

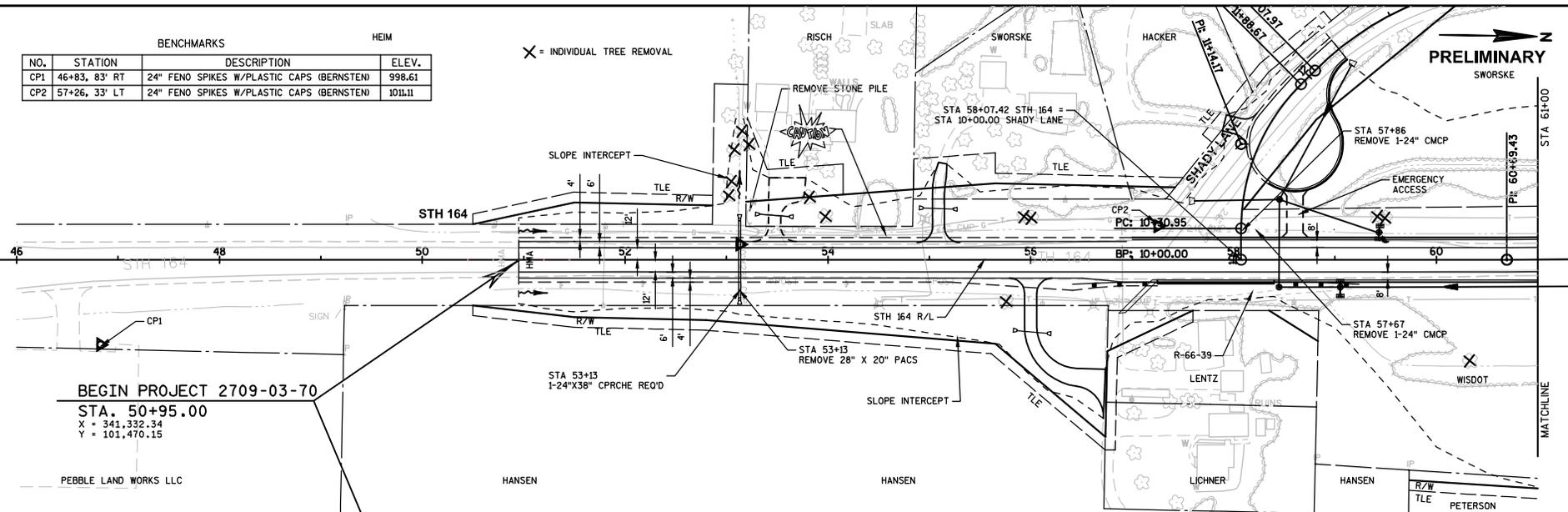
## **Exhibit 7**

### **Preliminary Plan View Layouts**

BENCHMARKS			HEIM
NO.	STATION	DESCRIPTION	ELEV.
CP1	46+83, 83' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	998.61
CP2	57+26, 33' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1011.11

X = INDIVIDUAL TREE REMOVAL

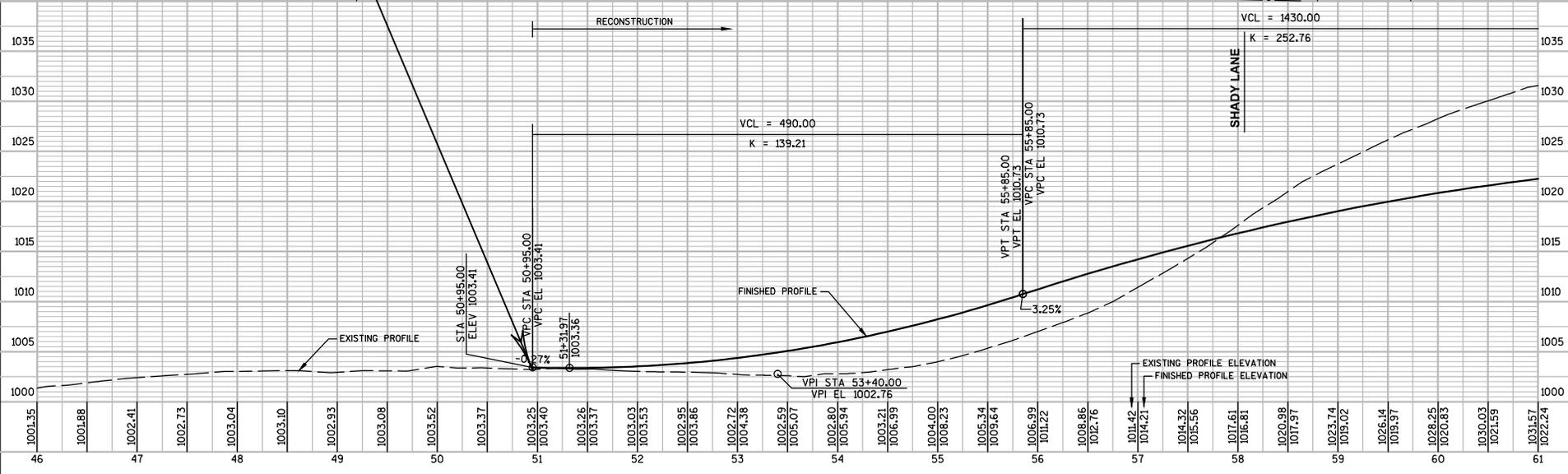
PRELIMINARY  
SWORSKE



5

5

BEGIN PROJECT 2709-03-70  
STA. 50+95.00  
X = 341,332.34  
Y = 101,470.15



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

FILE NAME : T:\1102717\CADD\CIVIL\30\27090300\SHEETS\PLAN\050101\_PP.DWG      PLOT DATE : 10/21/2013 2:36 PM      PLOT BY : BLACKWOOD, JAMES      PLOT NAME : -----

WISDOT/CADD SHEET 40



CENCL - KS

N.	T-TION	ESCRPTIO	E.E.
CP3	7.-	T 2" ENO SPIKES W/P TIC - CERN TEN	
CP4	9.-	T 2" ENO SPIKES W/P TIC - CERN TEN	

THE RE ER E TERS LL

RIPR-

PRELIMINARY

X = INDIVID TREE, R-

R/W

T EOD

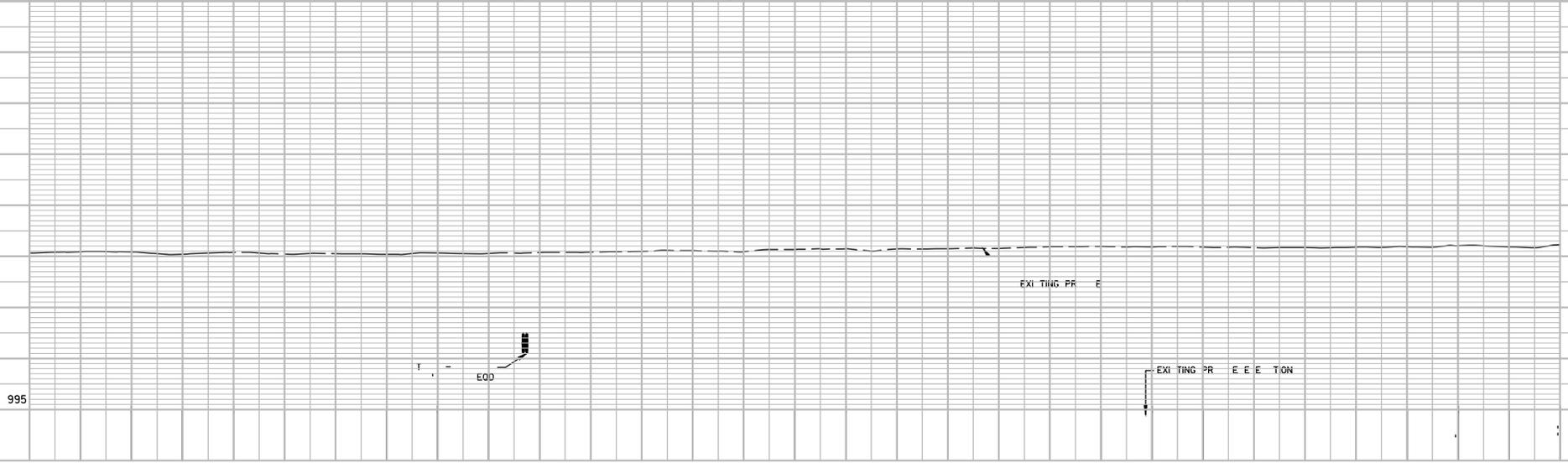
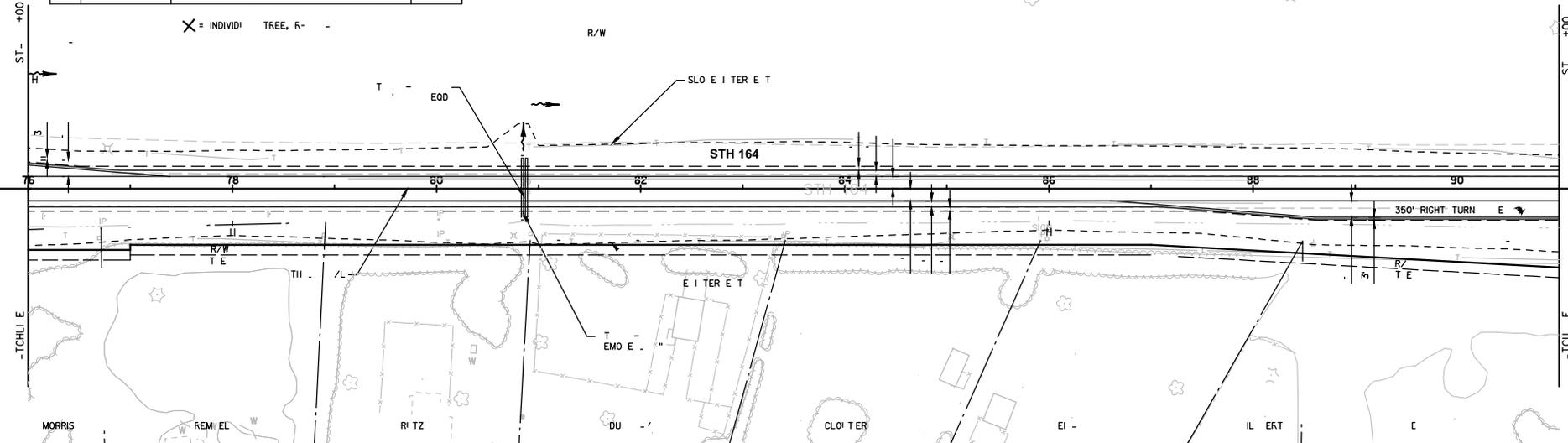
SLO E I TER E T

STH 164

350' RIGHT TURN E

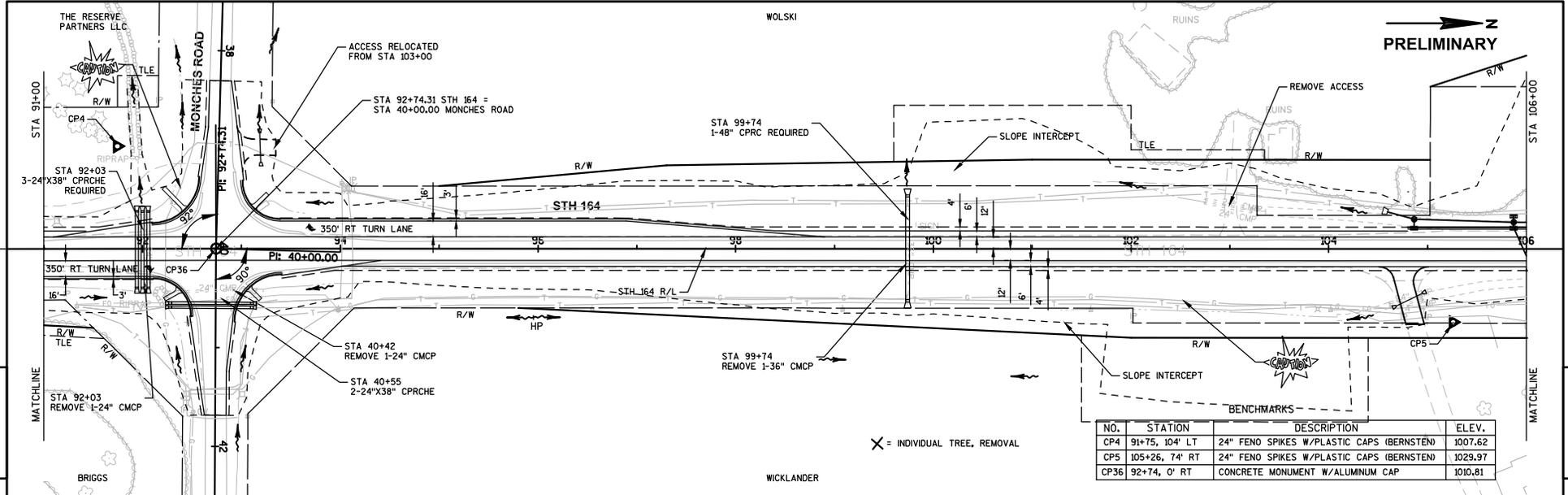
5

5

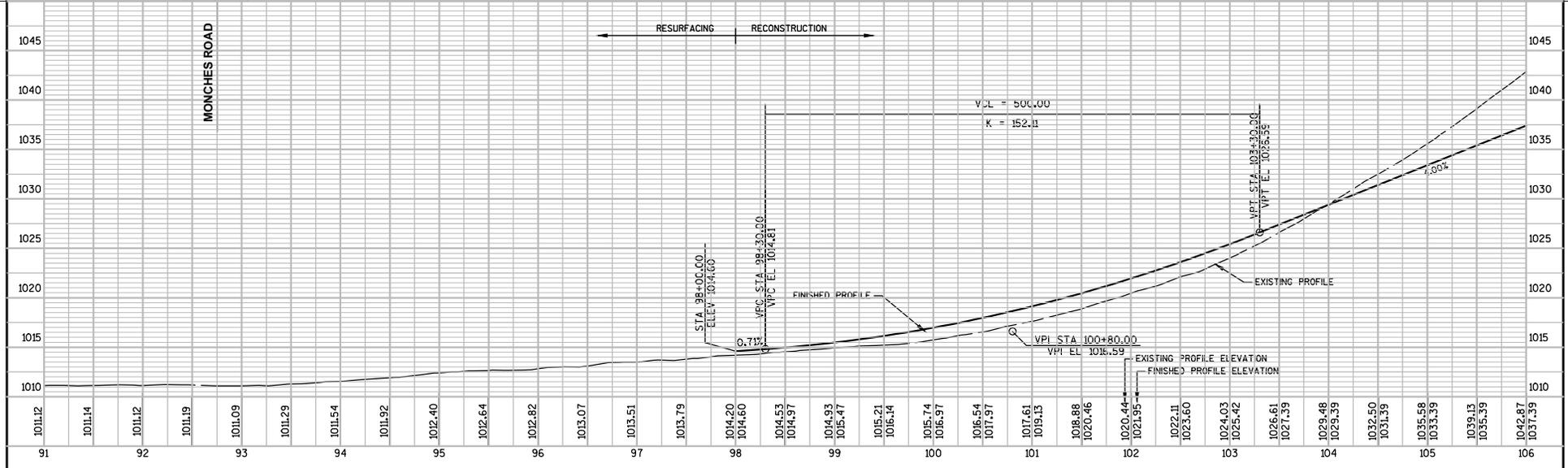


PRO ECT N \* - HWY: TII UNTY: - H TON P SHE-T ----- E

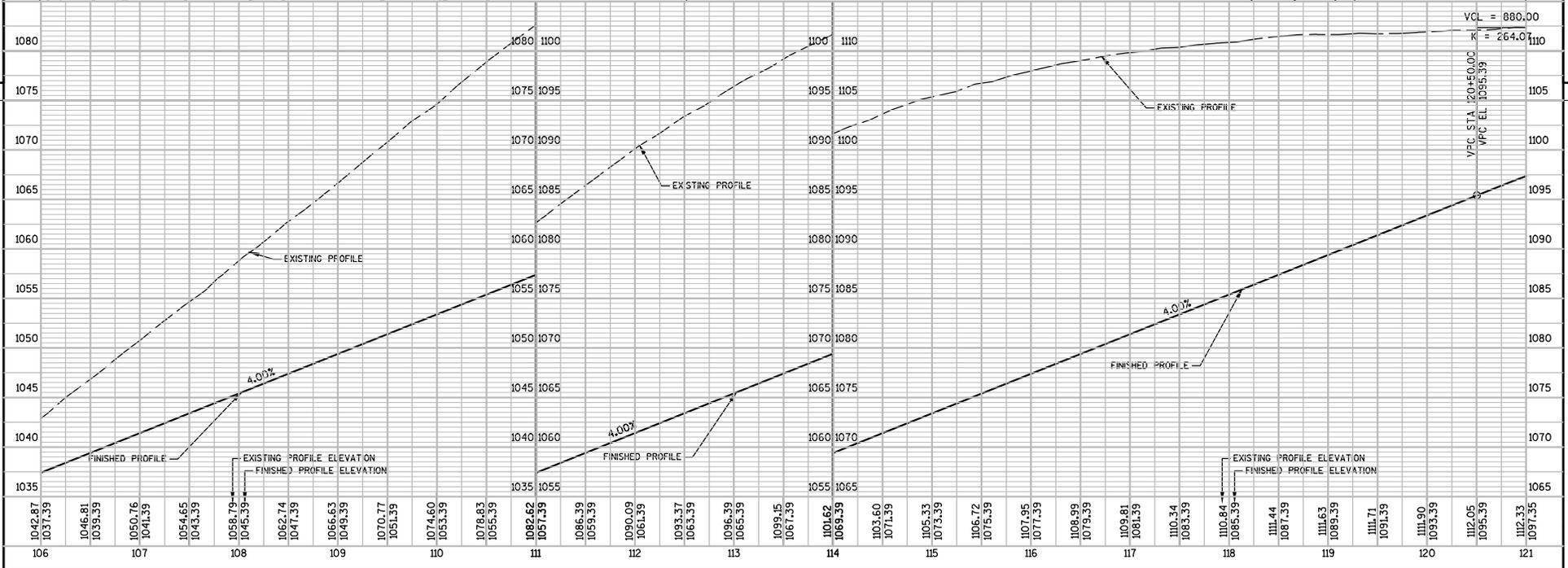
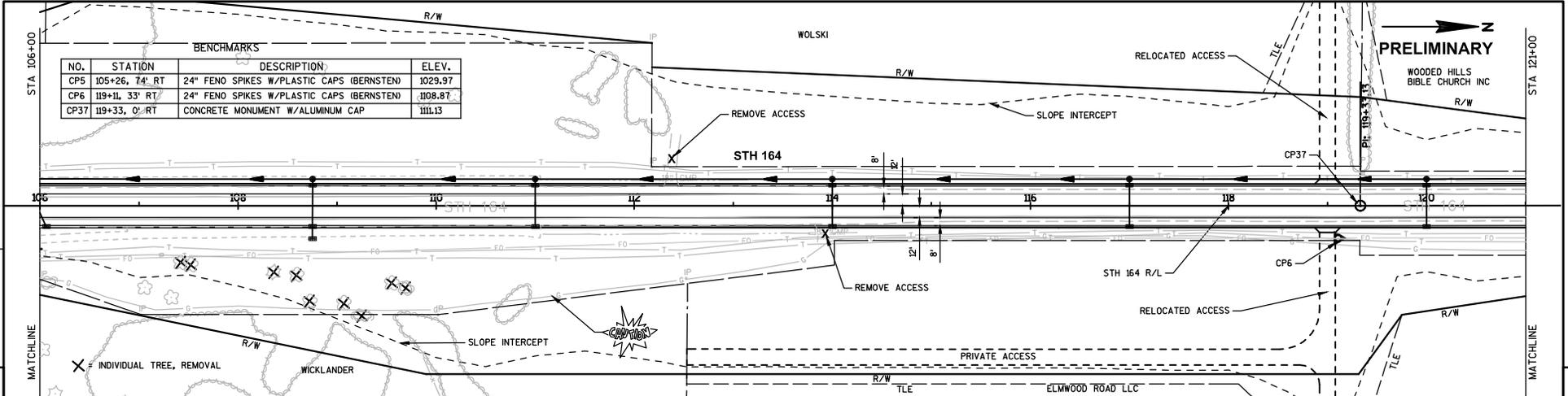
-I E E : T:\1102717\ - CIVIL3D\27090300\SHETSPLAN\05010 T -TE : /22/2013 : T E / : ACKWOOD, JA E T E : WISD T / HEE



NO.	STATION	DESCRIPTION	ELEV.
CP4	91+75, 104' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1007.62
CP5	105+26, 74' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1029.97
CP36	92+74, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1010.81



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

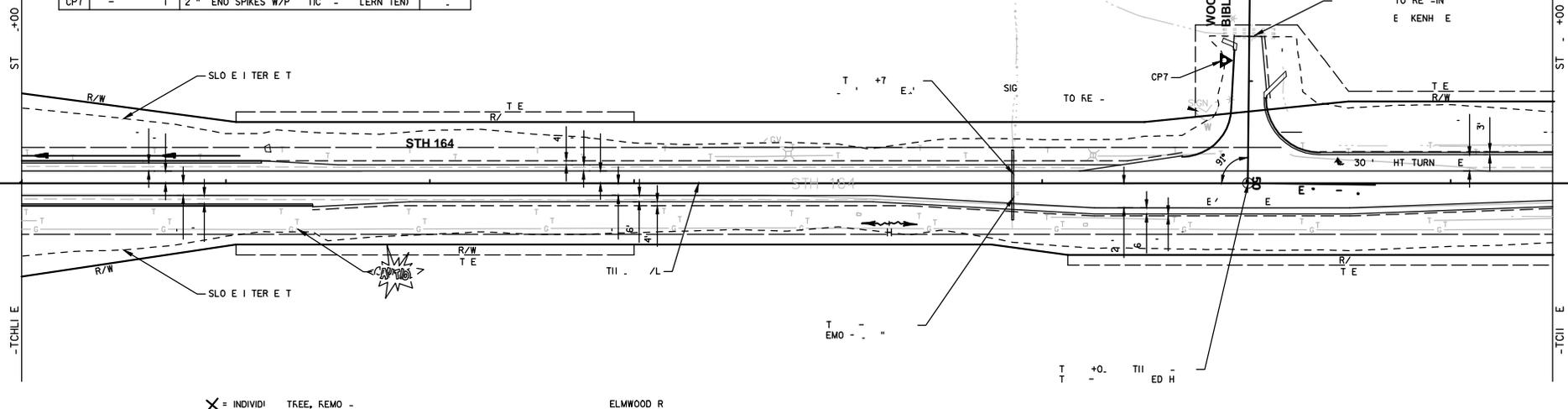
CENCIL - KS

ED H  
LE E CHURCH INC

N .	T-TION	ESCRPTIO	E E .
CP6	+ T	2 " ENO SPIKES W/P TIC - (ERN TEN)	-
CP7	- T	2 " ENO SPIKES W/P TIC - (ERN TEN)	-



PRELIMINARY

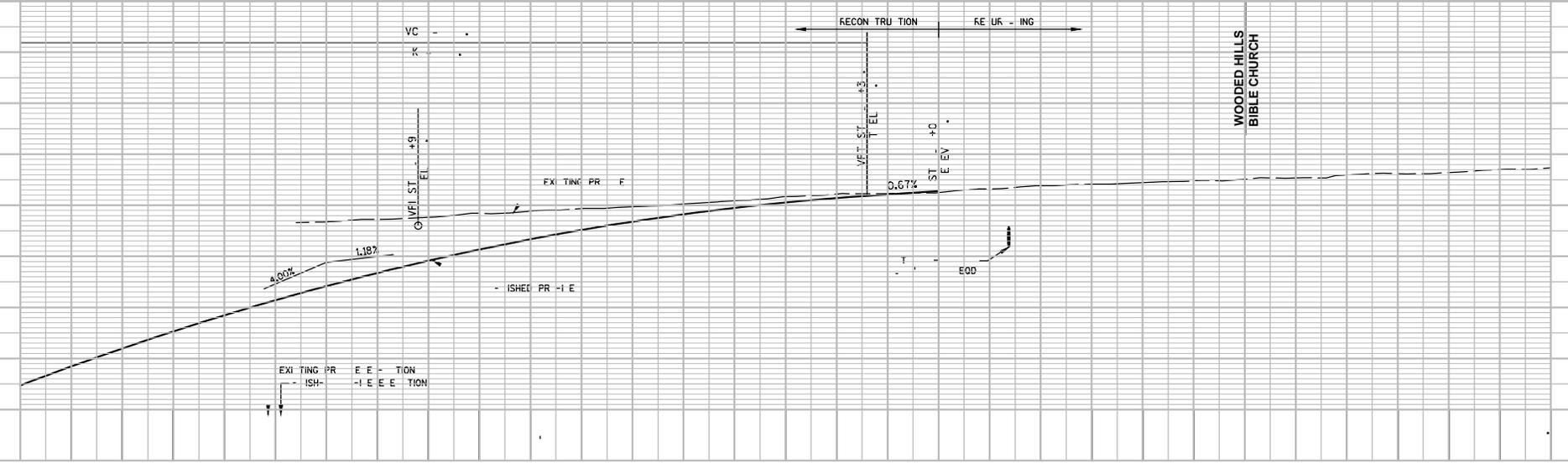


X = INDIVIDUAL TREE, REMOVED

ELMWOOD R

5

5



PROJECT N .	-	HWY: TII	UNTY: - H TON	P	SHE-T	-----	E
-------------	---	----------	---------------	---	-------	-------	---

-I E E : T:\1102717\ - \CIVIL\30\27090300\SHEETS\PLAN\05010

PLOT -TE : /22/2013 : 1 PM

T E / : ACKWOOD, JA E

T E : -----

WISD T/

HEE"

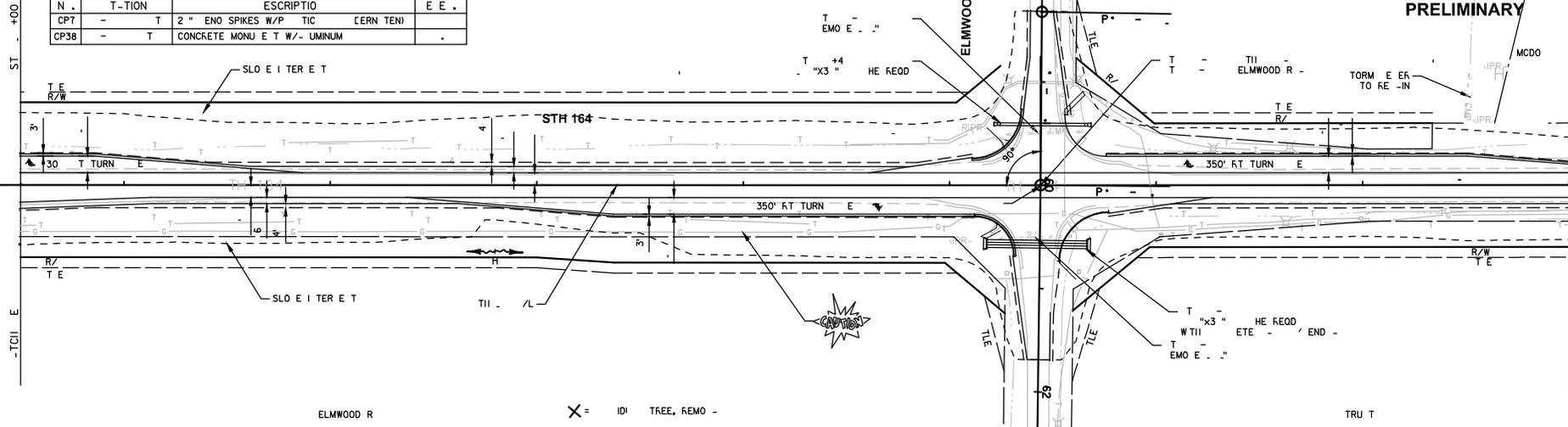
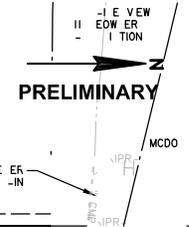
E KENH EN

DICKENSON

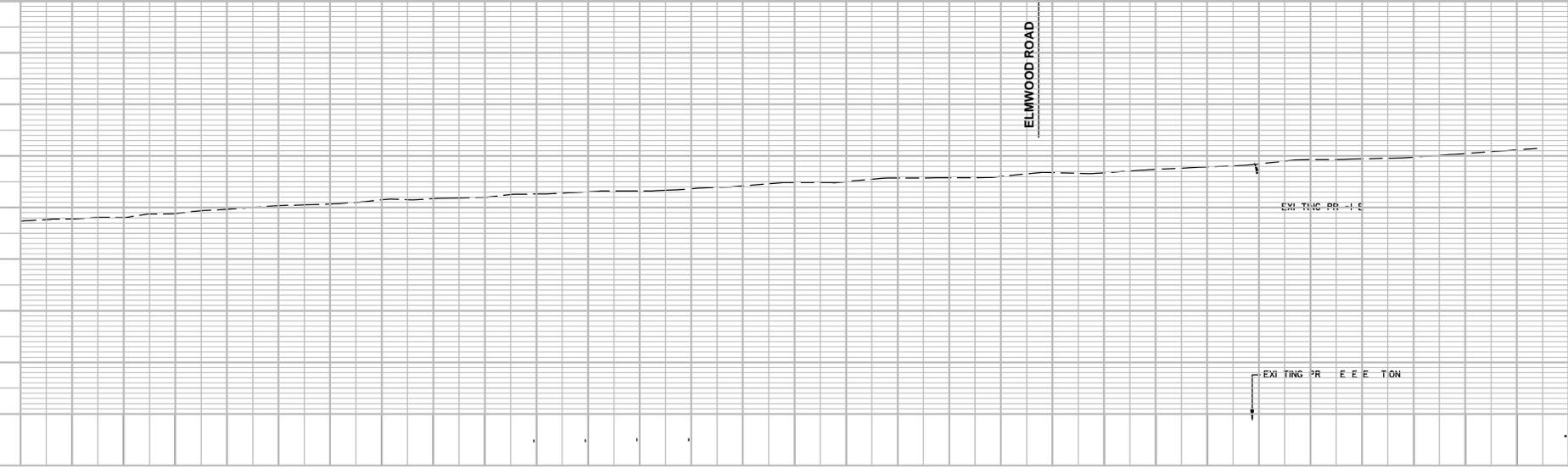
JOI

ENCII - KS

N .	T-TION	ESCRPTIO	E E .
CP7	T	2 " ENO SPIKES W/P TIC	CERN TENI
CP38	T	CONCRETE MONU E T W/- UMINUM	.



X = IDI TREE, REMO -



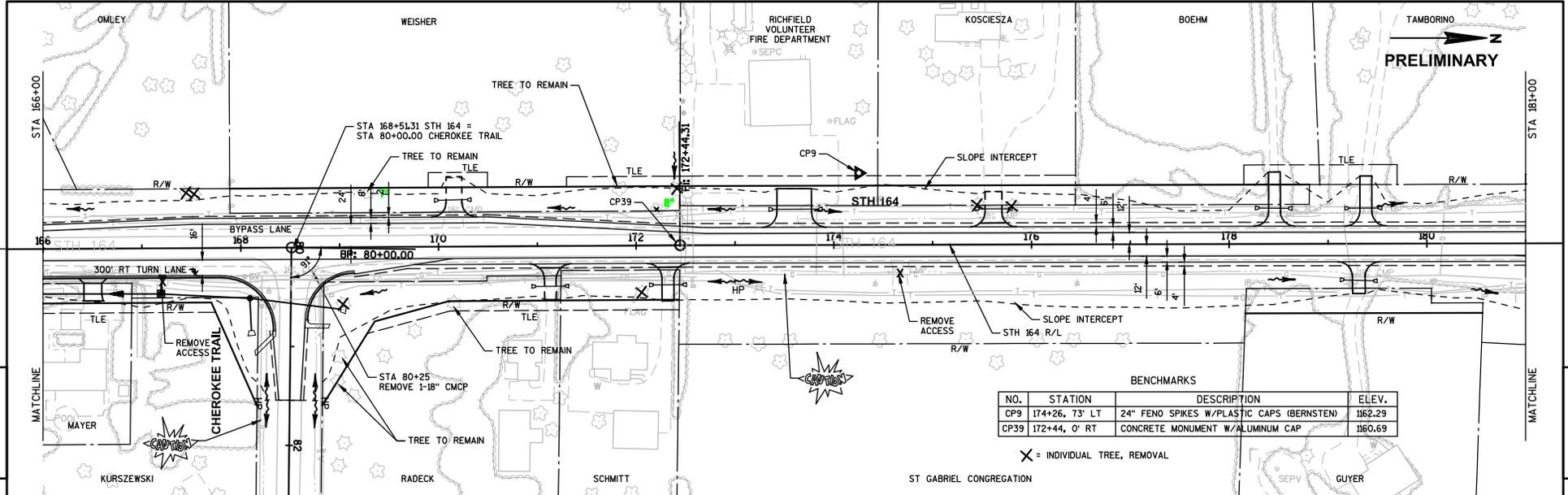
5

5

PRO ECT N \* - HWY: TII UNTY: - H TON P SHE-T ----- E

- I E E : T:\1102717\ - \CIVIL\30\27090300\SHETSPLAN\05010 PLOT -TE : /22/2013 : 1 PM T E / : ACKWOOD, JA E T E : WISD T / HEE"

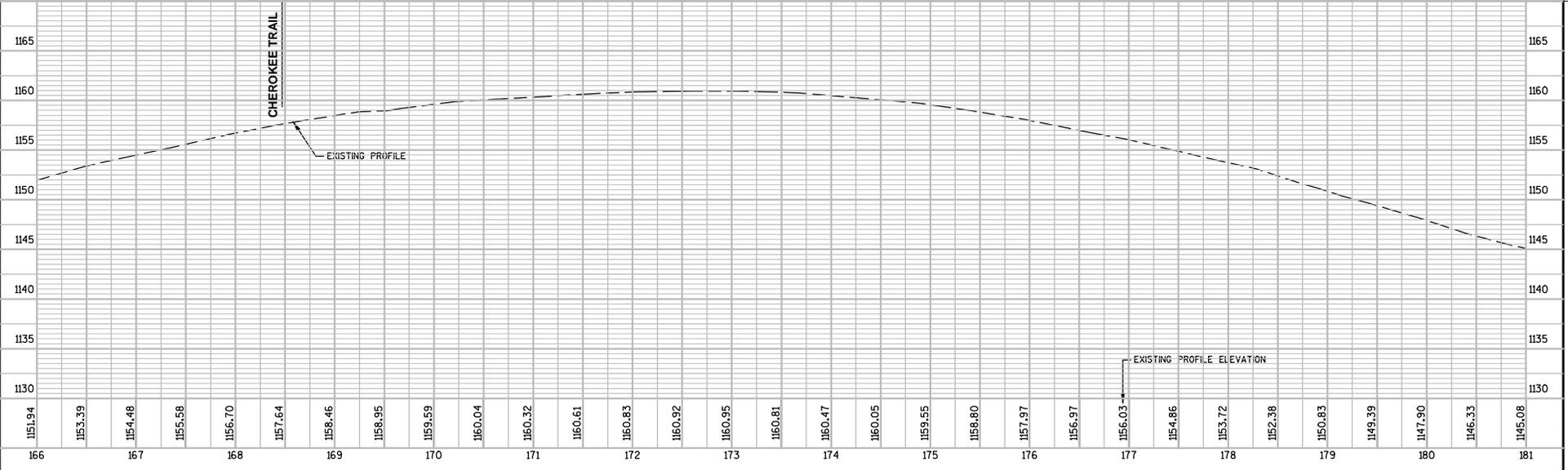




BENCHMARKS

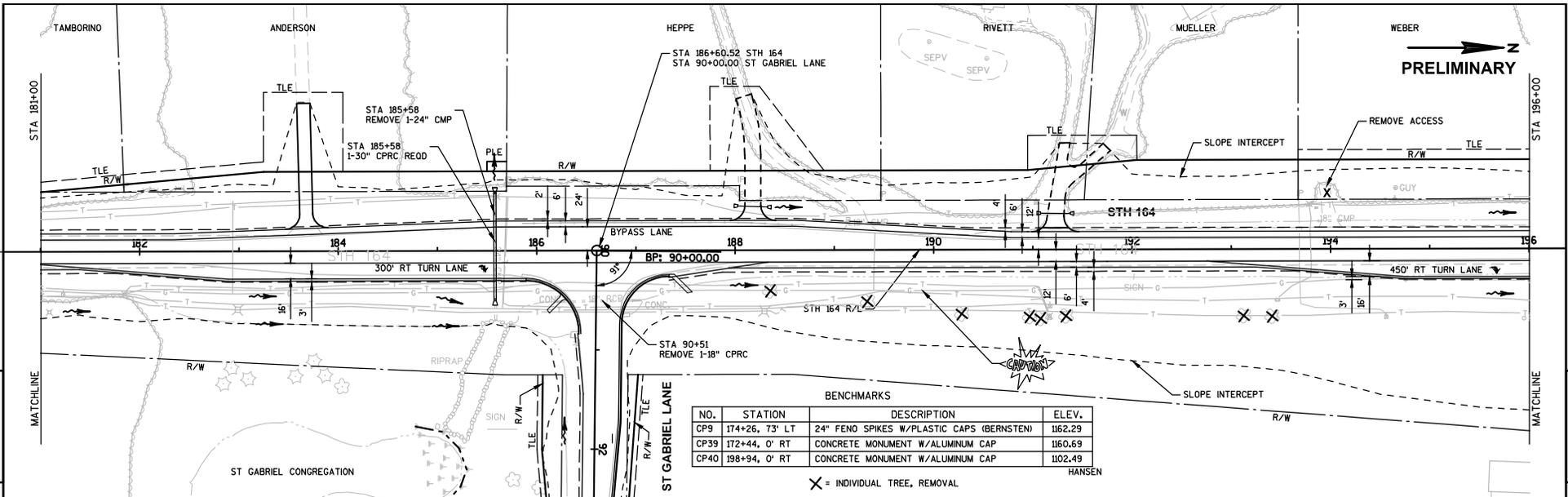
NO.	STATION	DESCRIPTION	ELEV.
CP9	174+26, 73' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1162.29
CP39	172+44, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1160.69

X = INDIVIDUAL TREE, REMOVAL



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

PRELIMINARY

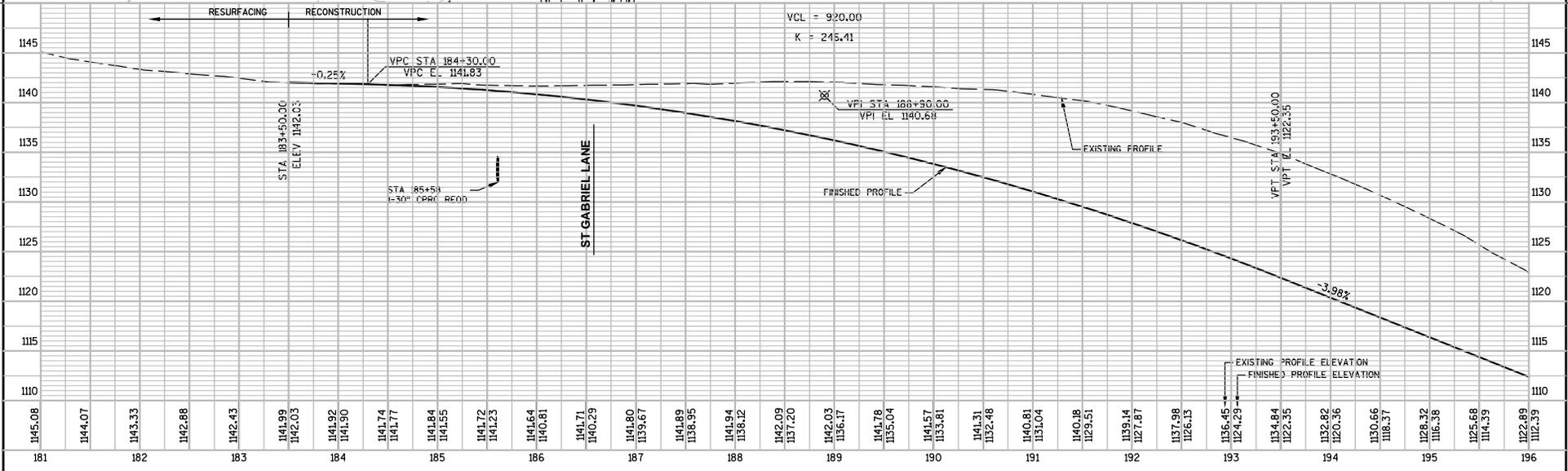


BENCHMARKS

NO.	STATION	DESCRIPTION	ELEV.
CP9	174+26, 73' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1162.29
CP39	172+44, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1160.69
CP40	198+94, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1102.49

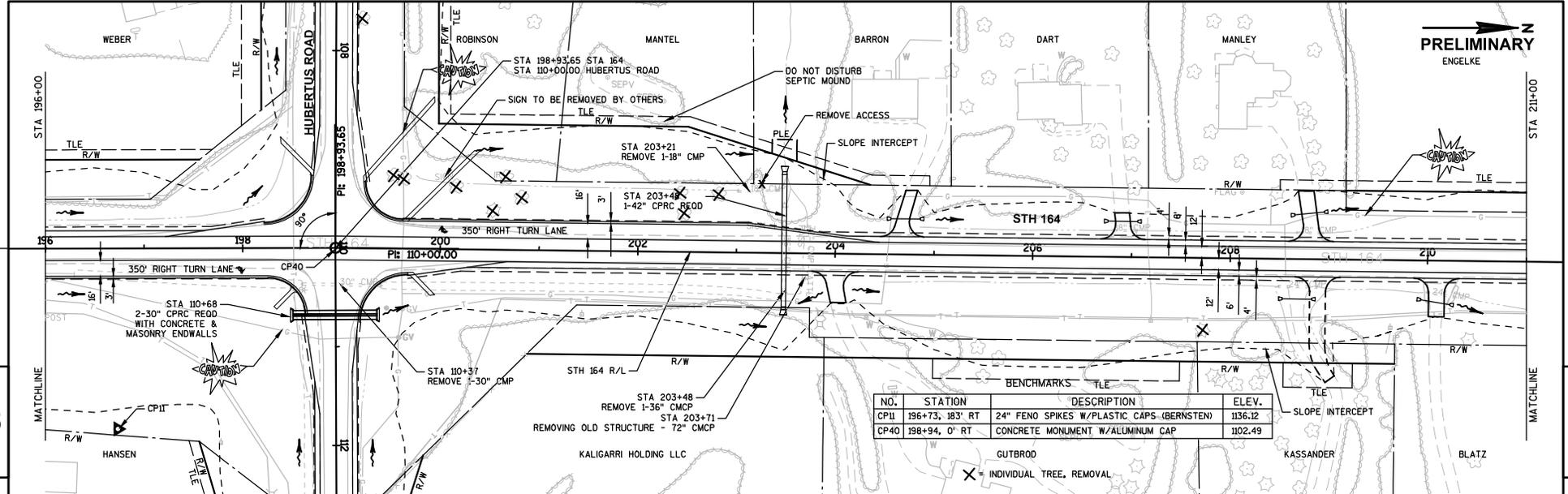
HANSEN

X = INDIVIDUAL TREE, REMOVAL

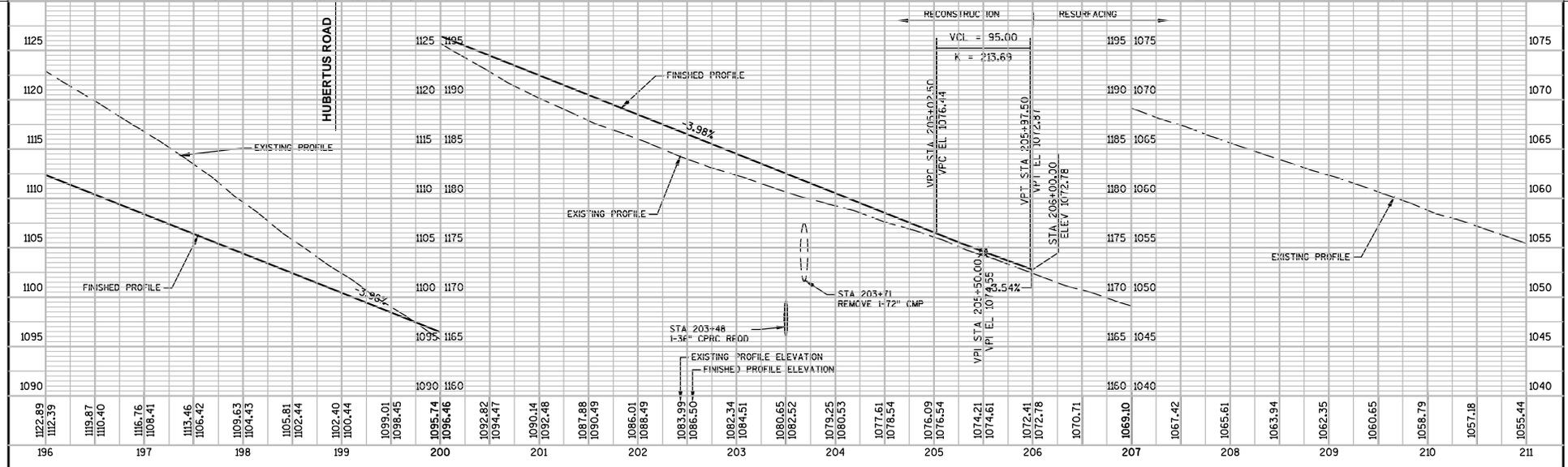


PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET      E

FILE NAME : T:\1102717\CADD\CIVIL\3D\27090300\SHEETS\PLAN\050110\_PP.DWG      PLOT DATE : 2/22/2013 2:42 PM      PLOT BY : BLACKWOOD, JAMES      PLOT NAME :      WISDOT/CADDS SHEET 40

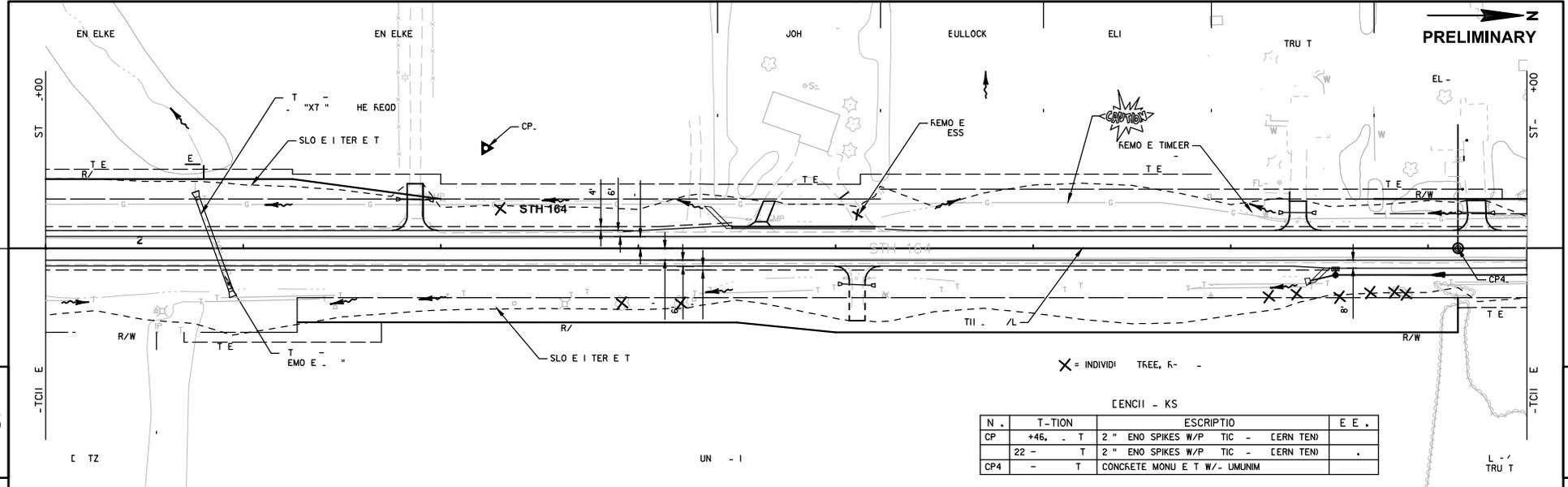


NO.	STATION	DESCRIPTION	ELEV.
CP11	196+73, 183' RT	24\"/>	



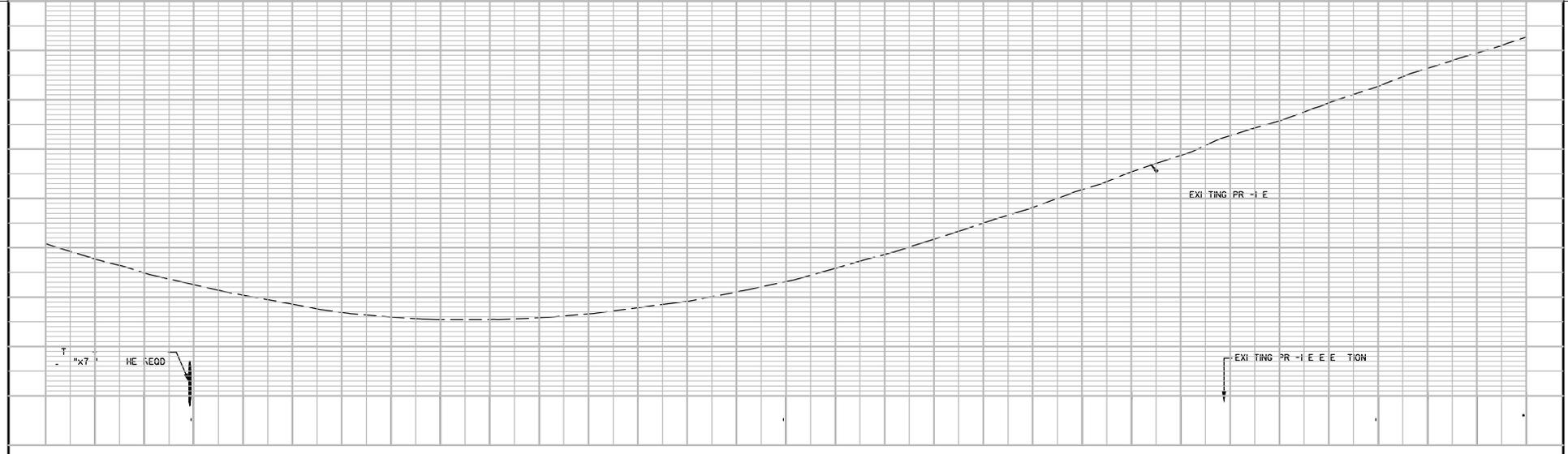
1122.89	1122.39	1119.87	1110.40	1116.76	1113.46	1109.63	1104.43	1105.81	1102.44	1102.40	1100.44	1099.01	1098.45	1095.74	1096.46	1092.82	1094.47	1090.14	1092.48	1087.88	1090.49	1086.01	1088.49	1083.99	1086.50	1082.34	1084.51	1080.65	1082.52	1079.25	1080.53	1077.51	1078.54	1076.09	1076.54	1074.21	1074.61	1072.41	1072.78	1070.71	1069.10	1067.42	1065.61	1063.94	1062.35	1060.65	1058.79	1057.18	1055.44
196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211																																		

PRELIMINARY

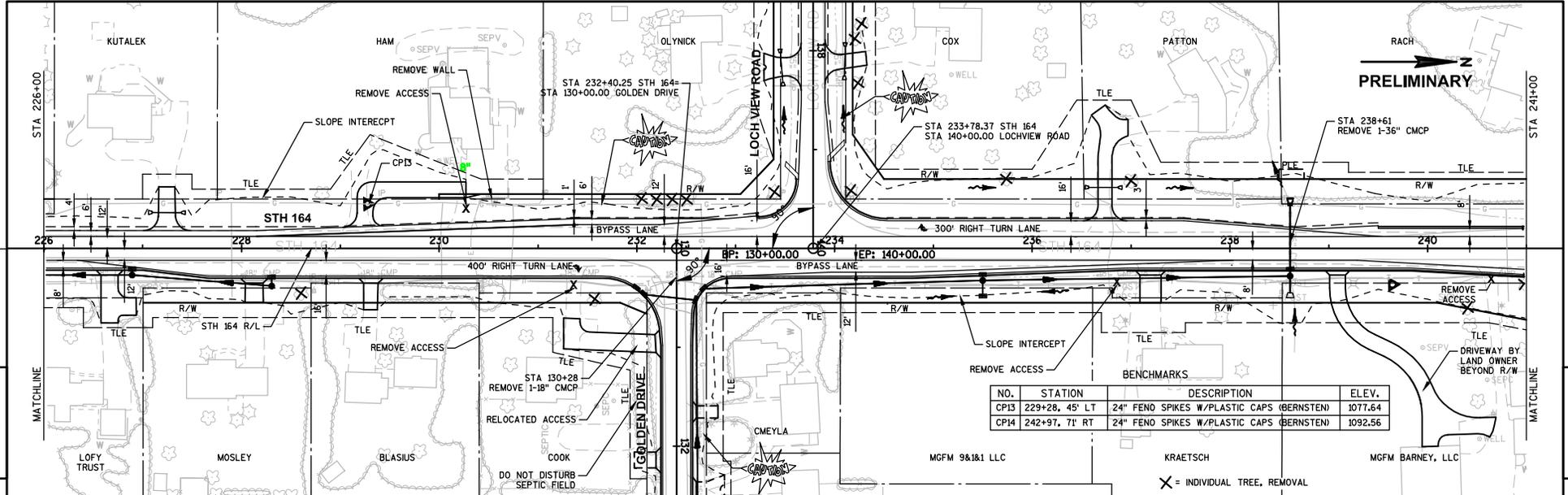


LENCII - KS

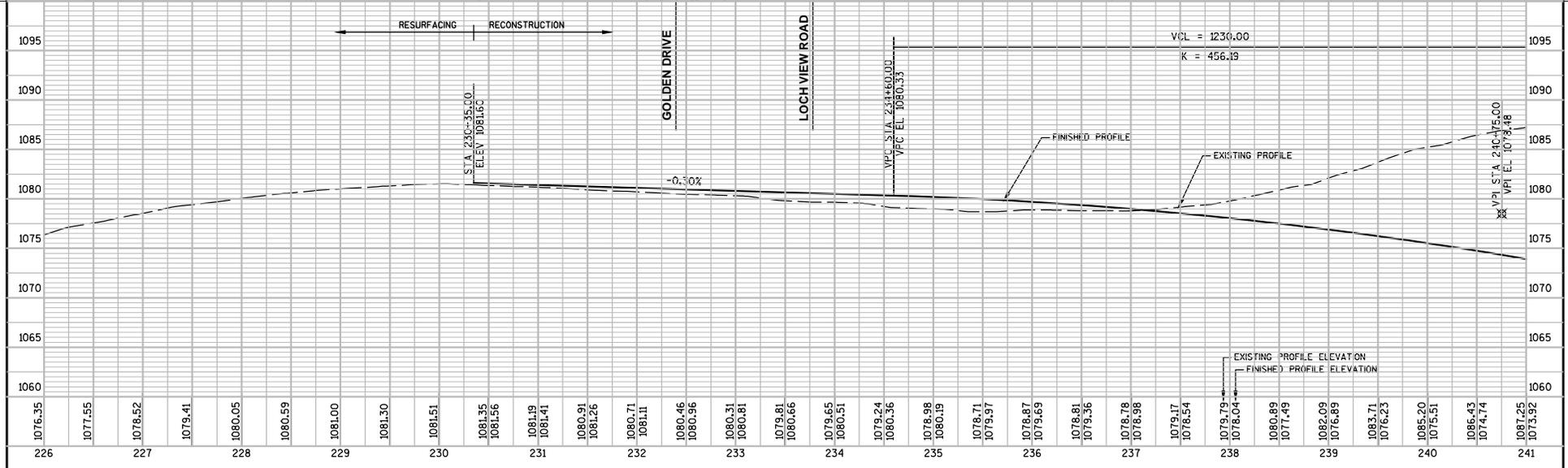
N .	T - TION	ESCRIPTIO	E E .
CP	+46. - T	2 " ENO SPIKES W/P TIC - CERN TENI	
CP	22 - T	2 " ENO SPIKES W/P TIC - CERN TENI	
CP4	- T	CONCRETE MONU E T W/- UMINIM	



PRO ECT N \* - HWY: TII UNTY: - H TON P SHE-T ----- E

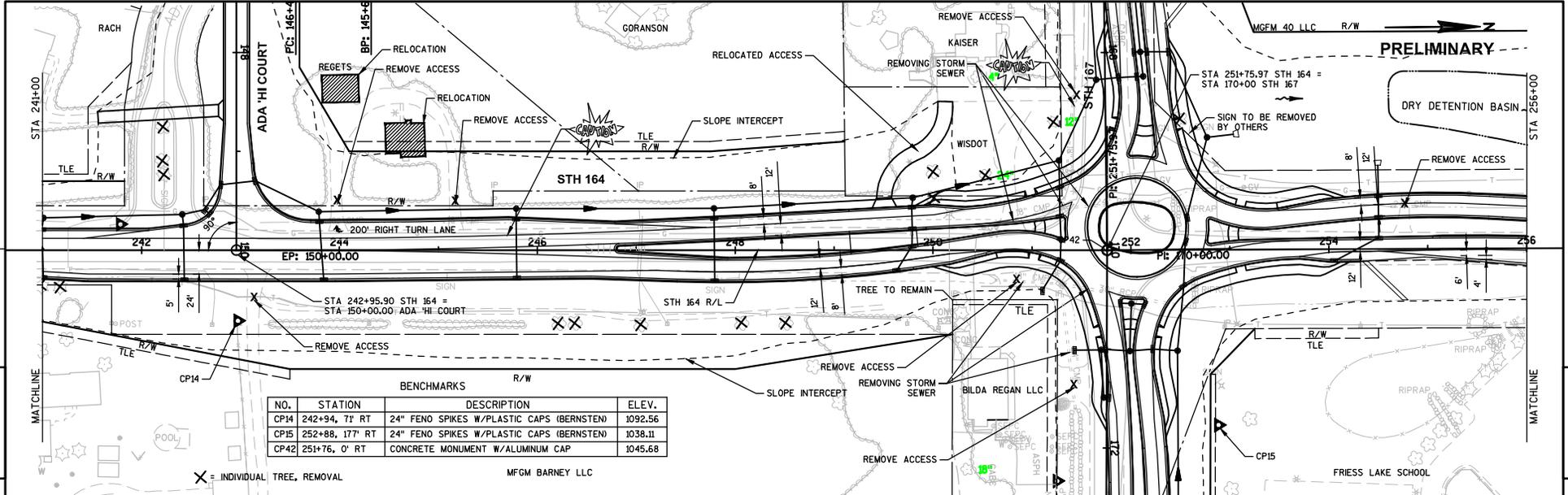


NO.	STATION	DESCRIPTION	ELEV.
CPI3	229+28, 45' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1077.64
CPI4	242+97, 71' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1092.56



1076.35	1077.55	1078.52	1079.41	1080.05	1080.59	1081.00	1081.30	1081.51	1081.35 1081.56	1081.19 1081.41	1080.91 1081.26	1080.71 1081.11	1080.46 1080.96	1080.31 1080.81	1079.81 1080.66	1079.65 1080.51	1079.24 1080.36	1078.98 1080.19	1078.71 1079.97	1078.87 1079.69	1078.61 1079.36	1078.78 1078.96	1079.17 1078.54	1079.79 1078.04	1080.89 1077.49	1082.09 1076.89	1083.71 1076.23	1085.20 1075.51	1086.43 1074.74	1087.25 1073.92
---------	---------	---------	---------	---------	---------	---------	---------	---------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------

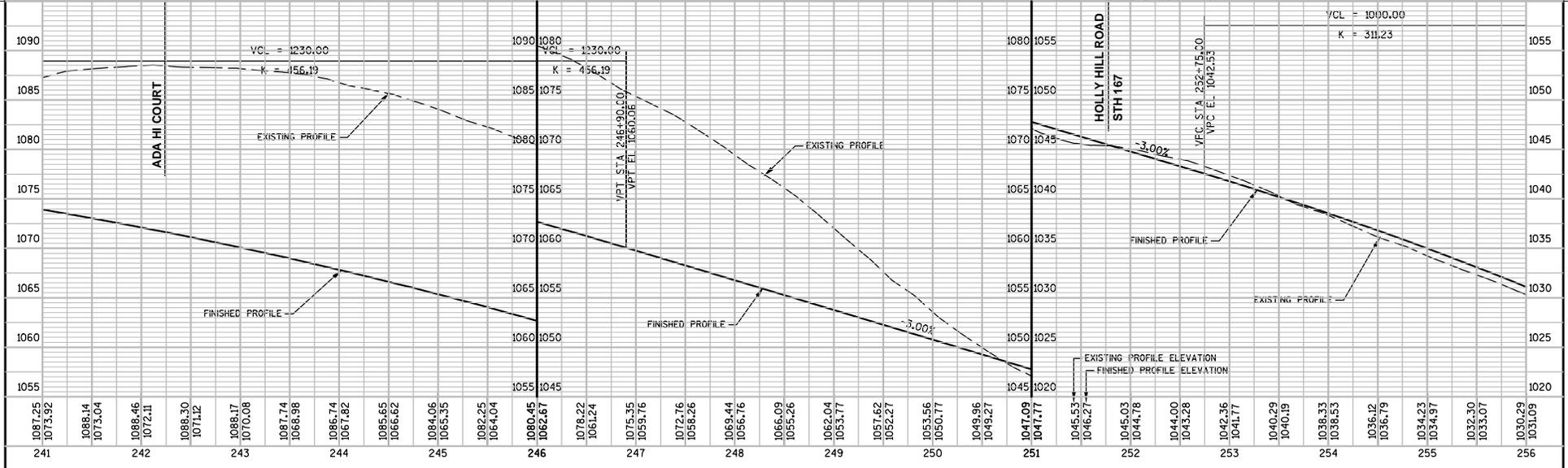
PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E



NO.	STATION	DESCRIPTION	ELEV.
CP14	242+94, 71' RT	24" FEND SPIKES W/PLASTIC CAPS (BERNSTEN)	1092.56
CP15	252+88, 177' RT	24" FEND SPIKES W/PLASTIC CAPS (BERNSTEN)	1038.11
CP42	251+76, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1045.68

X = INDIVIDUAL TREE, REMOVAL

MFGM BARNEY LLC

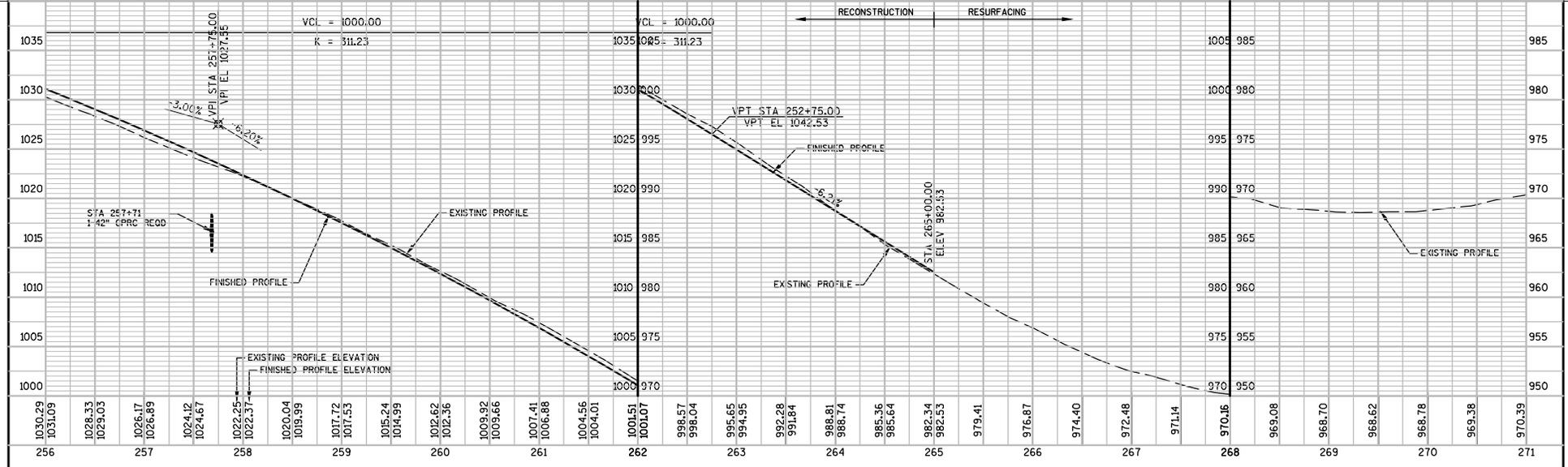
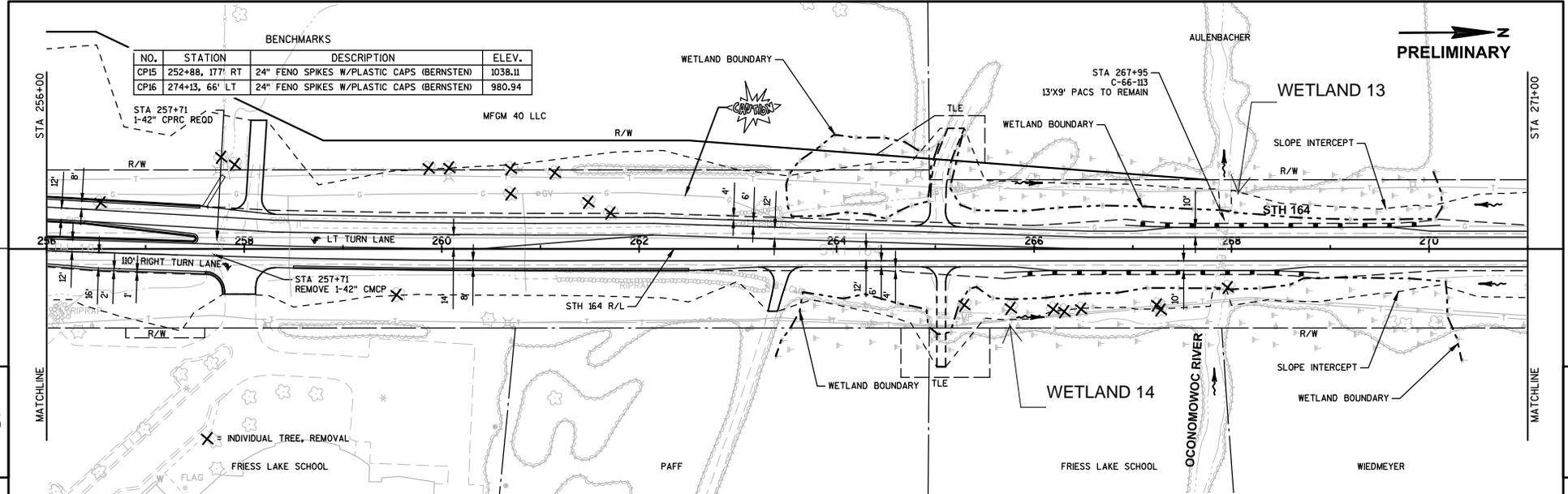


1087.95 1073.92	1088.14 1073.04	1088.46 1072.11	1088.30 1071.12	1088.17 1070.08	1087.74 1068.98	1086.74 1067.82	1085.65 1066.62	1084.06 1065.35	1082.25 1064.04	1080.45 1062.61	1078.22 1061.44	1075.35 1059.76	1072.76 1058.26	1069.44 1056.76	1066.09 1055.26	1062.04 1053.77	1057.62 1052.27	1053.56 1050.77	1049.96 1049.27	1047.09 1047.77	1045.53 1046.27	1045.03 1044.18	1044.00 1043.28	1042.36 1041.77	1040.29 1040.19	1038.33 1038.53	1036.12 1036.79	1034.23 1034.97	1032.30 1033.07	1030.29 1031.09
--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------

PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

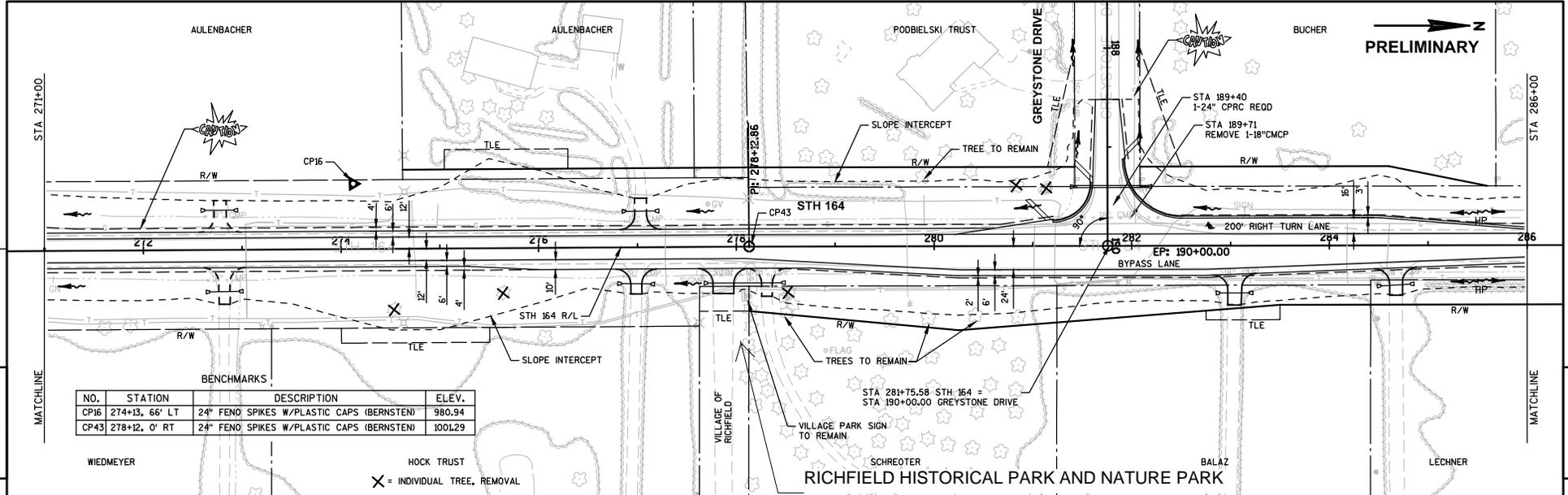
**PRELIMINARY**

NO.	STATION	DESCRIPTION	ELEV.
CP15	252+88, 177' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1038.11
CP16	274+13, 66' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	980.94



1030.29	1028.33	1026.17	1024.12	1022.37	1020.04	1017.72	1015.24	1012.62	1009.92	1007.41	1004.56	1001.51	998.57	995.65	992.28	988.81	985.36	982.34	979.41	976.87	974.40	972.48	971.14	970.16	969.08	968.70	968.62	968.78	969.38	970.39
256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271															

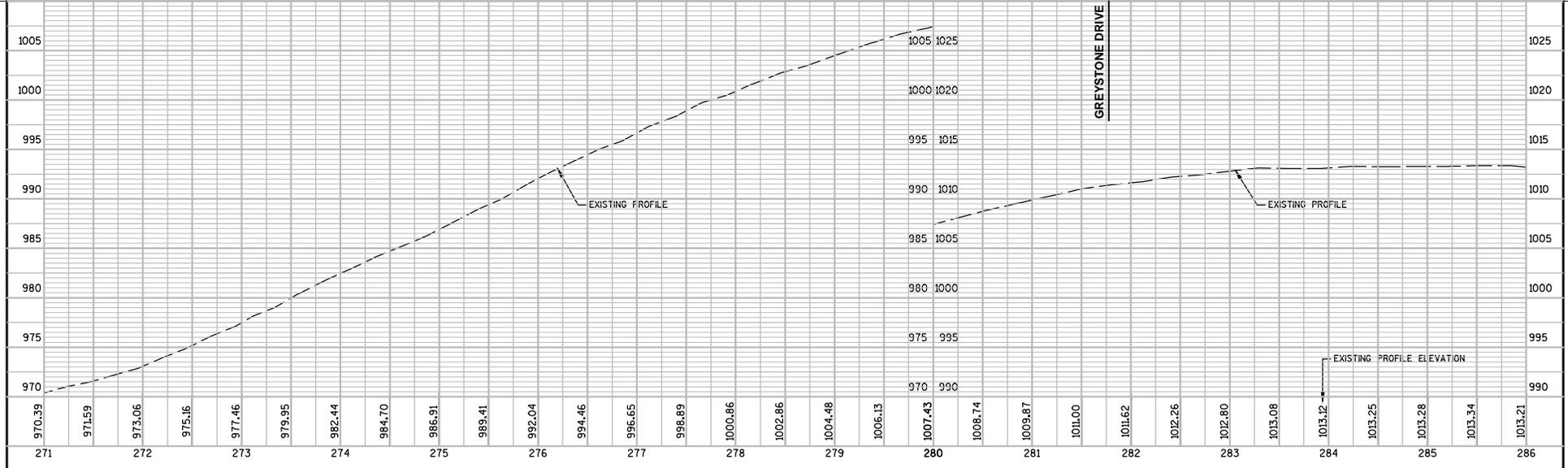
PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E



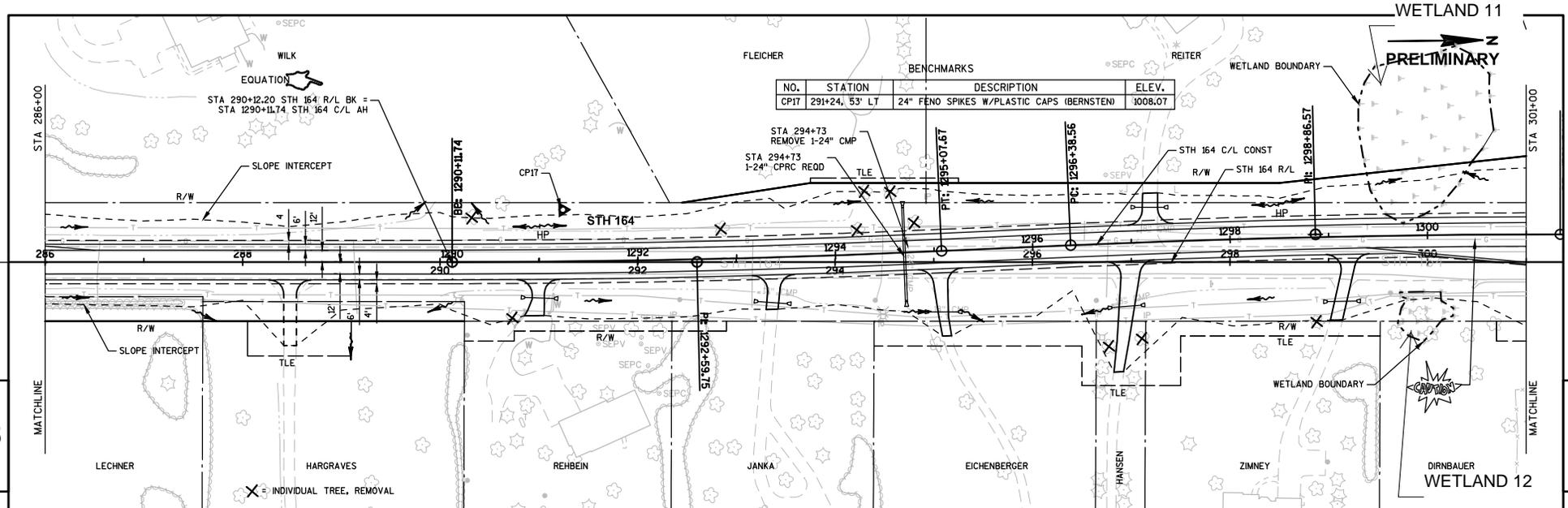
NO.	STATION	DESCRIPTION	ELEV.
CP16	274+13, 66' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	980.94
CP43	278+12, 0' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1001.29

**BENCHMARKS**

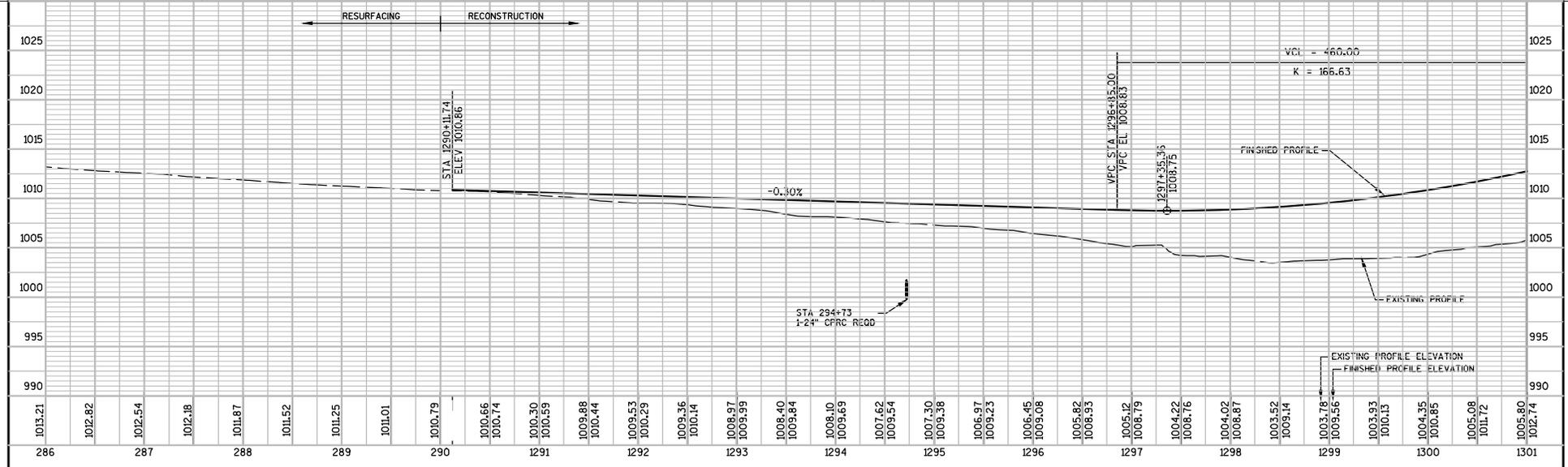
X = INDIVIDUAL TREE, REMOVAL



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E



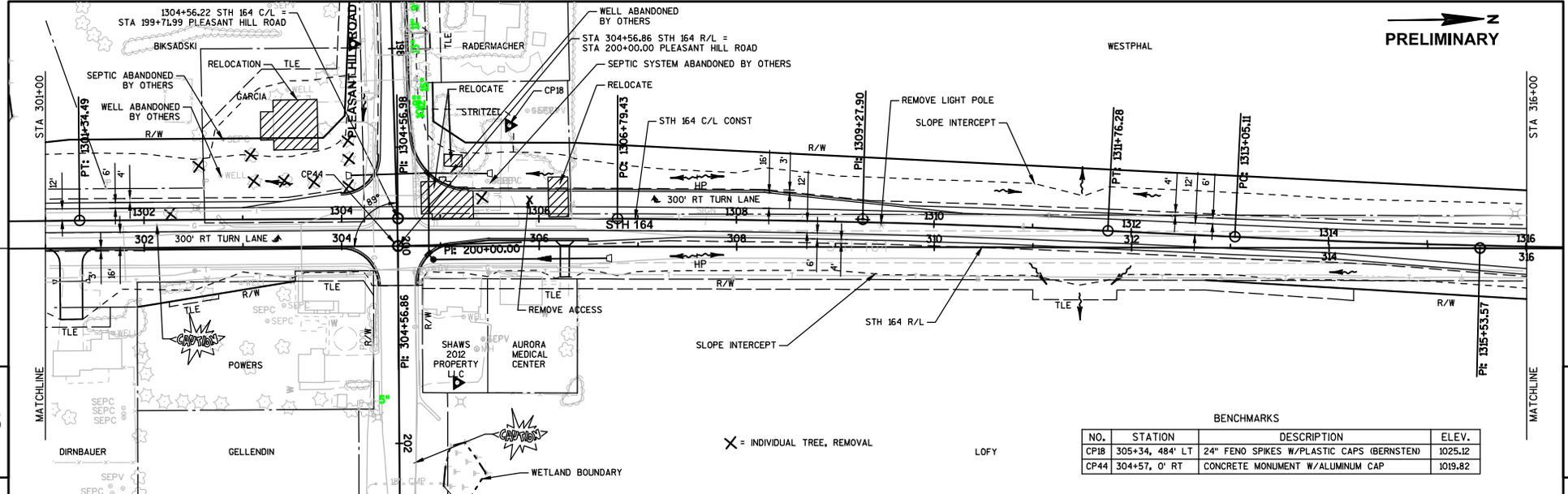
NO.	STATION	DESCRIPTION	ELEV.
CPI1	291+24, 53' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1008.07



1013.21	1012.82	1012.54	1012.18	1011.87	1011.52	1011.25	1011.01	1010.79	1010.66	1010.74	1010.30	1010.59	1009.88	1009.44	1009.63	1010.29	1009.36	1010.14	1008.97	1009.99	1008.40	1009.84	1008.10	1009.69	1007.62	1009.54	1007.30	1009.38	1006.97	1009.23	1006.45	1009.08	1005.82	1008.93	1005.12	1008.79	1004.22	1008.76	1004.02	1008.87	1003.52	1009.14	1003.78	1009.56	1003.93	1010.13	1004.35	1010.85	1005.08	1011.72	1005.80	1012.74
286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301																																					

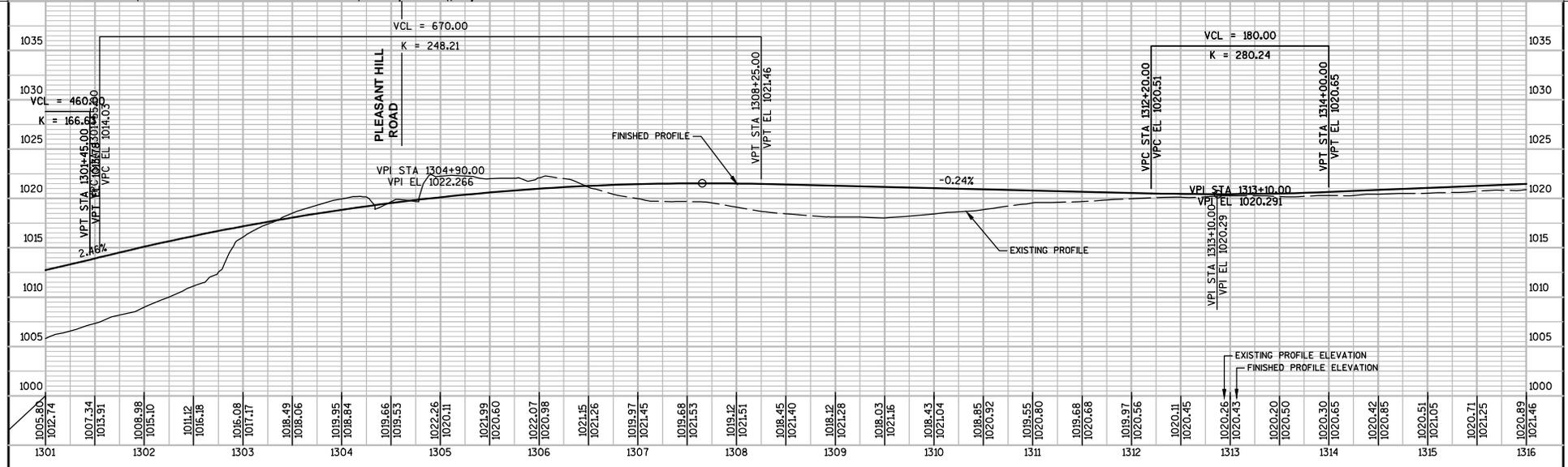
PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

PRELIMINARY



BENCHMARKS

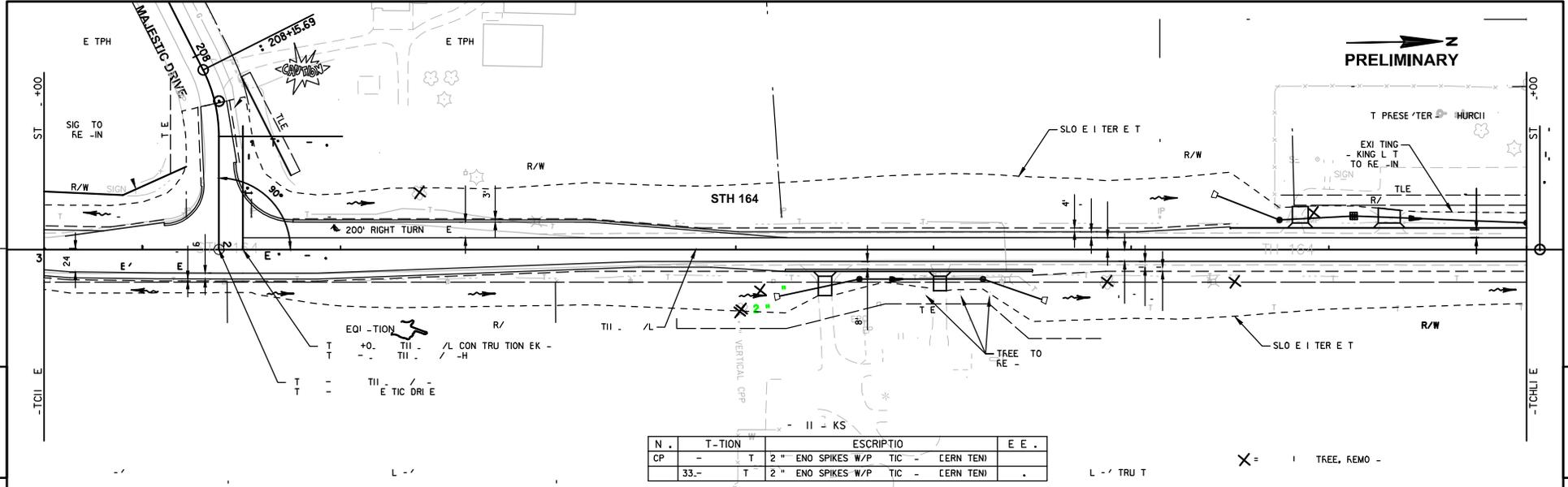
NO.	STATION	DESCRIPTION	ELEV.
CP18	305+34, 484' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1025.12
CP44	304+57, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1019.82



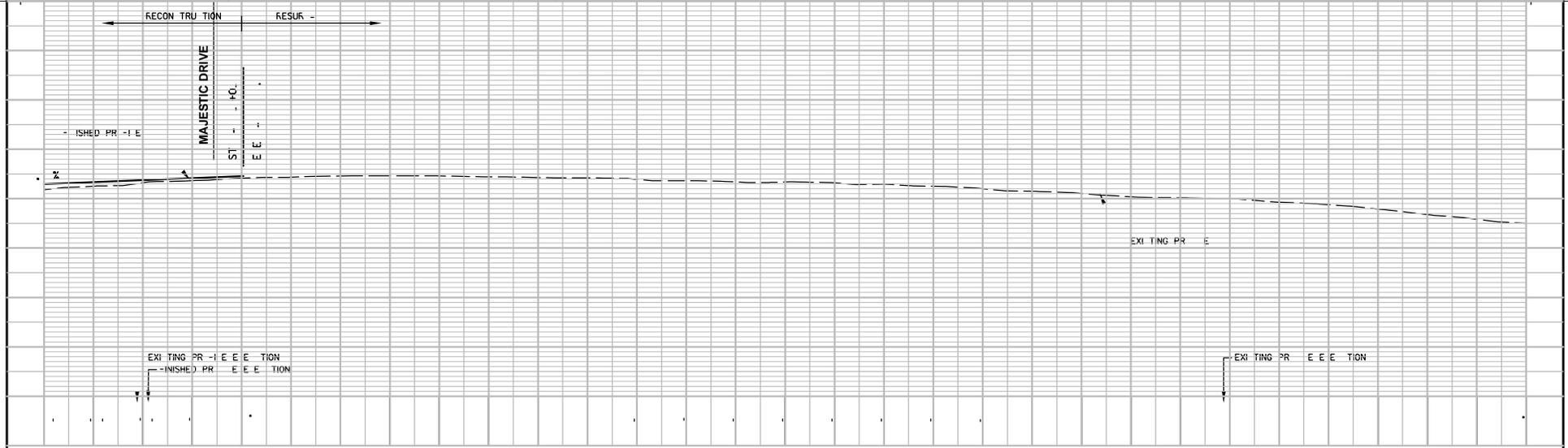
PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

FILE NAME : T:\1102717\CADD\CIVIL\30\27090300\SHEETS\PLAN\050118\_PP.DWG      PLOT DATE : 10/21/2013 2:54 PM      PLOT BY : BLACKWOOD, JAMES      PLOT NAME : -----

WISDOT/CADD SHEET 40

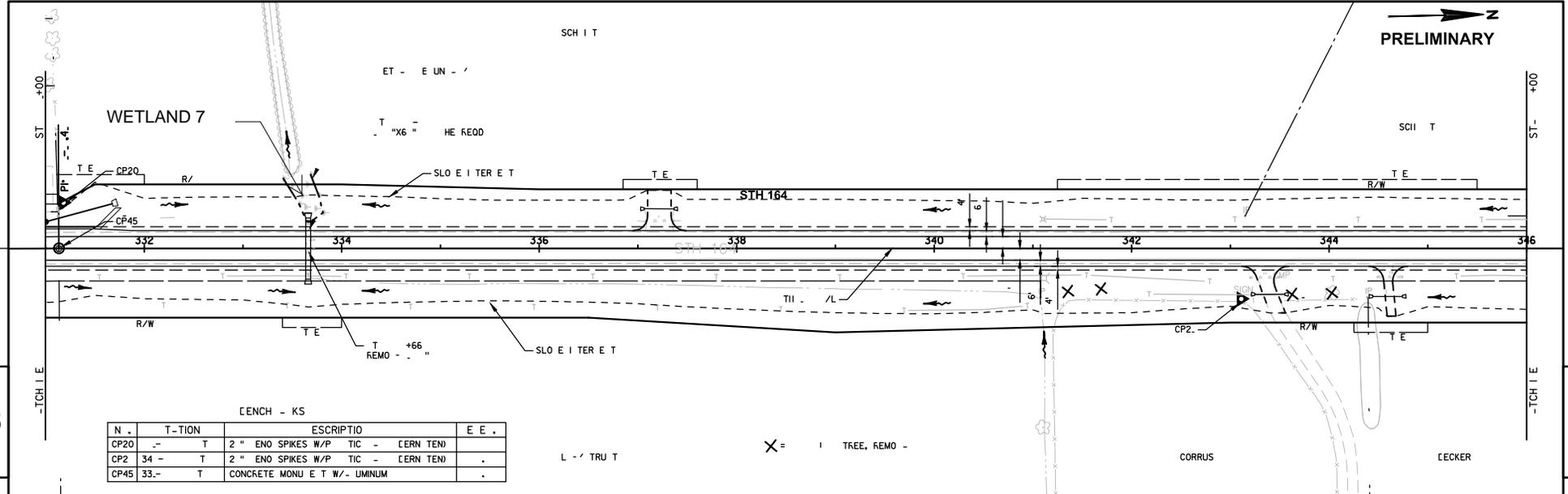


N.	DESCRIPTION	DESCRIPTION	REMARKS
CP	T	2" ENO SPIKES W/P TIC - CERN TENI	
33.-	T	2" ENO SPIKES W/P TIC - CERN TENI	



PROJECT N - HWY: TII UNTY: - H TON P SHEET ----- E

PRELIMINARY



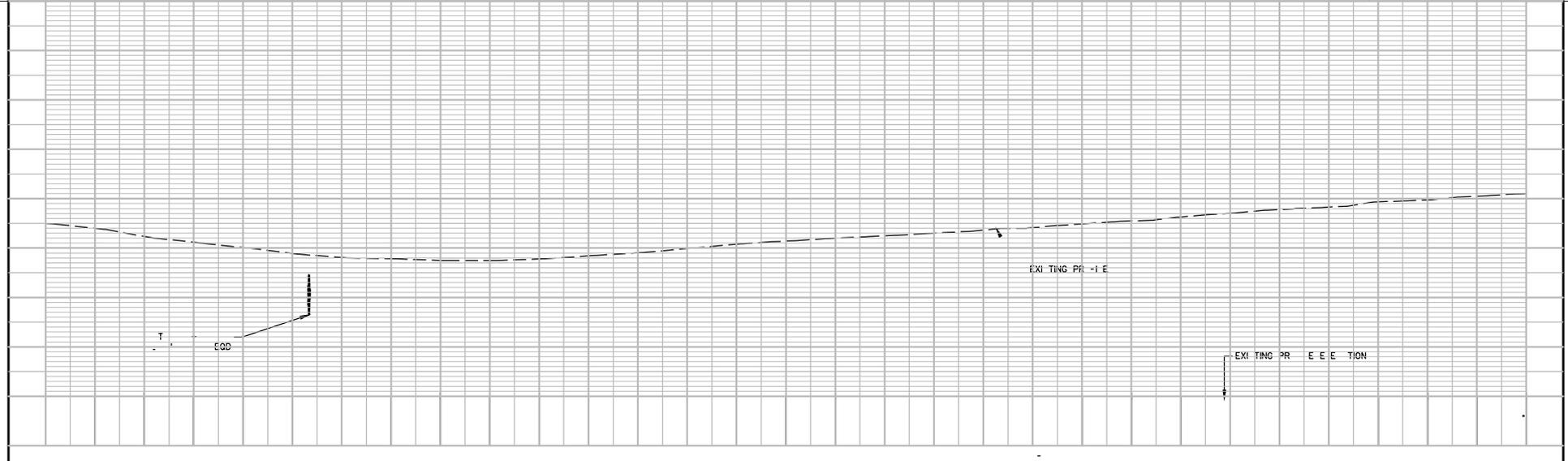
ENCH - KS

N.	T-TION	ESCRPTIO	E E .
CP20	-	2" END SPIKES W/P TIC - (ERN TEN)	.
CP2	34	2" END SPIKES W/P TIC - (ERN TEN)	.
CP45	33	CONCRETE MONU E T W/- UMINUM	.

X = TREE, REMO -

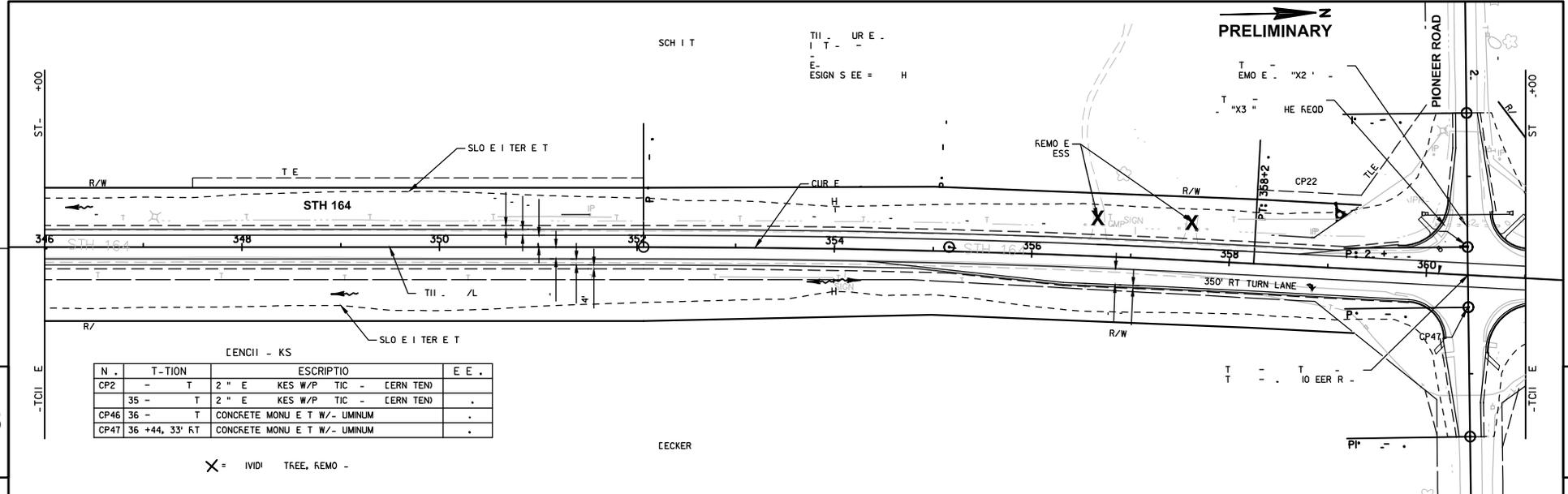
CORRUS

LECKER



PRELIMINARY

SCH I T  
 TII - UR E -  
 I T -  
 E -  
 E SIGN S EE = H

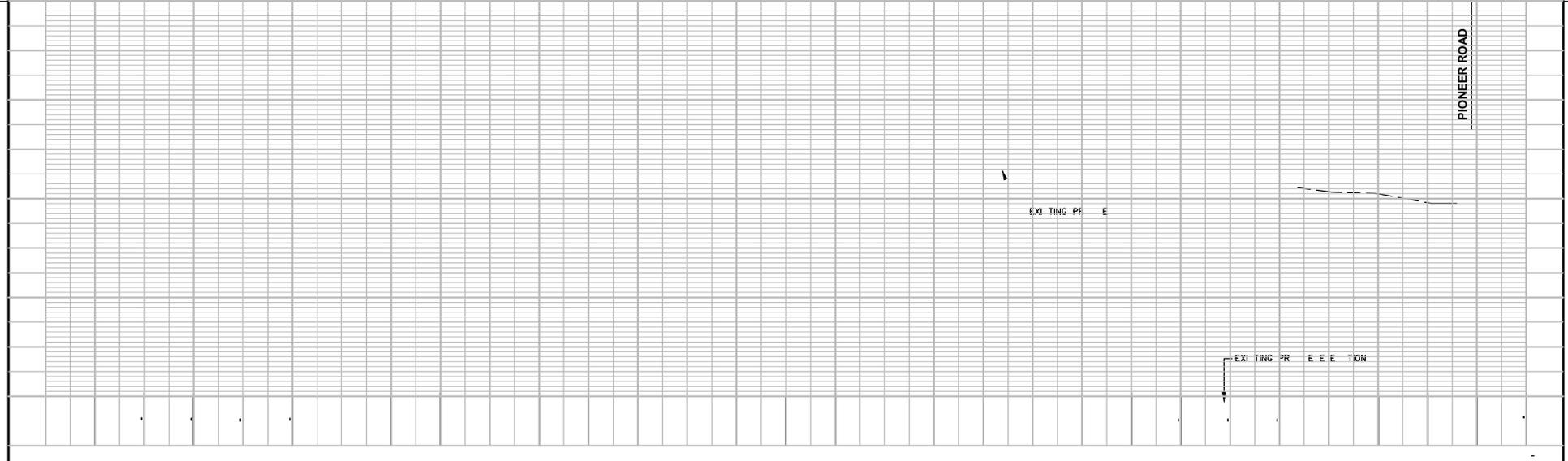


ENCII - KS

N .	T -TION	ESCRPTIO	E E .
CP2	- T	2 " E KES W/P TIC - (ERN TEND)	.
35	- T	2 " E KES W/P TIC - (ERN TEND)	.
CP46	36 - T	CONCRETE MONJ E T W/- UMINUM	.
CP47	36 +44, 33' RT	CONCRETE MONJ E T W/- UMINUM	.

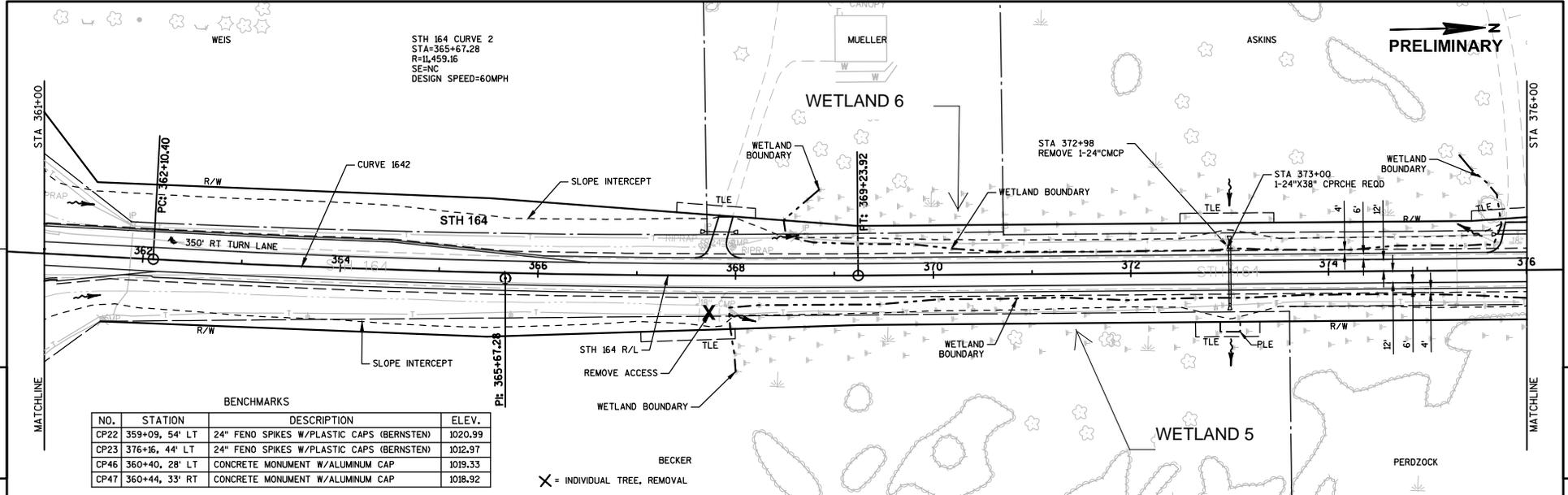
X = IVIDI TREE, REMO -

EECKER



PRO ECT N \* - HWY: TII UNTY: - H TON P SHE-T ----- E

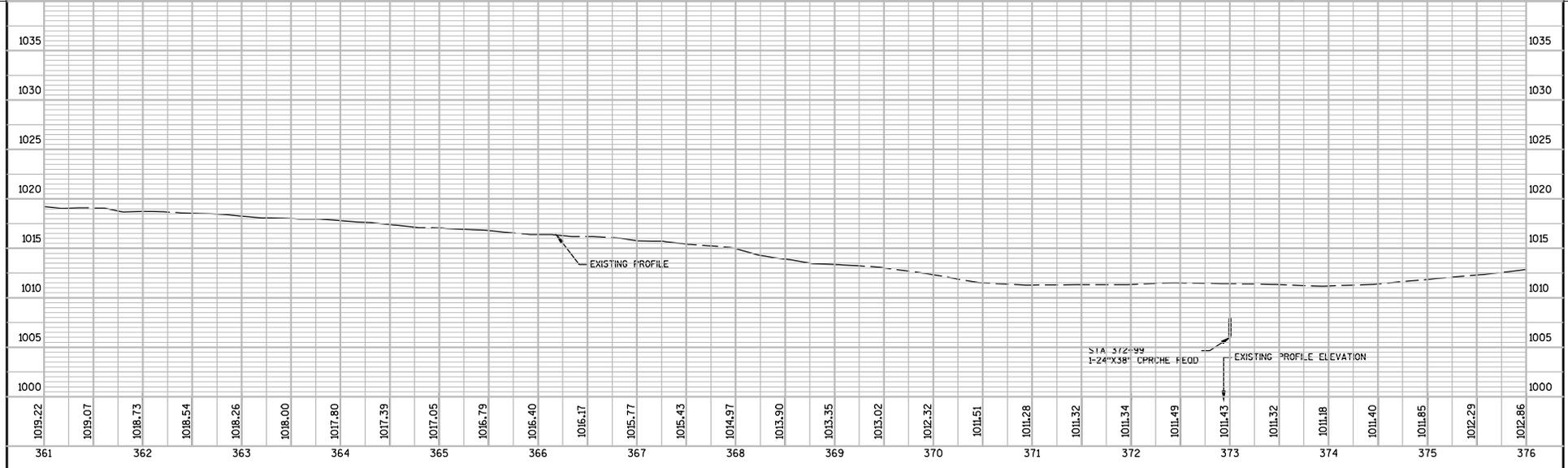
-I E E : T:\1102717\ - \CIVIL3D\27090300\SHEETS\PLAN\050121 T -TE : /22/2013 : T E / : ACKWOOD, JA E T E : WISD T/ HEE



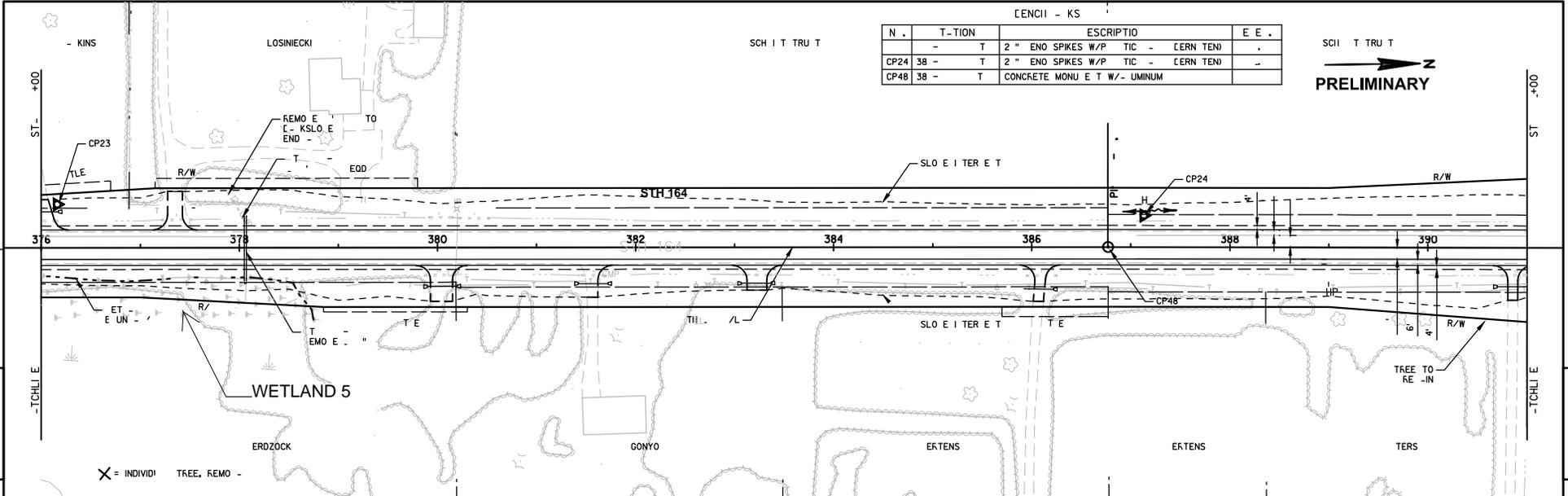
BENCHMARKS

NO.	STATION	DESCRIPTION	ELEV.
CP22	359+09, 54' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1020.99
CP23	376+16, 44' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1012.97
CP46	360+40, 28' LT	CONCRETE MONUMENT W/ALUMINUM CAP	1019.33
CP47	360+44, 33' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1018.92

X = INDIVIDUAL TREE, REMOVAL



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E

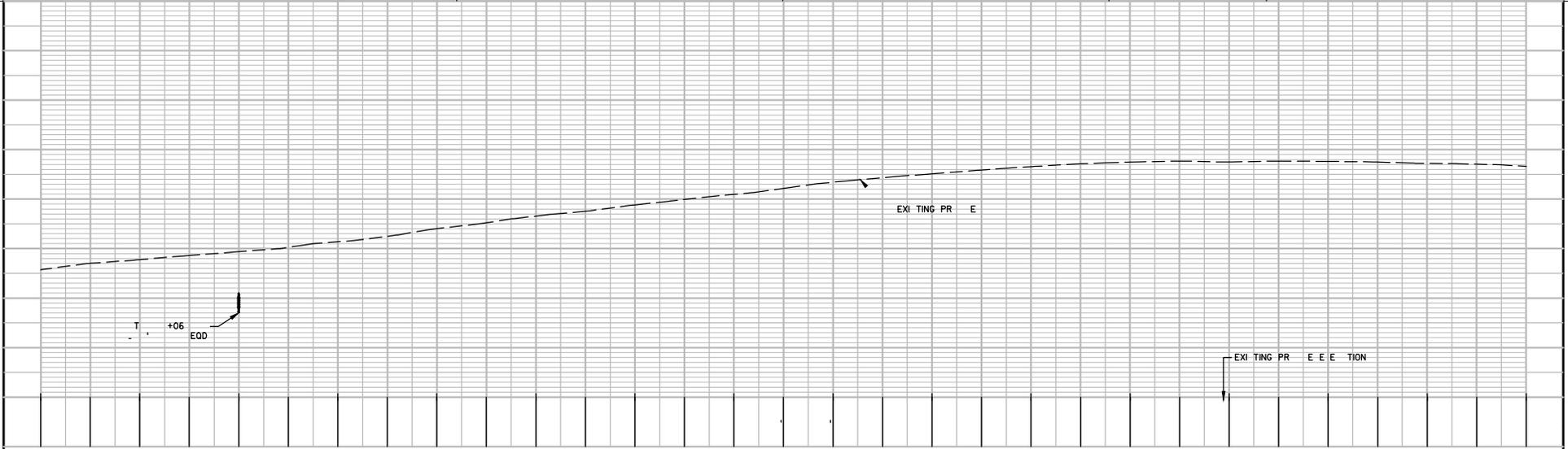


N.	T-TION	ESCRPTIO	E E .
CP24	38 - T	2" ENO SPIKES W/P TIC - CERN TEN	-
CP48	38 - T	CONCRETE MONU E T W/- UMINUM	-

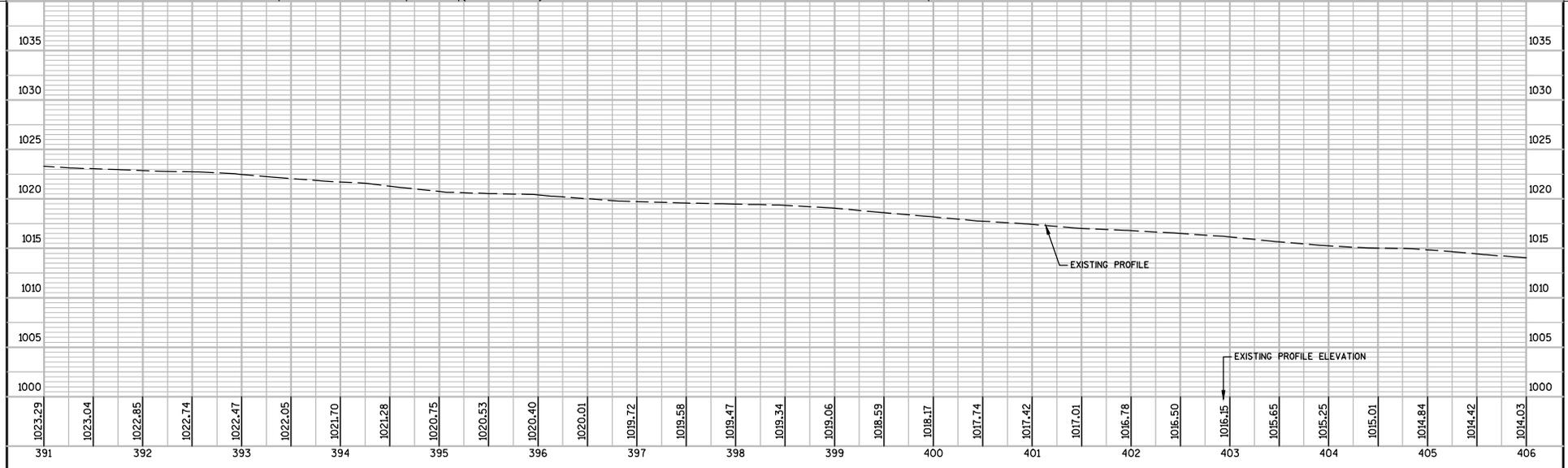
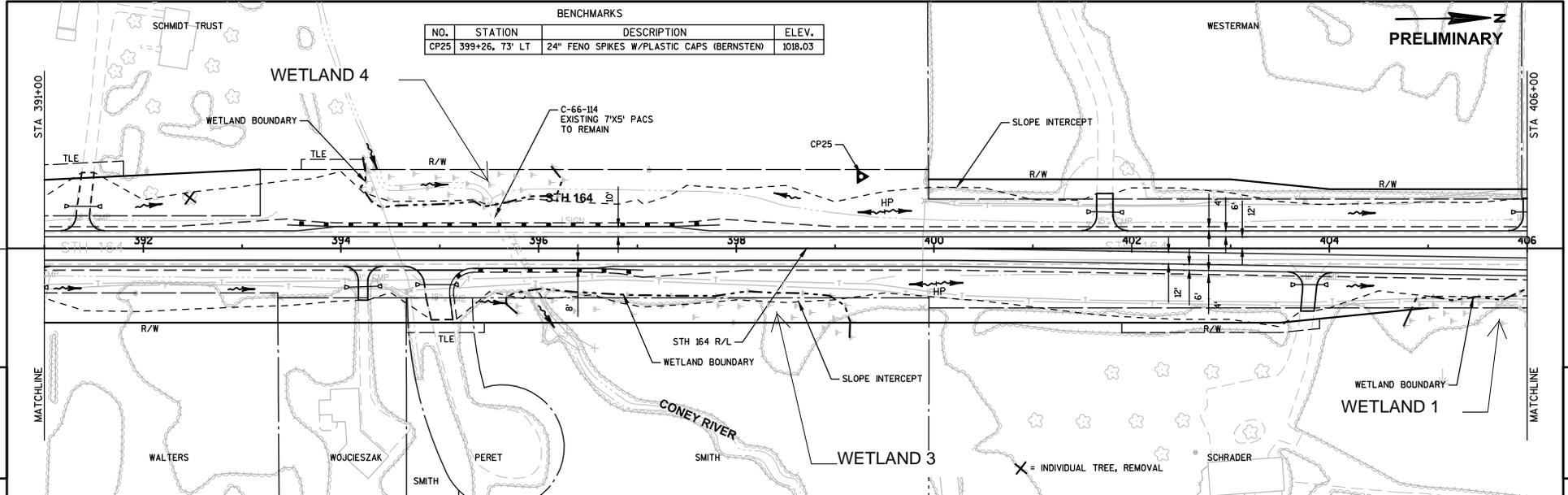
SCII T TRU T  
  
**PRELIMINARY**

5

5



PRO ECT N *	HWY: TII	UNTY: - H TON	P	SHE-T	-----	E
-------------	----------	---------------	---	-------	-------	---

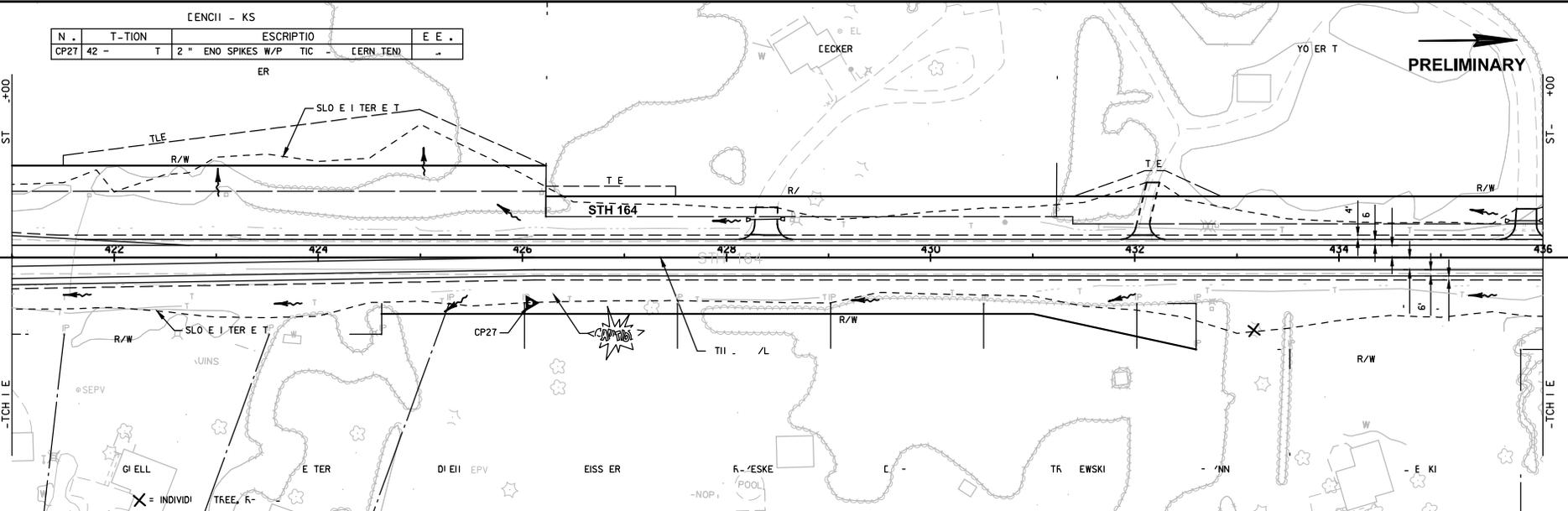


PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE      SHEET ----- E



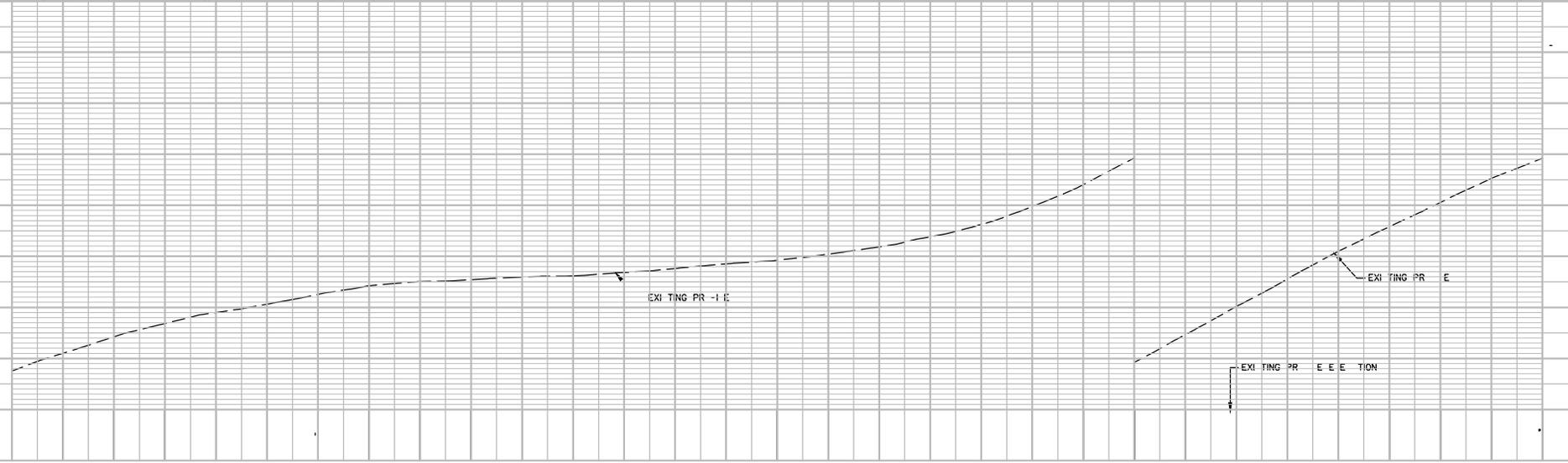
LENCII - KS			
N.	T-TION	ESCRPTIO	E.E.
CP27	42 - T	2" ENO SPIKES W/P TIC	CERN.TEND.

PRELIMINARY



5

5



PRO ECT N	-	HWY: TII	UNTY: - H TON	P	SHE-T	-----	E
-----------	---	----------	---------------	---	-------	-------	---

-I E : T:\1102717\ - \CIVIL\30\27090300\SHETSPLAN\05012 T -TE : /22/2013 : T E : ACKWOOD, JA E T E : WISD T / HEE



THE RESERVE PARTNERS LLC



**PRELIMINARY**

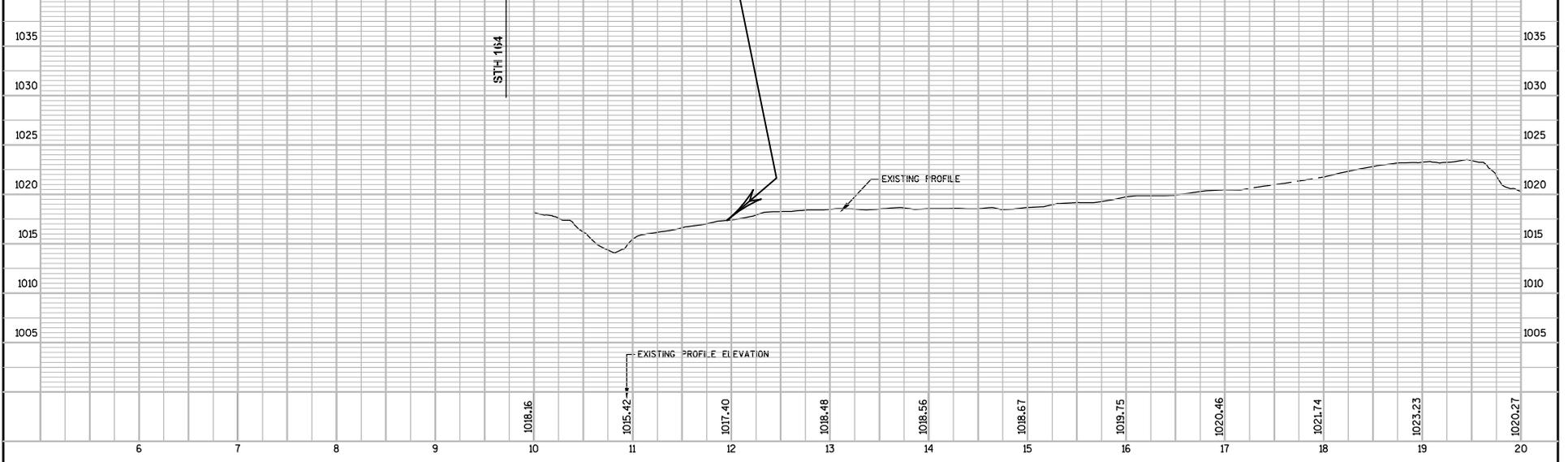
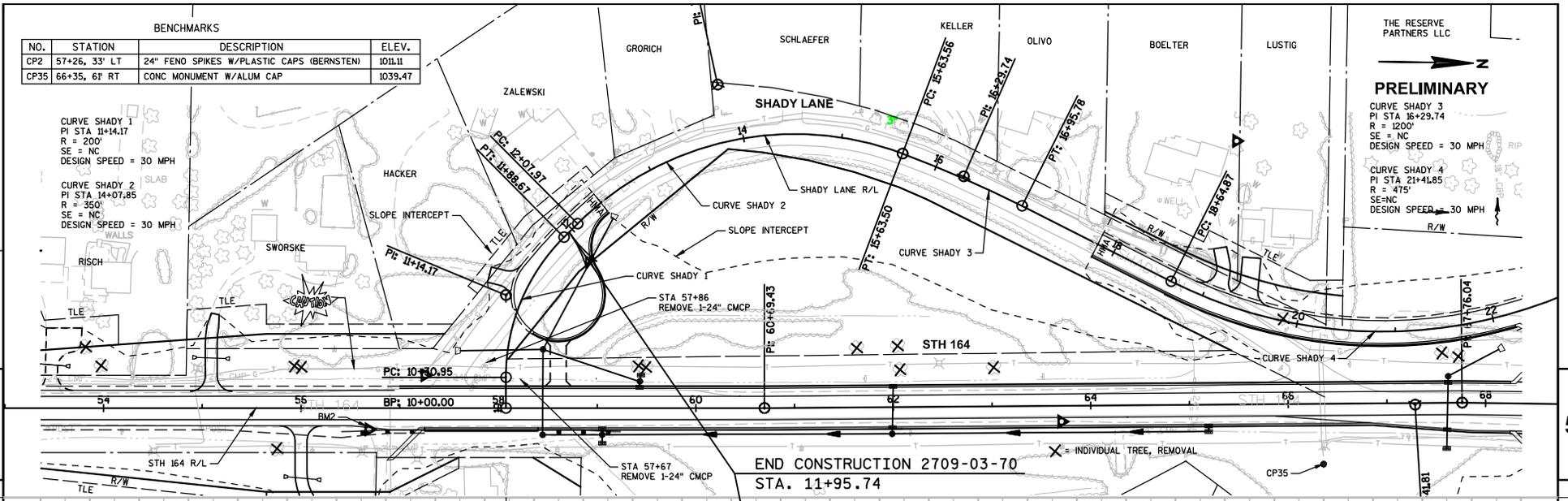
CURVE SHADY 3  
 PI STA 16+29.74  
 R = 1200'  
 SE = NC  
 DESIGN SPEED = 30 MPH

CURVE SHADY 4  
 PI STA 21+41.85  
 R = 475'  
 SE = NC  
 DESIGN SPEED = 30 MPH

BENCHMARKS			
NO.	STATION	DESCRIPTION	ELEV.
CP2	57+26, 33' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1011.11
CP35	66+35, 6F RT	CONC MONUMENT W/ALUM CAP	1039.47

CURVE SHADY 1  
 PI STA 11+14.17  
 R = 200'  
 SE = NC  
 DESIGN SPEED = 30 MPH

CURVE SHADY 2  
 PI STA 14+07.85  
 R = 350'  
 SE = NC  
 DESIGN SPEED = 30 MPH



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE SHADY LANE      SHEET      E

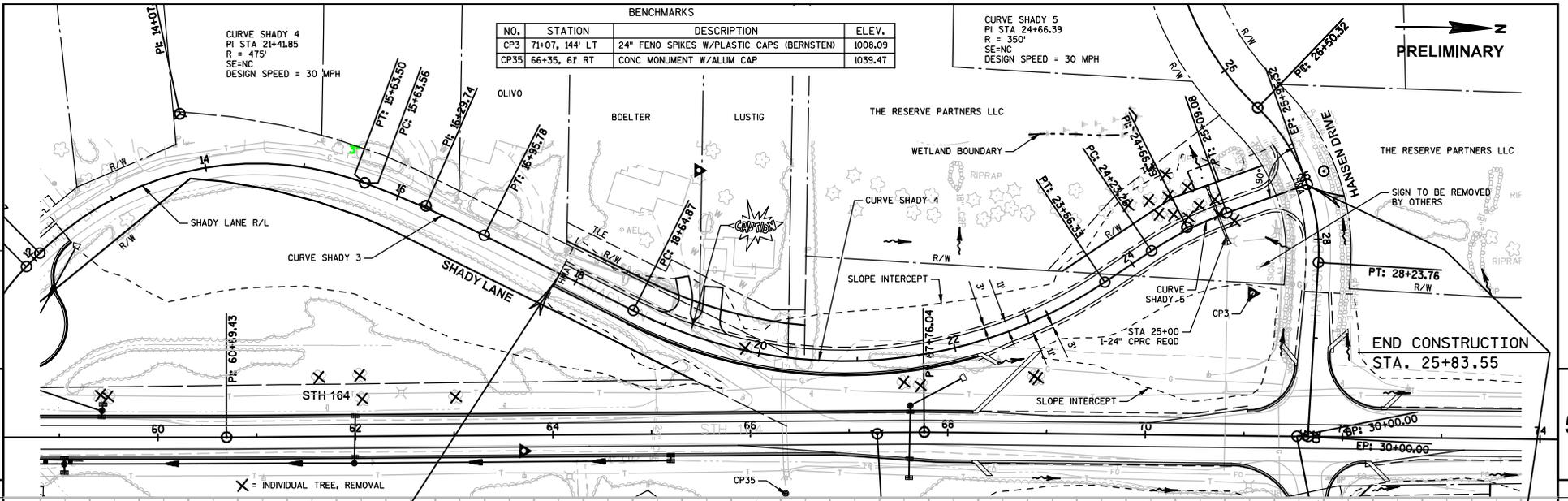
FILE NAME : T:\1102717\CADD\CIVIL\3D\27090300\SHEETS\PLAN\050128\_PP\_SHADY LANE.DWG

PLOT DATE : 2/22/2013 2:47 PM

PLOT BY : BLACKWOOD, JAMES

PLOT NAME : -----

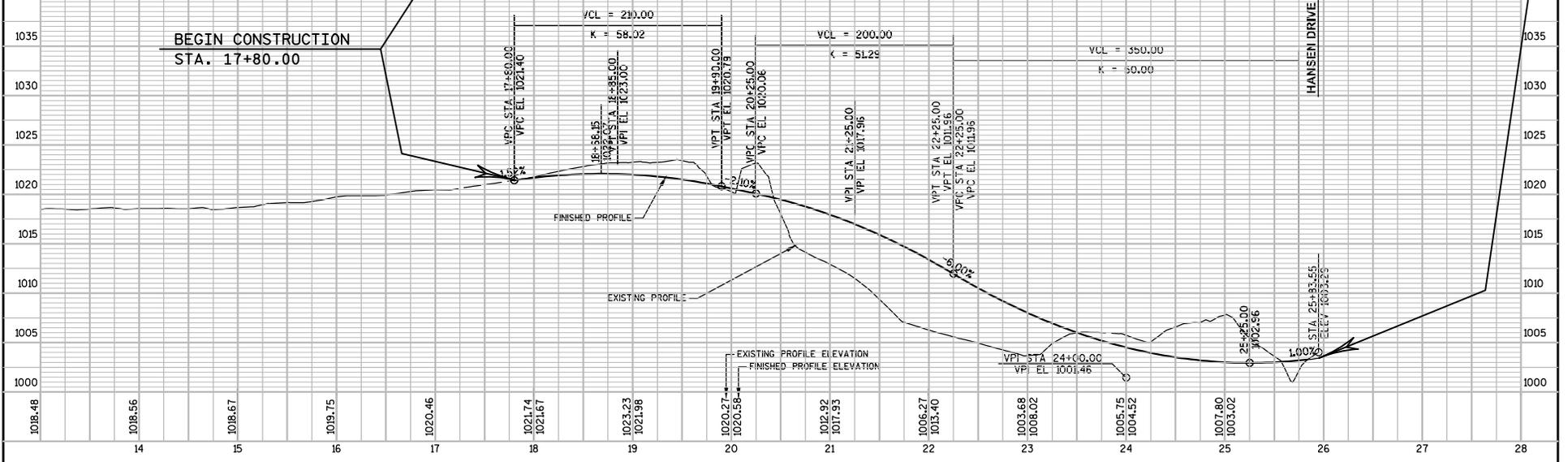
WISDOT/CADD SHEET 40



BENCHMARKS

NO.	STATION	DESCRIPTION	ELEV.
CP3	71+07, 144' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1008.09
CP35	66+35, 61' RT	CONC MONUMENT W/ALUM CAP	1039.47

CURVE SHADY 5  
 PI STA 24+66.39  
 R = 350'  
 SE=NC  
 DESIGN SPEED = 30 MPH



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE-SHADY LANE      SHEET      E

CUR E H - - UR E H EN 2  
 I T - - PI T - -  
 E - - E - -  
 ESIGN S EE = H ESIGN S EE = H

LENCII - KS

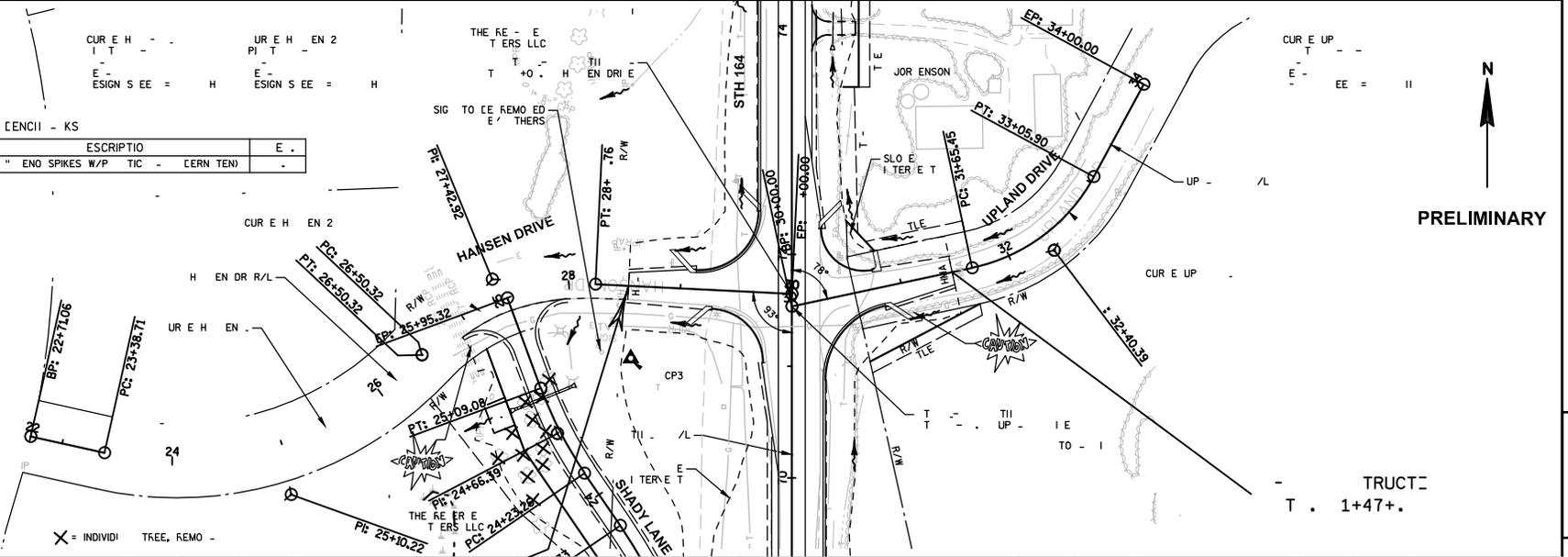
N.	T-TION	ESCRPTIO	E.
CP3	2 - T	2" ENO SPIKES W/P TIC - LERN TEN	-

CUR E UP - -  
 T - -  
 E - - EE = II



PRELIMINARY

5

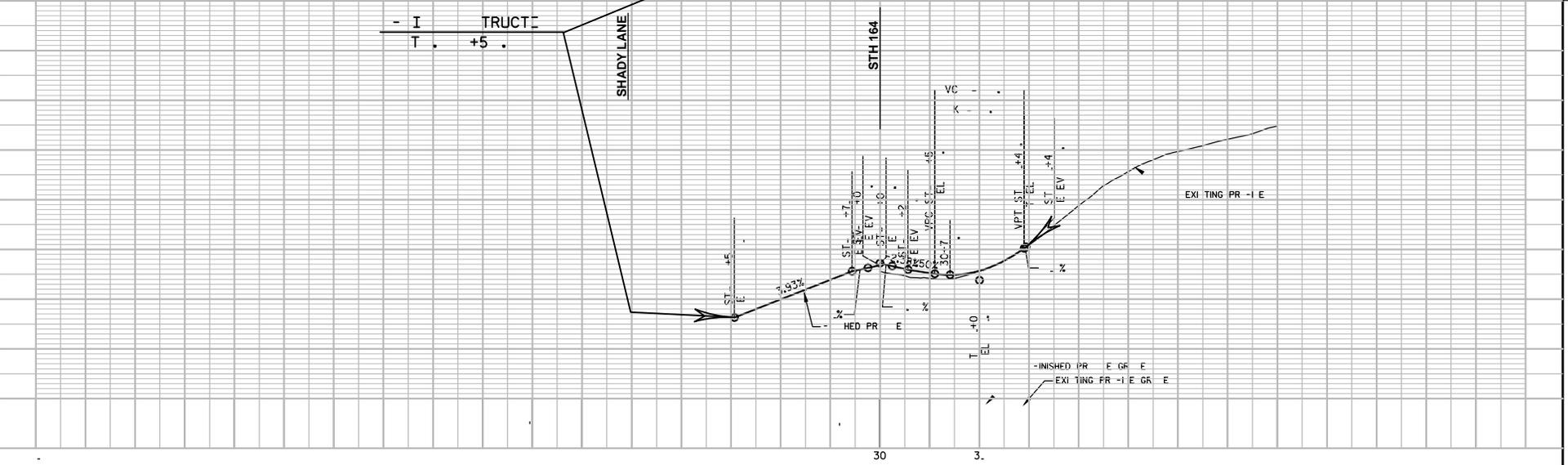


X = INDIVIDUAL TREE, REMOVE

TRUCT  
 T . 1+47+.

5

TRUCT  
 T . +5 .



PROJECT N - H : TH UNTY: - H TON P E - H EN DRI E & UP SHE-T E

E : T:\1102717\ - \CIVI \27090300\SHE-TSPLAN\05012 - HANSO

T -TE : /22/2013 :

T E / : ACKWOOD, ES T E : - - - - -

WISD T / HEE

CENCIL - KS

N .	T-TION	- IPTIO	E E .
CP4	3 -	T 2" ENO SPIKES W/P TIC - LERN TEND	-
CP36	4 +00,	T CONCRETE MONU E T W/- UMINUM	-

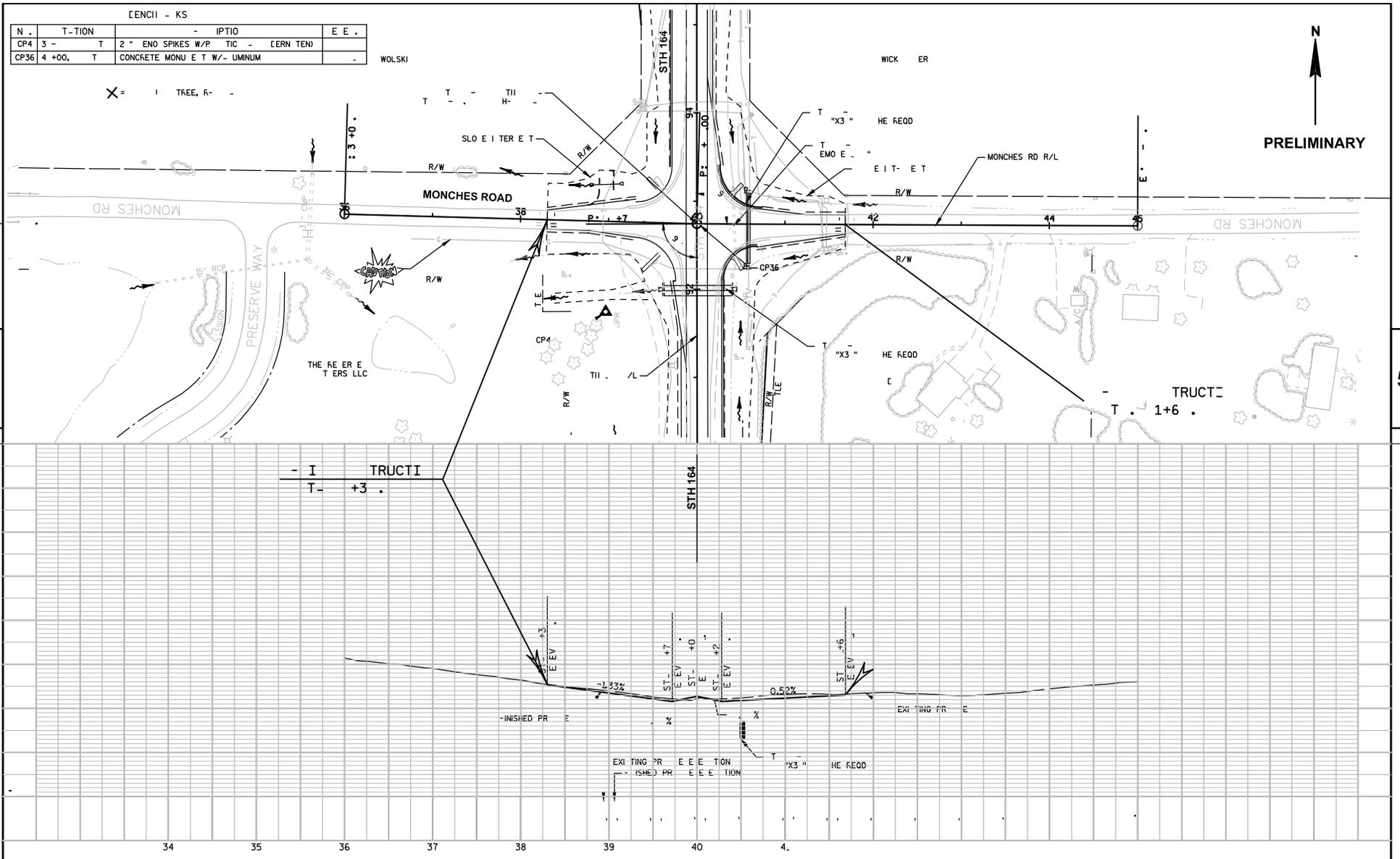
WOLSKI

WICK ER



PRELIMINARY

X = TREE, R -



5

5

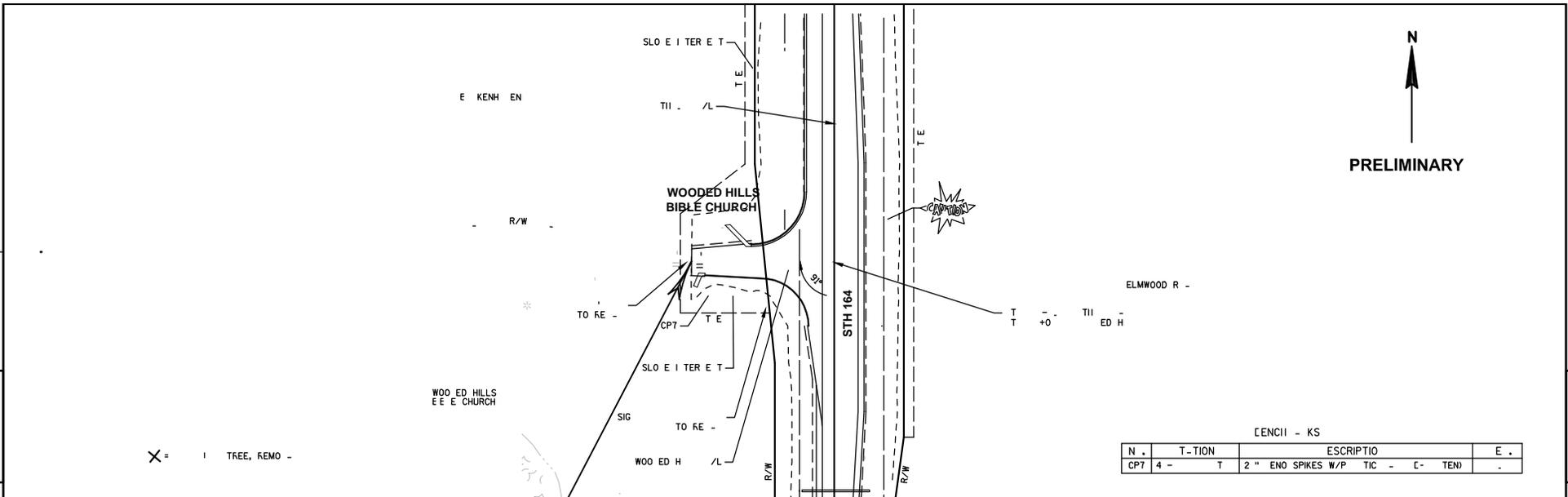
PROJECT N°	-	H ' : TH	UNTY: - H TON	P	E - H	SHE-T	-----	E
------------	---	----------	---------------	---	-------	-------	-------	---

E : T:\1102717\ - \CIVI \27090300\SHE-TSPLAN\05013 - HE T -TE : /22/2013 : T E / : ACKWOOD, ES T E : ----- WISD T / HEE"



5

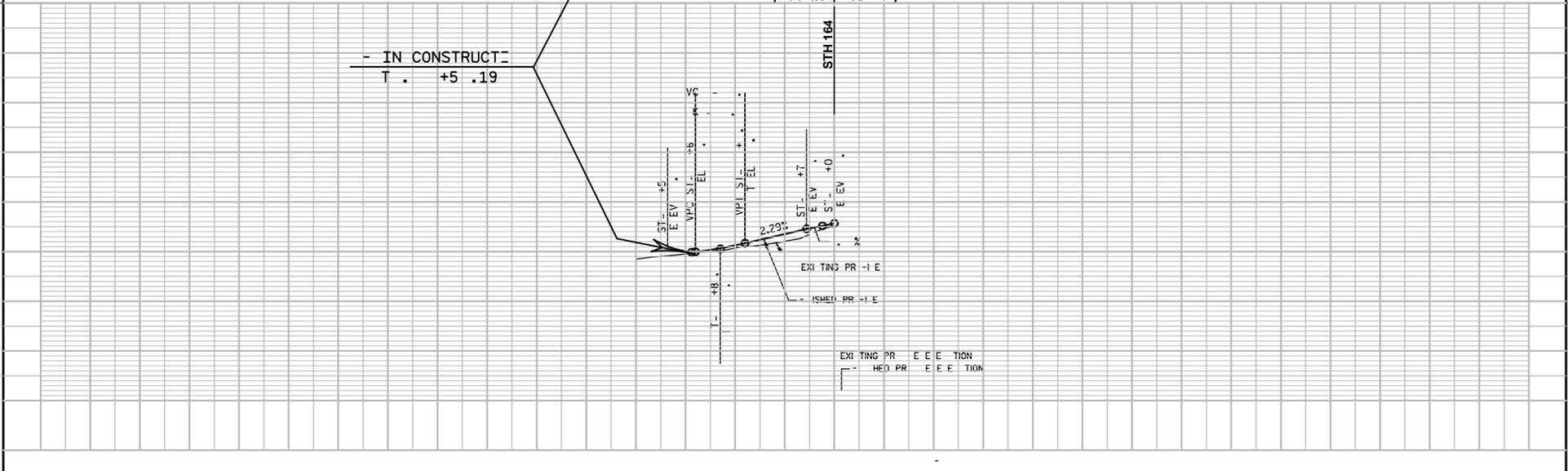
5



X = TREE, REMO -

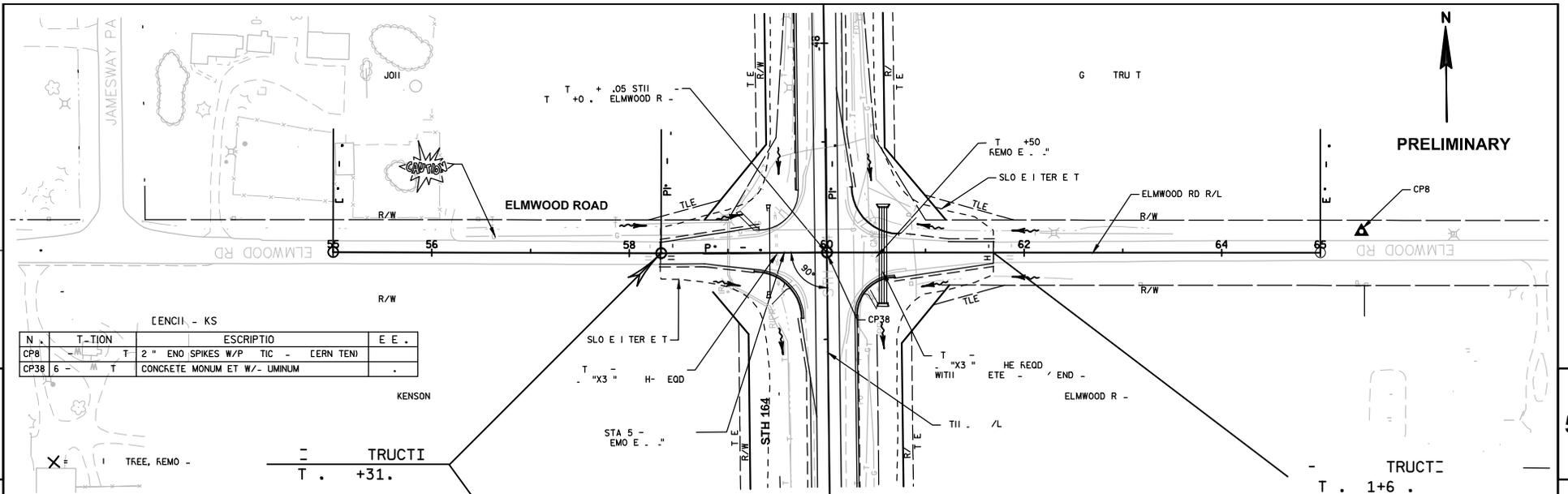
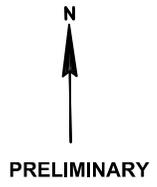
LENCII - KS

N .	T-TION	ESCRPTIO	E .
CP7	4 - T	2 " ENO SPIKES W/P TIC - C- TEN)	-



PROJECT N \* - H : TH UNTY: - H TON P E ED II E CHURCH SHE-T ----- E

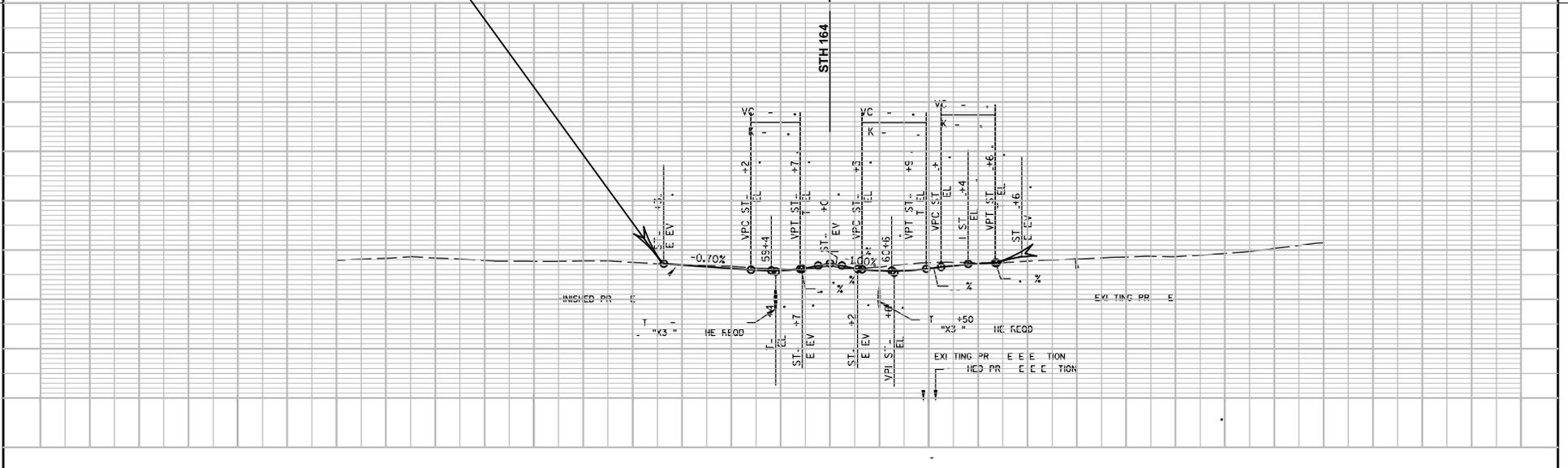
E : T:\1102717\ - \CIVI \27090300\SHE-TSPLAN\050131 ED HIL T -TE : /22/2013 : T E / : ACKWOOD, ES T E : WISD T/ HEE"



NO.	DESCRIPTION	DESCRIPTION	QUANTITY
CP8	2" END SPIKES W/P TIC - CERN TEN		
CP38	CONCRETE MONUMENT W/ - LUMINUM		

STRUCTURE  
T +31.

STRUCTURE  
T +16.



PROJECT NO. -	DATE: 11/2013	COUNTY: HAMILTON	PROJECT: P E -	SHEET: 1 OF 1
---------------	---------------	------------------	----------------	---------------

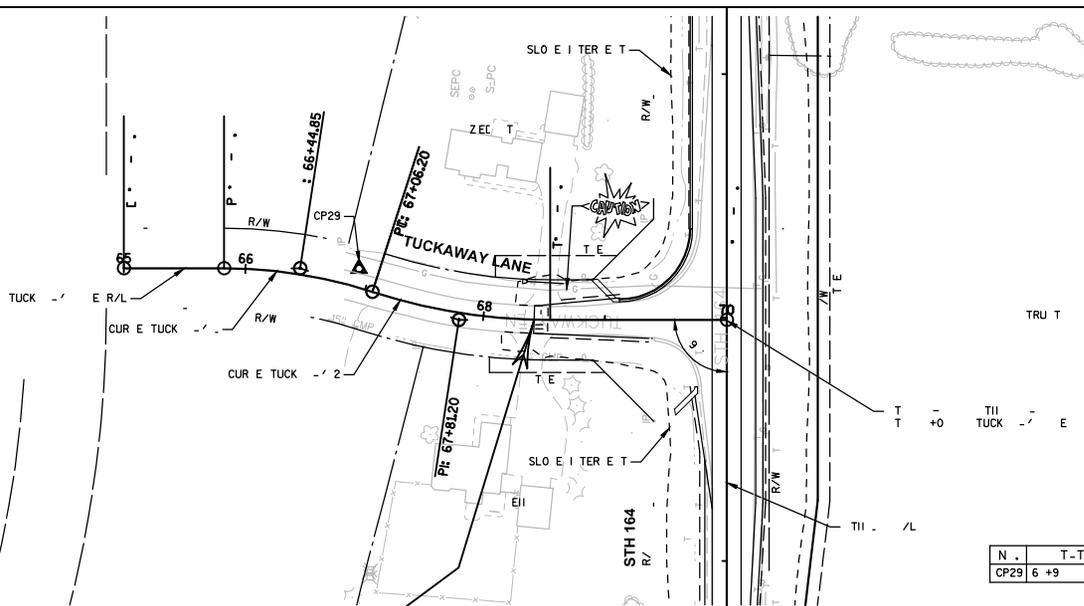
FILE PATH: E:\T:\1102717\ - \CIVIL\27090300\SHE-TSPLAN\05013 DATE: 11/22/2013 DRAWN BY: ACKWOOD, ESTE

WISCONSIN ENGINEERING

CUR E TUCK - /  
 T -  
 E -  
 E SIGN S EE = H

UR E TUCK - / 2  
 PI T -  
 E -  
 E SIGN S EE = H

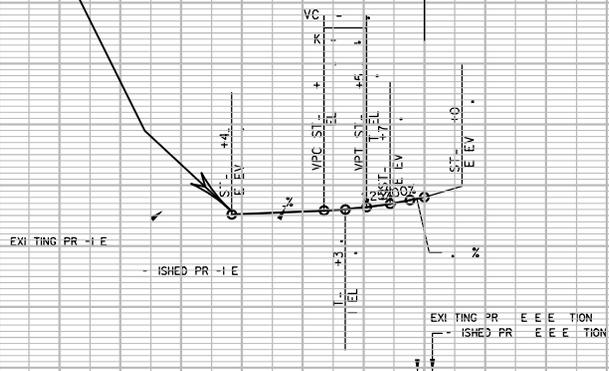
X = INDIVID TREE, REMO -



PRELIMINARY

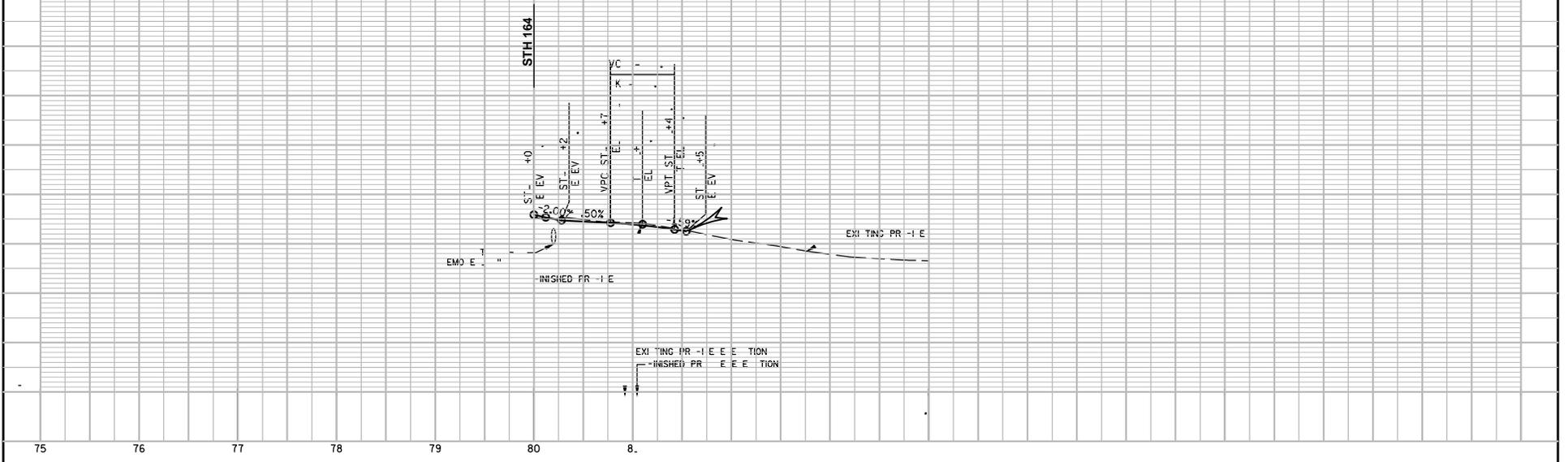
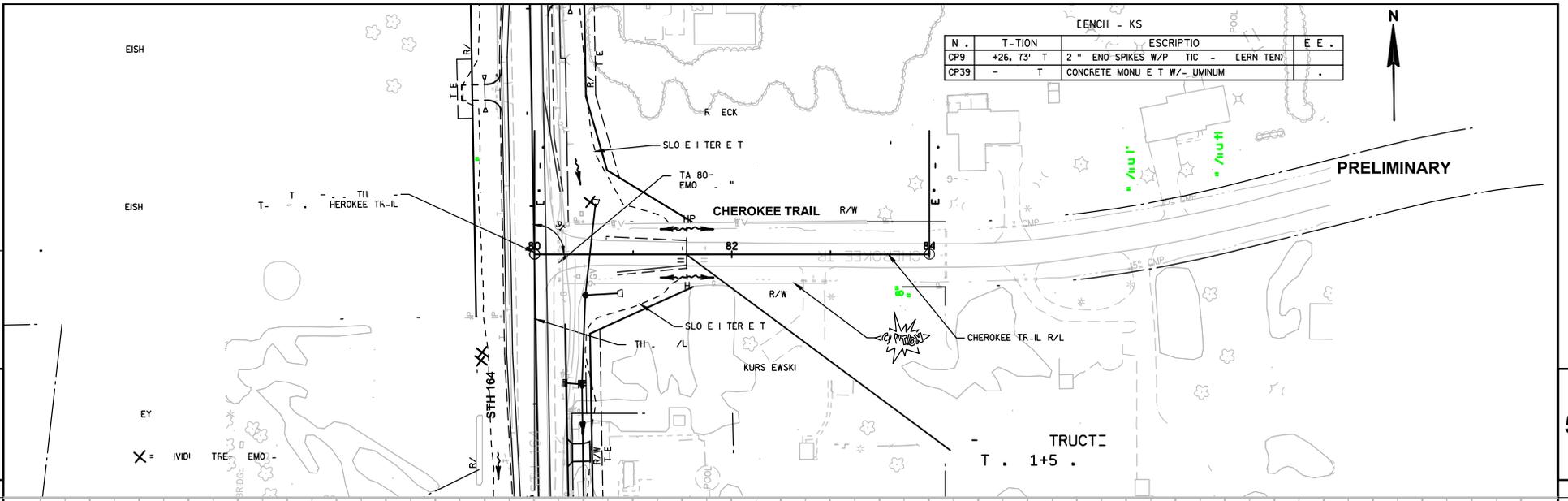
N .	T - TION	ESCRPTIO	E E .
CP29	6 +9 T	2 " ENO SPIKES W/P TIC - CERN T-	-

TRUCTION  
 ST . +41.



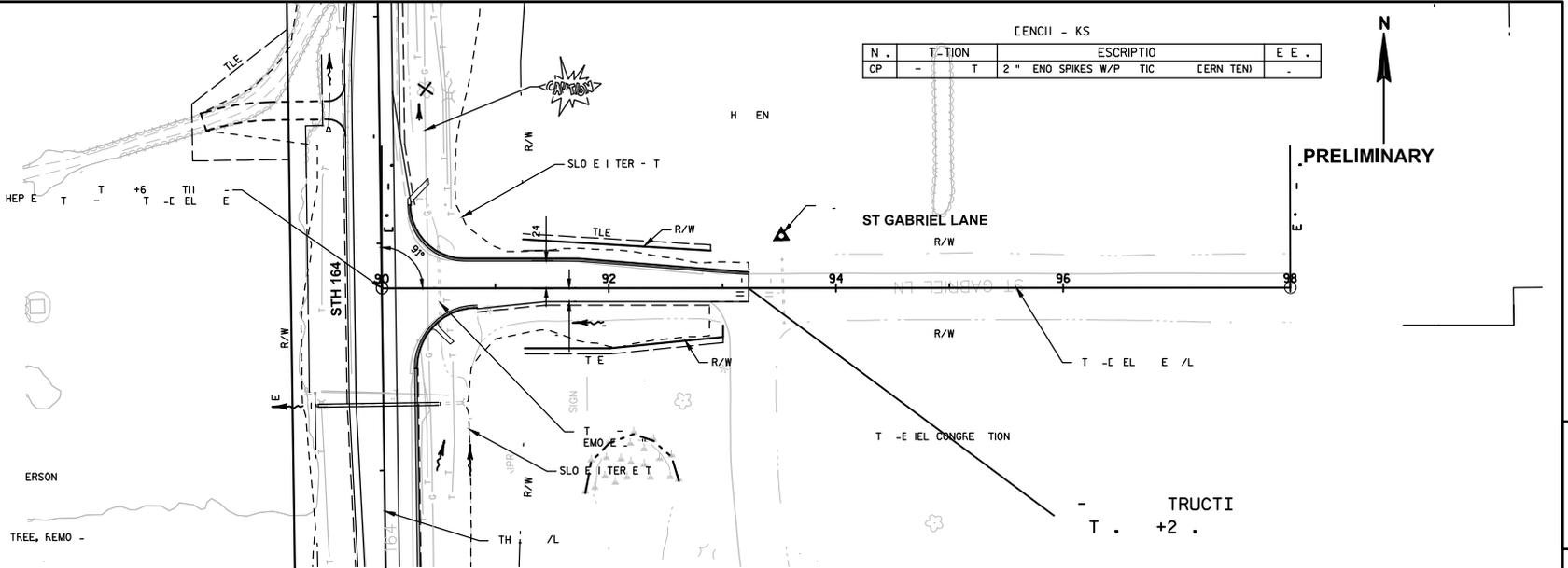
PROJECT N - H : TH UNTY: - H TON P E - TUCK - / SHE-T E

E : T:\1102717\ - \CIVI \27090300\SHE-TSPLAN\05013 - TUCK - AY T -TE : /22/2013 : T E / : ACKWOOD, ES T E : WISD T / HEE



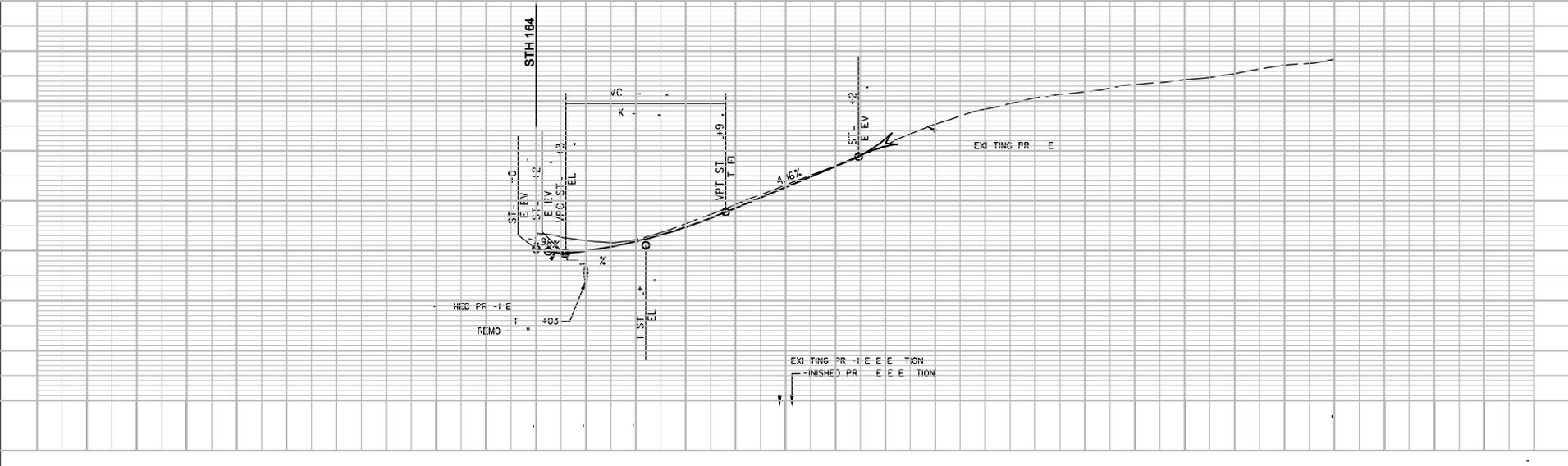
PROJECT N° - H : TH COUNTY: - H TON P E - HEROKE- TR SHE-T ----- E

E : T:\1102717\ - \CIVI \27090300\SHE-TSPLAN\05013 - HEROKEE T -TE : /22/2013 : T E / : ACKWOOD, ES T E : WISD T / HEE"



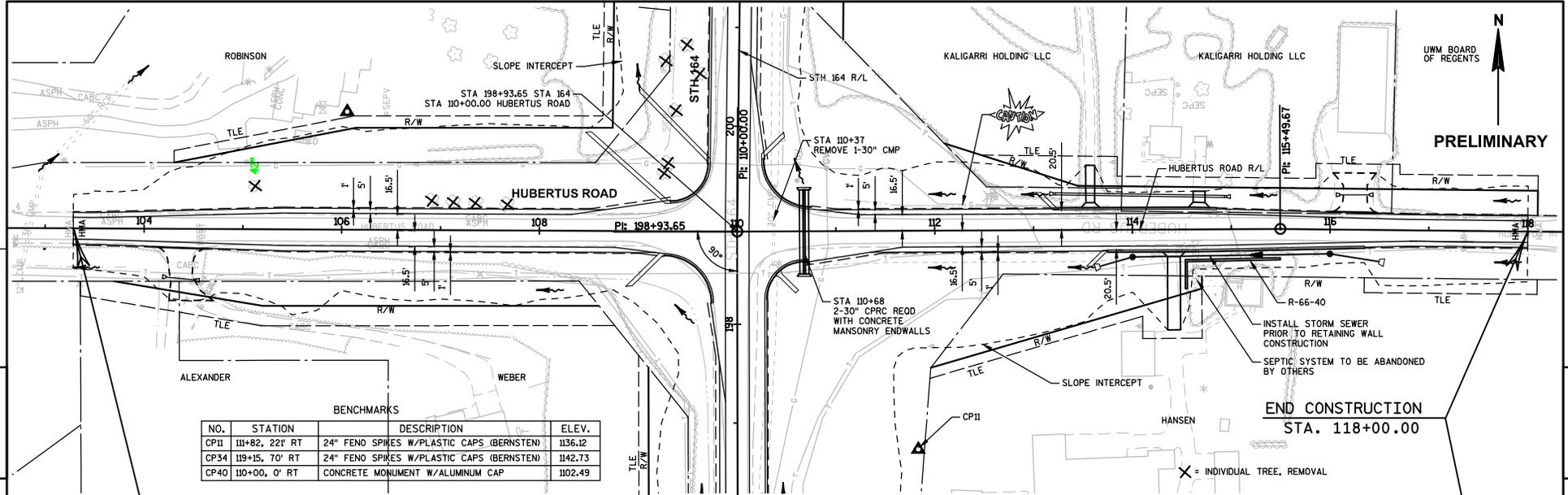
5

5



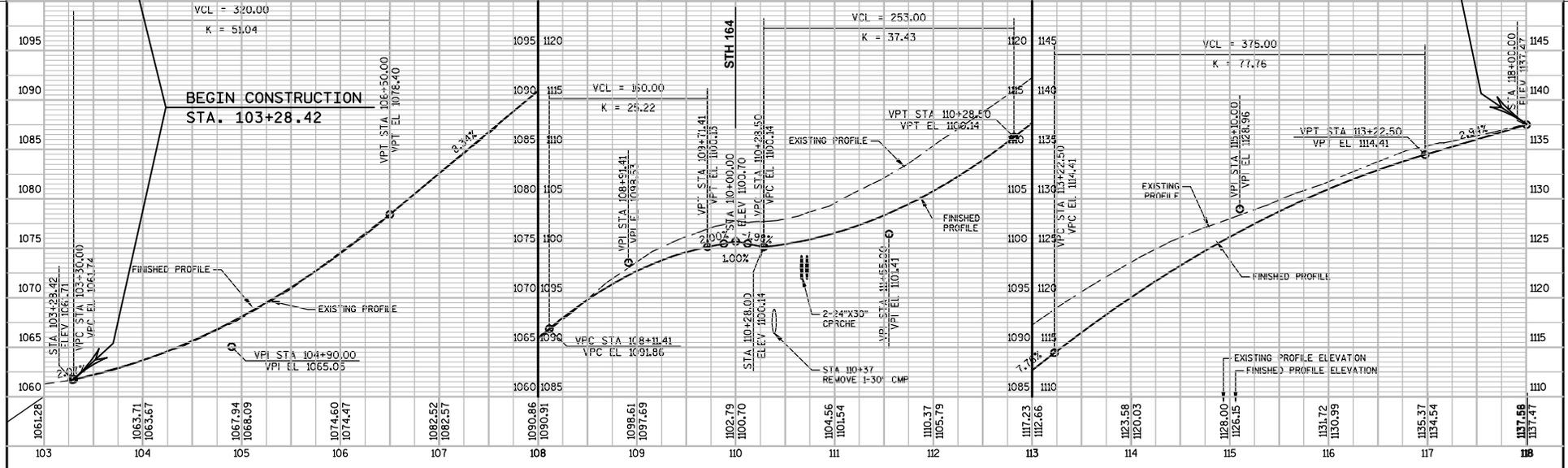
PROJECT N - HWY: TII UNTY: - H TON P - T -C EL SHE-T ----- E

-I E E : T:\1102717\ - CIVIL\30\27090300\ SHEETS\PLAN\05013 - PP ST - IE T - TE : /22/2013 : T E / : ACKWOOD, JA E T E : WISD T / HEE

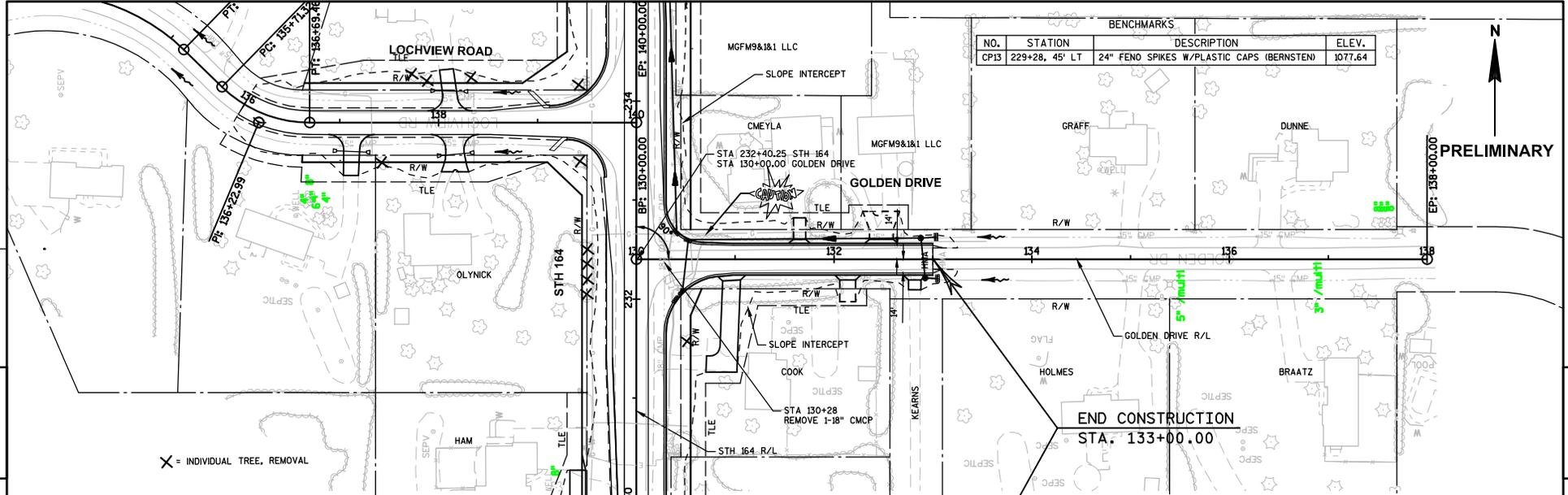


BENCHMARKS

NO.	STATION	DESCRIPTION	ELEV.
CP11	111+82, 221 RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1136.12
CP34	119+15, 70' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1142.73
CP40	110+00, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1102.49

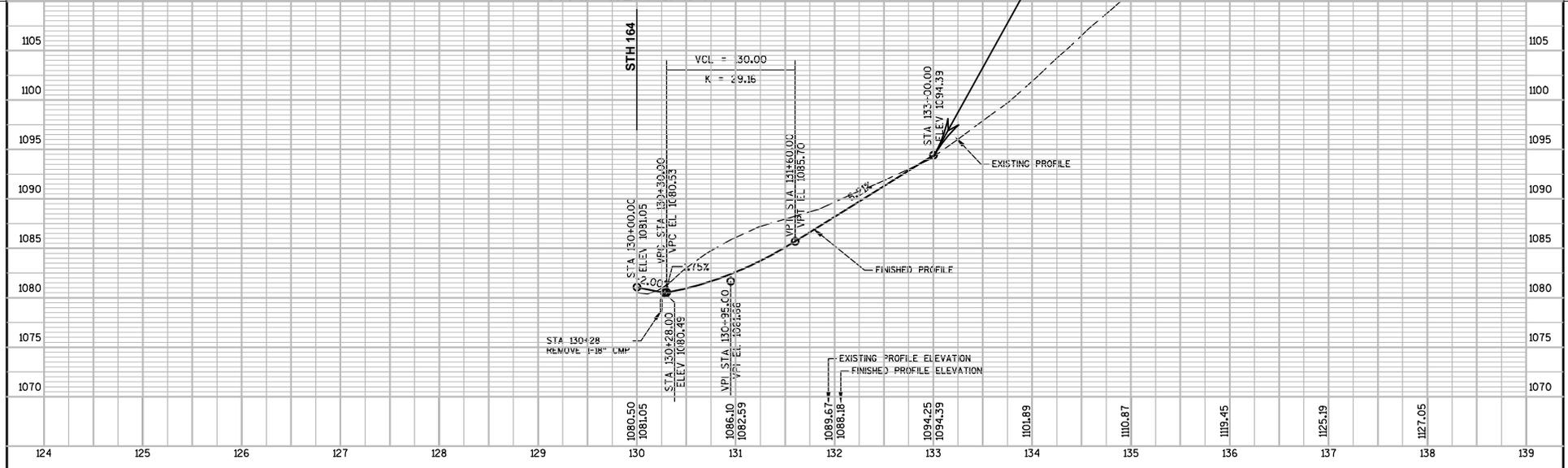


PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - HUBERTUS ROAD      SHEET ----- E



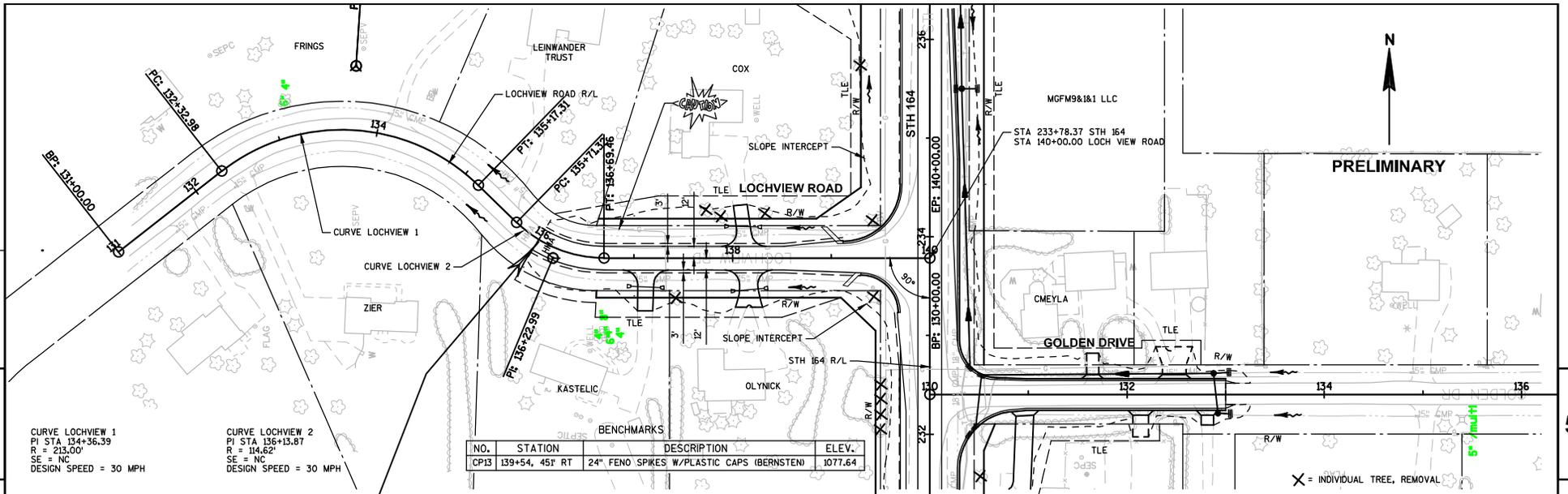
NO.	STATION	DESCRIPTION	ELEV.
CP13	229+28, 45' LT	24" FEND SPIKES W/PLASTIC CAPS (BERNSTEN)	1077.64

**END CONSTRUCTION**  
STA. 133+00.00



124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

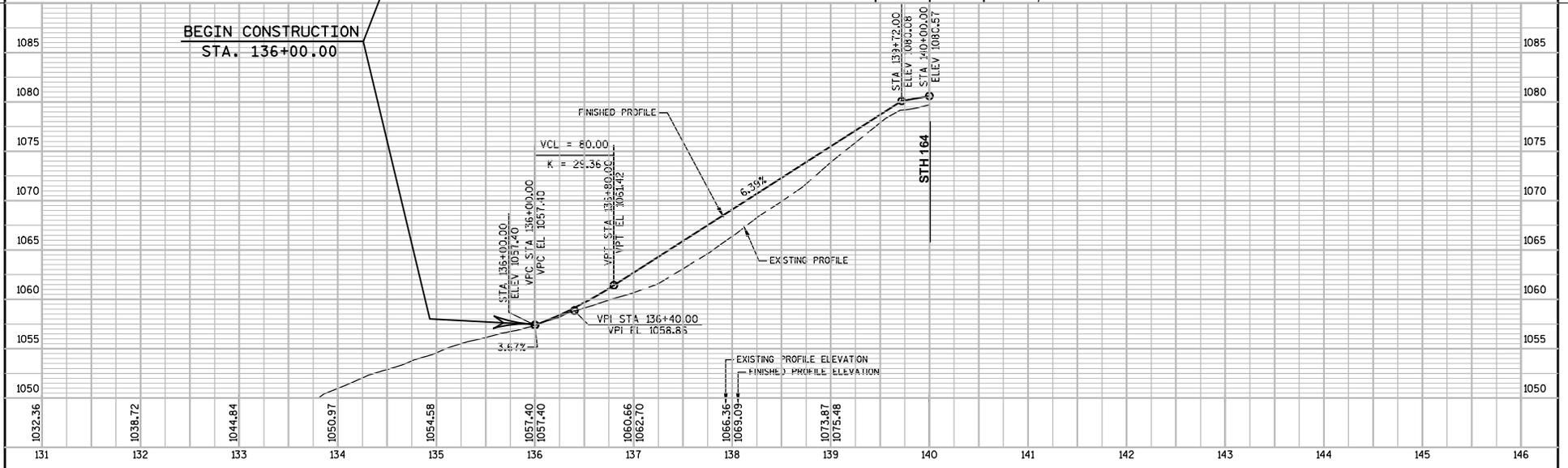
PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - GOLDEN DRIVE      SHEET ----- E



NO.	STATION	DESCRIPTION	ELEV.
CP13	139+54.45	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1077.64

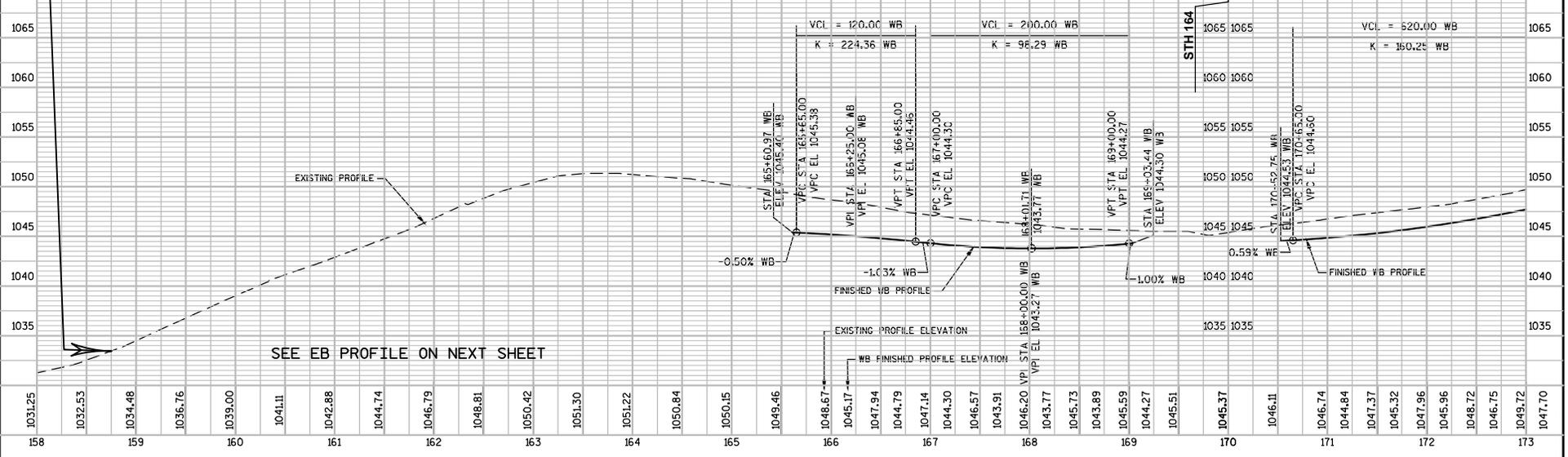
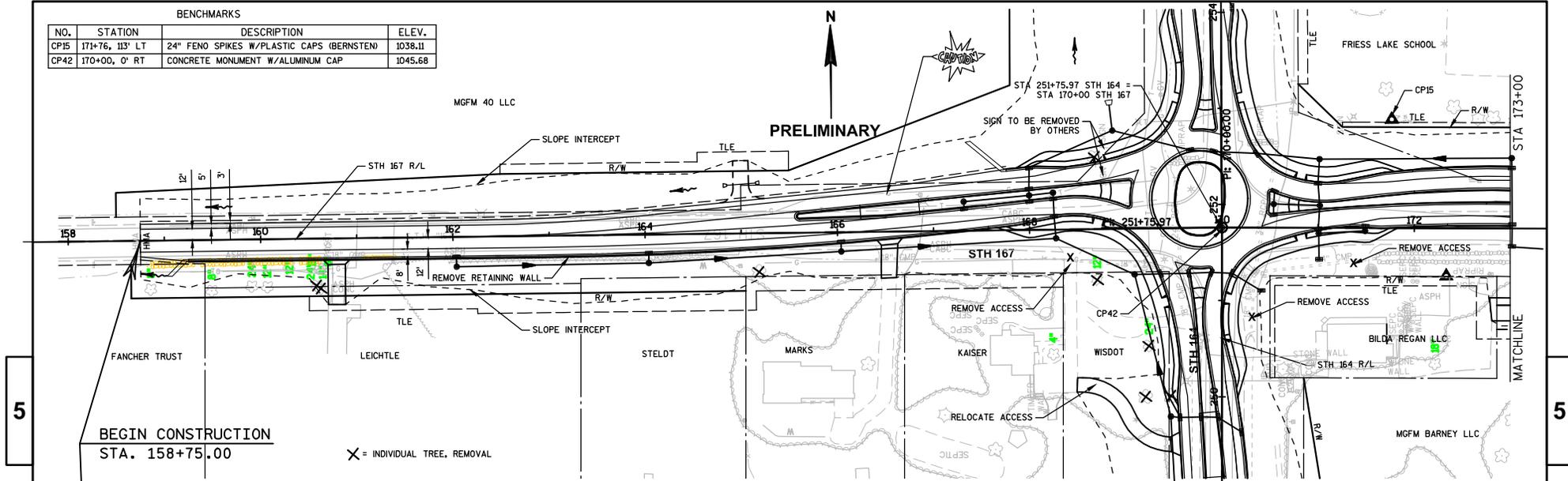
**CURVE LOCHVIEW 1**  
 PI STA 134+36.39  
 R = 213.00'  
 SE = NC  
 DESIGN SPEED = 30 MPH

**CURVE LOCHVIEW 2**  
 PI STA 136+13.87  
 R = 114.62'  
 SE = NC  
 DESIGN SPEED = 30 MPH





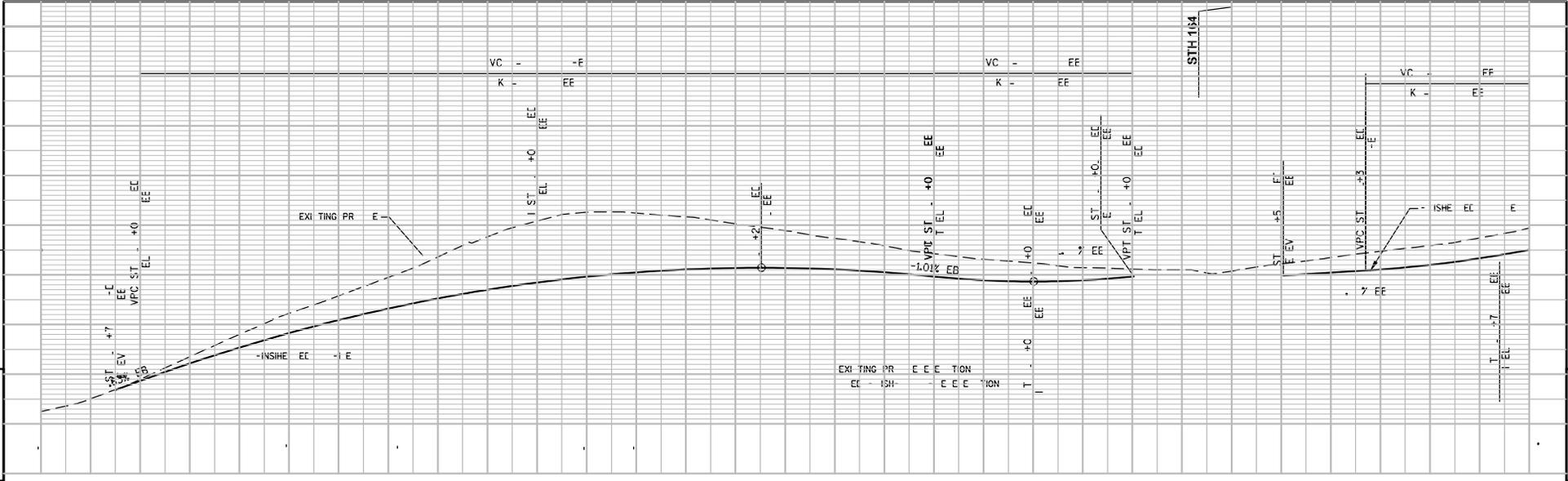
BENCHMARKS			
NO.	STATION	DESCRIPTION	ELEV.
CP15	171+76, 113' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1038.11
CP42	170+00, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1045.68



1031.25	1032.53	1034.48	1036.76	1039.00	1041.11	1042.88	1044.74	1046.79	1048.81	1050.42	1051.30	1051.22	1050.84	1050.15	1048.67	1045.17	1047.94	1044.79	1047.14	1044.30	1046.57	1043.91	1046.20	1043.77	1045.73	1043.89	1045.59	1044.27	1045.51	1045.37	1046.11	1046.74	1044.84	1047.37	1045.32	1047.96	1045.96	1048.72	1046.75	1049.72	1047.70
---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------

PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - STH 167 WEST BOUND PROFILE      SHEET ----- E

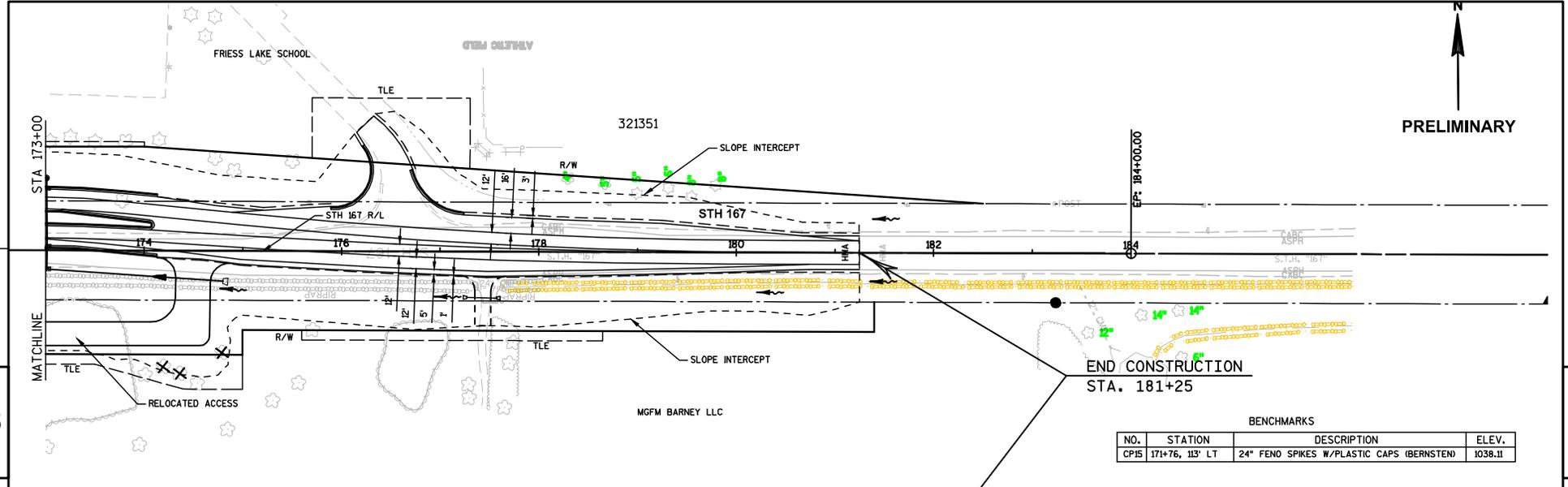
5



5

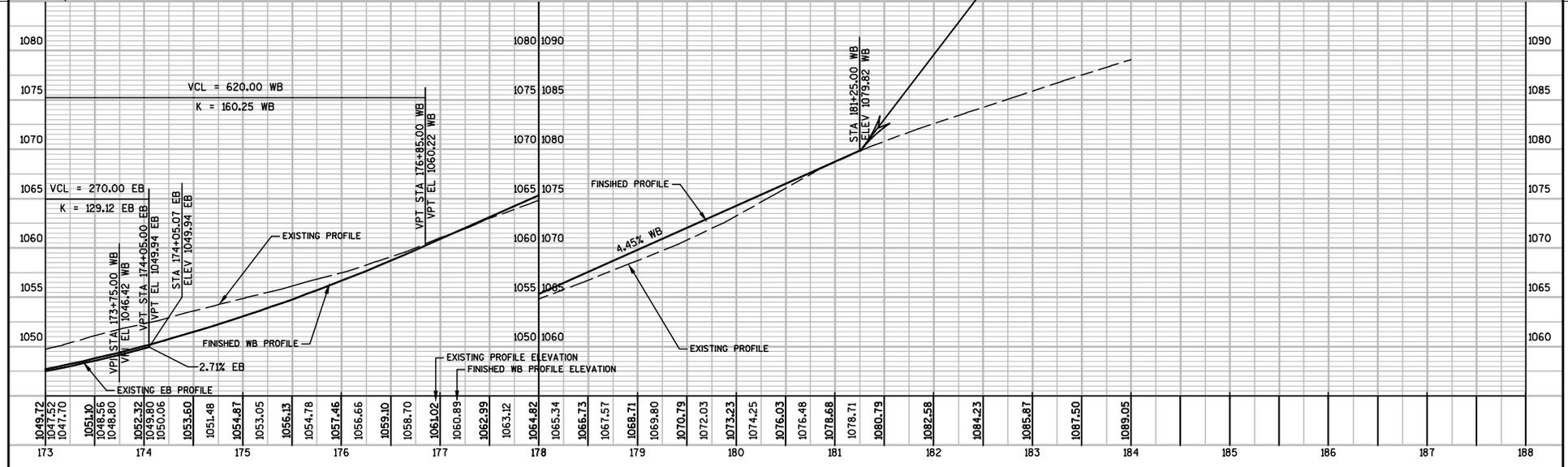
PROJECT N °	-	HWY: T11	UNTY: - H TON	P	T11	E TE UND PR -	SHE-T	-----
-------------	---	----------	---------------	---	-----	---------------	-------	-------

PRELIMINARY

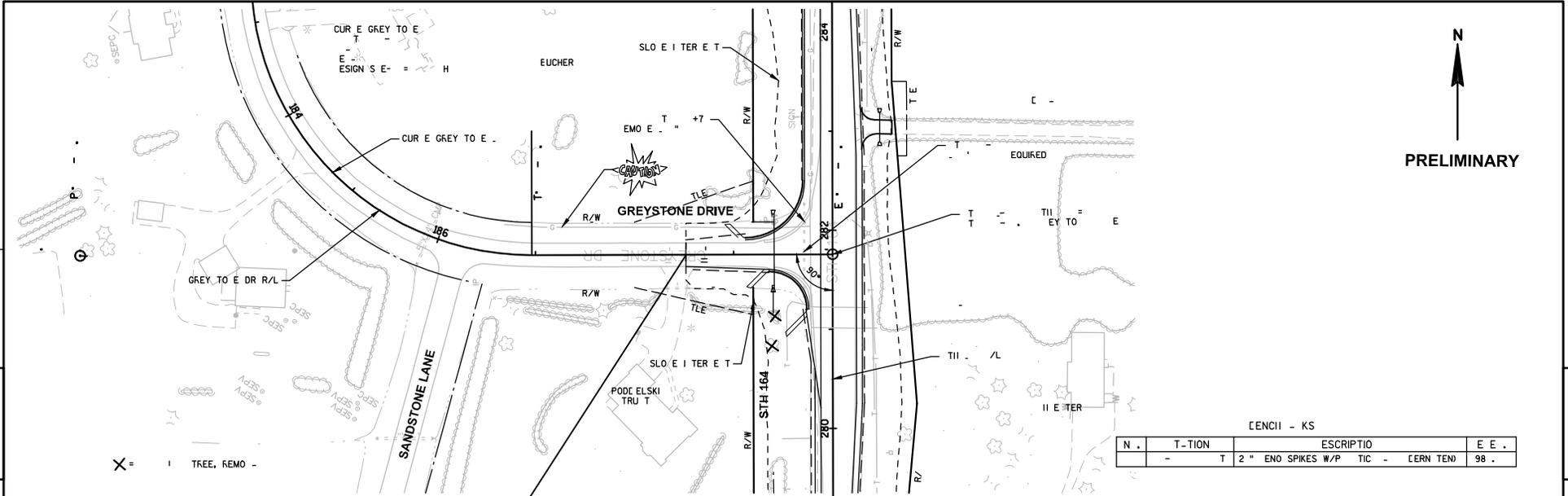


BENCHMARKS

NO.	STATION	DESCRIPTION	ELEV.
CP15	171+76, 113' LT	24" FEND SPIKES W/PLASTIC CAPS (BERNSTEN)	1038.11



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - STH 167      SHEET ----- E



5

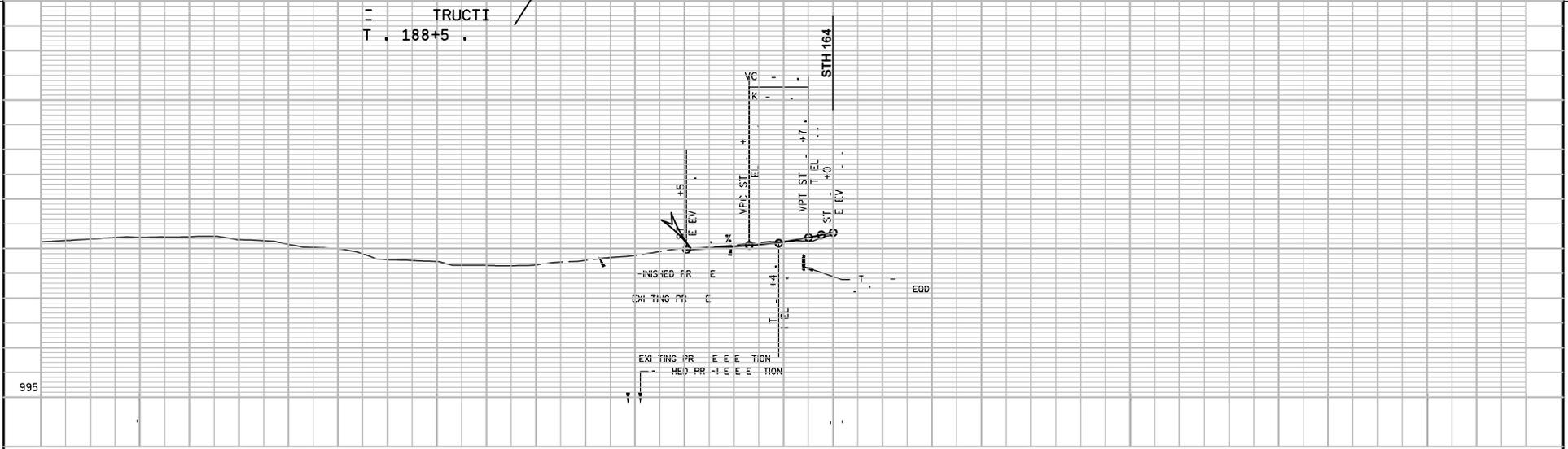
5

GENERIC - KS

N.	DESCRIPTION	DESCRIPTION	DEPTH
1	2" ENO SPIKES W/P TIC	FOR TRENCH	98"

X = TREE, REMOVE

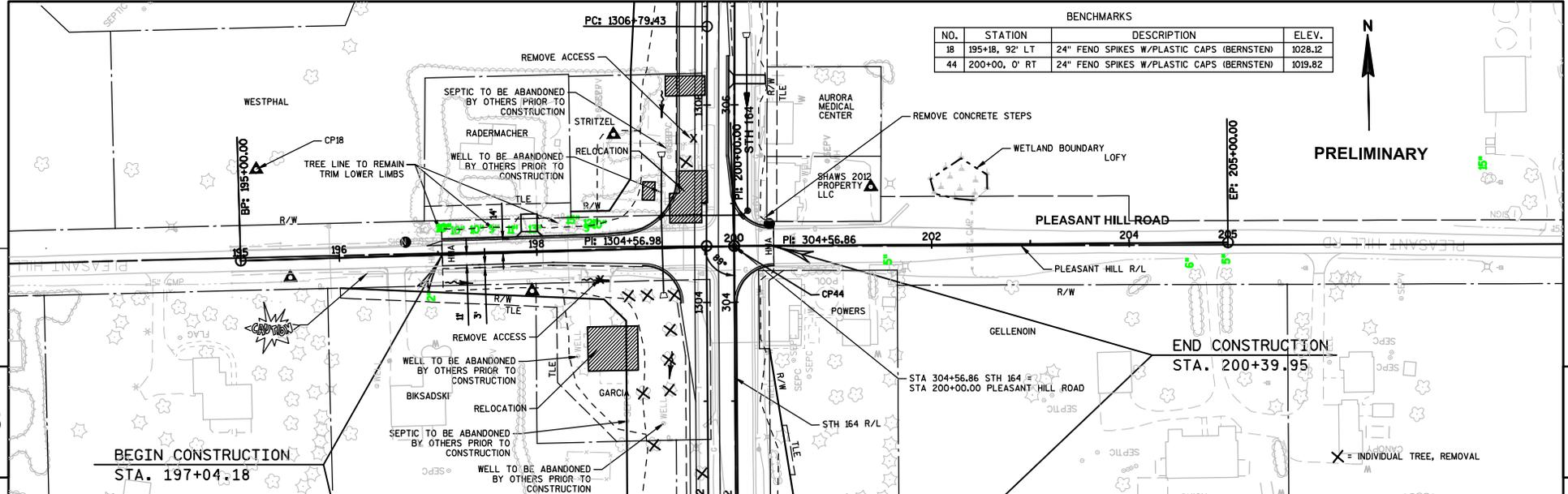
STRUCTURE  
T 188+5



PROJECT NUMBER: - HWY: TII COUNTY: - H TON PROJECT: EYSTO E DRI SHEET: - - - - E

DATE: 11/22/2013 1:11 PM DRAWN BY: ACKWOOD, JAE

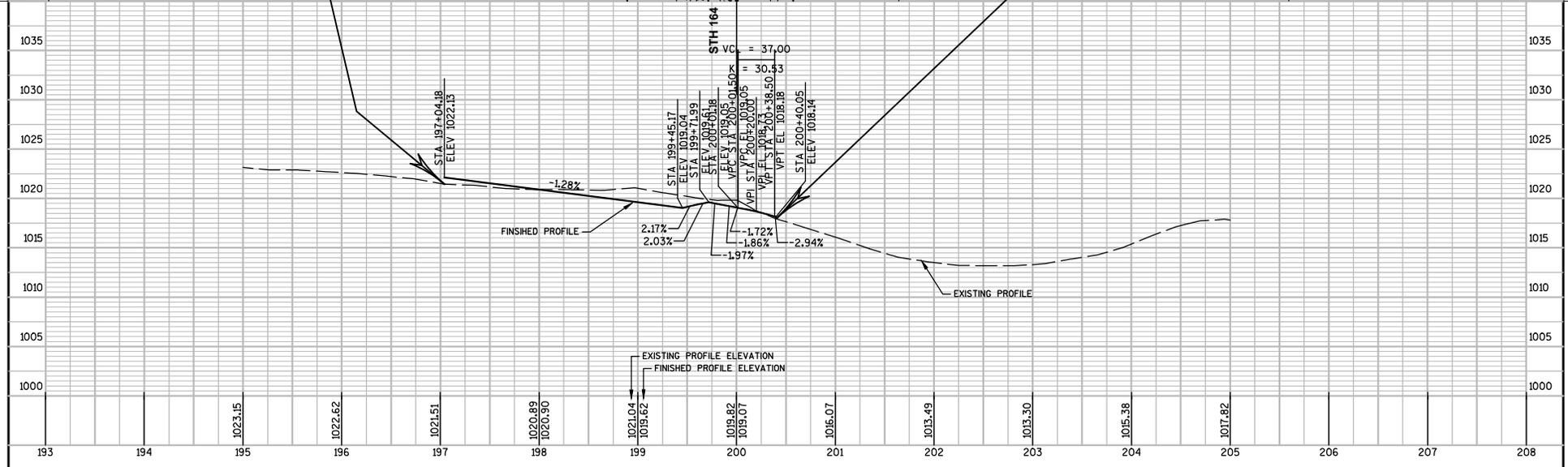
WISDOT / HEE



BENCHMARKS			
NO.	STATION	DESCRIPTION	ELEV.
18	195+18, 92' LT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1028.12
44	200+00, 0' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1019.82

5

5



PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - PLEASANT HILL ROAD      SHEET ----- E

UR E E TIC  
T -  
E -  
ESIGN S EE = H

N  
PRELIMINARY

5

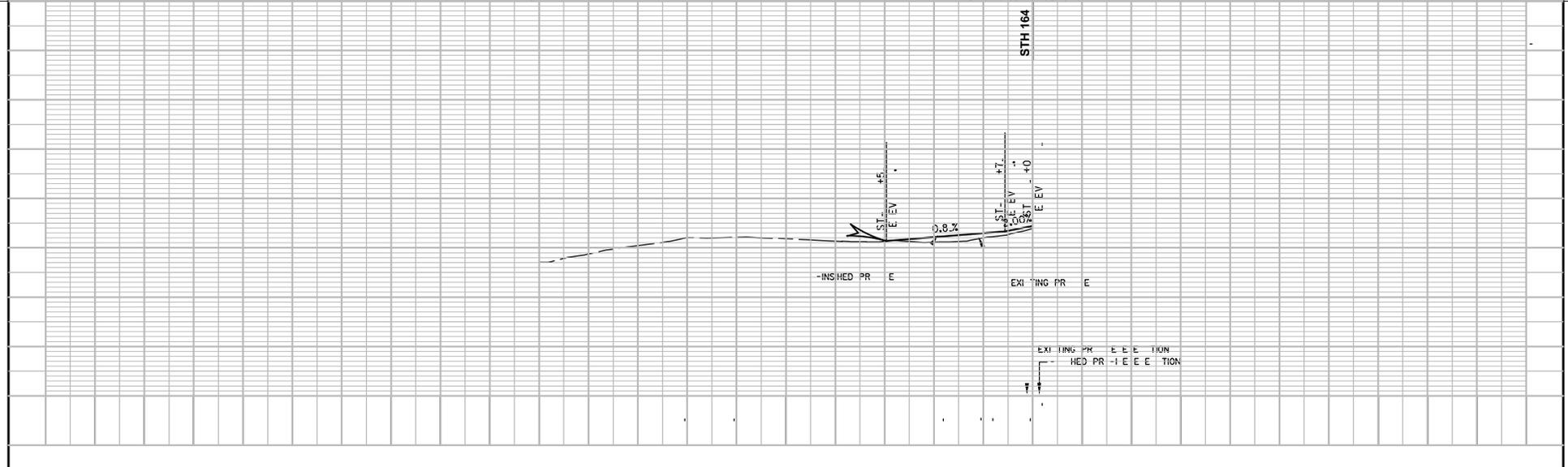
5

X = TREE, REMO -

- I TRUCTI  
T +51.

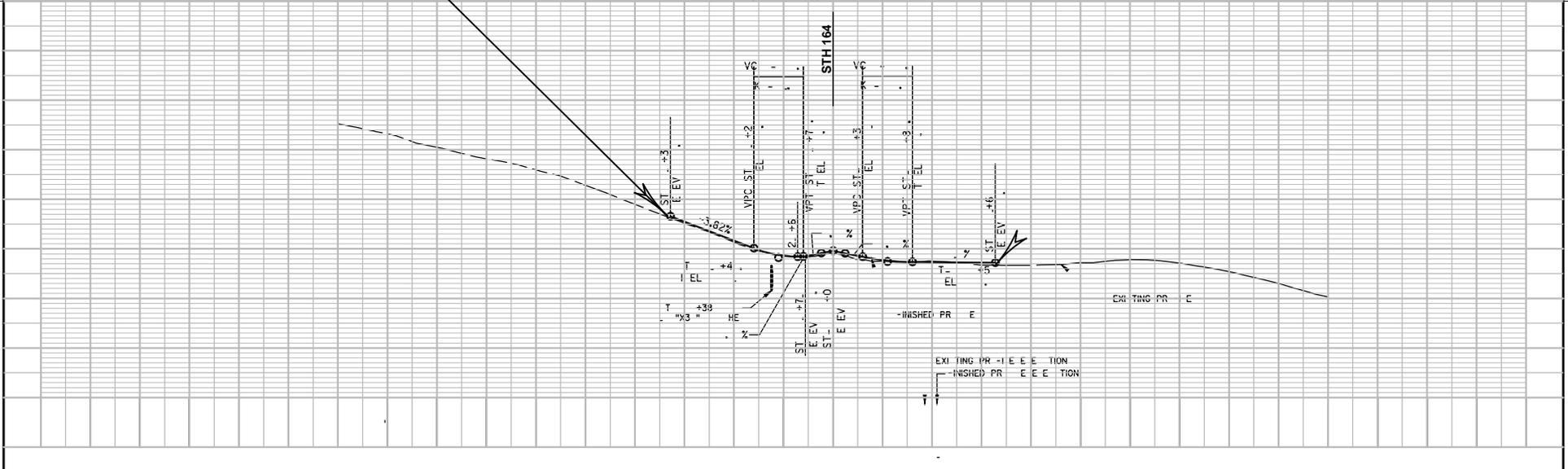
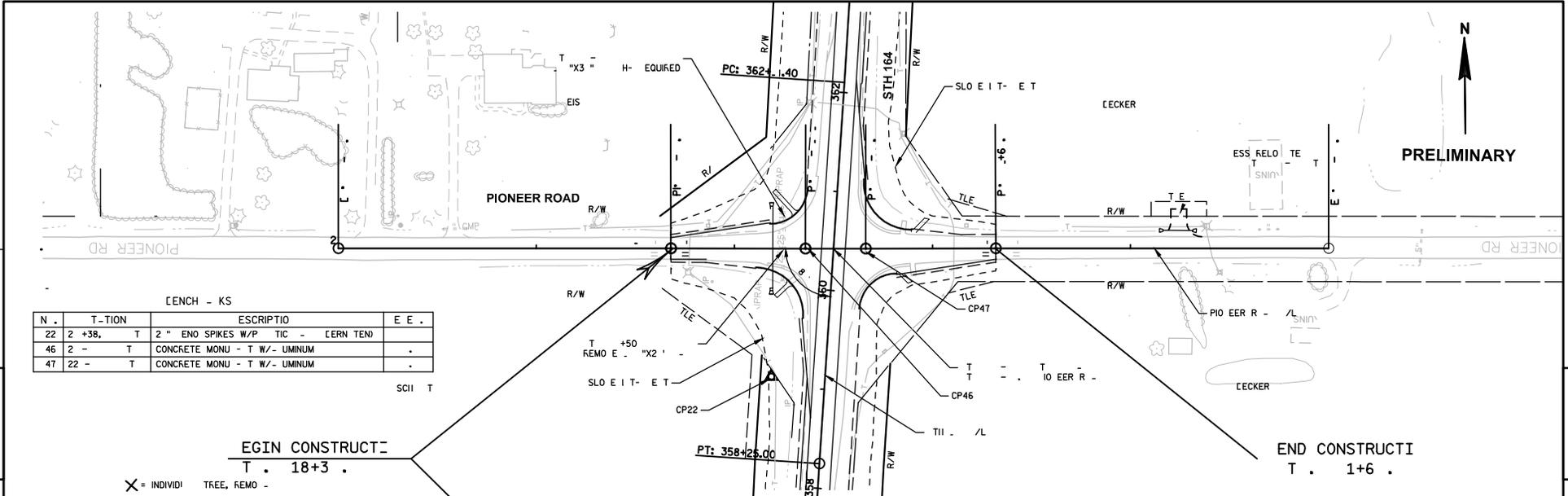
CENCL - KS

N .	T-TION	ESCRPTIO	E E .
-	T	2" ENO SPIKES W/P TIC	CERN TEN)

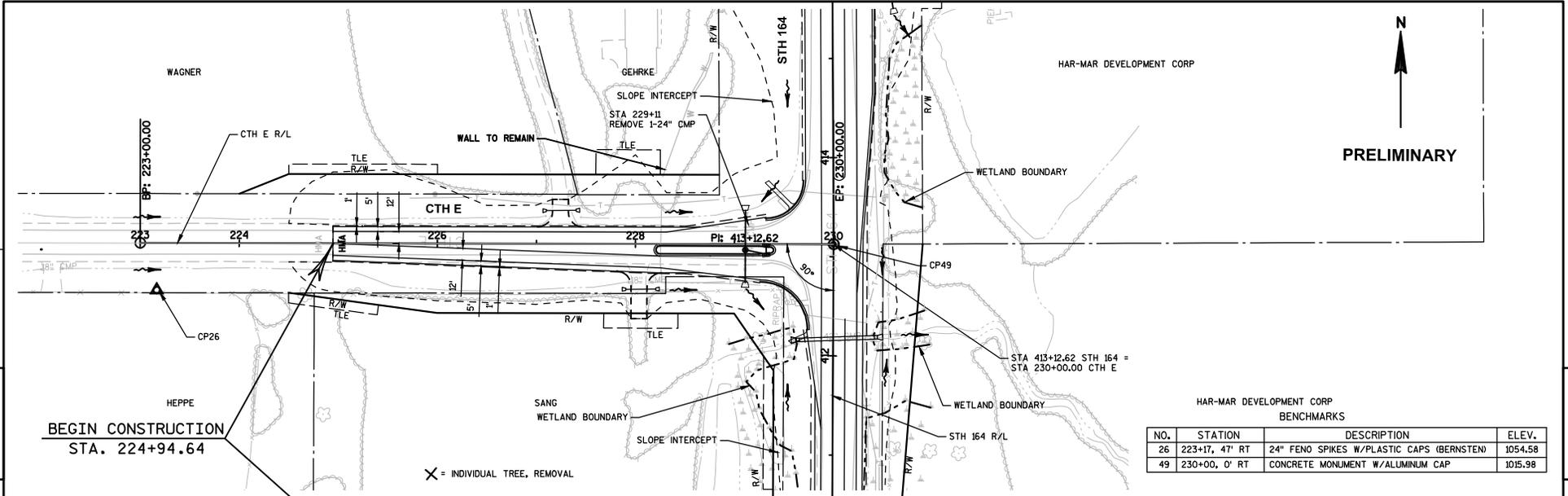


PRO ECT N \* - HWY: TII UNTY: - H TON P - TIC DRI E SHE-T ----- E

- I E E : T:\1102717\ - \CIVIL\30\27090300\SHEETS\PLAN\05014 ESTI I E T - TE : /22/2013 : T E / : ACKWOOD, JA E T E : WISD T/ HEE"



PROJECT N - HWY: TII COUNTY: - H TON P ER R SHE-T ----- E



N  
PRELIMINARY

HAR-MAR DEVELOPMENT CORP  
BENCHMARKS

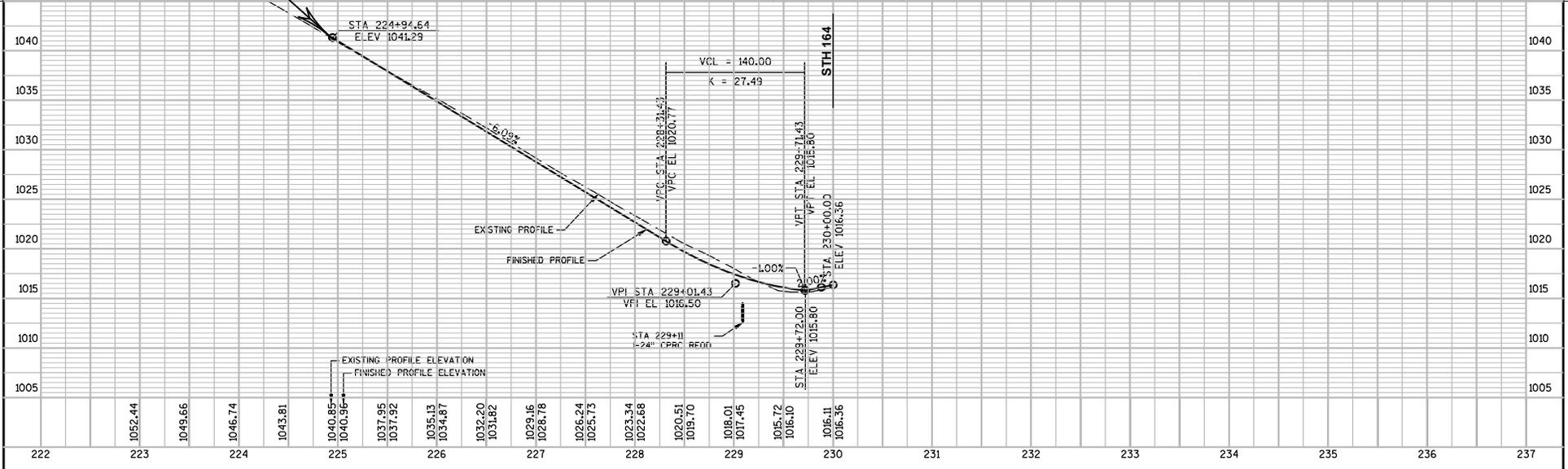
NO.	STATION	DESCRIPTION	ELEV.
26	223+17, 47' RT	24" FENO SPIKES W/PLASTIC CAPS (BERNSTEN)	1054.58
49	230+00, 0' RT	CONCRETE MONUMENT W/ALUMINUM CAP	1015.98

5

5

BEGIN CONSTRUCTION  
STA. 224+94.64

X = INDIVIDUAL TREE, REMOVAL



222	1052.44	1049.66	1046.74	1043.81	1040.85	1037.95	1035.13	1032.20	1029.46	1026.24	1023.34	1020.51	1018.01	1015.72	1013.10	1010.11	1007.36	231	232	233	234	235	236	237
-----	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	-----	-----	-----	-----	-----	-----	-----

PROJECT NO: 2709-03-70      HWY: STH 164      COUNTY: WASHINGTON      PLAN & PROFILE - CTH E      SHEET ----- E



## **Exhibit 8**

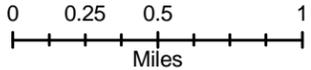
### **Village of Richfield and Town of Polk Land Use Plans**

# TOWN OF RICHFIELD

## 20-YEAR FUTURE LAND USE

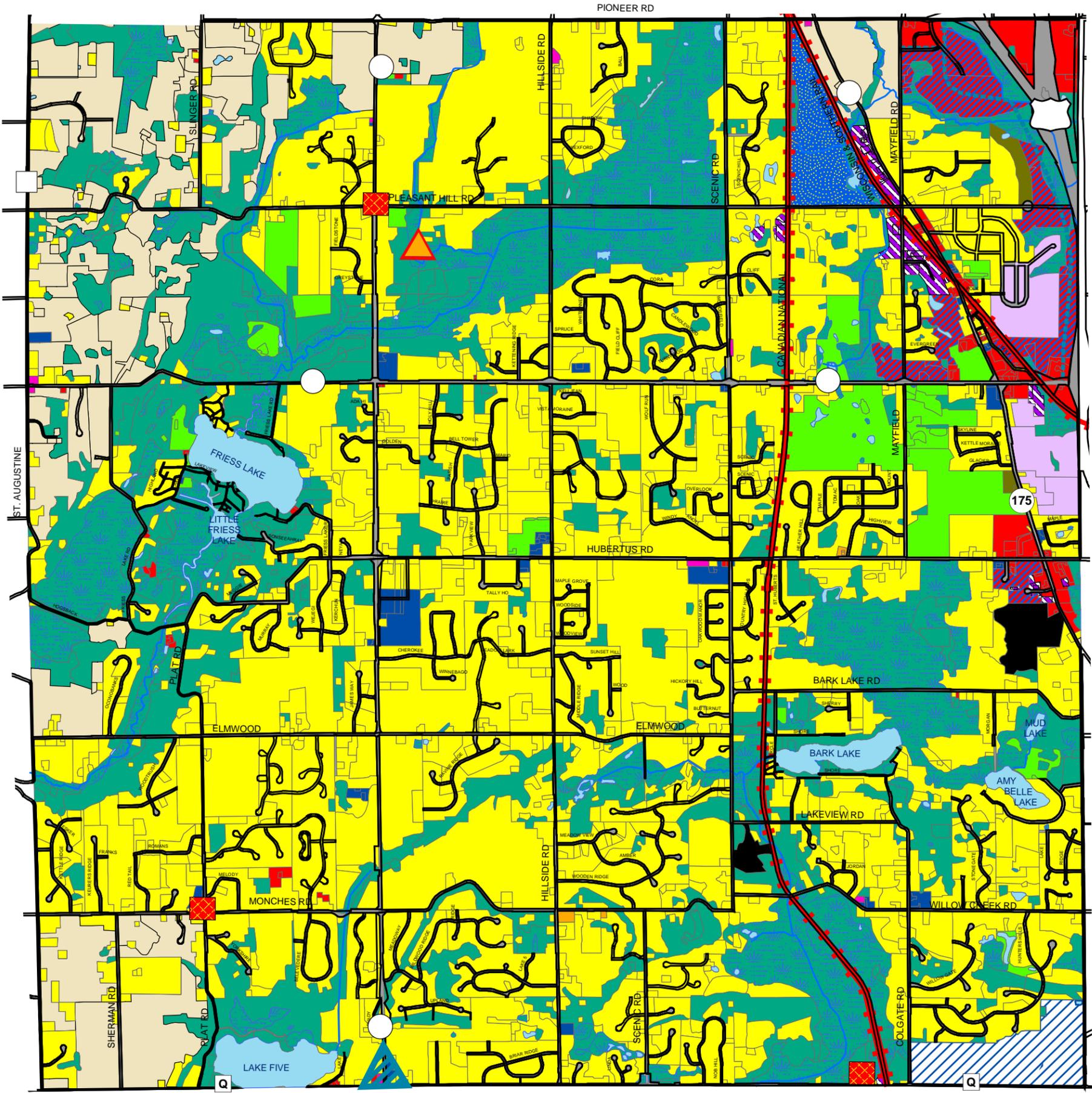
### Legend

- SINGLE FAMILY
- TOWNHOMES
- AGRICULTURE / RURAL RESIDENTIAL
- WETLANDS / ENVIRONMENTAL CORRIDORS
- RECREATION
- COMMERCIAL
- INDUSTRIAL
- BUSINESS MIXED USE
- OFFICE/LIGHT INDUSTRIAL MIX
- WALKABLE HAMLET MIXED USE
- NEIGHBORHOOD HAMLETS
- NEIGHBORHOOD ACTIVITY CENTER
- QUARRIES / POTENTIAL REDEVELOPMENT AREAS
- INSTITUTIONAL
- CEMETERIES
- UTILITIES
- WATER
- EXISTING & PROPOSED RIGHT-OF-WAY
- RAILROAD CORRIDORS
- RIVERS / STREAMS
- FUTURE FRONTAGE ROAD
- ▲ FUTURE TOWN PARK SITE
- FUTURE PARK & RIDE LOCATION



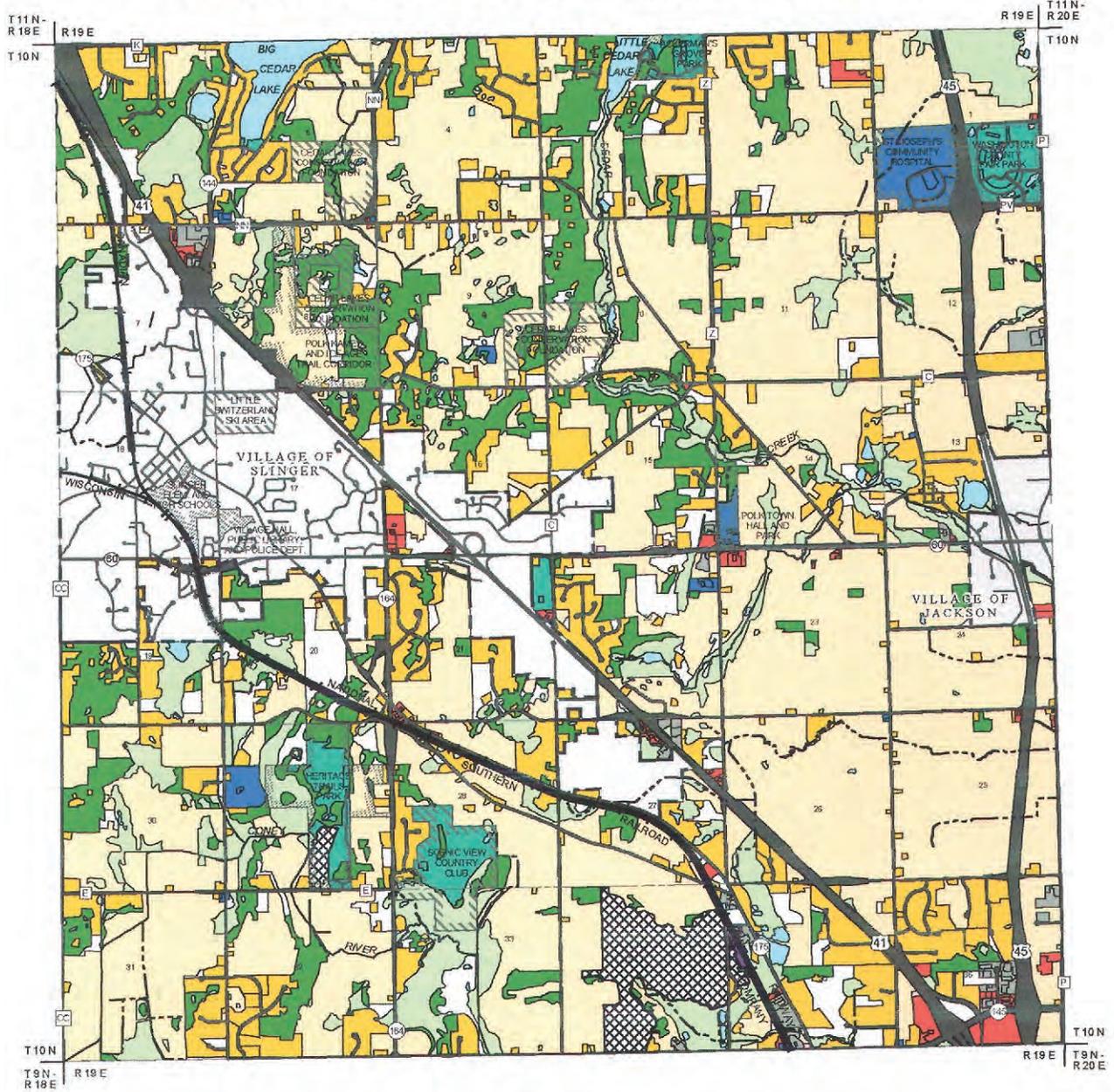
**CRISPELL-SNYDER, INC.**  
PROFESSIONAL CONSULTANTS

SOURCE: UPDATED FUTURE LAND USE ON JANUARY OF 2007.  
ORIGINALLY INFORMATION PRODUCED BY OMNI ASSOCIATES



This Crispell-Snyder, Inc. GIS map contains information including but not limited to \_\_\_\_\_ County. This data is subject to constant change. Crispell-Snyder, Inc. makes no warranties or guarantees, either expressed or implied, as to the accuracy or correctness of this data, nor accepts any liability arising from any incorrect, incomplete or misleading information contained therein.

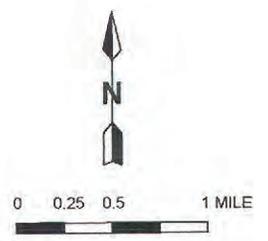
# Map VI-1 GENERALIZED LAND USES IN THE TOWN OF POLK: 2008



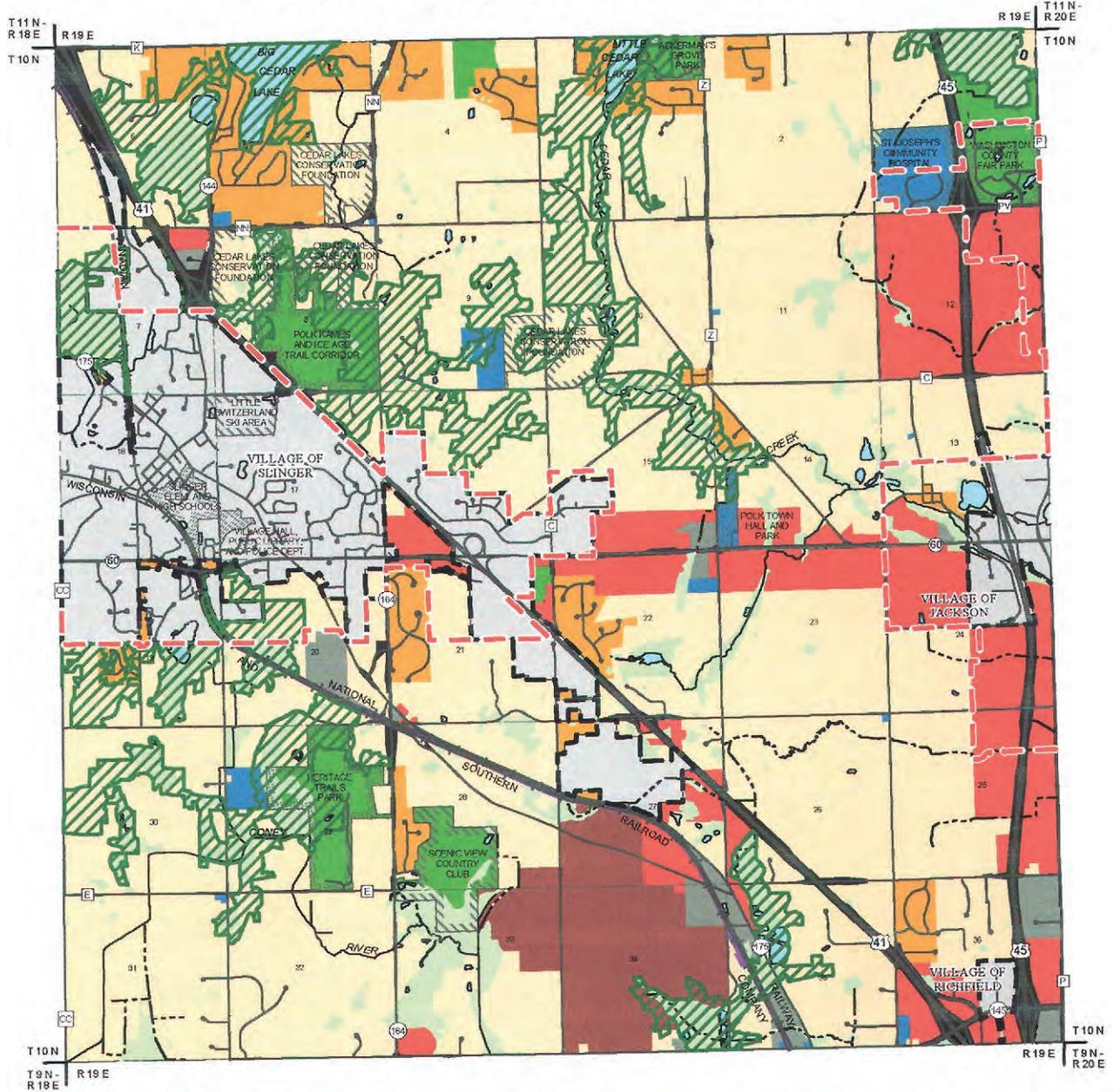
- |   |   |   |   |
|---|---|---|---|
|  | SINGLE - FAMILY RESIDENTIAL                         |  | RECREATIONAL                              |
|  | TWO - FAMILY RESIDENTIAL                            |  | WOODLANDS                                 |
|  | COMMERCIAL  |  | WETLANDS                                  |
|  | INDUSTRIAL  |  | SURFACE WATER                             |
|  | STREETS AND HIGHWAYS                                |  | AGRICULTURAL                              |
|  | RAILROADS   |  | QUARRY                                    |
|  | COMMUNICATIONS, UTILITIES, AND OTHER TRANSPORTATION |  | OPEN LANDS                                |
|  | GOVERNMENTAL AND INSTITUTIONAL                      |  | VILLAGE OF SLINGER AND VILLAGE OF JACKSON |

SOURCE: SEWRPC.

VI-12



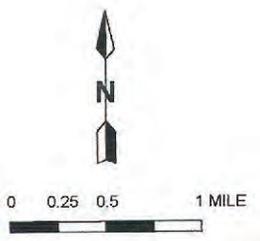
# Map VI-4 LAND USE PLAN FOR THE TOWN OF POLK: 2035



- |   |                                   |   |   |
|---|-----------------------------------|---|---|
|  | AGRICULTURAL OR RURAL RESIDENTIAL |  | PRIMARY ENVIRONMENTAL CORRIDOR (OVERLAY)              |
|  | SUBURBAN DENSITY RESIDENTIAL      |  | PLANNED SEWER SERVICE AREA BOUNDARIES (DECEMBER 2008) |
|  | MIXED USE                         |  | TOWN / VILLAGE BOUNDARY (JANUARY 2009)                |
|  | INDUSTRIAL                        |   |   |
|  | INSTITUTIONAL                     |   |   |
|  | PARK                              |   |   |
|  | EXTRACTIVE                        |   |   |
|  | STREETS AND HIGHWAYS              |   |   |
|  | RAILROAD                          |   |   |
|  | WETLAND                           |   |   |
|  | SURFACE WATER                     |   |   |

Source: Town of Polk and SEWRPC.

VI-15



**Exhibit 9**

**Highway J Citizens Group and Waukesha County**

**Environmental Action League Correspondence**

Public Information Meeting  
Comment Form

I.D. 2709-03-00  
WIS 164

County Q – County E  
Washington County

February 14, 2013

Please use this page to record any comments or questions you may have regarding this project. Comments may be placed in the Comment Box at the meeting, e-mailed, or mailed to the address on the back of this sheet by **March 14, 2013**. **Please Print.**

Name: \_\_\_\_\_ **HIGHWAY J CITIZENS GROUP, U.A.** \_\_\_\_\_  
Jeffrey M. Gonyo, Steering Committee Member  
Address: \_\_\_\_\_ 2668 Highway 164, Slinger, WI 53086 \_\_\_\_\_  
Daytime phone: \_\_\_\_\_ Phone: (262)-644-8334 \_\_\_\_\_  
Date of Filing: March 13, 2013  
Comments: \_\_\_\_\_

Both individually and on behalf of the **HIGHWAY J CITIZENS GROUP, U.A. (HJCG)**<sup>1</sup>, I am writing these public comments to restate our **CONTINUED STRONG OPPOSITION** to all aspects of the Wisconsin Department of Transportation's (WisDOT) so-called "**Highway 164 Rehabilitation Project**" (Project ID #2709-03-00). Along with my written public comments previously submitted to you on June 30, 2011 and March 9, 2012, respectively, please also include these comments as part of the official administrative record for this WisDOT project.

For the following specified reasons, we again must **emphatically insist** that this **unnecessary, fiscally-irresponsible, highly-destructive, and blatantly illegal road expansion project be CANCELLED IN ITS ENTIRETY** and the WisDOT instead **immediately implement a uniform 45 mph speed limit** along Highway 164 in both Washington and Waukesha Counties to **greatly improve traffic safety** on our two-lane, residential roadway:

- This road widening project is **ILLEGAL** under two U.S. District Court decisions issued in 2009 and 2010 which **completely stripped** the WisDOT of **any** legal authority to **expand** Highway 164 or **acquire** real estate for any such expansion. See: ***Highway J Citizens Group, U.A., et al. v. USDOT, et al.***, 656 F.Supp.2d 868 (E.D.Wis. 2009) and ***Highway J Citizens Group, U.A. et al. v. USDOT, et al.***, 2010 WL 1170572 (E.D.Wis. 2010).

<sup>1</sup> The **Highway J Citizens Group, U.A. (HJCG)** is an all-volunteer citizens organization established in 1999 to: **1) Stop** unnecessary, fiscally-irresponsible and environmentally-damaging road expansion projects (including the Wisconsin Department of Transportation's currently-proposed Highway 164 Rehabilitation Project in Washington County), **2) Protect** our groundwater quality, rural communities and family farms, **3) Promote** proper land use decisions, and **4) Preserve** our overall "quality of life" in this beautiful Kettle Moraine area of Wisconsin. Many of our citizens group members (including me) either live along or own property along Highway 164 and will be **directly affected by the many negative impacts** of the WisDOT's current project because of property loss, home and property devaluation, loss of enjoyment of our properties (especially because of additional traffic, noise, and pollution) and greatly diminished personal safety while traveling on a wider, faster and more dangerous highway.

This project is **virtually identical** to the interim improvement project discussed in the 2001 Final Environmental Impact Statement (FEIS) and 2002 Record of Decision (ROD), both of which were **vacated** (i.e. “thrown out”) by U.S. District Judge Lynn Adelman in these two federal court decisions.<sup>2</sup> That’s because the currently-proposed project includes:

- 1) **Corridor-wide real estate acquisition** (approximately 50 acres of land in total along the 7.5 mile long Highway 164 in Washington County),<sup>3</sup>
- 2) **Building demolition** (at least three homes, two of which are at least 150 years old and historic),
- 3) **Widening traffic lanes, road shoulders and right-of-way areas** (in some cases, this total widening would be by **as much as 34 additional feet** – going from a 66-foot width to a 100-foot width),
- 4) **Closing/rerouting/redesigning several road intersections** (including the Shady Lane, Highway 167 and Pleasant Hill Road intersections on Highway 164),
- 5) **Closing/rerouting several private driveways** causing **irreparable economic harm** to the property owners (especially the Robert and Denise Kraetsch Farm near the Highway 167 intersection which their family has continuously owned and farmed since 1859),
- 6) **Flattening several hills** (many of which to a great degree),
- 7) **Installing a dangerous roundabout** (near the Friess Lake School at the Highway 167 intersection in the Village of Richfield),
- 8) **Filling several acres of pristine wetlands** (in several different areas along Highway 164 in Washington County), and
- 9) **Negatively impacting nearby lakes** (like Lake Five and Friess Lake) **and highway-crossing rivers** (like the Oconomowoc and Coney Rivers).

In many respects, this above-described project would have **significantly greater economic and environmental impacts** than the interim improvement project originally contemplated in the **now vacated** 2001 FEIS and 2002 ROD. Therefore, this project **clearly violates** the 2009 and 2010 HJCG federal court decisions which **specifically disallowed** this very type of economically and environmentally-destructive road widening project along Highway 164.

---

<sup>2</sup> See pages 2-12 thru 2-13, 2-21 thru 2-23, 2-28 thru 2-32 and Exhibits 2-2 and 2-4 in the **vacated** 2001 Final Environmental Impact Statement (FEIS) pages 6 thru 8 of the **vacated** 2002 Record of Decision (ROD) for specific references and discussions concerning this interim improvement project which is **virtually identical to the currently-proposed “Highway 164 Rehabilitation Project.”**

<sup>3</sup> At the February 14, 2013 Public Information Meeting, WisDOT officials announced their intent to **begin corridor-wide real estate acquisition in the Summer of 2013** for this Highway 164 widening project and distributed brochures entitled, “The Rights of Landowners Under Wisconsin Eminent Domain Law”.

- As required by the 2009 and 2010 HJCG federal court decisions, the WisDOT and Federal Highway Administration (FHWA) **must** prepare a comprehensive **Environmental Impact Statement (EIS)** that **fully** and **properly** analyzes the **indirect effects, cumulative impacts** and **all reasonable alternatives** for the currently-proposed Highway 164 Rehabilitation Project. As of this date, **no** such EIS has been prepared by the WisDOT or FHWA.

Currently, the WisDOT and FHWA have only prepared a **very cursory Environmental Report (ER)**, which as of this date, has been **kept internally and privately** within these two government agencies and **not shared** with the general public for review and comment. At the February 14, 2013 Public Information Meeting on this project (which I attended), this **internally-created ER** was **not made available** to the public even though the three-page meeting handout stated that the WisDOT would begin real estate acquisition for this finalized project in the Summer of 2013. Furthermore, the WisDOT has **refused to honor** our recent written requests under Wisconsin's Public Records Law to obtain a copy of this ER.

The WisDOT's and FHWA's **secret** and **cursory** environmental review process for this major highway expansion project **clearly violates** both the 2009 and 2010 HJCG federal court decisions which requires a **full EIS** to be prepared and then made available to the general public for careful scrutiny and comment.

- As required by the 2009 and 2010 HJCG federal court decisions, the WisDOT and Federal Highway Administration (FHWA) **must** make a comprehensive EIS **fully available** to the general public for review and comment at a **properly held public hearing**. As of this date, **no** such public hearing has been held on the Highway 164 Rehabilitation Project.

On June 7, 2011, February 9, 2012 and February 14, 2013 respectively, the WisDOT held three public information meetings which I attended. Each of these meetings were held in an "open house" format which did **not** provide the attending citizens with any opportunity to express their views in front of agency representatives, elected officials, news media and other citizens in attendance. At these meetings, numerous citizens were crowded "shoulder-to-shoulder" while having **multiple, individual conversations simultaneously** with WisDOT representatives and other citizens throughout the room. The noise from these multiple conversations, along with the foot traffic and paper shuffling, was so loud that I **could not hear or understand the comments** being made by the other attending citizens.

In addition, a movie was loudly playing at the February 14, 2013 meeting while these multiple individual conversations were taking place which only **exacerbated** this serious noise problem. Finally, at each of these "open house" meetings (including the most recent one on February 14, 2013), **no formal public hearing was held**, and citizen comments only could be made in writing **without any opportunity** for the other citizens to hear, respond to, or understand them as they were being made.

The 2009 and 2010 HJCG federal court decisions held that a **"town hall type" public hearing must be held** on major, federally-funded highway expansion projects such as the one currently proposed here with respect to Highway 164. This public hearing must allow citizens an opportunity to express their views orally "one at a time" in front of agency representatives and other citizens so they can be **heard, understood and responded to**. The extreme noise from multiple simultaneous conversations taking place throughout the large meeting rooms made it **virtually impossible** for anyone to **hear, understand and**

**respond to**” the comments being made at the June 7, 2011, February 9, 2012 and February 14, 2013 “open house” public information meetings held on the Highway 164 Rehabilitation Project. That is a **clear violation** of both the 2009 and 2010 HJCG federal court decisions which are **legally-binding** on this proposed WisDOT project.

- The WisDOT has **failed to fully consider a very reasonable and statistically-proven alternative** to expanding Highway 164 with its currently-proposed “rehabilitation” project. Instead of the WisDOT unnecessarily, wastefully and illegally spending \$16.5 million on this major expansion of Highway 164, the traffic safety problems here could be **fully solved** by immediately implementing a **uniform 45 mph speed limit** on this residential roadway for a **mere cost of \$6,000**.

Traffic engineering experts, several elected officials and thousands of concerned citizens **all strongly support** this most **cost-effective** and **community-friendly** alternative for improving traffic safety on Highway 164. The following key facts support the immediate implementation of a uniform 45 mph speed limit on Highway 164:

- 1) According to Washington County Sheriff’s Department statistics obtained by **WTMJ-TV Channel 4 News**, when Highway 164’s **speed limit was temporarily reduced to 45 mph** from July, 2000 thru November, 2000, the number of traffic **accidents decreased by more than 76%** compared to past years during that same time when the speed limit was 55 mph.
- 2) According to a September 25, 2006 letter written by **Washington County Sheriff Dale Schmidt**, simply **reducing Highway 164’s speed limit would greatly improve traffic safety at several dangerous intersections** (such as Monches Road, Elmwood Road, Hubertus Road, Highway 167, Pleasant Hill Road, Pioneer Road and others). This would **eliminate** any reason to flatten scenic hills and expand the roadway width (which, if done, would encourage **more** high-speed traffic and trucks to race through our neighborhoods).
- 3) In February, 2007, after the Washington County Board of Supervisors (with the support of both its Highway Commission and Traffic Safety Commission), two Washington County Sheriffs (both former Sheriff Brian Rahn and current Sheriff Dale Schmidt), local municipalities, state legislators and thousands of concerned citizens **all voiced strong support for a uniform 45 mph speed limit**, the WisDOT retained **Ayres Associates** (a highly-respected traffic engineering firm from Waukesha) to perform a speed and safety study for Highway 164. This study concluded that Highway 164’s traffic safety problems could be solved by immediately implementing a uniform 45 mph speed limit on this residential roadway at a cost of \$6,000.
- 4) In August, 2007, WisDOT Southeast Regional Director Dewayne Johnson announced that, **effective November 1, 2007, Highway 164’s speed limit would be reduced to a uniform 45 mph** in both Washington and Waukesha Counties. This official announcement was documented in several WisDOT e-mails and in both the Washington County Highway Commission and Traffic Safety Commission Meeting Minutes. After this public announcement, the WisDOT installed numerous empty signposts along Highway 164 in preparation for this new reduced speed limit.

- 5) In April, 2008, the WisDOT **renege** on this **publicly-made commitment** when they abruptly decided to keep Highway 164's speed limit set at a **dangerously-high 55 mph**, despite the fact that this **previously-promised** speed limit reduction to 45 mph had been **supported** by the Ayres Associates study, two Washington County Sheriffs, several state legislators, the Washington County Board of Supervisors and several local municipalities.
- 6) Within one year after the WisDOT's **refusal to honor** their previously-made commitment to reduce Highway 164's speed limit to a uniform 45 mph, **six people tragically lost their lives** in speed-related traffic accidents and **many more were seriously injured**. Because these traffic accidents were due to an **inappropriately-high** 55 mph speed limit, **WTMJ-TV Channel 4's "Speedbusters"** visited Highway 164 **three times** during 2008 and 2009.
- 7) In April, 2009, these very serious traffic accidents prompted **five state legislators** (State Senators **Glenn Grothman** and **Ted Kanavas** and State Representatives **Pat Strachota**, **Don Pridemore** and **Dan Knodl**) to send a **joint letter** to **Governor Jim Doyle** demanding the **immediate implementation of a uniform 45 mph speed limit** on Highway 164.
- 8) On January 30, 2012, **Washington County Supervisor Mark McCune** (whose supervisory district includes part of Richfield) sent a letter to the WisDOT, Governor Scott Walker, the Village of Richfield and others telling them to **immediately reduce** Highway 164's speed limit to a **uniform 45 mph**. Supervisor McCune's position has been supported by an adopted county board resolution, two Washington County Sheriffs and many others.
- 9) On July 21, 2012, a two-vehicle accident on a **flat, straight, 55-mph portion** of Highway 164 in the Village of Richfield injured two passengers **so severely** that "Flight for Life" had to be called for emergency medical transport. This **speed-related** accident (along with the previous ones on Highway 164) led to former Washington County Board Supervisor David Radermacher writing a "Guest View" column that was published in the October 19, 2012 **West Bend Daily News** (entitled, "**It's Past Time to Rein in DOT**") where he called for the **complete cancellation** of this WisDOT proposed expansion project and the **immediate implementation** of a uniform 45 mph speed limit to improve traffic safety on Highway 164.
- 10) Most recently, on January 1, 2013 (New Years Day), a two-vehicle head-on collision on a **flat, straight 55-mph portion** of Highway 164 **killed** a Village of Richfield father, **seriously-injured** his pregnant wife and injured a third person. Like many others, this **preventable** fatal accident occurred **right next to a 55 mph sign**. This latest fatal accident prompted **State Representative Don Pridemore** to write yet another letter to **Governor Scott Walker** calling upon him to **cancel this \$16.5 million expansion project** and instead, **immediately implement a 45 mph speed limit** on Highway 164 to **save both lives and millions of tax dollars**.

- 11) In a January 23, 2013 letter to Don Weiland [a Village of Richfield resident whose home property directly abuts Highway 164], WisDOT Systems Operation Engineer Brian Bliesner made **several astounding statements** in an attempt to justify his refusal to reduce Highway 164's speed limit. For example, Mr. Bliesner first stated that **“the principal cause of most vehicle crashes is not roadway deficiencies.”** If, as Mr. Bliesner says, roadway deficiencies do not cause most traffic accidents, then **why** is the WisDOT planning to **spend \$16.5 million** to widen traffic lanes, shoulders and clear zones, flatten hills, demolish buildings and install roundabouts for the purpose of **“correcting”** these **alleged** deficiencies (especially when he says they aren't even **causing** most of these accidents)? In addition, Mr. Bliesner argues that reducing Highway 164's speed limit to 45 mph would make this highway less safe because motorists wouldn't **obey** the new lower speed limit. If people **don't** obey posted speed limits as Mr. Bliesner so **ridiculously** claims here, then why do **all** roads in Wisconsin **have** them? Other nearby state highways of similar design such as **Highways 167 and 175 have 45 mph posted speed limits** and **compliance** with these lower speeds is **excellent**, accidents have been **reduced** and lives have been **saved**. It **“borders on absurdity”** to believe that motorists would **fully comply** with a 45 mph speed limit while driving on Highways 167 and 175, but then would **suddenly stop complying** once they turn onto Highway 164. For five months during 2000, Highway 164 **actually had** a 45 mph speed limit, and as a result, traffic accidents **decreased by more than 76%** during that time. Thus, Mr. Bliesner's conclusions about Highway 164's speed limit are **not supported** by the overwhelming **proven** facts here.<sup>4</sup>
- 12) In its February 14, 2013 Public Information Meeting Handout for the Highway 164 Rehabilitation Project, the WisDOT cited a **June, 2010 UW-Madison TOPS Lab Study** (which was **not prepared under** the strict guidelines of the **National Environmental Policy Act – NEPA**) to support its claim that reducing our roadway's speed limit would not improve traffic safety. However, even this study **does not support the WisDOT's fatally-flawed position**. For example, in Table 5 (page 17), the data collected under this study clearly shows that the **45 mph section** of Highway 164 had the **fewest number of non-intersection traffic accidents** in 2006, 2007, 2008 and 2009. Furthermore, in Table 4 (page 17), the study shows that the **Pleasant Hill Road intersection** (which currently has a **40 mph speed limit** on Highway 164) was one of the **safest intersections** along the roadway with the **fewest** number of crashes from 2006 through 2009. Therefore, based upon the data collected in this study, WisDOT's current plans to: **a)** demolish two historic homes, **b)** widen and relocate the highway, and then **c)** raise the speed limit to 50 or 55 mph would make the Pleasant Hill Road intersection **much less safe** for motorists (instead of improving safety as the WisDOT **erroneously** claims in its February 14<sup>th</sup> meeting handout).

---

<sup>4</sup> Incidentally, Brian Bliesner was the “principal author” of the 2001 Final Environmental Impact Statement (FEIS) for the WisDOT's Highway 164 expansion project through Washington and Waukesha Counties which U.S. District Judge Lynn Adelman found **grossly deficient** and thus, **vacated** (i.e. “threw out”) in both his 2009 and 2010 federal court decisions.

13) The proposed building demolition and roadway realignments near the Pleasant Hill Road intersection in the Village of Richfield are totally unnecessary because the **speed limit** through this intersection simply could be **reduced to either 25 mph or 30 mph** to further improve safety at that location. On **Highway 175**, the WisDOT has reduced the speed limit to either **25 mph or 30 mph** through downtown **Richfield, Ackerville and Slinger** to make this state highway safer in areas where buildings are located closer to the road. Why can't this **same** type of speed limit reduction be implemented on Highway 164 both at the Pleasant Hill Road intersection and by the Friess Lake School to **improve** traffic safety and **protect** the homes, historic buildings, businesses and children in those locations?

14) In its Public Information Meeting handout materials, the WisDOT claims that Highway 164 **“has a crash rate that is 67% higher than the statewide average for rural, two-lane highways.”** However, in the same handout, the WisDOT also states that **“construction of this project is currently scheduled for 2016.”** If, as the WisDOT claims, Highway 164 is so unsafe **TODAY**, then why is this **unresponsive** state agency **refusing to do anything** to make our roadway safer in **2013, 2014, 2015 or 2016 before** the proposed construction would be completed? Wouldn't it make sense to **immediately implement** a uniform 45 mph speed limit **TODAY**, given that when it was implemented for five months back in 2000, the number of traffic **accidents decreased by more than 76%**? Based upon **past proven experience**, this simple, low-cost safety solution would **more than eliminate** the 67% higher crash rate that the WisDOT claims is the reason for expanding Highway 164, and it would do it **TODAY** and **not** more than three years from now. However, the WisDOT obviously does **not** want to make Highway 164 safer with a uniform 45 mph speed limit because to do so would **substantially weaken** its argument for expanding our roadway under this proposed project.

- The **proposed roundabout** at the Highway 164/167 intersection near the Friess Lake School in the Village of Richfield will **exacerbate traffic safety problems** in that area especially for the many young children who attend this elementary school.

Unlike with traffic lights or a four-way stop, vehicles **DO NOT STOP** with roundabouts which makes them **very dangerous for pedestrians, bicyclists and buses** leaving the school parking lots. At the Friess Lake School, children frequently ride their bikes to school and would be in **grave danger** because of this non-stop roundabout traffic. Also, while engaging in school activities, many children currently walk over to Bilda's Friess Lake Pub (a nearby restaurant on the opposite side of the Highway 164/167 intersection). With the new roundabout's non-stop traffic at this intersection, it would be **virtually impossible** for these school children to safely cross the roadway to visit this restaurant.

Furthermore, **roundabouts may violate the Americans with Disabilities Act (ADA)** because the non-stop traffic makes it virtually impossible for children, the elderly and individuals who are blind, deaf or with limited mobility (either walking with a cane, walker or in a wheelchair) to safely cross an intersection with a roundabout. These **serious safety violations** have prompted attorneys all across the nation to bring lawsuits legally challenging roundabouts under the ADA. (For more information related to roundabout lawsuits under the

ADA and the safety problems they create in communities, please refer to: 1) A March 12, 2009 Daily Reporter news article entitled, “**Attorney Threatens to Sue Wisconsin Over Roundabouts,**” 2) Mark Belling’s October 7, 2009 West Bend Daily News column entitled, “**Arrogance Fuels State’s Obsession with Roundabouts,**” and David Radermacher’s October 19, 2012 West Bend Daily News column entitled, “**It’s Past Time to Rein in DOT.**”)

In closing, the over 15,000 members of the **HIGHWAY J CITIZENS GROUP, U.A.** (many of whom live on our near Highway 164 in both Washington and Waukesha Counties) are prepared to use “**whatever legal means are available**” to prevent this unnecessary, fiscally-irresponsible, highly-destructive and blatantly illegal road expansion project from moving forward. We have been battling the unresponsive WisDOT and FHWA bureaucrats for over 14 years now and are prepared to continue this fight for another 14 years if necessary with more zealous litigation.

For the WisDOT and FHWA to avoid this costly and unpleasant experience, we again vigorously demand that this so-called “WIS 164 Rehabilitation Project” (ID #2709-03-00) be “**scrapped in its entirety**” **AND a uniform 45 mph speed limit be immediately implemented** to greatly improve traffic safety on Highway 164 TODAY and save many millions in scarce tax dollars at the same time.

At the very least, the WisDOT and FHWA must prepare a comprehensive **Environmental Impact Statement (EIS)** for this highway expansion project which fully analyzes indirect effects, cumulative impacts and reasonable alternatives and then hold a legally-mandated, “town hall type” public hearing where everyone in attendance can “**hear, understand and respond to**” everyone else’s oral testimony as it is individually presented in front of an audience of agency representatives, elected officials, news media and other citizens. The WisDOT’s preparation of an internal, cursory and private Environmental Report (ER) for this major highway expansion project (which has substantial economic and environmental impacts) and its refusal to share this document with the affected public prior to this project’s approval **DOES NOT** meet the strict requirements of the **National Environmental Policy Act (NEPA)** and other federal or state laws governing highway projects of this magnitude.

Again, please make these detailed public comments (along with all of the enclosed supporting documents) part of the official administrative record for this project. Thank you for your cooperation in this very important matter of great community concern.

Sincerely,



---

Jeffrey M. Gonyo,  
Steering Committee Member for the  
**HIGHWAY J CITIZENS GROUP, U.A.**  
2668 Highway 164, Slinger, WI 53086,  
Phone: (262)-644-8334  
E-Mail: [jmgonyo164@core.com](mailto:jmgonyo164@core.com)

(Enclosures -- 277 total pages)



Division of Transportation System Development  
Southeast Regional Office  
141 N.W. Barstow Street  
P.O. Box 798  
Waukesha, WI 53187-0798

Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: (262) 548-5903  
Facsimile (FAX): (262) 548-5662

E-Mail: [waukesha.dtd@dot.wi.gov](mailto:waukesha.dtd@dot.wi.gov)

July 11, 2013

Mr. Jeffrey M. Gonyo, Steering Committee Member  
Highway J Citizens Group, U.A.  
2668 Highway 164  
Slinger, WI 53086

Dear Mr. Gonyo:

Thank you for submitting comments following our Public Information Meeting on February 14, 2013. Your official public comments were added to our records and your opposition to the proposed project, Project ID# 2709-03-00, WIS 164 Reconditioning, CTH Q to CTH E in Washington County, has been noted.

I'd like to take this opportunity to respond to a few things in your letter sent March 13, 2013 regarding your opposition to this project.

- WisDOT has met applicable legal standards in its review and evaluation of the environmental impacts of this project. Pursuant to 23 CFR §771.117(d), WisDOT has determined that a categorical exclusion applies to this project. Accordingly, WisDOT has recently completed an Environmental Report (ER) for review. Prior consultation with Federal Highway Administration (FHWA) indicates their concurrence with the environmental document type selection. Pursuant to FHWA request, WisDOT anticipates incorporating additional information as well as additional feedback from the public into the ER prior to finalizing it. As part of this process, WisDOT has determined that a discretionary public hearing will be held for this project.
- In your letter, you suggested lowering the posted speed limit on WIS 164 to 45 MPH. This is not a reasonable alternative to the safety improvements proposed as part of this rehabilitation project. WIS 164 is a state highway and an important arterial that carries over 8,000 vehicles per day. Unfortunately, simply lowering the posted speed on the road is not a cure for safety problems on this highway. We firmly believe that if this road were posted with a 45 MPH speed limit, the majority of the 8,000 motorists per day would not reroute but instead would continue to drive the speed that they are comfortable driving. In fact, we believe that creating such a disparity between the posted speed limit and roadway's existing design speed would result in a less safe highway facility.
- There is no expansion—nor even “interim” expansion measures — proposed as part of this project. “Expansion” means adding through travel lanes to provide more capacity in order to improve the level of service of the roadway. The WIS 164 project which was the subject of past environmental reviews and related litigation contemplated expanding WIS 164 from a 2-lane highway to a 4-lane highway. Project ID# 2709-03-00, on the other hand, is a resurfacing project to maintain the roadway surface with spot improvements where crash trends indicate a safety issue. WisDOT intends to elaborate on the

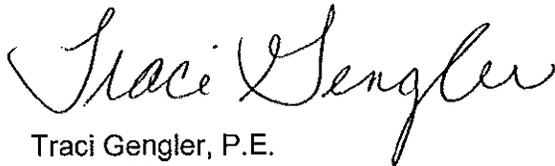
relationship between the current project and the previously litigated project as it incorporates public comments into the ER for this project.

- WEAL's prior open records request seeking this document was properly denied on a temporary basis. The prior request was temporarily denied because at that time, the ER was an incomplete, working-draft document that had not been reviewed by WisDOT. Further editing and additional information were required prior to internal completion. WisDOT has recently completed the ER and has promptly shared it with those requesting the document, including WEAL.

As noted above, the WisDOT has determined that a public hearing will be held for this proposed project. When the hearing is scheduled, an appropriate public notice will be published. Additionally, WisDOT will send a newsletter to those people on the project mailing list to inform them of the hearing date.

Thank you for taking the time to respond and share your concerns on this project. Please contact me at [Traci.Gengler@dot.wi.gov](mailto:Traci.Gengler@dot.wi.gov) or (262) 548-8727 with any other questions.

Sincerely,

A handwritten signature in black ink that reads "Traci Gengler". The signature is written in a cursive, flowing style.

Traci Gengler, P.E.  
Project Manager



**WAUKESHA COUNTY  
ENVIRONMENTAL ACTION LEAGUE**

*Protecting Waukesha County's natural resources since 1978*

March 13, 2013

***Sent via e-mail to:***

Traci Gengler, Project Manager  
Wisconsin Department of Transportation (WisDOT)  
Southeast Region  
[traci.gengler@dot.wi.gov](mailto:traci.gengler@dot.wi.gov)  
141 NW Barstow Street, P.O. Box 798  
Waukesha, WI 53187-0798

Stephan Hoffmann, Consultant Project Manager  
R.A. Smith National, Inc.  
[stephan.hoffmann@rasmithnational.com](mailto:stephan.hoffmann@rasmithnational.com)  
16745 West Bluemound Road, Suite 200  
Brookfield, WI 53005

**RE:** Waukesha County Environmental Action League (WEAL) official public comments  
in opposition to Wisconsin Department of Transportation's (WisDOT) WIS  
164 Rehabilitation Project (Project ID# 2709-03-00).

Dear Ms. Gengler and Mr. Hoffmann:

On behalf of the Waukesha County Environmental Action League (WEAL), I am  
submitting these official public comments to express our continued strong opposition to  
the Wisconsin Department of Transportation's (WisDOT) WIS 164 Rehabilitation Project  
(Project ID# 2709-03-00) in Washington County.

The Waukesha County Environmental Action League (WEAL) is a 35-year old grassroots  
environmental organization whose mission it is to protect and preserve the natural  
resources of Waukesha County.

Many of our members who regularly travel on Highway 164 derive personal enjoyment from the environmental resources along the Highway 164 corridor, and will suffer significant negative impacts due to WisDOT's planned expansion of this roadway, including, but not limited to:

- 1) Uncontrolled commercial, industrial, and residential development along the corridor.
- 2) Impairment of the natural environment of the area, including loss of and degradation of many wetland areas that are necessary to protect drinking water and to provide habitat for the animal and plant species that contribute to my aesthetic enjoyment the area.
- 3) Additional traffic volume and safety problems on Highway 164, which will increase member's personal risk when traveling through Washington County on this busier, faster, expanded roadway.
- 4) Increase of air and water pollution that will negatively affect member's health, happiness, and safety while visiting this area.
- 5) Diminishment of members current and future recreational enjoyment in this area through hiking, bicycling, swimming, boating, and fishing activities on land, lakes, and rivers located near the Highway 164 corridor.

WEAL strongly opposes this WisDOT highway expansion project for the following reasons:

- 1) Because this project is virtually identical to the interim improvement project that was part of the Highway 164 2001 Final Environmental Impact Statement (FEIS) and 2002 Record of Decision (ROD), both of which were vacated by two federal court decisions recently issued by the U.S. District Court for the Eastern District of Wisconsin, it is blatantly illegal under those decisions. *See: Highway J Citizens Group, U.A., et al. v. USDOT, et al.*, 656 F.Supp.2d 868 (E.D.Wis.2009) and *Highway J Citizens Group, U.A. et al. v. USDOT, et al.*, 2010 WL 1170572 (E.D.Wis. 2010).

In those two federal court decisions, the Court held that WisDOT and Federal Highway Administration (FHWA) failed to properly consider the project's indirect effects, cumulative impacts and reasonable alternatives under the National Environmental Policy Act (NEPA). In addition, WisDOT's and FHWA's failure to hold a proper public hearing constituted a violation of the Federal Aid Highways Act (FAHA). Finally, the Court held that WisDOT, FHWA and the U.S. Army Corps of Engineers (ACOE) violated the Clean Water Act (CWA) by improperly issuing Section 404 wetland filling permits based upon a legally-deficient FEIS and ROD. Because of these serious violations of NEPA, FAHA and CWA, Judge Adelman vacated the FEIS and ROD including the "interim improvement project" (which now appears to be *no different* from the WIS 164 Rehabilitation Project currently being considered by WisDOT).

Like the "interim improvement project" that was a key part of the now-vacated FEIS and ROD, the currently-proposed Highway 164 project includes:

- a) Corridor-wide real estate acquisition.

- b) Demolition of homes and historic buildings.
- c) Widening of traffic lanes, highway shoulders and right-of-way areas on both sides of Highway 164.
- d) Closing, rerouting or redesigning several roads intersecting Highway 164.
- e) Closing and rerouting several driveways to homes and farms.
- f) Flattening scenic hills.
- g) Filling wetland areas.
- h) Polluting nearby lakes and rivers with increased runoff from a wider highway
- i) Constructing a dangerous roundabout near the Friess Lake School at the Highway 164/167 intersection (which includes creating a large retention pond on farmland near wetlands and the Oconomowoc River).

In many respects, the currently proposed project actually would have *greater environmental impacts* than the original “interim improvement project”. Under this project, properties and homes will suffer serious devaluation, family farms will be put out of business, wetlands will be destroyed, rivers, lakes and groundwater will be polluted, more traffic on the wider highway will lead to increased air pollution (causing more cancer and health problems for area residents), more traffic noise, and reduced safety (especially for children attending the Friess Lake School), and animal and plant life in nearby wetlands and woodlands will be devastated. None of these impacts have been thoroughly studied. Thus, the current WIS 164 Rehabilitation Project violates both the 2009 and 2010 HJCG-WEAL federal court decisions which barred construction of this very project as described above.

2) By electing to prepare an internally-kept, cursory Environmental Report (ER) instead of a full Environmental Impact Statement (EIS) that would be subject to public scrutiny and a public hearing, WisDOT is attempting to improperly circumvent the legal requirements of the 2009 and 2010 federal court decisions for any future expansion of Highway 164. These decisions required a detailed analysis of indirect effects, cumulative impacts and reasonable alternatives as part of a full EIS. WisDOT’s ER does not meet those legal requirements under NEPA for federally-funded projects such as this one. According to the public information meeting handouts provided by WisDOT, the WIS 164 Rehabilitation Project will be 80% federally funded.

As of this date, WisDOT is refusing to share its ER with the public and has denied a recently-filed open records request for this document. In short, the affected public has not been given any opportunity to review, respond to, or comment on WisDOT’s work on this project to ensure that it complies with NEPA, CWA, the Clean Air Act (CAA), and other applicable federal and state laws — as required by the HJCG-WEAL federal court decisions. Furthermore, by not holding a proper “town hall type” public hearing, WisDOT has violated the FAHA requirements for such hearings as well.

3) WisDOT has failed to consider reducing Highway 164’s speed limit to 45 mph instead of widening the roadway which violates the NEPA reasonable alternatives requirement laid out in the 2009 and 2010 HJCG-WEAL federal court decisions.

NEPA requires a rigorous analysis of all reasonable alternatives on all federally-funded highway expansion projects such as this one. Reducing Highway 164's speed limit would:

- a) Be extremely cost-effective (costing only \$6,000 to fully implement instead of more than \$16 million to widen the highway)
- b) Greatly improve traffic safety.
- c) Be community-friendly (generating less traffic, noise and pollution).

NEPA requires that this reasonable alternative be fully considered as part of a comprehensive EIS. As of this date, WisDOT has refused to consider this highly-effective, low-cost safety solution for Highway 164.

4) WisDOT and FHWA officials who participated in the federal court sessions and teleconferences with Judge Adelman have misstated the facts about their current road-widening plans for Highway 164. According to WisDOT's website ([www.dot.wi.gov/projects/seregion/164/](http://www.dot.wi.gov/projects/seregion/164/)) for the WIS 164 Rehabilitation Project, agency officials began the preliminary investigatory work on this project in the Fall of 2010. However, several month later at a January 19, 2011 court conference, WisDOT and FHWA representatives led HJCG, WEAL and the Court to believe that no expansion work would take place on Highway 164 for at least 30 or 40 years.

Subsequently, during a February 29, 2012 teleconference, Judge Adelman told the attorneys representing WisDOT and FHWA that it was his understanding from the January 19, 2011 court conference that "nothing more was going to be done with this Highway J project," and then he asked if the government defendants "knew anything about" this project. The FWHA attorney responded by saying that she was "not aware that there is any federal project under way at all." However, WisDOT and FHWA were, in fact, working on the same interim Highway J project (i.e. the WIS 164 Rehabilitation Project) that Judge Adelman had invalidated as part of his federal court order to vacate 2001 FEIS and 2002 ROD.

In summary, WisDOT and FHWA are attempting to achieve through piece-meal "improvement" projects the four-lane expansion of Highway 164, which was the *exact plan* in the 2001 FEIS and 2002 ROD that the Court found legally-deficient and, thus vacated in its 2009 and 2010 HJCG-WEAL decisions. Because the steps that WisDOT and FHWA are taking as part of the current WIS 164 Rehabilitation Project *match* those planned for the interim improvement project found in the vacated FEIS and ROD, these agencies must be required to go back and redo the EIS and hold new hearings for the public according to the standards outlined in the Courts' decisions.

This is especially applicable to Project ID# 2709-03-00 as WisDOT and FHWA are preparing only an internal, cursory ER for this project instead of a full EIS which would thoroughly analyze indirect effects, cumulative impacts and all reasonable alternatives to this project. Even more disconcerting is the fact that the agencies now are *refusing to release* the ER for public review prior to this project's approval and that they are *not holding a public hearing* at which the

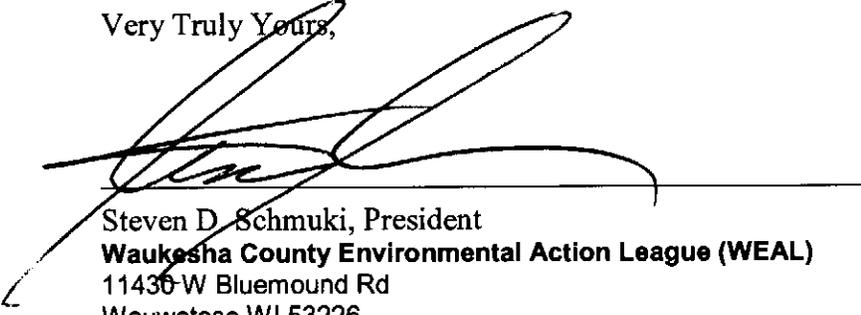
people can publicly express their views about this project “one at a time” and verbally in front of all others who are in attendance.

Therefore, WEAL, must insist that WisDOT and FHWA immediately cancel the WIS 164 Rehabilitation Project in Washington County and instead, reduce Highway 164’s speed limit to a uniform 45 mph which would:

- 1) Make this highway much safer for everyone who uses it.
- 2) Protect the area’s homes and rural atmosphere.
- 3) Protect our shared natural resources throughout the corridor including, surface and groundwater, wetlands, scenic open space, wildlife habitat and air quality.
- 3) Prevent the wasteful spending of our hard-earned tax dollars on this blatantly illegal highway expansion project.
- 4) Avoid the need for further federal litigation.

Thank you for your prompt attention to and full consideration of this matter.

Very Truly Yours,



---

Steven D. Schmuki, President  
**Waukesha County Environmental Action League (WEAL)**  
11430 W Bluemound Rd  
Wauwatosa WI 53226  
[schmuki@milwpc.com](mailto:schmuki@milwpc.com)



Division of Transportation System Development  
Southeast Regional Office  
141 N.W. Barstow Street  
P.O. Box 798  
Waukesha, WI 53187-0798

Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: (262) 548-5903  
Facsimile (FAX): (262) 548-5662

E-Mail: [waukesha.dtd@dot.wi.gov](mailto:waukesha.dtd@dot.wi.gov)

July 11, 2013

Mr. Steven D. Schmuki, President  
Waukesha County Environmental Action League (WEAL)  
11430 W Bluemound Road  
Wauwatosa, WI 53226

Dear Mr. Schmuki:

Thank you for submitting comments following our Public Information Meeting on February 14, 2013. Your official public comments were added to our records and your opposition to the proposed project, Project ID# 2709-03-00, WIS 164 Reconditioning, CTH Q to CTH E in Washington County, has been noted.

I'd like to take this opportunity to respond to a few things in your letter sent March 13, 2013 regarding your opposition to this project.

- WisDOT has met applicable legal standards in its review and evaluation of the environmental impacts of this project. Pursuant to 23 CFR §771.117(d), WisDOT has determined that a categorical exclusion applies to this project. Accordingly, WisDOT has recently completed an Environmental Report (ER) for review. Prior consultation with Federal Highway Administration (FHWA) indicates their concurrence with the environmental document type selection. Pursuant to FHWA request, WisDOT anticipates incorporating additional information as well as additional feedback from the public into the ER prior to finalizing it. As part of this process, WisDOT has determined that a discretionary public hearing will be held for this project.
- In your letter, you suggested lowering the posted speed limit on WIS 164 to 45 MPH. This is not a reasonable alternative to the safety improvements proposed as part of this rehabilitation project. WIS 164 is a state highway and an important arterial that carries over 8,000 vehicles per day. Unfortunately, simply lowering the posted speed on the road is not a cure for safety problems on this highway. We firmly believe that if this road were posted with a 45 MPH speed limit, the majority of the 8,000 motorists per day would not reroute but instead would continue to drive the speed that they are comfortable driving. In fact, we believe that creating such a disparity between the posted speed limit and roadway's existing design speed would result in a less safe highway facility.
- There is no expansion—nor even "interim" expansion measures — proposed as part of this project. "Expansion" means adding through travel lanes to provide more capacity in order to improve the level of service of the roadway. The WIS 164 project which was the subject of past environmental reviews and related litigation contemplated expanding WIS 164 from a 2-lane highway to a 4-lane highway. Project ID# 2709-03-00, on the other hand, is a resurfacing project to maintain the roadway surface with spot improvements where crash trends indicate a safety issue. WisDOT intends to elaborate on the

relationship between the current project and the previously litigated project as it incorporates public comments into the ER for this project.

- WEAL's prior open records request seeking this document was properly denied on a temporary basis. The prior request was temporarily denied because at that time, the ER was an incomplete, working-draft document that had not been reviewed by WisDOT. Further editing and additional information were required prior to internal completion. WisDOT has recently completed the ER and has promptly shared it with those requesting the document, including WEAL.

As noted above, the WisDOT has determined that a public hearing will be held for this proposed project. When the hearing is scheduled, an appropriate public notice will be published. Additionally, WisDOT will send a newsletter to those people on the project mailing list to inform them of the hearing date.

Thank you for taking the time to respond and share your concerns on this project. Please contact me at [Traci.Gengler@dot.wi.gov](mailto:Traci.Gengler@dot.wi.gov) or (262) 548-8727 with any other questions.

Sincerely,

A handwritten signature in black ink that reads "Traci Gengler". The signature is written in a cursive, flowing style.

Traci Gengler, P.E.  
Project Manager

## **Exhibit 10**

### **Bureau of Aeronautics Correspondence**



Division of Transportation  
Investment Management  
PO Box 7914  
Madison, WI 53707-7914

Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: 608-266-3351

Facsimile (FAX): 608-267-6748

May 3, 2012

MR STEPHAN HOFFANN  
R A SMITH NATIONAL  
16745 W BLUEMOUND RD SUITE 200  
BROOKFIELD WI 53005



**RE: Project ID 2709-03-00  
Initial Project Notification  
WIS 164 Washington Co**

The construction project you described in your letter of April 26, 2012 will not require notification to the FAA due to its proximity to the private airports listed. The Arrowhead Springs Airport has been listed as abandoned in our records. The distance to the Doering Farms Airport is such that any highway construction will have no effect on their operations.

Thank you for the opportunity to comment on the initial coordination of the project. If you have any questions, feel free to contact me accordingly at [mark.pfundheller@dot.wi.gov](mailto:mark.pfundheller@dot.wi.gov) or 608-267-5272.

Sincerely,

Mark Pfundheller  
Aviation Consultant

## **Exhibit 11**

### **Conceptual Stage Relocation Plan**

**CONCEPTUAL STAGE  
RELOCATION PLAN**

I.D. 2709-03-20

LOVERS LANE  
CTH Q TO CTH E  
STH 164  
WASHINGTON COUNTY

Prepared by:  
Wisconsin Department of Transportation  
SE Region  
Real Estate Agent  
December 17, 2012

## Table of Contents

<b>Section</b>	<b>Description</b>	<b>Page</b>
1.	Purpose.....	3
2.	Project Description.....	3
3.	Estimated Displacements .....	4
4.	Divisive or Disruptive Effects .....	4
5.	Neighborhood Impact .....	5
6.	Concurrent Displacements .....	5
7.	Special Relocation Advisory Services .....	5
8.	Available Residential (Purchase).....	6
9.	Available Residential Replacements (Rental) .....	6
10.	Residential Relocation Cost Estimates .....	6
11.	Data Sources .....	7

## 1. Purpose

The purpose of a relocation plan is to assure that the agency will provide adequate relocation payments and services and to determine whether displaced persons can be satisfactorily relocated. The conceptual stage relocation plan is written in estimate form to determine the following:

1. The approximate number of individuals, families, businesses and non-profit organizations to be relocated by the proposed project.
2. The probable availability of decent, safe and sanitary replacement housing within the financial means of the individuals and families affected by the project.
3. The estimated total relocation assistance costs.

## 2. Project Description

This project is located in the Village of Richfield and Town of Polk in Washington County. STH 164 is a two-lane undivided arterial that is in need of repairs above and beyond normal maintenance. Additionally, several key geometric deficiencies have been identified that contributed to a higher than average crash rate and crash severity:

- Insufficient sight distances at several hills and intersections
- Lack of turn lanes and bypass lanes at most intersections
- Long waits and delays at the STH 167 (Holy Hill Road) intersection during peak weekday traffic hours and weekends
- Steep foreslopes approaching or exceeding 3:1 and non-traversable ditches throughout the project limits
- Steep profile grades up to 8% along STH 164

The proposed work for STH 164 includes both resurfacing and reconstruction segments. In resurfacing segments, the current roadway pavement would be milled and resurfaced to improve the deteriorating pavement structure, intersections would be upgraded to meet current design standards, exclusive right turn lanes would be added where appropriate, and bypass lanes would be constructed at the tee intersections in the corridor. Roadway segments with steep vertical grade, substandard stopping sight distance, or deficient intersection sight distance would be reconstructed to meet current design standards. All substandard side slopes would also be flattened for compliance with current safety standards.

Alternatives considered at the STH 167 intersection included a signalized intersection and a roundabout. Both alternatives would require the relocation of one residential property south of STH 167 on the west side of STH 164 due to the proposed flattening of the steep profile grade on the northbound approach to the intersection. The roundabout alternative is recommended for improved safety and capacity for the travelling public, and because it would have less impact to the school and commercial property located in the northeast and southeast quadrants of the intersection, respectively.

Proposed improvements to the Pleasant Hill Road intersection included the evaluation of the following alternatives and potential relocations:

- Alternative 1: Reconstruct the intersection to meet current standards on the existing alignment. Four residential and one commercial relocation would be required.
- Alternative 2: Close Pleasant Hill Road east and west of STH 164. Realign Pleasant Hill Road so that it intersects STH 164 north of the current intersection location at Majestic Drive. Relocate the residential and commercial access points. No relocation would be required.
- Alternative 3: Close Pleasant Hill Road east and west of STH 164. Realign Pleasant Hill Road so that it intersects STH 164 south of the current intersection location. Relocate the residential and commercial access points. One residential relocation would be required.
- Alternative 4: Shift STH 164 to the west at the intersection so that there is adequate intersection sight distance and clear zone to the buildings that would remain on the east side of the intersection. Two residential relocations would be required.

Alternative 4 is the recommended alternative because it would improve stopping sight distance, intersection sight distance, and clear zone. Alternative 4 would have limited impact to the residential and commercial properties and access points located in the northeast and southeast quadrants of the intersection. Two residential relocations would result from implementing this alternative.

### 3. Estimated Displacements

The recommended project improvements would result in a total of three residential displacements. These properties are summarized in the table below:

<b>Property Address</b>	<b>Property Owner Name</b>	<b>Owner Address</b>
1639 State Hwy 164 Hubertus, WI	Paul M. Regets Phone: 586-206-9401	1639 State Hwy 164 Hubertus, WI
2097 State Hwy 164 Richfield, WI	James L. & Brenda R. Garcia Phone: 262-628-8781	2097 State Hwy 164 Richfield, WI
2103 State Hwy 164 Richfield, WI	Janice R. Stritzel Phone: 404-368-4969	N400 Oakclay Dr Whitewater, WI

### 4. Divisive or Disruptive Effects

The proposed roadway improvements will displace three residents, which will result in minimal to no effect to the community. All three property owners have expressed a willingness or desire to be relocated as part of the project.

## **5. Neighborhood Impact**

The parcel located at 1639 State Hwy 164 is an isolated rural residential property, detached from any surrounding properties. Displacement of this residential property would have no neighborhood impact.

The two residential parcels located at 2097 State Hwy 164 and 2103 State Hwy 164 make up two of the four corners of the intersection that once was known as Baer's Corners, and later Pleasant Hill. The original structure on the southwest corner (2097 State Hwy 164) was removed and replaced with the existing modern home. The original structure remains on the northwest corner (2103 State Hwy 164), but changes in the integrity, form, and function of this structure and other surrounding properties at this intersection, have made the historic function of the former neighborhood no longer recognizable. Increasing traffic volumes on STH 164 have also diminished the former character of this intersection. The displacement of these two properties would have no significant neighborhood impact.

## **6. Concurrent Displacements**

All three displacements would be concurrent, either during construction or in the planning stages.

## **7. Special Relocation Advisory Services**

There are no foreseen problems that will require special relocation advisory services should problems arise. Southeast Region relocation personnel will provide the necessary and appropriate services.

The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and relocation resources will be made available to all relocates without discrimination.

**8. Available Residential (Purchase)**

	<b>LOCATION</b>	<b>VALUE - RANGE</b>	<b>SOURCE</b>
1	Jackson – 15 homes for sale	\$134,000 - \$210,000	SE WI Multiple Listing Service
2	Slinger – 9 homes for sale	\$129,900- \$209,900	SE WI Multiple Listing Service
3	West Bend – 76 homes for sale	\$125,000 – \$205,900	SE WI Multiple Listing Service
4	Hartford – 60 homes for sale	\$125,000 - \$210,000	SE WI Multiple Listing Service
5	Germantown – 18 homes for sale	\$139,000 – \$210,000	SE WI Multiple Listing Service

**9. Available Residential Replacements (Rental)**

<b>VALUE RANGE (per month)</b>	<b>WASHINGTON COUNTY In West Bend</b>	<b>WASHINGTON COUNTY In Hartford</b>	<b>WASHINGTON COUNTY Germantown</b>
\$785–995/month + utilities	4	-	-
\$890 per month + utilities	-	1	-
\$839-859/month + utilities	-	-	1

**10. Residential Relocation Cost Estimate**

<b>DISPLACED PROPERTY ADDRESS</b>	<b>REPLACEMENT PAYMENT</b>	<b>INCIDENTIAL COSTS</b>	<b>MOVE PAYMENT</b>	<b>TOTAL PAYMENT</b>
1639 State Hwy 164 Hubertus, WI	\$197,000	\$3,500	\$7,500	\$208,000
2097 State Hwy 164 Richfield, WI	\$188,000	\$3,500	\$7,500	\$199,000
2103 State Hwy 164 Richfield, WI	\$142,000	\$3,500	\$7,500	\$153,000
<b>TOTALS</b>	<b>\$527,000</b>	<b>\$10,500</b>	<b>\$22,500</b>	<b>\$560,000</b>

## **11. Data Sources**

S.E. WI MULTIPLE LISTING SERVICE (MLS)

### NEWSPAPERS

Milwaukee Journal/Sentinel

West Bend Daily News

Washington County magazines – apartments for rent

### INTERNET REAL ESTATE SITES

Forrent.com

Rent.com

Housesandapartmentsforrent.com

## **Exhibit 12**

**Department of Agriculture, Trade & Consumer  
Protection Correspondence, U.S. Department of  
Agriculture Farmland Conversion Impact Rating  
Sheet, and Agricultural Impact Notice**



State of Wisconsin  
Governor Scott Walker

**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

December 3, 2012

Christine Rawson  
Wisconsin Dept of Transportation  
141 N.W. Barstow Street, P.O. Box 798  
Waukesha, WI 53187-0798

Dear Christine Rawson:

Re: Project ID: 2709-03-00  
Project Name: STH 164: CTH Q - CTH E  
County: Washington

The Department of Agriculture, Trade, and Consumer Protection (DATCP) has reviewed the notification and any supplemental information you have provided concerning the potential need for an agricultural impact statement (AIS) for the above project. We have determined that an AIS will not be prepared for this project.

Please note that if the proposed project or project specifications are altered in any way which could be construed as increasing the potential adverse effects of the project on agriculture or on any farm operation, the DATCP should be renotified. Questions on the AIS program can be directed to me at the above address or by dialing 608/224-4650.

Sincerely,

A handwritten signature in cursive script that reads "Peter Nauth".

Peter Nauth  
Agricultural Impact Program

DATCP ID: #3876



**Division of Transportation  
System Development**  
Southeast Regional Office  
141 N.W. Barstow Street  
P.O. Box 798  
Waukesha, WI 53187-0798

**Scott Walker, Governor  
Mark Gottlieb, Secretary**  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)  
Telephone: (262) 548-5903  
Facsimile (FAX): (262) 548-5662  
E-Mail: [waukesha.dtd@dot.state.wi.us](mailto:waukesha.dtd@dot.state.wi.us)

November 2, 2012

Agricultural Resources Management Division  
Department of Agriculture Trade & Consumer Protection  
2811 Agriculture Drive  
P.O. Box 8911  
Madison, WI 53708-8911

RE: ID 2709-03-00  
Lovers Lane  
CTH Q to CTH E  
STH 164  
Washington County

To Whom It May Concern:

The Wisconsin Department of Transportation (WisDOT), Division of Transportation System Development, Southeast Region is continuing the environmental coordination for the referenced project with this letter, and the additional information that is attached. Initial project notification was sent to DATCP on April 26, 2012.

### **Project Purpose and Scope**

The proposed project is located along STH 164 in Washington County from approximately 1,100' north of CTH Q to approximately 3,400' north of CTH E. The length of the project is approximately 7.5 miles. See the enclosed Project Location Map and Preliminary Project Plan. The purpose of this project is to improve the condition of the pavement, to improve intersection operations, and to improve safety throughout the project corridor. Improvements within the project limits would consist of milling and resurfacing STH 164, adding and extending turn lanes at all intersections, culvert replacements, and shoulder reconstruction with ditch grading. A total of about 2.7 miles of STH 164 are proposed for reconstruction to address the areas with the most significant geometric deficiencies and crash history.

The project is currently programmed for construction in 2016.

### **Environmental Concerns and Considerations**

We are aware that portions of this project would impact farmland and various wetland areas. The project team will make every effort to avoid these resources or minimize the proposed project's effect on them wherever possible.

Environmental documentation for this project will include preparation of an Environmental Report (ER). Other activities include archeological and historical investigations, preparation of an erosion control plan, preparation of an ECIP prior to construction, preparation of an ACOE Section 404 permit application, and any necessary wetland restoration or mitigation. The Farmland Conversion Impact Rating (Form AD-1006) has been filled in to the extent possible by the design team, and is enclosed with this letter.

November 2, 2012

I.D. 2709-03-00

STH 164  
CTH Q to CTH E  
Washington County

We would appreciate hearing from you regarding any concerns, suggestions, or comments about the proposed project by December 1, 2012. Your comment letter will be included in the Environmental Report for this project. Thank you for your assistance.

Sincerely,

*Christine Rawson*

Christine Rawson, P.E., Project Manager  
Wisconsin Department of Transportation, Southeast Region  
Christine.rawson@dot.wi.gov  
Phone: 262-548-6428

Enclosures: Project Location Map  
Preliminary Project Plan  
Farmland Conversion Impact Rating, Form AD-1006

Cc: Scott Lee – SER Environmental (with enclosures)

T:\1102717\Environmental\DATCP\DATCP\_121102.docx

# FARMLAND CONVERSION IMPACT RATING

<b>PART I</b> <i>(To be completed by Federal Agency)</i>	Date Of Land Evaluation Request 11/2/12
Name Of Project STH 164, I.D. 2709-03-00, CTH Q to CTH E	Federal Agency Involved FHWA
Proposed Land Use Highway	County And State Washington County Wisconsin

<b>PART II</b> <i>(To be completed by NRCS)</i>		Date Request Received By NRCS	
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply -- do not complete additional parts of this form).</i>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS	

<b>PART III</b> <i>(To be completed by Federal Agency)</i>	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	24.0			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	24.0	0.0	0.0	0.0

<b>PART IV</b> <i>(To be completed by NRCS)</i> Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				

<b>PART V</b> <i>(To be completed by NRCS)</i> Land Evaluation Criterion Relative Value Of Farmland To Be Converted <i>(Scale of 0 to 100 Points)</i>	0	0	0	0
--	---	---	---	---

<b>PART VI</b> <i>(To be completed by Federal Agency)</i> Site Assessment Criteria <i>(These criteria are explained in 7 CFR 658.5(b))</i>	Maximum Points				
1. Area In Nonurban Use	15	9			
2. Perimeter In Nonurban Use	10	4			
3. Percent Of Site Being Farmed	20	15			
4. Protection Provided By State And Local Government	20	0			
5. Distance From Urban Builtup Area	0	0			
6. Distance To Urban Support Services	0	0			
7. Size Of Present Farm Unit Compared To Average	10	0			
8. Creation Of Nonfarmable Farmland	25	0			
9. Availability Of Farm Support Services	5	5			
10. On-Farm Investments	20	0			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	0			
<b>TOTAL SITE ASSESSMENT POINTS</b>	160	33	0	0	0

<b>PART VII</b> <i>(To be completed by Federal Agency)</i>					
Relative Value Of Farmland <i>(From Part V)</i>	100	0	0	0	0
Total Site Assessment <i>(From Part VI above or a local site assessment)</i>	160	33	0	0	0
<b>TOTAL POINTS</b> <i>(Total of above 2 lines)</i>	260	33	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
----------------	-------------------	---

Reason For Selection:

# AGRICULTURAL IMPACT NOTICE

DT1999 2003 (Replaces ED872)

Wisconsin Department of Transportation

Page 1 of 3

Proposing Agency FHWA		
Project ID 2709-03-00	Highway STH 164	County Washington
Project Title STH 164, Lovers Lane, CTH Q to CTH E		Project Length 7.494
Type and Status of Environmental Document Environmental Report		
Proposing Agency Wants to Review Pre-Publication Draft of AIS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		AIS Needed by What Date?

## 1. Project Description

- a. Describe existing facility - Include existing right of way width.

STH 164 is a rural two lane undivided arterial highway with two 11-foot wide lanes and 8-foot wide shoulders (5-foot paved). The right of way width varies from 30 feet to 179 feet from the centerline.

- b. Describe proposed action - Include anticipated right of way width and any easements.

Under the preferred alternative, WIS 164 would be reconditioned. One inch of the existing asphaltic surface would be milled off the roadway and a four inch asphalt overlay would be constructed. The two travel lanes would be widened to 12 feet to meet the required width for the roadway classification and shoulders would be widened to 10 feet total width, with 6 feet paved to accommodate bicycles.

Five segments of WIS 164 would be reconstructed to address substandard vertical alignment characteristics and improve stopping and intersection sight distances. Those segments include STA 50+50 to STA 74+50, STA 98+00 to STA 130+00, STA 183+50 to STA 206+00, and STA 230+50 to STA 264+50.

By-pass and right turn lanes would be constructed at intersections throughout the corridor to improve safety by allowing traffic to either bypass turning vehicles or by allowing turning traffic to pull out of through lanes.

Geometric improvements would be made at the Shady Lane, WIS 167, and Pleasant Hill Road intersections with WIS 164 to correct geometric and safety deficiencies.

The proposed right of way width required to accommodate the grading in the project corridor will vary from 35 feet to 262 feet from the centerline. Temporary grading easements will also be acquired for minor grading outside the proposed right-of-way.

2. Alternatives considered - Identify the preferred alternative if any, and if other alternatives are no longer under consideration include the reasons why they are not proposed for adoption.

### Alternative 1 - No Build

This alternative would perpetuate the existing roadway without any changes to the physical dimensions of the roadway. This alternative would include stop-gap repair procedures such as patching of potholes or other severely deteriorated areas. Other than temporarily improving the spot problem locations, this alternative would not address the need to correct the identified deficiencies of the existing facility, and as such, is not recommended as the preferred alternative. While the No Build Alternative does not meet the project goals to improve safety for the project, it does serve as a baseline for a comparison of impacts related to the other alternatives.

### Alternative 2 - Speed Limit Reduction

Comments were received at the first public information meeting supporting an alternative wherein the speed limit is lowered and no roadway improvements would be made. FHWA Publication No. FHWA-RD-97-084 shows that lowering speed limits at many locations studied nationwide had essentially no effect on driver speeds. A study done by the UW TOPS Lab in June of 2010 shows that many drivers do not comply with existing posted speed limits nor to the existing speed feedback signs in the 55 mph areas currently on WIS 164. This study along with common established engineering practice recommends that lowering the speed limits would be expected have little to no effect on driver speeds. As such, the alternative to lower the speed limits alone on WIS 164 with no geometric improvements does not meet the projects goals to improve safety, nor does it respond to public comments from the first public information meeting regarding the need to improve safety on this corridor.

**Alternative 3 - Maintenance Overlay Only**

This alternative would consist of placing a 2-inch asphalt overlay on the roadway. Spot safety and operational improvements and bicycle accommodations would not be included. This alternative would address the near- to mid-term pavement deficiencies without changes to the physical dimensions of the roadway or intersections. Other than a more permanent solution to improving the pavement surface and minor surface drainage problems, it does not address operational deficiencies, pedestrian and bicycle access and safety, or roadside safety and drainage deficiencies. Therefore, this alternative would not meet the purpose and need of the project and is not considered practicable.

**Alternative 4 - Reconditioning with Spot Safety and Geometric Improvements (Preferred Alternative)**

The reconditioning alternative with spot safety and geometric improvements would include milling the existing asphaltic surface of the roadway, widening the roadway to meet desirable lane and shoulder widths, include bicycle accommodations via a paved shoulder, and reconstructing WIS 164 at several locations to correct vertical alignment deficiencies that are associated with safety concerns.

Geometric improvements would be made at the Shady Lane, WIS 167, and Pleasant Hill Road intersections with WIS 164 to correct geometric and safety deficiencies.

**Maps and Exhibits**

- a. Include a project location map showing the project's limits.
- b. Include an exhibit illustrating property lines, parcel numbers, and any roadway to be obliterated. The exhibit (township plat map, aerial photograph, layout sketch, contour map, etc.) should clearly present the pertinent information and be commensurate with the scope of the project and its apparent impact on farm operations.

# Farm Operation Interests of 5 Acres or Less but more than 1 Acre

Project ID 2709-03-00	Project Title STH 164, Lovers Lane, CTH Q to CTH E
--------------------------	---

Parcel No.	Owner(s) (Include operator if diff. from owner)	Acres				Existing Farm Operation	Present Use/Remarks
		Acquired	Fee S.	Lease			
28	John D. & Elizabeth A. Wolski Family Trust	2.70	2.44	0.26	80.0		
29	Erwin Wicklander	1.03	1.03	0.00	60.0		
30	Elmwood Road LLC	3.99	3.25	0.74	98.1		
31	Wooded Hills Bible Church, Inc.	1.32	1.04	0.28	43.5		
38	Bradley s. and Ellen V. Glass Et al.	1.13	0.83	0.30	79.3		
91	MGFM Barney LLC	1.77	1.31	0.46	37.1		
99	MGFM 40 LLC	3.10	2.98	0.13	38.3		
137	Kenneth & Elaine Schmidt	1.30	1.07	0.23	40.0		
140	David J. Becker	1.32	1.30	0.02	48.3		
There are 25 acquisitions, each one an acre or less, that are categorically non-significant totaling							
11.14 Acres							

**Exhibit 13**

**Wisconsin Department of Natural  
Resources Correspondence**



January 6, 2011

Ms. Christine Rawson  
Wisconsin Dept of Transportation  
141 NW Barstow St.  
PO Box 798  
Waukesha, WI 53187-0798

Subject: STH 164 - CTH Q to STH 60 – Initial Review  
WisDOT 2709-03-00  
Washington County

Dear Ms. Rawson:

Thank you for the opportunity to provide scoping comments for the improvements to STH 164 from CTH Q to STH 60 in Washington County. It is our understanding that STH 164 will generally be resurfaced with a segment between Cherokee Trail and Greystone Dr to be reconstructed. The roadway will remain a 2-lane undivided and a 4-lane expansion is not currently being considered. Intersection improvement will be completed at all intersections including a roundabout at the intersection with STH 167 (Holy Hill Road). WDNR has the following comments:

#### **Water**

The project area is located in the Upper Rock River Basin and Lower Rock River basin. Basin report provides an overview of land and water resource quality is available at: <http://dnr.wi.gov/water/basin/>

The Project area crosses the Oconomowoc River between the STH 167 and Greystone Dr also Coney River between Townline Rd and CTH E. Indicate if these water crossing will be impacted by the construction. The Oconomowoc River crosses in the area of roadway reconstruction. DNR would like to discuss upgrading this crossing to facilitate wildlife migration along the river corridor.

The Department recommends that all in-water construction activity be avoided from May 1 to June 30 to protect endemic fish population during spawning activities. It is also necessary to maintain an unobstructed passageway through the construction area at these locations at all times to allow for continuous fish movements.

A review of the Wisconsin Wetlands Inventory indicates the presence of wetlands adjacent to the roadway. Any wetlands must be avoided to the extent practicable. The wetlands existing near the area should be avoided and protected against erosion and sedimentation during the construction phase of the project. For unavoidable wetland impacts, compensatory mitigation plans should be coordinated with Karla Leithoff, DOT District 2, for consistency with the DNR-DOT Cooperative Agreement.

Channel stability and fish and wildlife passage should be standard design and construction objectives for all bridge and culvert replacements. A preliminary draft of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) *Planning Report No. 50, Criteria and Guidelines for Stream Crossings to Allow Fish Passage and Maintain Stream Stability Within the Regional Water Quality Management Plan Update Study Area* is available at [http://www.sewrpc.org/waterqualityplan/pdfs/pr-50\\_appendix-n.pdf](http://www.sewrpc.org/waterqualityplan/pdfs/pr-50_appendix-n.pdf). It discusses how well designed and installed structures keep channels stable, accommodate fish and wildlife passage, and lower maintenance costs.

Any demolition of the bridge deck and/or structures must not result in permanent or long-term deposition of debris in the waterway. All demolition and construction activities should be designed to limit deposition of material within the waterway. Removal of the bridge deck in sections is preferred to knocking it down into the waterway.

Any culvert replacement activities need to be accomplished under “dead water” conditions. The stream flow needs to be diverted around the construction site during culvert installation. A non-erodible method that maintains a passable condition to migrating fish and aquatic species is required.

#### **Endangered Resources**

State endangered Slender Madtom *Noturus exillis* (fish) has been observed recently in the project area. Two natural communities are present in the project area. More information on natural communities is available at: <http://dnr.wi.gov/org/land/er/communities/>.

State endangered Northern Cricket Frog *Acris crepitans* and State threatened Butler’s gartersnake *Thamnophis butleri* and Kitten Tails *Besseyia bullii* (plant) have been observed recently within one mile of the project area.

DNR and DOT should discuss endangered resources occurrences in the large project area and determine if specific field surveys or investigations are needed. Do not place equipment or material for storage in grassy or naturally vegetated areas outside the shoulders of the road without approval from the DNR

Washington County is considered a quarantined area for Emerald Ash Borer. Please include the WisDOT spec for Emerald Ash Borer in the Special Provisions for this project.

#### **Remediation and Redevelopment/Waste and Materials Management**

Should contamination be encountered within the right-of-way either before or during construction, you must notify the appropriate person in the DNR Solid Waste Section prior to continuing operations.

Environmental Repair, Leaking Underground Storage Tank, and Solid Waste disposal sites may be present in the in the Data Collection Area. The Department Solid and Hazardous Waste Information Management System (SHWIMS) provides an on-line database of landfills, waste transporters, hazardous waste generation, and waste processing facilities. The database has links to information about spills, leaks, Superfund cleanups and other contaminated sites that have been discovered and reported. The web address is <http://sotw.dnr.state.wi.us/sotw/Welcome.do> . Additional information is available at <http://dnr.wi.gov/org/aw/rr/gis/index.htm> .

#### **Land**

Primary and Secondary Environmental Corridors and Areas of Isolated Resources exists along the project area. Threatened and endangered species habitat may exist in these corridors. See the SEWRPC website for more information on environmental corridors at <http://www.sewrpc.org/regionallandinfo/regionalmapping/default.shtm>.

The Coney/Oconomowoc River Nature Preserve is along STH 164 between STH 167 and Pleasant Hill Rd. The park property is a state Stewardship funded property. There is an additional U.S. Dept. of Transportation “Section 4(f)” process for federally funded transportation projects that impact various types of public parks, wildlife refuges, and recreation areas. We can provide more information on these programs if ROW acquisition becomes necessary. DNR and DOT should discuss conservation land conversion requirements if Coney/Oconomowoc River Nature Preserve is impacted by the project.

- 1) A segment of the Washington County road route trail is located along STH 60 through the project area. The Dept. would recommend that trail stays open; however, if this is not possible then detours should be determined and proper signage placed at next entrances north and south. Any construction impacts on the trail shall be replaced at or above current condition
- 2) A review of our files indicate a number of Washington County Snowmobile Trails and the Milwaukee River Trail crossing the project area. Indicate if how these properties will be impacted by the construction and if improvements can be made to the crossings. Any design should make accommodations for the snowmobile trail crossing in this area.

#### **Construction Impacts**

If site dewatering is required, sediment-laden water shall be pumped into an adequate sediment basin located in an upland location prior to discharge to a wetland or waterway.

Excess fill/borrow material or spoils should be stockpiled on upland areas an adequate distance away from wetlands, storm sewer inlets, floodplains, and the waterways. Piles of stockpiled soil shall be protected against erosion and shall not create nuisance dust emissions.

Measures shall be taken to control fugitive dust emissions generated during construction.

Do not place any fills in waterways or wetlands for work pads.

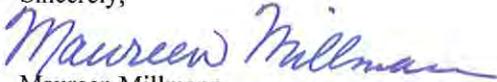
Portable concrete crusher plants may need a NR 406/NR 407 Concrete Crusher Plant Air Permit for air emissions. Please contact Mike Griffin, Wisconsin Department of Natural Resources, Air Compliance Engineer (414) 263-8554 to request additional information and permit application materials. Complete permit applications may take 3 months to process. A portable source relocation notification is required (Form 4500-025) 20 days prior to relocation for those crushers that are operating under an existing air pollution control permit.

Portable concrete batch plants may need a Ch. 283 Wisconsin Pollutant Discharge Elimination System (WPDES) – Concrete Products Operations General Permit for wastewater discharges. Please contact Ted Bosch, Wisconsin Department of Natural Resources, Wastewater Engineer (414) 263-8623 to request additional information and permit application materials. Complete permit applications may take 180 days to process.

Portable Asphalt batch plants may need a Ch. 283 Wisconsin Pollutant Discharge Elimination System (WPDES) – Asphalt Plants Operations General Permit for wastewater discharges. Please contact Ted Bosch, Wisconsin Department of Natural Resources, Wastewater Engineer (414) 263-8623 to request additional information and permit application materials. Complete permit applications may take 180 days to process.

Thanks again for the opportunity to provide scoping comments for improvements to STH 164 from CTH Q to STH 60 in Washington County. The Department must review plans before issuing final concurrence for the project. I would be glad to speak or meet with you to discuss the Department's comments and provide additional information.

Sincerely,



Maureen Millmann  
Environmental Coordinator  
(414) 263-8613

[Maureen.Millmann@wisconsin.gov](mailto:Maureen.Millmann@wisconsin.gov)

Cc: Karla Leithoff, WisDOT SE Region (email only)  
Lisie Kitchell, BER, WDNR (email only)  
Scott Lee, WisDOT SE Region (email only)

**Exhibit 14**

**State Historic Preservation Office**

**Section 106 Documentation**

## SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation  
DT1635 11/2006

SHPO

For instructions, see FDM Chapter 26

### I. PROJECT INFORMATION

Project ID 2709-03-00	Highway - Street WIS 164 (Lovers Lane)	County Washington
Project Termini County Q to County E		Region - Office Southeast - Waukesha
Regional Project Engineer - Project Manager Christine Rawson, WisDOT Southeast Region		Area Code - Telephone Number (262) 548-6428
Consultant Project Engineer - Project Manager Stephan Hoffmann, R.A. Smith National, Inc.		Area Code - Telephone Number (262)-317-3265
Archaeological Consultant Allan Van Dyke, AVD Archaeological Services, Inc.		Area Code - Telephone Number (262) 878-0510
Architecture/History Consultant John Vogel, Heritage Research, LTD		Area Code - Telephone Number (262) 251-7792
Date of Need December 31, 2012		SHSW # 13-0122/WT A 1/2
Return a signed copy of this form to: Christine Rawson. christine.rawson@dot.wi.gov (262) 548-6428		

### II. PROJECT DESCRIPTION

Project Length 7.494 miles	Land to be Acquired: Fee Simple 43 to 48 acres (depending on which alternative is selected)	Land to be Acquired: Easement 11 to 15 acres (depending on which alternative is selected)
-------------------------------	---	---

Distance as measured from existing centerline	Proposed		Other Factors	Proposed	
	Existing	Proposed		Existing	Proposed
<u>Right-of-Way Width</u>			<u>Terrace Width</u>		
WIS 164	18' - 180'	33' - 215'	WIS 164	N/A	N/A
Hubertus Road	28' - 68'	45' - 95'	Hubertus Road	N/A	N/A
WIS 167	33' - 50'	33' - 134'	WIS 167	N/A	N/A
<u>Shoulder</u>			<u>Sidewalk Width</u>		
WIS 164	19'	*22' - 30' (22' Typical)	WIS 164	N/A	N/A
Hubertus Road	17'	*17' - 22.5' (22.5' Typical)	Hubertus Road	N/A	N/A
WIS 167	17'	*22'	WIS 167	N/A	N/A
<u>Slope Intercept</u>			<u>Number of Lanes</u>		
WIS 164	33' - 180'	33' - 210'	WIS 164	2	2 (+bypass and right turn lanes*)
Hubertus Road	33' - 110'	33' - 100'	Hubertus Road	2	2
WIS 167	30' - 70'	40' - 110'	WIS 167	2	2
<u>Edge of Pavement</u>			<u>Grade Separated Crossing</u>		
WIS 164	17'-18'	*17' - 29' (17' Typical)	WIS 164	N/A	N/A
Hubertus Road	12'	*16' - 21.5' (21.5' Typical)	Hubertus Road	N/A	N/A
WIS 167	12'	*16.5' - 62' (16.5' Typical)	WIS 167	N/A	N/A
<u>Back of Curb Line</u>			<u>Vision Triangle</u>		
WIS 164	20.5'	*23' - 31'	acres	0	0
Hubertus Road	N/A	*19.5' - 23.5'			
WIS 167	N/A	*23' - 66'			
<u>Realignment</u>	N/A	N/A	<u>Temporary Bypass</u>		
			0 acres	N/A	N/A
Other - List:	N/A	N/A	Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that depict "maximum" impacts.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Tree topping and/or grubbing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

\*See attached typical sections and plans

Brief Narrative Project Description - Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements.

See attached continuation sheets.

Add continuation sheet, if needed.

**III. CONSULTATION**

How has notification of the project been provided to:  
 Property Owners  
 Public Information Meeting Notice  
 Letter - Required for Archaeology  
 Telephone Call  
 Other:

Historical Societies/Organizations  
 Public Information Meeting Notice  
 Letter  
 Telephone Call  
 Other: Meeting

Native American Tribes  
 Public Info. Mtg. Notice  
 Letter  
 Telephone Call  
 Other:

\*Attach one copy of the base letter, list of addresses and comments received. For history include telephone memos as appropriate.

**IV. AREA OF POTENTIAL EFFECTS - APE**

**ARCHAEOLOGY:** Area of potential effect for archaeology is the existing and proposed ROW, temporary and permanent easements. Agricultural practices do not constitute a ground disturbance exemption.

**HISTORY:** Describe the area of potential effects for buildings/structures.  
**See attached continuation sheets.**

**V. PHASE I ARCHEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED**

**ARCHAEOLOGY**  
 Archaeological survey **is needed**  
 Archaeological survey **is not needed** - Provide justification  
 Screening list:

**HISTORY**  
 Architecture/History survey **is needed**  
 Architecture/History survey **is not needed**  
 No structures or buildings of any kind within APE  
 Screening list (date).

**VI. SURVEY COMPLETED**

**ARCHAEOLOGY**  
 **NO** archaeological site(s) identified - ASFR attached  
**Also see attached Continuation Sheets**  
 **NO** potentially eligible site(s) in project area - Phase I Report attached  
 Potentially eligible site(s) identified-Phase I Report attached  
 Avoided through redesign  
 Phase II conducted - go to VII (Evaluation).  
 Phase I Report attached - Cemetery/cataloged burial documentation

**HISTORY**  
 **NO** buildings/structures identified - A/HSF attached  
**Also see attached Continuation Sheets**  
 Potentially eligible buildings/structures identified in the APE - A/HSF attached  
 Potentially eligible buildings/structures avoided - documentation attached

RECEIVED  
FEB 21 2013

**VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED**

No arch site(s) eligible for NRHP - Phase II Report attached  
 Arch site(s) eligible for NRHP - Phase II Report attached  
 Site(s) eligible for NRHP - DOE attached

No buildings/structure(s) eligible for NRHP - DOE attached  
 Building/structure(s) eligible for NRHP - DOE attached

DIV HIST PRES

**VIII. COMMITMENTS/SPECIAL PROVISIONS - must be included with special provisions language**

N/A *Monitor required during work at BWT-0035* (P)

**IX. PROJECT DECISION**

No historic properties (historical or archaeological) in the APE.  
 No historic properties (historical or archaeological) affected.  
 Historic properties (historical and/or archaeological) may be affected by project;  
 Go to Step 4: Assess affects and begin consultation on affects  
 Documentation for Determination of No Adverse Effects is included with this form. WIDOT has concluded that this project will have No Adverse Effect on historic properties. Signature by SHPO below indicates SHPO concurrence in the DNAE and concludes the Section 106 Review process for this project.

13-0122/WT  
Pg 2/2

*Christopher Kawson*  
\_\_\_\_\_  
(Regional Project Manager)

*10/31/2012*  
\_\_\_\_\_  
(Date)

*[Signature]*  
\_\_\_\_\_  
(Consultant Project Manager)

*10/29/2012*  
\_\_\_\_\_  
(Date)

*[Signature]*  
\_\_\_\_\_  
(WIDOT Historic Preservation Officer)

*2/20/13*  
\_\_\_\_\_  
(Date)

*[Signature]*  
\_\_\_\_\_  
(State Historic Preservation Officer)

*March 13 2013*  
\_\_\_\_\_  
(Date)

(P)

**Section 106 Review  
Continuation Sheet 1**

**II. Project Description**

The Wisconsin Department of Transportation (WisDOT) has contracted with R.A. Smith National, Inc. for the design of the reconditioning of WIS 164 from 1,100 feet north of County Q to 3,300 feet north of County E in Washington County. The project is approximately 7.5 miles long. See attached Project Location Map.

WIS 164 is a two-lane undivided arterial that is in need of repairs above and beyond normal maintenance. The current roadway pavement will be milled and resurfaced to reduce maintenance costs. Intersections will be upgraded to meet current design standards. Exclusive right turn lanes will be added where appropriate, and bypass lanes will be considered for the tee intersections in the corridor. Intersection capacity improvements such as a signalized intersection and a roundabout will be considered at the intersection of WIS 164 with WIS 167 (Holy Hill Road) to address congestion at this intersection. See attached Existing Typical Sections, Finished Typical Sections, and Plan View Layout.

Safety improvements will be considered throughout the corridor. Roadway sections with steep vertical grade, substandard stopping sight distance, or deficient intersection sight distance will be considered for reconstruction to meet current design standards if warranted. The existing side slopes and guardrail will also be evaluated for compliance with current safety standards and upgraded as warranted.

Bicycle accommodations will be provided by paving at least a 5 foot width on the shoulder.

New right-of-way and easements will be purchased where needed for the improvements with this project.

A four-lane expansion alternative, as previously studied under Project I.D. 2748-01-01, **is not** being considered for implementation as part this project. This project is intended to extend the life of the 2-lane roadway. A 4-lane expansion will not be considered until traffic volumes warrant an expansion and funding is available. No changes to the posted speed limits in the corridor are anticipated as part of this project.

This project is currently scheduled for construction in 2016.

**III. Consultation**

Letters were sent to abutting property owners to notify them about upcoming field survey activities including historic property surveys (see attached). Abutting property owners, agency representatives, and government officials were invited to two public information meetings (PIM). The first was held on June 7, 2011 and the second on February 9, 2012. See attached PIM notices, mailing lists, and comments received. The third PIM will present the recommended alternative with anticipated impacts and acquisitions. The fourth PIM will present the construction schedule and the detour route(s).

Letters were also sent to Native American interests and the letter/ mailing list is attached. No comment letters were received.

Traci Schnell of Heritage Research, LTD met with Herb Lofy, Historic Sites Chair, Richfield Historical Society and David Radermacher, a local resident, on May 23, 2012 to discuss the Baer's Corners/Pleasant Hill area. See attached Architecture/History Survey for meeting notes and letters from Mr. Lofy and Mr. Radermacher.

**IV. Area Of Potential Effects (APE)**

**History:** The APE was determined to be all buildings adjacent to WIS 164 and the intersection improvements.

**Section 106 Review  
Continuation Sheet 2**

**VI. Survey Completed**

**History:** The 7.5-mile corridor was previously surveyed in 1999 and 2000 under Project ID 2748-01-01. At that time, two DOEs were completed and both properties were determined not eligible for the National Register of Historic Places, one of which has since been largely demolished. Based on the previous survey results, as well as considering the additional intersection work, only digital updated photos were taken and no new historic resources were identified. Seven of the twelve previously surveyed properties were determined to have had no initial integrity and were not resurveyed, while two have been found to have suffered loss of integrity. The remaining three have had no visible changes made to them. Since they were not deemed potentially eligible in 1999-2000, they remain ineligible for the National Register of Historic Places at this time.

**Archaeology:** Five sites were reported to be located along the project corridor.

Site 47WT279, an abandoned Euro-American farmstead, is located on the west side of WIS 164 near STA 102+00 to 106+00. See attached Phase I Archaeological Survey document for description. Right of way acquisition is anticipated immediately adjacent to the ruins; however, the ruins will not be affected by the project.

Site 47WT278, an unknown prehistoric lithic scatter, is located on the west side of WIS 164 near STA 266+00 to 270+00. See attached Phase I Archaeological Survey document for description. The Phase I survey concluded that the reported site does not overlap the project location and therefore will not be affected.

Site 47WT105, an unknown prehistoric cemetery, is located on the west side of WIS 164 near STA 286+00 to 294+00. See attached Phase I Archaeological Survey document for description. This site will not be affected by the project as grading will not extend beyond the areas previously disturbed by the roadway ditch grading or the subdivision berm construction.

Site 47WT280, a Euro-American farmstead, is located on the west side of WIS 164 near STA 319+00 to 323+00. See attached Phase I Archaeological Survey document for description. All of the structures are located more than 100 feet west of the project area and will not be affected by the project.

Site BWT-0035, a church and cemetery, is located on the west side of WIS 164 near STA 329+00 to 331+00. See attached Phase I Archaeological Survey document for description. The site will not be affected by the project as the reconditioning work will not extend past the eastern edge of the parking lot that separates the cemetery from the highway corridor.

## **Exhibit 15**

### **U.S. Army Corps of Engineers Correspondence**

April 26, 2012

US Army Corps of Engineers  
Mr. Anthony Jernigan  
20711 Watertown Road  
Suite F  
Waukesha, WI 53186

RE: Initial Project Notification  
WIS 164  
County Q – County E  
Washington County  
ID 2709-03-00

The Wisconsin Department of Transportation (WisDOT) has contracted with R.A. Smith National, Inc. for the design of the reconditioning of WIS 164 from 1,100 feet north of County Q to 3,400 feet north of County E in the Village of Richfield and Town of Polk in Washington County. The project is approximately 7.5 miles long. See the attached Project Location Map. We are seeking any initial coordination comments you may have on the proposed action described below.

WIS 164 is a two-lane undivided arterial that is in need of repairs above and beyond normal maintenance. The current roadway pavement will be milled and resurfaced to reduce maintenance costs. Intersections will be upgraded to meet current design standards. Exclusive right turn lanes will be added where appropriate, and bypass lanes will be considered for the tee intersections in the corridor. Intersection capacity improvements such as a signalized intersection and a roundabout will be considered at the intersection of WIS 164 with WIS 167 (Holy Hill Road) to address congestion at this intersection. Bicycle accommodations will be provided by paving at least a 5 foot width on the shoulder.

Safety improvements will be considered throughout the corridor. Roadway sections with steep vertical grade, substandard stopping sight distance, or deficient intersection sight distance will be considered for reconstruction to meet current design standards if warranted. The existing side slopes and guardrail will also be evaluated for compliance with current safety standards and upgraded as warranted.

Improvements proposed have the potential to impact properties adjacent to WIS 164 including wetlands and farmland. New right-of-way and easements will be purchased where needed for the improvements with this project.

A four-lane expansion alternative, as previously studied under Project I.D. 2748-01-01, **is not** being considered for implementation as part this project. This project is intended to extend the life of the 2-lane roadway. A 4-lane expansion will not be considered until traffic volumes warrant an expansion and funding is available.

This project is currently scheduled for construction in 2016.

Page 2 / April 26, 2012

We would appreciate your comments regarding this project by **May 24, 2012**. Your assistance is greatly appreciated. If you have any questions, please contact me at (262) 317-3265 or email [stephan.hoffmann@rasmithnational.com](mailto:stephan.hoffmann@rasmithnational.com).

Sincerely,

A handwritten signature in cursive script that reads "Stephan".

Stephan Hoffmann, P.E.  
Project Manager

cc: Christine Rawson, WisDOT SE Region Project Manager

Enclosures: WIS 164 Project Location Map  
30% Plan pdf on CD

## **Exhibit 16**

### **US Fish and Wildlife Service Correspondence**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Green Bay ES Field Office  
2661 Scott Tower Drive  
New Franken, Wisconsin 54229-9565  
Telephone 920/866-1717 FAX 920/866-1710  
<http://www.fws.gov/midwest/GreenBay>

To: Stephan Hoffmann

USFWS Project ID: 12-TA-0272

Regarding your:  Letter  E-mail  FAX Dated: April 26, 2012

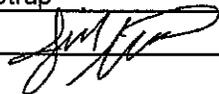
RE: Proj ID 2709-03-00, WIS 164 Improvements, Washington County, Wisconsin

Pursuant to the **Endangered Species Act of 1973**, the **Fish and Wildlife Coordination Act**, and the **Migratory Bird Treaty Act**, the U.S. Fish and Wildlife Service (Service) has reviewed the information provided for the project noted above. Our comments follow (see checked boxes below).

- Due to the project location, no federally-listed, proposed, or candidate species, or designated critical habitat occurs within the project area. We recommend checking our website (<http://www.fws.gov/midwest/GreenBay/>) every 6 months from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.
- If migratory birds are known to nest on any structures (e.g., bridges) which may be disturbed by project construction, activities should begin (and be concluded) before the initiation of the breeding season for those species or after the breeding has concluded. Alternatively, the structures can be *tightly screened* before the breeding season (May 1 through August 30) to prevent nesting. If you will not be able to begin construction prior to or after the breeding season, please contact our office.
- Under the Migratory Bird Treaty Act of 1918, as amended, it is unlawful to take, capture, kill, or possess migratory birds, their nests, eggs, and young. If migratory birds are known to nest on any structures or habitat which may be disturbed by project construction, activities (e.g., tree removal) should begin and be completed before the initiation of the breeding season for those species or after breeding has concluded. Generally, we recommend that any habitat disturbance occur before May 1 or after August 30 to minimize potential impacts to migratory birds, but please be aware that some species may initiate nesting before May 1.
- We recommend, when possible, that bridges and abutments be designed and constructed in such a way as to allow terrestrial wildlife to pass under the bridge without entering the river during normal flow conditions. This may require lengthening the bridge, limitations on the use of exposed riprap, modifications to the surface of the riprap (e.g., grouting the surface or filling with soil or other natural materials), or modifications in the substrate and/or slope at the base of the abutments, as some wildlife species cannot or prefer not to traverse areas of riprap.
- The Service supports and encourages the maintenance or creation of habitat connectivity wherever possible. As such, we recommend installing bridges or culverts that do not impede the movement of water, sediments, or aquatic species along existing waterways. Specifically, we strongly recommend replacing failing culverts with bridges or bottomless culverts where possible. At minimum, we recommend new culverts be set at a zero slope, with a width that matches bank flow.
- We note that the project area includes wetlands. In refining and selecting project alternatives, efforts should be made to select an alternative that does not adversely impact wetlands. If no other alternative is feasible and it is clearly demonstrated that project construction resulting in wetland disturbance or loss cannot be avoided, a wetland mitigation plan should be developed that identifies measures proposed to minimize adverse impacts and replace lost wetland habitat values and other wetland functions and values.

USFWS Contact(s): Jill Utrup

Phone Number: 920-866-1734

For the Field Supervisor: 

Date: May 21, 2012

## **Exhibit 17**

### **Native American Tribes Correspondence**



**Division of Transportation  
System Development**  
Southeast Regional Office  
141 N.W. Barstow Street  
P.O. Box 798  
Waukesha, WI 53187-0798

**Scott Walker, Governor  
Mark Gottlieb, P.E., Secretary**  
Internet: [www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

Telephone: (262) 548-5903  
Facsimile (FAX): (262) 548-5662  
E-Mail: [waukesha.dtd@dot.wi.gov](mailto:waukesha.dtd@dot.wi.gov)

April 26, 2012

«Company1»  
«Company2»  
«Title» «FirstName» «LastName», «JobTitle»  
«Address1»  
«Address2»  
«City», «State» «ZIPCode»

**INITIAL NOTIFICATION BY WISDOT  
TO  
NATIVE AMERICANS**

RE: WIS 164  
County Q to County E  
Washington County  
ID 2709-03-00

The Wisconsin Department of Transportation (WisDOT) and their consultant, R.A. Smith National, Inc, in cooperation with the Federal Highway Administration, are evaluating alternatives for the design of the reconditioning of WIS 164 from 1,100 feet north of County Q to 3,400 feet north of County E in the Village of Richfield and Town of Polk in Washington County. The project is approximately 7.5 miles long. See the attached Project Location Map.

WIS 164 is a two-lane undivided arterial that is in need of repairs above and beyond normal maintenance. The current roadway pavement will be milled and resurfaced to reduce maintenance costs. Intersections will be upgraded to meet current design standards. Exclusive right turn lanes will be added where appropriate, and bypass lanes will be considered for the tee intersections in the corridor. Intersection capacity improvements such as a signalized intersection and a roundabout will be considered at the intersection of WIS 164 with WIS 167 (Holy Hill Road) to address congestion at this intersection.

Safety improvements will be considered throughout the corridor. Roadway sections with steep vertical grade, substandard stopping sight distance, or deficient intersection sight distance will be considered for reconstruction to meet current design standards if warranted. The existing side slopes and guardrail will also be evaluated for compliance with current safety standards and upgraded as warranted.

Bicycle accommodations will be provided by paving at least a 5 foot width on the shoulder.

New right-of-way and easements will be purchased where needed for the improvements with this project.

A four-lane expansion alternative, as previously studied under Project I.D. 2748-01-01, is not being considered for implementation as part this project. This project is intended to extend the

life of the 2-lane roadway. A 4-lane expansion will not be considered until traffic volumes warrant an expansion and funding is available.

This project is currently scheduled for construction in 2016.

Your tribe has requested to be notified of undertakings in this area of Wisconsin. Pursuant to 36 CFR 800, WisDOT is requesting any comments or information your tribe wishes to share regarding the determination of the APE for this undertaking. To ensure your comments are considered during this early phase of project development, WisDOT requests a response within 30 days of receipt of this letter.

If you would like to receive additional information regarding this proposed project undertaking or to request further consultation in a different venue please contact Christine Rawson, Project Manager, WisDOT Southeast Region at (262) 548-6428 Christine.Rawson@dot.wi.gov.

Sincerely,

*Christine Rawson*

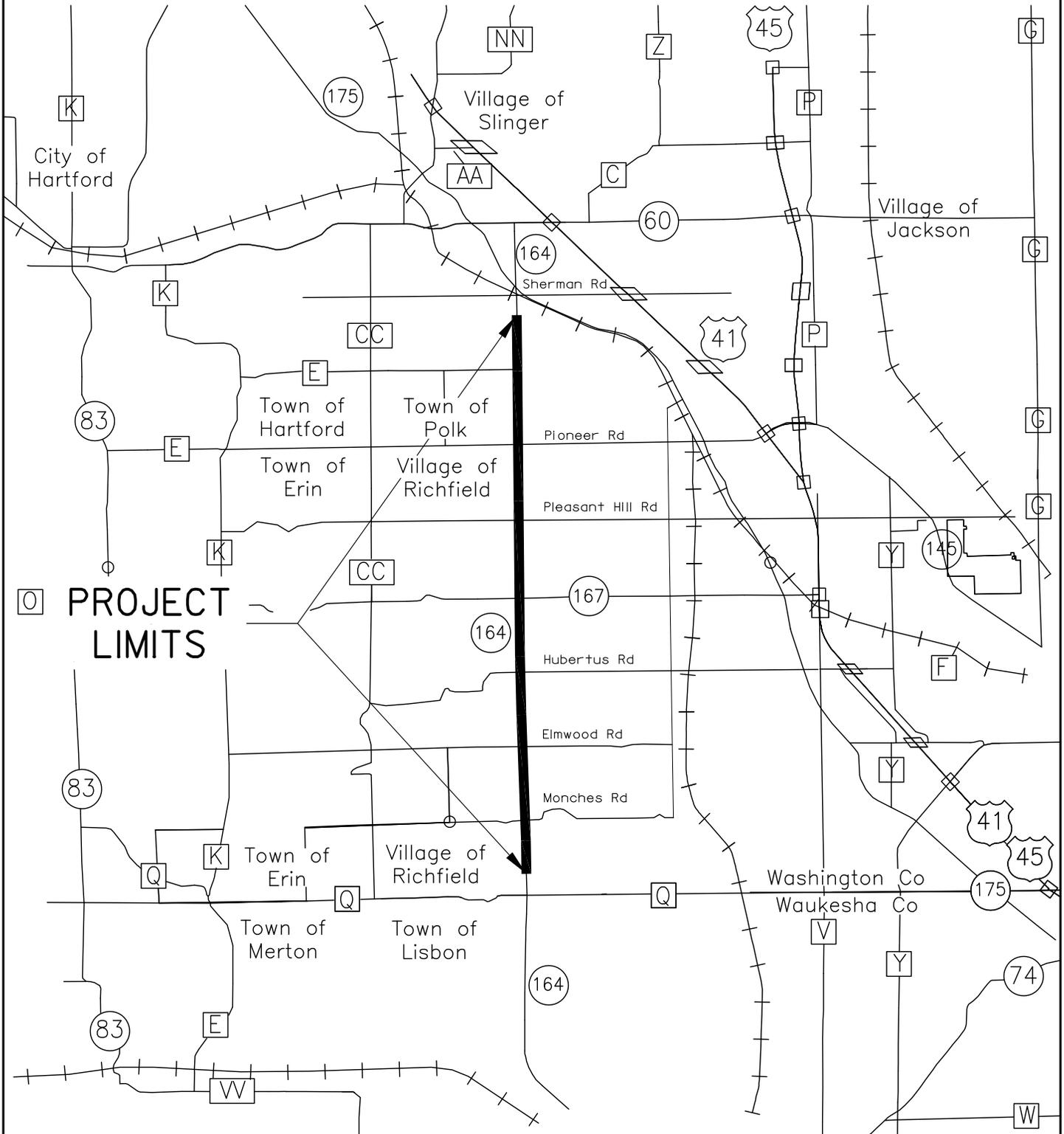
Christine Rawson, P.E. - WisDOT Project Manager

cc: Rebecca Burkel, DTSD Bureau of Technical Services, Environmental Section  
Stephan Hoffmann, Consultant Project Manager, R.A. Smith National, Inc.

Enclosures: WIS 164 Project Location Map

# PROJECT LOCATION MAP

ID 2709-03-00  
WIS 164  
COUNTY Q TO COUNTY E  
WASHINGTON COUNTY



NATIVE AMERICAN ADDRESSES Updated – January 2011

Tribal Address	Comments
<p><b>Bureau of Indian Affairs</b>                      Attn: Richard Berg                      1 Federal Building, Room 500                      Fort Snelling, MN 55111-4007</p>	<p>Send only EIS documents to BIA                      Website: <a href="http://www.kstrom.net/isk/maps/mn/implsbia.html">http://www.kstrom.net/isk/maps/mn/implsbia.html</a></p>
<p><b>Bad River Band of Lake Superior Chippewa Indians of Wisconsin</b>                      Attn: Edith Leoso, THPO                      P.O. Box 39                      Odanah, WI 54861</p>	<p>Website: <a href="http://www.badriver.com">www.badriver.com</a></p>
<p><b>Forest County Potawatomi Community of Wisconsin</b>                      Attn: Mike Alloway                      Tribal Office                      P.O. Box 340                      Crandon, WI 54520</p>	<p>Website: <a href="http://www.fcpotawatomi.com/">http://www.fcpotawatomi.com/</a></p>
<p>-</p>	<p>Website: <a href="http://ho-chunknation.com/">http://ho-chunknation.com/</a></p>
<p><b>Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin</b>                      Jerry Smith, THPO                      Tribal Office                      13394 W. Trepania Road                      Hayward, WI 54843</p>	<p>Website: <a href="http://www.lco-nsn.gov">http://www.lco-nsn.gov</a></p>
<p><b>Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin</b>                      Attn: Melinda Young, THPO                      Tribal Historic Preservation Office                      P.O. Box 67                      Lac du Flambeau, WI 54538</p>	<p>Website: <a href="http://www.lacduflambeautribe.com/">http://www.lacduflambeautribe.com/</a></p>
<p><b>Menominee Indian Tribe of Wisconsin</b>                      Attn: Dave Grignon, THPO                      P.O. Box 910                      Keshena, WI 54135</p>	<p>Fed Ex Address:  <b>Menominee Indian Tribe of Wisconsin</b>                      W3426 CTH V V West                      Keshena, WI 54135                      Website: <a href="http://www.menominee-nsn.gov/">http://www.menominee-nsn.gov/</a></p>

Tribal Address	Comments
-	Website: <a href="http://www.oneidanation.org">www.oneidanation.org</a>
	Website: <a href="http://www.redcliff-nsn.gov">www.redcliff-nsn.gov</a>
-	Website: <a href="http://www.stcciw.com/">http://www.stcciw.com/</a>
	Website: <a href="http://www.sokaogonchippewa.com">www.sokaogonchippewa.com</a>
	Website: <a href="http://www.mohican-nsn.gov/">www.mohican-nsn.gov/</a>
<b>Sac and Fox Nation of Oklahoma</b> Attn: Sandra Massey, NAGPRA Rep. RR 2, Box 246 Stroud, OK 74079	Website: <a href="http://www.sacandfoxnation-nsn.gov/">http://www.sacandfoxnation-nsn.gov/</a>
<b>Sac and Fox Nation of Missouri in Kansas and Nebraska</b> Attn: Jane Nioce 305 N. Main Reserve, Kansas 66434	Website: <a href="http://www.sacandfoxcasino.com/tribal-history.html">http://www.sacandfoxcasino.com/tribal-history.html</a>

Tribal Address	Comments
<p><b>Sac and Fox of the Mississippi in Iowa</b>            Attn: Jonathan Buffalo, NAGPRA Rep.            349 Meskwaki Road            Tama, Iowa 52339-9629</p>	<p>Website: <a href="http://www.meskwaki.org/">http://www.meskwaki.org/</a></p>
<p><b>Iowa Tribe of Oklahoma</b>            Cultural Preservation Office            RR 1, Box 721            Perkins, OK 74059</p>	<p>Website: <a href="http://www.iowanation.org/">http://www.iowanation.org/</a></p>
<p><b>Prairie Band Potawatomi Nation</b>            Attn: Chairman Steve Ortiz, NHPA Rep.            16281 Q Road            Mayetta, KS 66509</p>	<p>Website: <a href="http://www.pbppindiantribe.com/">http://www.pbppindiantribe.com/</a></p>
<p><b>Prairie Island Indian Community</b>            Attn: Marc Mogan            Minnesota Mdewakanton Sioux            5636 Sturgeon Lake Road            Welch, MN 55089</p>	<p>Tribal Engineer             Website: <a href="http://prairieisland.org">http://prairieisland.org</a></p>
<p><b>Lac Vieux Desert Band of Lake Superior Chippewa Indians</b>            Attn: giiwégiizhigookway Martin, THPO            Ketegitigaaning Ojibwe Nation            P.O. Box 249            Watersmeet, MI 49969</p>	<p>Website: <a href="http://www.lvdtribal.com/">http://www.lvdtribal.com/</a></p>

\* Environmental Documents (all EIS and when appropriate EA or ER) are sent to BOTH the Tribal Chair/President and the Historic Preservation Offices. Please contact BEES before sending documents to the Tribal Chair/President.

## Counties of Tribal Interest for Project Notification

Washington			
	Bad River Band of Lake Superior Chippewa Indians of Wisconsin	Yes	
	Forest County Potawatomi Community of Wisconsin	Yes	
	Ho-Chunk Nation	Yes	
	Iowa Tribe of Oklahoma	No	
	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin	No	
	Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin	No	
	Lac Vieux Desert Band of Lake Superior Chippewa Indians	Yes	
	Menominee Indian Tribe of Wisconsin	Yes	
	Oneida Tribe of Indians of Wisconsin	No	
	Prairie Band Potawatomi Nation	Yes	
	Fraire Island Indian Community Minnesota Mdewakanton Sioux	No	
	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Yes	
	Sac and Fox Nation of Missouri in Kansas and Nebraska	Yes	
	Sac and Fox Nation of Oklahoma	Yes	
	Sac and Fox of the Mississippi in Iowa	Yes	
	Sokaogon Chippewa Community Mole Lake Band	Yes	
	St. Croix Band Chippewa Indians of Wisconsin	No	
	Stockbridge Munsee Community of Wisconsin	No	

## **Exhibit 18**

### **Impact to Section 4(f) Property Correspondence**



December 13, 2012

Ms. Traci Gengler, Project Manager  
WISDOT – Southeast Region  
P.O. Box 798  
Waukesha, WI 53187-0798

I.D. 2709-03-00  
Lovers Lane  
CTH Q to CTH E  
STH 164  
Washington County

Dear Ms. Gengler,

This letter is to confirm that the Village of Richfield concurs with the acquisition of a temporary limited easement proposed for the Richfield Nature Park and Richfield Historical Park, south of Greystone Drive and on the east side of the highway, as shown in the 60% project plans which were e-mailed to my office on December 03, 2012.

If you have any questions or need anything further concerning this project, please contact my office at (262)-628-2260.

Sincerely,

Joshua Schoemann  
Village Administrator

CC: Stephan Hoffmann, R.A. Smith National, Inc.



DEC 17 2012

# Washington County Planning and Parks Department

Date: December 12, 2012

To: Mr. Stephan Hoffmann, P.E.,  
Project Manager  
R.A. Smith National, Inc.  
16745 West Bluemound Rd., Suite 200  
Brookfield, WI 53005

From: Paul M. Mueller, Administrator  
Washington County Planning & Parks Department 

**RE: STH 164 Re-construction Project; CTH Q to Lovers Lane  
Heritage Trails Park, Town of Polk, Washington County  
Project I.D. 2709-03-00**

Dear Mr. Hoffmann:

This letter is to confirm that the Washington County Planning and Parks Department concurs with the Temporary Limited Easement (T.L.E.) acquisition proposed for two (2) locations in the Heritage Trails County Park, totaling 0.027 acres as shown in the 60% project plans reviewed by Planning and parks staff. It is understood that no cost will be borne by Washington County for the gate moving at the southeast entrance or restoration.

If you have any questions or need anything further concerning this project, please contact our office at 262.335.4445.

Cc: Tom Wondra, Washington County Highway Commissioner