

**APPENDIX C
COORDINATION**

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November 21, 2017

Via Email

Brian Lipke
WisDOT Northeast Region
944 Vanderperren Way
PO Box 28080
Green Bay, WI 54324-0080

Subject: Department of Natural Resources 2017 Initial Project Review:

Project ID: 1440-13/15-00
STH 23 Corridor Analysis/Environmental Review (Fond du Lac – Plymouth)
US 151-County P
Fond du Lac and Sheboygan Counties

Dear Mr. Lipke,

The Department of Natural Resources (department) has received the information provided for the proposed project referenced above. According to the proposal, alternatives for potential modifications to STH 23 from Fond du Lac to Plymouth are being considered.

Preliminary information has been reviewed by department staff for the project under the DOT/DNR Cooperative Agreement. Additional information can be found by following the hyperlinks throughout the electronic version of this document. Initial comments regarding environmental observations throughout the corridor are included below and assume that additional information will be provided (as necessary) that addresses all resource concerns identified.

Wetlands

During the summer and fall of 2017 the department and WisDOT reviewed the entire project corridor for wetlands and verified the wetland areas previously delineated.

Wetland impacts must be avoided and/or minimized to the greatest extent possible. Unavoidable wetland impacts must be mitigated for in accordance with the DOT/DNR Cooperative Agreement and the Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guideline.

Endangered Resources

The Natural Heritage Inventory (NHI) database was reviewed on August 15 and 16, 2017, for potential impacts to threatened, endangered, or special concern resources. Several resources were identified within or adjacent to the one-mile buffer of the project boundary. While a majority of the resources identified are not likely to be impacted, there is potential for impacts to a variety of native mussel species. Mussel surveys, and potential relocations are required to be completed the summer

prior to construction. I will assist with the coordination, surveys, and any necessary relocations that may be required based on survey results.

Additionally, none of the plant species identified in the NHI review were observed during the wetland determination that took place during summer/fall 2017.

Lastly, there are no known northern long-eared bat maternity roosting sites or hibernacula within the one-mile buffer of the project corridor.

Fisheries/Stream work

Areas of the Mullet River and its tributaries may provide spawning habitat for forage fish. In order to protect developing fish eggs and substrate for aquatic organisms, all in stream work that could adversely impact water quality should be undertaken between June 16 and March 14 of each year. Please ensure that stream connectivity is not disturbed by the replacement or modification of structures or rip rap.

Migratory birds

Please note that under the U.S. Migratory Bird Treaty Act, destruction of swallows and other migratory birds or their nests is unlawful unless a permit has been obtained from the U.S. Fish & Wildlife Service. If there is evidence of migratory bird nesting on the existing structure B-59-0099, the project should either utilize measures to prevent nesting (*e.g. remove unoccupied nests during the non-nesting season and install barrier netting prior to May 1*), or should occur only between August 30 and May 1 (non-nesting season). If netting is used, ensure it is properly maintained and removed as soon as the nesting period is over. If neither option is practicable the U.S. Fish & Wildlife Service must be contacted and a depredation permit may need to be applied for.

Invasive species & VHS

There is risk for the spread of invasive species including [*Lythrum salicaria* \(purple loosestrife\)](#), [*Phragmites australis* \(common reed\)](#), and [*Phalaris arundinacea* \(reed-canary grass\)](#). Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. The following website provides further information and lists those species classified as Restricted or Prohibited under NR 40: <http://dnr.wi.gov/topic/invasives/classification.html>.

Adequate precautions should be taken to prevent transporting or introducing invasive species via construction equipment, as provided under NR 40, Wis. Administrative Code. The following website provides further information and lists those species classified as Restricted or Prohibited under NR 40: <http://dnr.wi.gov/topic/invasives/classification.html>

All equipment must be properly cleaned and disinfected to reduce the potential spread of invasive species and viruses. Follow **STSP 107-055** Environmental Protection – Aquatic Exotic Species

Control, which includes the protocol found at the following website:

<http://dnr.wi.gov/topic/invasives/disinfection.html>

Erosion Control

- An adequate erosion control implementation plan (ECIP) must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference.
- Erosion control measures must be inspected once per week and after every rainfall exceeding 1/2 inch. Any necessary repairs or maintenance must be performed after each inspection.
- A log of the erosion control inspections, repairs made, and rain events must be maintained. This must be made available to Department personnel upon request and must remain on the project site at all times work is being performed.
- All demolition material must be disposed of properly. Disposal of waste or excess materials in floodplains, wetlands, or waterways is not permitted.
- Construction materials and equipment must be stored in an upland location; storage in wetlands, waterways, or floodplains is not permitted.
- All temporary stock piles must be in an upland location and protected with erosion control measures (e.g. silt fence, rock filter-bag berm, etc.). Do not stockpile materials in wetlands, waterways, or floodplains.
- If dewatering is required for any reason, the water must be pumped into a properly selected and sized dewatering basin before the clean/filtered water is allowed to enter any waterway or wetland. The basin must remove suspended solids and contaminants to the maximum extent practicable. A properly designed and constructed dewatering basin must take into consideration maximum pumping volume (gpm or cfs) and the sedimentation rate for soils to be encountered. See the Department's [Dewatering Technical Standard 1061](#) to assist you in method selection by soil type. The dewatering technique may not be located in a wetland.
- Removal of vegetative cover must be restricted and exposure of bare ground kept to the minimum amount necessary to complete construction. Restoration of disturbed soils should take place as soon as conditions permit. If sufficient vegetative cover will not be achieved because of late season construction, it will be important that the site is properly winterized (e.g. dormant seeding, erosion control matting, sodding, etc.).
- After the site is stabilized all temporary erosion control measures must be removed and disposed of properly.

Other Issues/Unique Features

All selected sites for waste and/or borrow must be an adequate distance from and not within any waterway, wetland, or floodplain. Selected sites must have erosion control measures (both temporary and/or permanent) installed to prevent offsite sediment runoff. An environmental review will have to be conducted on selected sites that are not permitted (commercial) facilities. Other special conditions may apply to any non-permitted selected sites. Any selected sites to be used for these projects should be identified in the ECIP.

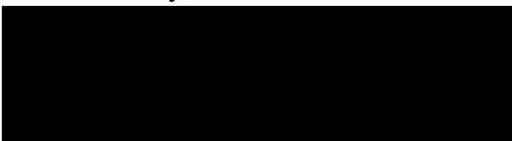
There is one closed LUST sites located along the project corridor located near the intersection of WIS 23 and CTH P. While this site is listed as 'closed', there may still be remnant contamination present. Please keep in mind during your project planning that any remaining contamination must be properly handled and disposed of if disturbed. If there will be impacts beyond the existing roadway footprint in these areas, be sure to notify this office.

There may be opportunities for a wildlife passage under some of the structures. Please consider incorporating some type of bench or filling voids with smaller stone into any rip rap design.

The project may require a permit from the U.S. Army Corps of Engineers (ACOE). For further details please contact Ryan Huber of the ACOE's Green Bay Office at (920) 448-2824. It is important that all local, state, and federal permits and/or approvals are obtained prior to commencing construction.

The above comments represent the department's initial environmental observations throughout the STH 23 corridor from US 151 (Fond du Lac County) to CTH P (Sheboygan County) and do not constitute final concurrence. Final concurrence will be granted after review of plans and further consultation if necessary. If you have any questions regarding the coordination between the department and WisDOT, the review of the project corridor, or the contents of this letter, please contact me at 920-360-3784 or by email at jeremiah.schiefelbein@wi.gov.

Sincerely,



Jay Schiefelbein
Environmental Analysis & Review Specialist

- c. File
- ec. K. VanPrice, T. Kobus – WisDOT
R. Huber – US Army Corps of Engineers



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

OCT 26 2017

REPLY TO THE ATTENTION OF:

Bethaney Bacher-Gresock
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Re: Early Coordination, Limited Scope Supplemental Environmental Impact Statement, Wisconsin 23 (WIS 23), Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin

Dear Ms. Bacher-Gresock:

The U.S. Environmental Protection Agency has reviewed the information provided for the above mentioned project. Our comments are 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) seek to address deficiencies along Wisconsin State Highway 23 (WIS 23) between Fond du Lac and Plymouth, Wisconsin. EPA has previously provided comments on this project in 2004, 2010, and 2014. The forthcoming, second Limited Scope EIS will address updated traffic forecasts and methodologies and changes in demographic data.

At this time, EPA has no substantive comments. However, since the publication of the last LS Supplemental EIS, the Federal Environmental Justice Interagency Working Group (IWG), of which FHWA is a contributing member, has released its *Promising Practices for EJ Methodologies in NEPA Reviews*¹. We recommend considering this tool as you analyze the updated demographic data.

Thank you in advance for consideration of our comments. We look forward to receiving the Limited Scope – Draft Supplemental EIS 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.

¹ https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

Sincerely,



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

cc: Anna Varney, Federal Highway Administration
Brian Lipke, Wisconsin Department of Transportation
Todd Vesperman, U.S. Army Corps of Engineers
Jeremiah Schiefelbein, Wisconsin Department of Natural Resources



United States Department of the Interior

National Park Service
Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226

I.D(MWR-PCL)

ER-17/0397

September 15, 2017

Ms. Anna Varney
Senior Field Operations Engineer
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Dear Ms. Varney:

The National Park Service (NPS) has reviewed the Federal Highway Administration (FHWA) Notice of Intent to prepare a Limited Scope Supplemental Environmental Impact Statement (LS SEIS) for proposed transportation improvements on Wisconsin State Highway 23 (WIS 23) from U.S. Highway 151 to County Highway P in Fond du Lac and Sheboygan Counties, Wisconsin. The new LS SEIS will update and explain the methodology used to develop the traffic forecasts, explain the role of demographic data in traffic forecasts, and review the evaluation of reasonable alternatives.

The Ice Age National Scenic Trail (IATR) crosses State Highway 23 between Ridge Road and Kettle Moraine Scenic Drive, in the eastern edge of the project area, near Kettle Moraine Red Oaks State Natural Area. The IATR intersects and runs concurrently with the Old Plank Road Trail, which runs directly south of State Highway 23, in the project area. The NPS expects that FHWA and the Wisconsin Department of Transportation will maintain their commitment to a grade-separated crossing where State Highway 23 and the IATR intersect, per negotiations among the agencies dating to 2007.

Please contact IATR Trail Manager Pamela Schuler or Superintendent John Madden with any questions. They may be reached by telephone at (608) 441-5610, or by email at pam_schuler@nps.gov and john_madden@nps.gov.

Thank you for the opportunity to provide comments, and for considering opportunities to improve the transportation infrastructure at IATR.

Sincerely,


Cameron H. Sholly
Regional Director

cc:

Mr. John Madden, Superintendent, Ice Age National Scenic Trail, 700 Rayovac Drive, Suite 100, Madison
Wisconsin 53711

From: Pelishek, Chad
To: [Lipke, Bryan - DOT](#); [Kantola, Mark A - DOT](#)
Subject: Support for the STH 23 Expansion
Date: Friday, October 27, 2017 11:40:19 AM

Good Morning:

As the Director of Planning and Development for the City of Sheboygan, expansion of the Hwy 23 corridor from Sheboygan to Fond Du Lac is extremely important for the vitality and economic growth of the Sheboygan and region. Having a good infrastructure system allows Sheboygan County to compete for projects that create tax based and new jobs. Transportation and logistics are one of the number one reasons companies will decide to be in Sheboygan or not. Therefore, I support the efforts to expand STH 23 both for the quality of life for our residents and the economic vitality of the community.

Thanks,

Chad Pelishek
Director of Planning & Development
City of Sheboygan
920-459-3383 work
920-619-1342 cell
Chad.Pelishek@sheboyganwi.gov
www.sheboyganwi.gov



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RESOLUTION NO. 58-17

**RESOLUTION SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION'S
CONTINUED EFFORT TO CONSTRUCT A FOUR-LANE FACILITY
ON STATE HIGHWAY 23 FROM PLYMOUTH TO FOND DU LAC**

WHEREAS, State Highway 23 from Sheboygan past Plymouth is a four-lane highway, but State Highway 23 between State Highway 67 in Sheboygan County and Interstate 41 in Fond du Lac County is currently two lanes, and

WHEREAS, recognizing the need for that two-lane portion of State Highway 23 to be widened and improved as a four-lane divided highway, the Wisconsin Legislature enacted in 1999 what is now Wis. Stat. §84.013(3)(ra), and

WHEREAS, through numerous studies, the Wisconsin Department of Transportation has supported Wis. Stat. §84.013(3)(ra) and determined there is a need to provide for additional capacity, as well as improve operational efficiency and overall safety for local and through traffic, on the existing State Highway 23 from Plymouth to Fond du Lac, and

WHEREAS, the Wisconsin Department of Transportation has completed portions of the design and has acquired properties along the corridor, relocated residents that conflict with the design, and facilitated a number of utility relocations in preparation for the construction, and

WHEREAS, the Wisconsin Department of Transportation awarded a contract to begin construction of the State Highway 23 Plymouth to Fond du Lac project in June 2015, and

WHEREAS, after the contract was awarded, a federal judge ruling halted funding by effectively voiding federal approval for the project in favor of a lawsuit filed by an environmental special interest group opposed to the four-lane expansion project, and

WHEREAS, because the decision of the court was contrary to the will of the people as expressed through their elected officials and has perpetuated an unsafe and inadequate highway condition, the state of Wisconsin recently enacted the Executive Budget for the 2017-2019 biennium as 2017 Wisconsin Act 59 to include Sections 9145(2i) and (2j), and

WHEREAS, these sections require the Wisconsin Department of Transportation to conduct rehabilitation work on State Highway 23 in the 2017-2019 biennium and reserve up to \$19,400,000 for construction work on State Highway 23, and

WHEREAS, Act 59 provides that if the earmarked sums are not used on State Highway 23 construction by January 1, 2019, the money may be diverted for use on other major projects, and

WHEREAS, since before Wisconsin became a state, the traffic corridor between Sheboygan and Fond du Lac has been an important commercial lifeline for northeastern Wisconsin, and

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

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

WHEREAS, with significant accidents continuing to occur on the current two-lane facility, including multiple fatalities in the past years, the corridor represents a safety hazard for the citizens of Fond du Lac County and all travelers who rely on this important highway to go to work, deliver goods, and provide services throughout Wisconsin, 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, along with the overall reconstruction to a four-lane facility, with the adoption of Resolution No. 135-09 on March 16, 2010, Resolution No. 42-13 on September 17, 2013, and Resolution No. 36-15 on July 21, 2015, and

WHEREAS, the Fond du Lac County Traffic Safety Commission has fully recommended and strongly advocated that the Legislature and Wisconsin Department of Transportation fully fund and expedite construction of a four-lane facility on State Highway 23 from Plymouth to Fond du Lac as previously planned.

NOW, THEREFORE, BE IT RESOLVED that the Fond du Lac County Board of Supervisors continues to support 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 and requests that the Wisconsin Department of Transportation continues full effort with getting this project back on line for immediate construction.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the appropriate Wisconsin Department of Transportation officials, local legislators, and other individuals or agencies as directed by the County Executive.

Dated November 7, 2017

**SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE**

[REDACTED]

Joseph W. Koehl

[REDACTED]

John G. Zorn

[REDACTED]

Steven A. Abel

[REDACTED]

Karen Madigan

[REDACTED]

Dennis N. Stenz

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:

[REDACTED]

Allen J. *Buechel*
COUNTY EXECUTIVE

APPROVED BY:

[REDACTED]

Meggin R. McNamara
CORPORATION COUNSEL



Fond du Lac County

OFFICE OF THE COUNTY EXECUTIVE

160 S Macy Street
Fond du Lac WI 54935

Phone (920) 929-3155
Fax (920) 929-3016

November 10, 2017

Bryan Lipke, Project Manager
944 Vanderperren Way
Green Bay, WI 54304-9879

Re: WIS 23 Study USH 151 – CTP P
Fond du Lac and Sheboygan counties

Dear Mr. Lipke:

I have served as Fond du Lac County Executive for more than 24 years, and in discussions over the years with the people I represent as well as others, there has been unanimous support for the Highway 23 four-lane expansion. Safety is the number one concern that is voiced by everyone. The accident rate on that highway is unacceptable and has led to many injuries and even fatalities. There is a general feeling that the road is not designed to handle the volume or type of traffic that use that facility which causes people to become impatient and do risky things while driving. But regardless of the reason, too many of our friends and relatives have been injured on that highway and we want it to stop. I remember when Wisconsin's goal was to stay below 1,000 highway fatalities in a year. Now there are less than 600 per year. I believe the primary reasons for that reduction are safer cars and most importantly is they are designing and constructing safer roads. I have no doubt that the four-lane upgrade will clearly improve the safety of that facility.

The second issue that people recognize is the importance of the road to connect the communities of Fond du Lac and Sheboygan as well as the lakeshore. That has a direct impact on the health of the economy on both ends because as we know, transportation is one of the most important considerations companies make when they choose to expand or relocate, or open a business. We have major employers along the corridor who need improved facilities for the movement of their products. Also consideration is that Highway 23 is a key segment of a larger highway system that serves the state of Wisconsin.

I strongly request that the DOT and those who make the policy decisions in this state, move forward with the four-lane expansion as soon as it can be done. Delays will be costly to the people who use the road and to the businesses and communities that are supported by that highway. I personally believe it is a blight upon our state that needs to be addressed.

Thank you for your consideration.

Sincerely,


Allen Buechel
Fond du Lac County Executive



Fond du Lac County

OFFICE OF THE COUNTY HIGHWAY COMMISSION
PHONE (920)-929-3485
FAX (920)-929-3698

301 Dixie Street, P.O. Box 1234
Fond du Lac, WI 54936-1234

November 9, 2017

Bryan Lipke, Project Manager
944 Vanderperren Way
Green Bay, WI 54304-9879

Re: WIS 23 Study USH 151 – CTH P
Fond du Lac & Sheboygan Counties

Dear Mr. Lipke,

I would like to comment on the above project. As Highway Commissioner for nearly 10 years in Fond du Lac County and Highway Engineer prior to that, I have seen the numerous vehicles that have been towed into our facility to be stored after an incident has occurred. On any given time, generally there is at least one of those vehicles that have been involved in an incident on WIS 23 east of Fond du Lac. Currently there are four crashed vehicles being stored from collisions occurring on WIS 23.

The Highway Department has responded to a number of those incidents as they commonly require detour routes to be set up, cleanup of the highway and in some cases full closure as the carnage is removed from the scene. Workers are exposed to these incidents and quite frankly it can be quite disturbing. I can't quantify the cost of these events but there is a lot of effort that goes into responding, not including the law enforcement and emergency response agencies. These agencies put themselves at risk as vehicles navigate around the incidents.

I personally had to do evasive maneuvers to avoid being involved in incidents myself on more than one occasion. I have been contacted by a number of residents who have purposely avoided WIS 23 east who have experienced similar experiences and have concerns with safely operating on the highway. They use alternative routes like CTH CCC from St. Cloud, CTH WH, CTH T or even WIS 67 and CTH B to get to their destination.

Wisconsin 23 has a long history of being what we characterize as a high accident highway. Prior to the reconstruction of USH 151 south of the City of Fond du Lac, that highway was well known for its accidents. It even had a sign stating Dangerous Highway when I first started here prior to its reconstruction. Since its reconstruction to a four lane facility, it has drastically reduced the incidents that occur on the stretch south of Fond du Lac and is generally what I consider one of our safer highways.

With various users of the highway from farm husbandry, over the road trucking, over dimensional loads and daily commuters, this highway can be very busy especially at peak times. When travelers encounter slower vehicles, they become impatient and take chances. They will continue to do so if this facility remains a single lane facility.

At the numerous at grade intersections it isn't uncommon to have to wait to make a left turn movement as you encounter the long lines of vehicles traveling the corridor. I have seen drivers make left turns using the oncoming lane as their left turn lane in fear of being rear ended from vehicles behind them or to try to beat the platoon of vehicles coming at them. I most recently heard of a vehicle using the shoulder to get up to speed and force their way into the long que of traffic off a side road. This will continue to happen as long as the highway is single lane facility.

Doing maintenance on this route is always challenging. Reclaiming the gravel shoulder can be difficult with the number of vehicles that pass in close proximity of the grader. Last month we performed a route and seal project in which one of our Highway Workers had to literally jump into a ditch to avoid being hit by a vehicle. That incident made local news. Fortunately, he wasn't struck and didn't get hurt.

Winter maintenance isn't any easier. Starting from the City of Fond du Lac going up what we call Springs Hill, this area can be challenging with ice and trucks. The higher than normal grades requires more maintenance and salting to ensure vehicles can climb the grade. Westbound traffic coming off the asphalt pavement onto the rough concrete stretch experience loss of traction at times as the pavement temperatures change and ice has a tendency to form. The intersection of CTH K with WIS 23 was recently altered to eliminate conflict points but has created more impatience as drivers are required to use alternate routes or out the way highways to get to their destinations. Routine plowing and anti-icing creates long ques of vehicles generally increasing travelers risk as vehicles try to pass snow removal equipment. At grade intersections create additional turning movements and conflict points as plows are required to clear those intersections. One of our veteran drivers who has plowed the route even avoids using the route to come in and instructs his family to do so as he has seen countless drivers passing in an unsafe manner.

All these issues can be solved by implementing WisDOT's plan. Fully reconstructing the corridor to a four lane facility will allow safe passage of vehicles. The slotted left turn lanes and removal of lesser traveled at grade intersections and construction of full interchanges will reduce the conflict points and provide for safer overall travel movements. The construction of the bike path will connect the existing Sheboygan facility with Fond du Lac and eliminate any on road bike and pedestrian conflicts.

Our hope is WisDOT will continually pursue the construction and hopefully we will see meaningful work being done in the near future to drastically reduce the accidents and provide for a safer corridor for all users. It seemed to work on USH 151 and without, we will only see continues unnecessary incidents occur.

Respectifuly Submitted,



Thomas J. Janke, PE
Fond du Lac County Highway Commissioner

Fond du Lac County Highway Committee

Cc: Allen Buechel, County Executive

**CITY OF PLYMOUTH, WISCONSIN
RESOLUTION NO. 25 OF 2017**

**A RESOLUTION IN SUPPORT OF
WIS 23 FOUR LANE EXPANSION PROJECT**

WHEREAS, the Wisconsin Department of Transportation (DOT) is requesting public comment regarding the need for a four-lane expansion of Highway 23; and

WHEREAS, the City of Plymouth has been a stakeholder for improvements and changes along the Highway 23 corridor since the 1990s; and

WHEREAS, the City of Plymouth recognizes the importance of safe highway travel as a benefit to the Community; and

WHEREAS, the City of Plymouth has adopted a Master Plan for Smart Growth of its residential, commercial and industrial expansion for the betterment of the community at large; and

WHEREAS, the City of Plymouth recognizes the importance of long term infrastructure improvements to enhance transportation safety and access and ;

WHEREAS, it is the opinion of the City of Plymouth that the 4-Lane divided highway project would improve safety and operational capacity;

NOW, THEREFORE BE IT RESOLVED, that the City of Plymouth Common Council, supports and recommends the Highway 23 four-lane expansion from US 151 to County P.

Introduced and passed the 31st day of October, 2017.

CITY OF PLYMOUTH

APPROVED:



Donald O. Pohlman, Mayor

ATTEST:



Patricia Huberty, Clerk/Treasurer



1 **SHEBOYGAN COUNTY RESOLUTION NO. 15 (2017/18)**

2
3 **Re: Supporting Reconstruction and Improvement of State Highway 23**

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5
6 **WHEREAS**, since before Wisconsin became a state, the traffic corridor between Sheboygan
7 and Fond du Lac has been an important commercial lifeline for northeastern Wisconsin as
8 evidenced by the establishment of the Plank Road Trail between the two communities, and
9

10 **WHEREAS**, the Plank Road trail was subsequently replaced by a railroad line and, with the
11 advent of the motor vehicle traffic, the establishment of State Highway 23, and
12

13 **WHEREAS**, notwithstanding the size of the cities connected by State Highway 23 and the
14 importance of the highway, efforts to have the two-lane roadway widened and improved to a
15 four-lane highway were stalled while, at the same time, two-lane roadways with much less traffic
16 between much smaller cities were improved and widened, and
17

18 **WHEREAS**, recognizing the need for improvements, in 1999 the Wisconsin legislature
19 enacted what is now Wis. Stat. § 84.013(3)(ra) which enumerated that State Highway 23 was to be
20 widened and improved as a four-lane divided highway between Highway 67 in Sheboygan County to
21 US Highway 41 (Interstate 41) in Fond du Lac County, and
22

23 **WHEREAS**, as an enumerated project, the improvements to State Highway 23 were to be
24 financed by both State of Wisconsin funds and federal funds through the Federal Highway
25 Administration,
26

27 **WHEREAS**, in preparation for the improvements, numerous studies were performed and
28 designs evaluated, and the land for the expansion was acquired, and
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30 **WHEREAS**, as construction was about to commence, in June 2011 an environmental group
31 initiated a US District Court action contesting the expansion using as its basis to stop the project a
32 claim that the federal environmental impact statement required to be performed was deficient in that
33 the projected traffic volumes for an improved highway were flawed and that the need for a four-lane
34 highway was not justified, and
35

36 **WHEREAS**, because of the litigation, work on the project was stayed and ultimately stopped
37 when on May 22, 2016, US District Judge Lynn Adelman ruled on the lawsuit, finding that the
38 expansion of Highway 23 to four lanes would not be allowed to proceed utilizing federal funds, and
39

40 **WHEREAS**, because the decision of Judge Adelman was contrary to the will of the people
41 as expressed through their elected officials and perpetuated an unsafe and inadequate highway
42 condition, the State of Wisconsin recently enacted the Executive Budget for the 2017-2019 biennium
43 as 2017 WI Act 59, including Section 9145(2i)and (2j) requiring the Wisconsin Department of
44 Transportation to conduct rehabilitation work on State Highway 23 in the 2017-2019 biennium and
45 reserving up to \$19,400,00 for construction work on State Highway 23, and
46

47 **WHEREAS**, WI Act 59 provides that if the earmarked sums are not used on State Highway
48 23 construction by January 1, 2019, the money may be diverted for use to other major projects, and
49

50 **WHEREAS** the County Board is well aware that the present condition of State Highway 23
51 between Highway 67 and US Highway 41 (Interstate 41) represents a safety hazard and is
52 inadequate for the current commercial and individual transportation requirements for the region;
53

54 **NOW, THEREFORE, BE IT RESOLVED** the Sheboygan County Board of Supervisors
55 supports all state and federal efforts to improve State Highway 23 and encourages all necessary
56 studies, including a new Limited Scope Supplemental Environmental Impact Statement that will
57 address the issues raised in the US District Court decision, to be completed promptly and accurately
58 so that the needed construction of State Highway 23 can be commenced and completed.
59

60 **BE IT FURTHER RESOLVED** that the Clerk shall send copies of this Resolution to the
61 Wisconsin Department of Transportation, local legislators, and such other individuals or agencies as
62 directed by the County's Administrator and/or County Board Chairperson.
63

64
65 Respectfully submitted this 24th day of October, 2017.
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CITY OF SHEBOYGAN FALLS RESOLUTION NO. 10 (2017/18)

Re: Supporting Reconstruction and Improvement of State Highway 23 from Plymouth to Fond du Lac

WHEREAS, since before Wisconsin became a state, the traffic corridor between Sheboygan and Fond du Lac has been an important commercial lifeline for northeastern Wisconsin as evidenced by the establishment of the Plank Road Trail between the two communities, and

WHEREAS, the Plank Road trail was subsequently replaced by a railroad line and, with the advent of the motor vehicle traffic, the establishment of State Highway 23, and

WHEREAS, Highway 23 is increasingly becoming Sheboygan Falls' citizens preferred route to reach our State Capitol, and

WHEREAS, key economic companies, Bemis MFG, Rockline Ind, and the new businesses building in Vision Business Park need an improve safe Highway 23 to send products to market and receive raw materials, and

WHEREAS, notwithstanding the size of the cities connected by State Highway 23 and the importance of the highway, efforts to have the two-lane roadway widened and improved to a four-lane highway were stalled while, at the same time, two-lane roadways with much less traffic between much smaller cities were improved and widened, and

WHEREAS, recognizing the need for improvements, in 1999 the Wisconsin legislature enacted what is now Wis. Stat. § 84.013(3)(ra) which enumerated that State Highway 23 was to be widened and improved as a four-lane divided highway between Highway 67 in Sheboygan County to US Highway 41 (Interstate 41) in Fond du Lac County, and

WHEREAS, as an enumerated project, the improvements to State Highway 23 were to be financed by both State of Wisconsin funds and federal funds through the Federal Highway Administration,

WHEREAS, in preparation for the improvements, numerous studies were performed and designs evaluated, and the land for the expansion was acquired, and

WHEREAS, as construction was about to commence, in June 2011 an environmental group initiated a US District Court action contesting the expansion using as its basis to stop the project a claim that the federal environmental impact statement required to be performed was deficient in that the projected traffic volumes for an improved highway were flawed and that the need for a four-lane highway was not justified, and

WHEREAS, because of the litigation, work on the project was stayed and ultimately stopped when on May 22, 2016, US District Judge Lynn Adelman ruled on the lawsuit, finding that the expansion of Highway 23 to four lanes would not be allowed to proceed utilizing federal funds, and

WHEREAS, because the decision of Judge Adelman was contrary to the will of the people as expressed through their elected officials and perpetuated an unsafe and inadequate highway condition, the State of Wisconsin recently enacted the Executive Budget for the 2017-2019 biennium as 2017 WI Act 59, including Section 9145(2i) and (2j) requiring the Wisconsin Department

of Transportation to conduct rehabilitation work on State Highway 23 in the 2017-2019 biennium and reserving up to \$19,400,000 for construction work on State Highway 23, and

WHEREAS, WI Act 59 provides that if the earmarked sums are not used on State Highway 23 construction by January 1, 2019, the money may be diverted for use to other major projects, and

WHEREAS the City Council is well aware that the present condition of State Highway 23 between Highway 67 and US Highway 41 (Interstate 41) represents a safety hazard and is inadequate for the current commercial and individual transportation requirements for the region;

NOW, THEREFORE, BE IT RESOLVED the Sheboygan Falls City Council supports all state and federal efforts to improve State Highway 23 and encourages all necessary studies, including a new Limited Scope Supplemental Environmental Impact Statement that will address the issues raised in the US District Court decision, to be completed promptly and accurately so that the needed construction of State Highway 23 can be commenced and completed.

BE IT FURTHER RESOLVED that the Clerk shall send copies of this Resolution to the Wisconsin Department of Transportation, local legislators, and such other individuals or agencies as directed by the City's Administrator and/or Mayor.

Respectfully submitted this 1st day of November, 2017.

CITY OF SHEBOYGAN FALLS

By



RANDY MEYER, Mayor

CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted by the Common Council of the City of Sheboygan Falls on this 1 day of November, 2017.



SABRINA DITTMAN, Clerk/Treasurer

TOWN OF MARSHFIELD, FOND DU LAC COUNTY, WI

RESOLUTION #2017-05

RESOLUTION FOR HIGHWAY 23

Whereas, the Wisconsin DOT has prepared plans for improving an 18 miles stretch of Wisconsin 23 from US 151 to County P between Fond du Lac and Sheboygan Counties.

Whereas, the Town of Marshfield, Fond du Lac County, is located north of Wisconsin 23.

Whereas, many motorists are taking alternative routes to avoid the hazardous travel on Wisconsin 23.

Whereas, the Mt. Calvary Fire Department and Mt. Calvary Ambulance Service provides rescue service to a vast area south of Wisconsin 23, which requires an easy accessible entry to both that area and to Wisconsin 23.

Whereas, Wisconsin 23 is an important east and west transportation route through the State of Wisconsin which is vital to the commerce and transportation needs of this area.

Whereas, safety is a critical factor in the scope of this project and by widening the existing two lane highway to a four lane highway, safety would improve.

Therefore be it resolved that the Town Board of Marshfield supports and endorses this resolution for the purpose of expediting and completing the Wisconsin Highway 23 project in Sheboygan and Fond du Lac Counties.

Adopted this 13th day of November, 2017.



Town Chairman



Town Supervisor #1



Town Supervisor #2



Town Treasurer



Town Clerk

From: Lipke, Bryan - DOT
To: [Lynch, Tom](#)
Cc: [Petersen, Joan](#); [Kobryn, Jennifer](#); [Michaelson, Jill - DOT](#); [VanPrice, Kathie - DOT](#); [DOT WIS 23-Major 1440-13/15-00/01](#); [Varney, Anna](#); [Bacher-Gresock, Bethaney](#)
Subject: FW: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.
Date: Wednesday, November 22, 2017 10:15:26 AM

Please note.

Bryan Lipke, P.E.

Planning Project Manager
Wisconsin Department of Transportation
Northeast Region
Phone: (920) 492-5703
Cell Phone: (920) 360-9196
Bryan.Lipke@dot.wi.gov
wisconsin.gov

If this is related to a records request, please email: dotdtsdnerecords@dot.wi.gov

From: Michael LaRonge [mailto:Michael.LaRonge@fcpotawatomi-nsn.gov]
Sent: Wednesday, November 22, 2017 9:43 AM
To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Subject: Re: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.

Re: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.

Dear Mr. Lipke,

Pursuant to consultation under Section 106 of the National Historic Preservation Act (1966 as amended) the Forest County Potawatomi as a Federally Recognized Native American Tribe reserves the right to comment on Federal undertakings, as defined under the act. Thank you for your participation in the process.

This response pertains to the project mention above. This project does fall within the current geographic area of interest of the Forest County Potawatomi Community. Therefore the Tribal Historic Preservation office requests a copy of any related documentation including the draft MOA, the archaeological report and SHPO commentary on the project.

Your interest in protecting Wisconsin's cultural and historic properties is appreciated. If you have any questions or concerns, please contact me at the email or number listed below.

Respectfully,

Michael LaRonge
Tribal Historic Preservation Officer
Natural Resources Department
Forest County Potawatomi Community
5320 Wensaut Lane
P.O. Box 340
Crandon, Wisconsin 54520
Phone: 715-478-7354
Fax: 715-478-7225
Email: Michael.LaRonge@FCPotawatomi-nsn.gov

From: Lipke, Bryan - DOT
To: [Kobryn, Jennifer](mailto:Kobryn.Jennifer)
Subject: Fwd: STH 23 WisDOT ID# 1440-13/15-00; Fond du Lac to Plymouth
Date: Friday, May 11, 2018 5:19:35 PM

Sent from my iPhone

Begin forwarded message:

From: "Halpin, Alice L - DATCP" <Alice.Halpin@wisconsin.gov>
Date: March 29, 2018 at 3:59:39 PM CDT
To: "Lipke, Bryan - DOT" <Bryan.Lipke@dot.wi.gov>
Cc: "Lynch, Tom (Tom.Lynch@strand.com)" <Tom.Lynch@strand.com>, "Kobryn, Jennifer" <Jennifer.Kobryn@strand.com>
Subject: **STH 23 WisDOT ID# 1440-13/15-00; Fond du Lac to Plymouth**

Good afternoon Bryan.

Thank you for the information you provided about the STH 23 project listed above and for the opportunity to provide comments about this project's potential impacts on agriculture. I have reviewed the information and determined that DATCP has no comments at this time beyond what was already included in the Agricultural Impact Statement published on October 17, 2006 and the Addendum published on April 8, 2010. DATCP will not be preparing a second Addendum to the AIS at this time. Please note that if there are future changes to the project that could have additional negative impacts on agriculture, please notify DATCP as soon as possible.

If you need a formal response on DATCP letterhead, please let me know and will provide one. Thanks again for the opportunity to comment on this project.

Alice

Alice Halpin
Agricultural Impact Statements Program, Division of Agricultural Resource
Management
Wisconsin Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
phone: (608)224-4646
fax: (608)224-4615
e-mail: alice.halpin@wisconsin.gov

Please complete this [brief survey](#) to help us improve our customer service. Thank you for your feedback.

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Ninth Coast Guard District

1240 E 9th St
Cleveland, OH 44199
Staff Symbol: (dpp)
Phone: (216) 902-6087
FAX: (216) 902-6088
E-mail: Scot.M.Striffler@uscg.mil

16590
May 10, 2018
B-072/wbs

Mrs. Joan Petersen, P.E.
Strand Associates
910 West Wingra Drive
Madison, WI 53715

Dear Mrs. Petersen:

We are responding to your email dated April 18, 2018 regarding WisDOT Project ID 1440-13/15-00. As presented to the U.S. Coast Guard the project consists of improving WIS 23 from Fond du Lac, WI, to Plymouth, WI. This 19-mile long corridor potentially impacts the Sheboygan River, an unnamed tributary of the Sheboygan River, and the Mullet River.

Mullet River and its tributaries do not currently carry a federal navigation project or a federal navigation channel. This waterway is unlikely to be improved in the future to carry either. As such, the U.S. Coast Guard does not currently exercise jurisdiction over this waterway as it pertains to its bridge permitting authorities. A Coast Guard bridge permit will not be required for the portion of the WIS 23 Improvement Project impacting the Mullet River. No coordination with the Coast Guard during construction activities associated with this portion of the proposed work is required.

A federal navigation channel exists on Sheboygan River from mile 2.36 to the river's terminus. Above mile 2.36 a federal navigation project exists to mile 15. However, the segment of Sheboygan River potentially impacted by the project, to include any tributaries thereof, is currently in Advance Approval status for Coast Guard Bridge Permitting. Accordingly, a Coast Guard Bridge Permit is not required. Further coordination with the Coast Guard regarding construction activities associated with this portion of the project as proposed will also not be required.

Although a Coast Guard bridge permit(s) will not be required for this project as proposed, you may need to comply with the requirements of other federal, state, or local agencies. Please ensure these requirements are satisfied.

If you require further assistance in this matter please contact Blair Stanifer of this staff at (216) 902-6086.

Sincerely,



S. M. STRIFFLER
Chief, Bridge Branch
U. S. Coast Guard
By direction

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