Onyx Seven Mile Creek Landfill, Natural Resources Consulting, Inc. (NRC) conducted a Level 1: wild lupine (*Lupinus perennis*) presence/absence survey at the above-referenced site within the proposed landfill expansion area and throughout the remaining non-active portions of the landfill property on June 21, 2004. Level 2 Karner blue butterfly (*Lycaeides melissa samuelis*) presence/absence surveys were conducted at the sites where sufficient numbers and density of wild lupine occurred. Level 2 surveys were conducted once in conjunction with the Level 1 survey and two times during the second butterfly flight period (August 6 and August 12, 2004 respectively). The purpose of this survey was to assess the presence of wild lupine and potential for Karner blue butterflies (KBBs) to occur in the areas proposed for expansion.

### **Findings**

Wild lupine was only observed at 3 locations on the landfill property. There is a small stand of lupine located on the “Old Town Landfill” portion of the property, just east of the infiltration basin. This stand is consistent with findings from the 2002 survey. A stand of lupine observed near the north slope of the infiltration basin during the 2002 survey was not present during this 2004 survey. Other areas of lupine occur along the access road around the southwest and south sides of the closed landfill cell and along the existing snowmobile trail. The extent of lupine in these areas is consistent with, or even slightly expanded, from the 2002 survey results. Some feeding damage was observed at a few locations, however, the extent of apparent feeding damage was minimal and no adult butterflies were observed during any of the survey events.

### **Conclusions**

Although the landfill property is located within the known KBB range and wild lupine was observed at 3 locations, KBBs were not observed during the 2004 surveys. The surveys were conducted during periods when wild lupine and/or the butterflies are typically identifiable and coincided with observation reports

Mr. Dave Lentz  
October 1, 2004

Wild Lupine-Karner Blue Butterfly Presence/Absence Survey  
Onyx Seven Mile Creek Landfill, Wisconsin

from other areas within the range. Weather conditions during the first flight period (abundant precipitation and cool temperatures) are suspected to have reduced the overall "hatch" of many butterfly species in this region including the KBB (personal communication with Dave Lentz, KBB HCP Coordinator for the Wisconsin Department of Natural Resources) and may be a factor in the lack of butterflies observed at the landfill.

A set of the completed survey report forms are included for your records. As for the proposed landfill expansion area, no KBB larval habitat (wild lupine) is present therefore, a "Take Permit" should not be necessary.

Please contact us if you have questions or require additional information regarding this submittal.

Best Regards,  
*Natural Resources Consulting, Inc.*



William R. Poole  
Principal Scientist

Attachment

Cc: Don Smith – Onyx Waste Services, Inc.  
Mark Vinall – Onyx Seven Mile Creek Landfill, Inc.  
Steve Bischoff – Ayres Associates  
Cathy Carnes – U.S. Fish and Wildlife Service

# Wisconsin Karner Blue Butterfly Habitat Conservation Plan

2004

## Effectiveness & Self Monitoring Report Form

### Level 1: Lupine Presence/Absence

#### Purpose

Report on this form results of lupine presence/absence surveys conducted on shifting mosaic (SM) and new permanency of habitat (POH) sites during Summer 2004.

#### General Instructions

If you are using this form for effectiveness monitoring, return the completed form by **September 15, 2004** to:

Wisconsin Department of Natural Resources, Attn: HCP Data Manager, ER/4, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921. If you are using this form for self monitoring, summarize results on your Annual Report Form each year and submit a copy of this form to the WDNR at that time. Questions? Contact Scott Bernstein (608-264-6039; Scott.Bernstein@dnr.state.wi.us) or Dave Lentz (608-261-6451; lentzd@dnr.state.wi.us). Refer to your monitoring training packet for specific information about monitoring protocols. **Remember to keep a copy of this form for your records!**

#### Partner & Surveyor Information

Are you using this form for (check one):  Effectiveness monitoring  Self monitoring

Date of survey: 6/21/04 Name of landowner/partner: Onyx 7-mile creek Landfill

Name of surveyor(s) (first and last): Bill Poole

Have you completed monitoring training from the Wisconsin DNR (check one):  Yes  No

If yes, what is the most recent year you attended training: 2002 (certification is generally valid for 5 years)

If no, who were you trained by: \_\_\_\_\_

#### Site Location & Description

If this is an effectiveness monitoring site, a label should be attached below. Please complete/correct information on label, if needed.

Site code: \_\_\_\_\_ County: \_\_\_\_\_  
Partner site code: \_\_\_\_\_ Property code: \_\_\_\_\_  
Site name: \_\_\_\_\_  
Legal description: Township T27N Range R8W Section 8  
SE Quarter of SE Quarter (e.g. NW of SE) Site size (acres): \_\_\_\_\_

Management strategy type (check one):

Shifting mosaic (forestry / short term habitat)

Barrens, prairie, or savanna (long term habitat)

Right-of-way (long term habitat)

Other: \_\_\_\_\_

#### Lupine Observations

Check here if site is not valid and should be removed from the site pool. Briefly describe reason (e.g. under water, not on partner property): \_\_\_\_\_ If so, please contact Scott Bernstein (608-264-6039) asap so a new site can be assigned.

1. Lupine survey method (circle one): transects covering entire site transects covering portion of site random walk

2. Is lupine present on the site? (circle one): Y N (If no, stop here!)

3. Are there at least 25 plants or clumps of lupine, at a density of 50 lupine plants/acre, or 25 lupine plants/200 meters for linear (e.g. right-of-way) sites? (circle one): Y N

4. Estimate approximate sizes (in acres) of the following: Habitat area: 10 Lupine area: 1 Nectar plant area: 9

5. Distribution pattern of lupine (circle one): 1 2 3 4  
(scattered patches) (uniform throughout)

6. Number of plants or clumps of lupine (circle one): 10's 100's 1,000's 10,000+

7. Relative abundance of lupine (check one):  Dominant, abundant  Locally abundant, frequently encountered  
 Infrequent, occasional  Rare, very few plants seen

8. Additional comments about sites with lupine (check all that apply):

- Browse  Encroaching trees  Late flowering  Other chemicals: \_\_\_\_\_  
 Ants  Lots of young plants  Road salt \_\_\_\_\_  
 Mildew  Early flowering  Agricultural sprays \_\_\_\_\_  
 Competing with (e.g. bracken, knapweed, sedges, shrubs, etc)

9. Other comments: No lupine located within the proposed landfill expansion area

**Nectar Plant Information (optional)**

Please assess the general availability of nectar plants during each Karner blue butterfly flight period, and then indicate which individual nectar plant species are present on the site during each flight period. Some nectar plants may not be present or flowering during both flight periods (early flowering species are generally listed before later flowering species in the table).

General availability of nectar plants during 1<sup>st</sup> flight period (circle one): Plentiful Good Minimal

General availability of nectar plants during 2<sup>nd</sup> flight period (circle one): Plentiful Good Minimal

Nectar plants	1 <sup>st</sup> flight period (check if present)	2 <sup>nd</sup> flight period (check if present)
Rock Cross		
Wild strawberry		
Violets		
Dewberry		
Blackberry		
Downy phlox		
Daisy fleabane	✓	✓
Flowering spurge		
Leafy spurge		
Hawkweed	✓	
Yarrow	✓	✓
Cinquefoil	✓	✓
Puccoon		✓
Clover	✓	✓

Nectar plants	1 <sup>st</sup> flight period (check if present)	2 <sup>nd</sup> flight period (check if present)
Common milkweed		
Butterfly milkweed		
Bergamot		
Asters		
Goldenrod		
Horsemint		
Leadplant	✓	✓ (sparse blossoms)
Coreopsis		
Fleabane		
Black-eyed susan		
New Jersey tea		
Blazing star		
Other: Hoary glyssum	✓	✓
Other: Dwarf clover	✓	✓
Other: Spotted Knopweed		✓

**Site Map**

Attach or draw in the space below a site map with lupine patches and nectar plant patches clearly indicated. Supply enough information for future surveyors to be able to relocate and survey the habitat within the site by including landmarks, waterways, distances, cardinal directions, transect locations, etc.



# Wisconsin Karner Blue Butterfly Habitat Conservation Plan

## 2004

## Effectiveness & Self Monitoring Report Form Level 2: Karner Blue Butterfly Presence/Absence

### Purpose

Report on this form results of Karner blue butterfly presence/absence surveys conducted on both shifting mosaic (SM) and permanency of habitat (POH) sites during Summer 2004.

### General Instructions

If you are using this form for effectiveness monitoring, return the completed form by **September 15, 2004** to:

Wisconsin Department of Natural Resources, Attn: HCP Data Manager, ER/4, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921 If you are using this form for self monitoring, summarize results on your Annual Report Form each year and submit a copy of this form to the WDNR at that time. Questions? Contact Scott Bernstein (608-264-6039; Scott.Bernstein@dnr.state.wi.us) or Dave Lentz (608-261-6451; lentzd@dnr.state.wi.us). Refer to your effectiveness monitoring training packet for specific information about effectiveness monitoring protocols. **Remember to keep a copy of this form for your records!**

### Partner & Surveyor Information

Are you using this form for (check one):  Effectiveness monitoring  Self monitoring

Date: 6/21/04

Name of landowner/partner: onyx 7-mile creek Landfill

Name of surveyor(s) (first and last): Bill Poole

Have you completed effectiveness monitoring training from the Wisconsin DNR (check one):  Yes  No

If yes, what is the most recent year you attended training: 2002 (certification is generally valid for 2 years)

If no, who were you trained by: \_\_\_\_\_

### Site Location & Description

If this is an effectiveness monitoring site, a label should be attached below. Please complete/correct information on label, if needed.

Site code: \_\_\_\_\_ County: \_\_\_\_\_

Partner site code: \_\_\_\_\_ Property code: \_\_\_\_\_

Site name: \_\_\_\_\_

Legal description: Township T27N Range R8W Section 8

Management strategy type (check one):

Shifting mosaic (forestry / short term habitat)

Barrens, prairie, or savanna (long term habitat)

Right-of-way (long term habitat)

Other: \_\_\_\_\_

SE Quarter of SE Quarter (e.g. NW of SE) Site size (acres): \_\_\_\_\_

### Site Validation

Check here if site is not valid and should be removed from the site pool. Briefly describe reason (e.g. under water, not on partner property): \_\_\_\_\_

Are there at least 25 plants or clumps of lupine, at a density of 50 lupine plants/acre, or 25 lupine plants/200 meters for linear (e.g. right-of-way) sites? (circle one): Y N (If no, stop here—this is not a valid site for Level 2 Surveys!)

### General Survey Information

Complete all information in the table on the reverse side for each survey conducted for Karner blue butterflies.

**Date:** The first survey may be done during the first Karner blue butterfly flight period. Second and third surveys are necessary only if Karners are not found in the preceding survey. Both second and third surveys must be done during the second Karner blue butterfly flight period, with a 3-7 day interval between surveys. **If this site was also selected for Level 3 Monitoring, at least two of the three surveys must be conducted during the second Karner blue butterfly flight period using the transect survey method.**

**Wind speed:** Use the following indicators to help you estimate wind speed:

Mph	Indication
<1	Smoke rises vertically
1-3	Wind direction shown by smoke drift
4-7	Wind felt on face, leaves rustle
8-12	Leaves and small twigs in constant motion; small branches sway
13-18	Wind raises dust and loose paper; small branches sway

General survey information and instructions for completing the table below, continued

Survey method: The two acceptable survey methods are (A): walk entire habitat area, and (B) transect method.

	First survey	Second survey	Third survey (if needed)
Date (mm/dd/yyyy)	6/21/04	8/6/04	8/12/04
Start time for survey	10:00 am or pm	11:00 am or pm	10:00 am or pm
End time for survey	15:00 am or pm	16:00 am or pm	15:00 am or pm
Minutes spent on survey	270	270	270
Temperature (°F)	65°-75°	70°-75°	70°-75°
Cloud cover (%)	20%	10%	30%
Wind speed (mph)	8-12	4-7	8-12
Survey method (circle one)	(A) B	(A) B	(A) B

**Karner Blue Butterfly Observations**

Circle the appropriate response for each survey conducted.

	First survey	Second survey	Third survey (if needed)
Larvae feeding signs present? (circle one)	Yes No <b>(Not sure)</b>	Yes No <b>(Not sure)</b>	Yes No <b>(Not sure)</b>
Ants present? (circle one)	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure
Karner larvae present? (circle one)	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure
Ants tending Karner larvae present? (circle one)	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure	Yes <b>(No)</b> Not sure
Karner adults present? (circle one)	Yes <b>(No)</b> Optional: number of adults: _____	Yes <b>(No)</b> Optional: number of adults: _____	Yes <b>(No)</b> Optional: number of adults: _____

**Nectar Plant Information (optional)**

Please assess the general availability of nectar plants during each Karner blue butterfly flight period, and then indicate which individual nectar plant species are present on the site during each flight period. Some nectar plants may not be present or flowering during both flight periods (early flowering species are generally listed before later flowering species in the table).

General availability of nectar plants during 1<sup>st</sup> flight period (circle one): **(Plentiful)** Good Minimal

General availability of nectar plants during 2<sup>nd</sup> flight period (circle one): Plentiful **(Good)** Minimal

Nectar plants	1 <sup>st</sup> flight period (check if present)	2 <sup>nd</sup> flight period (check if present)
Rock Cress		
Wild strawberry		
Violets		
Dewberry		
Blackberry		
Downy phlox		
Daisy fleabane	✓	✓
Flowering spurge		
Leafy spurge		
Hawkweed	✓	
Yarrow	✓	✓
Cinquefoil	✓	✓
Puccoon		
Clover	✓	✓

Nectar plants	1 <sup>st</sup> flight period (check if present)	2 <sup>nd</sup> flight period (check if present)
Common milkweed		
Butterfly milkweed		
Bergamot		
Asters		
Goldenrod		
Horsemint		
Leadplant	✓	✓ (sparse blossoms)
Coreopsis		
Fleabane		
Black-eyed susan		
New Jersey tea		
Blazing star		
Other: Hoary Alyssum	✓	✓
Other: Dwarf dandelion	✓	✓
Other: Spotted Knopweed		

## Site Map

Attach or draw in the space below a site map with Karner observations and Karner habitat clearly indicated. Karner habitat is defined as those areas likely to support Karner blue butterflies and consisting of areas of lupine and associated patches of nectar plants within 1) 50 m of the lupine for shifting mosaic management strategy sites, or 2) 250 m of the lupine for right-of-way management strategy sites. Supply enough information for future surveyors to be able to relocate and survey the habitat within the site by including landmarks, waterways, distances, cardinal directions, transect locations, etc.



Please note that we generally submit new or updated Karner blue butterfly occurrences to the Natural Heritage Inventory (NHI) at the end of each monitoring season. NHI data are exempt from the Wisconsin Open Records Law because rare species are very vulnerable to collection as well as destruction. NHI does not publish exact locations of rare species. However, the Bureau of Endangered Resources can and does share NHI data to facilitate management, protection, planning, and avoiding impacts to rare resources. Examples of groups we have shared data with are WDNR employees, local units of government, federal agencies, land trusts, and environmental consultants. If you have any questions or concerns about sharing information about Karner occurrences on your properties with NHI, please contact Dave Lentz (608-261-6451).