

7.0
COMMENTS AND COORDINATION

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The Comments and Coordination section summarizes community involvement and agency coordination. This section is essentially the same as that presented in the 2010 FEIS except that it includes updated coordination regarding the following items:

- Updated coordination regarding the revised historic boundary of St. Mary's Springs Academy.
- Updated coordination, as well as a public meeting, regarding the consideration of the Northern Unit of the Kettle Moraine State Forest as a Section 4(f) resource.
- Coordination regarding the potential wetland mitigation sites.
- Coordination regarding updated Threatened and Endangered Species within the project corridor.
- Coordination with local experts to provide input into the Indirect and Cumulative Effects Analysis.

Maroon text signifies updates addressing changed conditions or analysis, clarifications, or additional information. Items that are considered revisions that target specifically identified issues in the January 19, 2012 Notice of Intent to prepare an LS EIS are shown in blue text.

Yellow highlight signifies updates from the LS SDEIS to this combined LS SFEIS and ROD (LS SFEIS/ROD).

For tables and figures, the title of the Table or Figure has been shown in maroon or blue to indicate whether it has been revised since the 2010 FEIS.

7.0 INTRODUCTION

This section discusses community involvement and coordination with state and federal regulatory agencies during the development and evaluation of alternatives for WIS 23. The public involvement process was open in accordance with Executive Order 12898 on Environmental Justice, calling for WisDOT/FHWA to provide meaningful opportunities for low-income, elderly, handicapped, and minority populations to provide input in identifying potential impacts, alternatives, and mitigation measures. The next subsections summarize the project public involvement including project meetings, public involvement approaches, public hearings, and public comments received at the hearings. Agency comments received during the comment periods for the DEIS, 2009 SDEIS, 2010 FEIS, and 2013 LS SDEIS are summarized and responses provided.

7.1 PROJECT MEETINGS

The following table is a record of many of the meetings held during the project.

Table 7.1-1 Project Meetings

Date	Entity	Summary
6/26/01	WisDOT District 3–Internal	WIS 23 Corridor Coordination Meeting
12/03/01-12/04/01	Local Officials from Fond du Lac and Sheboygan Counties	Sheboygan & Fond du Lac Counties–Local Officials Meetings
12/10/01	WisDOT District 3–Internal	WIS 23 Corridor Coordination Meeting
2/26/02	Local Officials from Fond du Lac	Local Officials Meeting–project information
4/30/02	PAC	Advisory Meeting–Project introduction
6/04/02	PAC	Advisory Meeting–additional information
7/02/02	Fond du Lac and Sheboygan Counties	Agency Scoping Meeting–Purpose and Need
11/19/02	PAC	Advisory Meeting–EIS process
12/12/02	WisDOT District 3–District Staff	WIS 23 District Update Meeting
2/17/03	PAC	Second PIM
7/7/03-7/11/03	WisDOT District 3–Internal	Value Planning Study–reevaluate the future Purpose and Need.
12/10/03	Agencies	Agency Meeting–Concerns about EIS
12/18/03	Teleconference with FHWA, NPS, Local Officials	Preliminary meeting for Ice Age Trail and State Equestrian Trail crossing/grade separation
12/18/03	Fond du Lac and Sheboygan Counties	WIS 23 Agency Scoping Meeting for Purpose and Need and Corridor Concurrence
1/06/04	Fond du Lac & Sheboygan Counties	WIS 23/County K Intersection, Corridor Access and Schedule.
1/14/04	Fond du Lac & Sheboygan Counties	Discussion of the options for the County K intersection with WIS 23

Table 7.1-1 Project Meetings

Date	Entity	Summary
1/18/04	WisDOT District 3–Internal	Ice Age Trail meeting
1/28/04	PAC	Ice Age Trail Mitigation–Field Review and Facility Type Meeting.
2/05/04	Fond du Lac & Sheboygan Counties	WIS 23 K intersection discussion and Ice Age Trail Meetings with Agencies and Fond du Lac
2/16/04	Fond du Lac and Sheboygan Counties	District 3 met and discussed the January 14, 2004 meeting concerning County K and the WIS 23 crossing.
3/07/04	WisDOT District 3–Internal	South option using existing alignment
3/12/04	PAC	WIS 23 Advisory Committee
3/12/04	PAC	Advisory Meeting–Project update
3/18/04	PAC	PIM (planning)
3/19/04	WisDOT District 3–Internal	WIS 23 meeting
3/31/04	PAC	Review of recent PIMs
4/27/04	Local Farmers	Meeting with local farmers
11/03/04	Agencies and Public	Release of the DEIS for comment
1/05/05	Agencies and Public	DEIS Public Hearing
2/14/05	PAC	Advisory Committee Meeting
2/17/05	UW FDL–Local Officials	Local Officials' Meeting
3/1/05	Sheboygan & Fond du Lac Counties	Sheboygan & Fond du Lac Counties–Corridor Selection Meeting
3/08/05	Agencies	Agency Coordination Meeting
4/06/05	WisDOT District 3, Majors Committee	Majors Peer Review Committee Meeting
4/21/05	Agencies	WIS 23 Agency Scoping Meeting for Preferred Corridor Concurrence
8/08/05	FHWA	Phone conversation with J. Lawton of FHWA on a supplemental EIS
8/18/05	WisDOT District 3–Internal	WIS 23 design/facility type/interchange questions for FHWA
9/01/05	Study Group	WIS 23 Study Group Meeting #1
10/07/05	Study Group	WIS 23 Study Group Meeting #2
10/26/05	Fond du Lac and Sheboygan Counties	WIS 23 FDL Urban Area Meeting
10/26/05	Towns of Forest and Empire	WIS 23 Access in the Towns of Forest and Empire
10/26/05	WisDOT, local officials	WIS 23 Old Plank Trail Meeting
11/14/05	FDL Businesses	WIS 23 FDL Urban Area Meeting with Wisconsin American Drive Businesses
11/14/05	Sisters of St. Agnus and County K residents	WIS 23 FDL Urban Area Meeting with the Sisters of Street Agnus and others located on County K
11/14/05	Mary Hill Park Residents	WIS 23 FDL Urban Area Meeting with Mary Hill Park Residents
11/14/05	Residents near Wisconsin American Drive	WIS 23 FDL Urban Area Meeting with WIS 23 Residents near Wisconsin American Drive
11/14/05	Town of Greenbush representatives	WIS 23 Access in the Towns of Greenbush
11/15/05	Whispering Springs Residents	WIS 23 FDL Urban Area Meeting with Whispering Spring Residents
12/02/05	WisDOT District 3–Roger Laning	WIS 23 Meeting with Roger Laning
12/12/05	Empire Fire and Rescue	Fire and Rescue for Empire
12/12/05	Mt. Calvary Fire and Rescue	Fire and Rescue for Mt. Calvary
12/14/05	FDL urban area	FDL urban area operational analysis discussion with traffic section
12/16/05	Aurora Health Clinic	Access meeting
12/15/05	WisDOT District 3–Internal	Whispering Springs access road, conversation with CO
12/16/05	Town of Forest	WIS 23 Access in the Town of Forest–follow up meeting
12/16/05	Fond du Lac Emergency Services	Meeting with Fond du Lac Emergency Services
12/19/05	WisDOT District 3	WIS 23 KL/PDS Update Meeting
1/31/06	Study Group	WIS 23 Study Group #3
3/9/06	FDL urban area	Discussion of proposed improvements at US 151 Bypass and County UU intersection
3/13/06	Agencies	Update meetings, discussed IAT crossing
3/13/06	WisDOT District 3 and St. Mary's Springs	Access

Table 7.1-1 Project Meetings

Date	Entity	Summary
3/13/06 and 3/14/06	Local residential developments, St. Mary's Springs Academy Board, and neighborhood associations	Local road access update meeting
4/12/06	Greenbush Town Board	Proposed Sugarbush Road overpass and County A interchange
5/24/06	WisDOT District 3	Traffic/access at Greenbush/County A
6/26/06	WisDOT District 3	Interchanges at County W, G, and A in 2014
6/29/06	WisDOT District 3 and representatives of Fond du Lac County and City and Whispering Springs Development	Connection Road to Whispering Springs from County UU
8/2/06	Aurora Health Clinic	Access meeting
9/29/06	WisDOT District 3	Section 106 Status Meeting with Strand and Wisconsin Historical Society
7/10/07	WisDOT Region and BEES, Strand, and FHWA	Received comments from FHWA on 1 st Draft of FEIS
8/2/07	WisDOT BEES and Strand	Received additional comments on 1 st Draft of FEIS
9/19/07	DNR and WisDOT Region	Mitigation for Kettle Moraine State Forest, a 6(f) property
9/26/07	WisDOT Region and BEES	Section 106 issues
11/5/07	Agencies	Agency field meeting for US 151 including US 151/WIS 23 system interchange alternatives.
3/4/08	WisDOT Region and BEES	Update of FEIS–Indirect and Cumulative Effects
8/08/09	WisDOT and FHWA	Decision to produce Supplemental DEIS to address new project components and lapsed document timeframe
8/24/09	ACHP and SHPO	Signed Memorandum of Agreement for archaeological and historic resources
12/23/09	WisDOT and FHWA	Signed Reevaluation formally documenting decision to produce 2009 SDEIS
2/24/10	Agencies and Public	2009 SDEIS Public Hearing
3/2/10	Agencies	Agency Meeting–Comments on 2009 SDEIS
3/3/10	Stakeholder Advisory Committee	Discussed comments from the 2009 SDEIS and developed recommendation for the preferred corridor preservation alternative for the US 151/WIS 23 system interchange
8/3/2010	Staff from Sheboygan County, Towns of Greenbush and Plymouth	Review proposed WIS 23 design
8/5/2010	Staff from Fond du Lac County, Towns of Empire and Forest	Review proposed WIS 23 design
8/10/2010	Fond du Lac County	PIM showing proposed WIS 23 design
8/16/2010	Sheboygan County	PIM showing proposed WIS 23 design
7/18/2011	WDNR	Updated wetland delineation
8/10/2011	WDNR	Updated wetland delineation
1/17/2012	Local land use and environmental resource professionals	Update indirect and cumulative effects analysis
5/24/2012	Staff from Fond du Lac County, city of Fond du Lac, town of Empire	Review proposed WIS 23 design in urban section
8/21/2012	WisDOT and FHWA	Purpose and Need Screening determination
8/22/2012	USACE	Field reviews of potential wetland mitigation sites
11/6/2012	USACE	Field reviews of potential wetland mitigation sites
10/4/2012	St. Mary's Springs Legal Council	Discussed revised roadway alignment and corresponding revisions to MOA
Winter 2013 4/18/2013	WDNR	Updated Threatened and Endangered Species Review
4/29/2013	Fond du Lac and Sheboygan County	PIM–present public with most recent WIS 23 design and Section 4(f) resource impacts
5/30/2013	Northern Unit of Kettle Moraine State Forest	Discuss <i>de minimis</i> impact finding
8/28/2013	Agencies and Public	2013 LS SDEIS Public Hearing
10/21/2013	USACE	Phone conference regarding Old Plank Road Trail extension purpose and need and alternatives considered

7.2 PUBLIC INVOLVEMENT

Various approaches were used to engage the public throughout the planning process for this project. The following paragraphs describe the main methods used.

A. Newsletters

Periodic newsletters were sent out to all abutting property owners and to others that had requested them or signed up at WisDOT meetings. Newsletters were sent to federal, state, and local officials. The newsletters provided notification of upcoming public meetings and general information summarized below.

1. September 2002

Provided a timeline to the WIS 23 planning process, a list of WIS 23 Advisory Committee Members, a corridor map with alternatives, and general information about the study process.

2. January 2003

This newsletter announced the second set of PIMs and a brief revised project schedule.

3. February 2004

This newsletter announced WisDOT has been gathering historical and archaeological information for the DEIS. WisDOT also evaluated social, economic, and agriculture factors, and natural affects to the air, land, and water within the various corridors. WisDOT also tried to attain commitments and concurrence points with participating agents. Because of this additional coordination, the DEIS schedule was revised. This should not affect the construction of Highway 23. Information about the next public meeting and where to find copies of the DEIS once completed was also included in the newsletter.

4. December 2004

This newsletter announced the DEIS was approved on November 11, 2004, by the Federal Highway Administration. The public availability period and hearing dates were also given in the newsletter.

5. April 2005

This newsletter announced WisDOT selected Alternative 1 as the preferred alternative. The FEIS will now be completed by WisDOT. The newsletter also included information on the Old Plank Trail extension and on passing lane reevaluation. A project budget update was also provided.

6. June 2006

This newsletter announced the passing lane study was completed and the decision was made to improve as a four-lane roadway. Completion of preliminary design and public information meeting dates were also announced.

7. February 2010

This newsletter announced that the 2009 SDEIS was approved on December 23, 2009, by the Federal Highway Administration. The public availability period and hearing dates were also given in the newsletter.

8. July and August 2010

A letter was sent out to abutting landowners advertising two public informational meetings, one for the rural Fond du Lac County portion of the highway and one for the rural Sheboygan County portion of the highway.

9. April 2013

A newsletter was sent out advertising a public informational meeting for the full WIS 23 corridor project, with special attention to Section 4(f) impacts to the Kettle Moraine State Forest.

10. August 2013

A newsletter was sent out advertising the availability of the LS SDEIS as well as the August 28, 2013 public hearing.

B. Public Information Web Site

WisDOT created a public information Web site to provide an additional source of information to the public. The site became available to the public on February 5, 2003. The Web site contains EIS study information, updates, study area maps, alternatives being studied, and a list of contacts. The Web site address is: <http://www.dot.wisconsin.gov/projects/neregion/23/index.htm>

C. Public Informational Meetings

Many public meetings were announced by block advertisements in local newspapers, by posters hung in area businesses, and by a letter of invitation to all abutting property owners and persons on our project mailing list. Public meetings were held in handicapped accessible buildings and opportunities to request an interpreter/signer were given. The public meetings were held in an open format that allowed one-to-one interaction with property owners and interested parties. Comment sheets were available for written comments.

1. Meetings of March 2002

Two PIMs were held to introduce the WIS 23 expansion project to the general public and explain what to expect in the upcoming months. The corridor was shown from Fond du Lac to Plymouth with a 2-mile corridor width from existing WIS 23. Several environmental maps were shown indicating topography, aerial photography, known wetlands, archaeological and historical sites, existing and projected traffic volumes, access points by type, and crash information. Attendees were asked for information about areas of concern or problems as well as for thoughts for the future highway including alternate location.

2. Meetings of February 2003

These meetings were held to give the public two opportunities to see the updates to the WIS 23 EIS study. Preliminary impact estimates were shown for the individual alternative costs, acres of right of way needed, number of residential and farm operations taken, and acres of wetland, upland, and agriculture lands needed. Questions were answered about the process, upcoming schedule, and key decisions to be made. Attendees were given an opportunity to write their comments about the WIS 23 study.

3. Meetings of March 2004

These public meetings were held to update the public on the status of the EIS and some key issues that were resolved. The most recent impact estimates (described in previous meeting note) were shown for the alternatives. The public was informed of the upcoming DEIS and pending Public Hearings following. Again, questions were answered about the process, upcoming schedule, and key decisions to be made. Attendees were given an opportunity to write their comments about the WIS 23 study.

4. Public Hearing–January 2005

Two open forum public hearings for the WIS 23 improvement project in Fond du Lac and Sheboygan counties were held on January 5, 2005. The first public hearing was held at the Greenbush Town Hall from 1 to 3 P.M., and the second was held at UW Fond du Lac between 6 and 8 P.M. The public hearing was held as part of the process of involving the public in transportation-related decisions. It

was the final formal opportunity to provide input in the planning of the WIS 23 project before a corridor was selected. The public gave oral and written testimony. Refer to Section 7.5 for a detailed account of the meeting and comments.

5. Public Information Meeting–July 2006

A PIM was held to introduce the WIS 23 expansion project's Preferred Alternative to the general public and to discuss potential impacts based on preliminary design. The Preferred Alternative (Alternative 1) was shown from Fond du Lac to Plymouth. Preliminary design details were provided and the following information was presented for public review, discussion and comment: potential relocations, right of way needs, and impacts to land owners; the official mapping and right of way acquisition process; options to consider related to the Ice Age Trail, Old Plank Trail, and Equestrian Trail; and options to consider related to interchanges, local access, and frontage roads. Attendees were asked for information about areas of concern or problems as well as for thoughts for the Preferred Alternative.

6. Public Hearing–February 2010

An open forum public hearing for the WIS 23 improvement project in Fond du Lac and Sheboygan Counties was held on February 24, 2010. The public hearing was held at the UW Fond du Lac from 5:30 to 8 P.M. The public hearing was held as part of the process of involving the public in transportation-related decisions. The public gave oral and written testimony. Refer to Section 7.5 for a detailed account of the meeting and comments.

7. Public Information Meeting–August 10, 2010

A PIM was held to explain improvements to the rural portion of the WIS 23 project in Fond du Lac County. The meeting was held at the UW Fond du Lac from 5 to 7 P.M. The meeting explained proposed intersection treatments and the right of way impacts anticipated.

8. Public Information Meeting–August 16, 2010

A PIM was held to explain improvements to the rural portion of the WIS 23 project in Sheboygan County. The meeting was held at the UW Fond du Lac from 5 to 7 P.M. The meeting explained proposed intersection treatments and the right of way impacts anticipated.

9. Public Information Meeting–April 29, 2013

A PIM was held to update the public on the final plans for the WIS 23 facility. The meeting was held at the UW Fond du Lac from 6 to 8:30 PM and about 120 people attended. The public meeting explained Section 4(f) impacts to the Kettle Moraine State Forest and displayed access provisions for each intersection along the Preferred Alternative.

10. Public Hearing–August 28, 2013

A hybrid-style public hearing was held on August 28, 2013 for the WIS 23 improvements in Fond du Lac and Sheboygan counties. The public hearing was held at the UW Fond du Lac from 6 to 8:30 P.M. The hearing provided the opportunity to testify both in a public forum setting as well as in private. About 105 people attended. Refer to Section 7.6 of this LS SFEIS/ROD for an account of the meeting and comments

D. WIS 23 Advisory Committee

A Policy Advisory Committee (PAC) for the WIS 23 Environmental Study was established at the outset of the project to provide local input from citizens and officials. The advisory committee included the Highway Commissioners and Planning Directors of Fond du Lac and Sheboygan County; the Community Development Director of the City of Fond du Lac; a representative of the UW Extension; chairpersons from the Towns of Empire, Forest, Greenbush, and Plymouth; and seven local residents and business owners. In addition to the above members, participants included WisDOT and Regional Planning Staff

members. Several meetings **took** place prior to this document **and are** described below. All meetings were held at the Greenbush Town hall to better determine how city and town development can be properly planned alongside highway access issues.

1. Advisory Meeting of April 30, 2002

This meeting introduced WisDOT Staff and corridor information to the new committee. Terminology was explained and questions answered. WisDOT alternative ideas were shown and any new ideas were discussed. Freeway versus expressway options were explained and discussed. More information was desired for the alternatives for the next meetings.

2. Advisory Meeting of June 4, 2002

Additional information was presented on the types of factors that will be used to compare the alternatives in a matrix. Several concerns were brought up. The alternatives were reviewed, some were not recommended, and the remaining alternatives to carry forward in the EIS were agreed to by the committee.

3. Advisory Meeting of November 19, 2002

This meeting further discussed the EIS process and comments that had been received by committee members. Most comments seem to be against going off the existing highway. The committee agreed that an expressway facility **was** more desirable than a freeway facility.

4. Value Engineering/Planning Study of July 2003

A Value Planning Study (VP) was conducted from July 7-11, 2003, in the form of a 40-hour workshop, to reevaluate the purpose and need of WIS 23 and to provide solutions to achieve these desired needs. The VP was mandated by the FHWA. The group that reviewed this project included state and national experts in the fields of highway engineering, traffic engineering, and planning.

Members of the Highway 23 Advisory Committee were also included in this group to provide a local perspective. The study identified problems along the existing corridor and provided general recommendations. In addition, the study recommended alternatives to be evaluated by WisDOT.

5. Advisory Meeting of March 12, 2004

Committee members were updated on changes and developments in the EIS study, including the Ice Age Trail Crossing, County K intersection, Alternative 2 shift, and the Value Engineering Study. Initial efforts began on an access plan between WisDOT and local townships to determine the best road access to the future WIS 23 highway.

6. US 151 Advisory Meeting of March 3, 2010

The **2009** SDEIS hearing comments were presented to the US 151 Fond du Lac Bypass advisory committee, which **was** an acting committee with similar representation to the WIS 23 advisory committee. The committee then reviewed impacts associated with the two US 151/WIS 23 System Interchange corridor preservation alternatives of the two corridor preservation alternatives, the committee recommended Option 23-2.

E. Summary of Public Comments--Prior to DEIS

The **previous** sections list public **advisory** meetings and information available to the public. In addition to the listed meetings, numerous telephone contacts and correspondence **took place** with interested individuals and groups. These comments were made prior to the issuance of the **2004** DEIS. These issues are summarized below.

Residential Impacts: Area residents expressed concern about the impacts of the WIS 23 project on their existing residences, both on the existing highway and on the offline alternatives. Existing and future noise levels were also a concern.

Business Impacts: Some local business owners expressed concern and questioned how the highway expansion would affect their businesses. General comments included access and how much property might be taken.

Agricultural Impacts: Area farmers expressed concern about the impacts to their farming operations, including maintaining access/agricultural median crossovers, size and shape of remnant parcels, loss of farmland, severance of farmland, and disruption to farm drainage systems/drain tiles and fences. WisDOT is working with farmers to provide access points and median crossovers where possible. Affected landowners are given advance notice of acquisition and construction so they can plan farm activities accordingly.

Specifically, many people had concerns with Alternatives 2 and 3 and the amount of unspoiled farmland that would be taken. Also many farm residents expressed concerns over their farms which have been in the family for many generations that will be destroyed or permanently affected.

Environmental Impacts: Area residents expressed concern about the loss of natural environmental resources such as wetlands and wooded uplands and the wildlife associated with those resources. Most concern was directed toward Alternative 2's impact on the environment.

Safety: Area residents expressed concern about existing safety at intersections. Another concern was that if four lanes were constructed, the speed of traffic will rise and continue to cause problems after the improvement. Residents were worried the increased speed at the crossroads may be a safety hazard.

Some comments preferred a freeway-type facility and a free-flow connection with US 151 in the City of Fond du Lac area. Also, there were concerns about what intersections might be closed and if any frontage roads would be built along with concerns that turning movements in and out of businesses and residences are safety hazards. There was also interest expressed for a signal light or interchange at the intersection of County K and WIS 23. The existing Ice Age Trail crossing and the difficulties of crossing four lanes of traffic were also concerns.

Residents were concerned over emergency vehicles continuing to have direct access to WIS 23. They were also concerned because of the lack of law enforcement and that accidents are a result of driver error or conditions, not the highway.

Alternative 2 would be safer by avoiding existing intersections at hills and curves and avoids farm machinery along the highway. Alternatives 2 and 3 avoid having to displace many buildings, farms, and residences.

Miscellaneous Comments:

- Some comments contended the project was not needed and a waste of taxpayers' money. Suggestions included not doing the project or building only passing lanes.
- Many people expressed interest to extend the Old Plank Trail westward connecting to the US 151 trail and the City of Fond du Lac.
- Some stated the expansion to four lanes would promote urban sprawl.
- Some said the highway could be improved with passing lanes rather than expansion to four lanes.
- Some residents felt the Value Planning Study and Advisory Committee were biased because there were members on it who only live on Alternative 1.
- A few felt that any new road off the existing would be a duplication of the roadway and therefore a waste.

7.3 LOCAL GOVERNMENT COORDINATION

WisDOT received letters from several local governments. Their comments are summarized in the table below. Recent letters are included in Appendix D of the 2010 FEIS (contained on the CD in the cover).

Coordination with local government officials occurred throughout the project. Local officials attended public meetings and also were in contact with the project staff about their concerns and recommendations as well as helped WisDOT understand their community's dynamics for the environmental document. There were two local officials meetings. Local officials also participated in information gathering to assist the indirect and cumulative effects analysis. These meetings are described below.

A. Local Officials Meetings

These meeting were set up to give local agencies and officials notice that WisDOT was commencing with the EIS. Appendix D of the 2010 FEIS (contained on the CD in the cover) contains the some meeting minutes.

Local Officials Meeting of December 3 and 4, 2001–Sheboygan and Fond du Lac Counties

The purpose of these meetings was to introduce WisDOT staff and to:

- Discuss the purpose for doing corridor plan.
- Discuss other events happening in the corridor plan study area.
- Discuss roles of the WisDOT and Regional Planning Commissions.
- Gather ideas about public participation and committee/work group participants.
- Listen to concerns, problems, and issues regarding WIS 23.
- Gather preliminary ideas on the types of elements to be included in the corridor plan.

Local Officials Meeting of February 26, 2002–In Fond du Lac

This meeting was held to discuss information received in survey of public officials and to preview and discuss displays and information for the upcoming PIMs. The attendees of the first Local Official Meetings were invited.

Local Officials Meeting of January 14, 2004

WisDOT and officials from the City and County of Fond du Lac met to discuss the options for the County K intersection with WIS 23. WisDOT acknowledged that it would not support an interchange at that location. Other intersection treatments were discussed and were brought forward for the DEIS, including a low speed access connection.

B. Local Government Correspondence

Table 7.3-1 summarizes correspondence from local governments and interest groups.

Table 7.3-1 Local Government Comments

Local Government	Comment
Fond du Lac County 9/18/2013	Resolution supporting WisDOT's proposal to construct a four-lane facility on the WIS 23 corridor from Plymouth to Fond du Lac.
Bay Lake Regional Planning Commission 8/28/2013	Staff member disappointed in the delay of project. Offer to review air quality information
Village of Glenbeulah 5/10/2013	Letter requesting that an interchange be constructed at County A with the initial expansion project instead of the J-turns.
Fond du Lac County Traffic Safety Commission 3/18/10	Letter stating that the Commission unanimously supports the Fond du Lac County Resolution requesting that the WisDOT strongly consider design and construction of a full interchange at County G. It was also stated that the Commission did not feel a J-Turn was suitable for the high volume of vehicles on County G. The Commission also stated how the Old Plank Road Trail is proposed for the south side of WIS 23 and an interchange would be safer for people accessing the trail from the north.
Fond du Lac County Board of Supervisors 3/16/10	Resolution requesting the WisDOT to consider construction of a diamond interchange with a grade separation at the intersection of County G and WIS 23 and that WisDOT refer to this as the preferred method for design and construction to start in 2013.
St. Cloud Fire Department 3/10/10	As residents, the St. Cloud Fire Department opposes a J-turn at County G. As a department, the St. Cloud Fire Department indicates that a J-turn would increase emergency response time and that the County G intersection has high traffic. The department was strongly against constructing a J-Turn with a future overpass. The department recommended building the intersection similar to County C/WIS 23, with an interchange.
Fond du Lac County Highway Department 3/5/10	After review of the 2009 SDEIS, the Department prepared a report with recommendations for the project, transmitted with the March 5, 2010 letter. The letter and report request an interchange at County G when the initial WIS 23 improvements are made and an at-grade intersection at County W using channelized turn lanes with a future interchange.
St. Cloud Village Board 3/4/10	Comment form from Public Hearing requests an interchange at County G. The comment form was signed by seven members of the board.
Sheboygan County Planning Dep't 2/8/10	After review of the 2009 SDEIS, the Department commented on safety, roadway counts, Old Plank Road Trail impacts, the Greenbush Trail location, and proposed access closures and their impact to emergency response time.
Stockbridge-Munsee Tribal Historic Preservation Office, 1/13/10	Letter indicates project's ground-disturbing activities are not in a region of archaeological interest to the Tribe.
St. Cloud Village Board 3/2/09	Letter requests consideration of a grade-separated interchange at County G. A petition with 18 signatures was also received in support of grade-separated interchanges at both County G and County W.
Town of Forest 5/16/06	Requested serious consideration to earlier construction of grade separation interchanges at County W and County G.
Plymouth Trail Riders 4/17/06	Reviewed both options for trail crossing and decided the Slab Span is the safest, especially the equestrian users. Enclosed attendance list.
Eden Fire Department 4/24/06	Officers reviewed plans and feel their vehicles can access the subdivision at Mary Hill Park, WIS 23 and County K intersection.
Sheboygan County Highway Dept. 3/28/06	County Transportation Committee concurs in concept with the proposed side road access changes.
Village of Glenbeulah 12/30/05	After reviewing the vision and goal statement, wanted to reemphasize the importance of the County A access to State Highway 23 because it is a main entrance into Glenbeulah.
Town of Forest 5/9/04	At the annual meeting of the Town of Forest, April 19, 2004, a vote showed the majority was in favor of following the existing corridor.
Fond du Lac County Highway Department 4/22/04	Supports staying on the existing alignment. Also supports the option of grade separation County K over WIS 23 with access maintained by 2, two-way traffic ramps. Strongly disagrees with leaving a portion of the project as a two-lane highway until such time as traffic volumes increase and an expansion is warranted. Recommends the entire corridor be fully expanded to four lanes.
Fond du Lac Area Association of Commerce 3/29/04	In response to the Public Information Meeting held on March 23, 2004, concerned information about Alternatives A and A/B is not completely accurate. Would like to keep the original design.
Town of Empire 3/16/04	From the March 10, 2004, town board meeting, the town supports the consideration of trail extension of Plank Trail as part of the State Road 23 reconstruction.

Local Government	Comment
Fond du Lac County Planning & Parks Dep't 1/27/04	Fond du Lac County Board of Supervisors resolution in support of an extension of Sheboygan County's Plank Trail to Fond du Lac.
Sheboygan County Planning Director 1/22/04	Interested in getting grant money to develop an extension of the Old Plank Road trail for the remaining miles in Sheboygan County.
Plymouth Trail Riders 1/15/04	Feel a crossing is needed for the trail south of WIS 23 and a tunnel crossing would be the safest type for this particular situation. The tunnel located on the Old Plank Road Trail going under Interstate 43 is a good example.
City of Fond du Lac Community Dev't Dep't 12/4/03	Supported the inclusion of a multimodal trail facility as part of the WIS 23 project.
Riverside Hunting and Fishing Club 10/25/02	Strongly encouraged the preservation of existing farm and farmland as well as natural areas. Supported using the existing right of way corridor.
Sheboygan County Conservation Association 9/5/02	Strongly encouraged the preservation of existing farms and farmland as well as protection of the natural areas by selecting the route that most completely stays within the existing right of way corridor.
Menominee Indian Tribe of Wisconsin 9/3/02	The tribe is interested in the archaeological and historical surveys of this project along with any ground-disturbing activity. A literature search will not be accepted by the tribe as an archaeological survey.
Iowa Tribe of Oklahoma 6/21/02	The Tribe has no comment on the proposed project because its Historical Preservation Office has determined the project does not fall within the historic lands of the Iowa Tribe.
Sheboygan County Chamber of Commerce 5/26/02	The Chamber supports the improvement of WIS 23 from its current two-lane status to four lanes. Would like DOT to complete a feasibility study on each of the primary options, including a cost analysis for each potential corridor being considered. Before the Chamber can select any one alternative over another, it needs further information or cost figures. Also believes it may not be practical to incorporate expressway status at this time.

7.4 AGENCY COORDINATION

In cooperation with the FHWA, WisDOT has followed the NEPA/404 process for concurrency. This process began with Regulatory Agency coordination USACE, USF&WS, and USEPA along with state review agencies and Native American tribes. In addition to the meetings described below, further coordination occurred between WisDOT and participating agencies throughout the EIS process. See Table 7.4-1 for a summary of coordination with the regulatory and participating agencies. For earlier correspondence and meeting minutes, refer to the DEIS.

A. Agency Scoping Meetings

1. Meeting of July 2, 2002

All agencies described above were invited to this initial Agency Scoping Meeting.

WisDOT described the Purpose and Need of the WIS 23 Environmental Study and provided the developed alternatives to date. Invitations to participate in field reviews were given.

2. Meeting of December 10, 2003

This meeting was held to discuss any agency concerns about the EIS, the Purpose and Need of the project, and the alternatives being studied. Concerns about the Segment B cedar/hardwood wetlands and the Ice Age Trail Crossing were further discussed. Suggested solutions and steps were outlined to help address these areas of concern in cooperation with those involved.

3. Meeting of April 21, 2005

This meeting was held to discuss concurrence of the preferred corridor. The project history along with the Preferred Alternative 1 was presented. WisDOT will acquire right of way for the ultimate four lanes but will conduct a feasibility study of using passing lanes as an interim project. The WDNR expressed concern that a large group at the public hearing was against the 4-lane project. Passing lanes were also discussed.

4. Meeting of November 5, 2007

This field review meeting was held to discuss the US 151 corridor, including the US 151/WIS 23 system interchange. System interchange Options 23-1, 23-2, and 23-7 were discussed. Discussion related to the WisDOT wetland mitigation bank and Niagara Escarpment.

5. Meeting of March 2, 2010

This meeting was held to discuss Agency concerns with the 2009 SDEIS. Comments were received relating to wetland impacts, the Old Plank Road Trail, the US 151/WIS 23 system interchange, and the air quality and streams factor sheets. Comments relating to the 2009 SDEIS were also received in letters from the individual agencies.

Table 7.4-1 Agency Coordination Summary

Agency	Coordination	Comments
Federal Highway Administration (FHWA)	<p>Notice of Intent (NOI) for an Environmental Impact Statement.</p> <p>DEIS Notice of Availability.</p> <p>December 19, 2006—FHWA and the Federal Transit Administration.</p> <p>June 8, 2009—FHWA signs MOA between FHWA and SHPO.</p> <p>December 23, 2009—FHWA signs 2009 SDEIS.</p> <p>June 3, 2010—FHWA signs 2010 FEIS.</p> <p>September 27, 2010—FHWA signs Record of Decision.</p> <p>January 19, 2012—Notice of Intent to prepare limited scope Supplemental Environmental Impact Statement.</p> <p>March 5, 2013—FHWA signs revised MOA between FHWA and SHPO.</p> <p>June 28, 2013—FHWA sends email to SHPO regarding Section 4(f) status of Sippel Archaeological Site.</p> <p>July 8, 2013—FHWA signs 2013 LS SDEIS.</p>	<p>Published in the <i>Federal Register</i> on November 24, 2003.</p> <p>Published in the <i>Federal Register</i> on December 3, 2004.</p> <p>Provided positive conformity determination for the Conformity Analysis of the year 2035 Sheboygan Area Transportation Plan (SATP) and the 2007-2010 Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP).</p>
State Historic Preservation Office (SHPO)	<p>September 18, 2007—SHPO signed Section 106 Form.</p> <p>May 8, 2009—E-mail correspondence between SHPO and WisDOT.</p> <p>July 15, 2009—SHPO signs MOA between FHWA and SHPO.</p> <p>August 16, 2010—Wisconsin Historical Society (not SHPO division) requests direct access onto WIS 23 for the Old Wade House State Park.</p> <p>December 6, 2012—Revised Determination of Eligibility for St. Mary's Springs Academy approved.</p> <p>March 19, 2013—SHPO signs revised MOA between FHWA and SHPO removing provisions for St Mary's Springs Academy.</p>	<p>E-mail between WisDOT and SHPO documents the coordination with SHPO for the St. Mary's Springs Academy <i>de minimis</i> finding.</p>

Agency	Coordination	Comments
Advisory Council on Historic Preservation	<p>April 28, 2009—Letter from ACHP to WisDOT.</p> <p>February 18, 2014—Letter from ACHP to WisDOT</p>	<p>Letter indicates that <i>Criteria for Council Involvement in Reviewing Individual Section 106 Cases</i> (36 CFR Part 800) does not apply.</p> <p>Received copy of amended MOA.</p>
Wisconsin Department of Natural Resources (DNR)	<p>No comments on the project's Purpose and Need. Concurrence for the Alternatives carried forward for study on March 11, 2004. Also met about the IAT crossing and concurred on March 11, 2004.</p> <p>The WDNR was strongly in favor of Alternative 1 as stated in letters dated January 30 and 31, 2005, and February 7, 2006.</p> <p>Comment on Ice Age Trail and Equestrian Trail routing alternatives at WIS 23 underpass in May 17, 2006 letter.</p> <p>June 13, 2008 Commitment by WisDOT to provide replacement lands for impacts to the Kettle Moraine State Forest was signed by WDNR.</p> <p>The WDNR was strongly in favor of US 151/WIS 23 system interchange 23-1 or 23-2 over other alternatives as stated in its letter from June 11, 2009.</p> <p>In a March 18, 2010 letter, the WDNR provided comments on the 2009 SDEIS.</p> <p>The WDNR expressed concerns about the proposed Hillview Road overpass in an April 21, 2010 e-mail.</p> <p>July 18, 2011 and August 10, 2011—Field reviews.</p> <p>April 18, 2013—Coordination email regarding Threatened and Endangered Species.</p> <p>May 30, 2013—<i>De Minimis</i> coordination letter regarding the Kettle Moraine State Forest.</p>	<p>Alternative 1 is the most desirable of the alternatives in this study. Segment B in Alternatives 2, 4, and 6 pass through a wetland area of concern. This area has been shifted and narrowed in cooperation with WDNR to avoid as much impact as possible for these alternatives.</p> <p>The WDNR specified changes or additions it would like made to the DEIS in the January 31, 2005 letter.</p> <p>The WDNR prefers trail route Alternative 2.</p> <p>The WDNR prefers US 151/WIS 23 system interchange 23-1 or 23-2.</p> <p>Comments focused on wetland impacts and mitigation. The WDNR also suggested clarifying the Purpose and Need with respect to the Old Plank Road Trail.</p> <p>WDNR requested a cul-de-sac on Hillview Road south of WIS 23. WDNR feels this is warranted because of the proximity of the Mullet Creek Wildlife Area, the history of the road flooding, for the safety of hunters that use the area, and the need to protect wildlife that crosses Hillview Road.</p> <p>Field reviews for new wetland delineation</p>
Department of Agriculture, Trade, and Consumer Protection (DATCP)	<p>Deferred writing of Agricultural Impact Study (AIS) until preferred alternative is chosen. General Comment letter on Alternatives received on December 10, 2003.</p> <p>Asks WisDOT questions about the DEIS in a letter dated December 29, 2004. Felt the DEIS provided inadequate information about farm properties and operations in a letter dated February 9, 2005.</p> <p>Prefers Alternatives 1 or 2, stated in a letter dated February 22, 2005.</p> <p>October 17, 2006 Agricultural Impact Statement (AIS).</p>	<p>Preference is No-Build. At this time, regarding corridors being studied, Alternative 3 is the route of choice because of the smaller impacts to farm operations and the related building. This information is reflected in the General Comment letter received December 10, 2003.</p> <p>Feels there are ambiguities in the DEIS. Inadequate information about farm properties and operations. DATCP does not believe the DEIS holds enough information to prove an expansion is necessary.</p> <p>Prefers Alternatives 1 or 2, dated February 22, 2005, but because of a lack of information, cannot make a recommendation between the two.</p> <p>AIS completed and includes 11 recommendations.</p>

Agency	Coordination	Comments
<p>U.S. Army Corps of Engineers (USACE)*</p>	<p>March 2010–Update to Agricultural Impact Statement</p> <p>Concurred on the project’s Purpose & Need and the Alternatives carried forward for study on March 12, 2004.</p> <p>On February 14, 2006, concurs with the Preferred Alternative and states it will satisfy NEPA and the 404 permit review.</p> <p>Provided comments on the 2009 SDEIS in a letter dated March 9, 2010.</p> <p>July 22, 2010–Provided 3 comments to 2010 FEIS. Concurred with Purpose and Need, range of alternatives, and preferred alternative.</p> <p>August 22, 2012 and November 6, 2012–Coordination regarding potential wetland mitigation sites in field visit.</p> <p>June 27, 2013–Letter sent to USACE as a cooperating agency notifying them of the preparation of a LS SEIS.</p> <p>September 26, 2013–Letter received from USACE with eight comments, two regarding the Old Plank Road Trail extension.</p> <p>November 14, 2013–Letter sent to USACE describing Purpose and Need and alternatives considered for Old Plank Road Trail extension. This information is included in Sections 1.3 and 2.5 of this LS SFEIS/ROD.</p> <p>January 27, 2014–USACE sends letter stating they concur with Purpose and Need, range of alternatives, and the Preferred Alternative.</p>	<p>No preference on an Alternative at this time. USACE remains concerned with the magnitude of the potential aquatic resource impacts associated with all of the alternatives.</p> <p>No comments were received on the DEIS.</p> <p>Comments were related to refining the Purpose and Need, wetland impacts, mitigation impacts, current updates, stormwater, and utilities.</p> <p>Primary comments were related to the Purpose and Need and alternatives considered for the Old Plank Road Trail extension.</p>
<p>U.S. Department of the Interior, Fish and Wildlife Service (F&WS)*</p>	<p>Concurred on the project’s Purpose & Need on September 2, 2003. Concurrence for the Alternatives carried forward for study on December 8, 2003. Also met about the IAT crossing and concurred on March 31, 2004.</p> <p>Concurred with the selection of Alternative 1 as the preferred corridor on May 5, 2004.</p> <p>Letter dated March 8, 2010 stated that there are no additional comments for the 2009 SDEIS.</p> <p>Letter dated July 28, 2010 stated that there are no additional comments for the 2010 FEIS.</p>	<p>USF&WS has no preference on any alternatives at this time. However, minimizing the affects of wetland and habitat impacts was a concern. USF&WS also participated in the Ice Age Trail meetings and on the location and type of crossing. They would like to see the crossing wide enough to encourage wildlife to use it.</p> <p>Ultimately concurred with Alternative 1 and also supports the evaluation of four-lane highways and passing lanes in the corridor. No comments were received on the DEIS.</p> <p>Reference made to DEIS comment to avoid riparian areas, forested wetlands, and other rare or highly sensitive areas to the extent possible.</p>
<p>U.S. Environmental Protection Agency (EPA)*</p>	<p>Concurred on the project’s Purpose & Need and the Alternatives carried forward for study on March 15, 2004.</p>	<p>No preference on an Alternative at this time. The EPA is concerned with the white cedar wetland in Alternative 2. In addition, the EPA recommends wetland avoidance as much as possible for all of the alternatives.</p>

Agency	Coordination	Comments
	<p>Rated all alternatives as EC-2 and recommended Alternatives 1 or 2 be selected as the preferred on January 20, 2005. Concurred with the selection of Alternative 1 as the preferred corridor on May 13, 2005.</p> <p>Provided comments on the 2009 SDEIS in a letter dated March 11, 2010.</p> <p>Provided comments on the 2010 FEIS in a letter dated July 21, 2010</p> <p>Provided comments on LS SDEIS in a letter dated September 9, 2013</p>	<p>The USEPA did not find conclusive evidence to show a clear preference between Alternatives 1 and 2.</p> <p>Comments were related to wetlands, water quality, air quality, upland habitat, noise, and cumulative impacts.</p> <p>Commented on bridge structure discrepancy for Mullet River, wetland delineation and mitigation, avoiding Old Wade House wetlands, and clean diesel initiatives.</p> <p>Issues a Lack of Objective rating and requests clarification on Mullet River structure as well as bottomless structure.</p>
U.S. Department of the Interior, National Park Service (NPS)	<p>NPS participated in the Ice Age National Scenic Trail (NST) meetings and concurred on the location and type of crossing on Jan 28, 2004.</p> <p>Concurred with the FHWA and WisDOT about 4(f) properties and measures to minimize on April 12, 2005. Support construction of an underpass for users of the NST and State Equestrian Trails. Prefer the alternative of two bridges rather than a box culvert for the underpass, May 3, 2006.</p> <p>Concur with de minimis impact finding for the Ice Age Trail and support the design of the project to include slab-span bridges, November 21, 2007.</p>	<p>Feels the trail needs to be separated.</p> <p>The NPS recommends Alternative 1 or 2 because they impact fewer habitats.</p> <p>The November 21, 2007, letter was provided with the 4(f) Evaluations in Section 5 of this LS SFEIS/ROD.</p>
U.S. Department of the Interior, Office of the Secretary	<p>In a letter dated March 9, 2010, the Department provided concurrence with the Section 4(f) evaluations and findings provided in the 2009 SDEIS.</p>	
Natural Resource Conservation Service	<p>February 20, 2013—Farmland conversion impact rating.</p>	

*NEPA/404 Process Coordinating Agency

B. Agency Concurrence Process

As part of the NEPA process for concurrence, WisDOT sent a series of three letters to the agencies requesting concurrence on the Purpose and Need, corridors to be studied, and for the selected corridor. The first point of concurrence letter was sent to review agencies July 24, 2003. This letter requested review by the agencies of the project's Purpose and Need. WisDOT asked for a reply within 30 days. The second request for concurrence letter was sent to review agencies November 10, 2003. WisDOT gave the agencies information to help them review the corridors and requested concurrence for the corridors to be studied. WisDOT asked for a reply within 30 days. The third and final concurrence point was requesting concurrence for the selected corridor. The letter was sent on April 20, 2005, and recommended Alternative 1, which is staying along the existing highway.

C. Agency Comments and Responses for 2004 DEIS, 2009 SDEIS, and 2013 LS SDEIS

The DEIS and 2009 SDEIS for this project included copies of agency correspondence and minutes from various agency meetings. WisDOT made efforts to address any agency comments and requests within the DEIS and 2009 SDEIS. Since the DEIS and 2009 SDEIS were published, WisDOT has continued to coordinate with agencies. Formal agency letters commenting on the DEIS, 2009 SDEIS, and the Preferred Alternative have been summarized and addressed in the following section. Copies of these formal letters are included at the end of Section 6 of the 2010 FEIS.

DEIS Comments:

Agency	Letter Date
1. United States Army Corp of Engineers	3/12/04
2. United States Fish & Wildlife Service	5/5/05
3. United States Environmental Protection Agency	5/13/05
4. United States Environmental Protection Agency	1/20/05
5. United States Department of Interior	4/12/05
6. United States Army Corp of Engineers	2/14/06
7. Department of Agriculture, Trade, and Consumer Protection	2/09/05
8. Department of Agriculture, Trade, and Consumer Protection	2/22/05
9. Wisconsin Department of Natural Resources	1/30/05
10. Wisconsin Department of Natural Resources	1/31/05
11. Bay Lakes Regional Planning Commission	No Date (comment sheet)
12. National Park Service	5/3/06

2009 SDEIS Comments:

Agency	Letter Date
13. Sheboygan County Planning Department	2/8/10
14. United States Department of Interior, Fish & Wildlife Service	3/8/10
15. United States Army Corp of Engineers	3/9/10
16. United States Department of Interior, Office of the Secretary	3/9/10
17. United States Environmental Protection Agency	3/11/10
18. Wisconsin Department of Natural Resources	3/18/10

2010 FEIS Comments:

Agency	Letter Date
19. United States Environmental Protection Agency	7/21/10
20. United States Army Corp of Engineers	7/22/10
21. United States Department of Interior, Fish & Wildlife Service	7/28/10
22. Wisconsin Historical Society	8/6/10
23. United States Environmental Protection Agency	8/24/10

2013 LS SDEIS Comments:

Agency	Letter Date
24. Stockbridge-Munsee Tribal Historic Preservation Office	8/16/13
25. United States Environmental Protection Agency	9/09/13
26. Fond du Lac County Board	9/18/13
27. United States Army Corps of Engineers	9/26/13
28. Bad River Band of Lake Superior Tribe of Chippewa	9/19/13
29. Bay Lakes Regional Planning Commission	No Date (comment sheet)
30. United States Army Corps of Engineers	1/27/14
31. Advisory Council on Historic Preservation	2/18/14

1. United States Army Corps of Engineers

In a letter dated March 12, 2004, the **USACE** commented on portions of the DEIS. The **USACE** concurs with the Purpose and Need and the highway alignment alternatives selected for future review. Concern was raised because of the magnitude of the potential aquatic resource impacts associated with the alternatives.

2. United States Fish and Wildlife Service

WisDOT did not receive comments on the DEIS from the USF&WS. The USF&WS letter dated May 5, 2005, addressed the final concurrence for the proposed expansion of WIS 23. The agency concurred with the selection of Alternative 1 as the preferred corridor for study in the EIS. It also supported the evaluation of the feasibility of constructing the highways as a 4-lane highway as well as the possibility of constructing passing lanes in the corridor.

3. United States Environmental Protection Agency

The USEPA letter dated May 13, 2005, was in response to WisDOT requesting preferred alternative concurrence for additional highway capacity on WIS 23. The USEPA commended WisDOT for studying the possibility of passing lanes because it may decrease the impacts from this project in the short-term. The USEPA gave its concurrence for Alternative 1 being chosen as the Preferred Alternative in the WIS 23 project.

4. United States Environmental Protection Agency

The USEPA letter dated January 20, 2005 addressed comments on the DEIS for WIS 23. The USEPA rated all the Alternatives (1, 2, 3, 4, 5 and 6) as EC-2, Environmental Concerns/Insufficient Information. The USEPA recommends Alternative 1 or 2 be selected as the Preferred Alternative because they impact fewer wetlands and farmland. The USEPA also feels the information provided in the 2004 DEIS was not conclusive enough to show a clear preference between Alternative 1 and 2. The USEPA also encourages the use of native species.

5. United States Department of the Interior

The United States Department of the Interior (DOI) letter dated April 12, 2005, notified WisDOT that the DOI had reviewed the DEIS and Section 4(f) Evaluation for the WIS 23 project. The DOI concurred with the FHWA and WisDOT that there was no other feasible alternative which would result in significant impacts to the two eligible Section 4(f) properties. It also concurred that all measures to minimize harm to the property have been employed through the consultation with the affected agencies. The DOI also supported the recommendations made by the USF&WS that Alternatives 1 and 2 result in fewer impacts to habitat.

6. United States Army Corps of Engineers

WisDOT did not receive comments on the DEIS from the USACE. However, a representative of the USACE sent an e-mail on February 14, 2006, stating that he approves of the recommended alternative and that it will be satisfactory for the NEPA and 404 permit review.

7. State of Wisconsin Department of Agriculture, Trade, and Consumer Protection

The DATCP letter dated February 9, 2005, commented on the DEIS. DATCP felt the information available to assess impacts on individual farm properties and operations was inadequate. Because this information was inadequate, DATCP felt it was difficult to choose a preferred alternative. The letter also discussed issues from the DEIS such as farm displacement, choice of preferred route, project need, safety issues, access points, and economic development benefits.

8. State of Wisconsin Department of Agriculture, Trade, and Consumer Protection

The DATCP letter dated February 22, 2005, thanked WisDOT for the opportunity to comment on the DEIS. DATCP reminded WisDOT that it did not believe the DEIS demonstrates that a four-lane facility is required to meet the stated needs of the project. However, because of the request by WisDOT to recommend a build alternative, DATCP recommends against Alternative 3 because of the number of acres of farmland that would be affected under this alternative. The agency prefers alternative 1 or alternative 2 over alternative 3. Because of a lack of detailed information regarding farm-building displacements, DATCP cannot make an informed recommendation between the two alternatives.

9. State of Wisconsin Department of Natural Resources–Oshkosh

The WDNR letter dated January 31, 2005, notified WisDOT that it had received and reviewed the DEIS. The letter included comments of what the agency would like to see added to each section in the final EIS.

10. State of Wisconsin Department of Natural Resources–SE Region

The WDNR letter dated January 30, 2005, provided comments on the DEIS. The WDNR **was** strongly in favor of Alternative 1, keeping the expansion on the existing alignment. The WDNR **was** opposed to Alternative 2 because of its higher level of adverse effects on wetlands, wildlife habitat, and agricultural land. The WDNR **did** not recommend Alternatives 3, 4, 5, and 6.

11. Bay Lakes Regional Planning Commission

The Bay Lakes Regional Planning Commission (BLRPC) provided comments on the DEIS. The comments **were** related to the air quality Factor Sheet and discussion, the definition of Fond du Lac County as a metropolitan county, and possible analysis of the Hispanic population in the document.

12. National Park Service

The NPS letter dated May 3, 2006, supported two bridges rather than a box culvert for the Ice Age Trail and State Equestrian Trail underpass. The NPS letter recommended keeping the horse trail separate from the hiking trail through the underpass and clearly marking the appropriate trails.

13. Sheboygan County Planning Department

The WisDOT received an e-mail dated February 8, 2010, from the Sheboygan County Planning Department with comments on the **2009** SDEIS. The Sheboygan County Planning Department commented on safety, traffic projects used, Old Plank Trail, Greenbush trailhead, and WIS 23 access and local road changes that could impact emergency response times.

14. United States Fish and Wildlife Service

The WisDOT received a letter from the USF&WS with comments on the **2009** SDEIS. The USF&WS letter dated March 8, 2010, stated there were no additional comments after the review of the **2009** SDEIS.

15. United States Army Corps of Engineers

The WisDOT received comments on the **2009** SDEIS from the **USACE** in a letter dated March 9, 2010. Comments were provided based on a corridor-level study pursuant to NEPA and do not presume agreement with build design plans. Comments related to wetlands, right of way impacts, mitigation commitments, updated Section 303(d) list, cumulative impacts, the use of fill from borrow sites, stormwater, and utility relocation.

16. United States Department of the Interior, Office of the Secretary

The FHWA received a letter dated March 9, 2010, from the DOI. The letter indicated that the DOI had reviewed the **2009** SDEIS and provided concurrence with the Section 4(f) Evaluations and findings in the **2009** SDEIS.

17. United States Environmental Protection Agency

The WisDOT received comments on the **2009** SDEIS from the USEPA in a letter dated March 11, 2010. Comments were provided on wetlands and water quality, air quality, upland habitat, noise, and cumulative impacts.

18. State of Wisconsin Department of Natural Resources–SE Region

The WisDOT received comments on the **2009** SDEIS from the WDNR in a letter dated March 18, 2010. Comments were provided on wetlands for the Old Plank **Road** Trail, the Purpose and Need section, and corridor wetlands.

19. The United States Environmental Protection Agency

WisDOT received comments on the 2010 FEIS from USEPA in a letter dated July 21, 2010. USEPA stated its SDEIS comments were primarily addressed in the 2010 FEIS. It asks for clarification on the type of structure that will be used for the Mullet River. It requested that measures be taken to avoid Old Plank Road Trail extensions impacts to the Old Wade House State Park wetland mitigation site. It also encouraged FHWA and WisDOT to have contractors use clean diesel initiatives.

20. The United States Army Corps of Engineers.

WisDOT received comments from USACE in its letter of July 22, 2010. In that letter, USEPA concurred with the project Purpose and Need, the Range of Alternatives, and the Preferred Alternative. USEPA expects additional coordination regarding delineation of wetland impacts, compensatory mitigation, and identifying resources within borrow areas and utility relocations.

21. The United States Fish and Wildlife Service

In its letter dated July 28, 2010, USF&WS indicated it had no additional comments beyond those submitted in the January 5, 2004 correspondence.

22. The Wisconsin Historical Society

In an August 6, 2010 letter, the Wisconsin Historical Society requested that the Old Wade House State Park have direct access onto WIS 23 and provided details on how they would like that access to occur.

23. The United States Environmental Protection Agency

In an August 24, 2010 e-mail, USEPA thanked WisDOT for resolving the Mullet River culvert discrepancy and asked that the ROD clearly describe the proposed culvert extension for the Mullet River.

24. Stockbridge-Munsee Tribal Historic Preservation Office

In an August 16, 2013 letter, the tribe indicates that the project is within Mohican territory but the tribe is not aware of any cultural sites within the project area.

25. The United States Environmental Protection Agency

In its letter dated September 9, 2013, USEPA assigned a Lack of Objection (LO) rating. USEPA also requested that more clarification be provided in the LS SFEIS regarding the Mullet River culvert extension. USEPA also reserves the right to provide further comment during the Section 404 permit process.

26. Fond du Lac County Board

On September 18, 2013, the Fond du Lac County Board passed a resolution supporting WisDOT's proposal to design and construct a 4-lane facility on WIS 23 from Plymouth to Fond du Lac.

27. The United States Army Corps of Engineers

In its letter dated September 26, 2013, USACE presented eight comments on the LS SDEIS primarily regarding temporary and permanent impacts to wetlands. The comments include needing more information to justify the extension of the Old Plank Road Trail extension and more information regarding the range alternatives considered for the Old Plank Road Trail extension.

28. Bad River Band of Lake Superior Tribe of Chippewa Indians

In its letter dated September 19, 2013, the tribe requests \$650 for review processing fees.

29. Bay Lakes Regional Planning Commission

In a Public Information Meeting comment form, BLRPC indicated disappointment in the delay of the project and requests notification if further delays are anticipated.

30. The United States Army Corps of Engineers

In USACE's letter dated January 27, 2014, they concurred with the project Purpose and Need, range of alternatives considered, and the Preferred Alternative.

31. Advisory Council on Historic Preservation

The ACHP acknowledges receipt of the amended MOA in their February 18, 2014 letter.

The following table summarizes the comments received for the 2004 DEIS from the reviewing agencies and responds to each set of comments.

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
DATCP 2 DATCP 3 EPA 1	<p>Recommends Alternatives 1 or 2 because there are fewer wetland and farmland impacts; however Alternatives 3-6 have fewer historical and relocation impacts. Opposed to Alternative 3 because it creates more habitat loss and affects the greatest amount of farmland.</p> <p><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i></p>
DOI 7 DOI 14	<p>Supports the selection of Alternatives 1 or 2 because they would result in fewer habitat impacts.</p> <p><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i></p>
USFWS 1 EPA 25 WDNR 3 USACE 1	<p>Concurs with the selection of Alternative 1 as the preferred corridor for study in the WIS 23 FEIS.</p> <p><i>Comment acknowledged. Preferred alternative recommends Alternative 1.</i></p>
EPA 2	<p>Information is not conclusive enough to show a clear preference between alternatives 1 and 2. Impacts to higher quality wetlands, associated stream/floodplain, and upland habitat appear to factor into the selection of a preferred alternative.</p> <p><i>Comment acknowledged. Cumulative environmental and water quality/habitat altering impact considerations factored into the selection of the on-alignment Alternative 1. Similarly, with Alternative 2, the potential loss of existing roadway and right of way infrastructure and the fragmentation of habitats by this alignment makes it less desirable. The minor difference in wetland impacts did not offset other impacts with Alternative 2. Factor Sheet F –Wetlands of the 2009 SDEIS.</i></p>
EPA 3 EPA 5 EPA 6 EPA 7	<p>Suggests more information on water quality and wetlands in the FEIS such as adding a table summarizing the wetland acreage impacts by type for each alternative and using an Excel spreadsheet in adding the wetland acreages. Also clearly describe how wetland areas were identified and if a delineation was performed.</p> <p><i>Comment acknowledged. A revised Wetland Impact Table was included as Table 4.6 F-2 in Factor Sheet F of the 2009 SDEIS with wetland impacts listed by type and alignment. Statements regarding wetland quality are typically subjective and were based on collaborative field reviews with WisDOT and WDNR staff. Quantitative information regarding stream or water quality is based on 303(d) designations and other WDNR data sources listed in the text. Subjective field evaluation by WDNR and WisDOT and electronic boundary collection was performed to identify wetland impacts. Impacts are estimated/tallied as those existing within the cumulative 600 feet width of the subject alignment corridors. Final impacts will be based on final design slope intercepts and will generally be less than those estimated.</i></p>
EPA 4	<p>Suggest locating mitigation sites where they will be hydrologically and ecologically successful over time. To avoid problems, must be in locations unlikely to be disturbed by primary or secondary effects of future land use.</p> <p><i>Comment acknowledged. Mitigation sites will be evaluated to provide for the most suitable hydrological and ecological locations and habitats. Replacement in-kind will be the primary effort with attention being paid to buffering and other techniques to protect prime habitat or improve upon degraded conditions that may already exist or could develop based on primary or secondary effects of future land use.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
EPA 8 EPA 9	<p>Suggest developing documentation for future 404 requirements for permitting the preferred alternative. This permit can only be issued to the least environmentally damaging practicable alternative.</p> <p><i>Comment acknowledged. Section 404 permitting information was added to Factor Sheet F of the 2009 SDEIS. Environmentally appropriate design and documentation of avoidance, minimization and mitigation according to the DOT/WDNR liaison process will be documented during final design and suitable mitigation will be provided by using the 2002 Revision to the interagency WisDOT Wetland Mitigation Banking Technical Guidelines.</i></p>
EPA 10 WDNR 9	<p>Questions whether the mitigation site on Alternative 1 have been clearly depicted in the DEIS. Recommends making the mitigation language more generic, such as "Mitigation may be provided by the creation of..."</p> <p><i>Comment acknowledged. Mitigation language has been revised in Factor Sheet F of the 2009 SDEIS. The previously constructed WisDOT Mitigation Site Northwest of WIS 23 and Pit Road has been depicted on project mapping (Figures K-2 and F-3 of the 2009 SDEIS). Impacts to wetland land holdings at the Old Wade House will be avoided. Coordination with the USACE indicates the ability to avoid the previously constructed WisDOT mitigation site should assist in maintaining and advancing Alternative 1 as a preferred alternative.</i></p>
EPA 11	<p>The FEIS should include some of the approaches being considered for the final wetland mitigation plan.</p> <p><i>Comment acknowledged. The preliminary wetland mitigation plan utilized screening practices typical of WisDOT guidance and wetland restoration science to identify that there are adequate lands within 2.5 to 5 miles of the center line of WIS 23 to provide the necessary mitigation. See revisions/additions to Factor Sheet F and Section 5 of the 2009 SDEIS.</i></p>
EPA 12	<p>The Natural Environment Maps show various natural areas. Impacts to these areas should be clarified with a summary table.</p> <p><i>To avoid complication or inappropriate references to actual WDNR "State Natural Areas," the description of jointly (WisDOT/WDNR) reviewed and identified corridor habitat or natural areas shall be referred to as corridor specific "Natural Resource Areas." These natural resource areas have been added to the list of affected wetlands (Table 4.6 F-1 of the 2009 SDEIS).</i></p>
EPA 13	<p>Recommend indicating if there are any waters in the study area in the latest WDNR Clean Water Act Section 303(d) list of impaired waters and the reason(s) for their impairment. Questions how these water bodies will be affected by the proposed project.</p> <p><i>A portion of the Sheboygan River is on the 2012 approved 303d List of Impaired Waters due to contaminated sediments. The segment of the river on the 303d list is from river mile 0 to river mile 13.58 and is not in the corridor study area. See Section 3.4 B and Factor Sheet G of the 2009 SDEIS.</i></p>
EPA 14	<p>Suggests bridging all water bodies and their associated floodplains and that it is not clear in the DEIS which areas will be bridged.</p> <p><i>A bridge will be used for the Sheboygan River crossing and culverts will be used for the Mullet River crossing and the wetland area between Pit Road and Triple T Road. See revisions in the environmental evaluation matrix (part G) and Factor Sheet G-Mullet River of the 2009 SDEIS.</i></p>
EPA 15	<p>Would like the FEIS to be more specific about how storm water will be managed near sensitive areas such as culverts and bridges.</p> <p><i>See revisions to Environmental Evaluation Matrix. Specific BMPs that are typically used to projects similar to WIS 23 were described in the environmental evaluation matrix and on Factor Sheet K of the 2009 SDEIS.</i></p>
EPA 16	<p>Recommends the FEIS includes the results of the regional transportation conformity analysis as well as information on the carbon monoxide microscale analysis.</p> <p><i>This project is exempt from a microscale analysis for the reasons stated in the Environmental Evaluation Matrix (Sheet L). The conformity analysis was performed by Bay Lake RPC and the results were described in Factor Sheet L as well as in Appendix L of the 2009 SDEIS.</i></p>
EPA 17	<p>Would like more detail on the areas of upland habitat disturbance.</p> <p><i>Impacts of the preferred alternative have been reevaluated during preliminary design. The impact evaluation matrix and Factor Sheet I were updated.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
EPA 18	<p>Recommend coordination with the USF&WS to determine where upland mitigation would be most beneficial.</p> <p><i>WisDOT will coordinate with USF&WS to identify important forest resources and will try to minimize impacts. Factor Sheet I and Section 5 of the 2009 SDEIS.</i></p>
EPA 19	<p>Would like a summary table of how many households will be affected by noise in the future for each alternative.</p> <p><i>The noise analysis has been revised and a list of affected households was included in the Environmental Evaluation Matrix(part N) as well as Factor Sheet N of the 2009 SDEIS.</i></p>
EPA 20	<p>The EPA was unable to locate Factor Sheet J in the DEIS.</p> <p><i>Erosion control is addressed in the Environmental Matrix. A Factor Sheet J is not needed and was not included in the 2009 SDEIS document.</i></p>
EPA 21	<p>Recommends adding more information to the "Implementation" section of Factor Sheet N along with other strategies that will be considered to address noise levels above federal criteria.</p> <p><i>Additional information on implementation was added to Factor Sheet N of the 2009 SDEIS.</i></p>
EPA 22	<p>Please include a clearly labeled Cumulative Impacts section in the FEIS containing an analysis of how past, present, and future actions (federal and nonfederal) have impacted the same resources that this project is impacting.</p> <p><i>Section 4.4 of the 2009 SDEIS.</i></p>
EPA 23	<p>Recommends providing specifics for avoiding hazardous materials for the preferred alternative.</p> <p><i>Factor Sheet R of the 2009 SDEIS was revised to provide more information on protocol for addressing hazardous materials sites.</i></p>
WDNR 1 WDNR 2 WDNR 16	<p>Concerned constraints on the Purpose and Need are outdated and prohibit less environmentally damaging alternatives. Request WisDOT consider an additional option, which combines all three of the intermediate options: three-lane highway (passing lanes), Transportation System Management (TSM) techniques, and roadway reconstruction.</p> <p><i>Since publication of the DEIS, WisDOT studied intermediate improvements in a passing lane study (included as Appendix J of the 2009 SDEIS). Both geometric improvements and passing lanes were considered; however, it was determined these options did not meet the Purpose and Need. The projected traffic volumes are such that additional TSM techniques in combination with the passing lanes would still not address the project Purpose and Need for the reasons stated in Section 2 of the 2010 FEIS.</i></p>
WDNR 11 WDNR 13	<p>Requests more information on the 2000 traffic count and on the methodology used to predict the 2003 average daily traffic (ADT) volumes.</p> <p><i>WisDOT's Traffic Forecasting Section updated the traffic counts (year 2003 in Fond du Lac County and year 2005 in Sheboygan County) as well as the traffic forecast (to year 2036). See Section 1.3 of the 2009 SDEIS for more information on the counts and forecasting methodology.</i></p>
WDNR 14	<p>Clarify if the 1997 Fond du Lac area origin/destination (O-D) surveys were completed within the project limits.</p> <p><i>The Fond du Lac O-D survey was conducted on all major highway routes between the City of Fond du Lac and the Fond du Lac Urban Area. The westernmost 3.25 miles of the project corridor are located inside the Fond du Lac O-D survey area.</i></p>
WDNR 15	<p>Define the differences between a connector highway and backbone highway.</p> <p><i>WIS 23 is a connector route. Connector routes are 2- and 4-lane highways that connect key communities and regional economic centers to the Corridor 2020 (now Corridors 2030) Backbone Routes. Backbone routes are a network of key multilane routes that connect major population and economic centers and provide economic links to national and international markets. See Section 1.3 of the 2009 SDEIS.</i></p>
DATCP 13 DATCP 14	<p>Believes that the percentage of through traffic and heavy truck traffic is not significantly higher along the WIS 23 corridor than in the area studied for the 1997 Fond du Lac O-D Survey. There is no evidence presented in the DEIS that the percentage of truck traffic in the WIS 23 traffic stream is increasing over time. Also questions the impact of truck percentage on traffic operations. Also states that trucking cost savings are likely to be marginal.</p> <p><i>Comment acknowledged.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
DATCP 15 DATCP 16	<p>Questions how the forecast traffic volumes for year 2030 were derived and what assumptions when into them. Believes that making traffic and land use projections 30 years into the future is highly speculative.</p> <p><i>Comment acknowledged.</i></p>
WDNR 4	<p>Concerned about Alternative 2 because of its higher level of adverse effects on wetlands, wildlife habitat, and agricultural land, as well as its future land use consequences.</p> <p><i>Comment acknowledged. Alternative 2 was not recommended as the preferred alternative.</i></p>
WDNR 5	<p>Advises against Alternatives 3, 4, 5 and 6.</p> <p><i>Comment acknowledged. The preferred alternative does not recommend Alternative 3, 4, 5, or 6.</i></p>
WDNR 6	<p>Suggests adding “avoid then minimize” in the project Purpose and Need when it refers to the environmental impacts during design and construction.</p> <p><i>Revision made.</i></p>
WDNR 7	<p>Clarify why US 10, WIS 33, and WIS 60 are not also considered major east-west connector routes.</p> <p><i>US 10 is a Corridor 2020 (now Corridors 2030) Route, serving as a backbone from Stevens Point to Appleton and as a two-lane connector from Appleton to I-43. WIS 33 serves as a multilane connector from I-43 to US-41 and as an arterial route west of US-41. WIS 60 is a principal arterial route that provides east-west mobility within the state, but WIS 60 does not experience high enough traffic volumes to be considered a major east-west connector. WIS 23 serves as a multilane, east-west connector south of Lake Winnebago, providing access from Fond du Lac to Sheboygan.</i></p>
WDNR 8	<p>Suggests including environmental impact avoidance language under Environmental Impacts.</p> <p><i>Revision made.</i></p>
WDNR 10	<p>Concerned the title Evaluation of Alternatives is deceiving because it indicates the number of acres of wetland converted to right of way. All wetlands within the right of way will not be permitted to be disturbed as avoidance and minimization during design will occur.</p> <p><i>Clarification made in table. Details regarding the approximation of wetland impacts and avoidance of wetlands beyond the road grading limits are described more fully in the text of the 2009 SDEIS.</i></p>
WDNR 12	<p>Suggests under legislative and transportation planning history, to include a definition of a connector route, also include significance of “Mobility 2000” study in relationship to the WIS 23 project.</p> <p><i>Definition of connector route added to Section 1.3 of the 2009 SDEIS. As an amendment to the 1991-93 state transportation budget, Mobility 2000 outlines a comprehensive, strategic, and balanced transportation agenda including all areas of Wisconsin, urban and rural. It is designed to implement the Corridors 2020 (now Corridors 2030) strategies.</i></p>
WDNR 17	<p>Requesting under the Development of Alternatives to include avoidance language under the second and fourth bullet points. Rephrase the sixth bullet point to clarify that only the approximate boundary of the wetland areas were identified—the wetlands were not delineated.</p> <p><i>Revisions made.</i></p>
WDNR 18	<p>Recommends the figures illustrating the alternatives all have segment labels.</p> <p><i>Comment acknowledged. A schematic graphic showing the original segments was added to Section 2.3 of the 2009 SDEIS.</i></p>
WDNR 19	<p>Recommends in Highway Expansion Along Existing Roadway (Alternative 2), including language that indicates that WisDOT and WDNR have tentatively discussed need for a bridge crossing across the wetland draining into the Cedar Swamp in Segment B.</p> <p><i>Comment acknowledged. Hydrology-altering effects and impacts to wetlands/environmental features/corridors on the alignment will be minimized. Efforts to prevent impacting groundwater recharge areas or impacting/contributing to surface flow alterations of sensitive environments will be addressed during design.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
WDNR 20	<p>Recommends a design of the overpass bridge for WIS 23 (over County K) that will blend well into the Niagara Escarpment.</p> <p><i>WisDOT will attempt to select a bridge design that blends well into the Niagara Escarpment. See revisions in Sections 2 and 5 of the 2009 SDEIS.</i></p>
WDNR 21	<p>Please provide a description of what a Valued Planning Study entails.</p> <p><i>Description was added to Section 2.5 A of the 2009 SDEIS.</i></p>
WDNR 22	<p>Suggests adding the Taycheedah Correctional Institution to the list of Institutions. It is located on County K and is north of WIS 23.</p> <p><i>See the Affected Environment Section for the revision.</i></p>
WDNR 23	<p>Suggests working with the local planning authorities to create a map of projected land uses in 2030 as they relate to this study corridor and include the map in the FEIS.</p> <p><i>As part of the indirect and cumulative effect analysis (see Section 4.4 of the 2009 SDEIS and this LS SDEIS), planned land use maps for municipalities along the corridor were gathered.</i></p>
WDNR 24 WDNR 25	<p>Requesting under Natural Environment and Related Resources (Wildlife) to add the sharp-tailed grouse paragraph to this section. Also concerned about protecting the Blanding's Turtles during construction. Please un-italicize Ellipse because it is a common name, not a scientific name.</p> <p><i>Comments acknowledged. Sharp-tailed grouse and Blanding's turtles were mentioned in the affected environment section of the 2009 SDEIS.</i></p>
WDNR 26	<p>Suggest including under Secondary and Cumulative Effects the statement, "...no known secondary and cumulative effects are expected to occur as a result of this project."</p> <p><i>Indirect and cumulative effects section was updated in the 2009 SDEIS and this LS SDEIS. See Section 4.4 of this LS SDEIS.</i></p>
DATCP 39	<p>Believes there was no discussion in the DEIS of the project-specific factors that might contribute to an increased risk of potential secondary land use impacts to farmland resulting from expansion of WIS 23 highway capacity on this project.</p> <p><i>Indirect and cumulative effects section was updated. See Section 4.4 of the 2009 SDEIS and this LS SDEIS.</i></p>
WDNR 27	<p>Quantify the average timesaving and cost saving this proposed roadway will offer.</p> <p><i>The savings are quantified in the Passing Lane Study completed after the DEIS.</i></p>
WDNR 28	<p>In the Environmental Evaluation Matrix (K. Storm Water Management of the 2009 SDEIS), refer to the Post Construction Standards outlined in TRANS 401.106 and change 0 percent to the appropriate percentage.</p> <p><i>Revisions made.</i></p>
WDNR 29	<p>Suggests that, under Community or Residential Impact Evaluation (Effects on Land Use Plans), the amount of severed farmland also be included in the narrative in the "all build alternatives" section.</p> <p><i>Revision were made to Factor Sheet B, Community or Residential Impact Evaluation of the 2009 SDEIS.</i></p>
WDNR 30	<p>Recommends under Community or Residential Impact Evaluation (Important or Controversial Factors) to note that there may be secondary impacts that result from the proposed trail along WIS 23.</p> <p><i>Revision made.</i></p>
WDNR 31	<p>Questions the definition of displaced under the Economic Development and Business Impact Evaluation. Is this job loss or merely job relocation to accommodate the roadway work?</p> <p><i>Displaced businesses will be provided assistance to relocate to a suitable new location. The resulting impact on job opportunities will vary at the discretion of the business owner.</i></p>
WDNR 32	<p>Italicize "Alasmindonta viridis" because it is a scientific name.</p> <p><i>Revision made.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
WDNR 33	Elaborate on what can be done during design to minimize impacts. Suggest placing this under Streams and Floodplains Impact Evaluation. <i>Revision made.</i>
WDNR 34	Suggests defining or eliminating the phrase, "Water Quality will be monitored during construction." <i>Revision made.</i>
WDNR 35	Note under Stream and Floodplains Impact Evaluation (Unnamed Tributary of the Sheboygan River), that this waterway feeds and intersects the cedar swamp. Add information on threatened and endangered species. Also indicate possibility of a structure being installed under proposed work. <i>Revisions made. This section already refers to installation of appropriate culvert pipe.</i>
WDNR 36 WDNR 37	Under Stream and Floodplains Impact Evaluation (Mullet River), include the detailed stream characteristics information that is currently blank. Expand the discussion under Measures to Minimize Adverse Effects. <i>Revisions made.</i>
WDNR 38	Consider increased wildlife mortality with vehicle collision. <i>Revisions made.</i>
WDNR 39	Under Storm Water Management (Strategy), refer reader to TRANS 401.106 and list some of its highlights. <i>Revisions made.</i>
WDNR 40	The Local WDNR Wildlife Manager requests that, wherever possible, the right of way be re-vegetated with native grasses, wildflowers, and shrub species typical of this landscape. The project is within the Iowa F1 Pheasant restoration Project Area. He also strongly discourages the planting of conifer species such as spruce and red or white pines as they are nonnative species. He also recommends that all disturbed wetlands and mitigation sites be planted with native wetland plant species to minimize the colonization of invasive species. <i>Revisions made to Factor Sheet S and Section 5 of the 2009 SDEIS.</i>
DATCP 1	There is not enough information in the DEIS supporting the need for a four-lane facility. <i>Comment acknowledged. Three-lane analysis in Appendix J of the 2009 SDEIS describes this further.</i>
DATCP 5	The on-alignment option affects the highest percent of prime soil. <i>Comment acknowledged. Alternative 1 impacts other natural resources to a lesser extent.</i>
DATCP 6	Believe that using the terms farm operations and farmsteads interchangeably is inaccurate since the definitions of the words are different. <i>Comment acknowledged. The term "farmstead" was eliminated and changed to farm operations.</i>
DATCP 4 DATCP 8 DATCP 10 DATCP 11	Questions the adequacy of the information provided in the DEIS on impacts to the individual farm operations and farm building displacements. <i>For comparison purposes in the DEIS, WisDOT first estimated impacts to individual farm operations using aerial photography, plat maps, and field observations. Now that a preferred alternative has been selected, WisDOT has updated the Conceptual Stage Relocation Plan. (Also, DATCP has contacted each affected farm owner to make a determination on the actual impact resulting from the preferred alternative. The results are summarized in the Agricultural Impact Statement</i>
DATCP 9 DATCP 7	The Conceptual Stage Relocation Program Plan in the DEIS does not address farm buildings other than farm residences. The proper information on farm relocations needs to be added to the final EIS. It is also important to distinguish between farm buildings and farm residences on maps. <i>The Conceptual Stage Relocation Program Plan was updated. Also, the Agricultural Impact Statement has detailed information on the farm operations.</i>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
DATCP 12	<p>Questions the importance of WIS 23 to regional linkage. WIS 23 already provides regional connectivity and there are also other links provided. Believes the designation of a level of service (LOS) design guideline of "C" for Corridors 2020 (<i>now Corridors 2030</i>), rural Connector routes, rather than the "D" value assigned to rural principal arterials, appears arbitrary.</p> <p><i>Comment acknowledged.</i></p>
DATCP 18 DATCP 19	<p>Concerned that acceptable LOS levels are determined by budgetary, social, and other factors rather than by technical or objective criteria. Additionally, concerned that based on a few peak 15-minute intervals a road may be assigned LOS "D", yet be a LOS "A", "B", or "C" the remaining majority of hours of the day.</p> <p><i>Comment acknowledged.</i></p>
DATCP 20	<p>Feels the subjective nature of driver expectations should be addressed in the FEIS.</p> <p><i>Comment acknowledged.</i></p>
DATCP 21 DATCP 22 DATCP 23 DATCP 24 DATCP 25 DATCP 26 DATCP 32	<p>Believes there was not sufficient evidence from the traffic crash rate and fatality rate data to justify the need for more highway capacity on WIS 23 based on safety issues.</p> <p><i>Comment acknowledged.</i></p>
DATCP 27	<p>Questions whether the density of access points on the WIS 23 corridor should affect the need for capacity expansion. Also suggests that controlling access points could considerably improve safety without the need for a capacity increase.</p> <p><i>Comment acknowledged.</i></p>
DATCP 28 DATCP 17	<p>The "no passing zones" percentages are not consistent in the document.</p> <p><i>Comment acknowledged. Sections have been revised.</i></p>
DATCP 29 DATCP 30 DATCP 31	<p>It was unclear whether any significant economic benefits would accrue to Wisconsin as a result of a WIS 23 expansion.</p> <p><i>Comment acknowledged.</i></p>
DATCP 33 DATCP 34 DATCP 35 DATCP 36 DATCP 37 DATCP 38	<p>It was not clear why various "No-Build" alternatives were not included for further study by the DEIS. Questionable assumptions about future traffic volumes, the dismissal of the Three Lane Roadway option, and using more passing lanes. Should consider expanding highway shoulders, and implementing an access control plan.</p> <p><i>Comment acknowledged.</i></p>
DOI 1 DOI 11 DOI 12	<p>Concur with the FHWA and WisDOT that there is no feasible and prudent alternative to the proposed project, which if built as proposed, would result in significant impacts to the two eligible Section 4(f) properties, the Ice Age Trail and the State Equestrian Trail.</p> <p><i>Comment acknowledged.</i></p>
DOI 2	<p>The department also concurs that all measures to minimize harm to the property have been employed through the consultation with the affected agencies.</p> <p><i>Comment acknowledged. Agencies have continuously been contacted throughout the process.</i></p>
DOI 3 DOI 4	<p>Concerned that incomplete information was presented on consultation with the State Historic Preservation Officer (SHPO) and no letters to or from the SHPO appear in Appendix D of 2004 DEIS, despite the assurances in the evaluation they appear there.</p> <p><i>Correspondence with the SHPO was provided in Section 4.60 of the 2009 SDEIS with the 4(f) and 6(f) Evaluations.</i></p>
DOI 5 DOI 13	<p>The DEIS lacks information on how the Kettle Moraine land will be compensated, both in location and size of the replacement lands. The Department would like to see detail on the compensation for the taking of Section 6(f) lands.</p> <p><i>Factor Sheet O of the 2009 SDEIS discussed the planned improvements to the Ice Age Trail and Equestrian Trail as compensation.</i></p>
DOI 6	<p>The USF&WS recommends that the preferred alternative minimize potential natural resource impacts, particularly those involving very sensitive or rare habitats.</p> <p><i>Comment acknowledged.</i></p>

Table 7.4-2 2004 DEIS Agency Comment Summary

Comment ID	2004 DEIS Comment
DOI 8	In Alternatives section, Ice Age Trail, page II-9. Revise the first sentence under the subheading "Ice Age Trail" to read: "The trail crosses WIS 23 at the Kettle Moraine and is a significant trail, one of the only eight National Scenic Trails, and Wisconsin's only State Scenic Trail." <i>Section revised as requested.</i>
DOI 9	Affected Environment section, Geographical Setting, page III-2. In the fifth sentence, replace "a recessional" with "an interlobate." <i>Revision made.</i>
DOI 10	All Factors section, Unique Area Impact Evaluation, page O-1. The second sentence in the description of the Trail on this page is inaccurate. Revise the sentence to read: "The trail is administered by the NPS in cooperation with the WDNR and Ice Age Park and Trail Foundation." There are hundreds of different owners of the lands on which the trail is located, but at this location, the lands are owned by the WDNR. <i>Section revised as requested.</i>
USFWS 2 EPA 24	Supports the evaluation both of feasibility of constructing the highway as a four-lane highway as well as the viability of constructing passing lanes in the corridor. <i>Further study was conducted of intermediate improvements including passing lanes. This was discussed in Section 2 and also Appendix J of the 2009 SDEIS.</i>
BLRPC-1 BLRPC-2 BLRPC-3	Minor corrections to air quality terminology and a reference to Fond du Lac County was requested. <i>Changes made.</i>
BLRPC-4	Suggests an analysis of the Hispanic population in the document. <i>Comment acknowledged. See Environmental Justice Portions of the Document.</i>
USACE 15	Concurs with the project Purpose and Need. <i>Comment acknowledged.</i>
USACE 16	Concurs with the highway alignment alternatives (1, 2 modified, and 3) selected to be carried into the EIS. <i>Comment acknowledged.</i>
USACE 17	Concerned with the magnitude of the potential aquatic resource impacts associated with the alternatives. <i>Comment acknowledged.</i>

The following table summarizes the comments received for the 2009 SDEIS from the reviewing agencies and responds to each set of comments.

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
SCP 1	The Non-motorized Pilot Program of Sheboygan County Planning (SCP) stated that the 2009 SDEIS does adequately address environmental and social impacts associated with the project. They expressed doubt in WisDOT's traffic projections and feel the project might be able to manage a better balance of efficiency and safety with other options like a TWTL paired with wider paved shoulders. <i>Comment acknowledged. Since publication of the DEIS, WisDOT studied intermediate improvements. The projected traffic volumes are such that additional Transportation System Management techniques in combination with passing lanes would still not address the project Purpose and Need and provide desired services levels. These options were dismissed for the reasons stated in Section 2 of the 2010 FEIS.</i>
SCP 2	It is very positive (good) that WisDOT is planning to purchase the right of way to complete the Old Plank Road Trail into Fond du Lac. <i>Comment acknowledged.</i>

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
SCP 3	<p>Mapping of the portion of Sheboygan County impacted by the 4-lane expansion does not adequately depict the existing Old Plank Road Trail and the new location of the Old Plank Road Trail.</p> <p><i>The existing Old Plank Road Trail will not be impacted. WIS 23 expansion will occur to the north of the Old Plank Road Trail and existing lanes will be used for the eastbound lanes. The Old Plank Road Trail extension west will occur along the south side of WIS 23 to County UU where it will cross to the north side of WIS 23 and continue west.</i></p>
SCP 4	<p>Does the trail need to be relocated since most of the expansion is occurring to the north? WisDOT needs to clearly show the trail and how the relocated Old Plank Road Trail in Sheboygan County will look.</p> <p><i>The existing Old Plank Road Trail will not be impacted and mapping in the 2010 FEIS was revised. WIS 23 expansion will occur to the north and existing lanes will be used for the eastbound lanes.</i></p>
SCP 5	<p>It looks like WisDOT will be impacting the Greenbush trailhead.</p> <p><i>The existing Old Plank Road Trail will not be impacted and the Greenbush trailhead will not be impacted. WIS 23 expansion will occur to the north and existing lanes will be used for the eastbound lanes.</i></p>
SCP 6	<p>Some of the modifications to the roadway, particularly near Greenbush, include stubbing of roads and closing access across WIS 23. This will significantly increase emergency response time.</p> <p><i>The Preferred Alternative will expand WIS 23 to four lanes. Final access to fields, homes, and businesses will be determined during the final design. Emergency response times have been considered with the selection of the Preferred Alternative and associated local road changes. Emergency response will be a factor considered during the final placement of individual property access and median breaks. Text revisions were made in Section 2.6 of the 2010 FEIS.</i></p>
SCP 7	<p>Glad to see WisDOT has taken into account the cultural and environmental sensitivity of the Niagara Escarpment ("ledge") coming down from the kettles into Fond du Lac.</p> <p><i>Comment acknowledged.</i></p>
USFWS 3	<p>Recommend that the final route and design of the highway avoid riparian areas, forested wetlands, and other rare or highly sensitive areas to the extent possible.</p> <p><i>Comment acknowledged.</i></p>
USACE 2 WDNR 42	<p>The Purpose and Need section does not adequately address the additional items included in the 2009 SDEIS. The addition of the pedestrian trail extension would cause significantly more resource losses and wetland impacts.</p> <p><i>The Project Purpose section that discusses coordinating with local land use and transportation plans has been expounded. It specifically discusses addressing the non-motorized travel accommodations components of these plans. Additionally, the Project Need was expanded to discuss the gap in east-west connectivity for non-motorized travel.</i></p>
USACE 3	<p>We respectfully request that a copy of the correspondence previously submitted to you regarding our agency comments on the DEIS (March 12, 2004) be included or summarized in the next iteration of the document.</p> <p><i>The March 12, 2004, correspondence and comments were addressed in the DEIS Agency Comment Summary.</i></p>
USACE 4	<p>The act of describing the environmental consequences of preserving corridor level right of way should not be construed to imply future authorization for impacts. Future interchanges would also need to meet our public interest review and Section 404(b)1 guidelines. Once completed, our agency would need to determine that the project as proposed is the least environmentally damaging practicable alternative (LEDPA) before any DA authorization could be issued.</p> <p><i>Comment acknowledged. WisDOT understands that future impacts of improvements associated with the corridor preservation measures will be subject to NEPA. At that time, the appropriate NEPA document will be prepared for the improvement and will include public review and documentation to satisfy Section 404(b) guidelines.</i></p>

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
USACE 5	<p>The 2009 SDEIS states that representatives from the WDOT and WDNR completed a wetland delineation within the corridor. Please note that our agency will also need to agree that the boundaries established are adequate for our program.</p> <p><i>Comment acknowledged. The wetland review was a corridor study level determination for a broad representation of impacts in the DEIS and 2009 SDEIS. Cooperating agencies will be provided the opportunity to be involved in final field reviews and concurrence during final design.</i></p>
USACE 6	<p>We would recommend that the wetland boundaries be identified along the proposed new access routes and connections. There appears to be little discussion of the environmental consequences of this action in the 2009 SDEIS.</p> <p><i>Comment acknowledged. The wetland review provided a determination and a broad representation of impacts for the DEIS and 2009 SDEIS. Final design efforts will include delineations and a determination of road connections and driveway realignments. This will provide a more defined representation of impacts for permitting. This commitment has been added to Section 5.8 of this document. Additionally, wetlands and impacts associated with access routes and connections were added to Figures F-2 to F-6 and their impacts described in Section 4.6F of the 2010 FEIS.</i></p>
USACE 7	<p>The 2009 SDEIS does not include any wetland information pertaining to temporary wetland impacts or change in wetland type/conversion impacts (e.g., forested to herbaceous) for right of way clear zones, utility crossings, etc. These types of impacts should be considered in the 2009 SDEIS if they have the potential to become relevant in the design phase.</p> <p><i>Comment acknowledged. The wetland impacts described in the 2009 SDEIS conservatively assume all wetlands within the right of way are fully impacted. Actual impacts in clear zones and utility crossings probably will be less than those listed in the 2009 SDEIS. As noted, the wetland review completed was a determination for corridor planning and not a delineation. Temporary impacts and wetland-type conversion will be reduced to the extent possible. The various temporary impacts will be documented in permitting materials. Permanent wetland fill from slope intercept to slope intercept will be determined during design.</i></p>
USACE 8 WDNR 43	<p>USACE: Compensatory mitigation should replace the aquatic functions and values unavoidably lost due to the project. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s) and that it would support the sustainability or improvement of aquatic resources within the same watershed(s).</p> <p>WDNR: Expand the section on wetland compensation to include the possibility of more extensive wetland restoration than the current compensatory mitigation guidance applicable and required for this project alone. Reasons cited include historic transportation wetland losses in Fond du Lac and Sheboygan Counties exceed those that have been restored.</p> <p><i>Comment acknowledged. WisDOT will take all practicable and appropriate steps to ensure that compensatory mitigation is located with the same watershed(s) as the impact site(s) and that it would support the sustainability or improvement of wetland, riparian, or aquatic resources within the same watershed(s). The 2002 Wetland Mitigation Banking Guidelines were being reviewed by the WisDOT/DNR/USACE/USEPA. For the WIS 23 project, WisDOT's mitigation site selection will include pursuit of a consolidation site within the watersheds of this corridor.</i></p>
USACE 9	<p>The 2009 SDEIS references the 2004 Section 303(d) water list.</p> <p><i>The draft 2008 Section 303(d) water list was reviewed. No changes to this list affect information provided in this document. Modifications were made to the Streams and Floodplains Factor Sheets to reference the draft 2008 Section 303(d) water list.</i></p>
USACE 10	<p>The cumulative impacts section includes 20 years of study. Considering that some of the proposed improvements associated with right of way preservation would be implemented at 20 years, is 20 years an adequate time frame to analyze cumulative impacts?</p> <p><i>The 20-year time frame was referenced because that is often the horizon year for area land use plans. However, it can be reasonably assumed that the effects identified in this analysis would continue to be valid after 20 years if local policies and regulations remained generally the same. The described cumulative impacts include the improvements associated with the corridor preservation areas. The text in Section 4.4 of the 2010 FEIS was modified to indicate the longer term nature of the cumulative impact trends.</i></p>

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
USACE 11	<p>We fully understand that your regulations require you to allow contractor(s) to select borrow sites and obtain any permits that may be needed. If off-site fill material is not obtained from a licensed commercial facility, the USACE may be required to evaluate potential impacts and incorporate additional analysis into our administrative record for this project.</p> <p><i>Comment acknowledged. Section 5.5 of the 2010 FEIS describes the conditions and requirements for Material Source and Disposal sites. WisDOT cannot direct contractors on where they acquire materials as stated in 23 CFR, Section 635.407 Use of Materials Made Available by a Public Agency. (a) Contracts for highway projects shall require the contractor to furnish all materials to be incorporated in the work and shall permit the contractor to select the sources from which the materials are to be obtained. WisDOT realizes that because of this, the USACE may be required to evaluate the potential impacts of these borrow sites and incorporate the analysis into their administrative record.</i></p>
USACE 12	<p>Project maps show that right of way is needed for the Old Plank Road Trail beyond the preservation area. Is this area included in estimates of acreage shown as future preservation, or is it included in estimates of acreage required for construction of Old Plank Trail?</p> <p><i>Initially, the right of way area needed for the Old Plank Road Trail will be located adjacent to the right of way needed for the Preferred Build Alternative. When improvements associated with the corridor preservation are implemented, the Old Plank Road Trail will be relocated to the edge of these improvements, which currently is the edge of the corridor preservation area. For the exhibits shown in Figures 2.8-2 through 2.8-14 of the 2010 FEIS, the final location of the Old Plank Road Trail was depicted. Similarly, the right of way impacts allocated to the Old Plank Road Trail are those associated with its final location after the corridor preservation improvements have been implemented.</i></p>
USACE 13	<p>The effects of future design planned stormwater structures that have the potential to result in an increase in right of way should be included in the 2009 SDEIS.</p> <p><i>Comment acknowledged. Because of the rural nature of the corridor, it is anticipated that stormwater management measures will be implemented within the proposed right of way. If during design it is determined that additional right of way will be needed for stormwater management, these right of way impacts will be subject to 106 review and possibly NEPA reevaluation.</i></p>
USACE 14	<p>You need to identify utility lines with the area that could be affected and consider engaging utility companies early in the planning process to develop a reasonable relocation scenario.</p> <p><i>Comment acknowledged. Location of utility lines in the area is an ongoing process and identification of impacted lines and coordination with owners of affected utilities will continue through final design. Some discussion of known utilities in the area was added to Section 3.3 and in Section 4.6.C of the 2010 FEIS.</i></p>
EPA 26	<p>Page 5-3 states that permanent retention facilities will be considered. The EPA suggests committing to building those retention facilities for adjacent roadway and bridges.</p> <p><i>Comment acknowledged. Appropriate stormwater management measures will be coordinated with WDNR Liaisons during final design in order to comply with NR 401.</i></p>
EPA 27	<p>Page 5-6 states that consideration of the use of wider structures that span more of the floodplain will occur. The EPA suggests committing to the bridging of the entire floodplain of each water body affected by the project.</p> <p><i>Comment acknowledged. Many factors influence structure size and length, including reasonable span length, cost, and effect on roadway profile. The structure will be designed to have limited effect on floodplain elevation.</i></p>
EPA 28	<p>Requests discussion between WisDOT and the EPA of Option 23-1 and Option 23-2 before a preferred option is chosen. Discussion needs to consider the zoning and land-use plans for the interchange area.</p> <p><i>Comment acknowledged. WisDOT coordinated with USEPA prior to the selection of the preferred corridor preservation option described in this document.</i></p>
EPA 29	<p>Recommends best available diesel retrofit control technology (BACT) on all significant construction projects.</p> <p><i>Comment acknowledged. Potential diesel retrofit technologies were described in the text revisions in Section 5.5 of the 2010 FEIS. In the final design phase, WisDOT will consider including these measures on a voluntary or mandatory basis.</i></p>

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
EPA 30	<p>Recommends a description of efforts to minimize the impact of idling vehicles and construction equipment and how such anti-idling measures will be enforced.</p> <p><i>Comment acknowledged. Potential idling restrictions were specified in the text revisions in Section 5.3 of the 2010 FEIS. In the final design phase, WisDOT will consider including these measures on a voluntary or mandatory basis.</i></p>
EPA 31	<p>Recommend that WisDOT formalize their actions for the project by developing and implementing a construction emissions reduction plan.</p> <p><i>Comment acknowledged.</i></p>
EPA 32	<p>Recommends voluntary upland forest mitigation. Recommend native saplings be used, if practicable, at a minimum acreage ratio of 1:1.</p> <p><i>Comment acknowledged. Currently WisDOT does not mitigate for upland impacts. The use of native tree and shrub replacements will be considered where permanent wetland mitigation is considered.</i></p>
EPA 33	<p>Pleased with the notification to the local units of government for the predicted noise levels.</p> <p><i>Comment acknowledged.</i></p>
EPA 34	<p>There are 4 receptors in Activity Category B that will experience noise levels of 75 dBA or higher. The 2009 SDEIS does not disclose what the receptors are. If normal abatement measures are not reasonable or feasible, other abatement measures may be approved on a case-by-case basis. What is Wisconsin's decibel threshold for seeking approval from FHWA for individual abatement measures (including home insulation)? Will the WisDOT seek approval if the decibel threshold is met? What are the receptors that meet this decibel threshold.</p> <p><i>Wisconsin Administrative Rule Trans 405 was previously Wisconsin's Policy for Siting Noise Barriers and was approved by FHWA. This administrative rule describes the procedure used for determining if noise barriers are reasonable and prudent. Currently, Wisconsin's noise policy does not have a threshold criteria for consideration of sound insulation. The 4 receptors that had noise levels of 75 dBA are residences, one of which is a proposed relocation. A revised noise analysis performed in 2013 using Wisconsin's revised noise policy also indicated that noise barriers were not reasonable.</i></p>
EPA 35	<p>For the Cumulative impacts, what percentage of wetland remains from the baseline (presettlement) condition?</p> <p><i>Some of this information was obtained and was incorporated in Section 4.4 of the 2010 FEIS.</i></p>
EPA 36	<p>For the Cumulative impacts, what percentage of forest cover remains from the baseline (presettlement) condition?</p> <p><i>Some of this information was obtained and was incorporated in Section 4.4 of the 2010 FEIS.</i></p>
EPA 37	<p>For the Cumulative impacts, what percentage of the 4 threatened and endangered species affected by this project remain from the baseline (pre-settlement) condition?</p> <p><i>Two of the four listed species in this corridor are the Slippershell Mussel and the Ellipse Mussel. It is difficult to estimate the presettlement populations of these species except by gauging changes in their potential habitat. The current amount of Wisconsin water acreages and stream threads is comparable to the amount that existed in presettlement conditions.</i></p> <p><i>The other two listed species are the Butler's garter snake and the Blandings turtle. Again it is difficult to estimate the presettlement populations of these two species except by gauging changes in their potential habitat. Currently there are fewer forests in Wisconsin, potentially increasing their habitat, yet the quantity of quality aquatic habitat has been reduced. This information was included in Section 4.4 of the 2010 FEIS.</i></p>
EPA 38	<p>For the Cumulative impacts, does this project have significant cumulative impacts on any of the resources listed in the section (i.e., agricultural land, wetlands, water quality, upland habitat, Niagara Escarpment, Kettle Moraine State Forest, and threatened and endangered species)?</p> <p><i>Based on the cumulative effects analysis, this project will not have a significant cumulative impact on the resources listed in Section 4.4 of the 2010 FEIS. The significance of the effects was expounded upon in Section 4.4 of the 2010 FEIS.</i></p>
EPA 39	<p>Missing word: Complete Factor Sheet M and the rest "of" this Factor sheet.</p> <p><i>Change made to the factor sheet checklist of the 2010 FEIS.</i></p>

Table 7.4-3 2009 SDEIS Agency Comment Summary

Comment ID	2009 SDEIS Comment
EPA 40	Missing word: Existing sound levels "increased" by 15 dBA or more. <i>Change made.</i>
EPA 41	Incorrect label for noise results. <i>Change made.</i>
WDNR 41	Confirm acres of wetland loss anticipated for the new sections of the Old Plank Trail. <i>Change made.</i>
WDNR 44	Include the WisDOT-WDNR effort for improved wetland compensation in general wetland compensation plans. Specifically include a statement in Section 5.8.A.3 that recognizes our agencies' mutual goals to establish potential compensation sites consistent with the Federal Rule regarding site location and wetland functions, and to reverse the wetland loss trend in Fond du Lac and Sheboygan Counties. <i>Comment acknowledged. Statement added to Section 5.8.A.3 of the 2010 FEIS to this effect.</i>
DOI 15	The Department of Interior concurs with the determination that there is no feasible or prudent alternative to the proposed project. A <i>de minimus</i> impact finding was found. The Department of Interior does not disagree with those findings. <i>Comment acknowledged.</i>
DOI 16	A <i>de minimus</i> impact finding was used for the St. Mary's Springs Academy. The Department of Interior does not disagree with that finding. <i>Comment acknowledged.</i>

The following table summarizes the comments received for the 2013 LS SDEIS from the reviewing agencies and responds to each set of comments. The pages following the table contain the agency correspondence with the comment ID's labeled.

Table 7.4-4 2010 FEIS Agency Comment Summary

Comment ID	2010 FEIS Comment
EPA1	For the most part, comments on the SDEIS were addressed in the FEIS. <i>Comment acknowledged.</i>
EPA2	Clarify type of structure to cross the Mullet River (box culvert more suitable if a culvert structure is proposed). <i>Clarifying information was included in this LS SFEIS/ROD.</i>
EPA3	Avoid and minimize wetland impacts during design. Strongly suggest a systematic quality assessment of impacted wetland resources. <i>WisDOT will continue to coordinate with USACE and USEPA through the Section 404 permitting process for delineating of wetlands, assessing wetland quality, and developing appropriate wetland mitigation sites.</i>
EPA 4	The avoidance of the Old Wade House State Park compensatory wetland mitigation site is important. A detailed map/diagram of the area would enhance the Record of Decision. <i>A detailed map was included in the 2010 ROD and a detailed map is included in the Section 4(f) evaluation.</i>
EPA 5	Compensatory mitigation site locations should be in the same watershed, away from future disruptions, and protected by a suitable protective real estate tool. Water quality protection of existing compensatory mitigations sites is equally important. <i>WisDOT and FHWA will continue to work with USACE to identify and develop compensatory wetland mitigation sites within the WIS 23 watersheds. USEPA will have the opportunity to comment during the Section 404 permitted process. Details are provided in Section 4.6 C-1 of this LS SFEIS/ROD.</i>
EPA 6	EPA reserves the right to comment fully on the project during the CWA Section 404 permit process and any future CWA Section 404 permit processes. <i>Comment acknowledged.</i>

Table 7.4-4 2010 FEIS Agency Comment Summary

Comment ID	2010 FEIS Comment
EPA 7	<p>The correct Section concerning clean diesel initiatives is Section 5.3-not Section 5.5.</p> <p><i>Comment acknowledged and corrected in this LS SFEIS/ROD referencing the 2010 FEIS comment section. This information is contained in Section 6.3 of this LS SFEIS/ROD.</i></p>
USACE 1	<p>We concur with the document regarding purpose and need, range of alternatives, and the preferred alternative.</p> <p><i>Comment acknowledged.</i></p>
USACE 2	<p>During the design phase, additional wetland delineation may be required and it is expected that further efforts to avoid and minimize impacts will take place.</p> <p><i>WisDOT and FHWA will continue to work with USACE during the design phase to delineate/determine affected wetlands and further minimize wetland losses. WisDOT and FHWA will also work with USACE to identify and develop compensatory wetland mitigation sites within the WIS 23 watersheds. Some details are provided in Section 4.6 C-1 of this LS SFEIS/ROD.</i></p>
USACE 3	<p>Compensatory mitigation should be consistent with 33 CFR Part 332, located within the same watershed(s) as the impact site(s), and support sustainability or improvement of aquatic resources within the same watershed. Include the USACE in plans and coordination during the design phase.</p> <p><i>WisDOT and FHWA will continue to work with USACE to identify and develop compensatory wetland mitigation sites within the WIS 23 watersheds. Details are provided in Section 4.6 C-1 of this LS SFEIS/ROD. Coordination will continue.</i></p>
USACE 4	<p>Recommend identifying any significant environmental resources that may be impacted because of utilities/borrow areas.</p> <p><i>Comment acknowledged. Section 6.11 of this LS SFEIS/ROD lists the utilities along the corridor, their location, and whether they are compensable or not. WisDOT plans to continue utility coordination providing NEPA approvals are received.</i></p>
F&WS 5	<p>No additional comments from those previously submitted.</p> <p><i>Comment acknowledged.</i></p>
WHS1	<p>Request that new access be located at approximately STA. 543+00 with dedicated left- and right-turn lanes.</p> <p><i>Direct WIS 23 access was provided to Old Wade House State Park.</i></p>
WHS2	<p>Provided background on the Wade House Historical Site and its mission/goals.</p> <p><i>Information acknowledged.</i></p>
EPA 8	<p>Clearly state what type of structure will be used for the Mullet River crossing in the Record of Decision and that the crossing would have been the same for each alternative.</p> <p><i>This information was provided in the Record of Decision and more detail is provided in this LS SFEIS/ROD in Section 4.6 C-2.</i></p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

JUL 21 2010

REPLY TO THE ATTENTION OF:
 E-19J

Mr. George Poirer
 Federal Highway Administration
 525 Junction Road, Suite 8000
 Madison, Wisconsin 53717-2157

RE: Comments on the Final Environmental Impact Statement (FEIS) for Wisconsin State Highway 23, Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin, Wisconsin Project ID 1440-13-00, CEQ #: 2010028

Dear Mr. Poirer:

The U.S. Environmental Protection Agency has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act, EPA reviews and comments on major federal actions.

The FEIS presents a change to the Preferred Build Alternative. An interchange will be built at the County G intersection. The impacts of this change are not stated succinctly in one place in the document. However, after reviewing the Environmental Evaluation Matrix beginning on page 4-25 of the FEIS and comparing it to the same matrix in the SDEIS, we gather that there are 0.4 acres of more wetland impacts (P. 4-92) and 1 less acre of upland habitat impact (p. 4-36) due to the additional intersection. The FEIS also presents another change for corridor preservation. Option 23-1 and Option 23-2 are not moving forward as corridor preservation measures for the US 151/Wisconsin 23 system interchange. Therefore, there will be no corridor preservation for the US 151/Wisconsin 23 interchange.

EPA 1

For the most part, our comments on the Supplemental Draft Environmental Impact Statement (SDEIS) were adequately addressed in the FEIS. We do have some reiterative comments about wetlands and clean diesel initiatives in the following paragraphs.

Wetlands

Thank you for updating and clarifying the Clean Water Act (CWA) Section 303 (d) listed stream segments. We understand that water resources with impairments are outside of the project study area and the nature of their impairments (PCBs) is unlikely to be affected by a highway construction project.

EPA 2

The text of the FEIS proposes the single-span bridging without piers of both the Sheboygan and Mullett Rivers (pages 4-119 and 4-127). Your response to our DEIS comment about this subject ("EPA 14" on page 6-16) is contradictory, indicating that a culvert will be used to cross the Mullett River. Please clarify. In addition, if a culvert is used for the crossing of the tributary of the Sheboygan River, as proposed on page 4-123, then the box culvert approach is more suitable than conventional round culverts.

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Figure 7.4-1 US EPA July 21, 2010 Letter

The current estimate of the wetland impacts for the preferred alternative is 32.0 acres for highway lanes, 0.7 acre for connecting roads and 10.7 acres for the Old Plank Trail, totaling about a 43-acre loss of wetlands. The current estimate is lower than the DEIS estimate of 58 acres but is still a substantial, adverse effect to aquatic resources. A large portion of the project work addressing wetlands is being deferred to the project design phase, including the formal wetland delineation for the CWA Section 404 permitting process. Every effort should be made to avoid and minimize wetland impacts during the project design phase. In addition, we strongly suggest that a systematic quality assessment of vegetative quality and other functional values be made of the actual wetland resources proposed for dredging or filling.

EPA 3

The proposed extension of the Old Plank Trail is a worthy part of the project. The trail can expose more individuals to green space and provide for non-motorized transportation and recreation, both of which improve the livability of the surrounding area. However, it presents about one-quarter of the proposed adverse impacts to wetlands of the entire project. The FEIS states that there will be an opportunity for the trail extension to avoid the existing CWA Section 404 permit compensatory mitigation site near the Old Wade House, (p. 4-174 and figures K3 and F6). Trail refinements will need to be the subject of continued attention during the project design phase. The physical avoidance of the old compensatory mitigation site, whose intent was to provide a wetland resource in perpetuity (even if unsecured by a real estate protection tool) is important (see response to EPA DEIS comment 10, p. 6-16). A detailed diagram/map of this situation, showing the highway, trail, mitigation site wetlands and other wetlands, would enhance the Record of Decision.

EPA 4

Substantial work will be occurring during the design phase to determine compensatory mitigation for wetland losses. Compensatory mitigation site locations should be in the same watershed, but away from any future disruption by transportation projects or other land-use changes. The sites will need to be protected by a conservation easement or other suitable protective real estate tool, as required by the EPA-Corps Mitigation Rule dated April 10, 2008. Equally as important will be good design for water quality protection of the Old Wade House compensatory mitigation site and any other compensatory mitigation site along the project route through the effective use of native plant buffers and other design and management practices. EPA will give considerable attention to the proposed compensatory mitigation sites during the CWA Section 404 permit process.

EPA 5

The EPA reserves the right to comment fully on the final project proposal during the CWA Section 404 permit process, jointly administrated by EPA and the Army Corps of Engineers. In addition, we consider corridor preservation a suitable topic in the EIS process; however, EPA reserves the right to comment on the corridor preservation alternative and its alternatives during any *future* CWA Section 404 permit process.

EPA 6

Clean Diesel Initiatives

We are encouraged that FHWA and the Wisconsin Department of Transportation are considering making clean diesel initiatives part of a voluntary or mandatory commitment by contractors. For future projects, we hope that these initiatives are firm contract commitments and represented as such in EIS's. Your response to our comments concerning clean diesel initiatives, "EPA 29 and EPA 30" found on pages 6-25 and 6-26, references the incorrect section for the text revisions. The correct Section is Section 5.3-not Section 5.5.

EPA 7

Figure 7.4-1 US EPA July 21, 2010 Letter (cont)

Background Information

The DEIS presented 6 action alternatives to reconstruct Wisconsin Highway 23 to a four-lane divided highway in order to alleviate the safety and congestion problems due to the increased traffic and numerous access points. After the DEIS was issued, Alternative 1 was chosen by your agency and the state as the Preferred Alternative.

The purpose of the SDEIS was to present the changes made to the Preferred Build Alternative 1 and to add and evaluate the Corridor Preservation Alternatives. The alternatives presented in the SDEIS were the No Build, the Dismissed Build Alternatives (alternatives 2, 3, 4, 5, and 6), and the Preferred Build Alternative 1 (including extending Old Plank Trail and adding interchanges at County K and UU). Corridor Preservation Alternatives were also presented for the Wisconsin 23 Corridor (future interchanges and overpasses) and the US 151/Wisconsin 23 System Interchange (Option 23-1 and Option 23-2).

Thank you for the opportunity to review your project. If you have any questions regarding EPA's comments, please contact Julie Guenther at (312) 886-3172 or email her at guenther.julia@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc: Mr. Robert Wagner, P. E.
Division of Transportation System Development
Northeast Region
944 Vanderperren Way
P.O. Box 28080
Green Bay, WI 54324-0080

Joey Shoemaker
Department of the Army
St. Paul District, Corps of Engineers
Sibley Square at Mears Park
190 Fifth St. E., Suite 401
St. Paul, Minnesota 55101-1638

Joanne Kline
Wisconsin Department of Natural Resources
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212

Figure 7.4-1 US EPA July 21, 2010 Letter (cont)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

July 22, 2010

Operations
Regulatory (2010-00379-JRS)

Robert J. Wagner
WisDOT-Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54304

Dear Mr. Wagner:

This letter is in response to the Final Environmental Impact Statement received by this office on June 23, 2010 for the Wisconsin State Highway 23 Fond du Lac to Plymouth expansion project (Project ID 1440-13-00). The project site is located along the existing WIS 23 corridor within Fond du Lac and Sheboygan Counties, Wisconsin.

The U.S. Army Corps of Engineers is acting as a cooperating agency for the National Environmental Policy Act (NEPA) review for the proposed project due to the requirement for a Clean Water Act Section 404 permit. We have evaluated the document pursuant to NEPA guidelines and concur with the document regarding purpose and need, range of alternatives and the WisDOT preferred alternative.

Though we agree the document is adequate for a corridor level study, we expect that additional agency coordination may be required during design phase for the following subjects:

1. Wetland delineation/impacts: The Corps will need to agree that established wetland boundaries are adequate for the 404 program. Due to age of data or mechanism of collection, additional delineation information may be required during design phase. Any Water of the U.S. impacts contingent upon delineation results may need to be refined based on updated delineation results. We expect that further efforts to avoid and minimize wetland and stream impacts will take place during design phase.
2. Compensatory Mitigation: Though not directly referenced in the FEIS, compensatory mitigation should be consistent with regulations found in 33 CFR Part 332. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s), and that it would support the sustainability or improvement of aquatic resources within the same watershed. The Corps should be included in compensation plans and coordination during design phase.
3. Utilities/Borrow Areas: To alleviate future project delays we recommend that you work closely with utility companies and contractors to identify any significant environmental resources within the corridor that may be impacted due to utilities/borrow areas. Additional impacts may need to be evaluated in accordance with NEPA as it pertains to our authority under the Clean Water Act.

Figure 7.4-2 USACE July 22, 2010 Letter

Operations
Regulatory (2010-00379-JRS)

We appreciate your request for comments and look forward to continued coordination on this project. If you have any questions, contact Joey Shoemaker in our Green Bay Field Office at (920) 448-2824. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Tamara E. Cameron
Chief, Regulatory Branch

Copy:
Jason Spilak, FHWA
Bobbi Jo Fischer, WDNR
Louise Clemency, USFWS
Julia Guenther, USEPA

Figure 7.4-2 USACE July 22, 2010 Letter (cont)



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

July 28, 2010

Mr. Robert Wagner
Wisconsin Department of Transportation - District 3
944 Vanderperren Way, P.O. Box 28080
Green Bay, Wisconsin 54324-0080

re: Final Environmental Impact Statement
Project ID 1440-13-00
STH 23
Fond du Lac and Sheboygan Counties,
Wisconsin

Dear Mr. Wagner:

The U.S. Fish and Wildlife Service (Service) has received your letter dated June 15, 2010, requesting comments on the Final Environmental Impact Statement (FEIS) for the proposed project. The information presented in the FEIS is in addition to the information in the (Draft Environmental Impact Statement) DEIS (November 3, 2004) and the (Supplemental Draft Environmental Impact Statement) SDEIS (December 23, 2009). The project entails expansion of State Highway 23 between County Highway K in Fond du Lac and County Road P in Plymouth, in Fond du Lac and Sheboygan Counties, Wisconsin.

F&WS 1

After review of the FEIS, we have no additional comments from those previously submitted in our January 5, 2004 correspondence.

Please provide us copies of any future documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Jill Utrup at 920-866-1734.

Sincerely,

Louise Clemency
Field Supervisor

Figure 7.4-3 US DOI July 28, 2010 Letter



August 6, 2010

Mr. Robert J. Wagner, P.E.
Project Manager- Planning Unit
WisDOT – Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

SUBJECT: Wade House Historic Site
Entrance Drive Access Request Letter

Dear Mr. Wagner:

As you are aware from previous conversations with members of my staff and project design team, the Wisconsin Historical Society (Society), a state agency, is currently in the midst of planning a new 40,000 square foot Wade House Historic Site Learning & Visitor Center and Wesley Jung Carriage Museum, established as the State Carriage Museum. These will replace the site's 1971 Visitor Center and 1968 Carriage Museum in Greenbush, WI. Included below is more information about the project and the mission of the Society.

Fronting upon STH 23, the new facility will offer state-of-the-art exhibitions of Wisconsin's largest collection of horse-drawn vehicles, as well as changing exhibits, a multi-tiered orientation to the site, expanded and updated amenities for learning and enjoyment, and a direct connection to the planned extension of the Old Plank Road bicycle trail that will pass through the site.

Visitors will exit the modern center, board a horse-drawn vehicle, and have a much more instructive entrée to the site's historic core, traveling "back in time" through the woods and over the Mullet River across a replica bridge to the historic part of the site. There they will encounter a variety of fresh perspectives and lively presentations about Wisconsin's mid-19th-century settlement, growth and development.

The project will begin construction in summer of 2011. Construction completion is slated for spring 2013 in time for a June 6, 2013 Grand Opening to celebrate the site's 60 year anniversary.

From our previous conversations we understand that WisDOT will be expanding STH 23 in 2013 and 2014 to a divided freeway. We understand that as part of that project the

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Figure 7.4-4 WHS August 6, 2010 Letter

primary visitor access route to the existing site at Plank Road will initially be limited, with the ultimate possibility of a complete closure as part of a planned interchange at CTH A. One of the primary goals of our project is to increase visibility for the Wade House with the new Visitor Center location while affording easy and direct access to STH 23.

WHS 1

The Society respectfully requests that the new driveway access to the Center be located at approximately station 543+00 with a deceleration taper and right turn lane for visitors coming from the west. We also request the inclusion of a dedicated left turn lane into the facility for westbound traffic on STH 23. We would like this item to be considered at the August 12 access review meeting.

We have carefully considered the available access options and believe that this dedicated access point provides the safest option for our visitors, especially the school buses, while avoiding the existing wetlands and floodplain associated with the nearby Mullet River, a Class II Trout Stream and WDNR designated Area of Special Natural Resource Interest. From our past conversations, we understand that this access location provides sufficient separation from the future CTH A interchange. We have included maps of the area that show these natural resources along with the requested access location.

WHS 2

PROJECT INTRODUCTION

American culture and societal expectations have changed dramatically since Wade House Historic Site opened its doors nearly 60 years ago. Competition for discretionary time and money; changes in daily life; reduced leisure time; and entertainment expectations set by theme parks, the Internet and television have contributed to these phenomena. Today's visitors have higher expectations and seek attractions with highly interactive programming.

Historic sites throughout the nation have generally not kept pace with these demands, and thus attendance and revenue have declined. Smaller budgets have led to a reduction in programming and interpretation. Couple these nationwide trends with the planned reconstruction of State Highway 23 that will eliminate or discourage direct access to Wade House via Plank Road, and it becomes clear that the Wade House Historic Site faces major challenges.

The Wisconsin Historical Society embraces the changing realities as opportunities and has proactively re-imagined Wade House Historic Site. The Society envisions a future site with some components open not just seasonally, but all year, a site that is always evolving with fresh new stories, programming and exhibits, and a site that sets a new standard for experiential learning, public history education and educational outreach. The experiences will also make stronger emotional connections between those

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816 State Street Madison, Wisconsin 53706

wisconsinhistory.org

Figure 7.4-4 WHS August 6, 2010 Letter (cont)

formative years of the state and guests' lives today. Informed by impeccable scholarship and research, compelling stories will be told through a variety of environments that combine best practices in traditional living history interpretation with state-of-the-art technology. To this end, three major projects will be undertaken:

- Development of new stories and new interpretation methods to share these stories
- Development of a new learning & visitor center
- Development of a new Wesley Jung Carriage

The new Wade House Learning and Visitor Center, like the Carriage Museum, will be open year-round. It will house a greatly expanded orientation program and additional interpretation and educational programming space, incorporating 21st century technologies to most effectively share historical stories. This center will be located on Wade House property, a hillside on the south side of State Highway 23 about 300 yards north across the river from the current Wesley Jung Carriage Museum. Upon arrival at the historic site, visitors will enter the Learning & Visitor Center to purchase tickets and experience state-of-the-art orientation programs.

A new Wesley Jung Carriage Museum will also be constructed on State Highway 23 adjacent and connected to the Learning and Visitor Center. The present Carriage Museum building houses rows of horse-drawn vehicles in a manner that is better described as storage than exhibits. The building lacks appropriate environmental controls to preserve its valuable contents. It is unheated and thus open during the summer season only. It is woefully inadequate to exhibit the significant collection it holds.

Among the treasures of the collection are small and large commercial vehicles, firefighting equipment, omnibuses, hearses, breaks, sleighs, coaches, buggies, runabouts, sulkies and children's vehicles. Interpretation in the new facility will compare and contrast our lives today with an era when horse-drawn transportation was a common way to travel and its speed governed the conduct of commerce and expansion in Wisconsin.

Both new facilities will utilize modern interpretive methods such as videos and interactive kiosks, providing a year-round learning opportunity for schoolchildren, attracting year-round visitors, and increasing visibility of the historic site.

GOALS OF LEARNING & VISITOR CENTER AND WESLEY JUNG CARRIAGE MUSEUM

The general goals of the new Learning & Visitor Center and Wesley Jung Carriage Museum are to expand its audience, increase repeat visitation, maximize the educational potential of Wade House, enhance stewardship of important collections,

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Figure 7.4-4 WHS August 6, 2010 Letter (cont)

provide improved visitor amenities, create more rewarding visitor experiences, and increase earned revenue. These will be accomplished through the following:

1. Moving the site entrance directly to State Highway 23 to increase visibility for Wade House while affording easy and direct access.
2. Providing an appropriate orientation to the site and its historic context.
3. Strengthening the visitor experience while offering more interactive opportunities that engage all of the senses.
4. Incorporating a multi-purpose space that will accommodate workshops and seminars for school children and adults throughout the year.
5. Encouraging the use of the new facilities by the surrounding community as a center of lifelong learning.
6. Providing appropriate environmental controls to preserve the treasures of the carriage collection for future generations.
7. Providing up-to-date visitor services and amenities.
8. Including an expanded museum store, food service and restrooms to accommodate visitor needs, to generate revenue, and to provide service to users of the extended bicycle trail.
9. Consolidating key functions such as ticketing, restrooms, and public gathering and meeting spaces.

MISSION OF THE WISCONSIN HISTORICAL SOCIETY

The Wisconsin Historical Society helps people connect to the past by collecting, preserving and sharing stories.

This mission is fulfilled according to the following guiding principles:

- To reach out and partner with the broadest possible public
- To present and promote sound and authentic history
- To share our riches of staff, collections, and services in ways that captivate and respect our many audiences
- To collect and safeguard evidence of our diverse heritage according to the highest standards of stewardship

Wade House is one of eleven historic sites and museums throughout the state that are owned and operated by the Wisconsin Historical Society, a state agency. Located throughout the state, these sites and museums offer a wide range of daily activities, changing exhibits and unique special events that combine with historic architecture to bring four centuries of Wisconsin history to life.

A new Visitor & Learning Center, Carriage Museum, and reinterpretation at Wade House Historic Site will strengthen the delivery and fulfillment of the mission of the

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Figure 7.4-4 WHS August 6, 2010 Letter (cont)

Wisconsin Historical Society. This work, a \$13 million project, is funded approximately 50% by State of Wisconsin funds and 50% by private funds that the State has chosen to match in its 2009-11 fiscal year budget.

We appreciate your assistance with this issue and look forward to working with you and the WisDOT on the new entrance and extension of the bike trail. If you have any questions, please contact me at (608) 264-6440 to discuss.

Sincerely,

A black rectangular redaction box covers the signature of Dr. Ellsworth H. Brown. A blue ink flourish extends from the right side of the box.

Dr. Ellsworth H. Brown
The Ruth and Hartley Barker Director
Wisconsin Historical Society
816 State Street
Madison, WI 53706

608-264-6440

Collecting, Preserving and Sharing Stories Since 1846

816 State Street, Madison, Wisconsin 53706

wisconsinhistory.org

Figure 7.4-4 WHS August 6, 2010 Letter (cont)

Abts, Cara Lynn

From: Guenther.Julia@epamail.epa.gov
Sent: Tuesday, August 24, 2010 9:42 AM
To: Michaelson, Jill - DOT; Wagner, Robert - DOT (Northeast Region); Hellermann, Luke
Cc: Fischer, Bobbi J - DNR; Garra.Catherine@epamail.epa.gov; countyhighway@co.sheboygan.wi.us; greenbush@excel.net; Waldschmidt, Jay - DOT; Kline, Joanne - DNR; Joey.R.Shoemaker@usace.army.mil; jzalewski@sheboygancountyconservationassociation.org; VanPrice, Kathie - DOT; louise_clemency@fws.gov; milespem@co.sheboygan.wi.us; Wagner, Robert - DOT (Northeast Region); Lynch, Tom
Subject: Re: WIS 23 FEIS, ID 1440-13-00

Rob,
Thanks for bringing the Mullet River FEIS discrepancy to the attention of other possible interested agencies/parties in Luke Hellerman's e-mail below. In addition, thanks for copying us on all of the responses that you received (ACOE, USFWS, and WDNR).

EPA 8

We suggest that the Record of Decision clearly state what the Crossing will be (as explained in the e-mail below) and that the Crossing would have been the same for each alternative(extension of the existing box culvert), regardless of the discrepancies in the FEIS. We also suggest that you state in the ROD that measures to mitigate any adverse effects of the culvert extension will be addressed during project design.

Thanks for your attention to this matter. Please send 2 copies of the ROD to USEPA Region 5. I would like you to send Cathy Garra's (Wetland and Watersheds) copy directly to her since I will be leaving the NEPA program soon. Send the NEPA copy to my supervisor. Send them to:

Ken Westlake

US EPA Region 5

77 West Jackson Blvd., E-19J

Chicago, IL 60604

And,

Catherine Garra

US EPA Region 5

Figure 7.4-5 US EPA August 24, 2010 Email

The following table summarizes the comments received for the 2013 LS SDEIS from the reviewing agencies and responds to each set of comments. The pages following the table contain the agency correspondence with the Comment ID's labeled.

Table 7.4-5 2013 LS SDEIS Comment Summary

Comment ID	2013 LS SDEIS Comment
EPA 1	<p>Based on our review, the Limited Scope–Supplemental Draft EIS and the Record of Decision (ROD) from the 2010 Final EIS EPA assigns a rating of Lack of Objections (LO). However, EPA has one point of clarification for the Limited Scope–Supplemental Final EIS. Our summary of ratings is enclosed.</p> <p><i>Comment acknowledged.</i></p>
EPA 2	<p>EPA recommends the Limited Scope–Final Supplemental EIS include clarifying language about the type and diameter, if appropriate, of the culvert extensions over the Mullet River. EPA recommends the culvert be properly sized to ensure that base flow will be accommodated. EPA also recommends the culvert be bottomless. If the culvert extension is a pipe or four-sided culvert, we recommend the culvert be buried to allow for natural substrate to accumulate within the structure. Further, we recommend work on the culvert be done in low-flow conditions. It may be appropriate to consider a dam and pump-around to isolate work areas and complete construction in dry conditions.</p> <p><i>More detail has been provided in Section 4.6 C-2 of this LS SFEIS/ROD. At the Mullet River, the Preferred Alternative will extend the existing three-cell box culvert. The three cells are each 12 feet wide by 8 feet high inside dimensions and the extension will be about 100 feet long. Because the extension is matching the existing structure, the bottom is planned to be at the same elevation as the existing culvert. The existing Mullet River box culvert has approximately 0.5 to 1 foot of streambed material at the inlet and outlet of the box culvert. By matching the existing box culvert dimensions, it is anticipated that streambed material will move into the extension and over time create a natural bottom.</i></p>
EPA 3	<p>EPA reaffirms that they reserve the right to provide additional comments during the Clean Water Action (CWA) Section 404 permit process, jointly administered by the EPA and the U.S. Army Corps of Engineers. EPA considers corridor preservation to be a suitable topic in the NEPA process; however, EPA reserves the right to comment on the corridor preservation alternative and its alternatives during the forthcoming CWA Section 404 permit process.</p> <p><i>Comment acknowledged.</i></p>
FCNTY 1	<p>The Fond du Lac County Board of Supervisors supports the Wisconsin Department of Transportation's proposed construction of a four-lane facility and opposes anything less than a four-lane facility from Plymouth to Fond du Lac to significantly improve safety, advance economic growth and support efficient travel throughout the state.</p> <p><i>Comment acknowledged.</i></p>
USACE 1	<p>The Purpose and Need discussion for the proposed pedestrian trail is not adequate for the magnitude of impacts the trail would cause (10.2 acres of wetland fill). The LS DEIS states that there are currently no adequate facilities for nonmotorized transportation along WIS 23 between Greenbush and the city of Fond du Lac; however, there is no discussion describing the true need for a nonmotorized transportation link between Greenbush and the City of Fond du Lac along WIS 23. Existing and future anticipated nonmotorized traffic volumes should be evaluated as part of this discussion.</p> <p><i>WisDOT sent a letter to USACE providing further details on the Purpose and Need and the range of alternatives considered for the location of the Old Plank Road Trail extension. This information is included in Sections 1.3 and 2.5 of this LS SFEIS/ROD. A letter was received from USACE on January 27, 2014 concurring with the Purpose and Need and the range of alternatives considered.</i></p>
USACE 2	<p>The act of describing the environmental consequences of preserving corridor level right of way should not be construed to imply future authorization for impacts. Should an interchange be proposed at a later date, the environmental consequences of the proposal would need to be identified at a design level. Future interchanges would also need to meet our public interest review and Section 404(b)(1) guidelines. Once completed, our agency would need to determine that the project as proposed is the least environmentally damaging practicable alternative (LEDPA) before any DA authorization could be issued.</p> <p><i>Comment acknowledged. If and when the need is identified for improvements associated with the Preferred Corridor Preservation Alternative, WisDOT and FHWA will initiate the NEPA process again and will coordinate with USACE regarding potential wetland impacts.</i></p>

Table 7.4-5 2013 LS SDEIS Comment Summary

Comment ID	2013 LS SDEIS Comment
USACE 3	<p>The LS DEIS states that wetland locations were field-delineated by WisDOT staff and WDNR reviewers. To date, the Corps has not concurred with the wetland locations. Therefore, please be advised that wetland boundaries are subject to change pending Corps review.</p> <p><i>Comment acknowledged. WisDOT and FHWA will continue to coordinate with the USACE regarding wetland location, impact, and mitigation. USACE will be given further opportunity to review, modify, and concur with wetland boundaries and losses during the Section 404 permitting process.</i></p>
USACE 4	<p>The LS DEIS does not identify proposed temporary impacts to wetlands or change in wetland type/conversion impacts (e.g., forested to herbaceous) for right of way clear zones, utility crossings, etc. These impacts should be considered in the LS DEIS if they have the potential to become relevant in the design phase.</p> <p><i>The wetland impacts described in the LS SDEIS and this LS SFEIS/ROD represent the total wetland loss to the proposed right of way. Section 6.11 of this LS SFEIS/ROD describes the utility locations and potential conflicts. Most of these utility conflicts exist within the proposed right of way, and impacts are represented by the wetland losses presented in this document. It is likely that final design will identify areas where the slope intercepts do not extend fully to the proposed right of way line. Additionally, once construction is completed, areas within the right of way that contain hydric soils may revert back to wetlands over time.</i></p>
USACE 5	<p>Our Section 404(b)(1) guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. Although the SDEIS identifies various alternatives for the actual roadway expansion (to include alternative routes and alternative lane configurations), it does not appear that the proposed trail was included in the analysis of each alternative. Please note that the Corps' review of a Section 404 permit for this project must include an evaluation of alternatives for the proposed trail. Any Section 404 application submittal should include an alternatives analysis that clearly outlines why the proposed trail alignment and configuration should be considered as part of the LEDPA for the overall project.</p> <p><i>WisDOT sent a letter to USACE providing further details on the Purpose and Need and the range of alternatives considered for the location of the Old Plank Road Trail extension. It also provided information on why the location of the Old Plank Road Trail extension is the Least Environmental Damaging Practicable Alternative. This information is included in Sections 1.3 and 2.5 of this LS SFEIS/ROD. A letter was received from USACE on January 27, 2014 concurring with the Purpose and Need, the range of alternatives considered, and the Preferred Alternative.</i></p>
USACE 6	<p>Compensatory mitigation should replace the aquatic functions and values unavoidably lost due to the project. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s), and that it would support the sustainability or improvement of aquatic resources within the same watershed(s).</p> <p><i>WisDOT will continue to work with USACE to identify and develop mitigation sites that are within the same watersheds as the impacts. Section 4.6 C-1 provides information regarding wetland mitigation site opportunities.</i></p>
USACE 7	<p>It is understood that WisDOT regulations allow for the contractor(s) to select borrow sites and obtain any permits that may be needed. Please note that this does not preclude the Corps from evaluating impacts in accordance with NEPA as it pertains to our authority under the Clean Water Act. If off-site fill material is not obtained from a licensed commercial facility, the Corps may be required to evaluate potential impacts and incorporate additional analysis into our administrative record for this project. This evaluation would be required prior to conducting any authorized work in waters of the United States.</p> <p><i>Comment acknowledged. Section 6.5 of this LS SFEIS/ROD discusses borrow site locations and specifically states that it is the contractor's responsibility to obtain necessary environmental clearance, including permits for selected borrow sites. Because of the large amounts of borrow that will be required, it is likely permits will need to be obtained. In total, the expansion of WIS 23 will require approximately 1.7 million cubic yards of borrow. The WIS 23 portion in Sheboygan County will require 560,000 cubic yards of borrow, the WIS 23 rural portion in Fond du Lac County will require 270,000 cubic yards of borrow, and WIS 23 portion in urban Fond du Lac County will require 870,000 cubic yards of borrow.</i></p>

Table 7.4-5 2013 LS SDEIS Comment Summary

Comment ID	2013 LS SDEIS Comment
USACE 8	<p>It is understood that during this design phase the need for utility relocations may not be known. However, planning efforts currently include, but are not limited to identifying impacts that result from residential and business displacements, impacts to Section 4(f) lands, wetlands, archaeological sites, and historic structures. Considerable resources are being expended on surveying and identifying environmental factors. We ask that you also identify utility lines within the area that could be affected and consider engaging utility companies early in the planning process to develop a reasonable relocation scenario.</p> <p><i>Comment acknowledged. Section 6.11 of this LS SFEIS/ROD describes the anticipated utility conflicts associated with the Preferred Alternative within the corridor and where the utilities are located. If NEPA approval is obtained, WisDOT and FHWA will move forward with utility coordination activities.</i></p>
STOCK 1	<p>This project is within Mohican territory, but we are not aware of any cultural site within the project area.</p> <p><i>Comment acknowledged. No Native American cultural sites eligible for NRHP were found with the archeological reconnaissance.</i></p>
STOCK 2	<p>Should this project inadvertently uncover a Native American site, we require you to halt all construction and notify the Stockbridge-Munsee Tribe immediately.</p> <p><i>In addition to the stipulations stated in the MOA, the following statement was added to Section 6.1 and ROD.4 of this LS SFEIS/ROD. "In addition to the above stipulations, the Stockbridge Munsee Tribe will be notified if a Native American cultural site is uncovered."</i></p>
BRBAND 1	<p>The Bad River Tribal Historic Preservation Office is requesting payment of a processing fee of \$650.00 for the request for review of the federal undertaking under Section 106 for the project which is beyond the exterior boundaries of the Bad River Indian Reservation.</p> <p><i>Because there have been prior review opportunities for the Bad River Tribal Historic Preservation Office, and no adverse effects to Native American cultural resources have been identified, WisDOT has elected to not pay this review fee.</i></p>
BAYLAKE 1	<p>Disappointed that the project has been delayed once again, but understand the fiscal and legal challenges involved. Please let our office know if the project will be delayed further, as our air quality conformity analysis assumes that everything will be built and open to traffic by 2020.</p> <p><i>Comment acknowledged. Since the hearing, the project has been advanced to its original schedule. Bay-Lake Regional Planning Commission will be notified if the project schedule is delayed from the currently planned 2015 start.</i></p>
BAYLAKE 1	<p>Will review the air quality information in the EIS and provide further comment if edits need to be made.</p> <p><i>Comment acknowledged.</i></p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590
 SEP 09 2013

REPLY TO THE ATTENTION OF 19J

George Poirier
 Federal Highway Administration
 525 Junction Road, Suite 8000
 Madison, Wisconsin 53717

Re: Draft Limited Scope Supplemental Environmental Impact Statement, Wisconsin State Highway 23 Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin – CEQ # 20130215

Dear Mr. Poirier:

The U.S. Environmental Protection Agency has reviewed the Limited Scope – Supplemental Draft Environmental Impact Statement (EIS) for the above mentioned project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) propose capacity expansion along Wisconsin State Highway 23 (WIS 23) between Fond du Lac and Plymouth, Wisconsin. This part of WIS 23 is currently a two-lane highway; the majority of the rest of WIS 23 is four-lane. Traffic projections and safety concerns outline the need for increased capacity and improved roadway conditions.

FHWA and WisDOT issued an original Draft EIS for this project in 2004, a Draft Supplemental EIS in early 2010, and a Final EIS in late 2010. In June 2011, 1000 Friends of Wisconsin, Inc. filed a complaint against WisDOT, the U. S. Department of Transportation, and FHWA for approving the WIS 23 corridor expansion. Additional legal proceedings were staying pending the preparation of this Limited Scope – Supplemental Draft EIS.

EPA provided comments on the previous EISs. Our comments focused on impacts to aquatic resources and diesel emissions and included clarifying information.

EPA 1

Based on our review the Limited Scope – Supplemental Draft EIS and the Record of Decision (ROD) from the 2010 Final EIS, we assign a rating of **Lack of Objections (LO)**. However, we

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Figure 7.4-6 USEPA September 9, 2013 Letter

2

have one point of clarification for the Limited Scope – Supplemental Final EIS. Our summary of ratings is enclosed.

EPA 2

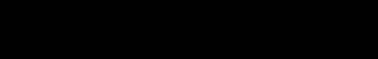
In our 2010 letter on the Final EIS, we requested clarification on the type of structure proposed over the Mullet River (bridge or culvert). EPA recommends the Limited Scope – Final Supplemental EIS include clarifying language about the type and diameter, if appropriate, of the culvert extension over the Mullet River. We recommend the culvert be properly sized to ensure that base flow will be accommodated. We also recommend the culvert be bottomless. If the culvert extension is a pipe or four-sided culvert, we recommend the culvert be buried to allow for natural substrate to accumulate within the structure. Further, we recommend work on the culvert be done in low-flow conditions. It may be appropriate to consider a dam and pump-around to isolate work areas and complete construction in dry conditions.

EPA 3

EPA reaffirms that we reserve the right to provide additional comments during the Clean Water Action (CWA) Section 404 permit process, jointly administered by the EPA and the U.S. Army Corps of Engineers. We consider corridor preservation to be a suitable topic in the NEPA process; however, EPA reserves the right to comment on the corridor preservation alternative and its alternatives during the forthcoming CWA Section 404 permit process.

Thank you in advance for consideration of our comment. We look forward to receiving the Limited Scope – Final Supplemental EIS and ROD on this project. Should you have any questions, please do not hesitate to contact me or Elizabeth Poole of my staff at (312) 353-2087 or poole.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: Summary of Ratings Definitions

cc: Robert Wagner, Wisconsin Department of Transportation
Joey Shoemaker, U.S. Army Corps of Engineers
Julie Widholm, Wisconsin Department of Natural Resources

Figure 7.4-6 USEPA September 9, 2013 Letter (cont)

RESOLUTION NO. 42-13**RESOLUTION SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION'S
PROPOSAL TO DESIGN AND CONSTRUCT A FOUR-LANE FACILITY
ON STATE HIGHWAY 23 FROM PLYMOUTH TO FOND DU LAC**

WHEREAS, the Wisconsin Department of Transportation has determined there is a need to provide for additional capacity and to improve operational efficiency and safety for local and through traffic on the existing State Highway 23 from Plymouth to Fond du Lac, and

WHEREAS, Fond du Lac County has gone on record as supporting the construction of a full interchange at County Trunk Highway G and State Highway 23, with the adoption of Resolution No. 135-09, on March 16, 2010, and

WHEREAS, State Highway 23 from Sheboygan past Plymouth is currently a four-lane highway, and the plan to continue construction of that four-lane facility to Fond du Lac was enumerated in the 1999 state budget, and

WHEREAS, the Wisconsin Department of Transportation has recently announced its intention to begin construction of the State Highway 23 Plymouth to Fond du Lac project in fiscal year 2015, as previously scheduled, which effectively eliminates a proposed three-year delay in starting the project that was shown in the recent Transportation Projects Commission semiannual report, and

WHEREAS, the Wisconsin Department of Transportation has also announced that the substantial completion of the project would be in fiscal year 2018, with the potential advancement to fiscal year 2017, pending availability of funds, receipt of a record decision from the Federal Highway Administration, and resolution of the pending litigation from an outside group opposed to the four-lane expansion project, and

WHEREAS, the State Highway 23 corridor from Plymouth to Fond du Lac is extremely important to Sheboygan, Plymouth and Fond du Lac for economic development reasons, as well as for ensuring efficient transportation of goods and services, and

WHEREAS, there is a significant number of commuters, as well as travelers, throughout the state that utilize State Highway 23 on a day-to-day basis, sharing the two lane-highway with agricultural vehicles and over the road trucks, and

WHEREAS, significant accidents have occurred on the current two-lane facility, including a fatality in August of this year.

Figure 7.4-7 Fond du Lac County September 18, 2013 Resolution (cont.)

FCNTY 1

NOW, THEREFORE, BE IT RESOLVED that the Fond du Lac County Board of Supervisors supports the Wisconsin Department of Transportation's proposed construction of a four-lane facility – and opposes anything less than a four-lane facility – from Plymouth to Fond du Lac to significantly improve safety, advance economic growth and support efficient travel throughout the state.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the appropriate Wisconsin Department of Transportation officials.

Dated September 17, 2013

SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE


Joseph W. Koch


John G. Zorn


Karen Madigan


John E. Muentner, Sr.

Richard R. Wetzel

FISCAL NOTE: This resolution does not require an appropriation from the county general fund. Funding for the design and construction of the four-lane improvement on State Highway 23 from Plymouth to Fond du Lac will come from appropriations from the state's Major Highway Program.

APPROVED BY:


Allen J. Buechel
COUNTY EXECUTIVE

APPROVED BY:


William J. Bend
CORPORATION COUNSEL

Figure 7.4-7 Fond du Lac County September 18, 2013 Resolution (cont.)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

September 26, 2013

Operations
Regulatory (2010-00379-JRS)

Robert Wagner
WisDOT - Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54324-0080

Dear Mr. Wagner:

This letter is in response the Limited Scope Supplemental Draft Environmental Impact Statement (LSDEIS) received by this office on July 22, 2013, for the Wisconsin State Highway 23 Fond du Lac to Plymouth expansion project (Project ID 1440-13/15-00). The project site is located along the existing WIS 23 corridor within Fond du Lac and Sheboygan Counties.

The U.S. Army Corps of Engineers (Corps) is acting as a cooperating agency for the National Environmental Policy Act (NEPA) review of the proposed project due to the requirement for a Clean Water Act Section 404 permit. As part of any subsequent Department of the Army (DA) review, the Corps will need to comply with NEPA requirements in addition to completing a public interest review. It is our understanding that the LSDEIS was prepared to address a number of additions to the document since our last review, specifically updating and clarifying portions of the original Purpose and Need; enhancing and clarifying the discussion of alternatives; clarifying the discussion of impacts to Section 4(f) resources and reconsidering determinations on three of those resources; revising, updating, and clarifying the ICE analysis; and additional public involvement. Lastly, we have reviewed the document to ensure that all environmental consequences have been adequately evaluated.

The following comments are being submitted for the WIS 23 Fond du Lac to Plymouth expansion project LSDEIS. Please note that our comments are provided based on a corridor-level study pursuant to NEPA, and do not presume agreement with build design plans to be developed in the future as part of any subsequent Section 404 application.

USACE 1

1. The purpose and need discussion for the proposed pedestrian trail is not adequate for the magnitude of impacts the trail would cause (10.2 acres of wetland fill). The LSDEIS states that there are currently no adequate facilities for nonmotorized transportation along WIS 23 between Greenbush and the City of Fond du Lac; however, there is no discussion describing the true need for a nonmotorized transportation link between Greenbush and the City of Fond du Lac along STH 23. Existing and future anticipated nonmotorized traffic volumes should be evaluated as part of this discussion.

Figure 7.4-8 USACE September 26, 2013 Letter

- 2 -

Operations
Regulatory (MVP-2010-00379-JRS)

USACE 2

2. The act of describing the environmental consequences of preserving corridor level ROW should not be construed to imply future authorization for impacts. Should an interchange be proposed at a later date, the environmental consequences of the proposal would need to be identified at a design level. Future interchanges would also need to meet our public interest review and Section 404(b)(1) guidelines. Once completed, our agency would need to determine that the project as proposed is the least environmentally damaging practicable alternative (LEDPA) before any DA authorization could be issued.

USACE 3

3. The LSDEIS states that wetland locations were field-delineated by WisDOT staff and WDNR reviewers. To date the Corps has not concurred with the wetland locations. Therefore, please be advised that wetland boundaries are subject to change pending Corps review.

USACE 4

4. The LSDEIS does not identify proposed temporary impacts to wetlands or change in wetland type/conversion impacts (eg. forested to herbaceous) for ROW clear zones, utility crossings, etc. These impacts should be considered in the LSDEIS if they have the potential to become relevant in the design phase.

USACE 5

5. Our Section 404(b)(1) guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. Although the SDEIS identifies various alternatives for the actual roadway expansion (to include alternative routes and alternative lane configurations), it does not appear that the proposed trail was included in the analysis of each alternative. Please note that the Corps' review of a Section 404 permit for this project must include an evaluation of alternatives for the proposed trail. Any Section 404 application submittal should include an alternatives analysis that clearly outlines why the proposed trail alignment and configuration should be considered as part of the LEDPA for the overall project.

USACE 6

6. Compensatory mitigation should replace the aquatic functions and values unavoidably lost due to the project. We urge WisDOT to take all practicable and appropriate steps to ensure that compensatory mitigation is located within the same watershed(s) as the impact site(s), and that it would support the sustainability or improvement of aquatic resources within the same watershed(s).

USACE 7

7. It is understood that WisDOT regulations require allow for the contractor(s) to select borrow sites and obtain any permits that may be needed. Please note that this does not preclude the Corps from evaluating impacts in accordance with NEPA as it pertains to our authority under the Clean Water Act. If off-site fill material is not obtained from a licensed commercial facility, the Corps may be required to evaluate potential impacts and incorporate additional analysis into our administrative record for this project. This evaluation would be required prior to conducting any authorized work in waters of the United States.

Figure 7.4-8 USACE September 26, 2013 Letter (cont.)

- 3 -

Operations
Regulatory (MVP-2010-00379-JRS)

USACE 8

8. It is understood that during this design phase the need for utility relocations may not be known. However, planning efforts currently include, but are not limited to identifying impacts that result from residential and business displacements, impacts to Section 4(f) lands, wetlands, archaeological sites, and historic structures. Considerable resources are being expended on surveying and identifying environmental factors. We ask that you also identify utility lines within the area that could be affected and consider engaging utility companies early in the planning process to develop a reasonable relocation scenario.

We appreciate your request for comments and look forward to continued coordination on this project. If you have any questions, contact Ann Nye in our Green Bay field office at (651) 290-5859. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron
for Chief, Regulatory Branch

Copy furnished:
Jim Doperalski, WDNR
George Poirier, FHWA
Ken Westlake, USEPA
Peter Fasbender, USFWS

Figure 7.4-8 USACE September 26, 2013 Letter (cont)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

JAN 27 2014

Operations
Regulatory (2010-00379-AMN)

Robert Wagner
WisDOT - Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54324-0080

Dear Mr. Wagner:

This letter is in response to the request for concurrence with the Limited Scope Supplemental Draft Environmental Impact Statement (LS SDEIS) for the Wisconsin State Highway 23 Fond du Lac to Plymouth expansion project (Project ID 1440-13/15-00). The LS SDEIS was received by this office on July 22, 2013, with supplemental information being received on November 22, 2013. The project site is located along the existing WIS 23 corridor within Fond du Lac and Sheboygan Counties.

We concur with the revised purpose and need statement and have determined that it would satisfy CWA Section 404 requirements. The overall purpose of the project is to provide additional highway capacity to service existing and projected traffic volumes and improve operational efficiency and safety for local and through traffic while avoiding or minimizing environmental effects. The need for the project is demonstrated through a combination of factors including system linkage and route importance, transportation demand and regional economic development, legislative and planning history, existing and future traffic volumes and resulting operation, existing highway geometric characteristics, access, safety, and nonmotorized travel accommodations.

We also concur with the array of alternatives initially considered and dismissed (Non-Highway Including Transit Alternatives & Reconstruct Existing 2-Lane Highway Alternative), and with alternatives carried forward as detailed in Section 2 of the LS SDEIS which includes the No Build Alternative and Build Alternatives 1 through 6. Furthermore, the Corps concurs with dismissal of Build Alternatives 2 through 6 because they are more damaging to the aquatic environment when compared to the Preferred Build Alternative.

The Corps concurs with selection of the Preferred Build Alternative (Alt. 1) which includes the WIS 23 Mainline 4-Lane Expansion, Old Plank Road Trail Extension, and Local Roads-Interchanges-Access Control; as detailed in Section 2.7 of the LS SDEIS. Based on information provided in Section 4.6, the preferred alternative appears to impact the least amount of aquatic resources of the practicable alternatives and would satisfy CWA Section 404 requirements in this regard.

Figure 7.4-8a USACE January 27, 2014 Letter

- 2 -

Operations
Regulatory (MVP-2010-00379-AMN)

Please note that our determinations are based on a corridor level analysis and we expect that further efforts to avoid, minimize, and mitigate for wetland impacts will take place during the design phase of the project. If there are any substantial changes or if new information is brought forward, we may reconsider these determinations.

We look forward to continued coordination on this project. If you have any questions, contact Ann Nye in our Green Bay Field Office at (651) 290-5859. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished:
Jeremiah Schiefelbein, WDNR
George Poirier, FHWA
Ken Westlake, USEPA
Peter Fasbender, USFWS

Figure 7.4-8a USACE January 27, 2014 Letter (cont)

Stockbridge-Munsee Tribal Historic Preservation Office

Sherry White - Tribal Historic Preservation Officer

W13447 Camp 14 Road

P.O. Box 70

Bowler, WI 54416

2013 AUG 21 PM 1 06

WISDOT-NE REGION

Date 8/16/13
 Project Number Project 1A40-13/15-00
 TCNS Number _____
 Company Name WIDOT

We have received your letter for the above listed project. Before we can process the request we need more information. The additional items needed are checked below.

Additional Information Required:

- Site visit by Tribal Historic Preservation Officer
- Archeological survey, Phase 1
- Colored maps
- Pictures of the site
- Any reports the State Historic Preservation Office may have
- Review fee of \$300.00 must be included with letter
- Has site been previously disturbed, please explain what the use was and when it was disturbed

After reviewing your letter:

We are in the process of gathering more information on this site and will respond to your project request once all information has been gathered.

This project has the potential to affect a Mohican cultural site, please contact us

This project is not within Mohican area of interest

STOCK 1

This project is within Mohican territory, but we are not aware of any cultural site within the project area.

Additional comments _____

STOCK 2

Should this project inadvertently uncover a Native American site, we require you to halt all construction and notify the Stockbridge-Munsee Tribe immediately.

Please do not resubmit projects for changes that are not ground disturbance


 Sherry White, Tribal Historic Preservation Officer

(715) 793-3970

Email: sherry.white@mohican-nsn.gov

Figure 7.4-9 Stockbridge Munsee September 16, 2013 Letter

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER P.O. Box 39 · Odanah, WI 54861

Tribal Historic Preservation Office

2013 SEP 27 09 11 08 September 19, 2013
WAGNER-RODRIGUEZ

Robert J. Wagner, P.E.
WISDOT, Northeast Region
994 Vanderperren Way
Green Bay, WI 54324-0080

RE: 1440-13/15-00
WIS 23, Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties

Dear Mr. Wagner:

The Bad River Tribal Historic Preservation Office has received a request for review of your federal undertaking under Section 106 of the National Historic Preservation Act.

In order for us to process your request, the Bad River Tribal Historic Preservation Office requires payment of a processing fee of **\$650.00** for each request for review of each federal undertaking received for projects beyond the exterior boundaries of the Bad River Indian Reservation. **BRBAND 1**

The Bad River Tribal Historic Preservation Office - *106 Review Processing Fees* not only expedites your request for review, but also supports our efforts to obtain self-sufficiency. Further, this fee will enable us to provide other educational development efforts to enhance public knowledge of the history of the Bad River Band of the Lake Superior Tribe of the Chippewa.

To process your request, please make checks payable to: **Bad River Tribe – THPO/NAGPRA Services**

Insert this Reference: **RE: #106-2013-August-1017/Project ID 1440-13/15-00**

And mail your payment to:

**Bad River Band of Lake Superior Tribe of
Chippewa Indians
ATTN: Accounting
P.O. Box 39
Odanah, WI 54861**

Once payment is received, our office will promptly respond to your request.

Your efforts to maintain compliance with Section 106 of the National Historic Preservation Act is greatly appreciated.

Sincerely,


Loretta Livingston, Bad River THPO Processing Clerk

Telephone (715) 682-7123 Natural Resources Department Fax (715) 682-7118

Figure 7.4-10 Bad River Band September 19, 2013 Letter

7.5 PUBLIC HEARINGS AND COMMENTS

A. Two public hearings for the DEIS were held on January 5, 2005. The first one was held from 1 to 3 P.M. at the Greenbush Town Hall and the second meeting was held from 6 to 8 P.M. at the UW Fond du Lac Main Building. The WisDOT staff presented at both hearings and there was an informal discussion of the proposal. Exhibits available at this hearing included:

- Ice Age Trail Crossings Map (1 inch=500 feet).
- Impact Evaluation of Alternatives for the six alternatives.
- Average Daily Traffic map.
- Timeline of Milestones WIS 23 Corridor Study.
- Highway 23 Level of Service.
- WIS 23 and County K Intersection Concept.
- Corridors 2020 Wisconsin Map.
- Tentative Design, Real Estate Acquisition, and Construction Schedule.
- Explanation of the difference between a Draft EIS and Final EIS.
- Description of the Draft EIS.
- Explanation of a Public Hearing.
- Description of an EIS.
- The next steps in the WIS 23 project.
- WIS 23 Environmental Impact Study Corridors graphic.

Numerous project staff were available during the hearing to answer questions about the project. At the beginning of each hearing, statements by WisDOT staff indicated the following: that the hearing was on the location, design, and environmental issues associated with state trunk highway system changes and expressway designation aspects of WIS 23 and that the purpose of the public hearing was to allow comments and consideration on the designation of WIS 23 between Sheboygan County P and the city of Fond du Lac as an expressway under Wisconsin State Statute Section 84.295.

One court reporter was present at the hearing to record individual testimony from 1 to 3 P.M. and 6 to 8 P.M. Written testimony on the available comment sheets was also encouraged. Written testimony or other displays could be submitted for inclusion in the hearing transcript if postmarked no later than January 21, 2005.

Public hearing notices and advertisements announcing the hearing were published prior to the hearing. A press release was distributed to local media.

In December 2004, a two-page newsletter summarizing the DEIS was mailed to residents along the corridor and other individuals and groups expressing interest in the project. Letters to jurisdictions invited them to attend the public hearing.

A four-page information packet with a postage-paid comment sheet was handed out at the hearing. Copies of the December 2004 newsletter were also available.

The public hearings conducted for the DEIS satisfied the legal requirements for these types of projects.

B. A public hearing for the 2009 SDEIS was held on February 24, 2010, from 5:30 to 8 P.M. at the UW Fond du Lac Main Building. WisDOT staff presented a summary of the project and there was an informal discussion of the proposal. The following exhibits were available at this hearing:

- Reason 2009 SDEIS was prepared.
- Alternative structure.
- Differences between 2009 SDEIS and DEIS.
- Intersection treatments.
- J-Turns.
- Traffic Forecast.
- Schedule.
- Possible intersection treatments.
- WIS 23/US 151 Corridor Preservation Options.
- Preferred Alternative Impacts.
- Typical Sections.
- Corridor Maps.
- Land Use Maps.
- County K and County UU intersection treatments.

WisDOT project staff were available during the hearing to answer questions about the project. At the beginning of the hearing, statements by WisDOT staff indicated that the hearing was on the location, design, and environmental issues associated with the proposed WIS 23 changes, Old Plank Trail changes, the WIS 23/US 151 system interchange and that the purpose of the public hearing was to allow comments and consideration on the designation of WIS 23 between County P in Sheboygan County and the city of Fond du Lac as an expressway under Wisconsin State Statute Section 84.295.

One court reporter was present at the hearing to record individual testimony from 5:30 to 8 P.M. and written testimony on the available comment sheets was also encouraged. Written testimony or other displays could be submitted for inclusion in the hearing transcript if postmarked no later than March 12, 2010.

Public hearing notices and advertisements announcing the hearing were published prior to the hearing. A press release was distributed to local media.

In February 2010, a four-page newsletter summarizing the 2009 SDEIS was mailed to residents along the corridor and other individuals and groups expressing interest in the project. Letters to jurisdictions invited them to attend the public hearing.

A two-page information packet, a two-page preamble, and a postage-paid comment sheet were handed out at the hearing. Copies of the February 2010 newsletter were also available.

The public hearing conducted for the WIS 23 2009 SDEIS satisfied the legal requirements for these types of projects.

C. A hybrid-style public hearing for the 2013 LS SDEIS was held on August 28, 2013, for the WIS 23 improvements in Fond du Lac and Sheboygan Counties from 6 to 8:30 P.M. at the UW Fond du Lac Main Building. The hearing provided the opportunity to testify both in a public forum setting as well as in private. Opportunity to provide written comments was also offered. About 105 people attended. WisDOT staff presented a summary of the project, and there was an informal discussion of the proposal. The formal public hearing followed. Exhibits at the hearing included the following:

- Wisconsin State Statute 84.295 process and maps
- Information on roundabouts and J-turns
- Information on the LS SDEIS
- Construction schedule

- Updated traffic forecasts and crash rates
- Updated project impacts
- Changes to St. Mary's Springs Academy
- Impacts and Mitigation to Section 4f properties, including the Kettle Moraine State Forest and the Old Wade House State Park.
- Recent design refinements to County K, County UU, and County G interchanges and jug-handles.

Section 7.6 Summarizes the public hearing comments and responses.

7.6 2004/5 DEIS, 2009/10 SDEIS, AND 2013 LS SDEIS PUBLIC HEARING COMMENTS AND RESPONSES

A. January 5, 2005 DEIS Public Hearing

A total of 177 people attended the January 5, 2005, public hearings for the DEIS as tabulated from the attendance roster at the meetings. There were 77 general public comments and 11 public officials' comments as written testimony. Twenty-one speakers recorded public testimony.

In their oral and written comments, many individuals discussed several issues. In order to address all aspects of the public comments, the comments were summarized and are shown in the following table. Note that one individual testimony may have contained several comments. Responses to comments are in italics below each comment.

- a. General Public Comments (January 5, 2005 public hearings)

Table 7.6-1 2005 DEIS Public Hearing Comment Summary—General Public

Comment Number	2004/5 DEIS and Hearing Comment	Number of Occurrences
1	In favor of expanding the two-lane highway 23 to a four-lane highway. <i>Comment acknowledged. The preferred alternative 1 is a four-lane highway.</i>	37
2	In favor of four-lane highway because it is safer. <i>Comment acknowledged. The preferred alternative 1 is a four-lane highway.</i>	33
3	Opposed to widening 23 because of loss of land (farms, wetlands, etc.) <i>Comment acknowledged. The Preferred Alternative will widen the existing WIS 23 corridor to four lanes. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i>	20
4	Reject alternative 2 (A-B-A and Chickadee). <i>Comment acknowledged. Alternative 2 was not chosen as the Preferred Alternative.</i>	11
5	In favor of Alternative 2 (Chickadee Alternative) route. <i>Comment acknowledged. Alternative 2 was not chosen as the Preferred Alternative.</i>	9
6	In favor of Highway 23 expansion and Alternative 1. <i>Comment acknowledged. Alternative 1, which is an expansion of WIS 23, is the Preferred Alternative.</i>	9
7	In favor of expanding 23 to a four-lane for economic development <i>Comment acknowledged. The Preferred Alternative is an expansion of WIS 23 to four lanes.</i>	9
8	Keep the expansion on existing route. <i>Comment acknowledged. Alternative 1, the Preferred Alternative, is on the existing route.</i>	6
9	In favor of Alternative A <i>Comment acknowledged. Alternative A was not chosen as the Preferred Alternative.</i>	6
10	Opposed to widening the road to 4 lanes <i>Comment acknowledged. The Preferred Alternative will widen the road to four lanes.</i>	5
11	Investigate other options such as No-Build or two lane road with passing lanes and improved intersections with center turn lanes and exit turn lanes. <i>Further study was conducted of intermediate improvements including passing lanes. See discussion in Section 2 and also Appendix J of 2009 SDEIS.</i>	4
12	Wants Hwy K access to Hwy 23 to be left in place <i>See access control plan in Appendix I of 2009 SDEIS.</i>	2

Table 7.6-1 2005 DEIS Public Hearing Comment Summary—General Public

Comment Number	2004/5 DEIS and Hearing Comment	Number of Occurrences
13	Do not increase to four lanes because of the dangers for farmers crossing to get to and from fields. <i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but access to fields and safe crossings will be incorporated in the design.</i>	2
14	In favor of Alternative 3 <i>Comment acknowledged. Alternative 3 was not chosen as the Preferred Alternative</i>	1
15	The consideration of the alternative route for the 6-mile portion of the reconstruction area is an enormous waste of money <i>Comment acknowledged. The Preferred Alternative is on existing WIS 23 alignment.</i>	1
16	Keep it the way it is now. <i>Comment acknowledged.</i>	1
17	Support the new corridor alternative being built north of the existing roadway <i>Comment acknowledged. The Preferred Alternative will be on the existing roadway.</i>	1
18	Choose the straightest route and complete as soon as possible <i>Comment acknowledged. Alternative 1 was chosen as Preferred Alternative and will follow the existing corridor.</i>	1
19	Have an interchange at highways G and W and limit all other access points to prevent accidents <i>Access control plan in Appendix I of 2009 SDEIS.</i>	1
20	In favor of the 12 ft wide x 12 ft high underpass for the Ice Age Trail <i>See Section 2.3 D.</i>	1
21	Opposed to a 4-lane highway because there has been no proven need for expansion. <i>Comment is acknowledged. Projected traffic volumes and crash data indicate expansion is needed.</i>	1

b. Business Comments (January 5, 2005 public hearings)**Table 7.6-2 2005 DEIS Public Hearing Comment Summary—Business**

Number	2005 DEIS Hearing Comment	Number of Occurrences
1	Would like the new highway to stay close to their business with easy access to their business; however would not mind if the highway acquired their business. <i>Comment acknowledged.</i>	1
2	Supports the WIS 23 expansion to four-lane because it will improve tourism and the economy. <i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	2
3	Supports upgrading the highway to a four-lane because it will improve business and the economy. <i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	2
4	Supports the expansion of WIS 23 to a four-lane. <i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	4
5	Supports the WIS 23 expansion to a four-lane because it will be safer, in favor of Alternatives 1 or 2. <i>Comment acknowledged. The Preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	1
6	Supports the WIS 23 expansion and the multiuse recreational trail incorporated in the reconstruction. <i>Comment acknowledged. Trail improvements will be incorporated in WIS 23 expansion project by extending the Old Plank Road Trail west.</i>	4
7	Supports the proposal of constructing a below-grade crossing of highway 23 that is at least 12-feet-wide and has a skylight in the median. <i>Comment acknowledged. A 12-foot-wide underpass for the IAT with slab-span bridges is proposed, allowing natural lighting.</i>	1
8	Supports upgrading the highway to a four-lane because it will improve safety and economics. <i>Comment acknowledged. The preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	4

Table 7.6-2 2005 DEIS Public Hearing Comment Summary–Business

Number	2005 DEIS Hearing Comment	Number of Occurrences
9	Supports WIS 23 expansion and Alternative 1 <i>Comment acknowledged. The preferred Alternative 1 is a four-lane expansion on the existing WIS 23 corridor.</i>	5
10	Supports Alternatives 5 or 6 and suggests proceeding with acquisition of properties. <i>Comment acknowledged. Neither Alternative 5 nor 6 were chosen as the Preferred Alternative.</i>	1
11	Supports Alternative 1 and a grade separation at WIS 23 and County Trunk K. <i>Comment acknowledged. A grade-separated crossing is proposed at County K</i>	1

B. February 24, 2010 SDEIS Public Hearing

The attendance roster listing 143 people attending the February 24, 2010 public hearing for the 2009 SDEIS. There were 34 general public comments as written testimony and 16 speakers recorded public testimony.

In their oral and written comments, many individuals discussed several issues. In order to address all aspects of the public comments, the comments were summarized and are shown in the following table. Note that one individual testimony may have contained several comments. Responses to comments are in italics below each comment.

a. General Public Comments (February 24, 2010 public hearings)**Table 7.6-3 2009 SDEIS Public Hearing Comment Summary–General Public**

Number	2009/10 SDEIS and Hearing Comment	Number of Occurrences
1	Favors 23-2 Interchange. <i>Comment acknowledged.</i>	9
2	Expressed safety concern along WIS 23. <i>Comment acknowledged.</i>	7
3	Requests an interchange at County G. <i>Comment acknowledged. Right of way will be preserved at County G for a potential future interchange. Implementation of this interchange could be advanced.</i>	8
4	Requests that no J-Turn be placed at County G. <i>Comment acknowledged. Right of way will be preserved at County G for a potential future interchange.</i>	5
5	Concerned there is no access to farm parcels. <i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>	3
6	Concern raised over parts of property acquired for project and decrease in property value. <i>Comment acknowledged.</i>	3
7	Favors no-build option for US 51/WIS 23 interchange. <i>Comment acknowledged.</i>	3
8	Concerns raised about access to properties. <i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>	2
9	Request was made for the WisDOT to buy property from houses along WIS 23. <i>Comment acknowledged. WisDOT's Real Estate Department is negotiating with property owners along the project corridor and purchasing right of way.</i>	2
10	Agrees with County K jug-handle design. <i>Comment acknowledged. County K will become a jug-handle interchange.</i>	2
11	Concern raised over wildlife habitats being affected. <i>Comment acknowledged. The Preferred Alternative will widen the existing WIS 23 corridor to four lanes and will have some impact on natural habitats. The impacts will be avoided where possible, minimized through design revisions, and mitigated where necessary. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i>	2
12	Low traffic on County UU that doesn't need an interchange. <i>Comment acknowledged.</i>	2

Table 7.6-3 2009 SDEIS Public Hearing Comment Summary—General Public

Number	2009/10 SDEIS and Hearing Comment	Number of Occurrences
13	Farming indirection will cost time and money. <i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes but reasonable access to fields and median openings will be incorporated in the final design.</i>	2
14	Requests for snowmobile access on the Old Plank Trail. <i>Comment acknowledged. The Old Plank Road Trail will be maintained by Sheboygan and Fond du Lac Counties. The Counties and local governments will determine acceptable uses for the trail.</i>	2
15	Requests Old Plank Trail be realigned. <i>Comment acknowledged.</i>	2
16	Requests the removal of the County KWIS 23 connector road. <i>Comment acknowledged.</i>	2
17	Request for future properties to be purchased immediately since they are unsellable. <i>Comment acknowledged. WisDOT's Real Estate Department is negotiating with property owners along the project corridor and purchasing right of way.</i>	2
18	Complaints raised about noise increase. <i>Comment acknowledged. A noise analysis was completed for the project and where reasonable, noise impact mitigation will be provided.</i>	2
19	Privacy concern. <i>Comment acknowledged.</i>	2
20	Agrees with 4 lanes on WIS 23. <i>Comment acknowledged. The Preferred Alternative 1 is a 4-lane expansion on the existing WIS 23 corridor.</i>	2
21	Favors 23-1 Interchange. <i>Comment acknowledged.</i>	2
22	Concern over funding in an economic downturn. <i>Comment acknowledged.</i>	2
23	Request to have median break at property. <i>Comment acknowledged. The Preferred Alternative will expand WIS 23 to four lanes and reasonable access to residences will be provided. Exact locations of median openings will be determined in the final design.</i>	2
24	Golf Course Drive is dangerous and traffic should not be routed to it. <i>Comment acknowledged.</i>	1
25	Requests that Whispering Springs intersection be eliminated or redesigned. <i>Comment acknowledged.</i>	1
26	Concerned that there is a lack of access to Whispering Springs and Golf Course. <i>Comment acknowledged.</i>	1
27	Favors 23-7 interchange. <i>Comment acknowledged.</i>	1
28	Cody Road is dangerous and traffic should not be routed to it. <i>Comment acknowledged.</i>	1
29	Requests that proposed driveway be relocated. <i>Comment acknowledged.</i>	1
30	Favors 23-1 interchange with minor tweaks. <i>Comment acknowledged.</i>	1
31	Requests a sound barrier for the Mary Hill Park. <i>Comment acknowledged. A noise analysis was completed for the project and where reasonable, noise impact mitigation will be provided.</i>	1
32	Concern raised over visual appeal of proposed sound barrier. <i>Comment acknowledged.</i>	1
33	Requests an interchange at Tower Road. <i>Comment acknowledged.</i>	1
34	Requests a J-Turn at Hilltop Road. <i>Comment acknowledged.</i>	1
35	Concern raised over design at Hilltop Road. <i>Comment acknowledged.</i>	1
36	Request to shift the County UU interchange west to avoid relocations. <i>Comment acknowledged.</i>	1
37	Request to make County UU a town road. <i>Comment acknowledged.</i>	1
38	Disagrees with overpass at Hillview. <i>Comment acknowledged.</i>	1

Table 7.6-3 2009 SDEIS Public Hearing Comment Summary—General Public

Number	2009/10 SDEIS and Hearing Comment	Number of Occurrences
39	Requests at least two snowmobile underpasses for safety. <i>Comment acknowledged.</i>	1
40	Opposes project. <i>Comment acknowledged. The No-Build Alternative would fail to address future traffic demands, highway deficiencies, and safety concerns throughout the WIS 23 corridor.</i>	1
41	Opposes County K jug-handle. <i>Comment acknowledged.</i>	1
42	Concern raised about the effect of the roadway on the outlet of the floor drains. <i>Comment acknowledged.</i>	1
43	Theft concern over location of trail. <i>Comment acknowledged.</i>	1
44	Concern for the safety of the animals on the property. <i>Comment acknowledged.</i>	1
45	Concern raised over the ability to resell after impacts. <i>Comment acknowledged.</i>	1
46	Concern over impacts to trees and duck pond. <i>Comment acknowledged.</i>	1
47	Concern over number of animals on farm if land is taken away. <i>Comment acknowledged.</i>	1
48	Requests a service road for continued access. <i>Comment acknowledged.</i>	1
49	Requests buyout if access is not obtained and parcel is landlocked. <i>Comment acknowledged.</i>	1
50	Requests removal of service road from Branch Road to Pioneer Drive. <i>Comment acknowledged.</i>	1
51	Requests traffic lights instead of overpasses since they are less expensive. <i>Comment acknowledged.</i>	1
52	Requests that the speed limit be reduced and enforced instead of closing roads. <i>Comment acknowledged.</i>	1
53	Have video displays of the intersections at meetings. <i>Comment acknowledged.</i>	1
54	Opposed to closing Plank Road. <i>Comment acknowledged.</i>	1
55	Traffic will be rerouted to be in front of home. Will roadway be widened to accommodate these cars. <i>Comment acknowledged.</i>	1
56	Agrees with access to 7 Hills Road and Tower Road. <i>Comment acknowledged.</i>	1
57	Prefers J-Turns over overpasses. <i>Comment acknowledged.</i>	1
58	Agrees with the extension of the Old Plank Trail. <i>Comment acknowledged. Trail improvements will be incorporated in WIS 23 expansion project.</i>	1
59	Agrees with the roundabout at Wisconsin American Drive. <i>Comment acknowledged. Wisconsin American Drive will connect to WIS 23 with a roundabout.</i>	1
60	Requests at least a J-Turn at County G. <i>Comment acknowledged.</i>	1
61	Current design for County G will affect the current and future business for companies on County G. <i>Comment acknowledged.</i>	1
62	Current design on County G will create longer response times for emergency vehicles. <i>Comment acknowledged.</i>	1
63	The project is a direct contradiction of the National Environmental Policy Act. <i>Comment acknowledged. This document seeks to fulfill and integrate NEPA in the decision making process.</i>	1
64	The Public Hearings may not satisfy legal requirements since it is currently being litigated in the US District Court. <i>Comment acknowledged.</i>	1

Table 7.6-3 2009 SDEIS Public Hearing Comment Summary–General Public

Number	2009/10 SDEIS and Hearing Comment	Number of Occurrences
65	Concern raised about the inclusion of J-Turn intersections. Suggests including longer acceleration lanes. <i>Evaluation and determination of the length necessary for acceleration lanes will be performed during final design.</i>	1

C. August 28, 2013 Public Hearing

The attendance roster listed 103 people in attendance at the August 28, 2013 public hearing for the 2013 LS SDEIS. Oral and written public comments are summarized and shown in the following table. Note that an individual's testimony or comment sheet may have contained multiple comments. Responses to comments are in italics below each comment.

1. General Public Comments–August 28, 2013 Public Hearing, including Submitted Comments**Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public**

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
1	Acquisition schedule is unknown (keep communicating). <i>Comment acknowledged. WisDOT has postponed further property acquisition until the new Record of Decision is issued. WisDOT understands the hardship the delay is causing to property owners and is proceeding through the NEPA process expeditiously. WisDOT's intention is to resume acquisition as soon as the NEPA process is completed. Correspondence will continue throughout the planning and design.</i>	2
2	Property value being impacted. <i>Comment acknowledged. As mentioned, WisDOT's intention is to resume acquisition as soon as the NEPA process is completed.</i>	2
3	Supports WIS 23 Project. <i>WisDOT will continue to work to provide a facility that meets local access needs while improving safety and regional mobility.</i>	5
4	WIS 23 project involves safety improvements. <i>Comment acknowledged. Safety is an important component of the project Purpose and Need.</i>	1
5	WIS 23 is more important than US 151. <i>Comment acknowledged. Both roadways serve important functions. WisDOT evaluates roadway priorities throughout the state and seeks to make effective use of taxpayer monies.</i>	1
6	WIS 23 has inadequate passing. <i>This LS SFEIS/ROD provides a passing lane analysis associated with the 2-lane alternatives. High traffic volumes and limited passing zones contribute to the difficulty in passing.</i>	2
7	Expansion should have occurred years ago. Disappointed/Concerned that project is delayed. <i>WisDOT is committed to constructing this project providing the NEPA process continues to justify the project. At the August 28, 2013 hearing, it was stated that construction was planned for 2018. In response to recent public comment, the planned start of the project has been advanced to 2015, providing NEPA approvals are obtained.</i>	3
8, 11, 15	Complete the project as soon as possible. <i>WisDOT is working through the NEPA process and is committed to construction of this project in 2015, providing the NEPA approvals are obtained.</i>	6
9, 33	The longer the project waits the more it will cost. <i>Comment acknowledged. WisDOT accounts for cost variations as it programs projects.</i>	3
10	Project completion could save lives. <i>Comment acknowledged. The Preferred Build Alternative incorporates features that are anticipated to reduce the number of crashes.</i>	2
12	Concerned about safety. <i>One of the key project Purpose and Need components is to improve WIS 23 safety. The current Preferred Alternative contains features that are anticipated to reduce the number of crashes.</i>	5

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
13	Concerned about traffic volume. The project Purpose and Need addresses providing adequate facilities to accommodate projected traffic volumes. The Preferred Alternative provides additional capacity to accommodate anticipated traffic volumes.	1
14	Concerned about deteriorating conditions. The Preferred Alternative addresses deteriorating safety, operational, and pavement conditions by providing a median and access treatments, providing additional capacity, and replacing the pavement. Some sections of WIS 23 will have minor maintenance work done prior to 2015.	2
16	Many car/deer incidents. Motor vehicle crashes involving an animal amount to about 63 percent of WIS 23 crashes from 2006 to 2010. Studies provide conflicting results on how roadway expansion will affect crashes with animals. Efforts will be made near the Kettle Moraine State Forest to use fencing and an underpass associated with the Ice Age Trail to funnel animal crossings to this location, reducing the potential for vehicle-animal collisions.	1
17	Wide Shoulders and fenced right of way is needed. The Preferred Alternative will provide wider shoulders. Because of the many access points and at-grade intersections, continuous fencing is not possible. Most of the corridor will have a 4-foot fence; however, there will be some gaps within the fencing.	1
18	There is a lot of commercial truck traffic. Comment acknowledged. Trucks make up about 11 percent of WIS 23 traffic.	1
19	Interim work is needed. If the NEPA process confirms the current Preferred Alternative, construction is planned to begin in 2015. If the NEPA process does not confirm the current Preferred Alternative, WisDOT will investigate and pursue interim improvements through its maintenance program.	1
20	Complete US 151 to Taft Road first. Because of complexity and currently completed right of way acquisition, it is not possible to complete the WIS 23 from US 151 to Taft Road first. If project or funding delays occur, the improvement sequence will be reinvestigated.	1
21	Complete frontage road from Golf Course to County K. Comment acknowledged. Current plans provide access to residents with an emphasis on minimizing indirection and minimizing impacts. A connection between County K and Golf Course Road is not currently being planned.	1
22	Opposes roadway location for Hilltop Acres and Whispering Springs Drive. Comment acknowledged. When designing WIS 23, WisDOT considered resident input, minimizing indirection, and minimizing impacts when locating access roads.	3
23	Oppose roundabouts. Roundabouts can offer significant safety advantages over conventional intersections. Currently WisDOT uses intersection control evaluations (ICE) to determine what is the most appropriate control type for an intersection. In the Preferred Alternative, roundabouts are proposed for the jug-handle ramp terminals.	1
24	People need to be educated about how to drive roundabouts. Comment acknowledged. WisDOT provides on-line videos and periodic newspaper articles about driving roundabouts. WisDOT includes information on roundabouts at public meetings as well.	1
25	Request that DOT recommend litigation be moved to September or October of 2013, to remove litigation hurdle and proceed with project. WisDOT requested a court stay in order to prepare the LS SDEIS and LS SFEIS/ROD. Court proceedings will move forward after completion of the NEPA process.	1
26	The acquisition of 90 percent in Sheboygan and 10 percent in Fond du Lac can't be accurate. The acquisition completion figures are estimates from WisDOT's Real Estate Section. The majority of the right of way needed for construction in Sheboygan County has been obtained. The majority of right of way needed for construction in Fond du Lac County has not been obtained.	1
27	Requests walkway from Plank Road Trail to B&B Gas Station at County W. The Old Plank Road Trail extension will be on the south side of WIS 23 while the B&B Gas Station is on the north side of WIS 23. The trail will be connected to the WIS 23/County W intersection. No additional trail extensions are planned.	1

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
28	Money being utilized in Milwaukee, Madison, and other areas should be used for this project. <i>WisDOT balances statewide transportation needs. Information at the August 28, 2013 hearing noted construction was planned for 2018. In response to public comments, WisDOT advanced the planned construction start date to the originally planned 2015.</i>	1
29	Opposes 1000 Friends legal suit. <i>Comment acknowledged.</i>	2
30	Not contacted about property information/acquisition. <i>Comment acknowledged. Right of way acquisition has been temporarily suspended until this NEPA process has been completed. If approved, right of way acquisition will resume. Correspondence will continue to be sent to affected property owners when new information is available.</i>	1
31	Not sent correspondence for the project. <i>Comment acknowledged. Notification for the public hearing was made in area newspapers. Announcements were sent to abutting property owners and local government officials. Residents present at the meetings will be added to the mailing lists.</i>	1
32	Opposes WIS 23 Common Sense Committee. <i>Comment acknowledged</i>	1
34	Traffic volumes have decreased because of the poor condition of the highway. <i>Comment acknowledged. Statewide Wisconsin has experienced a plateauing of traffic volumes on all roads. There may be several reasons why this is happening. Pavement condition is not currently considered one of the reasons. See the response to 1000 Friends of Wisconsin in Section 7.6 of this LS SDEIS for more information.</i>	1
35	People have been inconvenienced by the delays to implement this project. <i>Comment acknowledged. WisDOT is proceeding through the NEPA process. If approved, WisDOT plans to begin project construction in 2015.</i>	1
36	The State will not progress economically with the tactics being deployed to delay the project. <i>Comment acknowledged.</i>	1
37	Secretary Gottlieb announced project would start in 2015. <i>Information at the August 28, 2013, hearing noted the construction start was delayed to 2018. Because of public response, WisDOT advanced the start of construction to 2015, providing the project receives approval through the NEPA process.</i>	1
38	Reasoning behind the reprioritization of the highway project over other projects should be discussed in the environmental document. <i>When programming (scheduling) projects, WisDOT uses a variety of factors to determine priority. These factors include, yet are not limited to, the status of the environmental documentation process, right of way acquisition, design, and whether uncommitted dollars are available. Once programmed, project schedules are regularly monitored and sometimes adjusted based on these factors.</i>	1
39	Accurate timing of the project is needed to receive honest public comment/assessment. <i>Comment acknowledged. As mentioned, the planned construction schedule is dynamic based on a monitoring of many factors, including project approvals, right of way acquisition, and available funding. The LS SDEIS states the planned start of construction as 2015. Because of state programming challenges and other reasons, information at the August 28, 2013, public hearing noted that the construction start was delayed to 2018 if the project received the appropriate approvals. In response to public comment, WisDOT advanced the start of construction to its original 2015 schedule as stated in the LS SDEIS.</i>	1
40	LS SDEIS uses questionable basis for forecasting higher traffic volumes. <i>Appendix A describes the forecasting methodology. A MnDOT-sponsored survey of travel forecasting methods of 30 states indicated that Wisconsin's methodology is consistent with other states and could be considered more rigorous. See the response to 1000 Friends of Wisconsin in Section 7.6 of this LS SDEIS for more information.</i>	2
41	WIS 23 has a decrease in commercial traffic from the 2010 EIS. <i>Neither the 2010 FEIS nor the 2013 LS SDEIS quantify the amount of commercial traffic on WIS 23. The traffic forecasts in the 2010 FEIS indicated trucks would make up about 14 percent of the traffic, whereas the traffic forecasts in this LS SFEIS/ROD indicate that trucks make up about 11 percent of the traffic.</i>	1

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
42	Money should be used to maintain existing roadways and bridges. <i>Comment acknowledged. Many of the existing structures and much of the road bed is used in the Preferred Alternative. Maintenance activities alone do not satisfy the project Purpose and Need.</i>	2
43	Since the project is pushed back to 2018, there should be a refresh in the traffic volume and accident data in 2017 prior to construction. <i>In response to public comments, the planned construction time frame of 2018 has been advanced to its original 2015 start, as stated in the LS SDEIS. This LS SFEIS/ROD updates the crash data and analysis. The LS SDEIS updated the traffic volume data, projections, and analysis.</i>	1
44	Adopt an improved two-lane highway plan that improves safety, relieves congestion, improves drivability, and saves tens of millions of tax dollars. <i>Comment acknowledged. The two-lane alternatives do not fully meet the Project Purpose and Need. See analysis in Section 2.6 of this LS SFEIS/ROD.</i>	8
45	Four Lanes are not needed. <i>Several two-lane alternatives were evaluated, and they were not able to fully satisfy the Project Purpose and Need. See Section 2.6 of this LS SFEIS/ROD.</i>	8
46	Passing Lanes would be sufficient improvement to WIS 23. <i>Two passing lane alternatives were evaluated and they were not able to fully satisfy the Project Purpose and Need. See Section 2.6 of this LS SFEIS/ROD.</i>	8
47	The proposed project would have a negative effect on the rural character of the area. <i>The Preferred Alternative increases the WIS 23 corridor width and requires acquisition from rural properties. It does provide safer and more efficient traffic operations.</i>	8
48	The proposed project would have a negative effect on my quality of life. <i>Comment acknowledged. WisDOT seeks to minimize all adverse effects to the natural and human environments. Some impacts will occur.</i>	8
49	The proposed project would have a negative effect on the natural environment. <i>Comment acknowledged. WisDOT seeks to minimize all adverse effects to the natural and human environments. Some impacts will occur.</i>	8
50	The proposed project would have no effect on the local economy. <i>The Preferred Alternative will have modest effects on the local economy. Section 4.4 summarizes the indirect and cumulative effects analysis for the project. In previous public involvement activities, some local businesses have expressed support for the project</i>	6
51	The proposed project would have a negative effect on the local economy. <i>The Preferred Alternative will have modest effects on the local economy. Section 4.4 summarizes the indirect and cumulative effects analysis for the project. Some local businesses have expressed support for the project in previous public involvement activities.</i>	2
52	The state should focus more of its resources toward maintaining local township, city, and county roads. <i>Comment acknowledged. WisDOT funding allocation is discussed in Section 4.2 of this LS SFEIS/ROD.</i>	8
53	Wants the berm promised between County UU and the subdivision. <i>A noise analysis is incorporated in this LS SFEIS/ROD in Section 4.D-3. Noise walls were found to be not reasonable.</i>	1
54	Right in/Right out protect whom? <i>Right-in/right-out access restrictions remove the most dangerous maneuvers at an intersection, crossing, and left-turn maneuvers.</i>	1
55	US 151 to County K is a waste of money to improve. <i>While this is currently a four-lane cross section, the County K jug-handle provides a safer access onto WIS 23 because it removes crossing and left-turn movements from the intersection.</i>	1
56	Concerned about no turn lane and passing lane at Wade House entrance on Hwy 23. <i>The Preferred Alternative incorporates a J-turn for vehicles traveling westbound and a right-turn lane for vehicles traveling eastbound. Access is also provided from WIS 23 onto Sugarbush Road and County A for both westbound and eastbound WIS 23 traffic.</i>	1
57	Highway needs resurfacing and new turn lanes/passing lanes. <i>Comment acknowledged. The Preferred Alternative, if approved, provides new pavement surfaces and intersection turn lanes. If the project is not approved through the NEPA process, WisDOT will investigate further maintenance measures.</i>	1

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
58	Highway should not be made into a freeway/interstate. The Preferred Alternative will convert WIS 23 to an expressway facility, with interchanges and intersection treatments at high-volume side roads and at-grade intersections at lower volume side roads and driveways. WisDOT is planning for future interchange conversions by preserving lands. This preservation could be needed to address future safety needs.	1
59	Maybe add wider surface to existing road for improvements that are needed within reason. All alternatives that were evaluated, including the Preferred Alternative, included wider paved shoulders.	1
60	Project seems to be predicated on shaky future information. WisDOT used the best available traffic forecasting methods. The 2012 traffic forecasts reflect recent trends in traffic volumes.	1
61	Delay and think. Comment acknowledged. WisDOT continues to monitor current traffic volume trends and crash rates.	2
62	Do another traffic count and wait for traffic to increase significantly before constructing. Several traffic counts have been performed in 2011 and 2012. The most recent traffic forecasts reflect the moderating of traffic volume growth in the corridor.	1
63	Asked to put up with noise and exhaust, but we should not be using it if we are locals. A noise analysis is incorporated in this LS SFEIS/ROD in Section 4.D-3. WIS 23 serves both local and regional traffic.	1
64	Oppose indirection associated with access restrictions. Comment acknowledged. Some access restrictions will create indirection for properties and side roads on WIS 23. The safety benefits are expected to outweigh the inconvenience. WisDOT developed and located the access configurations to address potential crash areas and minimize indirection.	3
65	Is it safe to make a U-turn with farm machinery on the new road with traffic moving faster. The planned J-turns will incorporate wider paved areas that allow large vehicles, such as semis and tractors, to make a full turn. The J-turn allows large vehicles to cross only one direction at a time. This provides more opportunities for the maneuver.	1
66	People take side roads to avoid WIS 23. Comment acknowledged.	1
67	Wisconsin needs an east-west divided highway to get people across the state. WisDOT's state highway plan, Corridors 2030, provides a network of high mobility roadways that provide access to major economic and population centers in the state. WIS 23 is classified as a Connector in the plan and is planned for four-lane expansion, providing appropriate environmental approvals are obtained.	1
68	WisDOT cares about nature and quality of life (noise damage) as well as our road system. (requests berm) WisDOT performed a noise analysis and it is presented in Section 4.6 D-3 of this LS SFEIS/ROD. Noise walls are not reasonable or feasible. If approved, designers may consider a berm during final design.	1
69	Opposes J-Turn approach Comment acknowledged. J-turns were incorporated as a result of a safety audit for the project. Studies have shown that they can provide a substantial safety benefit	1
70	Propose change in access road to Whispering Springs Drive to use a portion of an existing road. The existing routing was chosen to minimize indirection, discourage area traffic from using a neighborhood street, and maintain appropriate interchange ramp-side road spacing.	4
71	Oppose WIS 23 project. Comment acknowledged.	3
72	Project is a waste of tax payer money. Comment acknowledged. WisDOT evaluates roadway improvement priorities throughout the state and seeks to make effective use of taxpayer monies. Because WIS 23 is designated as a connector in the Corridors 2030 state highway plan, WisDOT places a priority on safety and mobility improvements to this roadway.	3
73	This project should stay on hold. Comment acknowledged	1

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
74	Proposed project removes easy access to family farms and fields. <i>The Preferred Alternative does make access modifications to address crash concerns at higher volume intersections. It is anticipated that the safety benefits will outweigh the inconvenience associated with indirection.</i>	2
75	Project has been going for a long time and highly anticipated by many residents of the village of St Cloud. <i>Comment acknowledged</i>	1
76	The village of St Cloud has expressed its concerns about the County G intersection. <i>In response to comments, the Preferred Alternative includes an interchange at the County G intersection.</i>	1
77	Putting money into repairing is a waste of tax payer money that should be used for the proposed project. <i>Comment acknowledged. WisDOT performs base-level repairs to maintain adequate highway facility.</i>	1
78	Initially supported the project until realized that the traffic will triple. <i>Current traffic forecasts indicate that the Preferred 4-lane Alternative will have traffic volumes that are about 16 percent above what would occur with the No-Build Alternative in the 2035 design year.</i>	1
79	WIS 23 needs improvements, but there are other means and methods of doing it. <i>WisDOT evaluated a reasonable range of alternatives. The Preferred Alternative best meets the project Purpose and Need.</i>	2
80	Disappointed with money spent on US 151. <i>Comment acknowledged. WisDOT evaluates roadway priorities throughout the state and seeks to make effective use of taxpayer monies.</i>	2
81	No concern with J-Turn. <i>Comment acknowledged.</i>	1
82	Oppose J-Turn locations. <i>WisDOT reviewed the full corridor to determine where access modifications were needed to address safety concerns. Minimizing indirection was a factor in the selection of the J-turn locations.</i>	2
83	Traffic has decreased or stayed same throughout Wisconsin, United States, and other countries. <i>Comment acknowledged. There appears to be a national trend toward the plateauing of traffic volumes, or lower levels of traffic volume growth. The forecasts account for recent traffic volume trends. See Section 7.6 C. 2. for more discussion.</i>	1
84	Project will not result in significant economic development. <i>The Preferred Alternative will have modest effects on the local economy. Section 4.4 summarizes the indirect and cumulative effects analysis for the project.</i>	2
85	Project will damage area's agricultural economy. <i>The Preferred Alternative does have agricultural impacts that are discussed in Section 4.6 A-3 of this LS SFEIS/ROD. However, the on-alignment Preferred Alternative has fewer agricultural impacts than other off-alignment alternatives that were considered.</i>	1
86	Proposed project needed for economic development. <i>Comment acknowledged.</i>	1
87	Requests noise wall at Mary Hill Park subdivision. <i>A noise analysis is incorporated in this LS SFEIS/ROD in Section 4.D-3. Noise walls were found to not be reasonable.</i>	1
88	Concerned about the designed entrance to the Mary Hill Park subdivision. <i>Comment acknowledged. Various access configurations were investigated. The Preferred Alternative contains an access configuration that minimizes impacts while also minimizing direct driveway access onto WIS 23. Designers have met with the Town for design specifics.</i>	1
89	Concerned with Sugarbush Road overpass design and access to town hall. <i>Comment acknowledged. When and if improvements associated with the corridor preservation are implemented, WisDOT will review design characteristics of this grade separation.</i>	1
90	Concerned with fire protection north of WIS 23 at Sugarbush Road. <i>WisDOT is planning mountable median curbs in the construction of the J-turns. These mountable median curbs will allow fire protection vehicles to travel directly through the J-turn opening.</i>	1

Table 7.6-4 2013 LS SDEIS Public Hearing Comment Summary–General Public

Number	2013 LS SDEIS Hearing Comment	Number of Occurrences
91	Requests frontage roads on both sides of WIS 23 and an interchange at County A in the future phase. <i>An interchange at County A is part of the Preferred Corridor Preservation Alternative. WisDOT will review design characteristics of the interchange and surrounding road network when the interchange is implemented.</i>	1
92	Stopping progress now because some don't want it is not a good, long-range proposal <i>WisDOT is working through the NEPA process and plans to start construction in 2015, pending NEPA approval.</i>	1

2. 1000 Friends Comment Letter

In June of 2011, 1000 Friends of Wisconsin, Inc. filed a complaint against the United States Department of Transportation (US DOT), the FHWA, and the WisDOT for approving the WIS 23 Corridor Expansion Project. Additional legal proceedings were stayed. During this stay WisDOT and FHWA prepared the LS SDEIS and this LS SFEIS/ROD. The 1000 Friends of Wisconsin, Inc. provided a comment letter to the LS SDEIS dated September 30, 2013. In that letter they provided comments on nine topics. The following paragraphs list the comments. The response to the comment is provided in italics.

1. Safety Issues Do Not Require Expansion to 4 Lanes.

As noted above, the LS SDEIS demonstrates that the 19-mile WIS 23 corridor has a better accident safety record, as a whole, than the average Wisconsin highway. This alone strongly indicates that site-specific safety measures, rather than transformation of the entire corridor into a 4-lane mega-highway is what is needed for safety reasons. Moreover, as noted in the LS SDEIS, a large portion of the accidents that do occur on this corridor are the result of collisions with deer. Taking the existing 2-lane highway, and adding 2 additional travel lanes is likely to increase the number of collisions between vehicles and deer, since the proposed change will basically double the roadway distance that deer will need to traverse in order to cross the highway. Since collisions with deer already represent a large portion of the accidents which occur on the highway, anything that would tend to increase collisions with deer would be significant. This is not addressed in the LS SDEIS.

Response

Crash Counter Measures

As a whole, WIS 23 has a lower crash rate than the state average for similar types of roadways. There are areas, particularly near intersections, where higher crash rates exist. Page 1-14 of the LS SDEIS lists the types and frequency of crashes on the corridor. There are crash countermeasures that address specific WIS 23 crash types that can be applied to either a 2-lane roadway or a 4-lane divided roadway. The 2-lane alternatives analyzed in Section 2.6 and Appendix B of the LS SDEIS included components that specifically target the following non-deer crash types. (Note: the crash percentages have been updated to those that occurred from 2008 to 2012).

- 20 percent of the crashes, 31 total, were rear-end crashes. Left-turn lanes are a countermeasure that targets this crash type by removing turning vehicles from the through travel stream. Left-turn lanes were analyzed as part of the 2-lane alternatives.*
- 29 percent of the crashes, 44 total, were run-off-the-road crashes. Shoulder expansion and clear zone improvements are countermeasures that reduce injuries associated with this crash type. Shoulder expansion and clear zone improvements were analyzed as part of the 2-lane alternatives.*
- 9 percent of the crashes, 13 total, were same direction sideswipe crashes. While not as effective as a 4-lane roadway improvement, passing lanes are a countermeasure that addresses this crash type by helping to relieve passing demand. They were analyzed as part of the 2-lane alternatives.*

There are several crash types on the WIS 23 corridor where the most effective countermeasures are most appropriately applied to a 4-lane divided roadway. The 4-lane Build On Alignment Alternative incorporates all the countermeasure components included with the 2-lane alternatives, as well as the following countermeasures that target the following non-deer crash types:

- 2 percent of the crashes, 4 total, are head-on crashes. A 60-foot median specifically addresses this crash type and is included in the 4-Lane Build On Alignment Alternative. A median cannot be implemented on the 2-lane alternatives without substantially impairing the Level Of Service (LOS) of the roadway (see discussion on page B-9 of Appendix B of the LS SDEIS).
- 8 percent of the crashes, 12 total, were sideswipe with vehicles traveling the opposite direction. Again, a median is the most effective countermeasure for this type of crash. Providing passing lanes associated with 2-lane alternatives, while reducing the passing demand, does not physically prevent sideswipe-opposite direction or head-on crashes.
- 23 percent of the crashes, 34 total, were angle crashes of which 28 occurred at intersections. The 4-Lane Build On-Alignment Alternative provides interchanges or J-turns at 11 of the 12 intersections where these angle crashes occurred. The interchanges and J-turns remove the most dangerous crossing and left-turn maneuvers from the intersection and specifically target angle crashes. Interchanges and J-turns are not recommended for 2-lane roadways for the reasons stated in Appendix B of the LS SDEIS:
 - WisDOT has had poor safety results with interchanges on 2-lane highways. Drivers completing their merging maneuvers from the on-ramp mistakenly assume they are on a divided 4-lane roadway and use the actual opposing lane as a travel lane.
 - J-turns are difficult to implement on a 2-lane highway because a median is required to accommodate the turning radii needed by trucks to make a U-turn. The distance it requires to develop the median considerably decreases the amount of roadway that is available for passing, adversely affecting the LOS.

Deer

The LS SDEIS does not mention the number of collisions with deer. All references to crashes and crash rates specifically state that they exclude deer crashes. Deer crashes made up about 63 percent of the crashes from 2008 to 2012. More information regarding deer collisions has been added to Section 1.4 of this LS SFEIS/ROD.

There is a growing body of literature regarding deer crashes. A number of studies have identified factors that influence deer-vehicle crashes. These factors include roadway traffic volume, vehicle speeds, land type, adjacent land use (residence, buildings, parks), human population, deer population, physical features of the roadway (number of lanes), roadside features (e.g., bridges, gullies, rivers), roadside visibility, and vegetation cover.

Currently it is not clear whether the effects of roadway expansion increase or decrease deer-vehicle collisions. One study indicated a positive correlation (increase) between 4-lane roadways and deer-vehicle collisions.¹ Several other studies, however, have shown a decreased rate of deer-vehicle collisions with 4-lane roadways when compared to 2-lane roadways.² One study indicated that 2-lane roadways had up to 10 times more deer-vehicle collision risk than roadways with 4 or more lanes.³

2. WisDOT's Projections of Travel Demand Lack Support.

The LS SDEIS attempts to justify the need to expand this highway corridor to 4 lanes on the basis of projected future increases in traffic or travel demand. However, WisDOT's future traffic projections, and the methodology used to prepare them is erroneous, arbitrary, and unreasonable, in light of the fact that patterns of travel—on WIS 23, in Wisconsin generally, and

¹Journal of Wildlife Management. Vol 64, No. 3, July 2000, pp. 707 to 713.

²Analysis of Deer-Vehicle Collisions, Journal of Wildlife Management, Vol 49, No. 3 July 1985; Diversity, Seasonality, and Context of Mammalian Roadkills in the Southern Great Plains, Patten and Patten, Environmental Management 2008; Modeling animal-vehicle collisions considering animal-vehicle interactions, Accident Analysis and Prevention, Lao, Zhang, Wu, and Wang, May 2011.

³Deer-Vehicle Collisions: An Understanding of Accident Characteristics and Driver's Attitudes, Awareness, and Involvement, Riley and Marcoux, January 2006.

across the United States—have changed from the post-World War II pattern of year after year, inexorable growth in traffic. As the LS SDEIS itself admits, in Appendix LS-A, at page A-1: In general, statewide counts seemed to peak in about 2005. WIS 23 is not the only corridor which has experienced a decrease in traffic counts.

However, despite the observed change in traffic levels, and the huge inaccuracy in WisDOT's 2005 projections for annual year-to-year growth in travel demand, WisDOT continues to seek to justify expansion of WIS 23 to 4 lanes on the basis of assumptions that traffic demand will continue to increase, year after year into the future, just at a slower rate than before. Despite well-documented evidence that previous trends have ended, and an 8- to 10-year pattern of decreases and leveling off of traffic, WisDOT continues to estimate future traffic volumes using Traffic Analysis Forecast Information System (TAFIS), a projection "tool" which assumes that "the growth rate may not be less than .5%" per year. (Appendix LS-A, p. A-3)

The level of inaccuracy in the WisDOT traffic forecasting methodology is revealed by examining Tables 1, 5, and 6 in Appendix LS-A. Table 1, at page A-4, sets forth WisDOT's earlier 2005 Traffic Projections, which forecast future annual growth in traffic on individual segments of the highway at between 1.7 percent and 2.8 percent per year. For the easternmost segment, designated 590195 (between CTH A and CTH P), Table 1 shows the 2005 actual traffic count of 9,525 increasing to a projected 17,375 by 2036.

Reviewing Table 5 and Table 6, on page A-17, allows a comparison of the 2005 projection with later actual counts. Table 5 again shows the 2005 projection that traffic demand on the easternmost segment would increase from the actual count of 9,525 to a projected 17,375 in 2036. Table 6 shows that the traffic count in 2011 actually showed a decrease to 7,100, not an increase. If traffic had increased by 2.7 percent per year between 2005 and 2011, a daily count of about 11,185 would have been expected in 2011. Instead, actual traffic was about 36.5 percent lower than WisDOT had projected.

As Appendix LS-A explains, WisDOT then prepared a new 2012 No Build forecast and projected that daily traffic would increase from the 7,100 count that was recorded in 2011 to 7,800 by 2035. If the 2012 projections turn out to be accurate regarding a continuing increase in traffic demand of about .5 percent per year for more than the next 20 years, leading to approximately 7,800 vehicles per day by 2035, that would mean that WisDOT's earlier 2005 projections of 17,375 vehicles per day were about 220 percent of what WisDOT now projects will be the case. It should be obvious that the margin for error, or level of inaccuracy, in WisDOT's traffic projections is huge. And, as explained in greater detail below, a decision on this project based on WisDOT's assumption that there will continue to be inexorable year by year growth in traffic demand would be arbitrary, erroneous and unreasonable, because it would ignore a substantial and mounting body of evidence that the prior trend of annual growth has ended.

The LS SDEIS does not provide any detail regarding the travel demand projections for WIS 23 produced by its newer 4-step travel demand model, which the LS SDEIS acknowledges at page A-4 "is preferred" and as explained at page A-16 usually has "better information regarding future growth patterns than TAFIS. The LS SDEIS also does not provide information regarding calibration of either the TAFIS or the 4-step travel demand model, and does not provide any details regarding how WisDOT combined the results from the two different methods to arrive at its projections for WIS 23, other than describing its preference for wanting to use final projections that were within 10 percent of the projections produced separately by each of the two methods. Without disclosing such information, the 2012 projections presented by WisDOT in the LS SDEIS lack credibility, and as far as anyone could tell from the publicly available information, might as well have been pulled out of a hat.

3. WisDOT's Traffic Demand Projections Ignore the Established Trend of Stable or Declining Traffic.

As noted above, WisDOT admits that traffic counts statewide and on WIS 23 seem to have peaked. WisDOT's continued assumption of approximately .5 percent growth per year in traffic

volumes, however, ignores much more than that apparent peak alone. There is a large and growing body of evidence, reports, and documentation demonstrating that the change in travel patterns is real and continuing. WisDOT's refusal to consider that information would be arbitrary, erroneous, and unreasonable. 1000 Friends is citing some of that evidence here to assist WisDOT in further researching the subject and incorporating the data, both new and no longer new, into a well-founded and adequate evaluation of the future capacity needs of the WIS 23 corridor.

Vehicle miles traveled (VMT) per capita in the United States peaked in 2004 as well as for light-duty vehicles only. Total VMT for light-duty vehicles peaked in 2006, nationally, and total U.S. VMT peaked in 2007, with approximately .5 percent decrease annually thereafter. Future increases in travel are likely to be from population growth, not in miles driven per person. And Wisconsin is a state with low population growth. This trend of slowing car use extends outside the U.S. and is true of developed cities around the world.

4. The previous pattern of growth is over, and has not merely been interrupted by the economic recession.

Numerous scholars and reporters have found a host of reasons that underlie the end of traffic growth patterns. They include demographic changes, cultural and economic changes, developments in technology that reduce the need for travel, and others. Any objective consideration of the combination of these changes on patterns of driving will lead to a conclusion that the recent recession has played only a small part in this, and that economic recovery will not return us to patterns of traffic growth. For 50 years, people spent more and more time behind the wheel, but they can't just keep adding more time. Their time budgets for driving time are maxed out. For decades, as more and more women joined the workforce, their driving added VMT. However, that growth in workforce participation has now reached its peak and VMT has flattened. Female employment and licensing have risen fully.

The younger generation of Millennials are buying fewer cars, driving them less, getting licenses later, using technology to replace travel, and tending to favor denser areas that require lower VMT to get around. WISDOT's own budget projections for coming years do not anticipate increases in numbers of drivers' licenses or car registrations. Telecommuting, shopping over the internet, and socializing through social media, Skype and video conferencing each eliminate the need for people, especially tech-savvy young people to travel by car. It is estimated that 16 to 18 percent of young people have decided to drive less for environmental reasons.

Finally, while the economy has played some role in the decline in VMT, most major changes in travel patterns have spanned a longer period of time than the recent economic downturn. VMT stopped tracking GDP around 2000-2001, and the effect of rising income has weakened. Employment is down since the early 2000s, especially among the young. While reductions in driving mirror employment, even the employed are driving less. The market for vehicle ownership in the U.S. has been saturated since roughly 2004, and rates of ownership per household, etc., peaked prior to the economic downturn. In addition, state-level trends confirm that the decline in driving is more than an economic aftershock.

The State Smart Transportation Initiative recently pointed out that a variety of players have noted the decline in VMT, and its implications for the longer run:

Flat-to-declining highway transportation demand has been with us for about a decade, and a consensus is building for the position that it is not a historic aberration but rather a durable trend. A roundup of recent VMT-related news:

VMT data has prompted Fitch Rating to caution toll road investors about revenues. Fitch, an international credit rating firm, said:

"The revenue of some toll roads may come under pressure if the driving decline trend continues for the long run, according to Fitch ratings. Americans have driven less each year since 2004 and those ages 16 to 34 have reduced their driving more than any other age group." . . .

Meanwhile, U.S. DOT is emphasizing the VMT trend as a fundamental reason for federal transportation revenue shortfalls. Testifying before a subcommittee of the House Transportation and Infrastructure Committee, Undersecretary Polly Trottenberg said:

“It is generally recognized that the decline in VMT, and the corresponding decrease in fuel tax revenue between 2007 and 2009, was partially a reflection of fewer people and goods moving on our Nation’s highways as economic activity slowed. However, evidence suggests that the flattening or decline of VMT is a long-term trend independent of the recession, as VMT has generally continued to decline annually since 2009 when the economy began to recover.

For all of these reasons, it would be arbitrary, unreasonable and erroneous for WisDOT to simply assume that travel demand will again return to a pattern of annual growth as the result of continuing recovery from the recent recession. WisPIRG Foundation has reviewed and summarized much information regarding current trends and the likely direction of future developments in traffic volume in “A New Direction: Our Changing Relationship with Driving and the Implication for America’s Future,” Spring 2013. (A copy is attached).

5. As a result of faulty projections regarding future traffic needs, WisDOT erroneously eliminated alternatives from consideration.

Alternatives such as site specific safety improvements at intersections with relatively high accident rates, left turn lanes, and passing lanes where appropriate, were rejected from consideration because they could not satisfy WisDOT’s faulty projections of future traffic needs. Accordingly, those alternatives, such as the dramatically less expensive safety focused approach favored by 1000 Friends, need to be reconsidered in the light of more reasonable projections that accurately reflect the plateauing and decline of traffic volumes on WIS 23, in Wisconsin, and throughout the U.S.

Response

The selection of the 4-Lane Build On-Alignment alternative was based on the evaluation of eight Purpose and Need criteria, of which traffic operations is only one. When evaluating all 8 components, the 4-Lane Build On-Alignment best satisfied the project Purpose and Need.

When evaluating future traffic operations for WIS 23, WisDOT uses the best available data and state of the practice methods to prepare traffic forecasts.

- *The 2005 traffic forecasts were prepared prior to the 2007 stabilization of traffic within Wisconsin and represented travel trends that were occurring at the time.*
- *The 2012 traffic forecasts, and the methodology used to prepare them, respond to the plateauing of traffic growth that has occurred since 2007. They project much more modest traffic growth in the next two decades.*
- *Even with the more modest traffic growth of the 2012 traffic forecasts, WIS 23 still is unable to satisfy the traffic operations component of the Purpose and Need as a 2-lane roadway.*

The following paragraphs provide more information on travel trends and forecasting methods.

Current Travel Trends

Since 2007, two years after the 2005 WIS 23 traffic forecasts were prepared, total vehicle miles traveled (VMT) in the United States has started to plateau. Figure 7.6-1 uses data from the FHWA Travel Monitoring Website⁴ and illustrates national travel trends over the past 20 years. Initially the plateauing of vehicle miles traveled was thought to be the result of poor economic conditions and high gas prices. As the trend has persisted, some are suggesting that factors other than the economy and fuel prices are also influencing the amount of vehicle travel in the United States. These factors could include:

- **Demographics**-The baby boom generation, America's largest population demographic, is now entering older years where travel associated with work and children is reduced.
- **Workforce saturation**⁵-For 40 years, America's workforce continued to grow with women in particular entering the workplace in greater numbers. In 1960, about 59.1 percent of American adults were employed. In 2000, employment reached its peak with 67.3 percent of American adults being employed. Since 2007, the number of working American adults has declined to 63.2 percent. This drop in labor force participation is expected to continue as more of the Baby Boom generation leaves the workforce.
- **Changing mode trends in the Millennial generation**-There is growing evidence that the population demographic born between 1983 and 2000 may drive less than previous generations. This generation is getting fewer drivers' licenses and using alternate transportation modes. If this trend continues as the generation enters their peak driving years, VMT could decrease.
- **Internet usage**-The Internet may be affecting vehicle miles traveled. The Internet allows people to work, socialize, and shop from home, decreasing the need for motor vehicle usage.
- **Transit and Nonmotorized travel**-Transit and nonmotorized travel usage have increased in America according to the American Community Survey 2010 and the American Public Transportation Association.

It is unclear exactly how the recent stabilization of VMT compares in urban areas, where trips are shorter and more transit is available, versus rural areas which generally have longer trips and limited transit.

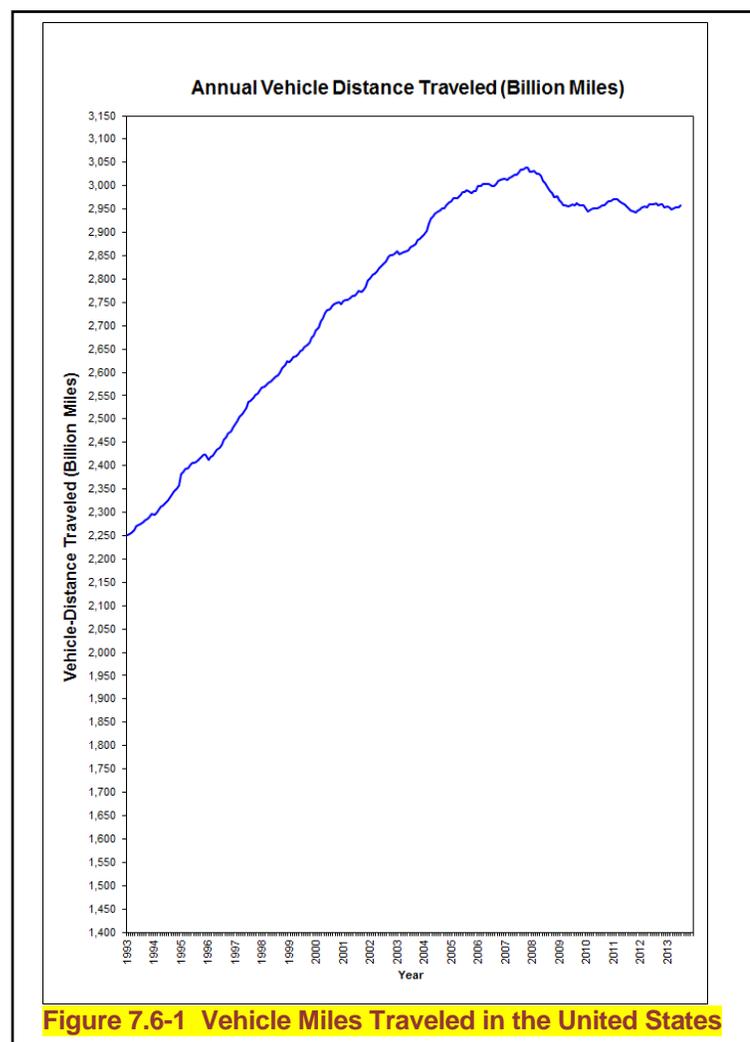


Figure 7.6-1 Vehicle Miles Traveled in the United States

WisDOT's Forecasting Procedure Acknowledges Current Travel Trends

⁴ http://www.fhwa.dot.gov/policyinformation/travel_monitoring/tvt.cfm accessed October 2013.

⁵ <http://data.bls.gov/pdq/SurveyOutputServlet> accessed October 2013.

WisDOT's traffic forecasting methodology is data driven using the best available information at the time of the forecast. Chapter 9, Section 30 of WisDOT's Transportation Planning Manual addresses Traffic Analysis Forecasting Information System (TAFIS), which is one of WisDOT's traffic forecasting tools. Section 30.1 of the manual directly describes how changing demographics will affect travel trends.⁶

30.1.a. The TAFIS Approach

The TAFIS approach to roadway traffic forecasting predicts the roadway traffic volumes will increase at a decreasing rate into the future. As the 1980s and 1990s reflected an atypically high growth rate in roadway vehicle travel, prominent transportation forecasting analysts (i.e., Alan Pisarski, Charles Lave, and Steve Polzin) noted specific factors acting on travel in the future that would propel a continued upward trend in travel growth, but at a decreasing rate. Factors included:

- Declines in auto occupancy rates and in real fuel prices
- Increases to the number of women in the labor force
- Increases in the rate vehicle ownership levels would become saturated based on household size and auto occupancy rates

Other factors, including population growth and population cohort change, will inevitably affect future travel trends, as well. Graph 30.1.1 [shown here as Figure 7.6-2] shows Wisconsin's projected population, driving age population (age 16 and above), and peak driving age (age 24-64). The graph shows as the baby boom generation passes through its peak driving years, this age group, or cohort's travel, will influence traffic projections. Fewer new drivers will replace baby boomers as birth rates slow. The aging population, the decreasing rate of population growth, and the lower population at peak driving age, will grow travel more slowly than in the past, producing trends of increasing travel but at a decreasing rate.



Figure 7.6-2 Projected Wisconsin Driving Demographics

⁶ <http://www.dot.wisconsin.gov/projects/planresources/docs/tpm-9-30.pdf> accessed October 2013

The TAFIS computer program performs three regression analyses, Box-Cox power transformation regression, Linear regression, and Logistic regression. The Box-Cox power transformation is able to stabilize data variance and also allows the projection future traffic volumes to increase at a decreasing rate. This acknowledges the previously described trends such as reduced population growth and an increasingly older population. The most statistically significant Box-Cox regression is chosen for WisDOT's forecast, with the curve translated to the latest traffic count.

A recent transportation research synthesis performed by the State of Minnesota surveyed 30 states to determine how they were addressing the plateauing of rural traffic volumes.⁷ Wisconsin's forecast procedures are consistent with those being used by other states and may even be considered more rigorous. According to this synthesis, Wisconsin is one of five states that use more than one regression technique to forecast traffic volumes. The remaining states use fewer analyses in their forecast methodology.

WIS 23 Traffic Forecasts Acknowledge Current Travel Trends

WisDOT's 2005 forecasts for the WIS 23 corridor are different than the forecasts made in 2012 because the underlying travel volume trends experienced on the corridor changed. The revised traffic volume projection forecasts illustrate the ability of WisDOT forecasting methodology to respond to changing traffic volume trends.

Figures 7.6-3 and -4 show the 2005 and revised 2012 WIS 23 traffic projections for the section of WIS 23 between Hinn Road and County W and between County A and County T, respectively. The graphics illustrate the following:

- From 1970 to 2005, WIS 23 experienced consistent traffic growth and the previous 2005 forecast reflects that growth.
- In 2007, traffic volumes grew at a slower rate, and WisDOT's forecast methodology was responsive to the changed conditions.
- The 2012 forecasts acknowledge the recent plateaued growth by providing a No-Build forecast with modest traffic increases to 2035.

As mentioned in the LS SDEIS, a new 4-step travel demand computer model was prepared for 10 full and 3 partial counties in the Northeast Region. The travel demand model uses current socioeconomic data, roadway networks, trip rates, and other factors to forecast current and future traffic volumes. For the WIS 23 traffic forecasts, the travel demand model adjusted link parameters to determine the traffic volume variance between the No-Build, Passing Lane, and 4-Lane Build On-Alignment Alternatives. This variance was then applied to the TAFIS Box-Cox power transformation regression forecast to develop the Passing Lane and Build 4-Lane On-Alignment forecasts. The process is outlined in the Planning Manual, Chapter 9, Section 1, Subject 4. The resulting forecast showed the Passing Lane and 4-Lane Build Alternatives with higher future traffic volumes compared to the No-Build, acknowledging latent demand for the facility, and possibly small amounts of induced demand.

⁷ Traffic Forecasting on Trunk Highways in Nonmetropolitan, Areas: A Survey of State Practice, October 2012.

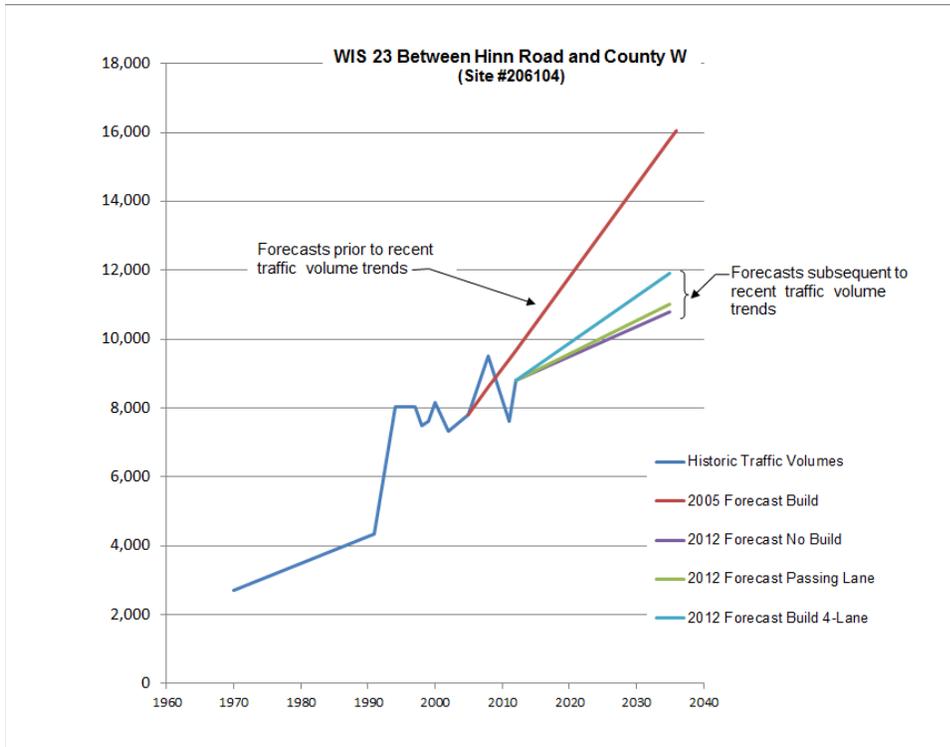


Figure 7.6-3 WIS 23 Forecasts Between Hinn Road and County W

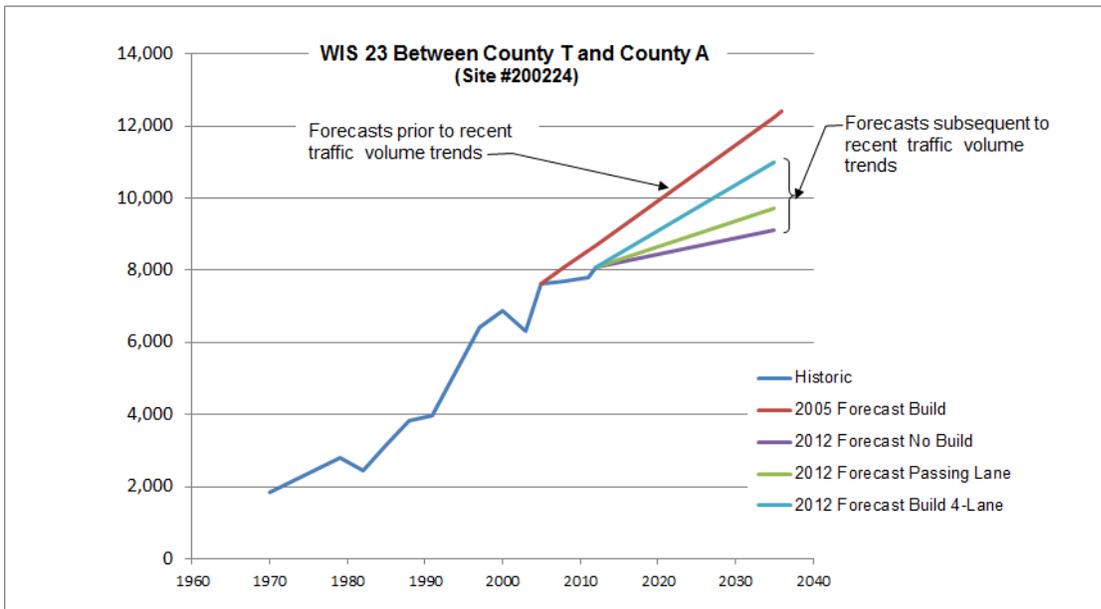


Figure 7.6-4 WIS 23 Forecasts between County T and County A

6. The LS SDEIS fails to appropriately address the cost of the proposed project in view of the condition of the state budget and of the state and federal transportation funds.

NEPA imposes a similar requirement. This obligation is particularly important here because the nearly \$130 million estimated cost of the proposed project is a significant sum, compared to the much lower cost of a site-focused safety-oriented alternative. This might be of lesser concern if the state's budget were flush, and if the state and federal transportation funds were not suffering as a result of improved gas mileage, flat per gallon highway gasoline tax rates, and stagnant or decreasing vehicle miles being traveled, both here in Wisconsin and in the United States. There are far more planned highway expansion projects currently underway or being considered in

Wisconsin than there are transportation fund revenues to pay for them. The result recently has been very large increases in state bonding -- in borrowing from future taxpayers -- to pay for those projects that are already underway. Meanwhile, state of Wisconsin funding for maintenance of local county, city, village, and town roads has been stagnant, and significantly decreasing as a share of transportation funding. Meanwhile, state funding for public transit in Wisconsin has been significantly cut, with only a portion of the most recent cuts proposed to be restored in the next budget. Meanwhile, existing highways, roads, and streets in Wisconsin, whether under the responsibility of the state, counties, cities, villages, or towns, are getting more and more potholed, cracked, or otherwise deteriorated, with no apparent end in sight.

Every ten million dollars spent on building new highway lanes that are not needed now, and are likely not going to be needed in the future, could instead be spent on maintaining or improving existing roads or streets or public transit systems—or on reduced debt being placed on our children or grandchildren if we do a better job as a state of living within our means. The LS SDEIS does not fairly portray the choices involved between devoting almost \$130 million on expanding WIS 23 to 4 lanes, or devoting a significant portion of those funds to other pressing transportation needs.

Response

Section 4.2 of this LS SFEIS/ROD addresses irreversible or irretrievable commitments of resources by the project and discusses commitment of transportation funds.

WIS 23 has been enumerated and approved by the Transportation Projects Commission (TPC). According to the most recent report from WisDOT to the TPC dated February 1, 2014, sufficient funding has been designated to the WIS 23 project to allow commencement of construction in fiscal year 2015 and completion in fiscal year 2018. The report to the TPC assumes that total funding for the Majors Highway Program will continue at fiscal year 2015 levels, though WisDOT cannot predict what the exact level of support for the Majors program will be in future biennial budgets. Revenue and budget information for the 2015-2017 Biennial Budget is not available, but 2013 Wisconsin Act 20 approved the 2013-2015 Biennial Transportation Budget. Figure 7.6-5 is taken from WisDOT's 2013-15 Biennial Budget Highlights, 2013 Wisconsin Act 20 and illustrates the revenue sources for the \$7.024 billion biennial transportation budget for 2013-15.

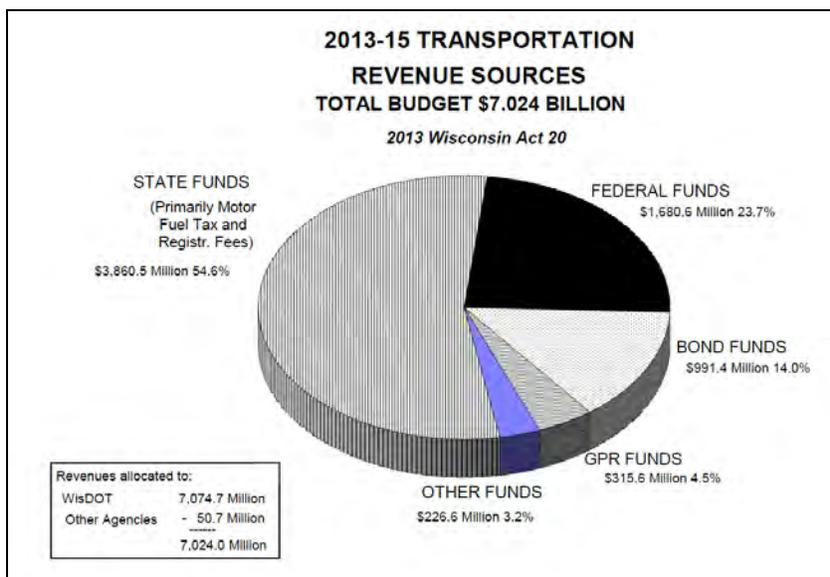


Figure 7.6-5 2013-15 Wisconsin Transportation Revenue Sources

Approximately 14 percent of the revenue is obtained through bonding. Figure 7.6-6 is from the same publication and illustrates the budgeted expenditures for the Biennial period. The \$130,000,000 projected construction cost makes up 1.9 percent of the total budget and 3.6 percent of the portion of the budget allocated towards highway improvements. As mentioned, funds spent on the WIS 23 Preferred Build

Alternative would not be available for other highway improvements and/or local program street improvements.

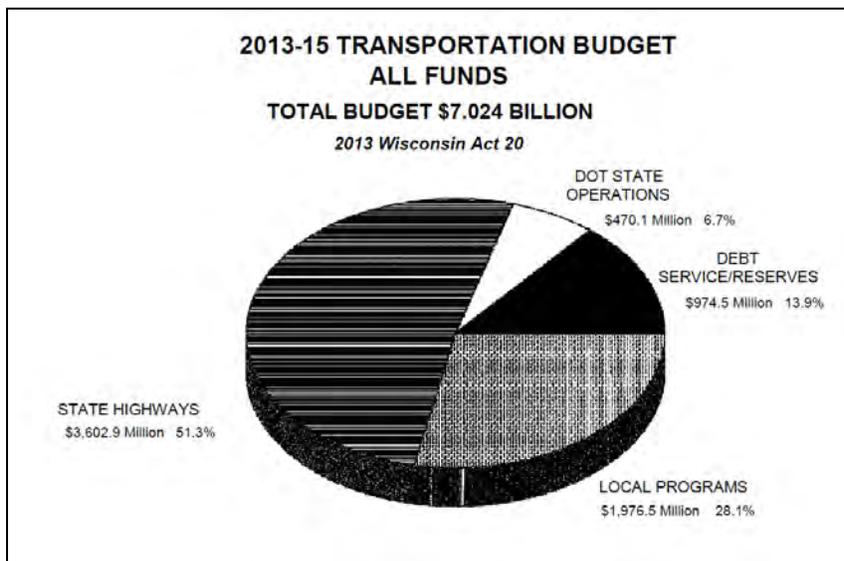


Figure 7.6-6 2013-15 Wisconsin Transportation Budget

7. The LS SDEIS inadequately addresses indirect and cumulative impacts.

An EIS must take a hard look at indirect and cumulative impacts. 40 C.F.R. § 1508.25. Indirect effects are also known as “secondary” effects. A “cumulative impact” is: the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. The goal is to highlight negative impacts or effects that might occur if the minor effects of multiple actions accumulate over time. An agency cannot simply state that development will occur with or without the project, but instead must actually analyze the possible growth-inducing effects of a proposed project. See, e.g., *Highway J Citizens Group v. USDOT*, 656 F.Supp.2d 868,888-9 (E.D. Wis. 2009). There is little description or analysis in the LS SDEIS regarding indirect impacts of the proposed project. Despite acknowledging that a number of residences and businesses will need to be removed, and that several hundred acres of agricultural land will be taken out of production, the LS SDEIS simply states that there will be no expected impact on economic development. Similarly, there is little or no real analysis of the cumulative impacts of this project, together with other transportation projects connecting from the east, west, north, or south. 1000 Friends submits that this is not sufficient under NEPA and WEPA.

Response

WisDOT fully updated, revised, and clarified the Indirect and Cumulative Effects Analysis for the LS SDEIS. Almost a quarter of the LS SDEIS’s Environmental Consequences Section is devoted to the analysis of indirect and cumulative effects. WisDOT convened a panel of local land use experts to review potential indirect and cumulative effects and provide input on the amount and magnitude of impacts. Additionally, Appendix C of the LS SDEIS provides a considerable amount of analysis of indirect and cumulative effects.

The indirect effects analysis followed the six-step analysis method outlined in WisDOT’s “Guidance for Conducting an Indirect Effects Analysis, November 2007,” which draws heavily from “Questions and Answers Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process, January 2003.” The 1000 Friends of Wisconsin letter incorrectly asserts the LS SDEIS states there would be no expected impact on economic development. The LS SDEIS indirect effects analysis identifies:

- Factors of the Preferred Build Alternative that could influence residential, commercial, industrial, and institutional development.
- How those factors might influence residential, commercial, industrial, and institutional development.
- What impacts might occur to nine cultural and natural resource categories resulting from indirect development of the Preferred Build Alternative.
- Measures to minimize and mitigate adverse effects resulting from the indirect effects of the Preferred Build Alternative.

The cumulative effects analysis followed CEQ's Eleven Step Process for Conducting a Cumulative Effects Analysis. The analysis evaluated the Preferred Build Alternative's impact on the environment when added to other past, present, and reasonably foreseeable future actions. The WIS 23 cumulative effects analysis:

- Characterizes the resources potentially affected.
- Identifies the stresses and trends affecting these resources.
- Identifies potential cause and effect relationships between human activities, including the Preferred Build Alternative, and resources.
- Lists the Preferred Build Alternative's direct impacts for nine impact categories. These direct impacts represent the action's incremental impact on the environment. The analysis then provides a framework of magnitude and significance by describing resource quantities and recent trends, when available.
- Describes measures to avoid, minimize, and mitigate WIS 23's incremental contribution to the cumulative effect on these resources.

The cumulative effects analysis considered past, present, and planned future State highway projects to the east, west, north, and south. Consideration of the recent completion of the Fond du Lac bypass and its effect on development was addressed in discussions of the expert panel. WisDOT is not currently planning capacity increases within the next 20 years on any state-maintained highway within 40 miles of the WIS 23 corridor.

8. The LS SDEIS fails to address greenhouse gas emissions.

Even after crediting for carbon dioxide emission reductions projected to result from initial relief of congestion, adding one new lane-mile of highway has been estimated at increasing carbon dioxide emissions by more than 100,000 tons over its 50-year expected lifetime. Between emissions resulting from production of the highway construction materials, emissions resulting from construction operations themselves, and emissions resulting from induced vehicle travel, the proposed added lane-miles of added highway in the WIS 23 corridor will result in large additional greenhouse gas emissions. The LS SDEIS is inadequate in failing to describe the magnitude of those emissions, in failing to assess their impact on global climate change, and on the state and federal commitments to reduce such emissions.

Response

Carbon dioxide is not currently a regulated gas under the National Ambient Air Quality Standards, and therefore, no quantitative analysis is required. Vehicle fuel consumption is an indicator of carbon dioxide emissions and is directly related to vehicle miles traveled. The Preferred Build Alternative is projected to have about 16 percent more vehicle miles traveled than the No Build Alternative and 6 to 11 percent more miles traveled than the Passing Lane Alternatives in the 2035 forecast year. With the travel speeds projected for these alternatives in the 2035 design year, it is anticipated that each alternative's carbon dioxide emissions would be roughly proportional to the difference in VMT associated with each alternative.

9. 1000 Friends objects to the notice for the August 28, 2013 public hearing, the information displayed at the hearing, and the statements of WisDOT representatives at the hearing as misleading regarding WisDOT's schedule for the project.

The hearing notice, displays, and statements by WisDOT representatives at the August 28, 2013 open house and public hearing informed people that "Because of projected cost increases to major projects statewide, WisDOT has rescheduled the construction of WIS 23 to begin in 2018 and be completed in 2020." The clear message to recipients of the notice, and to those who attended the hearing, was that the Department's plans for this stretch of highway, whatever they might be, were not going to be implemented during the next several years. In view of the announced timetable for constructing this project, and the billion dollar gap in anticipated highway funding, compared to planned projects, members of the public could reasonably conclude that they were not going to be affected for at least 4 years, and possibly as many as 7 years, if ever, by whatever decisions WisDOT might make in the coming months regarding the LS SDEIS.

However, on September 4, a week after the public hearing, Secretary Gottlieb announced that WisDOT had advanced the start date for construction on WIS 23 to 2015. This dramatic change in the priority given to this project, and its scheduling by WisDOT, greatly changed the near-term impacts of WisDOT's choices between alternatives, and eliminated the opportunity for taking another look at trends in actual VMTs a few years farther down the road, before proceeding with construction of the chosen alternative. At the public hearing, WisDOT's representative stated that such a review of actual travel demands, to reassess the need for expanded capacity, could be done within the project timetable as it then stood. Secretary Gottlieb's announcement of WisDOT's sudden rescheduling of the project has eliminated the opportunity to do such a review.

1000 Friends of Wisconsin previously requested that additional time should be provided for public comments on the LS SDEIS, and that WisDOT should publicize the change in project scheduling together with the extension of the comment period, and should consider conducting another public hearing in which information provided to the public regarding the contemplated project schedule matches the actual schedule. Those requests were denied. 1000 Friends continues to believe that a public hearing should be held with an accurate notice regarding the Department's proposed schedule for this project, and accurate information available to attendees regarding the schedule, and renews its requests in this regard.

Response

40 CFR 1503.4 discusses the agency's response to comments received during the hearing or comment period. It states:

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- (1) Modify alternatives including the proposed action.*
- (2) Develop and evaluate alternatives not previously given serious consideration by the agency.*
- (3) Supplement, improve, or modify its analyses.*
- (4) Make factual corrections.*
- (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.*

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous) should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases, only the comments, the responses, and the changes and not the final statement need be circulated (§ 1502.19). The entire document with a new cover sheet shall be filed as the final statement (§ 1506.9).

The advancement of the WIS 23 construction schedule was a direct response to comments received during the hearing and does not contradict LS SDEIS. It is a modification of the proposed action as discussed under 1503.4 (a)(1).

Even if a delayed construction date would provide more time to understand the stabilization of traffic volumes, the selection of the Preferred Alternative was based on the evaluation of eight Purpose and Need criteria, of which traffic operations is only one. When evaluating all eight Purpose and Need components, the 4-Lane Build On-alignment best satisfied the overall project Purpose and Need.

7.7 COORDINATION AFTER THE 2010 RECORD OF DECISION

A. St. Mary's Springs Academy

The St. Mary's Springs Academy is located in the northeast quadrant of the County K/WIS 23 intersection in Fond du Lac County. Based on a 2002 survey, the St. Mary's site was determined to be eligible for the NRHP under Criterion A (religious property with architectural importance) and Criterion C (a birthplace or grave of a historical figure is eligible if the person is of outstanding importance). The 2010 FEIS identified an adverse effect on the St. Mary's Springs Academy and a Determination Of Eligibility, Section 106 Finding of Effect, and a Memorandum of Agreement (MOA) were prepared. The MOA was signed by St. Mary's Springs Academy, SHPO, FHWA, and WisDOT and was provided in the 2010 FEIS. The 2010 FEIS included a *de minimis* impact finding for the historic site.

Changes in contributing resources have since resulted in a revision of the historic site boundary. In 2005, St. Mary's Springs removed two of the contributing resources to the site. Upon reexamination of the surviving resources in 2012, the project historian concluded that the demolition of Boyle Hall removed the historic resource that gave other lesser resources their historic significance. A new Determination of Eligibility was submitted to SHPO and approved on December 6, 2012. The revised St. Mary's Springs Academy historic boundary is not affected by the WIS 23 project. On March 19, 2013 the SHPO signed a revised MOA that removed provisions for the St. Mary's Springs Academy. Because there is no adverse effect, there is also no Section 4(f) impact.

B. Kettle Moraine State Forest

WIS 23 crosses the Northern Unit of the Kettle Moraine State Forest in the town of Greenbush in Sheboygan County. At this location, the Ice Age Trail/State Equestrian trail, a Section 4(f) resource, crosses WIS 23. A Section 4(f) *de minimis* finding for the Ice Age Trail/State Equestrian Trail was incorporated in the 2010 FEIS for the WIS 23 corridor. A Section 4(f) evaluation or finding was not included in the 2010 FEIS for the state forest because at that time the forest was not viewed as a Section 4(f) resource because of its multiple uses. The 2010 FEIS did include a Section 6(f) evaluation, including mitigation, for the state forest because LWCF monies were used within the forest. Section 5.7 of this document provides Section 6(f) documentation for this resource.

Since the publication of the FEIS, the FHWA has determined the Kettle Moraine State Forest is a Section 4(f) resource and a *de minimis* impact finding in Section 5 of this **LS SFEIS/ROD** addresses impacts to three resources that are coincident at this location, the Northern Unit of the Kettle Moraine State Forest, the Ice Age Trail, and the State Equestrian Trail.

Mr. Jerry Leiterman, the Superintendent of the State Forest, was informed that FHWA is pursuing a Section 4(f) *de minimis* finding for the Ice Age Trail and the State Equestrian Trail. On December 17, 2007, Mr. Leiterman wrote that the project does not adversely affect the activities, features, and attributes of the trails in this area and that he agrees with the *de minimis* impact finding. In

spring of 2013, Mr. Leiterman was also informed that FHWA is pursuing a *de minimis* finding for the impacts to the Northern Unit of the Kettle Moraine State Forest. On May 30, 2013 Mr. Leiterman wrote that he agrees that the project will not adversely affect the activities, features, or attributes of the Kettle Moraine State Forest. Figure 5.3-9 provides a copy of that written concurrence.

C. Threatened and Endangered Species

Through the winter of 2012/2013, project personnel were in contact with WDNR representatives to update the listings for rare species likely to be impacted within the WIS 23 corridor and the measures that should be implemented to minimize harm. These updates were incorporated in Section 4.6 C-7 of this **LS SFEIS/ROD**. On April 18, 2013, Julie Widholm of the WDNR sent an email confirming this coordination.

D. Wetland Delineation and Wetland Mitigation

In July and November of 2011, WisDOT field-delineated the wetlands affected by the Preferred Build Alternative with WDNR staff. In the summer and fall of 2012, WisDOT performed field reviews with USACE staff of potential wetland mitigation sites. Wetland impact delineation and mitigation coordination will continue as part of the Section 404 permitting process.

E. Indirect and Cumulative Effects (ICE)

In January of 2012, project staff met with an expert panel comprised of planning, development and conservation officials active in the ICE study area to update the indirect and cumulative effects analysis for the WIS 23 Preferred Alternative. Representatives from the following agencies and communities participated in the panel:

- Town of Plymouth
- Town of Greenbush
- Town of Forest
- Town of Marshfield
- Town of Taycheedah
- Village of St. Cloud
- Village of Mt Calvary
- Village of Glenbeulah
- City of Plymouth
- City of Fond du Lac
- Sheboygan County Planning Department
- Fond du Lac County Planning Department
- Fond du Lac Metropolitan Planning Organization
- East Central Wisconsin Regional Planning Commission
- Bay-Lake Wisconsin Regional Planning Commission
- WisDNR Wildlife Management, Eastern Fond du Lac and Sheboygan Counties
- Ice Age Trail (National Park Service)
- Wisconsin Department of Agriculture, Trade, and Consumer Protection
- University of Wisconsin-Extension, Sheboygan County
- University of Wisconsin-Extension, Fond du Lac County
- Wade House Historic Site-Wisconsin Historical Society
- Glacial Lakes Conservancy
- Niagara Escarpment Resource Network

The result of this coordination is summarized in Section 4 Indirect Effects Analysis, which is incorporated as Appendix C of this **LS SFEIS/ROD**.

F. Floodplain Coordination

The Sheboygan River encroachment includes an additional bridge for the Old Plank Road Trail, which will increase the regional 100-year flood level by 1 foot and is considered significant. The floodplain elevation

increase will occur entirely within WisDOT right of way and the floodplain zoning authority, Fond du Lac County, will be notified.

USEPA requested more information for the Mullet River crossing. At this location the Preferred Alternative will extend the existing three-cell box culvert. The inside measurement of each cell is 12 feet wide by 8 feet high and the extension will be about 100 feet long. Because the extension is matching the existing structure, the bottom is planned to be at the same elevation as the existing box culvert.

G. Noise Impacts

A noise analysis performed for the WIS 23 corridor and this LS SFEIS/ROD indicates that there will be noise impacts, and that noise mitigation is not reasonable or feasible. On June 27, 2013 a notice was sent to adjacent municipalities notifying them that noise levels adjacent to the roadway will impact properties and that they should consider these impacts in their land use plans.

H. Old Plank Road Trail Extension

In its September 26, 2013 letter, the USACE questioned the justification for the trail extension in light of the anticipated wetland impacts. Additionally the USACE requested more information regarding the alternatives analysis regarding the location of the trail. This led to a October 21, 2013, conference call and a November 14, 2013, letter providing more information regarding the justification for the trail and the alternatives analysis for the trail location. This information has been added to Sections 1 and 2 of this LS SFEIS/ROD. In USACE's letter dated January 27, 2014, they concurred with the Purpose and Need, range of alternatives considered, and the Preferred Alternative.

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