

**APPENDIX C
COORDINATION**

THIS PAGE INTENTIONALLY LEFT BLANK

Appendix C includes agency, local government/elected officials and tribal correspondence received since the August 29, 2017 Notice of Intent (NOI) for this Limited Scope Supplemental Environmental Impact Statement (LS SEIS). It also includes NEPA-404 Merger Concurrence Point 1 (Purpose and Need) letters from agencies that were provided in previous documents and are included in this document for ease of reference. This appendix is organized differently than in the 2018 Limited Scope Supplemental Draft Environmental Impact Statement (LS SDEIS). A Table of Contents is provided. Correspondence is divided by groups: federal agencies, state agencies, tribal governments, and local governments/elected officials, and within each group by date of correspondence.

For correspondence received during the LS SDEIS comment period, a summary of the comment(s) made and responses by the project team are provided following the individual correspondence. When multiple comments on the LS SDEIS are made within the correspondence, the comments are called out by numbering the pertinent sections. The summary of comments and responses is also provided in Section 7.

Appendix C Table of Contents

Date	Entity	Correspondence Type	Appendix Page No.
Federal Agencies			
09/02/03	US Fish and Wildlife Service (USFWS)	Concurrence Point 1 (Purpose and Need) Letter	C-3
03/12/04	US Army Corps of Engineers (USACE)	Concurrence Point 1 (Purpose and Need) Letter and Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-4
03/15/04	US Environmental Protection Agency (USEPA)	Concurrence Point 1 (Purpose and Need) Letter and Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-6
01/27/14	USACE	Concurrence Point 1 (Revised Purpose and Need) Letter and Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-9
09/15/17	US Department of the Interior-National Park Service (USDOI-NPS)	Comment Letter	C-11
10/26/17	USEPA	Coordination Letter	C-12
05/10/18	US Coast Guard (USCG)	No Coast Guard Permit or further coordination required	C-14
06/07/18	USEPA	Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-15
06/08/18	Natural Resources Conservation Service (NRCS)	NRCS completed and returned the Farmland Impact Conversion Rating Form (AD-1006).	C-17
07/16/18	USFWS	Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-20
07/23/18	USEPA	Lack of Objection Letter	C-22
07/26/18	USACE	Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-25
07/26/18	USDOI	No comments on LS SDEIS	C-28
08/28/18	USFWS	Concurrence Point 3 (Preferred Alternative) Email	C-30
08/31/18	USEPA	Concurrence Point 3 (Preferred Alternative) and Least Environmentally Damaging Practicable Alternative (LEDPA) Letter.	C-34
09/13/18	USACE	Concurrence Point 3 (Preferred Alternative) and LEDPA Letter.	C-35

Appendix C Table of Contents

State Agencies			
11/21/17	Wisconsin Department of Natural Resources (WDNR)	Initial Review Letter	C-36
03/29/18	Department of Agriculture, Trade, and Consumer Protection (DATCP)	No addendum to the AIS will be prepared at this time.	C-40
04/20/18	State Historic Preservation Office (SHPO)	Signed Section 106 Form	C-41
05/22/18	DATCP	Concurrence Point 2 (Range of Alternatives Carried Forward for Detailed Study) Letter	C-43
05/31/18	SHPO	Amended Memorandum of Agreement Amendment #2	C-44
07/19/18	WDNR	Land and Water Conservation Fund Clearance Letter	C-52
07/23/18	WDNR	LS SDEIS Review Letter	C-53
08/08/18	SHPO	Confirmation of concurrence with updated Section 106 and MOA	C-59
08/17/18	DATCP	Concurrence Point 3 (Preferred Alternative) Letter	C-62
08/30/18	WDNR	Concurrence Point 3 (Preferred Alternative) Email	C-63
Tribal Governments			
11/22/17	Forest County Potawatomi Community	Requests a copy of any related documentation including the draft MOA, archaeological report, and SHPO commentary on the project.	C-67
08/23/18	Forest County Potawatomi Community	No impact on any cultural resources of concern to the tribe.	C-69
Local Governments			
10/24/17	Sheboygan County	Resolution No. 15 (2017/2018): Supports all state and federal efforts to improve State Highway 23	C-74
10/27/17	City of Sheboygan (Director of Planning & Development)	Letter of support.	C-77
10/31/17	City of Plymouth	Resolution No. 25 of 2017 recommends the WIS 23 4-lane expansion	C-78
11/01/17	City of Sheboygan Falls	Resolution No. 10 (2017, 2018): supports efforts to improve State Highway 23	C-79
11/07/17	Fond du Lac County	Resolution No. 58-17: continues to support proposed construction of a 4-lane facility.	C-81
11/09/17	Fond du Lac County (County Highway Commission)	Supports fully reconstructing the corridor to a four-lane facility.	C-85
11/10/17	Fond du Lac County (Office of the County Executive)	Supports fully reconstructing the corridor to a four-lane facility.	C-87
11/13/17	Town of Marshfield	Resolution No 2017-05: widening to a 4-lane highway.	C-88
06/19/18	Three Wisconsin Legislators	Strongly urge the adoption of the 4-lane on-alignment Alternative with Corridor Preservation.	C-89
06/19/18	Sheboygan County	Resolution 04 (2018/19): Supports action to implement the Preferred Alternative.	C-92
07/10/18	Village of St. Cloud	Resolution No 2018-2: supports expediting and completing the WIS 23 project in Fond du Lac and Sheboygan Counties.	C-95
07/25/18	State Senator	Strongly urge the department to proceed with the 4-lane on-alignment Alternative.	C-97
07/31/18	City of Plymouth	Resolution No. 20 of 2018 encourages action to implement the expansion of WIS 23 to four lanes with Corridor Preservation and expressway designation.	C-99



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

September 2, 2003

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

re: Purpose and Need for STH 23 EIS
Fond du Lac to Plymouth
Fond du Lac and Sheboygan Counties

Dear Mr. Wagner:

The U.S. Fish and Wildlife Service (Service) has received your letter dated July 24, 2003, requesting comments on the subject project. As part of the NEPA/404 process, you specifically asked for our concurrence on the Purpose and Need for an Environmental Impact Statement (EIS) being prepared for the subject project. Our comments follow.

We have examined the materials provided for our review, and concur on the Purpose and Need as presented. Further comments on this project will be provided at future stages of the NEPA process.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Mr. Joel Trick by calling 920-866-1737.

Sincerely,

Janet M. Smith
Field Supervisor



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

March 12, 2004

REPLY TO
ATTENTION OF:

Construction-Operations
Regulatory (02-05747-JHS)

Mr. Robert Wagner
Wisconsin Department of Transportation
P.O. Box 28080
Green Bay, Wisconsin 54324-0080

Dear Mr. Wagner:

This letter is in response to your request for comments and concurrence on portions of the draft Environmental Impact Statement (EIS) for proposed improvements to State Trunk Highway (STH) 23 from County Trunk Highway (CTH) K, east of the city of Fond du Lac to CTH P northwest of Plymouth, for a length of roughly 19 miles.

The proposed project is a capacity expansion of STH 23 and evaluates existing alignment and new alignment corridors, which may impact wetlands adjacent to tributaries to Taycheedah Creek and other tributaries.

We have reviewed the information recently provided and previously provided regarding the purpose and need for the project and the alternatives to be carried forward into the EIS. We concur with the purpose and need. We also concur with the highway alignment alternatives (1, 2 modified, and 3) selected to be carried into the EIS.

Please keep in mind that this concurrence does not imply Corps approval of the project. Although we agree with the choice of the corridor alternatives, we remain concerned with the magnitude of the potential aquatic resource impacts associated with the alternatives.

The final decision on whether to issue a Department of the Army permit, for any portion of the project involving the discharge of dredged or fill material, will depend on the specifics of the final design. This further review is necessary to ensure that adverse effects on special aquatic sites are minimized to the maximum extent practicable. Finally, the Corps must be certain that adequate compensatory mitigation is provided for any unavoidable losses of special aquatic sites.

Thank you for the opportunity to participate in the environmental review of this project. We look forward to further opportunities to provide input in the review process.

2004 MAR 22 P 3:38
WISDOT-DIST 3

If you have any questions, contact Jerry Smith in our Green Bay office at (920) 448-2824. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory *fw*

Copy furnished:

Mr. Johnny Gerbitz, FHA-WD
Ms. Sherry Kamke, US EPA
Ms. Bobbi Jo Reiser, WDNR
Ms. Leakhena Au, USFWS



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

MAR 15 2004

REPLY TO THE ATTENTION OF

B-19J

Mr. Johnny Gerbitz
Federal Highway Administration-WI Division
Highpoint Office Park
567 D'Onofrio Drive
Madison, Wisconsin 53719-2814

Mr. Robert Wagner
Project Manager
Wisconsin Department of
Transportation
944 Vanderperren Way
P.O. Box 28080
Green Bay, Wisconsin 54324

Re: Concurrence on Purpose & Need and Alternatives Carried Forward for the State Trunk Highway (STH) 23 Corridor Study from Fond du Lac to Plymouth County, Wisconsin

Dear Mr. Gerbitz & Mr. Wagner:

The U.S. Environmental Protection Agency (U.S. EPA) has reviewed letters from the Wisconsin Department of Transportation (WisDOT)-District 3: (1) dated July 24, 2003 regarding the Purpose & Need, and 2) dated November 10, 2003 regarding alternatives for this project. We have met with WisDOT staff to discuss this project and have participated in subsequent meetings and discussions regarding the project's purpose/need and alternatives. We understand that you seek U.S. EPA's review and written concurrence for the first two concurrence points, Purpose & Need and Alternatives Carried Forward for Detailed Study in the Environmental Impact Statement (EIS) as part of the merged National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Wetlands Permit process. This letter addresses both of these points.

The existing STH 23 is a rural two-lane highway that links growing urban areas on both ends of the project area, Fond du Lac on the west and Plymouth on the east. We understand that Wisconsin has identified STH 23 as a Corridors 2020 connector route because of its role in providing a major link between Sheboygan and Fond du Lac, and connecting the important backbone routes of I-43 and USH 41. Existing traffic levels throughout the corridor are nearing or exceeding the 7000 vehicles per day threshold that is used when considering an upgrade of a 2-lane facility to a 4-lane facility. In 2030, traffic is projected to reach 10,100 - 21,800 vehicles per day. The level of service of the highway without any changes would degrade, and the highway would operate less efficiently. The number of access points, locations of side roads relative to the hilly terrain, slow-moving farm equipment, high volumes of

truck traffic, and lack of passing opportunities are problems with the current highway that contribute to unsafe traveling conditions in parts of the corridor. We believe the purpose and need is reasonably defined and that adequate information exists to frame the alternatives analysis.

WisDOT has proposed to study three build alternatives in detail:

- Alternative 1 - Expansion Along Existing Roadway as an Expressway
- Alternative 2 - Expansion Along Existing Roadway, with a four-mile relocation from Log Tavern Road and Sunrise Road as an Expressway
- Alternative 3 - Expansion on Relocation from CTH UU to Sunrise Road as a Freeway

Each alternative utilizes a different roadway footprint. Regardless of what footprint is used for the highway, a substantial amount of resources will be impacted by highway expansion. Wetlands and agricultural acreage, as well as archaeological resources, are extensive in this area, making it difficult to find acceptable avoidance and minimization measures for these resources concurrently. We are concerned with direct impacts to wetlands, which range from 58 to 79 acres for the build alternatives, and impacts associated with the Sheboygan and Mullet River crossings. In particular, we are concerned with impacts to high quality systems whose functions and values are difficult to successfully recreate. The white cedar and hardwood swamp located to the north of Alternative 2 at or about Banner Road is one such resource that should be avoided.

Any of the alternatives studied will have to show that they have avoided or minimized impacts to wetland resources to the maximum extent possible. We suggest that WisDOT consider bridging wetland resources where those resources are unique or extraordinary in quality, when it is important to maintain hydrological connectivity, or when unique wildlife habitat is present. We believe that Alternatives 1, 2, and 3 are viable alternatives provided that key resources mentioned above can be avoided and impacts minimized to the maximum extent possible. There do not appear to be other alternatives that should be studied in detail in the forthcoming EIS. Therefore, we concur with the range of alternatives carried forward for detailed study in the Draft EIS.

We believe it is important for WisDOT to describe the differences in traffic operations that would occur between an expressway and a freeway. We also believe that either of these types of facilities have land use implications that should be adequately described in the cumulative impacts section of the EIS.

We look forward to discussing modifications to these alternatives to reduce environmental impacts, as well as reviewing the Draft EIS for this project. If you have any questions, please contact Sherry Kamke at (312) 353-5794 or via email at kamke.sherry@epa.gov.

Sincerely yours,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

cc: Bobbi Jo Reiser
Wisconsin Department of Natural Resources
Oshkosh Service Center
625 East County Road Y
Suite 700
Oshkosh, Wisconsin 54901-9731

Jerry Smith
U.S. Army Corps of Engineers
Suite 211, Old Fort Square
211 North Broadway
Green Bay, WI 54303

10/10/01 10:00 AM
10/10/01 10:00 AM



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

REPLY TO
ATTENTION OF

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.

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,



Jamara E. Cameron
Chief, Regulatory Branch

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



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:

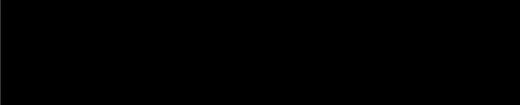
The National Park Service (NPS) has reviewed the Federal Highway Administration (FHWA) Notice of Intent to prepare a Limited Scope Supplemental Environmental Impact Statement (LS SEIS) for proposed transportation improvements on Wisconsin State Highway 23 (WIS 23) from U.S. Highway 151 to County Highway 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



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

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,

A black rectangular redaction box covering the signature of S. M. Striffler.

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



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

JUN 07 2018

REPLY TO THE ATTENTION OF

Bryan Lipke
Wisconsin Department of Transportation
Northeast Regional Office
944 Vanderperren Way
Green Bay, Wisconsin 54304

Re: Concurrence Point #2, Wisconsin Highway 23, Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin

Dear Mr. Lipke:

The U.S. Environmental Protection Agency has reviewed information provided regarding range of alternatives (Concurrence Point #2) for the above-mentioned project and its Limited Scope Supplemental Environmental Impact Statement (LS SEIS). 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), Section 309 of the Clean Air Act, and the interagency NEPA/Clean Water Act Section 404 Merger Process Agreement for Wisconsin.

The Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) have identified additional alternatives to be carried forward for analysis in the LS SEIS. These alternatives were previously dismissed during the 2014 LS SEIS; however, because of newly updated traffic forecasts, FHWA and WisDOT have determined that these alternatives also satisfy the Purpose and Need criteria.

EPA concurs with the range of alternatives carried forward as described in FHWA and WisDOT's May 17, 2018 letter. We have no comments or clarifications. EPA is in possession of the Draft LS SEIS and will provide substantive comments within the public comment review period.

Thank you in advance. 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. We look forward to reviewing future NEPA documentation.

Sincerely,



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

cc: Bethaney Bacher-Gresock, Federal Highway Administration
Anna Varney, Federal Highway Administration
Jay Waldschmidt, Wisconsin Department of Transportation
Todd Vesperman, U.S. Army Corps of Engineers
Jeremiah Shiefelbein, Wisconsin Department of Transportation

Kobryn, Jennifer

From: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Sent: Friday, June 8, 2018 11:19 AM
To: Petersen, Joan; VanPrice, Kathie - DOT
Cc: DOT WIS 23-Major 1440-13/15-00/01; Michaelson, Jill - DOT; Kobryn, Jennifer
Subject: FW: FPPA request for Project State Hwy 23
Attachments: 20180608100113698.pdf

Team,

Below is agency correspondence.

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
wisconsindot.gov

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

From: Ziegler, Jeremy - NRCS, Juneau, WI [mailto:Jeremy.Ziegler@wi.usda.gov]
Sent: Friday, June 08, 2018 11:11 AM
To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Subject: FPPA request for Project State Hwy 23

Hello Bryan,

The Natural Resource Conservation Service (NRCS) has reviewed the proposed project for State Hwy 23 in Fond Du Lac County. Because the total score was over 60 points on the AD-1006 form, the project is subject to the Farmland Protection Policy Act. I have completed the NRCS portion of the AD-1006 form and have attached it. The USDA-NRCS does not have any Wetland easements in the project location. Thank you for allowing the NRCS to comment on your proposed project. If you have any further questions please feel free to contact me.

Thank you,

Jeremy Ziegler
NRCS-SE Area Resource Soil Scientist
451 West North street
Juneau, WI 53039
Office: 920-709-3022
Gov cell 920-210-9007

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 6/4/18				
Name of Project ID 1440-13/15-00; WIS 23		Federal Agency Involved FHWA				
Proposed Land Use 2 to 4-Lane On-Alignment Expansion		County and State Fond du Lac and Sheboygan Wisconsin				
PART II (To be completed by NRCS)		Date Request Received By NRCS 6/4/18		Person Completing Form: Jeremy Ziegler		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated -	Average Farm Size 200	
Major Crop(s) Cash Grain	Farmable Land In Govt. Jurisdiction Acres: 442414 % 90%	Amount of Farmland As Defined in FPPA Acres: 372,040 % 76%				
Name of Land Evaluation System Used	Name of State or Local Site Assessment System LESA	Date Land Evaluation Returned by NRCS 6/8/18				
PART III (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		410				
B. Total Acres To Be Converted Indirectly		76				
C. Total Acres In Site		486				
PART IV (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland		425				
B. Total Acres Statewide Important or Local Important Farmland		420				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		.002%				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		.002%				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		59				
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)	15			
2. Perimeter In Non-urban Use		(10)	10			
3. Percent Of Site Being Farmed		(20)	20			
4. Protection Provided By State and Local Government		(20)	20			
5. Distance From Urban Built-up Area		(15)	15			
6. Distance To Urban Support Services		(15)	15			
7. Size Of Present Farm Unit Compared To Average		(10)	10			
8. Creation Of Non-farmable Farmland		(10)	5			
9. Availability Of Farm Support Services		(5)	5			
10. On-Farm Investments		(20)	10			
11. Effects Of Conversion On Farm Support Services		(10)	5			
12. Compatibility With Existing Agricultural Use		(10)	3			
TOTAL SITE ASSESSMENT POINTS		160	133	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	0	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	133	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	133	0	0	0
Site Selected: Site A - Preferred		Date Of Selection 5/18/18		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Reason For Selection: Area converted is right of way needed for the preferred alternative (217 acres have been purchased). Area converted indirectly is for corridor preservation associated with the preferred alternative which preserves right of way for transportation improvements that are likely to be needed in the future.						
Name of Federal agency representative completing this form: Jennifer Kobryn, P.E. (Strand Associates)					Date: 5/22/18	

(See Instructions on reverse side)

From: Lipke, Bryan - DOT
To: [Bacher-Gresock, Bethaney](#); [Chritton, Chris - DOT](#); [Hellermann, Luke](#); [Kobryn, Jennifer](#); [Michaelson, Jill - DOT](#); [Murray, Jennifer - DOT](#); [Petersen, Joan](#); [Urban, Joseph M.](#); [VanPrice, Kathie - DOT](#); [Varney, Anna](#); [Waldschmidt, Jay - DOT](#)
Subject: FW: [EXTERNAL] WIS 23 Majors Study, Fond du Lac to Plymouth, 2018 LS SDEIS- NEPA/404 Merger Agreement Agencies (with WDNR) check in call proposed.
Date: Monday, July 16, 2018 2:21:22 PM

USFWS has offered concurrence on range of alternatives. They will not attend the call. USACE, DNR, and EPA will be calling in. Invite coming shortly.

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
wisconsindot.gov

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

From: Horton, Andrew [mailto:andrew_horton@fws.gov]
Sent: Monday, July 16, 2018 2:17 PM
To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Subject: Re: [EXTERNAL] WIS 23 Majors Study, Fond du Lac to Plymouth, 2018 LS SDEIS- NEPA/404 Merger Agreement Agencies (with WDNR) check in call proposed.

Bryan,

I have looked over what you have provided and we have no objections over the addition of the three alternatives outlined in your May 17, 2018 letter. We have no listed species of concern within the proposed action area that we feel would be impacted by this project. I will be out the rest of the week working on recovery planning for the Dakota skipper so I will be unable to make the meeting on the 19th. I hope that this is all you need from us for now, but let me know if there is more we can provide. Thank you.

- Andrew

Andrew Horton
U.S. Fish and Wildlife Service
Minnesota/Wisconsin Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(952) 252-0092, ext. 208

On Wed, Jul 11, 2018 at 2:22 PM, Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov> wrote:

|

1440-13/15-00

WIS 23 Fond du Lac to Plymouth Majors Study

US 151 to CTH P

Fond du Lac and Sheboygan Counties

Agency Representatives,

We realize that this is short notice, but FHWA and WisDOT would like to offer you the opportunity to have a short conference call with the NEPA/404 Merger Agreement agencies and WDNR between 1:30 – 4:30 pm on either July 19th (preferred option) or July 26th (alternative option). We see the call taking no more than an hour. Please let me know as soon as possible if you or another member of your agency have any availability at those dates/times.

The purpose of the conference call is to check in on the status of your review of the WIS 23 2018 Limited Scope Supplemental Draft EIS (LS SDEIS) to find out if you have any concerns, major or otherwise. We would also like to review the range of alternatives carried forward for detailed study (Concurrence Point 2), the preferred alternative, and provide you a summary of comments received thus far (attached). The call will also give us a chance to discuss coordination for Concurrence Point 3 (Selected Alternative) and the LEDPA. For reference, we transmitted the environmental document to your agencies on May 23, 2018 and UPS delivery notifications indicate it was delivered May 29th or May 30th. The Notice of Availability was published in the *Federal Register* on June 1, 2018 and the comment period ends July 31, 2018. After we receive all agency and public comments, we'd be happy to share the final public hearing record and host another agency meeting for Concurrence Point 3 (Selected Alternative) and the LEDPA, if deemed necessary.

Thank you in advance for your participation in the review of the 2018 LS SDEIS and check-in call.

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

wisconsindot.gov

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

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

wisconsindot.gov



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

JUL 23 2018

REPLY TO THE ATTENTION OF:

Michael Davies
Wisconsin Division Administrator
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

**Re: 2018 Limited Scope Supplemental Draft Environmental Impact Statement,
Wisconsin State Highway 23 Fond du Lac to Plymouth, Fond du Lac and
Sheboygan Counties, Wisconsin – CEQ # 20180116**

Dear Mr. Davies:

The U.S. Environmental Protection Agency has reviewed the 2018 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; most 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 the original Draft EIS for this project in 2004, and Draft and Final Supplemental EISs in 2010. Following legal proceedings, Limited Scope - Supplemental Draft and Final EISs were issued in 2013 and 2014. This 2018 Limited Scope - Supplemental Draft EIS further assesses several alternatives in light of updated traffic analyses.

EPA provided comments on the previous EISs. Our comments focused on aquatic resources impacts and diesel emissions, and recommended clarifying information. Those previous comments were adequately addressed in the 2014 Limited Scope – Supplemental Final EIS and Record of Decision (ROD).

The 2018 Limited Scope – Supplemental Draft EIS identifies the preferred alternative as the four-lane on-alignment alternative for the full length of the project. It includes a roundabout at

EPA 1

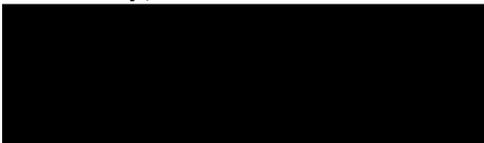
Wisconsin American Parkway, the County Road K jug-handle, and diamond interchanges at County Road UU and County Road G. This alternative also includes Old Plank Road Trail extension that extends from US 151 to the existing Old Plank Road Trail. It also includes a grade-separated crossing for the Ice Age Trail. FHWA and WisDOT anticipate issuing a combined Final EIS and ROD.

Based on our review the 2018 Limited Scope – Supplemental Draft EIS, we assign a rating of **EPA 2 Lack of Objections (LO)**. Our summary of ratings is enclosed. We have no substantive or clarifying comments.

EPA 3 EPA reaffirms that we reserve the right to provide additional comments during the forthcoming Clean Water Action (CWA) Section 404 permit process, jointly administered by EPA and the U.S. Army Corps of Engineers.

We appreciate this opportunity to review and comment on the current NEPA document. 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: Bryan Lipke, Wisconsin Department of Transportation
 Todd Vesperman, U.S. Army Corps of Engineers
 Bethaney Bacher-Gresock, Federal Highway Administration
 Jeremiah Schiefelbein, Wisconsin Department of Natural Resources

Agency Comment #	United States Environmental Protection Agency Comment
EPA 1	<p>EPA provided comments on the previous EISs. Our comments focused on aquatic resources impacts and diesel emissions, and recommended clarifying information. Those previous comments were adequately addressed in the 2014 Limited Scope - Supplemental Final EIS and Record of Decision (ROD).</p> <p><i>Comment acknowledged.</i></p>
EPA 2	<p>Based on our review the 2018 Limited Scope - Supplemental Draft EIS, we assign a rating of Lack of Objections (LO). Our summary of ratings is enclosed. We have no substantive or clarifying comments.</p> <p><i>Comment acknowledged.</i></p>
EPA 3	<p>EPA reaffirms that we reserve the right to provide additional comments during the forthcoming Clean Water Action (CWA) Section 404 permit process, jointly administered by EPA and the U.S. Army Corps of Engineers.</p> <p><i>Comment acknowledged.</i></p>



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

JUL 26 2018

Operations
Regulatory (2010-00379-RJH)

Bryan Lipke
WisDOT - Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54324-0080

Dear Mr. Lipke:

This letter is in response to the request for concurrence with the 2018 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 May 25, 2018. The project site is located along the existing WIS 23 corridor within Fond du Lac and Sheboygan Counties.

In our letter dated September 23, 2013, the Corps provided comments for the WIS 23 Fond du Lac to Plymouth Expansion Project LSDEIS. Following the receipt of the 2018 LS SDEIS, we have no further substantive comments.

In our letter dated January 27, 2014, the Corps concurred with the proposed and need statement, array of alternatives initially considered and dismissed, and with the alternatives carried forward as detailed in Section 2 of the LS SDEIS. In addition to the original 4-lane on-alignment alternative, it is our understanding that two additional alternatives, that were previously dismissed, are being brought forward for evaluation in the 2018 LS SDEIS: The Passing Lane Alternative (with and without Left Turn Lanes) and the Hybrid Alternative. The Corps concurs with addition of the alternatives carried forward for detailed analysis in the 2018 LS SDEIS.

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.

USACE 1

USACE 2

Operations
Regulatory (MVP-2010-00379-AMN)

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

Sincerely,



Chad Konickson
Chief, Regulatory Branch



Copy furnished:
Jeremiah Schiefelbein, WDNR
Kathie VanPrice, WisDOT
Elizabeth Poole, EPA

Agency Comment #	United States Army Corps of Engineers Comment
USACE 1	<p>In our letter dated September 23, 2013, the Corps provided comments for the WIS 23 Fond du Lac to Plymouth Expansion Project LSDEIS. Following the receipt of the 2018 LS SDEIS, we have no further substantive comments.</p> <p><i>Comment acknowledged.</i></p>
USACE 2	<p>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.</p> <p><i>WisDOT will work with USACE and WDNR to avoid, minimize, and mitigate wetland impacts during final design. If there are any substantial changes to wetland impacts, WisDOT will coordinate with USACE and WDNR.</i></p>



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

July 26, 2018

9043.1
ER 18/0252

Mr. Bryan Lipke
Planning Project Manger
Wisconsin Department of Transportation
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

RE: Limited Scope Supplemental Draft Environmental Impact Statement and Section 4(f) and 6(f) Evaluation for Wisconsin State Highway 23 from Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin.

Dear Mr. Lipke:

The U.S. Department of the Interior (Department) has reviewed the Limited Scope Supplemental Draft Environmental Impact Statement and Section 4(f) and 6(f) Evaluation for Wisconsin State Highway 23. The Department does not have comments at this time.

DOI 1

Thank you for the opportunity to comment.

Sincerely,

Lindy Nelson
Regional Environmental Officer

Agency Comment #	United States Department of the Interior Comment
DOI 1	<p>The U.S. Department of the Interior (Department) has reviewed the Limited Scope Supplemental Draft Environmental Impact Statement and Section 4(f) and 6(f) Evaluation for Wisconsin State Highway 23. The Department does not have comments at this time.</p> <p><i>Comment acknowledged.</i></p>

From: Lipke, Bryan - DOT
To: [Chritton, Chris - DOT](#); [Hellermann, Luke](#); [Chidister, Ian \(FHWA\)](#); [Kobryn, Jennifer](#); [Michaelson, Jill - DOT](#); [Murray, Jennifer - DOT](#); [Newhouse, Greg](#); [Petersen, Joan](#); [Urban, Joseph M.](#); [VanPrice, Kathie - DOT](#); [Waldschmidt, Jay - DOT](#)
Subject: FW: [EXTERNAL] WIS 23 Majors Study, Fond du Lac to Plymouth, 2018 LS SDEIS- NEPA/404 Merger Agreement Agencies (with WDNR) check in call proposed.
Date: Wednesday, August 29, 2018 8:05:06 AM
Importance: High

WIS 23 LS SEIS Delivery Team,

USFWS has provided feedback on LS SDEIS comments and concurrence on Preferred Alternative.
Thank you.

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.dot.gov

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

From: Horton, Andrew [mailto:andrew_horton@fws.gov]
Sent: Tuesday, August 28, 2018 10:06 AM
To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Subject: Re: [EXTERNAL] WIS 23 Majors Study, Fond du Lac to Plymouth, 2018 LS SDEIS- NEPA/404 Merger Agreement Agencies (with WDNR) check in call proposed.

Bryan,

I have no comments or concerns regarding the public or agency comments regarding the WIS 23 Majors Study (Fond du Lac to Plymouth) on the LS DSEIS.

We also have no concerns over the selection of the preferred alternative for concurrence point #3 of the NEPA/404 Merger Agreement between Agencies. The preferred route and alternative routes analyzed are not anticipated to have any threatened or endangered species impacts at this time. Thank you and let me know if I need to provide any more detail in my response.

- Andrew

Andrew Horton
U.S. Fish and Wildlife Service
Minnesota/Wisconsin Field Office
4101 American Blvd East
Bloomington, MN 55425-1665

(952) 252-0092, ext. 208

On Mon, Aug 27, 2018 at 2:30 PM, Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov> wrote:

Andrew

Thank you for joining our WIS 23 Study Agency conference call on August 16th. WisDOT and FHWA just wanted to check in on any concerns or questions you may have about public and agency comments on the LS SDEIS with further review (summary document shared with agencies and discussed during the call is attached).

Also wanted to confirm if USFWS will be providing written concurrence for the Preferred Alternative (CP# 3) before Sept 10th (30 days from receipt of the request letter). You can simply send us a email correspondence as you did with concurrence on range of alternatives (CP#2).

Appreciate your valuable time. Thank you.

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
wisconsindot.gov

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

From: Horton, Andrew [mailto:andrew_horton@fws.gov]

Sent: Monday, July 16, 2018 2:17 PM

To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>

Subject: Re: [EXTERNAL] WIS 23 Majors Study, Fond du Lac to Plymouth, 2018 LS SDEIS- NEPA/404 Merger Agreement Agencies (with WDNR) check in call proposed.

Bryan,

I have looked over what you have provided and we have no objections over the addition of the three alternatives outlined in your May 17, 2018 letter. We have no listed species of concern within the proposed action area that we feel would be impacted by this project. I will be out the rest of the week working on recovery planning for the Dakota skipper so I will be unable to make the meeting on the 19th. I hope that this is all you need from us for now, but let me know if there is more we can provide. Thank you.

- Andrew

Andrew Horton
U.S. Fish and Wildlife Service
Minnesota/Wisconsin Field Office
4101 American Blvd East
Bloomington, MN 55425-1665
(952) 252-0092, ext. 208

On Wed, Jul 11, 2018 at 2:22 PM, Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov> wrote:

1440-13/15-00
WIS 23 Fond du Lac to Plymouth Majors Study
US 151 to CTH P
Fond du Lac and Sheboygan Counties

Agency Representatives,

We realize that this is short notice, but FHWA and WisDOT would like to offer you the opportunity to have a short conference call with the NEPA/404 Merger Agreement agencies and WDNR between 1:30 – 4:30 pm on either July 19th (preferred option) or July 26th (alternative option). We see the call taking no more than an hour. Please let me know as soon as possible if you or another member of your agency have any availability at those dates/times.

The purpose of the conference call is to check in on the status of your review of the WIS 23 2018 Limited Scope Supplemental Draft EIS (LS SDEIS) to find out if you have any concerns, major or otherwise. We would also like to review the range of alternatives carried forward for detailed study (Concurrence Point 2), the preferred alternative, and provide you a summary of comments received thus far (attached). The call will also give us a chance to discuss coordination for Concurrence Point 3 (Selected Alternative) and the LEDPA. For reference, we transmitted the environmental document to your agencies on May 23, 2018 and UPS delivery notifications indicate it was delivered May 29th or May 30th. The Notice of Availability was published in the *Federal Register* on June 1, 2018 and the comment period ends July 31, 2018. After we receive all agency and public comments, we'd be happy to share the final public hearing record and host another agency meeting for Concurrence Point 3 (Selected Alternative) and the LEDPA, if deemed necessary.

Thank you in advance for your participation in the review of the 2018 LS SDEIS and check-in call.

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
wisconsindot.gov

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

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

wisconsindot.gov

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



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

AUG 31 2018

Bryan Lipke
Wisconsin Department of Transportation
Northeast Regional Office
944 Vanderpeiren Way
Green Bay, Wisconsin 54304

REPLY TO THE ATTENTION OF:

Re: **Concurrence Point #3, Wisconsin State Highway 23, Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin**

Dear Mr. Lipke:

The U.S. Environmental Protection Agency has reviewed the information provided by the Wisconsin Department of Transportation and the Federal Highway Administration regarding selection of the Preferred Alternative (Concurrence Point #3 in the Wisconsin merger process for the National Environmental Policy Act and Section 404 of the Clean Water Act) for the proposed Wisconsin State Highway 23 improvement project. EPA provided comments on the Draft Limited Scope Supplemental Environmental Impact Statement (LS SEIS) in a letter dated July 23, 2018.

The Preferred Alternative is the four-lane, on-alignment alternative for the full length of the project. It includes a roundabout at Wisconsin American Parkway, a jug-handle at County Road K, and diamond interchanges at County Roads UU and G. This alternative includes the Old Plank Road Trail extension from US 151 to the existing Old Plank Road Trail and a grade-separated crossing for the Ice Age Trail.

Based on the materials provided, EPA concurs with the selection of the Preferred Alternative and confirms that the Preferred Alternative is the Least Environmentally Damaging Practicable Alternative. We have no additional recommendations or clarifications. Please note that EPA retains the right to provide additional comments during the Clean Water Act Section 404 permitting process for this project.

Thank you in advance for the opportunity to provide input during all stages of 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. We look forward to reviewing the Final LS SEIS and Record of Decision.

Sincerely,


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

cc: Ian Chidister, Federal Highway Administration
Todd Vesperman, U.S. Army Corps of Engineers
Jeremiah Shiefelbein, Wisconsin Department of Natural Resources



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

SEP 13 2018

REPLY TO
ATTENTION OF

Operations
Regulatory (2010-00379-RJH)

Bryan Lipke
WisDOT - Northeast Region
944 Vanderperren Way
Green Bay, Wisconsin 54324-0080

Dear Mr. Lipke:

This letter is in response to the request for concurrence with the Preferred Alternative and confirmation that the Preferred Alternative is the Least Environmentally Damaging Practical Alternative (LEDPA) as identified in the 2018 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 request was received by this office on August 7, 2018. The project site is located along the existing WIS 23 corridor within Fond du Lac and Sheboygan Counties.

Pursuant to the NEPA/404 merger agreement, the Corps concurs with the selection of the Preferred Build Alternative, which is the 4-lane On-alignment Alternative as detailed in the 2018 LS SDEIS. Based on the information provided; the preferred alternative appears to impact the least amount of aquatic resources of the practicable alternatives and would satisfy CWA Section 404 requirements.

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 Ryan Huber in our Green Bay Field Office at (651) 290-5859. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Chad Konickson
Chief, Regulatory Branch

Copy furnished:
Jeremiah Schiefelbein, WDNR
Kathie VanPrice, WisDOT
Elizabeth Poole, EPA



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.

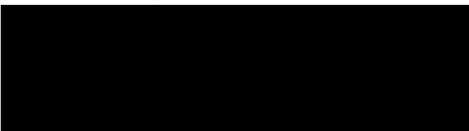
There is one closed LUST sites located along the project corridor located near the intersection of WIS 23 and CTH P. While this site is listed as 'closed', there may still be remnant contamination present. Please keep in mind during your project planning that any remaining contamination must be properly 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

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.



SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION

Wisconsin Department of Transportation
DT1635 6/2014

SHPO

MAR 29 2018

For instructions, see FDM Chapter 26.

I. PROJECT INFORMATION

Amended Submittal (include new information only)

Project ID 1440-13/15-00	Highway – Street WIS 23	County Fond du Lac/Sheboygan
Project Termini US 151 to CTH P	Region – Office Northeast	
Regional Project Engineer – Project Manager Bryan Lipke	(Area Code) Telephone Number (920) 492-5703	
Consultant Project Engineer – Project Manager Tom Lynch	(Area Code) Telephone Number (608) 251-4843	
Archaeological Consultant Commonwealth Heritage Group	(Area Code) Telephone Number (414) 446-4121	
Architecture/History Consultant Commonwealth Heritage Group	(Area Code) Telephone Number (414) 446-4121	
Date of Need	SHSW Number 14-0615	
Return a Signed Copy of This Form to		

II. PROJECT DESCRIPTION

Project Length 19.7 miles	Land to be Acquired: Fee Simple 410 acres	Land to be Acquired: Easement minimal acres
------------------------------	--	--

Distance as measured from existing centerline	Existing	Proposed	Other Factors	Existing	Proposed
Right-of-Way Width US 151 to CTH K CTH K to CTH UU CTH UU TO CTH P	Varies 66' to 100'	Varies 170' 200'	Terrace Width	NA	NA
Shoulder	6'	6' to 10'	Sidewalk Width	NA	NA
Slope Intercept	From CL 30' to 50'	From CL 80' to 100'	Number of Lanes	2	4
Edge of Pavement	From CL 12'	From CL 72'	Grade Separated Crossing including Ice Age Trail Crossing	0	12
Back of Curb Line	NA	NA	Vision Triangle acres	NA	NA
Realignment	NA	NA	Temporary Bypass acres	NA	NA
Other – List:			Stream Channel Change	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Attach Map(s) that Depict "Maximum" Impacts.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Tree Topping and/or Grubbing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Brief Narrative Project Description: Include all ground disturbing activities. For archaeology, include plan view map indicating the maximum area of ground disturbance and/or new right-of-way, whichever is greater. Include all temporary, limited and permanent easements. For amendments (e.g. design refinements, scope changes, etc) description should only include new/added project actions and materials.

Amendment: The APE and ground disturbing activities are the same as stated in the previous Section 106 form (9/18/2007 updated 2010) and the 3/19/2013 Amended Memorandum of Agreement. Due to the time delay, this amendment resurveyed structures within the APE and updated previously surveyed structures as appropriate. No additional properties were identified to survey. This amendment also includes a review of the Wisconsin Preservation Data Base to identify possible newly recorded resources within the APE. The amendment includes investigations for one site (47SB0440) not previously investigated. This site does not extend into the area of potential disturbance or the APE.

Add continuation sheet, if needed.

SECTION 106 REVIEW ARCHAEOLOGICAL/HISTORICAL INFORMATION (continued)

Wisconsin Department of Transportation DT1635

III. CONSULTATION

How has notification of the project been provided to:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Property Owners | <input type="checkbox"/> Historical Societies/Organizations | <input checked="" type="checkbox"/> Native American Tribes |
| <input checked="" type="checkbox"/> Public Information Meeting Notice | <input type="checkbox"/> Public Information Meeting Notice | <input checked="" type="checkbox"/> Public Info. Mtg. Notice |
| <input type="checkbox"/> Letter - Required for Archaeology | <input type="checkbox"/> Letter | <input checked="" type="checkbox"/> Letter |
| <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call | <input type="checkbox"/> Telephone Call |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Other: | <input type="checkbox"/> Other: |

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

IV. AREA OF POTENTIAL EFFECTS – APE

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

HISTORY: Describe the area of potential effects for buildings/structures.

The APE is the same as previous Section 106 form signed on 9/18/2007.

V. PHASE I – ARCHAEOLOGICAL OR RECONNAISSANCE HISTORY SURVEY NEEDED

ARCHAEOLOGY	HISTORY
<input checked="" type="checkbox"/> Archaeological survey is needed	<input checked="" type="checkbox"/> Architecture/History survey is needed
<input checked="" type="checkbox"/> Archaeological survey is not needed	<input type="checkbox"/> Architecture/History survey is not needed
<input type="checkbox"/> Screening list (date)	<input type="checkbox"/> Screening list (date)
<input type="checkbox"/> Burial site in project area, Wis. Stat. 157.70 applies	<input type="checkbox"/> No structures or buildings of any kind within APE
<i>Letter Report</i>	<input type="checkbox"/> Non-Survey History Documentation attached

VI. SURVEY COMPLETED

ARCHAEOLOGY	HISTORY
<input type="checkbox"/> NO archaeological sites(s) identified – ASFR attached	<input type="checkbox"/> NO buildings/structures identified – Report attached
<input checked="" type="checkbox"/> NO potentially eligible site(s) in project area – Phase I Report attached	<input type="checkbox"/> Potentially eligible buildings/structures identified in the APE – Report attached
<input type="checkbox"/> Potentially eligible site(s) identified-Phase I Report attached	<input type="checkbox"/> Avoided through redesign
<input type="checkbox"/> Avoided through redesign	<input checked="" type="checkbox"/> Previously listed/eligible property identified in the APE – Report attached
<input type="checkbox"/> Phase II conducted – go to VII (Evaluation)	
<input type="checkbox"/> Phase I Report – Cemetery/cataloged burial documentation	

VII. DETERMINATION OF ELIGIBILITY (EVALUATION) COMPLETED

<input type="checkbox"/> No arch site(s) eligible for NRHP – Phase II Report attached	<input type="checkbox"/> No buildings/structure(s) eligible for NRHP – DOE attached
<input type="checkbox"/> Arch site(s) eligible for NRHP – Phase II Report attached	<input type="checkbox"/> Building/structure(s) eligible for NRHP – DOE attached
<input type="checkbox"/> Site(s) eligible for NRHP – DOE attached	

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

Per Wis. Stat. 157.70 obtain burial authorization from WHS one year prior to construction.

47FD245/BFO-0197 and 47FD17/BFO-0150

IX. PROJECT DECISION

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

X. SIGNATURES

<input checked="" type="checkbox"/> [Redacted Signature] 01/22/18	<input checked="" type="checkbox"/> [Redacted Signature] 3/28/18	<input checked="" type="checkbox"/> [Redacted Signature] April 20 2018
(Regional Project Manager Signature) (Date – m/d/yy)	(WisDOT Historic Preservation Officer Signature) (Date – m/d/yy)	(State Preservation Officer Signature) (Date – m/d/yy)
<input checked="" type="checkbox"/> [Redacted Signature] 12/20/17		
(Consultant Project Manager Signature) (Date – m/d/yy)		



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

May 22, 2018

Bryan Lipke, P.E.
Wisconsin Department of Transportation
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

Re: STH 23: Fond du Lac to Plymouth
WisDOT ID#: 1440-13/15-00
Alternative Concurrence

Dear Mr. Lipke:

Thank you for your May 17, 2018 letter to Marilyn Weiss regarding the addition of two alternatives for the STH 23 project between Fond du Lac and Plymouth. We have no questions about these alternatives at this time.

The Wisconsin Department of Agriculture, Trade and Consumer Protection concurs with the Wisconsin Department of Transportation and the Federal Highways Administration that the addition of these two alternatives is acceptable.

Please contact me at (608)224-4646 or alice.halpin@wisconsin.gov if you have any questions.

Sincerely,


Alice Halpin
Agricultural Impact Analyst

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

C-43

**AMENDED
MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND
THE WISCONSIN STATE HISTORIC PRESERVATION OFFICE
REGARDING CONSTRUCTION OF STH 23
CTH K TO CTH P (PROJECT ID 1440-13/15-00 WHS #06-0864/FD/SB)
FOND DU LAC AND SHEBOYGAN COUNTIES, WISCONSIN
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36CFR 800.6**

Whereas, the Federal Highway Administration (hereinafter FHWA), the Wisconsin State Historic Preservation Office (hereinafter SHPO), the Wisconsin Department of Transportation (hereinafter WisDOT), and St. Mary's Springs Academy executed a Memorandum of Agreement (MOA) in June-July 2009 (signed on June 2009 and July 2009, respectively) and Amendment #1 to the Memorandum of Agreement was executed in June 2013;

Whereas the same parties have agreed that an amendment to this Memorandum of Agreement should be executed; and

Whereas, the Sippel site (47SB394) is eligible for the National Register, and

Whereas, the undertaking could have effects on the Sippel site (47SB394), and

Whereas, the St. Mary's Springs Academy (formerly referred to as the St. Mary's Springs Academy Complex) is eligible for the National Register; and

Whereas contributing resources have been demolished within the historic property boundary of the St. Mary's Springs Academy; and

Whereas, the SHPO has concurred with a revised historic property boundary of the St. Mary's Springs Academy (Attachment 1); and

Whereas, the consulting parties concur the proposed project actions will not adversely affect the National Register eligible St. Mary's Springs Academy and stipulations pertaining to St. Mary's Springs Academy were previously deleted by Amendment 1 as they no longer apply due to the revised historic property boundary; and

Whereas the Ho-Chunk Nation, Oneida Nation of Wisconsin, Menominee Indian Tribe of Wisconsin, and the Iowa Tribe of Oklahoma have been provided a copy of the above-mentioned Memorandum of Agreement of June-July 2009, the archaeological report titled: *Archaeological Investigations Along STH 23 and Alternate Corridors from CTH K in Fond du Lac County to CTH P. in Sheboygan County, Wisconsin*, and the data recovery plan titled: *A Mid Nineteenth Century Yankee Homestead in the Town of Greenbush, Sheboygan County* addressing findings and effects; and

Whereas, this undertaking is not on federal or tribal land, and all burials will be treated as inadvertent and un-cataloged discoveries in accordance with Wis. Stat. §157.70; and

Whereas, it is in the public interest to expend public funds to minimize and mitigate the potential impacts of this project on significant historic properties; and

Whereas, delay in project schedule require revision to timeframes called out in the Amended Memorandum of Agreement.

Now, therefore, the above-mentioned Amended Memorandum of Agreement of June 2013 is amended by updating its stipulations with the following.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

I. Archaeological Resources

- AR1. The Sippel (47SB394) archaeological site is located entirely within the Area of Potential Effects (APE) and cannot be avoided through project redesign. The WisDOT has implemented the field component of the project data recovery plan titled: The Sippel (47SB394) Site: A Mid Nineteenth Century Yankee Homestead in the Town of Greenbush, Sheboygan County (Attachment #3). Data recovery field efforts occurred in September and October of 2014.
- AR2. Prior to construction, WisDOT or its agent will ensure that protective fencing is placed at the Storm Front (47FD497) to prevent inadvertent disturbances. A qualified archaeologist shall assist in the location and placement of the fence. This area shall not be used for the staging of equipment and personnel, sources of borrow, or a location for the placement of waste material or batch plant.

II. Discoveries – 36 CFR 800.6

DI. Archaeological

- A. The WisDOT Project Engineer (PE) or Project Manager (PM) shall notify all parties of this MOA in writing ten working days prior to the start of construction and monitoring.
- B. At preconstruction meetings, the WisDOT PE/PM shall ensure the stipulations contained in this MOA are reviewed with and understood by the responsible party(ies). Responsible parties also include sub-contractors.
- C. Prior to construction, the WisDOT or authorized agent shall petition the Director of the Wisconsin Historical Society (WHS) for permission to work within the recorded boundaries of two known uncatalogued burial sites, Academy Hill Mound (47 FD-17/BFD0150) and the unnamed burial site (47 FD-245), in compliance with Wis. Stat. §157.70. These activities include, but are not limited to, removal of the existing pavement, sidewalk, roadbed (Sub-

grade and Base course), parking surfaces, building foundation wall/floor removal, and any excavation below the ground/soil elevation for underground utilities or other designated features.

1. A professional archaeologist, as defined in the Secretary of the Interior's Professional qualifications Standards (48 FR 44738), will monitor construction-related activities within the recorded boundaries of the Academy Hill Mound (47 FD-17/BFD0150) and unnamed burial site (47FD245).
 2. Upon completion of monitoring, the archaeologist will submit a summary report of the results of the monitoring. Three copies of monitoring report will be submitted to BTS-Cultural Resources as soon as ground disturbing activities have concluded. Two copies will be forwarded to SHPO.
- D. Upon discovery of a significant undisturbed archaeological resource, the archaeologist will inform the on-site WisDOT PE/PM to stop construction activities in the immediate area. The on-site WisDOT PE/PM shall ensure protective fencing is installed. The archaeologist will provide the on-site WisDOT PE/PM with a time estimate for completion of field activities. The area will remain fenced until field activities are completed. Upon completion, the archaeologist shall notify the WisDOT PE/PM that construction activities may resume.
- E. WisDOT will ensure that all construction contracts contain provisions describing potential delays to the contractor, in the event of a discovery of archaeological materials or human remains during construction. This will include language to stop construction in the area of the discovery to permit implementation of mitigation measures. These provisions shall include the opportunity for consulting tribes to perform tribal ceremonial activities.
- F. The WisDOT on site PE/PM will immediately notify WisDOT BTS-CR, who will notify all signatories of this MOA of any discoveries encountered during construction.
- G. All archaeological research undertaken for this project will meet the Wisconsin Archaeological Survey *Guide for Public Archaeology in Wisconsin*, as revised (dated 2012).
- H. WisDOT shall ensure a qualified archaeologist conducts archaeological surveys for all proposed borrow sites, batch plants, waste sites and staging areas to be used for this undertaking. Upon completion of these efforts, the archaeologist will submit a summary report of the results. Three copies of survey report will be submitted to BTS-Cultural Resources as soon as survey is complete. Two copies will be forwarded to SHPO.
1. Non-tribal land:
 - a). If potentially significant archaeological materials unrelated to a human burial are discovered, the on-site WisDOT PE/PM in consultation with WisDOT BEES shall ensure Section 106 procedures pursuant to 36 CFR 800 will be followed or another area will be obtained.
 - b). If human remains are discovered, all activities will cease, and the on-site WisDOT PE/PM will ensure compliance with Wis. Stat. §157.70.
 2. Tribal Land: Prior to any proposal request, for any activity on tribal land, consultation with appropriate THPO or Tribal Representative is required.

D2. Human Remains

- A. Because this project does not involve federal or tribal land, treatment of discovered human remains will comply with Wis. Stat. §157.70 Any such finds will be considered within the category of a “known uncatalogued burial site”, and a Wisconsin Historic Preservation Division standard contract for treatment of human remains will be followed. (Attachment #4).
- B. WisDOT BTS-CR, will notify all signatories of this MOA of any human remains discoveries encountered during construction
- C. Human skeletal elements discovered in non-burial context (unintended or accidental location) are considered isolated human remains.
 - 1. Isolated remains may include, but not limited to; teeth, bones in previously disturbed context (e.g. fill), and bones in refuse context.
 - 2. Disposition of these remains will be coordinated with the signatories of this MOA upon completion of the construction activities.

III. Public Interpretation

- P1. The WisDOT or its agent shall prepare appropriate material for public interpretation of the significant information gained from the historic properties investigated as part of WisDOT Project ID 1440-13/15-00, (STH 23/CTH “K” to CTH “P”), Sheboygan and Fond du Lac Counties. The extent of public interpretation will proportionally reflect the significance and quantity of recovered historic materials. The FHWA/WisDOT will make the final determination regarding sufficient funding to appropriately interpret the data recovered and to account for inflationary costs. The anticipated cost of the public interpretation for this undertaking is not to exceed \$15,000.
- P2. WisDOT shall form a committee, known as the "Public Interpretation Committee" [PIC] consisting of the FHWA, WisDOT, SHPO, Consulting Tribes, archaeology consultant, and a representative of a local historical society or local state historic site.
- P3. The PIC shall establish a Public interpretation plan [Plan]. The Plan shall include background information on the general nineteenth century history of the area and specifically, information based on the archaeological and architectural history survey results and analyses of what activities occurred historically in and around the project area. As well, the Plan shall include a description of what surveys were undertaken to derive this information, and how they were carried out.
- P4. The PIC shall incorporate into the Plan: a mechanism(s) to display the public interpretation, and include locations for the public interpretation.
 - A. Potential mechanisms for public interpretation may include signage, portable/temporary public or museum type displays, handouts and Internet-based materials.
 - B. Potential locations for public interpretive displays may include the WHS Wade House Historic Site, other public buildings, or historical centers.

- P5. The mechanism for the public interpretation will be chosen within one (1) year after the execution of this amended MOA. The public interpretation plan will be completed within one (1) year after the mechanism(s) of interpretation is selected.

IV. Curation

- C1. WisDOT will ensure all appropriate records and materials resulting from the archaeological investigations are curated in accordance with the Secretary of Interior Guidelines, 36 CFR 79.

V. Administrative Conditions

A. Reports on Implementation – 36 CFR 800.6

- R1. On or before January 1 of each year until the terms of this agreement have been fulfilled, FHWA or its agent shall prepare and provide an annual report to the SHPO, consulting tribes addressing the stipulations in this MOA.
- R2. WisDOT will ensure that an interim report of findings will be submitted to the SHPO annually, until completion of the data recovery, which consists of field and laboratory work.
- R3. The archaeologist will provide WisDOT a draft technical report for review by June 29, 2018. All reports will be in compliance with contemporary professional standards and with the Department of Interior's Format Standards for Final Reports of Data Recovery Programs (47 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize the security of the archaeological site(s).

B. Professional Qualifications

- Q1. WisDOT shall ensure that all archaeological and architecture/history work conducted pursuant to this agreement is carried out by or under the supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards. These guidelines include field research, analysis, report preparation and curation.
- Q2. WisDOT will ensure that all archaeological efforts pertaining to human remains are carried out by or under the supervision of a person or persons meeting qualifications stipulated in Wis. Stat. §157.70.

C. ASI Updates

- D1. WisDOT will ensure that information resulting from the archaeological monitor and data recovery is provided to the State Archaeologist in a form acceptable for inclusion in the WHS Historic Preservation - Public History Division database.

D. Dispute Resolution – 36 CFR 800.7

- CR1. Should any signatory or concurring party to this MOA object to any action carried out or proposed by the FHWA with respect to the implementation of this amended MOA for the STH 23: CTH K to CTH P undertaking (WisDOT ID: 1440-13/15-00) Sheboygan and Fond du Lac Counties Wisconsin. The FHWA shall consult with the objecting signatory to resolve the objection. The signatories shall resolve disputes regarding the completion of the terms of the Agreement in compliance with 36 CFR 800.6. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the ACHP to assist in accordance with 36 CFR 800.7.
- CR2. Disputes regarding disposition of human remains will be in accordance with stipulations set forth in Wis. Stat. §157.70.

E. Amendments/Termination – 36 CFR 800.6

Any party to this amended agreement may propose to the FHWA that the agreement be amended or terminated, whereupon the agency shall consult with the other parties to this agreement to consider such an action. The execution of any such action shall be governed by 36 CFR 800.6.

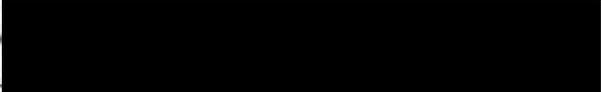
F. Duration – 36 CFR 800.6

This amended agreement shall be null and void if its terms are not carried out within ten (10) years of execution of this amended MOA, which includes field and laboratory work, unless the signatories agree to an extension for carrying out its terms. In such event, FHWA shall so notify the parties to this agreement and if it chooses to continue with the undertaking, shall re-initiate review of the undertaking in accordance with 36 CFR Part 800.

Amended Memorandum of Agreement (MOA) Amendment #2 (dated January 2018)
Superseded Amended MOA document executed June 2013 (dated February 2013)
And original Section 106 MOA dated February 2009
Project ID 1440-13/15-00 (STH 23)
Fond du Lac and Sheboygan Counties, Wisconsin

Execution of this amended Memorandum of Agreement by the FHWA, the WisDOT and the Wisconsin SHPO, and its subsequent acceptance by the ACHP, and implementation of its terms, evidence that FHWA has afforded the ACHP an opportunity to comment on the STH 23: CTH K to CTH P undertaking (WisDOT ID: 1440-13/15-00) Sheboygan and Fond du Lac Counties Wisconsin, and the plan for taking in account historic properties during implementation of the undertaking.

Federal Highway Administration

By: 

Date: 5-31-18

Bethaney Bacher-Gresock, Environmental Protection Specialist for Michael Davies, P.E. FHWA
Wisconsin Division Administrator

Wisconsin State Historic Preservation Office

By: 

Date: 4/24/18

Jim Draeger, Wisconsin State Historic Preservation Officer

Invited Signatories:

Wisconsin Department of Transportation

By: 

Date: 5-31-18

Wisconsin Department of Transportation Historic Preservation Officer

St. Mary's Springs Academy

By: _____

Date: _____

Amended Memorandum of Agreement (MOA) Amendment #2 (dated April 2018)
Superseded Amended MOA document executed June 2013 (dated February 2013)
And original Section 106 MOA dated February 2009
Project ID 1440-13/15-00 (STH 23)
Fond du Lac and Sheboygan Counties, Wisconsin

Invited Signatories:

St. Mary's Springs Academy

By:



Date: 6/6/18

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



July 19, 2018

Joan Petersen, Senior Associate
Strand Associates, Inc.
Via email: joan.petersen@strand.com

Re: Land and Water Conservation Fund (LWCF) Clearance for Old Wade House/Hwy 23 Reconstruction

Dear Joan,

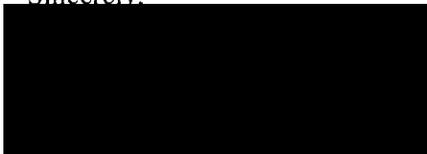
Via this letter, Land and Water Conservation Fund (LWCF) interests are cleared for purposes of the Hwy 23 reconstruction project in the Town of Greenbush, Sheboygan County. The proposed project impacts the Old Wade House property, which is encumbered via LWCF grants 55-00322 ("Old Wade House State Park") and 55-00371 ("DNR Wade House"). The Department of Natural Resources (DNR) received these LWCF grants in 1970 and 1971, respectively, for acquisition of the subject property. DNR transferred the property to the Wisconsin State Historical Society in 1996. The property remains federally encumbered via the LWCF program.

DNR records indicate that the Hwy 23 right-of-way was acknowledged in the original grant agreement between the U.S. Dept. of the Interior, National Park Service, and the DNR. Because this right-of-way was recognized at the time of grant award, it is considered a pre-existing condition on the property. As such, no replacement or conversion is necessary to address LWCF interest for the proposed Hwy 23 reconstruction project. LWCF interests are cleared.

This clearance presumes that the Old Wade House property will remain open to the public during and after the road reconstruction project, with the exception of limited closures that may be necessary for public safety during construction.

Please feel free to contact me at 608-264-6138 or jennifer.gihring@wisconsin.gov with any questions.

Sincerely,



Jennifer Gihring
Grant Manager



July 23, 2018

Via Email

Bryan Lipke
WisDOT Northeast Region
944 Vanderperren Way
Green Bay, WI 54324

Subject: Department of Natural Resources 2018 LS SEIS 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,

Thank you for The Wisconsin Department of Transportation's (WisDOT's) request for The Wisconsin Department of Natural Resources' (department's) review of WisDOT's 2018 Limited Scope Supplemental Environmental Impact Statement (LS SEIS) for the project referenced above. According to the document, several alternatives for potential modifications to STH 23 from Fond du Lac to Plymouth have been considered including a No Build, Passing Lane, Hybrid, and the preferred Four Lane On-alignment alternative (four lane). Each of the build alternatives also include an associated corridor preservation component to preserve right of way for future grade separation, highway rerouting, and future interchanges.

Additional information can be found by following the hyperlinks throughout the electronic version of this document.

A. Four Lane On-alignment Alternative (Preferred Alternative):

According to the LS SEIS, the four-lane alternative was chosen because it fulfills WisDOT's statutory mission to provide better traffic operations and provides more opportunities to incorporate safety countermeasures. This alternative also best addresses the purpose and need factors when compared to the other alternatives, has the support of the majority of local governmental entities and commuting stakeholders, and it is believed that the impacts do not outweigh the benefits.

The four-lane was also the preferred alternative in the 2014 LS SFEIS. The department provided water quality certification for all wetland impacts along the project and final concurrence for the first two project IDs to be let in a letter dated October 14, 2014.

Prior to the department's authorization of the project in 2014, the department worked in conjunction with WisDOT to address environmental concerns and define environmental commitments to minimize environmental impacts to the greatest extent practicable. Since the record of decision was vacated in May of 2015, the department and WisDOT have continued to work closely to review the corridor and update environmental reviews to ensure that the most current information and conditions are available for review as alternatives were considered.

WDNR 1

The selection of the four-lane alternative seems reasonable and is well justified, especially when considering the purpose and need, planning and design efforts (both past and present), environmental reviews, real estate acquisitions, and how several environmental impacts will occur under each of the build alternatives, for example the culvert extension adjacent to the existing Mullet River culvert, floodplain impacts, and wetland impacts. The department has no concerns with WisDOT pursuing the preferred alternative and is committed to working with WisDOT to ensure that all environmental and socio-economic obligations are met.

WDNR 2

B. Corridor Wide Resource Considerations:

As stated above, the department has had significant involvement with the review of the project. Below are the corridor wide recommendations, observations, and requirements.

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 most 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>

C. Storm Water Management & Erosion Control:

- For projects disturbing an acre or more of land, erosion control and storm water measures must adhere to the Wisconsin Pollutant Discharge Elimination System Transportation Construction General Permit (TCGP) for Storm Water Discharges. Coverage under TCGP is required prior to construction. DOT should apply for permit coverage just before the project goes to final PS&E. Permit coverage will be issued by

the DNR after design is complete and documentation shows that the project will meet construction and post-construction performance standards. For more information regarding the TCGP you can go to the following link, and click on the “Transportation” tab: <https://dnr.wi.gov/topic/Sectors/Transportation.html>.

- All projects require an Erosion Control Plan (ECP) that describes best management practices that will be implemented before, during and after construction to minimize pollution from storm water discharges. Additionally, the plan should address how post-construction storm water performance standards will be met for the specific site. The project design and Erosion Control Implementation Plan (ECIP) must comply with the TCGP in order to receive “permit-coverage” from the DNR.
- Once the project contract has been awarded, the contractor will be required to outline their construction methods in the ECIP. An adequate ECIP for the project must be developed by the contractor and submitted to this office for review at least 14 days prior to the preconstruction conference. For projects regulated under the TCGP, submit the ECIP as an amendment to the ECP.

Selected Site & Commercial Non-Metallic Mines:

- The DOT Select Site process must be adhered to for clean fill or any other material that leaves the work site. The DNR liaison will review all proposed select sites and a site visit may be required. Filling of wetlands, waterways or floodplain is not allowed under the select site process, unless the site owner obtains required permits. No new impermeable surfaces can be left at a select site (including gravel roads or pads), unless the site owner obtains required permits. Contaminated materials leaving the site need to adhere to the Hazardous Material Management Plan.

Use of Commercial Non-Metallic Mines must accompany documentation that such mines have received all applicable local, state and federal permits before being used on the project, including local non-metallic mining reclamation permits and applicable WPDES permits as issued by the DNR.

D. Other Considerations/Unique Features:

There is one closed site that is tracked by the department’s Bureau of Remediation and Redevelopment 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 review of the LS SEIS and 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

Agency Comment #	Wisconsin Department of Natural Resources Comment
WDNR 1	<p>The selection of the four-lane alternative seems reasonable and is well justified, especially when considering the purpose and need, planning and design efforts (both past and present), environmental reviews, real estate acquisitions, and how several environmental impacts will occur under each of the build alternatives, for example the culvert extension adjacent to the existing Mullet River culvert, floodplain impacts, and wetland impacts. The department has no concerns with WisDOT pursuing the preferred alternative and is committed to working with WisDOT to ensure that all environmental and socio-economic obligations are met.</p> <p><i>WisDOT will work with WDNR to ensure that all environmental and socio-economic obligations are met.</i></p>
WDNR 2	<p>The WDNR letter included multiple commitments/requests about wetlands, endangered resources, fisheries/stream work, migratory birds, invasive species, storm water management and erosion control, selected site and commercial non-metallic mines, and other unique features.</p> <p><i>WisDOT will work with WDNR to ensure that obligations are met. Commitments/requests are incorporated in Section 6 - Measures to Minimize Adverse Effects and are referenced in the 2018 Record of Decision. A commitments sheet/document will be used throughout the remaining project development process to ensure commitments are adequately reflected in the project plans and specifications and that the commitments are provided, in a convenient summary document, for project managers, construction leaders and inspectors to aid in monitoring during construction.</i></p>

From: Lipke, Bryan - DOT
To: [Cook, Kimberly A - WHS](#)
Cc: [VanPrice, Kathie - DOT](#)
Subject: RE: WIS 23 Fond Du Lac to Plymouth Study Agency Representatives- CP#3 and LEDPA check in call
Attachments: [FW INFO - FHWA WI Amended MOA STH 23 Fond du Lac and Sheboygan Counties.msg](#)
[WIS 23 Public Hearing Draft Comment Summary for Agencies.pdf](#)

Kimberly,

Sharing the FHWA transmittal of the Amended MOA for WIS 23 to ACHP and also wanted to share the public and agency comments received on the LS SDEIS as we committed to sharing with all agencies in the letters sent out this week. You certainly can still provide any comment even if you are not joining the check in conference call next week.

Thank you again for helping us provide a successful update to our Section 106 and amended MOA it is invaluable to the 2018 LS SEIS success.

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
wisconsindot.gov

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

From: Lipke, Bryan - DOT
Sent: Wednesday, August 08, 2018 12:29 PM
To: 'KIMBERLY A COOK' <kimberly.cook@wisconsinhistory.org>
Cc: VanPrice, Kathie - DOT <Kathie.VanPrice@dot.wi.gov>
Subject: RE: WIS 23 Fond Du Lac to Plymouth Study Agency Representatives- CP#3 and LEDPA check in call

Kimberly,

Kathie and I appreciate hearing from you. WisDOT, in partnership with FHWA, is reaching out to all agencies giving them opportunity to comment for concurrence on the 2018 LS SDEIS's identification of the preferred alternative. SHPO has given the department what was needed in concurrence with the Section 106, along with the updated MOA and you can voluntarily join the call to learn more about the study or to point out a concern for the preferred alternative and your agency can also formalize support in writing which is completely voluntary, as well. The NEPA/404 Merger Agreement agencies concurrence (CP#3 and identification of the Least Environmentally Damaging Practicable Alternative/LEDPA) becomes a bit more critical and we do ask that they formalize with written correspondence and also attend this same check-in call.

Hope that clarifies that there is no obligation and just extending the opportunity.

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.dot.gov

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

From: KIMBERLY A COOK [<mailto:kimberly.cook@wisconsinhistory.org>]
Sent: Wednesday, August 08, 2018 10:03 AM
To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Subject: RE: WIS 23 Fond Du Lac to Plymouth Study Agency Representatives- CP#3 and LEDPA check in call

Hello, We already concurred with the updated Section 106 form in March, along with the updated MOA. Has something changed since then?

Kimberly Cook
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706
608-264-6493(O)
Kimberly.cook@wisconsinhistory.org

Wisconsin Historical Society
[Collecting, Preserving, and Sharing Stories Since 1846](#)

From: Lipke, Bryan - DOT [<mailto:Bryan.Lipke@dot.wi.gov>]
Sent: Tuesday, August 07, 2018 1:30 PM
To: Fulcer, Andrew - DOT; Peter.Fasbender@fws.gov; Cory.drummond@wi.usda.gov; KIMBERLY A COOK; Weiss, Marilyn - DATCP
Cc: VanPrice, Kathie - DOT
Subject: FW: WIS 23 Fond Du Lac to Plymouth Study Agency Representatives- CP#3 and LEDPA check in call

WIS 23 Agency Representatives

WisDOT is mailing each of you the attached letter for the WIS 23 project (ID 1440-13/15-00 in Fond du Lac and Sheboygan Counties) inviting you to concur with the Preferred Alternative (Concurrence

Point #3). The letter notes that FHWA and WisDOT hope to hold a conference call on either August 15 or 16 to discuss CP #3 and any questions you have on the Public Hearing comment/response summary we will be sending you on August 10th. Because of the short time frame for the conference call request, this email includes a Doodle poll to obtain your availability for the conference call. Please click on the Doodle link and simple instructions will be provided. Once we have a conference call time that will work best, we will send out a formal Outlook appointment. We very much appreciate your time and attention with the WIS 23 project.

<https://doodle.com/poll/vuke2xc88h7u7pfn>

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
wisconsindot.gov

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



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

August 17, 2018

Bryan Lipke, P.E.
Project Manager
Wisconsin Department of Transportation
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

Re: STH 23: Fond du Lac to Plymouth
WisDOT ID#: 1440-13/15-00
Fond du Lac and Sheboygan Counties

Dear Mr. Lipke:

In response to your August 7, 2018 letter to Marilyn Weiss of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), thank you for the opportunity to participate in the review of the STH 23 project.

DATCP has reviewed the updated information that the Wisconsin Department of Transportation (WisDOT) submitted in March of this year to the Agricultural Impact Statements (AIS) Program. DATCP determined that a second addendum would not be needed to supplement the AIS published on October 17, 2006 or the first addendum published on April 8, 2010.

DATCP has also reviewed the comments that were submitted to WisDOT regarding the Draft Limited Scope Supplemental Environmental Impact Statement (LS.SEIS). DATCP supports WisDOT's efforts to work with farmers and farmland owners to address changes in access to STH 23 and to adjacent property that the expansion of the highway to four lanes will cause (comment #111). DATCP supports WisDOT's plans to design highway facilities to manage runoff water and keep it from damaging adjacent farmland (comment #112). DATCP also supports WisDOT's plans to design the intersections within the project limits to accommodate farm equipment (comment #77).

In conclusion, DATCP concurs on the Preferred Alternative, Concurrence Point #3, that WisDOT has reviewed the project alternatives and that DATCP has been given opportunities to comment on WisDOT's analysis of those alternatives.

Thank you again for the opportunity to participate in the review process for this project. Please contact me at (608)224-4646 or alice.halpin@wisconsin.gov if you have any questions.

Sincerely,


Alice Halpin
Agricultural Impact Analyst

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

From: Lipke, Bryan - DOT
To: [Crittton, Chris - DOT](#); [Hellermann, Luke](#); [Chidister, Ian \(FHWA\)](#); [Kobryn, Jennifer](#); [Michaelson, Jill - DOT](#); [Murray, Jennifer - DOT](#); [Newhouse, Greg](#); [Petersen, Joan](#); [Urban, Joseph M.](#); [VanPrice, Kathie - DOT](#); [Waldschmidt, Jay - DOT](#)
Subject: FW: Update: WIS 23 Combined LS SFEIS & ROD Review
Date: Thursday, August 30, 2018 1:18:05 PM
Attachments: [image003.png](#)

WDNR's concurrence can be found in the July 23rd agency correspondence. Thanks.

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.dot.gov

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

From: Lipke, Bryan - DOT
Sent: Thursday, August 30, 2018 1:13 PM
To: Schiefelbein, Jeremiah J - DNR <Jeremiah.Schiefelbein@wisconsin.gov>
Cc: VanPrice, Kathie - DOT <Kathie.VanPrice@dot.wi.gov>; DOT WIS 23-Major 1440-13/15-00/01 (DOTWIS23-Major1440-13/15-00/01@dot.wi.gov) <DOTWIS23-Major1440-13/15-00/01@dot.wi.gov>
Subject: RE: Update: WIS 23 Combined LS SFEIS & ROD Review

Jay,

WisDOT acknowledges that WDNR has offered concurrence with the Preferred Alternative identified in the WIS 23 2018 LS SDEIS. Thank you for continuing to work with us on the important project.

Regards,

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.dot.gov

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

From: Schiefelbein, Jeremiah J - DNR

Sent: Thursday, August 30, 2018 1:06 PM

To: Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>

Subject: RE: Update: WIS 23 Combined LS SFEIS & ROD Review

Good afternoon Bryan,

Regarding the request for agency concurrence, please refer to my LS SDEIS Review Letter dated July 23, 2018, where I state the following:

“The selection of the four-lane alternative seems reasonable and is well justified, especially when considering the purpose and need, planning and design efforts (both past and present), environmental reviews, real estate acquisitions, and how several environmental impacts will occur under each of the build alternatives, for example the culvert extension adjacent to the existing Mullet River culvert, floodplain impacts, and wetland impacts. The department has no concerns with WisDOT pursuing the preferred alternative and is committed to working with WisDOT to ensure that all environmental and socio-economic obligations are met.”

If you would prefer to have a separate letter, I would be glad to draft one for you. Thank you and have a great day,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jay Schiefelbein

Phone: (920) 360-3784

Jeremiah.schiefelbein@wi.gov

From: Lipke, Bryan - DOT

Sent: Thursday, August 16, 2018 1:14 PM

To: Ryan.J.Huber@usace.army.mil

Cc: VanPrice, Kathie - DOT <Kathie.VanPrice@dot.wi.gov>; DOT WIS 23-Major 1440-13/15-00/01 <DOTWIS23-Major1440-13/15-00/01@dot.wi.gov>; Schiefelbein, Jeremiah J - DNR <Jeremiah.Schiefelbein@wisconsin.gov>

Subject: FW: Update: WIS 23 Combined LS SFEIS & ROD Review

Ryan,

Sorry that you missed today's WIS 23 Majors agency check in call. In our correspondence the week of August 6th we had asked the agencies to consider the public and agency comments shared in the meeting invite and during the call discuss those along with the preferred alternative which is the 4-lane on-alignment with corridor preservation. The call went well and no major concerns were raised about comments so we now have made the determination that a combined document will be prepared. As a follow-up we are asking agencies provide concurrence (CP#3) and for USACE we are additionally asking you to include LEDPA determinations by September 7th to help us meet our

schedule.. If you have questions or concerns as you prepare the correspondence please continue to work with Kathie and I.

Thank you again for your valued participation in the 2018 LS SEIS.

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
wisconsindot.gov

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

From: Chidister, Ian (FHWA) [<mailto:ian.chidister@dot.gov>]
Sent: Thursday, August 16, 2018 11:58 AM
To: Michaelson, Jill - DOT <Jill.Michaelson@dot.wi.gov>; Lipke, Bryan - DOT <Bryan.Lipke@dot.wi.gov>
Cc: Newhouse, Greg <gregory.newhouse@dot.gov>; Holt, Daniel <daniel.holt@dot.gov>; Forlenza, Mary (FHWA) <mary.forlenza@dot.gov>; Blankenship, Tracey <tracey.Blankenship@dot.gov>; Davies, Michael <Michael.Davies@dot.gov>; Marshall, Timothy <Timothy.Marshall@dot.gov>; Waldschmidt, Jay - DOT <Jay.Waldschmidt@dot.wi.gov>; Dingle, Julie (FHWA) <Julie.Dingle@dot.gov>
Subject: WIS 23 Combined LS SFEIS & ROD Review

Bryan and Jill-

As you know, one of the key outstanding questions for the development of the WIS 23 LS SFEIS has been whether we will be able to combine the LS SFEIS and ROD into a single document as directed by 23 USC 139(n)(2) and USDOT and FHWA guidance. FHWA guidance directs us to consider a number of factors in the decision to combine an FEIS and ROD, several of which relate to whether there are outstanding agency disagreements or issues. **Based on the July 19 and August 16 conference calls with resource agencies, and resource agency comment letters we received during the LS SFEIS comment period, it appears that there are no outstanding agency disagreements or issues that would prevent us from combining the LS SFEIS and ROD. As a result, we are comfortable moving forward with the review of a combined LS SFEIS and ROD.** However, we will withhold a final determination on the suitability of a combined LS SFEIS and ROD until the deadline for final agency concurrence passes in early September, to ensure the absence of agency issues or disagreements. We previously discussed this approach with you and feel it is the best way to balance the timing of our decision making on the combined LS SFEIS and ROD with the project development schedule.

Please let me know if you have any questions or concerns about this decision,

Ian Chidister

Environmental Program Manager

WI Division, Federal Highway Administration | 525 Junction Road, Suite 8000, Madison, WI 53717

phone: 608-829-7503 | fax: 608-662-2121 | email: ian.chidister@dot.gov

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: [Chritton, Chris - DOT](#); [Hellermann, Luke](#); [Chidister, Ian \(FHWA\)](#); [Kobryn, Jennifer](#); [Michaelson, Jill - DOT](#); [Murray, Jennifer - DOT](#); [Newhouse, Greg](#); [Petersen, Joan](#); [Urban, Joseph M.](#); [VanPrice, Kathie - DOT](#); [Waldschmidt, Jay - DOT](#)
Subject: FW: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.
Date: Friday, August 24, 2018 8:04:58 AM

RE: WIS 23 Tribal Coordination/Consultation on Section 106

Delivery Team,

We have correspondence that offers final concurrence on Section 106 from Forest County Potawatomi Community. We will update correspondence in the LS SFEIS/ROD.

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.dot.gov

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

From: Michael LaRonge [mailto:Michael.LaRonge@fcpotawatomi-nsn.gov]
Sent: Thursday, August 23, 2018 4:16 PM
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 Community, a Federally Recognized Native American Tribe reserves the right to comment on Federal undertakings, as defined under the act.

This response pertains to the project mention above. Based on the information provided in the archaeological report by Commonwealth Heritage Group it appears there will be no impact on any cultural resources of concern to the Tribe. Thus, the Tribal Historic Preservation Office is pleased to offer a finding of no historic properties affected with two conditions. First if the SHPO finding differs, the Tribe reserves the right to reconsider based on new evidence presented. Second in the event

that human remains or archaeological materials are exposed as a result of project activities work must halt and the Tribe must be included in any consultation regarding treatment and disposition of the find prior to removal.

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 [mailto:Bryan.Lipke@dot.wi.gov]
Sent: Friday, July 27, 2018 9:15 AM
To: Michael LaRonge
Subject: RE: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.

Mr. LaRonge.

Try the WisDOT public file transfer link again. I tested it with another public user and it worked.
<ftp://ftp.dot.wi.gov/dtsd/ne-region/1440-13-00/>

Other options are for Northeast Region office to overnight mail you a CD. Let me know and I will do that yet today or Monday.

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.dot.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: Thursday, July 26, 2018 12:17 PM
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.

Brian,

I apologize for missing the prior email containing the link to the requested information. However, I have tried the link and am receiving a "page cannot be opened" error. Is there an alternative way of accessing the data? Thank you.

Sincerely,

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 [mailto:Bryan.Lipke@dot.wi.gov]
Sent: Thursday, June 28, 2018 9:53 AM
To: Michael LaRonge
Cc: Michaelson, Jill - DOT; Petersen, Joan; VanPrice, Kathie - DOT
Subject: FW: WisDOT Project ID 1440-13/15-00, WIS 23 (Fond du Lac to Plymouth), Fond du Lac and Sheboygan counties, Wisconsin.

Mr. LaRonge

Thank you for providing comments and we appreciate the opportunity to work with you on the projects consultation under Section 106. On May 15th the requested information was sent to you electronically. I verified that the information is still located at the FTP link in that attached email correspondence.

I am also attaching our record of November 22, 2017 correspondence via email. We will make sure it appears in the 2018 LS FEIS that is being prepared now.

Thanks for your continued involvement in the study/project and let me know if I or my team can be of further assistance.

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: dotdtdnerecords@dot.wi.gov

From: Michael LaRonge [<mailto:Michael.LaRonge@fcpotawatomi-nsn.gov>]

Sent: Thursday, June 28, 2018 9:22 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 Community (FCPC), a Federally Recognized Native American Tribe, reserves the right to comment on Federal undertakings, as defined under the act.

Per the copy of the 2018 Limited Scope Supplemental Draft Environmental Impact Statement we received on May 31, 2018 I have some concerns. First although you document receipt of a letter from FCPC from 2007, you do not note the follow-up letter I submitted on November 16, 2017 in which I requested the following, "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.**"

The limited scope document does include a bullet list of provision from the 2013 MOA, but if it is being updated I would like to review the agreement. I could not find a full copy of the document in the two volume report.

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

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

2
3 Re: Supporting Reconstruction and Improvement of State Highway 23
4

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
29

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

STATE OF WISCONSIN) I, Jon Dolson do hereby
COUNTY OF SHEBOYGAN) certify that the above is a
true and correct copy of the original on file in the office of the
County Clerk and that it was adopted by the County Board of
Supervisors on this date.

Date: 10-24-2017
(Seal)

[Redacted Signature]
County Clerk

FISCAL NOTE
October 2017

Resolution No. 15 (2017/18) RE: Supporting Reconstruction and Improvement of State Highway 23

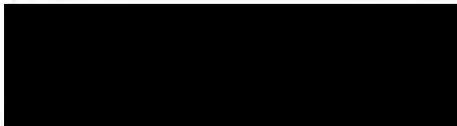
This resolution is affirming support to have all State and Federal efforts continue towards the improvement of State Highway 23 from Highway 67 to US Highway 41.

If future reconstruction were to begin on Highway 23, the County would not incur costs for the highway roadwork, but would be responsible for the finishing work on the Old Plank Road Trail. The grading for the trail would be part of the Highway 23 project. In the Five Year Capital Plan, the Old Plank Road Trail has been earmarked in the out years waiting for the State to decide on initiating the Highway 23 project. If the project is to move forward, the Five Year Capital Plan will reflect the Old Plank Road Trail in the coinciding years for completion.

Funding:

No additional funding is required for this resolution at this time.

Respectfully Submitted,

A large black rectangular redaction box covering the signature of Wendy A. Charmon.

Wendy A. Charmon, Finance Director
October 20, 2017

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



NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.

**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:

[Redacted Signature]

Donald O. Pohlman, Mayor

ATTEST:

[Redacted Signature]

Patricia Huberty, Clerk/Treasurer



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

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. Koch

[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 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



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

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.

[Redacted Signature]

Town Chairman

[Redacted Signature]

Town Supervisor #1

[Redacted Signature]

Town Supervisor #2

[Redacted Signature]

Town Treasurer

[Redacted Signature]

Town Clerk



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

June 19, 2018

Mr. Bryan Lipke, P.E.
WisDOT Project Manager
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304-5344
<<SUBMITTED ELECTRONICALLY TO Bryan.Lipke@dot.wi.gov>>

Dear Mr. Lipke,

As state elected officials from Sheboygan County, thank you for considering our written comments regarding the 2018 Limited Scope Supplemental Draft Environmental Impact Statement (LS SDEIS). On behalf of our many constituents that regularly use this stretch of Highway 23, we strongly urge the adoption of the 4-lane On-alignment Alternative with Corridor Preservation. This is the best option to improve the safety of motorists and is critically important to economic development in our region.

As noted in the new environmental document:

- There were 207 non-deer crashes over a five-year period (2012-2016).
- Fifty-three crashes over this same period involved vehicles crossing the centerline. These crashes would be reduced with the proposed median in the four-lane expressway.
- Preliminary numbers from 2017 show 13 serious-injury crashes on this stretch of highway.

During DOT's public comment period on this project last fall, more than 600 comments were submitted in support of a four-lane expansion of Highway 23. Conversely, only 24 supported adding passing lanes instead. Below is just a fraction of the comments that have been submitted to our offices in support of the expansion:

"I worked in Fond du Lac for one year at a job I loved. However, the drive from Sheboygan to Fond du Lac was too scary...I left my job." – **Maureen O., Plymouth**

"Highway 23 needs to be expanded. We had a co-worker's child killed on [HWY] 23 two years ago..." – **Donald H., Sheboygan Falls**

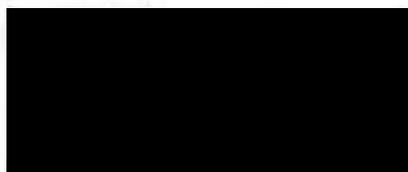
"I'm 69. I've been driving on that miserable HWY 23 since I was 16... I've instructed my children to drive my ashes over a four lane Hwy 23 from Plymouth to Fond du Lac should I die before it is completed..." – **Rick G., Sheboygan**

In addition, a four-lane expansion of Highway 23 has the full support of the City of Sheboygan, City of Plymouth, City of Sheboygan Falls, Sheboygan County, Sheboygan County Chamber of Commerce, and the Sheboygan County Economic Development Corporation. This is in addition to the numerous employers in our area who depend on this critical corridor and overwhelmingly support the four-lane expansion.

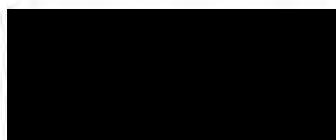
In cooperation with the Federal Highway Administration, please move to begin construction on the 4-lane On-alignment Alternative with Corridor Preservation as soon as possible.

Thank you for your consideration. Feel free to contact us with any questions.

Sincerely,



Devin LeMahieu
State Senator
9th Senate District



Terry Katsma
State Representative
26th Assembly District



Tyler Vorpapel
State Representative
27th Assembly District

**Letter from three members of the Wisconsin Legislature
(Senator Devin LeMahieu, Representative Terry Katsma, and Representative Tyler Vorpapel)**

On behalf of our many constituents that regularly use this stretch of Highway 23, we strongly urge the adoption of the 4-lane on-alignment Alternative with Corridor Preservation. Please move to begin construction on the 4-lane on-alignment Alternative with Corridor Preservation as soon as possible.

The Preferred Alternative is the 4-lane On-alignment Alternative with Corridor Preservation. If the environmental review process leads to the selection of the Preferred Alternative for implementation, construction is expected to begin in 2019.

1 SHEBOYGAN COUNTY RESOLUTION NO. 04 (2018/19)

2
3 Re: Supporting Reconstruction and Improvement of State Highway 23
4
5

6 WHEREAS, since before Wisconsin became a state, the traffic corridor between Sheboygan and
7 Fond du Lac has been an important commercial lifeline for northeastern Wisconsin as evidenced by the
8 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 four-lane
15 highway were stalled while, at the same time, two-lane roadways with much less traffic between much
16 smaller cities were improved and widened, and
17

18 WHEREAS, recognizing the need for improvements, in 1999 the Wisconsin legislature enacted
19 what is now Wis. Stat. § 84.013(3)(ra) which enumerated that State Highway 23 was to be widened and
20 improved as a four-lane divided highway between Highway 67 in Sheboygan County to US Highway 41
21 (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 Administration,
25

26 WHEREAS, in preparation for the improvements, numerous studies were performed and designs
27 evaluated, and the land for the expansion was acquired, and
28

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

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

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

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

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

53 WHEREAS, on May 18, 2018, the Wisconsin Department of Transportation and the Federal
54 Highway Administration released a Limited Scope Supplemental Draft Environmental Impact Statement

55 ("the 2018 EIS) to provide additional analysis on new or changed impacts to the affected portion of State
56 Highway 23 since the last environmental impact statement was released in March 2014, and
57

58 **WHEREAS**, the 2018 EIS analyzes methods by which to provide additional highway capacity on
59 State Highway 23 including the following objectives, among others: provide safe and dependable
60 highway connection to the regional area, improve highway safety, coordinate with local governmental
61 land use plans, and accommodate non-motorized transportation, and
62

63 **WHEREAS**, the 2018 EIS identified the expansion of State Highway 23 to a four-lane divided
64 highway with corridor preservation and expressway designation as the preferred alternative to meeting
65 the proposed objectives;
66

67 **NOW, THEREFORE, BE IT RESOLVED** the Sheboygan County Board of Supervisors supports
68 all state and federal efforts to improve State Highway 23 and encourages all necessary action to
69 implement the Preferred Alternative in the 2018 EIS, including the expansion of State Highway 23 to four
70 lanes with State Highway 23 Corridor Preservation and expressway designation.
71

72 **BE IT FURTHER RESOLVED** that the Clerk shall send copies of this Resolution to the Wisconsin
73 Department of Transportation, local legislators, and such other individuals or agencies as directed by the
74 County's Administrator and/or County Board Chairperson.
75

76
77 Respectfully submitted this 19th day of June, 2018.
78

79
80 **EXECUTIVE COMMITTEE**

81 [Redacted Signature]

82
83
84 Thomas Wegner, Chairperson

85 [Redacted Signature]

86
87 Vernon Koch, Vice-Chairperson

88 [Redacted Signature]

89
90 William C. Goehring, Secretary

91 [Redacted Signature]

92
93 Edward J. Procek

94
95
96 Robert Ziegelbauer

97
98
99 Opposed to Introduction:
100
101
102
103
104
105
106
107
108

Sheboygan County

Resolution 04 (2018/19):

The Sheboygan County Board of Supervisors supports all state and federal efforts to improve State Highway 23 and encourages all necessary action to implement the preferred alternative in the 2018 EIS, including the expansion of State Highway 23 to four lanes with State Highway 23 Corridor Preservation and expressway designation.

The Preferred Alternative is the 4-lane On-alignment Alternative with Corridor Preservation. Expressway designation would be included with corridor preservation as provided in Wis. Stat. § 84.295(10).

VILLAGE OF ST. CLOUD, FOND DU LAC COUNTY, WI

RESOLUTION 2018-2

RESOLUTION FOR HIGHWAY 23 UPGRADE

Whereas, The Wisconsin DOT has prepared plans for improving a 19.1 mile length of Wisconsin Highway 23 from Fond du Lac to Plymouth in Fond du Lac and Sheboygan Counties.

Whereas, the Village of St Cloud is located north of Highway 23.

Whereas, many St Cloud area residents have been injured or killed at the intersection of Highway 23 and County G. At present there is no protected turn lane on Highway 23 for residents travelling from Fond du Lac to St Cloud.

Whereas, many area residents avoid the Highway 23 and County G intersection resulting in lower traffic counts on Highway 23.

Whereas, the safety of our residents is a critical factor in the scope of this project and by widening the existing two lane Highway 23 to a four lane highway with a diamond interchange at County G, would greatly improve safety.

Whereas, the Village of St Cloud Village Board requests that the first phase of construction proposed in 2019 includes the County G interchange rather than ending at the Fond du lac-Sheboygan County line. A one year improvement in time would likely save injuries and lives at the County G intersection.

Therefore be it resolved that the Village Board of St Cloud supports and endorses this resolution for the purpose of expediting and completing the Wisconsin Highway 23 project ID 1440-13/15-00 in Fond du Lac and Sheboygan Counties.

Adopted this 10 th day of July, 2018

Ryan Gebhart, President

[Redacted Signature]

Rhonda Weber, Clerk-Treasurer

[Redacted Signature]

Mike Born, Trustee

[Redacted Signature]

Dan Dreifuerst, Trustee

[Redacted Signature]

Village of St. Cloud,
Fond du Lac County

Resolution 2018-2 (abbreviated):

- Residents have been injured or killed at the intersection of Highway 23 and County G. No protected turn lane on Highway 23.
- Residents avoid the Highway 23 and County G intersection resulting in lower traffic counts.
- Safety is a critical factor. Widening to a four-lane highway with a diamond interchange at County G would greatly improve safety.
- Requests the first phase of construction proposed in 2019 include the County G interchange. A one-year improvement in time would likely save injuries and lives at County G intersection.

Each of the build alternatives address safety to some degree. The Preferred Alternative best addresses safety needs. Refer to Sections ES.6 and 2.8, and Appendix F, page F-27 for details. Because of the level of design and real estate acquisition already completed, the east side of the corridor in Sheboygan County is in a better position to advance to construction in 2019. Real estate activities and final design in Fond du lac County can occur after the 2018 LS SFEIS and Record of Decision are signed. Real estate acquisition for Fond du Lac County is estimated to take a minimum of 18-24 months.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

July 25, 2018

Mr. Bryan Lipke, P.E.
WisDOT Project Manager
Northeast Region
944 Vanderperren Way
Green Bay, WI 54304

RE: EIS No. 20180116 for State Highway 23

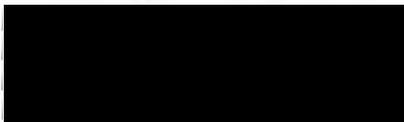
Dear Mr. Lipke:

On behalf of the citizens of the 20th Senate District, I am submitting this letter as a comment on the above-captioned environmental impact statement. State Highway 23 is a critical artery that runs through the northern portion of the 20th Senate District, which includes parts of Fond du Lac and Sheboygan Counties. I strongly urge the Department of Transportation to proceed with the planned 4-lane expansion of this highway. There is broad public support for moving ahead with this proposal.

It is deeply unfortunate that previous legal efforts succeeded in frustrating the DOT's proposed expansion and modification of Highway 23. Throughout the contentious legal battle and in its aftermath, the safety of this highway has suffered and citizens have paid for this delay in life and limb. Adopting a half-measure solution at this point would be the equivalent of pursuing no solution at all.

Thank you for considering my comments and please do not hesitate to reach out if I may be of assistance.

Sincerely,



Sen. Duey Stroebel

**State Senator
Duey Stroebel**

Strongly urge the Department of Transportation to proceed with the planned 4-lane expansion of this highway. There is broad public support for moving ahead with this proposal.

Throughout the contentious legal battle and in its aftermath, the safety of this highway has suffered and citizens have paid for this delay in life and limb. Adopting a half-measure solution at this point would be the equivalent of pursuing no solution at all.

The Preferred Alternative is the 4-lane On-alignment Alternative with Corridor Preservation and is the alternative that best addresses safety needs.

CITY OF PLYMOUTH, WISCONSIN

RESOLUTION NO. 20 OF 2018

A Resolution Supporting Reconstruction and Improvement of State Highway 23

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, 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 of Plymouth 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, and

WHEREAS, on May 18, 2018, the Wisconsin Department of Transportation and the Federal Highway Administration released a Limited Scope Supplemental Draft Environmental Impact Statement

("the 2018 EIS) to provide additional analysis on new or changed impacts to the affected portion of State Highway 23 since the last environmental impact statement was released in March 2014, and

WHEREAS, the 2018 EIS analyzes methods by which to provide additional highway capacity on State Highway 23 including the following objectives, among others: provide safe and dependable highway connection to the regional area, improve highway safety, coordinate with local governmental land use plans, and accommodate non-motorized transportation, and

WHEREAS, the 2018 EIS identified the expansion of State Highway 23 to a four-lane divided highway with corridor preservation and expressway designation as the preferred alternative to meeting the proposed objectives;

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Plymouth, Wisconsin supports all state and federal efforts to improve State Highway 23 and encourages all necessary action to implement the Preferred Alternative in the 2018 EIS, including the expansion of State Highway 23 to four lanes with State Highway 23 Corridor Preservation and expressway designation.

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 Administrator/Utilities Manager.

Adopted this 31st day of July, 2018.



CITY OF PLYMOUTH

[Redacted signature area]

Donald O. Pohlman, Mayor

[Redacted signature area]

Patricia Huberty, Clerk

City of Plymouth

Resolution No. 20 of 2018:

The common council of the city of Plymouth, Wisconsin supports all state and federal efforts to improve State Highway 23 and encourages all necessary action to implement the Preferred Alternative in the 2018 EIS, including the expansion of State Highway 23 to four lanes with State Highway 23 Corridor Preservation and expressway designation.

The Preferred Alternative is the 4-lane On-alignment Alternative with Corridor Preservation. Expressway designation would be included with corridor preservation as provided in Wis. Stat. § 84.295(10).

THIS PAGE INTENTIONALLY LEFT BLANK